



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers
Meeting Date: Tuesday, September 28, 2010
Meeting Time: 7:00 pm

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 there 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 Pensakovic 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, pervious surface was discussed at the TRC meeting. Due to the maintenance needed for the surface area by the congregate care unit the pervious 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.