



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers
Meeting Date: Tuesday, August 24, 2010
Meeting Time: 7:00 pm

MEMBERS PRESENT: Ron Cole (Chair), Frank Torr (Vice Chair), Dean Trefethen, Don Andolina, John Swartzendruber, Linda Merullo, Tom Clark, Doug Steele, Marcia Gasses, Lee Skinner (Alternate), Jake Forget (Alternate), Gary Green (Alternate)

STAFF PRESENT: Steve Bird (Planning), Bruce Woodruff (Zoning Administrator), Lisa Ertle (Recording Secretary)

The Vice Chair will sit in for the Chair. The meeting was called to order at 7pm.

1. CITIZENS' FORUM – NOBODY SPOKE

2. APPROVAL OF THE PRIOR MINUTES

- August 10, 2010 Regular Meeting Minutes.

Motion: D.Andolina made the motion to approve the June 27, 2010 Meeting Minutes. M.Gasses seconded. Vote: Unanimous Approval

3. OLD BUSINESS

- A.** Discussion and possible vote on recommendations to NHDOT for proposed alternative to the Newington Dover Bridge project (roundabout located at Boston Harbor Rd., Spur Rd. and US RTE 4 intersection).

S.Bird noted this application was discussed at the last Planning Board meeting and added that B.Woodruff from the Planning Department is available for any questions.

L.Merullo and B.Woodruff discussed pedestrian and cyclist safety, she suggested the use of push button signalization.

M.Gasses and B.Woodruff discussed pedestrian traffic and the traffic study.

D.Trefethen noted his concerns with pedestrians and cyclists, and feels this need to be considered in the recommendations.

T.Clark confirmed with B.Woodruff that the state will have to adhere to the American with Disabilities Act given that a crosswalk is proposed.

D.Trefethen asked if we are looking to make a recommendation for a motion on this item. S.Bird noted that it was the intent to include a recommendation to NHDOT. This project is a state project for government land use, but they want City input and recommendations.

Motion: D.Trefethen motioned to recommend the roundabout concept with the recommendations set forth by the Planning Department, plus recommendation that the treatment of pedestrian and cyclist access needs to be improved. D.Andolina seconded. Discussion ensued on recommendation. Vote: Unanimous Approval



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- B.** Consideration and possible vote on 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)

Motion: D.Trefethen motioned to remove from table. J.Swartzendruber seconded. Vote: Unanimous Approval

S.Bird noted that the Board conducted a site review of this project, and the Planning Department has received correspondence from abutters. He suggested, after the public hearing has been heard, to allow the applicant to add additional information and input.

The Chair arrived at 7:20pm.

B.Mezquita, of Appledore Engineering, represented the applicant. He noted they have been before the Planning Board, Conservation Commission and TRC Committee. Since the site walk, with the Planning Board, there has been a suggestion on extending the fencing length, and the applicant found this acceptable. He noted that they are in agreement with the concerns that were mentioned in a memorandum from Dave White. B.Mezquita noted nothing has changed from the original plan presented at the July 27th Planning Board meeting.

D.Trefethen and K.Hazarvatian, Engineer with TEPP LLC, discussed the proposed right hand only turn and future signalization, in regards to traffic movement.

L.Merullo and K.Hazarvatian discussed the stacking of traffic. She discussed hours of operation with C.Kageleiry.

Discussion took place on queuing of traffic.

D.Trefethen made a suggestion to eliminate the right hand only turn, and fill that area with landscaping. This will give screening to the abutters, and less noise.

J.Forget and K.Hazarvatian discussed queuing problems. K.Hazarvatian noted they will be adding a lane for left turns only, and a designated through lane on Dover Point Road.

L.Merullo and C.Kageleiry discussed adding more landscaping. He noted that he has worked with one neighbor on a request, and is willing to put in a taller fence.

F.Torr suggested arborvitaes for this plan, in consideration to this area being a transition zone.

The Chair and K.Hazarvatian discussed traffic queuing with school buses, and confirmed there may be a momentary delay.

Public Hearing Opened



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Dennis Krause, 26 Dover Point Road, a direct abutter feels that quality of life and property value will be affected. He discussed a petition of over 700 signatures against the project, and feels there are many outstanding subjects that have not been addressed. He noted his concerns for the Dover citizens and their safety and the analysis of the traffic study report. He hopes to have this rejected based on these facts, unless there is recommendations that support the concerns he has stated.

Marilyn Follansbee, 25 Dover Point Road, represented all those opposed to the proposal. She cited a letter she wrote in opposition to the project, that she submitted to the Planning Board. (Copy in file)

Karl Heller, 10 Dover Point Road, is against the application. He noted his concern with traffic queuing, traffic backup and safety concerns. The gas station will affect the citizens of Dover, increase night time problems, and feels this is not the best use of the site.

Lindsey Iori, 26 Dover Point Rd, noted the left hand turns will affect everyone turning onto Dover Point Road.

Ray Schwendema, 8 Newport Road, is against the application. He noted the concerns of left hand turns, and feels that there is no need for another gas station or convenience store in this area.

Public Hearing Closed

The Chair asked for comments. Nobody spoke.

- C. Consideration and possible vote on 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)

Motion: F.Torr motioned to remove item 3C from the table. D.Trefethen seconded. Vote: Unanimous Approval

The Chair asked for staff recommendations for site review of land. S.Bird read the following:

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 applicant shall revise the plan to add one additional 6-foot long fence panel that transitions to a four-foot height towards Dover Point Road.
4. The applicant shall revise the plan to add left turn arrows on Thornwood Land and on Dover Point Road.
5. The applicant shall revise sheet C-9 of the plans to require sign posts be 2-inch square, galvanized, with breakaway bases.
6. The applicant shall revise sheet C-11 to require that the pavement width match the existing thickness of Dover Point Road and Thornwood Lane.



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7. The applicant shall revise the plans to show an easement for the installation of future traffic signals and equipment on the corner of Thornwood Lane and Dover Point Rd. The language of the easement shall be submitted for review by the Planning Department, with consultation by the City Attorney on the proper form of the document.
8. The applicant shall revise the plans to show a 6-foot wide easement for the installation of a sidewalk along Thornwood Lane from Dover Point Road to the first driveway. The language of the easement shall be submitted for review by the Planning Department, with consultation by the City Attorney on the proper form of the document.
9. The applicant shall prepare a Developer's Agreement that covers all subsequent conditions of approval. The agreement shall be submitted for review by the Planning Department, with consultation by the City Attorney on the proper form of the document.
10. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the City's Environmental Project's Manager.
11. The approval includes the granting of the three requested waivers for the reasons stated in the request and that the City Engineer does not oppose the waivers.

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

12. The applicant shall install vinyl fencing along the western boundary.
13. The owner agrees that the driveway exiting onto Dover Point Road shall be properly closed when a traffic signal is installed at the intersection of Dover Point Road and Thornwood Lane.
14. The owner shall be responsible for providing a form of security for their fair share of 10.7 percent of the off-site improvements associated with the signalization of the Thornwood Lane/Dover Point Road intersection.
15. The owner shall be responsible for providing a form of security for their fair share of 11.7 percent of the off-site improvements associated with the Central Avenue/Stark Avenue/East Watson Lane intersection.
16. Any new building shall pay the current impact fees in place at the time of building permit application.
17. Any new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.
18. Since the operator of the gas station is not known, the owner shall return to the Planning Board for review and approval of the architectural design of the building and canopy (see Chapter 149-14L-8a) if the final design is significantly different than those submitted.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

19. The owner shall submit applications for sign permits to the Planning Office for the signs depicted on the plans and submitted materials.

S.Bird noted the recommendations from the Board were not included in this staff memo and suggests that this is a place to start. The Chair suggested the Board discuss recommendations.

D.Trefethen and L.Merullo discussed the elimination of right hand turn. He noted the right turn lane will be eliminated in the future, and he feels this will not significantly affect the traffic.



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B.Woodruff discussed the level of service. The goal is to have efficient level on the high traffic areas.

Discussion ensued on regulations, special exemptions, waivers and regulations in concern with making a vote on the application.

F.Torr noted he feels that recommendation #12 should include arborvitae for the abutters to help with noise reduction, and be subject to approval by the Planning Department. He noted that on recommendation #18 the writing in red should be omitted, and would like to see Planning Department have final word on building design. Discussion ensued.

T. Clark noted his concern with the hours of construction, in regards to disturbance of neighbors. He recommends the hours should be 7am-6pm Monday through Friday, and 8am-5pm on Saturday and no hours of operation on Sundays.

Discussion ensued on hours of operation when site is operational, and noise pollution.

L.Merullo noted her concern with traffic issues, adverse property value on houses, and the analysis for traffic queuing, and the signs to be used for the site. She complimented the great work of the applicant around the community, but she is concerned about the community being torn and feels the Board has to listen to the citizens.

Motion: D.Trefethen made the motion to amend staff recommendation 13, to exclude right hand turn only exit and put in landscaping. D.Andolina seconded. Vote: 6 yes-3 no (motion carried)

Motion: D.Trefethen made the motion to add a condition that before issuing a building permit to limit the construction hours to M-F 7am-6pm, Saturday 8am to 5pm, Sunday no hours. T.Clark seconded. Vote: Unanimous Approval.

Motion: F.Torr motioned to keep the original language for recommendation #18, and delete “if the final design is significantly different than those submitted”. L.Merullo seconded. Vote: Unanimous Approval.

F.Torr motioned to amend staff recommendation #12, to install fencing along with 8 ft. arborvitae; this will extend to 200 ft. on the western side of the property, and be subject to approval by the Planning Department. D.Andolina seconded. Vote: 5 yes – 4 no (motion carried)

The Chair noted he is for the public, and the feeling of the public is significant. He noted the Board understands their concerns. The developer and land owner has a right to do what they want with the property. The Board has to work with the law and regulations. If there is legitimate concerns the Board will work with that, but it has to stand up in court. The Board members have to justify the decision and will try to make decisions to meet public concern.

L.Merullo discussed her concerns with the application in regards to the neighborhood.



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D.Trefethen discussed the concerns of application not being approved by the Board, and their concern with the community. M.Gasses noted the guidelines that courts rule by, and addressed the City of Dover preserved land for the community.

Motion: D.Andolina made the motion to approve with staff recommendations as changed. M.Gasses seconded. Vote: 8-1 (L.Merullo against)

Motion: F.Torr motioned to approve conditional use permit. D.Andolina seconded. Vote: Unanimous Approval.

The Chair called for a recess at 9:30 pm, resumed at 9:35 pm.

4. NEW BUSINESS

- A.** Public Hearing to solicit public input on Dover Land Use regulation changes and areas that may need to be reviewed.

S.Bird noted this is part of a public outreach to allow the public to speak on this agenda item.

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

- B.** Consideration and acceptance of a Conditional Use Application for Lee Spyridakis, (DBA: Durham Road Associates), Assessor's Map I, Lot 14-A, zoned R-20/RM-SU, located at 96 Durham Rd. (to fill in 1,585 sq. ft. of wetlands) (P10-38)

Jon Berry, Berry Survey & Engineering, represented applicant. He noted the existing structure is known as the Dover Veterinary Hospital. He discussed the current drainage issues, and the work that they will do to rectify this. He noted that Mark Jacobs, a certified wetlands scientist, has worked with them for pre-application consultation.

L.Merullo and J.Berry discussed the intention for the two part phases.

Mark Jacobs, Wetland Scientist, discussed his research, the conceptual design and the pre-application for the NHDES.

Motion: L.Merullo motioned to accept the application. J.Swartzendruber seconded. Vote: Unanimous Approval.

Public Hearing Opened

Richard Knox, 86 Durham Road, noted the current culvert is blocked. He asked if part of the plan is to clean this drain, and what responsibilities and impacts will impact him.

M.Jacobs noted the contractor will be cleaning out the system, or will replace it if needed. The final plan is to repave driveway to existing condition.



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Public Hearing Closed

S.Bird and M.Jacobs confirmed that all abutters have been notified.

S.Bird noted the Planning Department recommends that the Conditional Use Permit be approved with the following condition:

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

Motion: M.Gasses motioned to approve with staff recommendations D.Steele seconded. Vote: Unanimous Approval.

- C.** Consideration and possible vote on an amendment to a previously approved (9/22/09) Major Open Space Subdivision of land for John and Caroline McGlone, Assessor's Map I, Lot 124, zoned R-40, located at 25 Piscataqua Road. (5 lots) (P09-16A)

D.Trefethen and D.Steele noted they will step down due to relationship with the applicants. J.Forget sat in for D.Steele.

Jon Berry of Berry Survey and Engineering represented the applicant. He noted this subdivision was approved in September of 2009. The daughter would like to purchase lot 124-4 as her own. They are revising three lots so she can have a lot that consists of 3.45 acres. He discussed the lot line adjustments, the test pits, and easements to meet state requirement. He noted they are not changing the open space or road location, and they are revising the lot lines to keep in place their previous conditions that had to be met and recorded.

T.Clark and J.Berry discussed the proposed street name. The applicant agreed to change the street name to Garden Drive.

Motion: F.Torr motioned to accept the application. D.Andolina seconded. Vote: Unanimous Approval.

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

S.Bird noted the Planning Department recommends the Planning Board approve the amended open space subdivision application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall add the surveyor's stamp and signature to the plat font.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall revise the plat to amend note #1 to reflect the deletion of phasing request and the withdrawal of the waiver for the requirement for bonding of the road and creation of the lot owners association.
4. The applicant shall revise the plat to add the file number to the title block.



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5. The applicant shall comply with the conditions of approval from the Planning Board decision of September 22, 2009, with the exception of condition #9, which is replaced by the condition below.
6. Any new dwelling unit shall pay the current impact fees in place at the time of building permit application.
7. The applicant shall revise the plat by deleting not #26.
8. The applicant shall revise the plat to rename the road to be “Garden Drive.”

Motion: L.Merullo motioned to approve with staff recommendations. J.Swartzendruber seconded. Vote: Unanimous Approval.

5. Staff Comments

S.Bird noted that he submitted a document to all Board members in regards to the Municipal Law Lecture Series. He suggested they take note of the 3 topics that will be discussed in these lectures, this may be of interest to them and recommends filling out forms if they would like to attend.

6. Committee Reports

7. Adjournment:

Motion: F.Torr made the motion to adjourn the meeting at 10:30pm. D.Trefethen seconded. Vote: Unanimous Approval