

MEETING MINUTES  
DOVER PLANNING BOARD  
FEBRUARY 26, 1991

MEMBERS PRESENT: Thom Forbes, Patti Torr, Joe Etelman, David Wright, Lionel Martel, Kathy Wentworth, Mike McDonnell, Jim Caliendo, Jim Jalbert, Dan Markey, Jim Richards

MEMBERS ABSENT: Mike Hoffman

OTHERS PRESENT: Bill Collins, Steve Stancel, Bruce Woodruff  
Joanna Pritzker - Recording Secretary

Meeting called to order at 7:04 PM

ITEM #1: Approval of minutes

Mike McDonnell motioned to approve.

David Wright seconded.

VOTE U/A Jim Caliendo abstained.

ITEM #2: Consideration of acceptance of an application for a boat dock, on land owned by Wilmot Draper, Assessor's Map J, Lot 22B, zoned R-40, located on Bay View Road.

Mike McDonnell motioned to accept the application.

Jim Caliendo seconded.

VOTE U/A

David Wright questioned #3 of the recommended conditions of approval by staff. Would the Army Corps require that the dock be removed in the winter?

Bill Collins stated that the float would be removed and stated to the applicant that when it is removed for storage in the winter, it cannot be within the Conservation District. It must be at least 100' from the water.

Public hearing opened.

No comment.

Public hearing closed.

Mike McDonnell motioned to approve with the conditions recommended from staff:

1. That the applicant submit copy of NH Wetlands Board Dredge and Fill Permit for the Planning Dept. and City Clerk files;
2. Said permit shall be in accordance with the plan submitted to the Planning Board. (Clarifies which plan will be followed), and;
3. The dock be removed during the winter months and it not be stored within the Conservation District.

Thom Forbes stated that the word dock should be changed to float.

Mike McDonnell motioned to amend his motion to change the wording from dock to float in the conditions.

David Wright seconded.

VOTE U/A

ITEM #3: Consideration of acceptance of an application for a site review of land owned by St. Thomas Episcopal Church, Assessor's Map 9, Lots 115 and 116, zoned Office, located on Hale and Locust Street.

Jim Schulty represented the application.

Jim Caliendo motioned to accept the application.

Joe Etelman seconded.

VOTE U/A

Public hearing opened.

No comment.

Public hearing closed.

Mike McDonnell questioned the status of TRC Comments.

Bill Collins stated that there were four comments from TRC, two of which had been addressed, and two to be conditions of approval as recommended by staff.

Jim Richard motioned to approve with the following conditions:

1. That the existing utility lines, sizes and types be added to the plan, and;
2. That the plan be signed by the applicant.

Lionel Martel seconded.

VOTE U/A

ITEM #4: Old Business

(a) Discussion of site plan for Hannaford Brothers

Jim Jalbert, Lionel Martel and Mike McDonnell stepped down due to conflicts of interest.

Jim McAdams, Kathy Wentworth and Dan Markey sat in.

Malcolm McNeill represented the application. He stated that there were eight (8) conditions of approval that have been agreed on, except for #8, to which new language has been considered.

Bill Collins stated that this proposal had gone to TRC twice. The greatest amount of discussion at those meetings was with regard to traffic on Bellamy Road and the intersections of Routes 9/155 and Bellamy Road/Route 108. He further stated that screening, driveway access, site distance, drainage analysis, sewer easements, wetlands (Conditional Use Permit required), pedestrian traffic with regard to sidewalks and a crosswalk, and the DOT permitting process were also topics of discussion. These discussions resulted in the recommendation of eight conditions of approval. He then read through the conditions.

Jim Caliendo stated that he felt that the contribution for Bellamy Road would not cover enough of the improvements needed, and that the City would be taking on most of the burden.

Bill Collins replied that the amount of the contribution was \$30,000, which was equal to about 20% of the cost for improvements. It has been determined that this is the appropriate fair share for Hannaford to be contributing.

Jim Caliendo question #5 of the proposed conditions of approval. Would the sidewalk be continued from the existing one?

Bill Collins stated that the sidewalk would be from the Meadow's to Bellamy Road, and the Hannaford contribution will pay for about one-third of the full length.

Jim Caliendo questioned if there would be a sidewalk along Route 9 also.

Bill Collins stated that the applicant is not required to do so. He further stated that this proposal is in compliance with the Master Plan and the new zoning of the area of 9/155.

He further stated that the Planning Department recommends approval of this proposal with the conditions, and that a conditional use permit be granted as per the Wetlands Ordinance.

Jim Caliendo questioned Jim Jalbert if he was satisfied with the language of Condition #7.

Jim Jalbert replied yes.

Jim Richards stated that he would like to add a condition #9 to be that a sidewalk be added from Knox Marsh Road into the site along the driveway.

David Wright stated that he was concerned with pedestrian traffic, and felt that it might be appropriate to add the other sidewalk at a later date.

There was discussion concerning the Level of Service of the driveway and the maximum build out of the Shop & Save proposal.

Thom Forbes stated that he would like to recommended changing condition #8 by replacing Planning Department with Planning Board.

Jim Richard motioned to include a sidewalk from 155 along the entrance of the parking lot (asphalt berm, asphalt sidewalk, 5 ft. wide).

David Wright motioned for the change.

Jim Caliendo seconded.

Malcolm McNeill stated that all of these matters had been brought up at TRC.

VOTE 4-5 Motion fails (on sidewalk).

Thom Forbes stated that he would like for the funds in Condition #5 to become available when the applicant applies for a Building Permit rather than Certificate of Occupancy.

Bill Collins stated that funds available at the time of C.O. is standard operating procedure.

Jim Caliendo motioned to approve with the proposed eight conditions with the exception of #1 & #5 to be added in escrow, #8 contain "the capacity used by the connection and L.O.S." after restore, and the word Department be changed to Board, and to also grant a conditional use permit.

Joe Etelman seconded.

David Wright motioned to separate the conditions with regard to the escrow. He wanted a separate vote.

Jim Caliendo seconded.

VOTE 5-4 (on separating vote)

David Wright motioned to approve Conditions 1 & 5 as presented with the money to be available at the time of Certificate of Occupancy.

Jim Caliendo seconded.

Kathy Wentworth was concerned with the money not being available until the store opens, and the possibility of the improvements incomplete.

Patti Torr stated that the Board needed to be consistent with past procedures on Letters of Credit and Bonds.

VOTE 5-4 Jim Caliendo, Joe Etelman, Kathy Wentworth, Thom Forbes opposed. (on Cond. 1 & 5, money available at time of C.O.)

Jim Caliendo motioned to approve the application with the following conditions:

1. Hannaford Bros. Co. (hereinafter Hannaford) shall contribute the sum of Thirty Thousand (\$30,000) Dollars to the City of Dover to be used solely for improvements to Bellamy Road or the intersection of Bellamy Road and Route 108. The timing, location, design and construction of said improvements shall be determined and performed by the City of Dover. The contribution must be paid prior to the issuance of a Certificate of Occupancy for the supermarket premises.
2. Hannaford shall enter into an Escrow Agreement with the City of Dover, whereby the sum of Two Thousand (\$2,000) Dollars is deposited in escrow to provide security for the use of proper soil erosion protection methods during construction of the project.
3. Hannaford must obtain a Driveway Access Permit from the New Hampshire Department of Transportation. In the event the driveway approved by the New Hampshire Department of Transportation is materially different (materially different being defined as a significant change in location, or a change in the number of lanes, or a change in land configuration) from the driveway delineated on the plan approved by the Planning Board, the developer must return to the

Planning Board for approval of the materially altered driveway.

4. That Hannaford, within thirty (30) days of approval of the plan, with the cooperation and assistance of the Planning Board, Planning Department and the Police Department, shall petition the City Council to enact an ordinance which restricts the turning movements for existing traffic at the northerly terminus of Bellamy Road to right turns only. The petition shall provide that this restriction shall remain in effect until the New Hampshire Department of Transportation completes the intersectional improvements presently contemplated for Routes 9 and 155.
5. Hannaford shall contribute the sum of Twenty Thousand (\$20,000) Dollars to the City of Dover to be used solely for the construction of a sidewalk and curbing along Route 155. The timing, location, design and construction shall be determined and performed by the City of Dover. The contribution shall be paid prior to the issuance of a Certificate of Occupancy for the supermarket premises.
6. Hannaford shall grant the City of Dover a sewer easement in the area of the northerly boundary of the developer's premises, as delineated on the site plan. Said easement shall be in a form acceptable to the City Attorney and shall provide for reasonable development and maintenance of the sewer to be located therein.
7. Hannaford shall provide a driveway connection to the adjoining C & J (Profit Time Enterprises) premises. Said connection shall be in the northwesterly area of the site, as shown on the attached Exhibit. Hannaford shall pave the connection located on its premises, as well as to the end of the curved portion of the driveway on the C & J parcel, and shall provide a gravel base for the remaining portion of the connection located on the abutter's premises. Hannaford shall maintain the driveway connection located on its site. Hannaford and Profit Time Enterprises shall exchange access easements which provide for reasonable use of the driveway connection. The driveway connection must be completed prior to the issuance of a Certificate of Occupancy.
8. Hannaford agrees to provide an easement for future access between its site and the abutting property located on the easterly side of the site. The abutting property owner must provide a reciprocal

access easement to Hannaford in a form acceptable to Hannaford which shall include customary Hannaford provisions relating to insurance coverage and limitations on liability. The easement shall be paved and of a reasonable size to accommodate its anticipated use, and shall not exceed thirty (30') feet in width. Prior to granting any site plan or subdivision approval to the abutting site, the location of the connection with the abutting property shall be chosen by the Planning Board from the areas marked "Easement Area" on the attached Exhibit. The Planning Board shall obtain approval in writing from Hannaford for the exact location of the proposed easement, which approval shall not be unreasonably withheld. The location of the easement shall be compatible with Hannaford's current proposed use and the future development of its site. The abutter shall be required to restore the capacity used by the connection and the level of service on the Hannaford development driveway and/or its intersection with Route 155 to the pre-connection level of service using standard traffic engineering principles. Hannaford may deny use of the easement if it is determined by standard traffic engineering analysis that the proposed abutting use will likely degrade the level of service on the Hannaford development driveway and/or its intersection with Route 155, and that reasonable engineering improvements cannot be made by the abutter to remedy the anticipated impact. The abutter will be responsible for the costs of all improvements on its site, as well as the costs of any improvements on the Hannaford site that would not otherwise be required as part of Hannaford's development, and all improvements shall be subject to design review by Hannaford. Hannaford may elect to construct the improvements on its property and seek reimbursement directly from the abutter. If the improvements require any permits which affect the Hannaford property, the abutter must first obtain written consent from Hannaford to seek such permits, and said consent shall not be unreasonably withheld. Said easement, subject to the terms and conditions contained herein, will be located from the easement area by the Planning Board and approval granted by Hannaford prior to the final approval of a site plan for the commercial use of the abutting property contiguous to the "Easement Area", or, at the time of approval, of a site plan for a building and the commercial development of the Hannaford premises, east of its driveway directly contiguous to the "Easement Area", whichever comes first.

And also that a Conditional Use Permit be granted, per the

Wetlands Ordinance.

Joe Etelman seconded.

VOTE U/A.

**ITEM #5: New Business**

Jim Caliendo wanted to thank the Planning Department for the Bellamy Road Origin/Destination Study Report.

He motioned to recommend to the council no parallel parking be allowed on Bellamy Road.

Mike McDonnell seconded.

VOTE U/A Jim Richards abstained.

David Wright questioned who would determine putting in a school zone?

Bill Collins replied that it would be the Police Department.

David Wright motioned to recommend that the Planning Department support (in writing) the Police Department by instituting a school zone.

Mike McDonnell seconded.

VOTE U/A Jim Richards abstained.

Bill Collins stated that a public hearing needed to be authorized for the revisions to the ADS Regulations with regard to the community leach fields.

Jim Caliendo motioned to authorize a public hearing.

David Wright seconded.

VOTE U/A

Jim Jalbert motioned to adjourn.

Jim Caliendo seconded.

VOTE U/A

Meeting adjourned at 8:55 PM.