



**CITY OF DOVER**

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers  
Meeting Date: Tuesday, May 25, 2010  
Meeting Time: 7:00 pm

**MEMBERS PRESENT:** Ron Cole(Chair), Frank Torr (Vice Chair), Donald Andolina, Dean Trefethen, Perry Plummer, Doug Steele, Linda Merullo, John Swartzendruber, Lee Skinner (Alternate) and Gary Green (Alternate).

**MEMBERS NOT PRESENT:** Marcia Gasses

**STAFF PRESENT:** Christopher Parker (Planning Director), Jean Glidden and Lisa Ertle (Recording Secretary).

*G.Green sitting in for M.Gassess. The Chair called the meeting to order at 7:00PM.*

The Chair announced that Items 4 B and F will not be addressed this evening.

### 1. CITIZENS' FORUM – NOBODY SPOKE

### 2. APPROVAL OF THE May 11, 2010 Workshop Meeting Minutes and Regular Meeting Minutes.

**Motion:** D.Andolina made the motion to approve the May 11, 2010 Workshop and the Regular Meeting Minutes. L.Merullo seconded but noted an error in the workshop minutes. **Vote:** Unanimous.

### 3. OLD BUSINESS

**A.** Consideration and acceptance of a Conditional Use Application for Christine Estes, Assessor's Map A Lot 51-9, zoned R-40 located at 240 Long Hill Road. (construction upgrade of an existing driveway to a public roadway); 619 sq. ft of wetland impact) (P10-18)

**B.** Consideration and possible vote on a Major Open Space Subdivision for Christine Estes, Assessor's Map A, Lot 51-9, zoned R-40 located at 240 Long Hill Road. (9 lots) (P10-19)

**Motion:** F. Torr made the motion to remove from the table. L.Merullo seconded. **Vote:** Unanimous.

Bob Stowell, Tritech Engineering represented the applicant. He stated they have continued to work with staff and engineering to finalize the drainage components. We believe we have satisfied both issues, and have received state approval for subdivision and no- site specific wetlands and dredge fill permit.

C.Parker asked B.Stowell to review the site walk with the Board. B. Stowell noted that he assured the abutter Mr. Belliveau's concerns, regarding to arborvitae would be handled during construction of the driveway.

P.Plummer asked B. Stowell if the road width had been changed. B. Stowell stated that the road width would stay at 24 feet.

The Chair re-opened the public hearing for both the conditional use application and the subdivision.

The Chair closed the public hearing.



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C.Parker noted that the applicant has submitted a set of plans for review. The applicant wishes to construct a public roadway where a driveway exists within the Wetland Protection District and Conservation District. The applicant proposes 619 square feet of wetland impact. The Conservation Commission considered this request on March 8, 2010 and recommended the Planning Board grant conditional use permit. The Commission had no conditions. Planning Department recommends the conditional use permit.

**Motion:** F.Torr made the motion to approve the conditional use permit. L.Merullo seconded.

**Vote:** Unanimous

C.Parker noted that the applicant appeared before the Technical Review Committee on April 1, 2010 and the Conservation Commission on March 8, 2010. The applicant appeared before the Planning Board on April 27, 2010. A site walk was held on May 4, 2010. The Planning Department recommends approval of the subdivision plan with the following conditions:

### **Conditions to Be Met Prior to Signing of Plans:**

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Add the engineer's and surveyor's stamp and signature to the appropriate sheets.
4. The applicant shall submit proposed Homeowner's Association Documents, addressing detention pond maintenance, open space preservation and maintenance, and 50-foot and 100-foot buffers remaining in their natural state, including preservation of perimeter landscaping. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the documents.
5. Applicant shall revise the plat to add the location of the proposed twelve 6-foot tall arborvitae on the abutting parcel (Map A, Lot 51-10) instead of on the open space lot. This should be depicted on Sheet S-1 and corrected on Sheets C-1 and C-2.

### **Conditions to Be Met by the Applicant Prior to Any Land Clearing:**

6. The applicant shall have the surveyor stake the 50-foot no cut buffer on lots 1-5 and 7-8 and anywhere that the open space lot abuts the road, and the 100-foot no-cut buffer on lot 1. This shall be checked and approved by the Building Official and City Engineer.
7. The applicant shall stake the 50-foot wetlands buffers per Chapter 170-27.1-D-1-c.

### **Conditions to Be Met Prior to Issuance of a Building Permit:**

8. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.

G.Green asked what the definitions and direct terminology for the homeowner's association documents. C.Parker said the City Staff and City Attorney will review the documents for proper and legal formats. G.Green asked if the planning board members will be able to see the documents. C.Parker stated that plans are finalized with condition of approval, and read by the staff unless the condition is changed. G.Green stated he wants to review the document before it is approved. R.Cole asked for the reason. G.Green stated that in the past there were some conflicting issues, and he would like to have oversight of documents.



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F.Torr said it has been standard procedure for the Planning Department to take care of that activity, and have been trusted with the procedure.

**Motion:** L.Merullo made the motion to approve the subdivision with staff recommendations.  
D.Andolina seconded. **Vote:** Unanimous

#### 4. NEW BUSINESS

- A. Consideration and possible posting of zoning amendments to the land use ordinances and regulations.

A recap of the workshop occurred.

**Motion:** D.Andolina made the motion to post the zoning amendments. P.Perry seconded.

**Vote:** Unanimous

- B. Consideration and acceptance of a request by the City of Dover to trim and remove trees and brush along the right-of-way of a scenic road. (Old Garrison Road). \* (P10-30)

This item will not be heard tonight.

- C. Consideration and acceptance of a Conditional Use Permit for Black Dog Car Wash Central Ave., LLC, (Owner: Driscoll Realty, Inc.) Assessor's Map 38, Lot 9A, zoned B-3, located at 887 Central Avenue. \*(P10-27)

- D. Consideration and acceptance of a Site Review of land for Black Dog Car Wash Central Ave., LLC (Owner: Driscoll Realty, Inc.) Assessor's Map 38, Lot 9A, zoned B-3, located at 887 Central Avenue (demolition of abandoned commercial structure & construct an automatic car wash facility). \*(P10-22)

Paul Connelly, Civilworks Engineering represented the applicant. Present is the applicant, Jeremiah Gage, and realtor/property owner Debbie Driscoll, and Paul Morris general contractor. They are requesting approval for activity in the groundwater protection. He explained the project as submitted in the file, which was formerly known as Woodsky's. P.Connelly described the proposed four bay building, and its property site. Green space will change from zero percent conditions to 22,168 square feet of green space. They will be adding trees, shrubs and perennial flowers. The old building will be demolished, and disposed of properly. Site will be repaved, with gravel underneath. A fence will be implemented on the Shaw's right of way. LED lighting will be used to offer a great deal of flexibility with direction control, while being energy efficient. They will be improving side walks for curb cut. The applicant proposes one free standing sign, building sign, menu and directional signs. He explained the schedule that they were looking to adhere to. They would like to have this building demolished before August 1<sup>st</sup>. We would like to have approval on this project at the June 22, 2010 meeting.

C.Parker stated that currently the property has three access points. He asked P.Connelly to speak on the flow of the customers going further into the site of the Shaw's plaza. P.Connelly noted that all of the access points are controlled. They have proper signage for traffic, fencing and curb cutting. The pipe flow in and out of the site is measured and metered. The car wash can only push out one vehicle every seven or eight minutes.



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D.Andolina stated that a comment was made by D. Barufaldi, Economic Development Director regarding this project. D.Barufaldi commented on the concerns of really needing this car wash, and if it is the best use for the property, and asked about the hours of operation. P.Connelly said all facilities are open 24 hours a day, 7 days a week. D.Andolina expressed his concern on the amount of proposed gallons of waters in equation to daily operation hours. P.Connelly said they calculate by cars and gallons used, from previous facilities. D.Andolina asked if they considered reuse of water. P.Connelly answered that it is not appropriate. After concern from consumers about recycled water sandblasting their vehicles, they find reusing inappropriate.

L.Merullo is concerned with the water usage in that area and would like to know where the water is going, and would like a clear definition of what signs will be used. She asked if they had thought of adding a pervious pavement strip for runoff, so the runoff water would not affect the Shaw's Plaza and if they discussed with Shaw's about storm water treatment.

P.Connelly addressed the first concern, which was water usage. He stated that the Black Dog Car Wash uses 50 gallons of water per vehicle. This is opposed to the 80 gallons of water a homeowner uses per car wash at home. P.Connelly said that in regards to the storm water drainage, they have some sloped curbing at the site. Storm water also drains into sqaules placed in the grass which allow for sediment treatment and infiltration. He said this is not the best for pervious surface. There intentions are to have impervious paving which will allow infiltration of water into the ground and not off site. For the question of signage, P.Connelly answered that signage art work has been submitted and is consistent with other sites. Freestanding and building signage is based off of the frontage. He stated the collection of rinse and suds is caught by a trench drain, which is found in each bay. He added that no runoff water goes into the storm water drain. The tanks will be cleaned two to three times a year. Waste management will have to haul it and bring it to a treatment facility

P.Plummer asked about the landscape plan as it shows three trees not four in the center aisle. P. Connelly corrected his statement, there will be three trees. P. Plummer asked if the solid waste container will be fenced. P.Connelly said there will be no fencing, but will be shielded by concrete forms. P.Plummer noted there in no pressure or volume problem in this area in conjunction with the North End Fire Station. P.Connelly mentioned that it may be important to note that they will tie into the 12" main, not the six foot main that is connected to Central Avenue. P.Plummer cleared the name of Shaw's Plaza Drive. C.Parker clarified that this location is part of Shaw's driveway. P.Plummer expressed concern about the traffic flow off Central Avenue. P.Connelly said there will not be a problem. This is a free movement site, and the flow from Shaw's to the intersection is controlled by a stop sign. The flow from Dover Bowl has no signage, but traffic flow is small. Also traffic flow from Central Avenue will not be interrupted. P.Plummer commented on the new lighting proposal, and if there is any examples of the LED lighting use. P.Connelly stated there is no use of these lights at any of the existing facilities, and could not think of a facility with this type of lighting in the area. This is new technology. P.Plummer supports the idea of losing curb cuts.

G.Green asked P.Connelly to clarify peak hours, what the average daily trip count will be, and did you count the vacuum stations as parking spaces. P.Connelly said that the vacuum space stalls are being counted as parking spaces. Peak traffic in and out of the facility would refer to the peak usage of the facility. They would occur on the weekend. The way that we find that is from the customer's ability to



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wait. Cycle time is a seven minute range. Trip counts and using peak numbers versus average numbers. Manuals and the code number referred to is from that manual for this facility.

D.Trefethen said it was a nice proposal. He mentioned that various entities tried to purchase the property and this is not the highest and best use of the property. He wants clarification of who is the owner of the land. P.Connelly stated that the property will be owned by Black Dog Car Wash, Central Avenue, LLC. D.Trefethen asked why the building is so close to Central Avenue, there appears to be a lot of land in back, so why so close to the main road. P.Connelly stated that they have provided plenty of turning area, queuing, and green space. We have considered additional use of the site and found that we could not prove on paper that it would work. D.Trefethen asked if they had discussions with Shaw's about moving and getting another cut or another access to the driveway. Jeremiah Gage, owner of Black Dog Car Wash, stated that right away services two additional lots. We could not get rid of it. It would interfere with access to the other properties.

D.Andolina mentioned the vehicles and the water usage may be understated. P.Connelly noted that there is no interconnectivity between the Institute of Traffic Engineer's proposed traffic rates and bill of life usage for the facility.

L.Skinner asked about the area, stating that the previous owners of this property had paved lots. He questioned if the pervious surface could be ledge or clay. P.Connelly said that as the engineer for the site, I will keep any and all water sources from penetrating the paved surfaces. This will be done by installing pervious squales that will keep most storm water from the impervious pavement.

**Motion:** D. Trefethen made the motion to accept the application. L.Merullo seconded.

**Vote:** Unanimous

The Chair opened the public hearing.

Paul Shea, owner of Meineke, owns the business abutting the proposed site. His only concern with the road that Shaw's own could be in better condition. This is a good use of the property but would like to see something done with the pavement adjacent to Meineke and the proposed site.

The Chair read a letter submitted by North Star Center LLC, which has been entered in the record. (Copy in file)

The Chair closed the public hearing.

R.Cole asked if a site review would be necessary. C.Parker stated that he does not believe a traffic study is needed. We asked for an assessment study. This will be a drive by destination use.

D.Andolina asked if the Planning Department would validate the water usage equation. C. Parker stated that they will work with the applicant on this matter.

**Motion:** F. Torr made the motion to table. G.Green seconded. **Vote:** Unanimous

Recess at 8:40pm, resumed at 8:45 pm



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- E. Public hearing and consideration of a request for an extraction permit by Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road.\*

Bruce Woodruff mentioned that he did an inspection on May 21<sup>st</sup> and one on May 24<sup>th</sup>. He mentioned that the surface water has been down. This year has been the best excellent response in regards to fixing minor errors.

Ron Severino, Severino Trucking, stated that he has submitted all documents requested. They are continuing to work on dust control and have had numerous meetings on site and hopeful that it will continue. The volume has been down so it helps the abutters with dust control. We share a gate with the Proulx property and we need to get a better schedule with locking the gate. People can go beyond there property and it is a concern.

The Chair opened the public hearing. Nobody spoke. The Chair closed the public hearing.

B.Woodruff noted that the Planning staff met with the pit operator's engineer to discuss requirements in April and performed a site inspection on May 21, 2010. The excavation and reclamation plans are complete. The Planning Department recommends the extraction permit be approved with a caveat that any time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these following conditions:

1. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM on Saturdays, with gates to the site opening no earlier than 6:30 AM.
2. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
3. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Office by May 28, 2010.
4. Continue to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year.

P.Plummer asked if it was a safe to make a statement that there is less of a problem with the blowing sand. B.Woodruff said the committee that was formed was very successful and it has improved the conditions. P.Plummer stated that they should continue the mitigation. B.Woodruff noted that this is stated in the fourth condition of approval.

D.Trefethen asked if there is any effort to reclaim the open area to help reduce the blowing sand. He asked about the standing water issues, and wonders what is the ground water level compared to a few years ago. B.Woodruff stated that each pit is different, and tends to follow the land form. There has not been much change in the past six years. He mentioned that what you are not seeing is how low the ground level water is.



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D.Steele commented from a call from the developer across from this facility. The developer has asked to set up a friendly neighborhood meeting with the pit owners and the City of Dover to discuss dust and blowing sand.

**Motion:** L.Merullo made the motion to approve with conditions. J.Swartzendruber seconded  
**Vote:** Unanimous

- F. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53 & 54 zoned I-4 and R-40, located on Mast Road.\*

Kevin McEneaney, McEneaney Survey Associates, represents the applicant. Mr. Martel has been doing reclamation continually. They've read the conditions of approval as well as the newly added one and they have no problems.

The Chair opened the public hearing.

Stacey MacDonald, 330 Mast Road commented however the comments were directed to the Pruven Aggregates location.

The Chair closed the public hearing.

B.Woodruff noted that the Planning staff met with the pit operator's engineer to discuss requirements in April and performed a site inspection on May 21, 2010. The excavation and reclamation plans and application are complete. The Planning Department recommends the extraction permit be approved with a caveat that any time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these following conditions:

1. The reclamation and operational plan documents last submitted in 2002 shall be considered as part of the permit and the hours of operation hours are as follows: 7:00 AM – 5:00 PM on weekdays with the gates opening at 6:30 AM, and 7:00 AM - 2:00 PM on Saturday.
2. Limit excavation at the property lines of disapproving abutters to no closer than 50 ft. The letter from a disapproving abutter is on file.
3. Continue the condition from the lot line adjustment plat that states no excavation shall take place beyond Cold Springs Road (So-called).
4. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
5. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Office by May 28, 2010.
6. Continue to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year.

**Motion:** L.Merullo made the motion to approve with conditions. J. Swartzendruber seconded.  
**Vote:** Unanimous



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- G.** Public hearing and consideration of a request for an extraction permit by Brox Industries, Inc., Assessor's Map C, Lots 12-A, 13, 14, zoned R-40, located on Glen Hill Road.\*

David Clough, manager of the site, is seeking approval for three parcel sites; noted that B.Woodruff recommended new fencing. New fencing has been done, and has more fences being ordered and will have finished by next week. Has no problem with the other conditions.

The Chair opened the public hearing. Nobody Spoke. The Chair closed the public hearing.

B.Woodruff noted that the Planning staff met with both the pit operator to discuss requirements in April. Staff performed a site inspection in April and on May 21, 2010. The application materials are complete. The excavation/ reclamation plans are complete. The Planning Department recommends the extraction permit be approved with the following conditions:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel)

**Motion:** D. Steele made the motion to approve with staff recommendations, L. Merullo seconded. **Vote:** Unanimous

- H.** Public hearing and consideration of a request for an extraction permit by Pruven Aggregates, Assessor's Map H, Lot 61, 59A and 59, zoned I-4, located on Mast Road.\*

Ari Pollack, representing Pruven Aggregates stated that they have done some berming and as a result of a recent inspection and understand the discussion of mitigation and such issues. They will do their best in efforts to manage the issues.

R.Cole asked to clarify the berm pile. B.Woodruff said currently there is no berm pile as of right now. R.Cole asked if the abandoned property is on his site.

A.Pollack answered that the building is on his site. They are trying to maintain the site in a safe manner; the economy has slowed down the planning.

L.Merullo asked at one point last year Mr. Proulx had put trailers in. Has that helped with the blowing dust?

Rick Proulx, Vice President of Pruven Aggregates, stated that the trailers did make a difference. They don't plan on moving them.

P.Plummer said last time we were here there was discussion of the building and the berm. What was the decision of the buildings on the site. C.Parker said we discussed working with the applicants on re-development.

The Chair opened the public hearing.



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Stacey MacDonald, 330 Mast Road, represented the abutters of this gravel pit. She stated that we do appreciate what Rick Proulx has done. She asked if Madbury has been notified and if the City has had a chance to discuss this with them. C.Parker said we did reach out to them last year to co-operate efforts. B.Woodruff agreed and stated that they did not receive input from them. C.Parker said we will continue to reach out to them.

The Chair closed the public hearing.

B.Woodruff noted that the Planning staff met with the pit owner/operator to discuss requirements in April. Staff performed site inspections in April and on May 21, 2010. The application materials are complete. The excavation/ reclamation plans are complete. The Planning Department recommends the extraction permit be approved with a caveat that any time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these following conditions:

1. The owner shall comply with Best Management Practices document submitted to the Board with the previous permit submittal.
2. The April 13, 2005 letter to the Planning Board Chair continues to be a part of this permit.
3. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel)
4. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Office by May 28, 2010. Continue to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year

**Motion:** R.Cole motioned to approve permit with staff recommendations. L.Merullo seconded.

**Vote:** Unanimous

- I. Consideration and possible vote on a Major Subdivision of land for Sonoma Builders, Inc., (Owner: Mary A. Moscato Trust of 2001) Assessor's Map 11, Lot 16, zoned RM-U, located at 46-48 Arch Street. (7 lots) \*(P10-20)

This item has been withdrawn.

R.Cole stated that the TRC shall be comprised of the Planning Board Chair and also should have a designated alternate in their absence. He asked if the Planning Board members would represent and automatically become the chair of the TRC. L.Merullo volunteered. L.Merullo will sit as the Chair of TRC and G.Green will be the alternate member.

### 5. STAFF COMMENTS

C Parker thanked B. Woodruff for the work on the gravel pits. He welcomed Lisa Ertle, our new Clerk/Typist for the Planning Office. June 8<sup>th</sup> regular Planning Board will be at 6pm. Suggest



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6:30 pm meeting for the Pervious Surface presentation. Steve Bird will be formally laid off this Friday, and commended his great work.

D.Andolina said that he would like to offer his congratulations to the Planning Department. Over the seven years we have crossed the goal line and thanked B.Woodruff for his efforts with the gravel pits.

### 6. COMMITTEE REPORTS

### 7. ADJOURNMENT

**Motion:** L.Merullo made the motion to adjourn at 8:38. L.Skinner seconded. **Vote:** Unanimous.