



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, October 26, 2010**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- September 28, 2010 Regular Meeting Minutes
- October 12, 2010 Workshop Meeting Minutes

3. OLD BUSINESS

- A. Consideration and possible vote on a Site Review of land for Heron Bay Partners, LLC, Assessor's Map H, Lot 4, zoned B-4/I-4, located at Mast Road & NH Route 108. (72 Congregate Care Units within 2 Structures & 72 Residential Housing Units, consisting of Single Family, Duplex & Triplex Structures) (P06-25D)
- B. Consideration and possible vote on a Site Review of land for Dean A. Fournier (Owner: Dean A. Fournier Revocable Living Trust), Assessor's Map 3, Lots 10, 11, & 18, zoned CBD, located at 11, 13, 15 & 17 School Street. (48 Unit, 2 Multi-Family Condominium Buildings) (P10-39)
- C. Consideration and possible vote on a Conditional Use Application for Dean A. Fournier (Owner: Dean A. Fournier Revocable Living Trust), Assessor's Map 3, Lots 10, 11 & 18, zoned CDB, located at 11, 13, 15 & 17 School Street. (to allow for less than 75% minimum lot coverage, allow for more than 10' maximum front setback and to allow 98 parking spaces where 144 are required). (P10-40)

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Application for Michael Witcher (Owner: Joe & Freida Klotz) Assessor's Map E, Lot 50-6, zoned R-40, located at 15 Pacific Drive. (to allow the location of a transformer, generator and turn around in the 50' buffer) *(P10-44)
- B. Consideration and acceptance of a Site Review of land for Kevin & Lydia Cooper, Assessor's Map H, Lot 33 & 33A, zoned B-4, located at 67 Knox Marsh Road. (two story, 25,368 sq. ft. of Mixed-Use Commercial Development) *(P10-16)
- C. Consideration and acceptance of a Conditional Use Application for Kevin & Lydia Cooper, Assessor's Map H, Lot 33 & 33A, zoned B-4, located at 67 Knox Marsh Road. (to fill 3,520 sq. ft. of wetlands) *(P10-15)
- D. Discussion and possible posting of proposed amendment to rezone Arch Street from RM-U to R-12.

5. STAFF COMMENTS

6. COMMITTEE REPORTS

7. ADJOURNMENT

* Indicates that if the application is accepted for discussion, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board.

Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351.



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DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers
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MEMBERS PRESENT: Ron Cole (Chair), Frank Torr (Vice Chair), Dean Trefethen, Don Andolina, Linda Merullo, Marcia Gasses, Tom Clark, Dave White, Lee Skinner (Alternate), Jake Forget (Alternate), Gary Green (Alternate)

MEMBERS NOT PRESENT: John Swartzendruber

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

Lee Skinner sat in for John Swartzendruber

1. CITIZENS' FORUM – NOBODY SPOKE

2. APPROVAL OF THE PRIOR MINUTES

- August 24, 2010 Regular Meeting Minutes.

Motion: L.Merullo motioned to approve the August 24, 2010 Meeting Minutes. D.Trefethen seconded. Vote: Unanimous Approval.

- September 14, 2010 Workshop Meeting Minutes

Motion: L.Merullo motioned to approve the September 14, 2010 Meeting Minutes. D.Trefethen seconded. Vote: Unanimous Approval

3. OLD BUSINESS

C.Parker discussed the informal vote taking at the September 14, 2010 Workshop Meeting regarding the amendment to the Zoning Amendment to strike the term “antique dealership” from the customary home occupations. He asked the Board for a formal vote, which will then be communicated to the City Council.

Motion: D.Trefethen made the motion to not strike the words “antique dealership”. D.Andolina seconded. Vote: Unanimous Approval.

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Application for Joanne Bloom, Assessor’s Map L, Lot 15B-C, zoned R-20, located at 83 Spur Road. (Impact 23 sq. ft. of wetlands for replacement of two damaged culverts). (P10-42)

Randy Orvis, of Geometres Blue Hills, LLC, represented the applicant. They are looking to replace culverts that are half exposed. The State application for permit has been submitted, and they are awaiting a response. The plans and photos submitted show culverts that need to be repaired, or replaced.



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T.Clark confirmed R.Orvis confirmed the bridge is part of the plan, and discussed the issues with the culverts and what materials will be used to make repairs.

Motion: F.Torr motioned to accept the application. L.Merullo seconded. Vote: Unanimous Approval

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

C.Parker read the staff memo from the Planning Department. (Copy in file) The Planning Department recommends the Planning Board approve the Conditional Use Permit application 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: T.Clark motioned to approve with staff recommendation. D.White seconded. Vote: Unanimous Approval.

- B.** Consideration and acceptance of a Conditional Use Application for Gary Goodspeed, Assessor's Map G, Lots 14A & 15, zoned R-12, located at 346 & 350 Washington Street.(removal of a pond and the restoration of 345 feet of stream bed). (P10-41)

K.McEneaney, of McEneaney Survey Associates, Inc., represented the applicant. This application has been approved by NHDES and the Conservation Commission. This project involves a restoration of a streambed, removal of a pond and rip rap that is in the streambed. They will be restoring and re-grading the channel, and adding settling ponds to the plan. The channel will be lined with cored logs, which work with erosion control devices. Additionally there will be a restoration of a mini flood plain on the other side of the channel, which includes wetland vegetation. These plans have been approved by the Environmental Services. He noted the total impact footage and the wetland vegetation footage. The entire project will be overseen by a certified wetland scientist, who will be submitting reports to the NHDES prior to the process, during the process, and at the end of the restoration. Next spring the wetland scientist will do a report to show how the vegetation is taking and assess if any further works needs to be done.

C.Parker and K.McEneaney confirmed the restoration work will also take place on the Penaskovic and Eisler property. K.McEneaney noted the existing problems with drainage downstream, which has caused deterioration, and is the responsibility of the Goodspeed's to repair. The pond on the Goodspeeds property is connected with the Penaskovics's, stream bed and driveway.

Motion: D.Andolina motioned to accept the application. L.Merullo seconded. Vote: Unanimous Approval.

Public Hearing Opened



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Susan Eisler, 344 Washington Street, discussed the damage done to the streambed, and feels the parties are not working together. She would like clarification on when restoration work will start, the length of the work, the impacts, and address the concerns of vegetation.

C.Parker noted as a recommendation they will ask the applicant for a timeline to have on file, and it will be part of the approval and can help with enforcement.

K.McEneaney noted this conditional use permit is the last step in the process to receive approval from the NHDES for the restoration project. He is not sure if the work should be started at this time of the year, but he will be able to obtain a timeline from the Goodspeed's to allow for common ground in working with the Penaskovics engineers and scientists.

The Chair and C.Parker suggested meeting with K.McEneaney and the parties to work on getting this project moved forward and completed.

Discussion took place regarding the deadlines for the reports required by the NHDES.

M.Gasses noted her concern of work not completed since submission of the application. Discussion ensued on obtaining a timeline for the work to be completed.

David Eisler, 344 Washington Street, noted his concern of erosion to the work they have already completed on their property. He discussed plans that have been submitted to NHDES and the change of direction due to "global solution". He noted the importance of a completion date, and would like to know if there will be any measure to protect their completed work.

Public Hearing Closed

D.Trefethen noted his concern with this project and the need for temporary protection to the work that has been completed. He added that we should define a start date. C.Parker discussed the volunteer work that has taken place with this project, and the need for equality of the conditions and timeline for all parties.

M.Gasses noted her concerns with the parties not working together on this project, and feels a defined timeline needs to be put in place.

The Chair stated that involvement needs to take place to expedite this project. The Planning Director will be working directly with Engineering and Community Services to update the Planning Board on communication regarding the project.

C.Parker and K.McEneaney discussed the best options to expedite this application.

L.Merullo noted she is in favor of the approval, but would like to know if the work completed by the Eisler's will be protected. C.Parker noted this will be addressed. M.Gasses noted she is in support of the approval for construction to start immediately, however is concerned that work for restoration has not been contracted.



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C.Parker noted the Planning Department recommends the Planning Board approve the Conditional Use Permit application with the following conditions.

The applicant shall submit a timeline detailing the project and how will the work be coordinated with the Penaskovic project.

1. The applicant shall submit a timeline detailing the project and how will the work be coordinated with the Pensakovic project.
2. An interim report shall be submitted to staff by October 20, 2010, documenting protections in place for downstream abutters.
3. The applicant shall begin construction by May 1, 2011.
4. The applicant shall submit copies of the September 30, 2010 and June 30, 2011 reports to the City Engineer.

The Chair, C.Parker and K.McEneaney discussed the deadlines, and the involvement of the NHDES and the certified wetland scientist. Discussion ensued on the start of construction. The applicant should wait for the conditional use permit before they can start work.

Motion: D.Trefethen motioned to approve with staff recommendations. D.Andolina seconded. Vote: Unanimous Approval.

- C. Consideration and acceptance of a Minor Lot Line Adjustment of land for Scott & Lara Coughlin, Assessor's Map I, Lots 94C-2, 94C-3 & 94C-4, zoned R-40, located at Hidden Valley Drive. (P10-43)

K.McEneaney, of McEneaney Survey Associates, Inc., represented the applicant. The reasons for the lot line adjustments are to put the protective radius on the lots, where the well will be constructed. They will be moving the lot line away from the wetland buffer on lot 3, to allow driveway to be constructed outside of the wetland buffer. The lot lines still meet the minimum requirements.

Motion: T.Clark motioned to accept the application. M.Gasses seconded. Vote: Unanimous Approval

Public Hearing Opened- Nobody Spoke-Public Hearing Closed

C.Parker noted 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. Add the surveyor's stamp and signature to the plat.
3. Provide a digital version of the plat to the Planning Office.
4. The applicant shall revise the plat to add the file number to the title block.



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Motion: L.Merullo motioned to approve with staff recommendations. F.Torr seconded. Vote: Unanimous Approval.

- D.** Consideration and acceptance of a Site Review of land for Heron Bay Partners, LLC, Assessor's Map H, Lot 4, zoned B-4/I-4, located at Mast Road & NH Route 108. (72 Congregate Care Units within 2 Structures & 72 Residential Housing Units, consisting of Single Family, Duplex & Triplex Structures) (P06-25D)

Attorney Jim Schulte represented the applicant. He discussed the meeting held in the spring, which the Planning Board recommended two letters for approval of the plan. The developer's agreement needs modifications to accommodate this change, so the applicant is asking for an extension of an additional 90 days to provide the letters. He discussed the phased building proposal, and what has been completed in the first phase. They have submitted a proposal for the change to the single detached units, and will be asking for a one year extension on the bond the City of Dover is holding. The single units will be replaced by duplexes and triplexes, and two larger buildings for congregate care units.

Nick Golan, engineer with TF Moran, discussed the design layout, drainage, and landscaping proposed for the project. He noted that an Alteration of Terrain Permit has been submitted, and is hoping for an approval in the next 30 days.

L.Merullo stated, as a liaison for the Technical Review Committee, impervious surface was discussed at the TRC meeting. Due to the maintenance needed for the surface area by the congregate care unit the impervious surface will not be the best choice.

C.Parker and N.Golan clarified the waiver request for parking spaces. Applicant is asking for 6 spaces, opposed to the 9 previously proposed. D.Trefethen and N.Golan discussed the reasons for the change of parking spaces, and clarification of available spaces. The parking spaces include one spot in the garage, one in the driveway and no street parking.

M.Gasses noted her concern with parking availability and parking arrangements. Discussion ensued on driveway perimeters, parking availability and related concerns. N.Golan noted he is aware of the Boards concerns and will look into reviewing other avenues.

Motion: L.Merullo motioned to accept the application. D.Trefethen seconded. Vote: Unanimous Approval.

Public Hearing Opened- Nobody Spoke-Public Hearing Recessed

C.Parker noted the Planning Department recommends the Planning Board accept the application, open the public hearing, and then table the application until the October 26th meeting and schedule a site walk.

C.Parker suggested a motion to table the application, a motion to extend the conditional use permit requirement for 90 days for the applicant to get in signatures, and a motion to extend up to one year the bond for the additional driveway cut to the roadway.



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The Board scheduled a site walk for October 12 at 5:30 PM at the clubhouse.

Motion: D.Trefethen motioned to extended 90 days for the letters, and a one year for the bond. D.Andolina seconded. Vote: Unanimous Approval.

Motion: D.Trefethen motioned to table the application. D.Andolina seconded. Vote: Unanimous Approval.

- E.** Consideration and acceptance of a Site Review of land for Dean A. Fournier (Owner: Dean A. Fournier Revocable Living Trust), Assessor's Map 3, Lots 10, 11, & 18, zoned CBD, located at 11, 13, 15 & 17 School Street. (48 Unit, 2 Multi-Family Condominium Buildings) (P10-39)
- F.** Consideration and acceptance of a Conditional Use Permit for Dean A. Fournier (Owner: Dean A. Fournier Revocable Living Trust), Assessor's Map 3, Lots 10, 11 & 18, zoned CBD, located at 11, 13, 15 & 17 School Street. (to allow for less than 75% minimum lot coverage, allow for more than 10' maximum front setback and to allow 98 parking spaces where 144 are required). (P10-40)

P.Connolly, of Civilworks Inc., represented the applicant. They are looking for a conditional use permit and site review plan approval, and a waiver from site review regulations in regards to front setback regulations. They are seeking a 3 ft. setback with a provision for an architectural street wall, in favor to the required paved setback. The proposal is to build two residential buildings. He discussed the architectural renderings and amenities that will be part of the building design, and the parking spaces that will be provided. They intend to adhere to the Form Based Code. They are proposing a street level garage, flowering groundcover vegetation, and a new city street walk (by site location in correlation to School Street and Mechanic Street), benches and bike racks. They have submitted technical memorandums addressing the anticipated traffic generation and parking demand for this site. (Copy in file) They have responded to all comments received from the September 9, 2010 TRC Meeting, and will be submitting the plans that were suggested. In correction of a typo stated in the Planning Department staff memo, they will be providing 96 parking spaces. P.Connolly discussed the parking demand concerns in regards to the City of Dover parking space regulations, and parking spaces needed for these units. He briefly discussed the generated traffic counts memorandum. (Copy in file)

The Chair asked if the applicant has had discussions with the people who own the parking at Janettos. P.Connolly replied not in regard to parking.

D.Trefethen asked if there are plans to combine the four lots. P.Connolly stated they are looking to combine lots 10, 11, and 18 to support the building of the two units. He discussed the ownership of the lot by CEG, and the possibility of joint use with this lot.

L.Merullo and P.Connolly discussed visitor parking spaces. He stated there are 11 spaces of on-street parking on School Street and parking lot spaces near by.

C.Parker noted this is an urban project, and feels there is plenty of available on street parking and feels this shouldn't be an issue. M.Gasses noted her concern with overlapping of public parking



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spaces in regards to downtown and the mill building businesses. C.Parker noted he feels the Parking Commission is working on this concern.

D.Andolina noted his concern of parking bans in the winter season. Discussion ensued on available spaces during the parking ban, the hours of the parking ban, and snow removal intended for this site. Discussion ensued on the agreement of available spaces in regards to adequate on street parking.

Motion: D.Trefethen motioned to accept the Site Review application. D.Andolina seconded.
Vote: Unanimous Approval.

Motion: D.Trefethen motioned to accept the Conditional Use Permit. D.Andolina seconded.
Vote: Unanimous Approval.

Public Hearing Opened

Karen Mairs, of 28 Back River Road, spoke in favor of the project representing her family and her business, which abut the project.

The Chair noted two letters in favor of application have been submitted to the Planning Department. (Copy in file)

Jim Berry, Vice President of Cocheco Landing, residing on 45 School Street, noted his concerns with the existing retaining wall that is cracking. He would like to know what will be done in regards to the cracked wall and if there will be any drainage affects to his property. He has contacted the applicant on this concern but has not received any response.

Public Hearing Recessed

P.Connelly noted the retaining wall is located on the applicant's property and will be repaired or replaced. He is not aware of any existing storm water drainage runoffs. With regard to the management of the storm drainage they will be installing 4 or 5 catch basins to catch runoff.

The Board scheduled a site walk for October 5 at 5:30 pm, at the School Street parking lot.

Motion: L.Merullo motioned to table the application for site review of land. L.Skinner seconded.
Vote: Unanimous Approval.

Motion: L.Merullo motioned to table the Conditional Use Permit application. D.Andolina seconded. Vote: Unanimous Approval.

5. Staff Comments

C.Parker discussed the signatures received from residents on Arch Street. They are petitioning for Arch Street to be rezoned from a multi family dwelling to a single family dwelling. They have received enough



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signatures of the petition, and they have met the requirements of the zoning chapter. This will be brought forward to Planning Board for discussion on proposal and action at the October 12, 2010 meeting.

C.Parker noted there will be an Office of Energy Zoning Planning Conference in November. Members can attend the conference. He added he will be presenting the Form Based Code at the Planning Conference, to be held in October.

C.Parker noted that the Planning Department has been used as a model for open space regulations. The State level is a group putting together models on planning for Planning Board members and planning communities who don't have professional staff. The models will be available online, and for downloading. They are looking for volunteers to evaluate the models. J.Forget and F.Torr has been selected as volunteers, to represent the Planning Board, to conduct evaluations due to experience and knowledge.

The Chair commended the Planning Board for all the good work they have done.

6. Committee Reports

G.Green represented the AD-HOC committee. He discussed the agenda for the August 9, 2010 meeting, which was attended by the City Attorney to help define the committee's mission and code of conduct. At the second meeting a presentation was held on the advantages and disadvantages of creating a storm water utility. Funding options for the committee were discussed. The workshop meeting held last night was met with the Planning Department for procedural input. He noted the committee has nine members that work well together and serve proudly. Funding options for AD-HOC will be addressed at their next meeting.

The Chair noted D.Trefethen and D.Andolina have been meeting with Steve Bird with respect on revising and revamping the rules and regulations that the Planning Board have been following. D.Trefethen noted they have met with S.Bird, and have updated a draft that has been submitted to the City Attorney for his review. Any comments or suggestions will be brought to the Planning Board for review.

L.Merullo and C.Parker discussed the storm water and pervious surfacing actions. They will wait for further information before this is brought forward.

L.Merullo offered, as liaison to the TRC, to bring any general questions from the Planning Board to the professional staff on the Technical Review Committee.

7. Adjournment:

Motion: D.Andolina made the motion to adjourn meeting at 9:00 PM. L.Skinner seconded. Vote: Unanimous Approval.



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DOVER PLANNING BOARD – WORKSHOP MINUTES

Meeting Type: Workshop
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: Tuesday, October 12, 2010
Meeting Time: 6:30 pm

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

MEMBERS ABSENT: Jake Forget (Alternate)

STAFF PRESENT: Christopher Parker (Planning Director).

The Chair called the meeting called to order at 6:30 pm.

A. Arch Street

C.Parker introduced the neighborhood petition to rezone Arch Street from RM-U to R-12. Cathy Vaderwall, 20 Arch Street spoke for the neighborhood:

The main reasons for rezoning the area are:

- The majority of homes on both sides of Arch Street are currently single family residences.
- Very little remaining developable land exists.
- Traffic concerns with a short road with high volumes.
- Characteristics of the neighborhood are more similar to the surrounding R-12 on Washington and Towle Streets as opposed to Richmond and West Concord.

C.Parker discussed the procedure for the amendment:

- October 26th, Planning Board discusses and possibly Posts the amendments
- Staff sends notices to abutters
- November 16th public hearing
- TBD forward to City Council for ratification or not.

Mark Jones, property owner on Arch St asked about the public speaking. As he had flown in from Houston, Texas, the Board allowed him to briefly address the proposal. He did not agree with the proposal and has 7 issues. The issues appear to be administrative in nature, and the Chair referred him to C.Parker to discuss specifics.

C.Parker re-clarified procedure.

B. Zoning award

C.Parker displayed the award presented to the City by the Northern New England Chapter of the American Planning Association. The award recognizes the City's Form Based Code as the Plan of the Year for Maine, New Hampshire and Vermont.

R.Cole adjourned the workshop at 6:50 pm.



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PLANNING BOARD - STAFF MEMO FILE #P10-39

Application Type: Site Review
Applicant(s): Dean A. Fournier
Owner(s): Dean A. Fournier Revocable Living Trust
Location: 11, 13, 15 & 17 School Street (Assessors Map 3, Lots 10, 11, & 18)

INTENT: Site review for 48 multi-family condominium units in two buildings, with parking underneath.

LOTS/UNITS PROPOSED: 48 multi-family condominium units

AGENDA ITEM #: 3-B

ACREAGE: 0.56 acres

ZONING DISTRICT:
Central Business District (CBD) - General

EXISTING LAND USE:
Duplex, parking lot, and vacant lot

PROPOSED LAND USE:
48 multi-family condominium units in two buildings

SURROUNDING LAND USE:
Residential units, retail stores and offices

ZBA ACTION: N/A

ATTACHMENT: Revised Site Review plan

APPLICATION IS COMPLETE:
Planning Board voted to accept application on September 28, 2010

NOTICES SENT: Public hearing continued from September 28, 2010

PERMITS REQUIRED:

- Conditional Use Permit

WAIVERS REQUESTED:
Waiver for front yard pavement to be within three feet of lot line where ten feet is required

Summary of Request and Background

The Planning Board is being asked to approve a site plan for 48 multi-family condominium units in two buildings, with 12 units in one building and 36 units in another building. The buildings are five stories tall with parking on the bottom floor. 65 parking spaces would be located in the parking garages, 15 spaces in surface lots, and 18 spaces in leased parking lot.

The applicant has had a Technical memorandum on trip generation prepared by Civilworks, Inc. on September 10, 2010. A peer review of the study is being performed by CLD, a consultant selected by the Planning Department.

The Planning Board accepted the application on September 28, 2010 and conducted a site walk on October 5, 2010.

Per Chapter 170-10.1-B, the applicant has applied for a Conditional Use Permit to allow for less than 75% minimum lot coverage, allow for more than 10' maximum front setback and to allow 98 parking spaces where 144 are required.

Consistency with Land Use Regulations

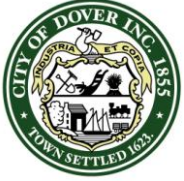
This project is located in the Central Business District (CBD) and is governed by the Form Based Code. The CBD encourages a mixture of residential and non-residential uses in multi-story buildings that are close to the street and that use durable construction materials. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the 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 applicant shall add surveyor and engineer stamps and signatures to all applicable sheets.
4. The applicant shall revise the plan by adding the project number to the title block on all sheets.
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 revise the plan to show pedestrian access along School Street to the satisfaction of the Planning Department.

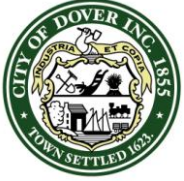


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PLANNING BOARD - STAFF MEMO FILE #P10-39

Application Type: Site Review
Applicant(s): Dean A. Fournier
Owner(s): Dean A. Fournier Revocable Living Trust
Location: 11, 13, 15 & 17 School Street (Assessors Map 3, Lots 10, 11, & 18)

7. The applicant shall revise the plan by correcting the required and provided number of parking spaces in note #12 on sheet #1.
 8. The applicant shall obtain approval of the long term lease of 18 parking spaces in the School Street lot from the Dover City Council.
 9. Approval includes the granting of the waiver for the front yard pavement setback from 10 feet to 3 feet based on the finding that the larger setback does not fit with the urban nature of the site and the requirement for a landscaping wall.
 10. The applicant shall revise the plan to address items brought forward by the City Engineer:
 - a. Add hoods and four foot sumps to catch basins PCB1 and PCB5.
 - b. Show the replacement of the drain line from DMH A to Portland Avenue, and label the existing drain line from DMH A to Portland Avenue as a 12-inch corrugated pipe.
 - c. Add a note to SMH B on sheet #4 to rework the invert shelf to accept the 6-inch service.
 - d. Resolve the discrepancy of the plan view of the retaining wall/guardrail separation not matching the detail sheet #11.
 - e. Revise sheet #8 of the plan to add sand bedding for the water pipe and add poly-wrap for the ductile iron pipe.
 11. The applicant shall submit a set of condominium documents for review by the Planning Department, with consultation by the City Attorney on the proper form of the document.
 12. The applicant shall submit the agreement with CEG School Street Realty Trust for use of map 3, lot 12 for parking, with consultation by the City Attorney on the proper form of the document.
 13. The applicant shall prepare a Developer's for review by the Planning Department, with consultation by the City Attorney on the proper form of the document. Items the Developers Agreement would include
 - a. Building Materials
 - b. Parking within the School Street ROW
 - c. Landscaping along School Street
 - d. Construction hours shall be limited to Monday-Friday 7am-6pm, Saturday 8am-5pm, No Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.
- Conditions to Be Met Prior to Issuance of a Building Permit:**
14. Any new building shall pay the current impact fees in place at the time of building permit application.
 15. Any new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.
 16. The applicant shall have a foundation plan prepared by an engineer for review and approval by the City Engineer.
- Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:**
17. A letter of Credit or other form of surety shall be on file for any outstanding improvements.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-40

Application Type: Conditional Use Permit
Applicant(s): Dean A. Fournier
Owner(s): Dean A. Fournier Revocable Living Trust
Location: 11, 13, 15 & 17 School Street (Assessors Map 3, Lots 10, 11, & 18)

INTENT: Conditional Use Permit for three requirements in the Central Business District: 1) to allow for less than 75% minimum lot coverage; 2) allow for more than 10' maximum front setback; and 3) to allow 98 parking spaces where 144 are required.

LOTS/UNITS PROPOSED: 48 multi-family condominium units

AGENDA ITEM #: 3-C

ACREAGE: 0.56 acres

ZONING DISTRICT:

Central Business District (CBD) - General

EXISTING LAND USE:

Duplex, parking lot, and vacant lot

PROPOSED LAND USE:

48 multi-family condominium units in two buildings

SURROUNDING LAND USE:

Residential units, retail stores and offices

ZBA ACTION: N/A

ATTACHMENT: None

APPLICATION IS COMPLETE:

Planning Board voted to accept application on September 28, 2010

NOTICES SENT: Public hearing continued from September 28, 2010

PERMITS REQUIRED:

- Conditional Use Permit

WAIVERS REQUESTED:

Waiver for front yard pavement to be within three feet of lot line where ten feet is required

Summary of Request and Background

Per Chapter 170-10.1-B, the Planning Board is being asked to approve a Conditional Use Permit for three requirements in the Central Business District as part of a site plan for 48 multi-family condominium units. The building on lot 18 would have 61% lot coverage, where 75% is required and be 13 feet from the front lot line, where 10 feet is the maximum. The third request is to allow 98 parking spaces where 144 are required.

The applicant had a Technical memorandum on Parking Demand Calculations prepared by Civilworks, Inc. on September 14, 2010.

The Planning Board accepted the application on September 28, 2010 and conducted a site walk on October 5, 2010.

Consistency with Land Use Regulations

This project is located in the Central Business District (CBD) and is governed by the Form Based Code. The CBD encourages a mixture of residential and non-residential uses in multi-story buildings that are close to the street and that use durable construction materials. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department finds that the three items requested under the Conditional Use Permit request are warranted in this case. Due to the shape of the lot, 75 % lot coverage is not possible with a reasonably shaped building. The front setback of the rear building is acceptable because it is not located directly next to the street. The proposed 98 parking spaces is deemed to be adequate due to location of the project in the downtown, with good access to public transportation.

The Planning Department recommends the Planning Board approve the Conditional Use Permit based on the findings outlined above.

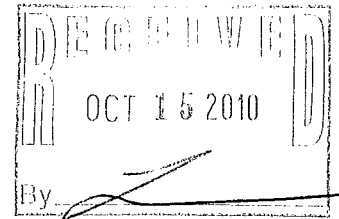
CIVILWORKS, INC.

Civil Engineers
Land Surveyors

P.O. Box 1166
Dover, NH 03821-1166

603-749-0443
(Facsimile) 603-749-7348

October 12, 2010



City of Dover
Department of Planning and Community Development
288 Central Avenue
Dover, NH 03820

Attn: Chris Parker, AICP
Director

Re: Sherman School Condominium
11, 15 & 17 School Street, Dover, NH
Dover Planning File Nos. P10-39 & P10-40
Our Reference No. 02120

Dear Chris:

Following our September 28th meeting and October 5th site walk with the Planning Board, we have made several revisions to the site plans for the proposed condominium. Said revisions have been made to address review comments received by City officials and are described below:

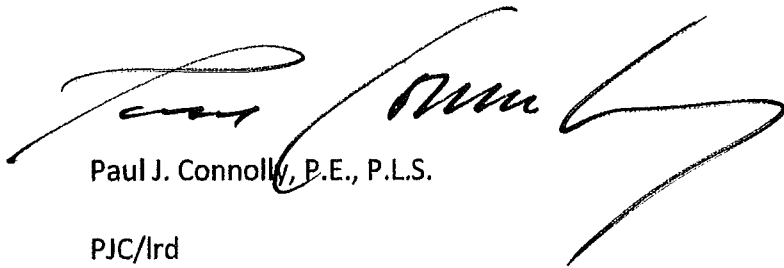
- 1.) Added details of the "street wall" required at the end of proposed parking on Charlie George's lot. This is required because we have less than the 10' pavement setback from the street R.O.W. line.
- 2.) Plumbed the "Siamese" fire dept. connection out to the street wall per Fire Dept. request
- 3.) Provided more separation between utilities coming into the site per Dave White request.
- 4.) Added a catch basin in the lower (rear) portion of your new School Street, 5 space parking lot. This prevents storm water from flowing over the new retaining wall.
- 5.) Added a "Lighting Plan" to the Landscape Plan.

C. Parker, City of Dover
Sherman School Condominium, Dover, ORN 02120
October 12, 2010
Page Two

Enclosed please find 15 sets (6 full size and 9 reduced size) of revised site plans for the Board's and your review. Thank you for your continued attention to this application.

We look forward to discussing this with the Board at its regular meeting on October 26. Please let me know if you have any questions or concerns.

Very truly yours,
CIVILWORKS, INC.

A handwritten signature in black ink, appearing to read "Paul J. Connolly", written over a printed name.

Paul J. Connolly, P.E., P.L.S.

PJC/lrd

Enclosures

cc: Dean A. Fournier
David White, P.E.

FISCAL IMPACT ANALYSIS

for the

SHERMAN SCHOOL CONDOMINIUM

11, 15 & 17 School Street
Dover, NH
(Lots 10, 11 & 18; Tax Map 3)

as prepared for:

Dean A. Fournier
348 Tolend Road
Dover, NH 03820

prepared by:

Civilworks, Inc.
P.O. Box 1166
181 Watson Road
Dover, NH 03820

September, 2010

The Dean A. Fournier Revocable Living Trust (Mr. Fournier) proposes to develop the subject parcels into a 48 unit, residential condominium in two (2) separate buildings. The subject parcels comprise about 24,163 s.f. of land area and Mr. Fournier will cause most of this area to be improved to support said buildings. The subject parcels are served by both municipal water supply and sanitary sewage collection systems.

Each dwelling unit will contain two (2) bedrooms and an average of 1,250 s.f. of heated living space. There will be 63 indoor, parking garage spaces available to dwelling unit owners behind secure overhead garage and pedestrian walk through doors. Additionally, there will be 33 outdoor, paved parking spaces available to residents and guests in the immediate vicinity of the proposed buildings. Dwelling units are anticipated to be offered for sale in the \$200,000 - \$500,000 price range.

As required by Section 149-13.A.) 18) of the Dover Site Plan Review Regulations, the aspects of concern identified therein are addressed below, with the probable effects of the condominium described herewith.

a) Attendance at public schools:

It is estimated that 8 children from the condominium will attend public schools. (Source: Dover School Department).

(0.17 children/2 bdrm condo unit x 48 units = 8 children)

b) Increase in vehicular traffic:

Please refer to the attached Technical Memorandum dated September 10, 2010 for an assessment of the expected increase in vehicular traffic from the proposed condominium.

c) Changes in the number of legal residents:

It is anticipated that the increase in the number of legal residents will be about 115. (Source: Dover Master Plan).

(2.4 residents/2 bdrm condo unit x 48 units = 115 new residents)

d) Increases in municipal costs:

The subject premises are served by municipal water and sewer, which will be extended to each building by the Applicant at the Applicant's expense. The occupants will pay user fees to the municipality. Refuse will be collected and removed by private contractor. The property (condo unit) owners will pay real estate taxes consistent with the rates and standards established by the City of Dover (and the State of New

Hampshire). Appropriate municipal impact fees will be levied upon the Applicant. Beyond impact fees, it is respectfully submitted that the Applicant will pay their reasonable fair share of their municipal obligations:

- (i.) Average ('08-'09) cost per student ($\$9,664 \times 8 \div 48$) = \$1,611/unit
- (ii.) Average cost for municipal services ($\$31,927,541 \div 11,924$ units) = \$2,678/unit
- (iii.) Tax revenues from project ($\$350,000$ (avg.) \times equalization ratio (0.95) \times tax rate ($\$23.33/\1000) = \$7,757/unit.
- (iv.) Impact/unit = \$3,468/unit net positive to City

e) Load on Public Utilities or Future Demand for Them:

The municipal water system and municipal sewer system can adequately handle the loads generated by the proposed project.

f) Public Safety:

The project will not have an adverse effect on public safety.

g) Changes in Tax Revenue:

The proposed use of the project is as described above. Tax revenues to the City will increase as a result of the approval of the condominium and taxes will be assessed on homes of an average value of approximately \$350,000. Dover's tax rate at the present time is \$23.33 per thousand, and its equalization ratio is 0.95 and as such the probable tax revenue from a \$350,000 home (unit) would be in the amount of \$7,757.

h) Changes in Surface Drainage:

There will be no significant change in surface drainage. Any drainage on public streets will be appropriately addressed by the drainage plan submitted to the City of Dover Engineering Department.

i) Increased Consumption of Groundwater:

It is not anticipated that there will be any consumption of groundwater.

j) Increased Refuse Disposal:

It is recognized that each unit will generate refuse; however, each generator will pay for the refuse generated.

k) Pollution of Water or Air:

No pollution of water or air is contemplated from the project.

l) Land Erosion or Loss of Tree Cover:

The subject premises are predeveloped, urban infill lots and there will not be significant loss of tree cover.

m) Disturbance to other Aspects of the Natural Ecology:

There will be no significant disturbance to the natural ecology.

n) Blocking of Views:

There will be no significant blocking of views.

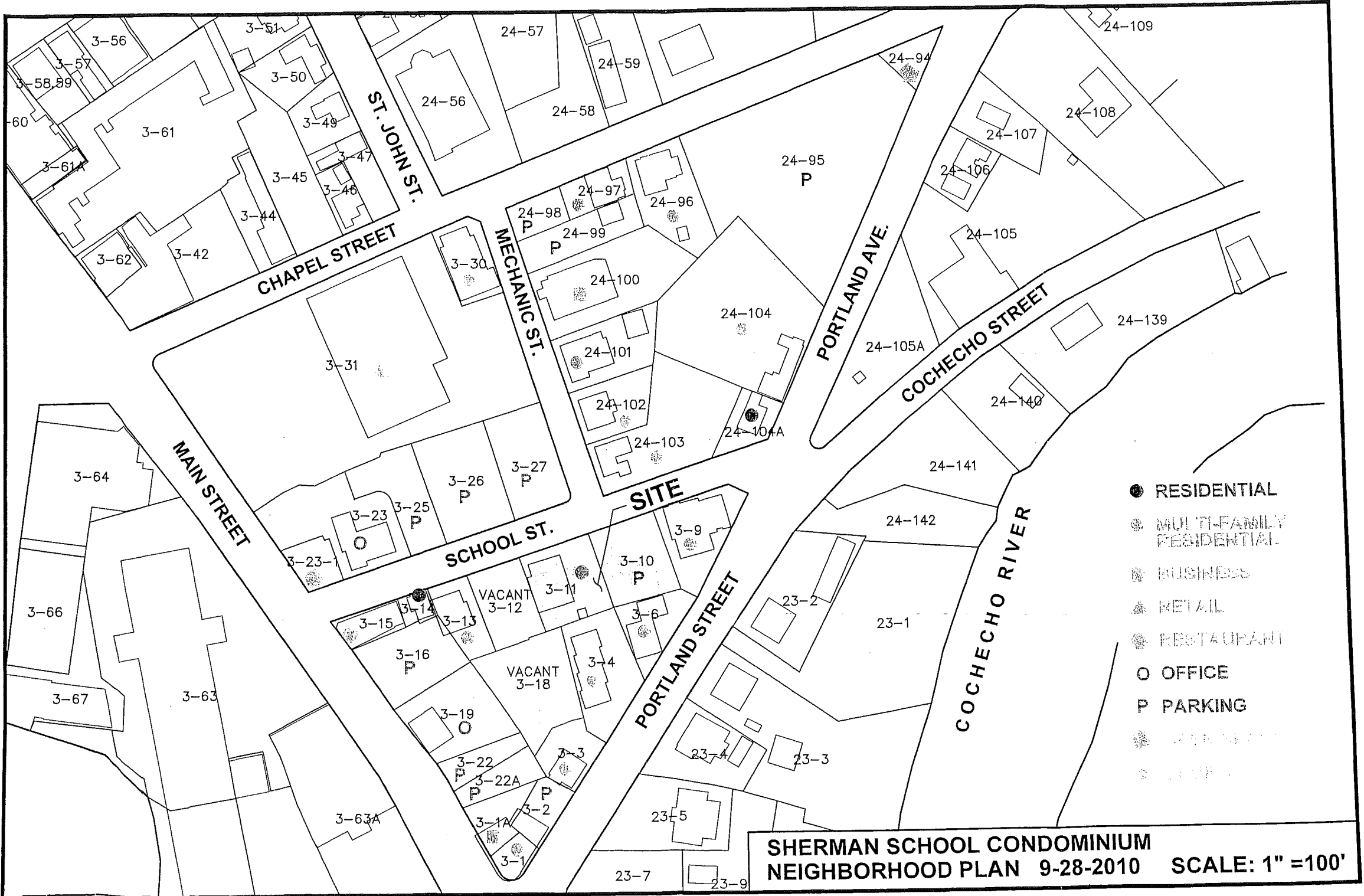
o) Harmony with the Character of Surrounding Development:

Multi-family dwellings are a permitted use at the site. The proposed use is in harmony with surrounding properties.

p) Location of Utilities:

Public water and sewer exists at the site and therefore all necessary utilities are available to the Applicant.

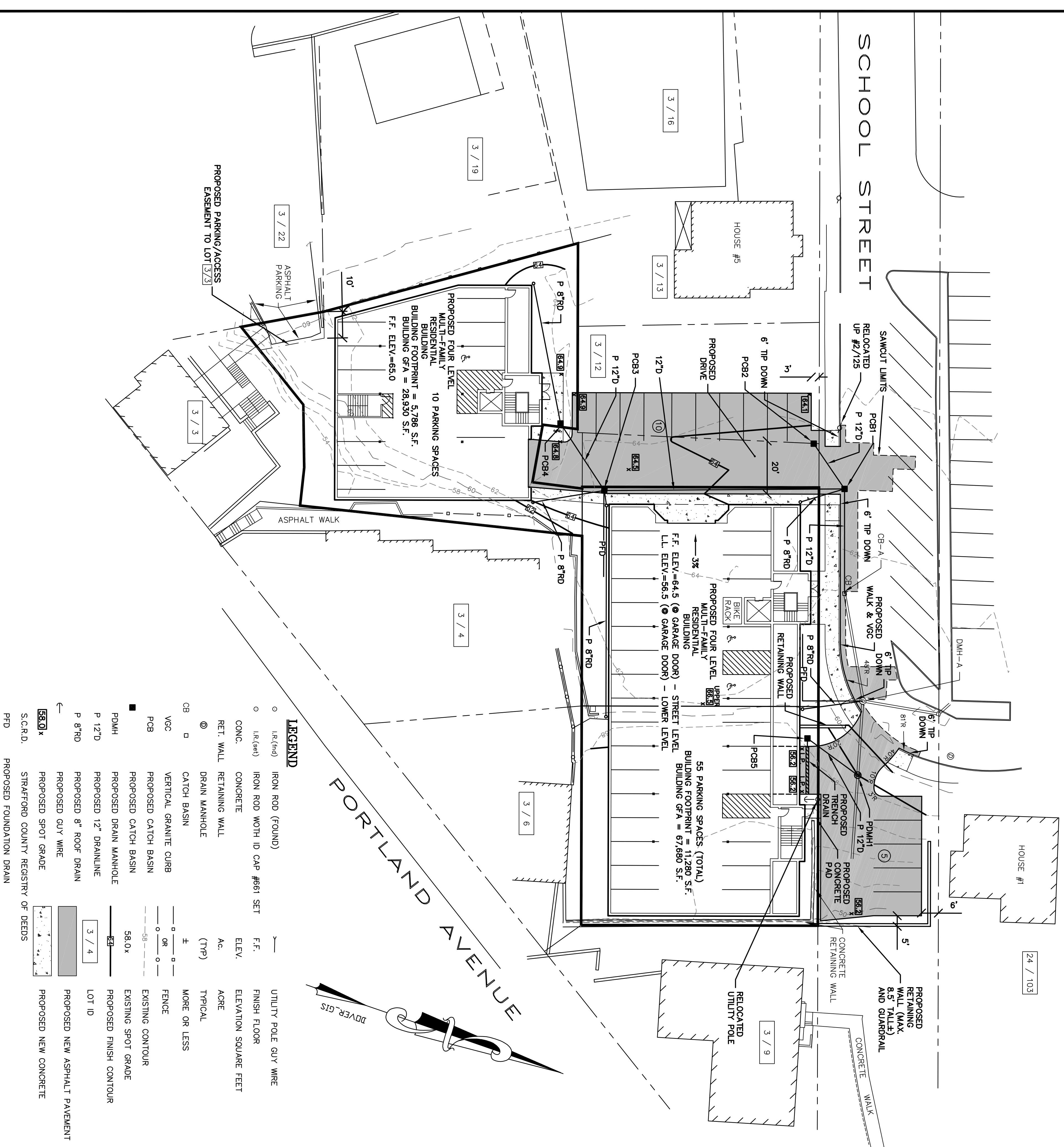
P10-39



- RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- BUSINESS
- ▲ RETAIL
- RESTAURANT
- O OFFICE
- P PARKING
- VACANT
- VACANT

SHERMAN SCHOOL CONDOMINIUM
NEIGHBORHOOD PLAN 9-28-2010 SCALE: 1" = 100'

- NOTES:**
- SEE COVER SHEET (1 OF 11) FOR PROJECT NOTES 1-29.
 - P 12"D. PROPOSED REINFORCED CONCRETE PIPE STORM DRAIN AND PIPE DIAMETER.
 - PARKING SPACE SIZE: 9'w x 18'D.
 - INSTALL SLIT FENCE ALONG ALL PARCEL BOUNDARIES NOT ABUTTING SCHOOL STREET.
 - INSTALL SLIT SACK AT ALL CATCH BASINS.
 - INSTALL STABILIZED CONSTRUCTION ENTRANCE AT BOTH PROJECT DRIVEWAYS.



STORM SEWER SCHEDULE

DMH-A	RIM = 60.19	12" INV.IN = 55.19	12" INV.OUT = 55.00
CB-A	RIM = 61.26	INVOUSE = 57.64	PROPOSED 12" INV.IN = 57.74
			SWMP = 57.30
PCB1	RIM ELEV: 62.4 (MATCH EXISTING GRADE)		
	P 12"D IN: 58.10 (2)		
	P 8"RD IN: 58.40		
	P 12"D OUT: 58.00		
	SWMP: 55.00		
PCB2	RIM ELEV: 63.00		
	P 12"D OUT: 58.50		
	SWMP: 55.50		
PCB3	RIM ELEV: 64.60		
	P 12"D IN: 60.40		
	P 8"RD IN: 60.70 (2)		
	P 12"D OUT: 60.30		
	SWMP: 57.30		
PCB4	RIM ELEV: 64.85		
	P 8"RD IN: 60.90		
	P 12"D OUT: 60.60		
	SWMP: 57.60		
PCB5	RIM ELEV: 56.10		
	P 6"D IN: 54.10		
	P 12"D OUT: 52.30		
	SWMP: 49.30		
PDMH1	RIM ELEV: 58.00		
	12"D INV.IN:		
	P 12"D INV.IN:		
	12"D INV.OUT:		

No.		DATE		BY		REVISION	

SITE LAYOUT AND GRADING PLAN

SHERMAN SCHOOL SHERMAN CONDOMINIUM

11, 15 & 17 SCHOOL STREET
DOVER, NEW HAMPSHIRE
GRAPHIC SCALE

civilworks
e n g i n e e r s • s u r v e y o r s

P.O. Box 1166
Dover, NH 603-749-0443

DESIGN: PJC
SCALE: 1"=20'
DATE: 9-15-2010
SHEET 3 OF 11
PROJECT #02120



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-44

Application Type: Conditional Use Permit
Applicant(s): Michael Whitcher
Owner(s): Joe and Freida Klotz
Location: 15 Pacific Drive (Assessor's Map E, Lot 50-6)

INTENT: To obtain a Conditional Use Permit to allow the location of a transformer, generator and driveway turn around in the 50' buffer to the Wetland Protection District.

LOTS/UNITS PROPOSED: 0 Lots

AGENDA ITEM #: 4-A

ACREAGE: 2.137 acres

ZONING DISTRICT: Rural Residential District - R-40

EXISTING LAND USE:
Single Family Home

PROPOSED LAND USE:
Single Family Home

SURROUNDING LAND USE:
Single family residential

TRC DATE: None

ZBA ACTION: None

CONSERVATION COMMISSION ACTION: Endorsed on October 12, 2010

ATTACHMENT: Conditional Use plan and application

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Yes

PERMITS REQUIRED:

- City of Dover Conditional Use Permit

WAIVERS REQUESTED:
None

Summary of Request and Background

The applicant wishes to obtain an after the fact permit to allow the location of a transformer, generator and driveway turn around in the 50' buffer to the Wetland Protection District. The total encroachment is approximately 400 square feet.

The applicant appeared before Conservation Commission on October 12, 2010 (minutes enclosed). The Conservation Commission voted (5 in favor, 1 opposed) to endorse the application with no conditions.

Consistency with Land Use Regulations

The Wetland Protection District ordinance provides for Conditional Use Permits to allow impacts to wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department recommends that the Conditional Use Permit be approved with no conditions.



City of Dover, New Hampshire
CONDITIONAL USE PERMIT APPLICATION

[Revision Date: August 16, 2010]

Office Use Only	Project #:	P10-44	Date Received:	_____
	Amount Paid:	\$234.00 & 240.00 OK #152 OK 3375748.00	Time Received:	_____

APPLICANT AND OWNER INFORMATION

Name of Applicant: MICHAEL WHITCHER
JOE + FREDIA KLOTZ Telephone # 664-5577

Address of Applicant: 15 PACIFIC DRIVE

Name of Property Owner (if different from applicant): _____ Telephone # _____

Address of Property Owner: JOE + FREIDA KLOTZ

PROPERTY INFORMATION

Address of Property: 15 PACIFIC DRIVE

Assessor's Map #: E Lot(s) #: 50-6

Zoning District(s): R-40 Overlay District(s): _____

Existing Use of Property: _____

CONDITIONAL USE PERMIT INFORMATION

Type of Conditional Use Permit (Check All That Apply):

- Conservation District
- Groundwater Protection
- Wetland Protection District
- RCM Use Overlay District
- Off-Street Parking and Loading
- Central Business District
- I-1 District Uses

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

LOCATION OF TRANSFORMER, GEN. PROPANE.
AND TURN AROUND IN THE 50' BUFFER

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: _____

NONE.

Name of Professional That Prepared Plans: TRI TECH.

Address: _____ Telephone #: _____

Professional License #: _____ E-mail address: _____

SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: Frieda D. Klatz Date: 10-4-10

Signature of Applicant (if different from owner): [Signature] Date: _____

Signature of Agent: [Signature] Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department, Conservation Commission and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Frieda D. Klatz Date: 10-4-10

October 1, 2010

Dover Planning Dept.
City of Dover
288 Central Ave
Dover NH 03820-4169

Attn: Steve Bird

RE: CUP application Klotz

We are requesting approval to allow an impact on the 50' buffer to a wet land area. We would like to take a moment to outline the circumstances that unfolded resulting in this request. As you can see by the site plan we had very little room in our construction zone, Whitcher Builder took several precautionary steps to mark and locate setbacks during the installation of the foundation. This included employing TriTech Engineering for three site confirmations to establish setbacks. Whitcher also installed extra measures in silt containment, including silt and mulch barriers. Throughout construction we had zero citations in this capacity.

The first thing that seemed to go wrong was the account of a transformer being required at the end of the primary power extension. This was coordinated through PSNH and I personally met with them to establish a location that would be within the PSNH regulations for access. When we stood on site I understood where our foundation was and the fact that we were ok as our Foundation Certification was verified it was several months earlier. The flagging was not as prevalent since we were not looking at these areas prior. Never the less it was such a dry year that there were no real signs of the wetland being this close (keeping in mind the wet area is a very small drainage depression that slopes).

A stake was placed and the transformer was installed. After this the owner who cares for her elderly mother who is on life care requested that we install a generator system and the associated fuel source. The home is fully geothermal and otherwise would not have required an outside fuel source. Limited to the location as seen on the site plan my project manager, Matthew Enman assumed that my placement of the transformer was conforming and expecting that our flags from the lower portion were in line with the transformer the generator location was placed along with the fuel source. At this point I met with the owner and placed the turnaround not to exceed the back of the transformer also believing that the wetland buffer was still intact.

In the end we are here to ask that we be allowed to keep these items as they are. By reviewing the site plan I believe we can show that this area provides some of the only reasonable space available on the site to accommodate these items. By reviewing the amount of the impact and the condition of the current wetland area along with the buffer area I believe you would agree that relocation of these items would be more destructive than productive. This encroachment also allows the transition from the grade into the buffer to be more gradual providing much better run off and sediment control and a more natural feel.

Sincerely ,

Michael Whitcher
Representing Klotz

N

TRITECH
ENGINEERING CORPORATION

COCHECHO RIVER

MAP E
LOT 50-6

MAP E
LOT 48-B

HOUSE

GARAGE

ENCROACHMENT
OF DRIVEWAY INTO
WETLAND SETBACK

GAS TANK WITHIN
WETLAND SETBACK

TRANSFORMER PAD
AND ELECTRICAL
CONDUIT RISERS
WITHIN WETLAND
SETBACK

MAP E
LOT 50-5

WETLANDS
SEE NOTE 7.

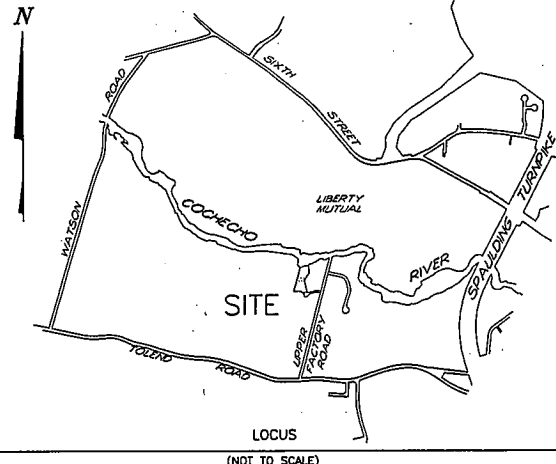
MAP E
LOT 50-4

PAVED DRIVEWAY

MAP E
LOT 50-3

NYE LANE (PRIVATE)

UPPER FACTORY ROAD



NOTES

- INTENT: TO DEPICT AN AFTER-THE-FACT CONDITIONAL USE APPLICATION PLAN PER DOVER CODE, ZONING, CHAPTER 170, ARTICLE VII, OVERRIDING DISTRICTS, SECTION 170-27.C AND SECTION 170-27.(F) FOR THE PURPOSE OF ALTERATION OF THE SURFACE CONFIGURATION OF THE LAND WITHIN THE FIFTY FOOT WETLAND SETBACK FOR A DRIVEWAY, UTILITIES AND ASSOCIATED GRADING.
- TOTAL AREA: 93,067 SQ.FT. - 2.137 ACRES
- TAX MAP E LOT 50-6
- PROJECT DEED REFERENCE: BOOK 3403 PAGE 221 & BOOK 3403 PAGE 224 FOR TITLE SEE PETITION TO QUIET TITLE, DOCKET 301-E-0154, (SCRD 3095/432).
- PROJECT PLAN REFERENCE: AMENDED SUBDIVISION PLAN PACIFIC LANDING UPPER FACTORY ROAD DOVER, NEW HAMPSHIRE TRITECH ENGINEERING OCTOBER 12, 2009 SCR D 99-092
- ZONING: R-40 (RURAL RESIDENTIAL DISTRICT)
MIN. LOT SIZE: 40,000 SQ. FT.
MIN. FRONTAGE: 150 FT.
MIN. SETBACKS:
FRONT: 40 FT.
SIDE: 25 FT.
REAR: 30 FT.

OPEN SPACE REQUIREMENTS - R-40
MIN. LOT SIZE: 20,000 SQ.FT.
MIN. FRONTAGE: 40 FT.
MIN. SETBACKS:
FRONT: 20 FT.
SIDE: 20 FT.
REAR: 20 FT.
EXTERIOR BOUNDARY: 50 FT.
EXISTING STRUCTURES: 100 FT.
EXISTING ROADS: 100 FT.

IN ADDITION TO R-40, THIS PROPERTY FALLS WITHIN SEVERAL ZONING OVERLAY DISTRICTS:
- CONSERVATION DISTRICT
- WETLANDS PROTECTION DISTRICT
- FLOOD HAZARD
- ON DECEMBER 6, 2004, LEONARD A. LORD, PH.D., STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #19, (CAREX ECOSYSTEM SCIENCES) CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS UNDER STATE AND FEDERAL JURISDICTION WERE IDENTIFIED BASED ON THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (DEPT. OF THE ARMY, 1987). WETLANDS UNDER LOCAL JURISDICTION WERE IDENTIFIED BASED ON CRITERIA OUTLINED IN SECTION 170-27.1 OF THE CITY OF DOVER ZONING ORDINANCE.
- THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 27,000, AND WAS ACCOMPLISHED USING A SOKKIA SET 3100 TOTAL STATION, DURING THE MONTH OF OCTOBER, 2000.
- BASIS OF BEARING: DETERMINED MAGNETICALLY ON OCTOBER 11, 2000. BASE COORDINATES AND VERTICAL DATUM ARE BASED ON AN ASSUMED SYSTEM. COORDINATES SHOWN ARE DOVER GIS.
- A PORTION OF THE SUBJECT PARCEL IS LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD (ZONE "X"). LOCATION DERIVED FROM FLOOD STUDY PERFORMED BY HORIZONS ENGINEERING, 34 SCHOOL STREET, LITTLETON, N.H. AND TITLED COCHECHO RIVER 100-YEAR FLOOD PLAN MAPPING, JANUARY 2006. FEMA LETTER OF MAP AMENDMENT CASE #06-01-0176A.
- SUBJECT PARCELS WILL TO BE SERVICED BY SUBSURFACE SEWAGE DISPOSAL SYSTEMS AND PRIVATE WELLS.
- THIS PROPERTY FALLS WITHIN THE CONSERVATION DISTRICT, ZONING ORDINANCE 170-27. AREAS SUCH AS THOSE WITHIN 100 FEET OF THE COCHECHO RIVER, WITHIN 50 FEET OF STREAMS, BROOKS, AND SLOPES IN EXCESS OF 20% ARE PART OF THE CONSERVATION DISTRICT AND THE REGULATIONS OF 170-27 APPLY.
- MAP E LOTS 49 & 50 MAY BE SUBJECT TO FLOWAGE RIGHTS AND MILL PRIVILEGE RIGHTS.
- PROPERTY LINE DETERMINED TO BE THE BANK (HIGH WATER) OF THE COCHECHO RIVER AS OBSERVED IN OCTOBER, 2000. 1B.) MAP E LOTS 49 & 50 FALLS WITHIN 250 FEET OF THE SHORELINE OF THE COCHECHO RIVER AND ARE SUBJECT TO THE MINIMUM SHORELAND PROTECTION STANDARDS, RSA 483-B (COMPREHENSIVE SHORELAND PROTECTION ACT).

LEGEND

- ⊙ WELL
- UTILITY RISER
- ⊠ TRANSFORMER PAD
- - - WETLAND BOUNDARY
- - - 50' WETLAND SETBACK
- - - CONSERVATION DISTRICT
- - - PROPERTY LINE

TRITECH
ENGINEERING CORPORATION

765 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03801
TELEPHONE 603 746 8107
FAX 603 746 3650

REVISIONS
DATE: DESCRIPTION:

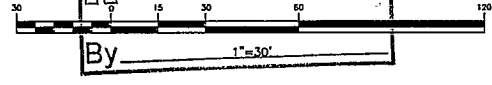
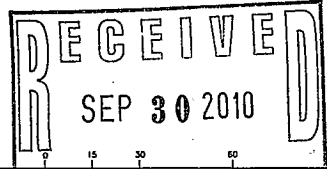
CONDITIONAL USE PLAN

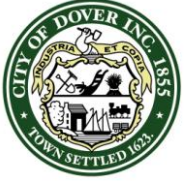
NYE LANE
TAX MAP E LOT 50-6
UPPER FACTORY ROAD
DOVER, NEW HAMPSHIRE

AUGUST 12, 2010
JOB No. 04144
SCALE: 1" = 30'

SHEET NO.

CU-1





CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-16

Application Type: Site Review
Applicant(s): Kevin & Lydia Cooper
Owner(s): Kevin & Lydia Cooper
Location: 67 Knox Marsh Road (Assessor's Map H, Lots 33 & 33A)

INTENT: Site Plan review for a Mixed Use Commercial building (Office, Retail, Fast Food with drive-thru, dry cleaner with drive-thru, & Restaurant)

LOTS/UNITS PROPOSED: 0

AGENDA ITEM #: 4-B

ACREAGE: 5.84 acres

ZONING DISTRICT:
Hotel/Retail District – B-4

EXISTING LAND USE:
Vacant Land

PROPOSED LAND USE:
Mixed Use Commercial building (Office, Retail, Fast Food with drive-thru, dry cleaner with drive-thru, & Restaurant)

SURROUNDING LAND USE:
Single family, multi-family residential, commercial, retail, industrial

ZBA ACTION: Granted Variance for restaurant drive-thru (10/15/09)

ATTACHMENT: Site Review plan, application, TRC notes, and Traffic Study

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Yes

PERMITS REQUIRED:

- City of Dover Conditional Use Permit
- NHDES Alteration of Terrain Permit
- NHDOT Driveway Permit

WAIVERS REQUESTED:
None

Summary of Request and Background

The applicant has applied for Site Plan review for a Mixed Use Commercial building (Office, Retail, Fast Food with drive-thru, dry cleaner with drive-thru & Restaurant). This is a two-story building with a total of 25,368 sq. ft. There are 97 parking spaces proposed.

The applicant has had a Traffic Impact and Access Study prepared by TEPP, LLC on October 18, 2010. A copy of the summary of the study is enclosed. A peer review of the study is being performed by VHB, a consultant selected by the Planning Department.

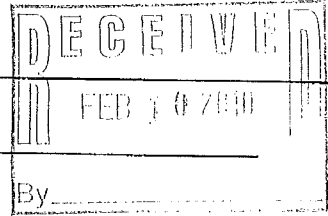
The applicant appeared before TRC on March 4, 2010 (TRC notes attached).

Consistency with Land Use Regulations

This project is located in the Hotel/Retail District (B-4), which encourages efficient and attractive commercial development on a larger scale along major highways outside of the downtown. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board accept the application, open the public hearing, and then table the application until the November 16th meeting and schedule a site walk.



Account # P10-16 Date Received _____
 Amount Pd. 1777 Time Received _____
\$ 8547.14 By _____
CK# 309

**CITY OF DOVER, NEW HAMPSHIRE
 SITE REVIEW APPLICATION**

This application is hereby made for site review pursuant to the procedures set forth in the City of Dover's Site Review Ordinance. If this application is approved, you must apply for a Building Permit within four years of the issuance of this approval.

1. GENERAL INFORMATION

Date: _____ Project Number: _____ Telephone # _____
 Name of Applicant: Kevin & Lydia Cooper
 Address of Applicant: 85 Knox Marsh Road
 Name of Property Owner: SAME
 Address of Property Owner: SAME
 Address of Property Being Developed: 67 Knox Marsh Road, Dover
 Assessor's Map # H Lot # 33 / 33A

2. APPLICANT'S PROPOSED ACTIONS (check where applicable)

New Site Commercial/Industrial Use Addition
 Change of Use Multi-Family Residential Use Demolition
 Describe Present Use: Vacant Land
 Describe Proposed Use: Mixed-Use Commercial
 Number of Employees in Maximum Shift: N/A
 If Residential, Specify Number of Units and Buildings Proposed: N/A

3. TYPE OF OPERATION PROPOSED AND MIX (check where applicable)

Office Use 10,368 sq. ft.
 Professional Use _____ sq. ft.
 Retail Sales 5,947 sq. ft.
 Customary Home Occupation _____
 Motel/Hotel _____ sq. ft.

____ Wholesale/Distribution _____ sq. ft.
 Fast Food 1099 sq. ft.
 Restaurant 4,144 sq. ft.
____ Manufacturer _____ sq. ft.
____ Other (explain) _____ sq. ft.

Access (check where applicable): _____ City Highway _____ County State
Number of Parking Space: Existing -0- Proposed 101
City Water Yes No City Sewer Yes No

4. SITE DEVELOPMENT DATA

Zoning District B-4 Special Districts Conservation

Area of Parcel to be Developed _____

Disposition of Parcel:

Building Area 13,215 sq. ft.
Green Area 177,884 sq. ft.
Paved Area 63,264 sq. ft.

Building Setbacks:

Front Yard 133.98 ft.
Rear Yard 131.38 ft.
Side Yard: Right 124.95 ft.
Left 87.29 ft.

5. BUILDING DATA

Type of Building to be Built: 2-story wood frame

Height of Building: 44'-7" Finished Floor Elevation: 100.00

Number of Seats (where applicable) N/A

Name of Professional (Licensed in N.H.) Dana C. Lynch, P.E.

Check One Engineer Land Surveyor Architect

Address c/o Civilworks, Inc., P.O. Box 1166, Dover, NH 03821-1166

License Number 5745 Telephone Number: (603) 749-0443

Signature of Applicant *Kern Coy*

Lydia Cooper

CITY OF DOVER

PROJECT NARRATIVE
ACCOMPANYING SITE REVIEW APPLICATION
for a
MIXED USE COMMERCIAL DEVELOPMENT
Tax Map H, Lots 33 & 33A

Project Overview

The proposed project includes construction of a mixed-use commercial building with a gross floor area of 25,368 s.f. over two-stories. The uses within the structure are contemplated to include:

- 1,009 s.f. donut shop with drive-in window
- 4,144 s.f. restaurant
- 3,465 s.f. dry cleaner with drive-in window
- 2,482 s.f. general retail
- 10,368 s.f. office space

The balance of the gross floor area consists of corridors, common space, stair wells, and an elevator.

A variance was granted by the City of Dover Zoning Board of Adjustment (Case #209-11) to allow a drive-in window associated with an eating and drinking establishment. This variance was granted on October 15, 2009.

Project Location

The project site consists of 5.84 acres created by combining existing Lot 33, as shown on Tax Map H, with a portion of Lot 33A, as a result of a Lot Line Adjustment (pending approval by the City of Dover Planning Board). The site is located on the northerly side of Knox Marsh Road, NH Route 155, directly opposite Trestle Way and approximately 1300 ft. west of Route 9. Lot 33, as created by subdivision in 1984 (SCRD File #24A-114), has 343.3 ft. of frontage on Route 155 and contains approximately 5 acres. The remainder of the project parcel area consists of 0.84 acres, more or less, taken from Lot 33A, also owned by the applicant.

Both parcels which comprise the site are located in the Hotel/Retail (B-4) District. Abutting property uses include a commercial site to the east (Sherwood's), residential to the south including single and multi-family in the RM-SU District, two (2) residences to the west, each on 20,000 s.f. lots, and the applicant's residence/business to the north and west.

The entire site has been flagged to delineate jurisdictional wetlands by NHSC, Inc. (GZA). There are three (3) wetland areas within the site. Two (2) wetland areas lie along the easterly boundary and merge off-property. The third wetland lies within the developed area of the parcel and was located directly behind the recently demolished house which occupied the site. A Dredge and Fill Permit has been secured for filling of this wetland (3,520 s.f.) with conditions. One of the conditions is creation of a deed restriction on a portion of the property (1.68 acres) to be protected as wildlife habitat. The second condition requires construction of a treatment/wetland compensation area as requested by the Dover Conservation Commission at their July 10, 2006 meeting. A copy of the meeting minutes and the NDHES Dredge and Fill Permit are attached to this narrative.

The project will disturb approximately 131,700 s.f. and, accordingly, will require an Alteration of Terrain Permit from NHDES Water Quality Division. All prescribed analysis and treatment criteria have been incorporated in the project design.

Traffic, Access, and Parking

A full Traffic Impact and Access Study has been prepared for the project by TEPP, LLC. This study scope was based on a meeting with the City's Transportation Planner on July 16, 2009. The results of this study generally indicate consideration should be given to provisions to accommodate left turns into the site in the eastbound approach on Route 155 as well as right turns for the westbound approach. These "off-site" improvements will be addressed through the NHDOT Driveway Permit process which has been initiated with the Division 6 offices.

Copies of the draft study are included with this Site Review application.

Internal traffic flow has been designed to accommodate a one-way flow around the easterly side of the project. A lane will accommodate vehicles accessing both drive-in windows, deliveries and trash removal vehicles, as well as access to employee parking behind the building (12 spaces). All other vehicles, typically patrons of the business will follow the two-way drive which runs generally around the westerly side of the development. This drive allows access to parking directly in front of the building (45 spaces) or parking off the westerly end of the building (44 spaces) which is targeted for restaurant patrons and office employees. The site entrance will be signed appropriately and there will be no conflicting movements in the proximity of the entrance which would lead to queues onto Route 155. The drive-in lane and window placement has been configured to allow a queue of 11 vehicles at the donut shop and 4 vehicles at the dry cleaners without blocking vehicles wishing to access the parking areas or vehicles accessing the employee parking to the rear.

Parking calculations in accordance with City ordinances indicate a combined parking requirement of 108 spaces. Due to the different peak hours of various uses within the complex, this space requirement most likely exceeds the true parking demand. Accordingly, the applicant will prepare and submit a request for a Conditional Use Permit, with appropriate documentation, in accordance with Section 170-44:1(2) of the Zoning Ordinance.

UTILITIES AND LIGHTING

The proposed facilities will be served by City sewer and water.

Water: A 6-inch water service will be connected to the existing 16-inch main on the northerly side of Knox Marsh Road. This service will provide domestic and fire suppression water supplies to the buildings. An on-site fire hydrant will be provided based on input from the Dover Fire Department.

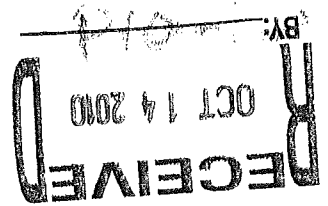
Sewer: Sewer service for the building will be provided via a 6-inch and 8-inch service connection to an existing sewer manhole in Trestle Way on the southerly side of Knox Marsh Road. This connection will also facilitate connections of adjacent properties via 3-inch force mains. Appropriate easements and association documents will be provided to facilitate operation and maintenance. The total average daily sewage flow from the proposed project is estimated to be 2,780 gallons per days.

Telephone, Electric, Cable:

The public utilities providing electricity and voice/data access are readily available in Knox Marsh Road. These utilities will be underground and coordinated with the respective utilities.

Lighting:

Lighting for the site will meet the design criteria set forth in Section 149-14.E of the Dover Site Review Regulations. Lighting will provide adequate safety and security while not causing glare or direct illumination onto adjacent properties.



ABUTTERS LIST

Kevin Cooper
Knox Marsh Road, Dover
(updated 10-14-10)

<u>Tax Map</u>	<u>Lot No.</u>	<u>Name & Address</u>
H	18	Dover Bldg. Partners, LLC c/o Evergreen Management 17 Commerce Drive Bedford, NH 03110-7059
H	18-1-45	Derek R. Allyson 2 Trestle Way Dover, NH 03820
H	18-1-46	Krista M. Hatch 4 Trestle Way Dover, NH 03820
H	18-1-47	Roxanne Monmaney 6 Trestle Way Dover, NH 03820
H	18-1-48	Richard G. Higgins, Jr. 8 Trestle Way Dover, NH 03820
H	29-A	George Mitropoulos, Trustee George F. Mitropoulos Rev. Living Trust 315 Rochester Hill Road Rochester, NH 03867
H	32-A-1	Robert E. Sherwood 55 Knox Marsh Road Dover, NH 03820

H	33-A	Lydia Cooper 85 Knox Marsh Road Dover, NH 03820
H	33-B	Paul B. Rowe 81 Knox Marsh Road Dover, NH 03820
H	33-D	Karil S. Morin Sept 1 1982 Trust P.O. Box 2259, 77 Knox Marsh Road Dover, NH 03820
H	33-E	Denis J. & Nancy K. Quinlan 89 Knox Marsh Road Dover, NH 03820

Owner/Applicant: Kevin Cooper
67 Knox Marsh Road
Dover, NH 03820

Environmental Consultant: NH Soil Consultants, Inc.
202 Kent Street
Newmarket, NH 03857

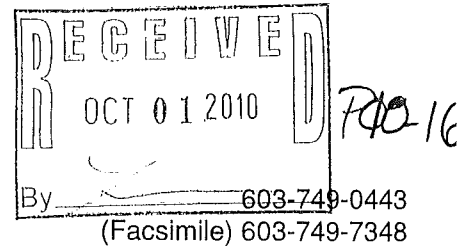
Engineer: Civilworks, Inc.
P.O. Box 1166
Dover, NH 03821

Surveyor: McEneaney Survey Associates, Inc.
P.O. Box 681
Dover, NH 03821

CIVILWORKS, INC.

Civil Engineers
Land Surveyors

P.O. Box 1166
Dover, NH 03821-1166



October 1, 2010

City of Dover
Planning Department
288 Central Avenue
Dover, NH 03820

Attn: Chris Parker, Director

Subject: Mixed-Use Commercial Project
67 Knox Marsh Road, Dover
Our Reference No. 03103

Dear Mr. Parker:

On behalf of our client, we are pleased to submit the following materials for consideration by the Planning Board:

- 1) Five (5) full-size and ten (10) half-size sets of plans entitled "Site Plans, Multi-Tenant Commercial Development, Tax Map H, Lots 33 & 33A, Knox Marsh Road (Rte. 155), Dover, NH"; sheets 1-20 of 20
- 2) Three (3) copies of a Detention/Wetland Area Cross-Section; dated April 29, 2010 (for Engineering Department review)
- 3) Two (2) copies of a revised Architectural Rendering and Streetscape view

In response to the Technical Review Notes dated February 25, 2010, we offer the following:

Planning Comments

- The project architect has prepared (see attachment) a colored Architectural Rendering
- Same as above
- The ZBA case number has been added to note 4 on the Cover Sheet

C. Parker, City of Dover Planning Department
67 Knox Marsh Road, Dover, ORN 03103
October 1, 2010
Page Two

- Note 19 on the Cover Sheet has been revised per Fire Dept. comments.
- A Lot Line Adjustment Plan to be prepared by McEaney Survey Associates, will be forwarded separately.
- A printed and digital copy of the Traffic Impact Study, as forwarded to NHDOT on February 10, 2010, was sent to the Planning Department on March 9, 2010.
- With regard to City requiring a peer review of the Traffic Impact Study, may we suggest that in light of the fact that a) the scope of the study is as recommended by City staff; b) The road access is in the NHDOT jurisdiction and c) NHDOT's Concord office is reviewing the study and will coordinate a "scoping meeting" which will include a representative(s) of the City, that a peer review, which places additional financial burden on the applicant, is not necessary.
- See previous response.
- An access easement to remaining land of Lot 33A is noted on sheets 3 and 4.
- Parking calculations have been revised pursuant to the posted Site Review Regulation amendments and, as a result of the small decrease in the parking requirement; the request for a Conditional Use Permit for parking has been withdrawn, in writing, via memorandum dated March 30, 2010. Additionally, the bike rack as proposed will have 5 spaces as recommended by staff.
- All sheets will be stamped and signed prior to final Planning Board signature.
- The off-premise sign has been removed.
- Additional painted pavement directional arrows are shown on sheet 4.
- Based upon geometric changes made at the entrance to accommodate emergency vehicle access, the Landscape Plan, sheet 9, has been revised. These revisions include supplementation of the screening provided along the site boundaries abutting residential uses pursuant to Chapter 170-44.F.
- Landscaping has been added to the western parking lot islands.

C. Parker, City of Dover Planning Department
67 Knox Marsh Road, Dover, ORN 03103
October 1, 2010
Page Three

- Upon completion and approval of the NDHES Alteration of Terrain permit, we will prepare and submit a Stormwater Management System Maintenance Plan
- We request a written itemization of impact fees from the City.

Engineering Comments

- Reference is made to "Approval Plans, Condominium Project, Village at Bellamy Common, Knox Marsh Road, Dover, NH", Dover Planning Dept. File No. 01-41 for information regarding the status and approved design of the existing sewer in Route 155.
- The entrance design has been altered and reviewed at an April 8th TRC meeting. The primary issue addressed in the design revision is emergency vehicle access to the front of the building. To facilitate this movement, a "thru" movement, directly to the main front entrance, is provided. Accordingly, vehicles entering the site can go right to drive-up windows and deliveries, straight ahead to the front entrance and to parking, or left to parking. All vehicles egress via the two-way drive which runs along the westerly side of the site and intersects Route 155 with left and right turn lanes. This design and overall traffic pattern was acceptable to the TRC
- The gate symbol has been added on sheet 7
- A single hydrant is now provided as discussed at TRC
- 90 degree bends have been replaced with 45 degree bends
- A gate valve has been added at the fire service
- A cross-section of the detention/wetland area is attached herewith as requested by Engineering
- Additional grades have been provided on the Grading Plan, sheet 5, to clarify grading at the entrance. Upon resolution of the scope of off-site improvements along Route 155, additional spot grades will be provided and/or Route 155 widening cross-sections will reflect entrance grades.

C. Parker, City of Dover Planning Department
67 Knox Marsh Road, Dover, ORN 03103
October 1, 2010
Page Four

Police Department Comments

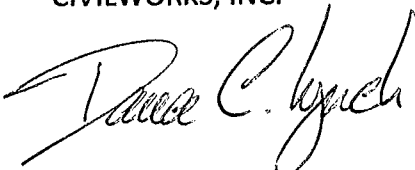
- The Police Department's comments were previously incorporated in the Route 155 Conceptual Improvements Design which has been forwarded to NHDOT. It is anticipated that NHDOT's review will result in appropriate widening for additional lanes and it is anticipated that receipt of a Driveway Permit from NHDOT will be a condition of any approval granted by the Planning Board.
- Pursuant to additional input received from the Police Department on April 8th, we will pursue additional lighting of Route 155 at the site entrance through PSNH.

Fire/Inspection Comments

- Note 19 of the cover sheet has been revised .
- Additional "No Parking" signs have been added along the fire lane in front of the building.

Pending submission of the Lot Line Adjustment Plan and upon staff acceptance of the plan revisions and comment responses, we believe this application will be ready for Board consideration. We trust you will call us with any comments or questions.

Very truly yours,
CIVILWORKS, INC.

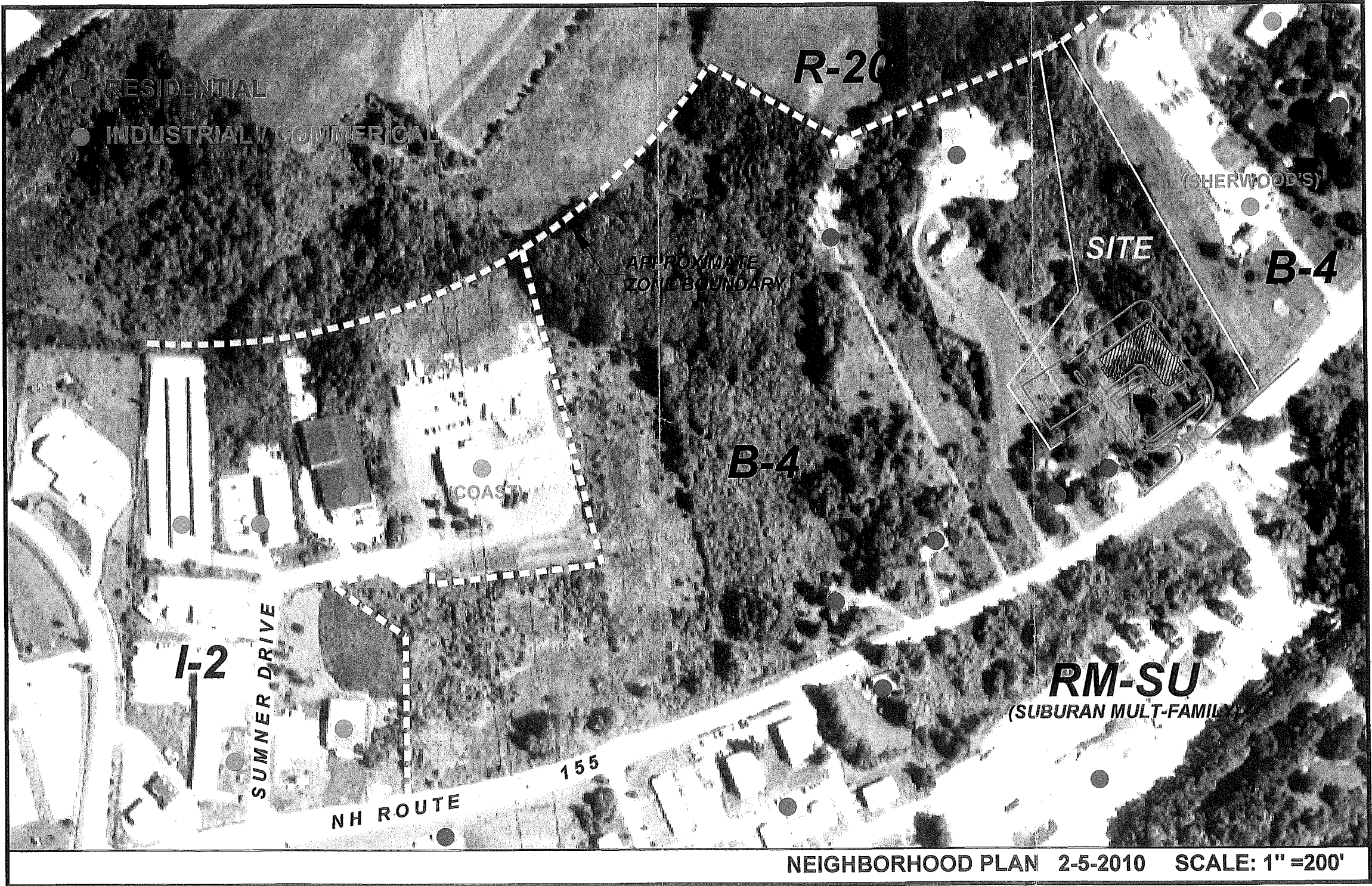


Dana C. Lynch, P.E.

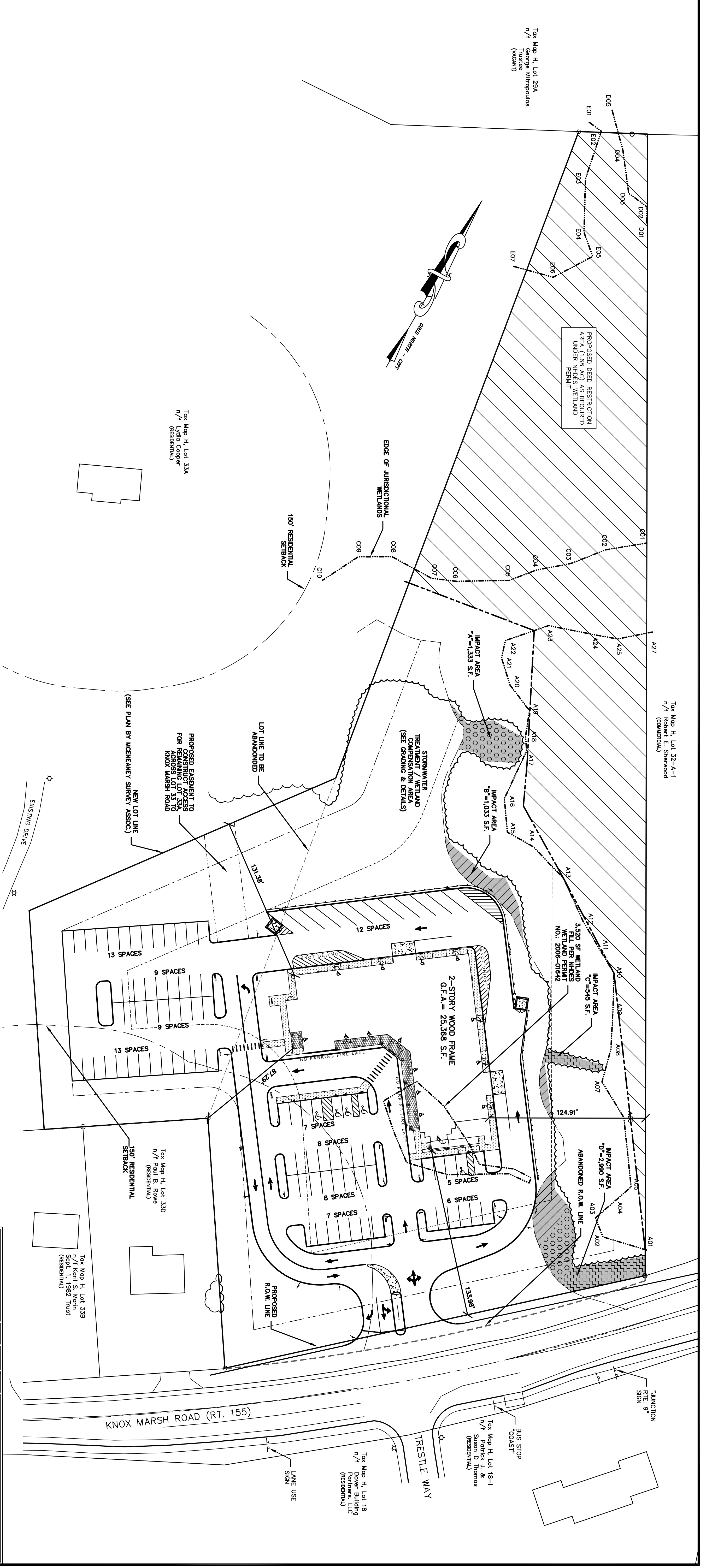
DCL/lrd

Enclosures

cc: K. Cooper



P10-16



PARKING CALCULATIONS
 (REFERENCE: CITY OF DOVER SITE REVIEW REGULATIONS, CHAPTER 149, SECTION 149-14.D)

RESTAURANT ESTABLISHMENT WITH TAKE-OUT (DRIVE THRU COFFEE SHOP)	ONE (1) SPACE PER 300 S.F. GLA PLUS ONE (1) SPACE PER EMPLOYEE	1009 S.F.	= 4 SPACES
PERSONAL SERVICE ESTABLISHMENT	5 EMPLOYEES = 5 SPACES	300 S.F.	= 5 SPACES
PERSONAL SERVICE ESTABLISHMENT	ONE (1) SPACE PER 300 S.F. GFA	3468 S.F.	= 12 SPACES
GENERAL RETAIL	ONE (1) SPACE PER 250 S.F. NET FLOOR AREA	2482 S.F.	= 10 SPACES
OFFICE, GENERAL (SECOND FLOOR)	ONE (1) SPACE PER 325 S.F. GFA	10268 S.F.	= 32 SPACES
RESTAURANT ESTABLISHMENT	0.5 SPACES/SEAT	45 SEATS / 0.5	= 23 SPACES
	6 EMPLOYEES = 6 SPACES		= 6 SPACES
TOTAL REQUIRED			= 97 SPACES
TOTAL PROVIDED			= 97 SPACES

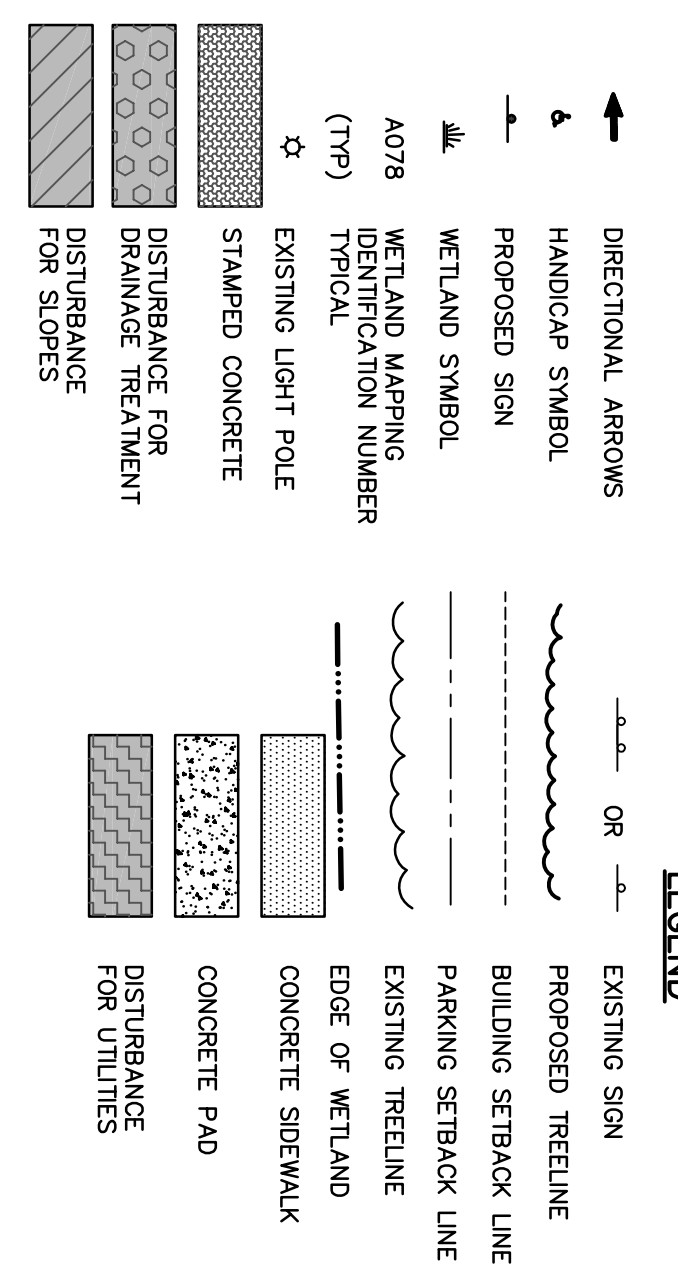
LAND USE CALCULATIONS

TOTAL LOT AREA*	=254,248 S.F.
UPLAND AREA	=183,737 S.F.
JURISDICTIONAL WETLAND AREA	=70,515 S.F. (27.73%)
BUILDING FOOTPRINT AREA	=13,215 S.F. (5.15%)
IMPERVIOUS AREA	=63,284 (24.86%)
GREEN SPACE AREA	=177,884 (69.96%)

* TOTAL LOT AREA BASED ON LOT LINE ADJUSTMENT AS PROPOSED AS PART OF THIS APPLICATION.

SITE NOTES:

1. STRIPE PARKING AREAS AS SHOWN, INCLUDING HANDICAP SYMBOLS AND PAINTED ISLANDS. ALL MARKINGS SHALL BE CONSTRUCTED USING WHITE TRAFFIC PAINT, MEETING THE REQUIREMENTS OF AASHTO M-248-TYPE N.
2. ALL PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", THE STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", AND THE AMERICAN WITH DISABILITIES ACT, LATEST EDITIONS.
3. PAINTED ISLANDS SHALL BE 4 INCHES WIDE DIAGONAL LINES 3 FEET ON CENTER.
4. ON-SITE SNOW STORAGE SHALL OCCUR ALONG THE EDGES OF PROPOSED PAVEMENT AREAS AS SHOWN.
5. LAYOUT OF BUILDING CORNERS SHALL BE PERFORMED BY A LICENSED LAND SURVEYOR AND SHALL BE BASED UPON THE ARCHITECT'S FINAL FOUNDATION PLAN.



THIS PROJECT IS SUBJECT TO THE FOLLOWING CONDITIONAL USE APPROVAL:
 1. A CONDITIONAL USE APPROVAL PURSUANT TO SECTION 170-271 (F) FOR 6,243 S.F. OF ENCROACHMENT IN THE 50 FOOT WETLAND BUFFER FOR SLOPES AND CONSTRUCTION OF DRAINAGE IMPROVEMENTS ASSOCIATED WITH WETLAND ALTERATION OF TERRAIN PERMIT GUIDELINES AND STANDARDS.

No.	DATE	BY	REVISION
1	7-24-10	DCL	REVISED PER TRC COMMENTS
			REVISION

OVERALL SITE PLAN

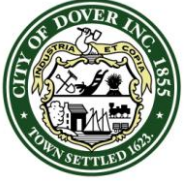
TAX ASSESSOR'S MAP "H", LOT 33
 67 KNOX MARSH ROAD
 STRAFFORD COUNTY
 DOVER, NEW HAMPSHIRE

OWNER OF RECORD / APPLICANT
 KENN & LINDA COOPER
 67 KNOX MARSH ROAD
 DOVER, NH 03820

GRAPHIC SCALE
 (IN FEET) DOVER PLANNING FILE NO. P10-16

DESIGN: DCL
 SCALE: 1"=40'
 DATE: 2-8-2010
 SHEET: 4 OF 20
 PROJECT #: 03103

civilworks
 engineering + surveyors
 P.O. Box 1166
 Dover, NH 603-749-0443



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-15

Application Type: Conditional Use Permit
Applicant(s): Kevin & Lydia Cooper
Owner(s): Kevin & Lydia Cooper
Location: 67 Knox Marsh Road (Assessor's Map H, Lots 33 & 33A)

INTENT: Conditional Use Permit to fill in 3,580 square feet of wetlands and place grading within the wetland buffer for a Mixed Use Commercial building.

LOTS/UNITS PROPOSED: 0

AGENDA ITEM #: 4-C

ACREAGE: 5.84 acres

ZONING DISTRICT:
Hotel/Retail District – B-4

EXISTING LAND USE:
Vacant Land

PROPOSED LAND USE:
Mixed Use Commercial building (Office, Retail, Fast Food with drive-thru, dry cleaner with drive-thru, & Restaurant)

SURROUNDING LAND USE:
Single family, multi-family residential, commercial, retail, industrial

ZBA ACTION: Granted Variance for restaurant drive-thru (10/15/09)

ATTACHMENT: Conditional Use plan and application

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Yes

PERMITS REQUIRED:
• City of Dover Conditional Use Permit

WAIVERS REQUESTED:
None

Summary of Request and Background

The applicant has applied for a Conditional Use Permit to fill in 3,580 square feet of wetlands and impact 5,901 square feet of wetland buffer with grading for a Mixed Use Commercial building.

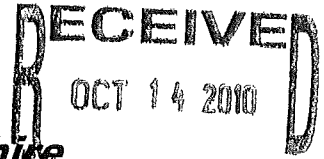
The applicant appeared before Conservation Commission on July 10, 2006 (e-mail from Tom Fargo enclosed). The Conservation Commission voted unanimously to endorse the application with two conditions. On March 23, 2007, the NHDES issued a wetland permit for the project.

Consistency with Land Use Regulations

The Wetland Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board accept the application, open the public hearing, and then table the application until the November 16th meeting and schedule a site walk.



City of Dover, New Hampshire
CONDITIONAL USE PERMIT APPLICATION

[Revision Date: August 16, 2010]

Office Use Only	Project #: <u>P10-15</u>	Date Received: _____
	Amount Paid: <u>See P10-16</u>	Time Received: _____

APPLICANT AND OWNER INFORMATION

Name of Applicant: Kevin & Lydia Cooper Telephone # 767-9191

Address of Applicant: 85 Knox Marsh Road, Dover, NH

Name of Property Owner (if different from applicant): _____ Telephone # _____

Address of Property Owner: Same

PROPERTY INFORMATION

Address of Property: 67 Knox Marsh Road, Dover

Assessor's Map #: H Lot(s) #: 33 & 33A

Zoning District(s): B-4 Overlay District(s): _____

Existing Use of Property: Vacant Land (former residence)

CONDITIONAL USE PERMIT INFORMATION

Type of Conditional Use Permit (Check All That Apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Conservation District | <input type="checkbox"/> RCM Use Overlay District | <input type="checkbox"/> I-1 District Uses |
| <input type="checkbox"/> Groundwater Protection | <input type="checkbox"/> Off-Street Parking and Loading | |
| <input checked="" type="checkbox"/> Wetland Protection District | <input type="checkbox"/> Central Business District | |

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

Grading activity within the Wetland Buffer (Article VII, Section 170-27.1.G) and filling of wetland as permitted by NHDES

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: NHDES Wetlands Permit #2006-01642, received 03/23/2007

Name of Professional That Prepared Plans: Dana C. Lynch, P.E.

Address: P.O. Box 1166, Dover, NH 03821 Telephone #: 749-0443

Professional License #: 5745 E-mail address: civilworksdoover@comcast.net

SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: Kevin Cope Date: 10-14-10

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent: Dana C. Lynch, P.E. Date: 10-13-10

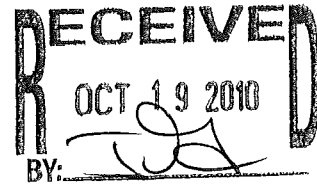
AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department, Conservation Commission and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Kevin Cope Date: 10-14-10

Owl
97-76

P10-15



ABUTTERS LIST

Kevin Cooper
Knox Marsh Road, Dover
(updated 10-20-10)

<u>Tax Map</u>	<u>Lot No.</u>	<u>Name & Address</u>
H	18	Dover Bldg. Partners, LLC c/o Evergreen Management 17 Commerce Drive Bedford, NH 03110-7059
H	18-1	Prolim Development Corp. 114 Old Gage Hill Road Pelham, NH 03076
H	29-A	George Mitropoulos, Trustee George F. Mitropoulos Rev. Living Trust 315 Rochester Hill Road Rochester, NH 03867
H	32-A-1	Robert E. Sherwood 55 Knox Marsh Road Dover, NH 03820
H	33-A	Lydia Cooper 85 Knox Marsh Road Dover, NH 03820
H	33-B	Paul B. Rowe 81 Knox Marsh Road Dover, NH 03820
H	33-D	Karil S. Morin Sept 1 1982 Trust P.O. Box 2259, 77 Knox Marsh Road Dover, NH 03820

H 33-E

Denis J. & Nancy K. Quinlan
89 Knox Marsh Road
Dover, NH 03820

Owner/Applicant:

Kevin Cooper
67 Knox Marsh Road
Dover, NH 03820

Environmental Consultant:

NH Soil Consultants, Inc.
202 Kent Street
Newmarket, NH 03857

Engineer:

Civilworks, Inc.
P.O. Box 1166
Dover, NH 03821

Surveyor:

McEneaney Survey Associates, Inc.
P.O. Box 681
Dover, NH 03821