

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers
Meeting Date: Tuesday, June 22, 2010
Meeting Time: 7:00 pm

MEMBERS PRESENT: Ron Cole(Chair), Frank Torr(Vice Chair), Jan Nedelka(Council Alternate), Marcia Gasses, Linda Merullo, Perry Plummer, Doug Steele, Lee Skinner(Alternate), Gary Green (Alternate)

MEMBERS NOT PRESENT: Dean Trefethen, Don Andolina, John Swartzendruber

STAFF PRESENT: Christopher Parker(Planning Director), Lisa Ertle (Recording Secretary).

J.Nedelka sitting in for Dean Trefethen, L.Skinner sitting in for J.Swartzendruber. The Chair called the meeting to order at 7:00PM.

1. CITIZENS' FORUM – NOBODY SPOKE

2. APPROVAL OF THE JUNE 8, 2010 WORKSHOP MEETING MINUTES AND REGULAR MEETING MINUTES.

L. Skinner noted an error on the June 8, 2010 Minutes. Correction G.Green appointed to the Ad-Hoc Stormwater Utility Study Committee.

Motion: L.Merullo motioned to accept the June 8, 2010 Workshop Meeting Minutes, and Regular Meeting Minutes. F.Torr seconded. Vote: Unanimous.

3. OLD BUSINESS

- A.** Public Hearing and possible vote on zoning amendments to the Zoning Ordinance (Chapter 170). The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located under City Documents and View Current City Report

C.Parker stated that he has consolidated the phone calls, emails, and concerns of topics that were most talked about with the new zoning amendment change. He noted that each amendment will be addressed and clarified. C. Parker noted that he will be asking the Board to vote down Amendment 8, this amendment needs to be reviewed and revised. He noted that after the public hearing, the Board will amend any changes, and the City Council will ratify the amendments.

Public Hearing Opened.

J.Nedelka noted his concern with the fencing measurements for the chicken coops under Amendment 3. He was wondering if homework had been done on prefabs for this type of housing. C.Parker discussed the avenues that he researched, and is open to suggestions. A discussion ensued about the size of the structure, square footage needs to be looked at for the whole structure.

Public Hearing Opened



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Chair sets rules for the public hearing; each person has 5 minutes to speak on their concern, Planning Director will answer questions after all Public Hearing questions have been heard.

Anthony McManus, resident on Glen Hill Rd, noted his concerns of futures plan that may affect the City. He feels that the majority of the city will not want unattractive business be the gateway to the city, and Dover should not encourage the same kind of development. Feels the City should reconsider the Sawyer Zone to be part of the B5 Zone, and strongly suggests rezoning lower Central Avenue area. He stated his concerns on parking issues, and traffic flow, on Central Avenue.

Marilyn Follansbee, resident on 25 Dover Point Road, stated her concerns with the wording for the Zoning District B3, and asked for an amendment to be added. She is pleased with the housing provisions with the farm animals, but is wondering what will be done with their waste.

Jeff Cuddles, of 10 Roberta Drive, feels that single family homes have a certain characteristic that does not include farm animals. He feels that this amendment does not benefit everyone. He noted his concern with waste run off.

Ray Bardwell, of Spur Road, noted his concern of waste run off, from farm animals, in a single family residency. He cited Amendment 170-12, and noted that he feels discriminated upon as the owner of an old house. He feels that houses are not evaluated equally in regards to this ordinance. He hopes that these concerns will be taken into effect for the conversions.

K.McEneaney, 8 Gold Post Road, asked if it was a typo about the typo that may have been written in the height limitations and wants to make sure that they have been revised. He feels that there is no problem with the farm animals for family use.

Cory Kuret, of 67 Durham Road, in favor of farm animals for family use. He addressed the concerns of waste from farm animals, and compared this to waste from dogs.

Rose Downs, of Back Rd, does online Antique sales from her residence. She would like clarification, under the renewal, what she may need to prepare for in regards to her Antique Sales business.

Public Hearing Closed

C.Parker stated the B5 district will not be changed, there will only be a name change, and clarified what has been done in this zone. He stated that he will address, with residents, their concerns of the retail and office zones.

C.Parker suggested amending the amount of farm animals in residential areas on the water. He noted Zoning Amendment #8 has not been amended since 1964. He feels that this needs to be pulled and readdressed, as suggested by B.Woodruff. C.Parker noted the height correction is a typo that will be taken care of. He noted, in regards to renewal process for home occupation, 3 months before the year date, Planning Department will send out a letter



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requesting applicants reapply to the Planning Office. This will make sure that all applications are reviewed, and all requirements are still being met.

L.Merullo asked for clarification on the Zoning district for retail office. Discussion ensued on traffic concerns, and the intent of use in this Zoning area.

R.Cole stated he received a letter from Janet Cattle regarding the use of farm animals in the area, he feels that everything that Janet had written in the letter has been addressed by C.Parker.

M.Gasses noted, in consideration to the animals for family use amendment, that there has to be a sufficient amount of acreage to safely own 6 farm animals.

R.Cole stated that it has been brought up several times, and feels that it has been concluded. Neighbors will take care of the responsibility for use with farm animals and fencing.

Chair suggested a couple of options how to vote for the Zoning Changes.

Motion: L. Merullo made the motion to approve amendments with Amendment for single family dwelling pulled out. J.Nedelka seconded. C.Parker and L.Merullo discussed the language for this motion.

Gary Green noted his concern of the Amendment that defines abutters and would like to know if this includes notifications for condo homeowners. He cited the Condominium Act, and the definition of the common area, and the definition of “condominium” from Article 356B-V. He feels that the condos are not equal from one Homeowner’s Association to another, the City of Dover and Board should consider the timing of the notice. He feels that the “within 200 sq. ft. of property line” should be dropped, so that all condo owners get notified. C.Parker and G.Green discussed the proper language for footage of property lines for City notifications. Board discussed the effect of increasing the property line on this Amendment (first amendment). Chair asked for a motion on the Amendment, which would require the City to include notifying all condominium homeowners.

Motion: D.Steele motioned to amend the amendment that requires us to contact each condominium homeowner of the changes. P.Plummer seconded. Vote: 2 - 7 (Fail on Motion)

L.Skinner discussed his concerns of the farm animal use, not willing to accept the provision of the use of farm animals. P.Plummer expressed his opinion on the noise level, and waste concerns, of dogs and farm animals. M.Gasses feels that people overreact to farm animals, and feels from personal experience that this will not devalue property, and the square footage required is fairly huge. J.Nadelka agreed on some of the concerns of the farm animals. He added that farm animals have to be kept in the back of the property according to the square footage required, and feels that we need to look into the concerns of waste around the waterways. L.Merullo feels that farm animals will not deter from neighborhood value.



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Motion: L.Merullo motioned to amend to remove Amendment 8, and adjust Amendment 9, to reflect 3 sq. ft. J.Nedelka seconded. Vote: Unanimous

Recess called at 8:25. Resumed at 8:30.

- B.** Consideration 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)
- C.** Consideration 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)

Chair noted that both items will be discussed.

Motion: F.Torr motioned to remove from table. L.Skinner seconded. Vote: Unanimous

Paul Connelly, of Civilworks Engineering, represented applicant. He noted that there was concern that some abutters were not advised of the proposed plan. Correspondence has been sent to the Planning Department, and proposed plan letters have been sent to them. Stated that Linda McConnell (Attorney representing Shaw's LLC.) contacted his office and they have concerns of stacking vehicles flowing on to their site. P.Connelly stated they have agreed with L.McConnell to add a sign citing vehicles to not block entry to the site. He addressed the request for waiver for an exception. C.Parker noted to P.Connelly that this waiver has been approved. P.Connelly retracted statements.

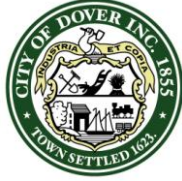
L.Merullo asked about the curbing and the rain guards. L.Merullo and P.Connelly discussed the area of curbing on the site, and confirmed there is no curbing in the front or on the side of the Shaw's Driveway, and the landscaping intents for rain guarding.

Public Hearing Opened

Mark Bowen, represented ownership and property of Dover Bowl, in favor of proposal. He stated his concern of traffic flow to the left of the site and in right of ways. He suggested that the Shaw's driveway be repaired. He proposes that the curb cutting be addressed and upgraded to help address the traffic flow in this area.

Paul Shay, owner of Meineke, agreed with M.Bowen and would like the right of way to be addressed.

Shaun OConnell, represented Kevin McLofflin of 525 Central Avenue. He reiterated the traffic concern of the queued vehicles at the car wash. He noted the areas of concern on Central Avenue in regards to traffic. Client is concerned that recycling of water is not being addressed, nor the burden it may inflict on the municipal water supply. Dover has five car washes, and this would be the sixth, and this may not be the best use of this property.



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Public Hearing Closed

C.Parker noted NorthStar is not part of the applicant, he has asked them to help with traffic flow concerns and they have denied. He feels that a car wash has less traffic volume than a restaurant, and feels that a traffic report is needed. It was noted that Shaw's has no problems with the application, just some concerns on the signage, and they are willing to meet to discuss the repairs. P.Plummer agreed with M.Bowen that this is a strange intersection, and needs to be addressed; his concern is what will be repaired. Discussion ensued on the traffic concerns in the stacking lanes, and traffic coming from Central Avenue.

Chair noted that there have been many discussions in regards to the clientele, and stated this is not a destination site. L.Merullo stated that she has never had a problem with stacking when using like facilities, and feels that the car wash will not increase traffic in comparison to a restaurant.

C.Parker noted the applicant wishes to demolish an existing restaurant and construct an automatic car wash. The parcel is located within the secondary groundwater protection district located around the Smith and Cummings wells. The Conservation Commission considered this request on 5/10/10 and recommended approval of the CUP with no conditions.

The Planning Department recommends the Planning Board approve the conditional use permit with the following condition:

1. The Stormwater Management System Inspection and Maintenance Plan be adhered to, and an annual inspection and maintenance report using the inspection and Maintenance checklists and logs be submitted to the Environmental Projects Manager for review and approval at the end of each year.

Motion: F. Torr motioned to approve subject to conditions set forth. L. Merullo seconded.
Vote: Unanimous

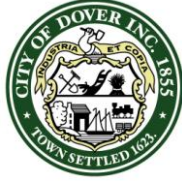
C.Parker noted the applicant wishes to demolish an existing restaurant and construct an automatic car wash. The applicant has been to TRC and has been before the Planning Board on May 25, 2010 for acceptance, a continued public hearing and discussion.

The Planning staff has contacted the City of Somersworth to determine if the water usage estimates provided by the applicant are accurate. Based on the information received, the actual water usage averages approximately 4,000 gallons a day, which is what the applicant estimated.

The Planning Department recommends the Planning Board re-open the public hearing, and then approve the site review application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.



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2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The approval includes granting the waiver for the requirements to plant shrubs 5' on center between the deciduous trees, for the reasons stated by the applicant in the waiver request.
4. The Engineer's signature and stamp shall be added to the final plan set submitted for signature.
5. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the City's Environmental Project's Manager.
6. The applicant shall submit a written agreement with NP Dover LLC., regarding signage as outlined in the letter dated June 22, 2010, plans shall denote sign location.

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

7. The owner shall submit applications for sign permits to the Planning Office for the signs depicted on the plans and submitted materials.
8. Any structure shall pay the current impact fees in place at the time of building permit application.
9. Any structure shall be assessed the current water/sewer investment fees in place at the time of building permit application.

Motion: L. Merullo made the motion to approve with staff recommendations. L. Skinner seconded. Vote: Unanimous

4. NEW BUSINESS

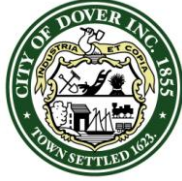
- A. Consideration and acceptance of a Conditional Use Permit for Susan Eisler, Assessor's Map G, Lot 13, zoned R-12, located at 344 Washington Street. (Restoration of the stream reach). (P10-31)

Susan Eisler provided copies of the restoration plans, approved by the NHDES, to the Board members. She showed a video to the Board to give a visual presentation of the stream channel that needs to be restored, and gave a brief description of what has happened to this site, and why they need to restore these banks. They plan on laying down the left side to restore it back to wetlands, and to take the brunt of water away from the house. Also noted they will be rebuilding the banks behind the house, and intend to restore the area around the sewer maintenance pipes. She stated they will be working with Dave White and the City, noted the restoration plan have been approved by the NHDES. She gave a description of the proposed restoration plan.

Motion: F.Torr motioned to accept the application. P.Plummer seconded. Vote: Unanimous

Public Hearing Opened

John Penaskovic, of 346 Washington Street, has consulted with a professional on log vein uses, and is concerned about safety issues, liability and sustainability. He understands the DES proposed plans, and is fine with the Eisler's restoration but as a tax payer he is concerned about the long term cost from the City of Dover for the repairs. He discussed the



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concerns of liability the NHDES will hold if there are any problems, and does not want the blame to come back to him.

David Eisler, of 344 Washington Street, noted that Dr. Ballestro wrote the stream regulations, and is insured. He stated that log veins are a proven method for stream restoration. This restoration is downstream to the abutter, and noted Dr. Ballestro and the City will be working together.

Public Hearing Closed

C.Parker stated the applicant has submitted a set of plans for review. The applicant wishes to restore a stream bank and channel and remove culvert pipes. The work would be within the Wetland Protection District and Conservation District.

The Conservation Commission considered this request on June 14, 2010 and recommended approval. The Commission had no conditions.

The Planning Department recommends approval of the Conditional Use Permit with the following condition:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetland Permit.

D.Steele noted the City Engineer will be inspecting the project within the City's sewer easement during the project to ensure the work is done properly and to ensure the sewer will be protected.

Motion: M.Gasses made the motion to approve subject to conditions set forth by the Planning Department. D.Steele seconded. Vote: Unanimous

- B.** Consideration and acceptance of a Minor Lot Line Adjustment of land for McEneaney Survey Associates (Owner: Gary and Elizabeth Boukus and City of Dover) Assessor's Map L, Lot 36, zoned R-20, located at Spur Road/Bellamy River. (P10-33)

K. McEneaney, represented owners Gary and Elizabeth Boukus. Spur Road right of way is almost entirely part of the old railroad system, and there is an encroachment on property lines. Proposed plan is to alleviate some encroachment, and hopes the City will convey a portion of the Spur Road right of way. He noted the Engineering and Planning Department is in agreement with width for the right of the way that will be needed. This proposal will be going to the City Council. Discussion took place in regards to the row and survey of the land.

Motion: J.Nedelka made the motion to accept. J.Swartzendruber seconded. Vote: Unanimous

Public Hearing Opened- Nobody Spoke-Public Hearing Closed



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C.Parker noted the applicant has submitted an application requesting approval of a lot line adjustment plan to add 1,915 square feet of land to the existing lot. The land would come from the right-of-way of Spur Road that is in excess of the normal 50-foot width, subject to approval by the City Council.

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owner's signature to the plat.
2. Provide a digital version of the plat to the Planning Office.
3. The applicant shall revise the plat by labeling the lot line to be eliminated.
4. The applicant shall revise the plat to correct the front lot line on the adjacent lot L-37.
5. This approval is contingent on obtaining approval from the Dover City Council for conveyance of the city-owned right-of-way.

Motion: F.Torr made the motion to approve with conditions set forth. J.Swartzendruber seconded. Vote: Unanimous

5. STAFF COMMENTS

6. COMMITTEE REPORTS

G. Green noted the South East Watershed Alliance Meeting on June 15, 2010. Dean Peschel was voted to the Board of Directors, and feels that Dover is well represented.

- 7. ADJOURNMENT:** D.Steele moved to adjourn at 9:46pm. P.Plummer seconded. Vote: Unanimous



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