



**CITY OF DOVER**

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers  
Meeting Date: Tuesday, July 27, 2010  
Meeting Time: 7:00 pm

**MEMBERS PRESENT:** Ron Cole(Chair), Frank Torr (Vice Chair), Dean Trefethen, Linda Merullo, Marcia Gasses, Doug Steele, Lee Skinner (Alternate), Gary Green (Alternate)

**MEMBERS NOT PRESENT:** John Swartzendruber, Don Andolina, Perry Plummer

**STAFF PRESENT:** Steven Bird (Planning), Lisa Ertle (Recording Secretary)

The Chair called the meeting to order at 7pm. As an Alternate, Gary Green stood in for John Swartzendruber, and Lee Skinner stood in for Don Andolina.

### 1. CITIZENS' FORUM – NOBODY SPOKE

### 2. APPROVAL OF THE PRIOR MINUTES

- June 22, 2010 Regular Meeting Minutes.

**Motion:** G.Green motioned to approve the June 22, 2010 Meeting Minutes. F.Torr seconded.  
Vote: Unanimous

M.Gasses noted a correction on the motion between P.Plummer and D.Steele and suggested notation of fail on the motion. G.Green noted an error on terminology for square footage.

- July 13, 2010 Regular Meeting Minutes

**Motion:** F.Torr motioned to accept the July 13, 2010 Regular Meeting Minutes. L.Merullo seconded. Vote: Unanimous

### 3. OLD BUSINESS

### 4. NEW BUSINESS

**A.** Consideration and acceptance of a Site Review of land for Summit Land Development (Owned by 2830 Holdings LLC), Assessor's Map K, Lot 19C, zoned B-3, ETP and R-12, located on Dover Point Road/Thornwood Lane. (Proposed 3,055 sq. ft. convenience store with drive thru and gas station) (P10-09)

**B.** Consideration and acceptance of a Conditional Use Application for Summit Land Development (Owned by 2830 Holdings LLC), Assessor's Map K, Lot 19C, zoned B-3, ETP and R-12, located on Dover Point Road/Thornwood Lane. (5,700 sq. ft. of wetland buffer impact) (P10-08)

Brad Mezquita, of Appledore Engineering, represented the applicant. They have proposed 30 parking spaces, 2 accessible parking spaces, and 3 curb cuts on this project. He described the location, improvements and the intended traffic flow with the curbs cuts. Thornwood Lane will be widened for dedicated turning lanes. They will be using a closed storm water system, catch basins and a rain garden will be implemented. This project will be using municipal water and



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sewer, and will be utilizing existing gas and data, phone and electrical lines off of Dover Point Road. He noted this project has been before the Conservation Commission, and received favorable recommendation. They have been granted a Special Exception by the Zoning Board, and have met with the Technical Review Committee.

D.Trefethen and B.Mezquita discussed the catch basin use for gas and oil runoff, and the placement of the canopies.

L.Merullo confirmed with B.Mezquita that the architectural plans are a template for this project. If this proposed plan receives approval, the project will come before the board for discussion on design review only if the footprint changes.

G.Green and S.Bird discussed plans of signalization on the intersection and S.Bird noted that there are plans for signalization to be built in the future.

G.Green and B.Mezquita discussed the future business use, and possible companies that may occupy the drive thru area of the convenience store.

L.Skinner and B.Mezquita discussed the use of pervious paving and parking spaces. B.Mezquita stated that he feels that pervious paving will not be necessary and feels they have a safer design planned. Chair clarified the reason for not using pervious paving is to prevent draining of improper materials; instead they will be using filter material. B. Mezquita noted he wanted extra protection of filter instead of going into rain garden.

Discussion ensued on the low impact design of the drainage design.

L.Merullo noted her concern of high traffic in the area, in regards to a full volume running facility. She asked for clarification of the traffic study. Kim Hazarvatian, of TEPP LLC., discussed the traffic study report taken for the proposed gas station.

G.Green and K.Hazarvatian discussed the analysis that contributed to the trip generation in the traffic study. Discussion continued regarding the criteria that would warrant the need of traffic signals, and traffic concerns if development is built behind this site. L.Skinner and K.Hazarvatian clarified a set of calculations that were generated in the Traffic Report.

D.Trefethen noted the noise pollution that may affect this area due to the amount of traffic count trips, and intended use of this site. He feels that it is not the flow that is of concern, but the noise pollution in relation to the abutters.

**Motion:** D.Trefethen motioned to accept the application. L.Skinner seconded. Vote: Unanimous

Public Hearing Opened

Don Wood, 12 Dover Point Rd, stated that he is against the application. He noted his concern of traffic flow generated from this site, and the runoff from snow storage. He suggested the



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consideration of pedestrian walks, and the right-of-ways for bicycles, and noted this is not the best use for this site.

Marilyn Follansbee, 25 Dover Point Road, stated that she is against the application. She represented her neighbors that are against this project, and noted her concerns of the B3 and ETP zones, being so close to the overlay zone. Also noted the neighbors, and herself, feel that this is not the best use for this site. She cited her concerns with noise pollution, and waste pollution derived from the use of proposed gas station. She noted her concern of negative impact on businesses, and homeowner's, and character for the City of Dover and cited Wetland Buffer article from the Master Plan.

Lindsey Lori, 26 Dover Point Rd, stated that she is against the application. She feels this will have a negative impact to the character of Dover. Small family owned businesses represent Dover better than this proposed gas station. This will affect real estate/property value, and is concerned for the safety of the neighborhood. She stated her concerns of pollution, and its harmful effects on the community and environment.

James Miller, property owner of 75 & 79 Dover Point Road, stated that he is against the application. He expressed his concerns of the proposed site being built in a business and residential zone, the impact of the traffic flow, and pollution.

DePak Patel, owner of the convenience store on 79 Dover Point Rd, feels that this will impact his business negatively and noted his concerns of gas stations that are in the area and feels that we don't need another one.

Steve Wilkinson, 33 Dover Point Road, stated that he is against the application. He expressed his concerns of traffic, pollution, and negative site of gas station across the street from his residence.

Public Hearing Closed

The Chair cited a letter from Roy and Gail Tanner, of 10 Riverside Drive, against the application. He also cited a letter from Barbara Shiembob, of Keller Williams Real Estate, stating this gas station will negatively impact the residential homes in the area.

The Chair suggested a site walk of the proposed site. L.Merullo added that the site walk should be during peak traffic time. Site walk scheduled for Tuesday, August 3, 5:30 pm.

**Motion:** M.Gasses motioned to remove both items from the table. D.Steele seconded. Vote: Unanimous

The Chair called a recess at 8:35 pm, resumed at 8:40 pm.

- C. Consideration and acceptance of a Conditional Use Application for Gary & Carol Allen, Assessor's Map E, Lot 49A, zoned R-40, located at 163 Tolend Rd. (2,283 sq. ft. of wetland disturbance) (P10-21)



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- D. Consideration and acceptance of a Site Review of land for Gary & Carol Allen, Assessor's Map E, Lot 49A, zoned R-40, located at 163 Tolend Rd. (60,318 sq. ft. of total disturbance) (P10-36)

Jon Berry, of Berry Surveying and Engineering, represented the applicant. The applicant wants to build 150 foot by 20 foot wide driveway, to access a single family home. The driveway will have to cross over Horn Brook, the slopes for bridge are in excess of the City of Dover requirement. The applicant has submitted wetland application to NHDES, they are asking for a minimum expedited permit (currently under review). They have met with the Conservation Commission for a site walk and discussed what took place regarding the disturbances that were of concern. J.Berry noted he has had communication with Dave Price, and the Wetlands Bureau. He noted a mitigation plan that was giving to them from the Zoning Administrator, in regards to the removal of the brush in accordance with City's regulations. He noted the design plan, the meeting held with TRC, and what is included and updated in the plan set.

D.Trefethen and J.Berry discussed the intended location for the house. J.Berry noted the house location (other end of the 150 ft. driveway) will not impact the conservation area. Discussion between D.Trefethen, J.Berry and Gary Allen ensued on intent of driveway over Horn Brook; G.Allen noted the house location is personal preference.

M.Gasses noted her intentions of making the motion to move this for State review in the Conservation Commission meeting and added that she is disappointed that the review has not come back. She noted her concerns for the conversation land, and the excessive use for this property, and the lack of answers on various issues, including whether the driveway will be paved or graveled (in regards to erosion problems that may arise). Discussion ensued regarding the driveway and the use of gravel and erosion.

L.Merullo noted her concern of a zoning violation that occurred in the past, and cited that pervious paving should be used. She suggested the need to hear back and receive approval from NHDES before proceeding as well as the Conservation Commission regarding a remedy on the violations that have occurred. She confirmed with J.Berry that this is not proposed as a logging operation, and the issue of excess log cutting was an error of operation from a hired logging company. Discussion ensued regarding the logging and the impact on Horn Brook.

D.Steele clarified that the culvert has not been approved by NHDES and they are reviewing and will determine if it is a box culvert.

F.Torr asked if they plan on coming back to the Planning Board once the house location is decided as he was concerned with the sewer lines affecting the wetland buffer. J.Berry stated that it would not be necessary. After further discussion it was determined that the sewer lines should not affect the wetland buffer zone.

G.Green stated that he is in favor of the pervious paving for the driveway and suggested a site walk to view the bridge, and to see the intention of the long driveway.

Chair noted that the issues raised need to be addressed.



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**Motion:** D.Steele motioned to accept both applications. L.Skinner seconded. Vote: Unanimous

### Public Hearing Opened

Paula Forbes, 254 Tolend Road, stated that she sold 30 acres of parcel to Gary Allen, and helped him gain a variance in the past. She was under the impression that there were no intentions of further development on the parcels of land on this road. Her concern is the mess that has happened on this road, and the cutting that happened in the wetland buffer zone. She noted her concern that if this is accepted he may get variances to build up in the future.

Arthur Burke, of 2 Union Street, and owns land on 40 Upper Factory Road, stated that he is against the application. He is concerned about the conserved land.

### Public Hearing Closed

L.Merullo asked staff to clarify what is being done in regards to violations, whether we should proceed without the NHDES application. S.Bird noted the Planning Department is addressing the violations, and NHDES is as well and the intent is to stay on the same tract, in the approval process. Staff recommends moving ahead and scheduling a site walk. Mitigation plans have been set in place to replant trees. M.Gasses suggested a site walk to get a visual on the slope.

Discussion ensued on the recommendations set forth by the Conservation Commission.

**Motion:** F.Torr motioned to table items. D.Trefethen seconded. Vote: Unanimous

Chair scheduled a site walk for August 4, 2010 at 5:30 pm, and to park on Pacific Drive.

- E.** Consideration and acceptance of a Site Review of land for K9 Kaos (Owned by Fastdogs Realty LLC), Assessor's Map E, Lot 32, zoned ETP, located at 432 Sixth St. (Construct 9,250 sq. ft. addition) (P10-34)
- F.** Consideration and acceptance of a Conditional Use Application for K9 Kaos (Owned by Fastdogs Realty LLC), Assessor's Map E, Lot 32, zoned ETP, located at 432 Sixth St. (Parking reduction) (P10-35)

The Chair noted his relationship to the applicant is in connection to the use of the facility for his dogs. Nobody voiced a concern.

Jennifer Variengo, of Appledore Engineering, represented the applicant. This is a 2 acre existing lot, and the site is currently a vacant house and barn. Proposed location is to relocate their old business from their Dover Point Road site, because the business needs more space. The business will be adding retail, training classes and boarding, along with their doggy daycare and grooming. They have been granted a variance at the Zoning Board. Site has been designed to work with current topography of the site and will be reworking the existing location. Barn will be renovated, in two phases. Phase I will be done upon acceptance of approval, Phase 2 will be completed at a later date. The improvements will be a new drainage system, new water and sewer service,



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additional landscaping and screening will be provided. J.Variengo noted there is 24 parking spaces proposed, and described parking space intentions. They are requesting a conditional use permit (for the parking space) and will be requesting a waiver from the ETP Zone. This waiver is so that it will conform to topographical site plan, and help reduce clear cutting.

L.Merullo noted she has no concern with the building. She noted her concern with the traffic coming from the left turn lane made from Sixth Street. K.Hazarvatian, Traffic Engineer with Tepp LLC., discussed the lanes in front of the proposed driveway. L.Merullo noted her concern with the submitted proposed signage for K9 Kaos and feels this sign should match the building, and the signage décor of the surrounding business.

D.Trefethen and J.Variengo discussed intentions for the increase in parking spaces, compared to the 6 spaces at the current location. D.Trefethen noted his concern of the need for so many parking spaces. J.Variengo noted that this is for the expansion of services, and spaces will be used appropriately. Discussion took place regarding snow storage and screening.

D.Trefethen addressed his concern for noise pollution. Ann Nichols, owner of K9 Kaos, discussed the schedule for boarding dogs, and noted that there will be no dog groups out at night. A.Nichols addressed the intentions for additional parking spaces, noting that they will be adding training in this expansion and this may require some additional space. D.Trefethen asked for clarification of operational hours, in regards to potential noise pollution. A.Nichols noted the operational and training itinerary, and discussed the minimum amount of dogs outside in the evening hours.

Attorney Chris Wyskiel, representing A.Nichols, submitted a letter of correspondence to the Planning Board (Letter on file). He recapped the letters that were received at his office, and the applicants intended plans to mitigate noise.

M.Gasses and A.Nichols discussed the proper maintenance of waste from the dogs. M.Gasses noted her concern with the signage, and suggested a sign that reflects the neighborhood and to use natural materials.

G.Green noted his concern with the night time hours in concerns to the abutters. He questioned the amount of dogs during the night time hours. Attorney Wyskiel clarified the hours of operations, the pick up time of dogs, and the lack of noise pollution. J.Variengo reiterated the hours of operation including the training in evening, which is held inside, and how the business operates to prevent the noise pollution.

**Motion:** F.Torr motioned to accept both applications. L.Skinner seconded. Vote: Unanimous

Public Hearing Opened

David Choate, Principal at Grubb & Ellis, broker for this property, speaking in favor of the application. He noted the use of the existing buildings on the property for K9 Chaos is a great use for this landmark site. This is a Dover business wanting to stay in the community and she runs a great business.



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Public Hearing Closed

Chair noted Otis Perry submitted a letter of concern in regard to application regarding to noise pollution and screening. (Letter on file)

S.Bird noted the concern of how to address sign permit application requirements, in regards to design preference. He suggests that we add language into approval to revise sign design for K9 Kaos. Board discussed signage preference regarding the ETP zone in this area. Attorney Wyskiel stated his concern on tempering the conditions on the signage according to jurisdiction. S.Bird suggested conditions that should be included, in regards to signage, to approve this application. Attorney Wyskiel suggested language for the conditions of approval.

S.Bird stated the Planning Department recommends the Planning Board 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.
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 requirement to locate the majority of parking spaces to the side or rear of buildings, for the reasons stated by the applicant in the waiver request.
4. The approval includes the approval of the Conditional Use Permit for reduced parking spaces.
5. The applicant shall revise the lighting plan to comply with Chapter 149-14-E-2.
6. The applicant shall revise the plan to add a note that outlines how the ZBA variance conditions will be met.
7. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the City's Environmental Project's Manager.
8. Revise the landscape plan to add 6 Evergreen trees along County Farm Road, to screen parking lot.
9. Revise the plan to relocate the northern snow storage area to the East of the parking lot.

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

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

Stephen Jensen, of Blue Sky, architect for this project, suggested language in regards to the night time hours of facility and the noise pollution. Discussion ensued on subject of night time hours.



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**Motion:** D.Trefethen motioned to approve with staff recommendations. L.Merullo seconded.  
Vote: Unanimous

S.Bird noted the applicant has submitted a Conditional Use Permit for a reduction in parking spaces because twenty-four spaces are provided when approximately forty-four spaces are required.

The Planning Department recommends the Planning Board approve the Conditional Use Permit application with the following condition:

1. The applicant shall operate the business as outlined in the letter dated June 17, 2010 from Jennifer Viarengo, including staggering kennel drop off and pick up times, and holding training courses during off-peak hours.

**Motion:** D.Trefethen motioned to approve with staff recommendations. L.Merullo seconded.  
Vote: Unanimous

### 5. Staff Comments

S.Bird addressed the By-Laws committee that was proposed. He will be in contact with Ron Cole, Don Andolina and Dean Trefethen to schedule a meeting.

### 6. Committee Reports

### 7. Adjournment:

**Motion:** D.Trefethen made the motion to adjourn meeting at 7:40 pm. G.Green seconded. Vote: Unanimous