



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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**

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, Don Andolina

Gary Green sat in for Don Andolina, Jake Forget sat in for John Swartzendruber.

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

1. CITIZENS' FORUM-

Mark Jones, owner of property on Arch Street, in opposition of the rezoning of Arch Street. He addressed his concerns with the petition to rezone Arch Street.

Peter Driscoll, of 41 Arch Street, discussed the properties and singles units listed on Arch Street, and spoke in favor of the petition to rezone Arch Street.

2. APPROVAL OF THE PRIOR MINUTES

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

T.Clark noted a correction to change wording on page 5, paragraph 3.

Motion: G.Green motioned to approve the September 28, 2010 Regular Meeting Minutes, and the October 12, 2010 Workshop Meeting Minutes. M.Gasses seconded. Vote: Unanimous approval.

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)

The Chair stated this item will remain tabled.

- 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)

Motion: D.Trefethen motioned to remove Item B from the table. F.Torr seconded. Vote: Unanimous approval.



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Paul Connelly represented the applicant. They have met with the Planning Board on September 28, 2010 and have completed a site walk on October 5, 2010. The revised site plans have been submitted to the Planning Department. The Conditional Use Permit provided to the applicant stated the wrong amount of parking spaces. The applicant is asking for 96 parking spaces. He discussed the parking spaces that will be provided with this site, and the architectural rendering of the proposed building. The applicant has no problems with meeting the conditions for approval. He cited that the peer review, submitted by CLD Engineers, Inc. feels the traffic impacts are minor and localized to the vicinity of the site.

G.Green noted his concern of downtown parking in regards to the leased lots, and the expiration of those leases. P.Connelly feels they meet the requirements from the Institute of Transportation Engineers. C.Parker noted the leased parking spaces will be sent to the City Council and the Parking Commission for long term agreement terms.

Public Hearing Re-Opened- No one Spoke-Public Hearing Closed

C.Parker thanked the applicant and Civilworks for their work with the Planning Department in regards to the Form Based Code zoning ordinance. He discussed the amended condition number 18, and condition number 13, from staff memo P10-39, provided by the Planning Department. (Copy on file)

G.Green noted his concern with the lack of review of the condominium documents.

F.Torr stated he feels this is an ideal situation and hopes that many developments follow suit.

L.Merullo noted parking underneath the building is innovative. She feels it helps with taking parking off the residential and downtown parking, which will help residents and community businesses.

D.Trefethen discussed the concerns with leased parking spots, including rental units that use the leased spots. He feels these parking concerns are necessary to take into consideration.

Motion: F.Torr motioned to approve Item 3B with the conditions set forth by the Planning Department. D.Trefethen seconded. Vote: Unanimous approval.

Motion: D.Trefethen motioned to remove Item 3C off the table. G.Green seconded. Vote: Unanimous approval.

C.Parker stated 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 96 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.

Motion: L.Merullo motioned to approve with staff recommendations. G.Green seconded. Vote: Unanimous approval.

4. NEW BUSINESS



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- A. Consideration and acceptance of a Conditional Use Application for Michael Whitcher (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)

C.Parker noted the Planning Department has been notified that Liberty Mutual, which is across the river to this site, was not initially noticed. Applicant will be moving forward, with the awareness that Liberty Mutual may appeal.

Mike Whitcher represented the applicants. He discussed the history of the receipt of the Conditional Use permit for the driveway. PSNH has installed a transformer, but they did not realize the buffer zone turned in at that location due to the flags of boundaries line not being there. The generator is a necessity to the applicants, and was placed with the thoughts they were in line with the setbacks. They are asking to not relocate these items given the setbacks at this site. They have met with the Conservation Commission, and were approved to move forward to the Planning Board.

L.Merullo and M.Gasses discussed the wetland buffer zones in regards to the utilities. M.Gasses feels the City of Dover needs to mark out the buffer zones.

C.Parker stated the address of the location is Pacific Drive, not Nye Lane as written on the plat.

Motion: D.Trefethen motioned to accept the application. F.Torr seconded. Vote: Unanimous approval.

Public Hearing Opened-No one Spoke-Public Hearing Closed

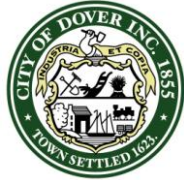
C.Parker stated the applicant appeared before Conservation Commission on October 12, 2010 (minutes enclosed). The Conservation Commission voted (5 in favor, 1 opposed) to endorse the application with no conditions. The Wetland Protection District ordinance provides for Conditional Use Permits to allow impacts to wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This application meets these standards. The Planning Department recommends that the Conditional Use Permit be approved with no conditions.

L.Merullo and C.Parker discussed the application in regards to meeting Planning Board approval. Also, it was noted the above ground propane tank will not affect the district of the wetland buffer zone.

Motion: M.Gasses motioned to approve the application. G.Green seconded. Vote: Unanimous Approval.

- 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)

G.Green recused himself from the Board. He is an abutter to the owner/applicant. F.Torr noted his business relationship with the applicant/owner and feels there will be no conflict. L.Skinner sat in for G.Green.



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Dana Lynch, of Civilworks Engineering, represented the applicant. During the design process for this building they realized a need for more parking. He discussed the following: abutters to the property, the mixed zoning districts in the area, and the wetland coverage on the property. A lot line adjustment application will be brought before the Planning Board in November. The applicant is looking to add about an acre to the site, and an additional 3,000 sq. ft. will be transferred to the New Hampshire Department of Transportation (NHDOT) to facilitate improvements on Route 155. They have met and been endorsed by the Conservation Commission. The applicants are in agreement with the recommendations set forth by Conservation Commission. An Alteration of Terrain permit has been submitted to the NHDES. He discussed the following: architecture, zoning setback, wetland buffer, encroachments and green space. The building will be a mix of retail and office suites. He discussed the peak hours of traffic, traffic flow, and business hours for the proposed retail shops and offices. He further discussed the following: grading, drainage, the berm, utilities, sewer systems, lighting and the landscaping.

Kim Hazarvatian, Traffic Engineer with Tepp LLC, discussed the traffic study that was submitted with this project. (Copy on file) He noted the areas that he used for the basis of his analysis. This is a multi use site and there may be dual trips due to this use. They will be providing full road improvements, to maintain flow on Rt. 155 in a smooth manner, and will be providing a left turn into Trestle Lane.

L.Merullo asked what will be done for pedestrian traffic. K.Hazarvatian discussed the crosswalk recommendations and regulations. The decision of a crosswalk would be up to the NHDOT.

L.Merullo asked for alleviation on the concerns of majority parking in front of building, the use of pervious paving, and the safety conditions the dry cleaning facility will adhere to. C.Parker noted, in regards to pedestrian traffic, the City does not encourage crosswalks in this area due to safety concerns. The State is not in favor of pedestrian access across Rt.155. Pedestrian access is not encouraged on this road. Discussion ensued on pedestrian access.

The Chair and K.Hazarvatian discussed the trips counts in concerns to dual trips and pass by traffic.

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

The Chair stated the application will be tabled this evening after the Public Hearing is recessed. The Planning Board will be scheduling a site walk. This application will be discussed further at the November 16, 2010 Planning Board Hearing.

Public Hearing Opened

Samantha Backus, President of the Board of Directors for the Village of Bellamy Commons, stated the Board is in disagreement with the findings ownership in the sewer. She noted her council will be challenging the status.

Ken Olsen, 15 Trestle Way, also on the Board of Directors for the association Village of Bellamy Commons, noted his concern with traffic safety. He also noted the following concerns: lack of notice of application, noise pollution, the hours of coffee shop, lighting and sewer ownership.



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Sandra Melino, of 24 Trestle Way, she noted her concern with pedestrian safety as a walker, and the safety of the left hand turn, and would like to know why traffic lights can not be installed. C.Parker discussed the State requirement that warrants traffic lights.

Pam Monroe, of 62 Trestle Way, submitted written comments to the Board (copy on file), and noted her concern with the lack of notice in regards to this proposal.

C.Parker stated a letter received from Martha Green, of 18 Footbridge Lane, and an email from a gentleman at 77 Knox Marsh Road. (Copy on file). The Chair cited a few comments from each of those correspondences.

Lynn Smith, of 30 Footbridge Lane, noted the following concerns on behalf of her neighbors: the lack of notice of the application, safety issues, the traffic lights and noise. She hopes all concerns will be thought of, and traffic light concerns be brought to the State.

Margaret Slauson, of 16 Trestle Way, noted her concern with the lack of traffic lights.

Bill Slauson, of 16 Trestle Way, noted his concern with safety in regards to traffic.

Brian Bell, of 70 Trestle Way, asked if public will be able to address the Planning Board after the site walk. The Chair discussed site walk is open to public, and public hearing will be reopened at the November 16th Planning Board Meeting.

Public Hearing Recessed

C.Parker noted the sewer line is public, and the notice for this hearing was the first notice that was sent out for the application. He noted the abutter notification process prior to the change from the Zoning Board of Adjustment (ZBA) about a year ago. The Planning Board changed the notification to include abutters within 200 ft, which included the condo owners. The Planning Department is willing to work with the applicant and abutters on any concerns. He recommends the Planning Board to table Items B & C, and to schedule a site walk on Saturday, November 6, 2010 at 9:30 am. Parking will be at driveway available on site.

M.Gasses noted the area in discussion has long been a commercial.

Motion: L.Skinner motioned to table Item B. L.Merullo seconded. Vote: Unanimous approval.

Motion: F.Torr motioned to accept the application for Conditional Use, Item C. L.Merullo seconded. Vote: Unanimous approval.

(The Planning Department has no comments for Item 3C)

Motion: D.Trefethen motioned to table Item 3C. F.Torr seconded. Vote: Unanimous approval.

D. Discussion and possible posting of proposed amendment to rezone Arch Street from RM-U to R-12.

C.Parker noted a review sheet, of area and use, handed out to the Planning Board. The sheet included the conformity of Arch Street in regards to frontage on the properties. He discussed the various units on the



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street, and noted 10 Arch Street is legally nonconforming. He would like to recommend the Board post the proposed amendment to start the public hearing process. Posting of this amendment will not preclude further talks, but will notify the residents that a public hearing will be heard November 16, 2010.

M.Gasses and C.Parker discussed the concern the conforming lots being turned into nonconforming, and the size of the existing lots. The lots, if approved for rezoning, would be legally nonconforming and will help resident's setbacks. Any commercial development will have to work with the Planning Board.

T.Clark and C.Parker confirmed that if amendment is posted tonight any application from this area will be postponed until decision of the rezoning is made. D.Trefethen stated every property has a list of permitted uses; when the zoning district changes the only effect to the property is the alteration to the permitted uses.

Motion: T.Clark motioned to post the proposed amendment. D.Trefethen seconded. Discussion ensued on the requirement of more information. If vote is passed public will be notified and will be able to give feedback. Vote: Unanimous approval.

5. STAFF COMMENTS

C.Parker noted the November Planning Board meeting will be held on the 16th due to the Holiday. There will be a joint workshop with the City Council on November 10, 2010. If a follow up meeting is necessary, in continuation from the joint workshop, a Planning Board Workshop will be scheduled on November 16, 2010, at 6 pm. He noted at the Joint Workshop he will be presenting and discussing the Capitol Improvements Program and the First Year Program.

The Planning Board will also have their quarterly public hearing; this hearing will regard any recommendations for land use from the public.

L.Merullo noted her concern with the abutters knowing their zoning.

D.Trefethen asked for the dates of the December Planning Board Meeting. C.Parker noted the dates are December 14, 2010 (due to the holiday).

The Board discussed the CIP booklet, which will be available to the Planning Board on December 5, 2010.

M.Gasses stated the Planning Board is invited to the Community Trail Grand Opening. The Grand Opening will be held on November 13, 2010 at 9:30 am.

6. COMMITTEE REPORTS

G.Green discussed the Stormwater Feasibility Study.

C.Parker discussed the agenda for the upcoming Button Up NH Energy Savings Workshop. The workshop will be held at the McConnell Center on November 15, 2010 at 6pm.

7. ADJOURNMENT

Motion: L.Merullo motioned to adjourn the meeting at 9:45 pm. D.Trefethen seconded. Vote: Unanimous approval.