



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, January 25, 2011**
Meeting Time: **7:00 pm**

Members Present: Marcia Gasses (Chair), Frank Torr (Vice Chair), Dean Trefethen, Don Andolina, Linda Merullo, Tom Clark, Dave White, Lee Skinner (Alternate), Gary Green (Alternate), Jake Forget (Alternate)

Members Not Present: John Swartzendruber, Ron Cole

Staff Present: Christopher Parker (Planning Director), Lisa Ertle (Recording Secretary)

The Chair called the meeting to order at 7 pm.

The Chair noted New Business Item 4F has been withdrawn.

1. CITIZENS' FORUM-NO ONE SPOKE.

2. APPROVAL OF THE PRIOR MINUTES

- January 11, 2011 Regular Meeting Minutes

Motion: D.Andolina motioned to approve the January 11, 2011 Meeting Minutes. G.Green seconded.
Vote: Unanimous approval.

3. OLD BUSINESS

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

Motion: L.Merullo motioned to remove the application from the table. D.Trefethen seconded. Vote: Unanimous approval.

Motion: L.Merullo motioned to re-open the Public Hearing. F.Torr seconded. Vote: Unanimous approval.

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

C.Parker stated Mr. and Mrs. Allen are proposing to build a single family house on the lot in order to reach the location where they desire to build the house. They need to put in a driveway which is off Pacific Drive. This driveway was originally 20 ft. and has been reduced to 14 ft. in width, lessening the encroachments in the Conservation District. A Conditional Use Permit is necessary because of the Conservation District encroachments. The site plan approval is required because it exceeds one acre in disturbance, thus triggering site review regulations.

The Planning Department recommends the approval of the conditional use permit 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.

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

3. The applicant shall complete the tree restoration per the plan dated November 8, 2010 as prepared by Berry Surveying and Engineering no later than May 31, 2011, and notify the Zoning Administrator so that an inspection can be done.



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4. To insure that the planted trees survive after being planted, the applicant shall set up a required follow-up inspection by the Zoning Administrator one year after that initial inspection.
5. The applicant shall post an acceptable form of surety to cover the tree restoration if construction of the driveway or house begins within one year of the inspection in condition #3.
6. Change duplicated note #14, found on the Site Plan, to note #15.

C.Parker noted this lot is not viable for further subdivision; this is a single family lot.

L.Merullo and C.Parker discussed the slope impact for the proposed driveway.

Chris Berry, of Berry Surveying and Engineering, representing the applicants, discussed the slope impacts in regards to the Conservation District. He stated the New Hampshire Department of Environmental Services (NHDES) and the City Engineer to review an open bottom culvert, to reduce impact, and this has been implemented into the plans.

L.Merullo and C.Parker discussed concerns regarding tree cutting.

D.Andolina and C.Parker discussed concerns of tree restoration. D.Andolina suggested a revision to Condition #4 on the Site Plan staff recommendations to specify one year from initial inspection.

D.Andolina and C.Parker confirmed that Condition #5 on the Site Plan staff recommendations ensures bonding of tree restoration.

G.Green and C.Berry discussed the concerns of the durability of the driveway, whether the applicant chooses either dirt or paved.

Motion: F.Torr motioned to approve with staff conditions. C.Parker asked F.Torr if his motion included the revision noted from D.Andolina to include one year from the initial inspection, and to include a Recommendation #6 to change note #14 to note #15, as suggested from T.Clark. F.Torr made a motion to approve as amended. D.White seconded.

D.Trefethen noted he will not support the motion for three reasons: Personally the granting of a conditional use application is primarily used for lots that there is no other choice on, and he does not believe this is true in this situation; the lot is useable without creating the crossing. There is no evidence presented that shows the house can not be built on the other side of the brook that would not require a crossing; there is nothing gained, from his perspective, in siting a house on the far side of the brook from a standpoint of the user and the usage of the land. For these reasons he will not be supporting the land.
Vote: 4-5 motion failed

Motion: D.Trefethen motioned to deny the application for the three reasons stated earlier. D.Andolina seconded. Vote: 6-3 application denied.

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

C.Berry chose to withdraw their Site Review application.

4. NEW BUSINESS



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- A. Introduction of the 2011 Addendum to the Land Use Chapter of the Master Plan focusing on Economic Development. The Addendum is available for viewing on the City's web site under Current Reports.

C.Parker discussed the Addendum of the Economic Development will be added in the 2011 Land Use Chapter of the Master Plan.

D.Barufaldi, Economic Development Director, commended C.Parker for his work on integrating the Economic Development portion into the Land Use Chapter. He briefed the Planning Board members on portions outlined in the addendum.

L.Merullo and D.Barufaldi discussed her concern with the "review residential property abutting non-residentially zoned land for inclusion in the adjacent non-residential zone" portion, as written, from the Short Term Recommendations. They further discussed the recommendation of a hotel/conference center, and the areas projected for Economic Development Activity.

L.Merullo commended D.Barufaldi for his work as the Economic Director, and stated she is in support of him becoming a permanent staff position with the Dover Business and Industrial Development (DBIDA).

C.Parker noted his support of D.Barufaldi advocating development opportunities and exploring knowledge based industries.

G.Green stated his appreciation for the work that has been done through DBIDA, and the collaborative work of Dan Barufaldi (Economic Director); and C.Parker (Planning Director).

The Chair asked for a motion to post for a Public Hearing on February 22, 2011.

Motion: G.Green motioned to post for a Public Hearing on February 22, 2011. D.Andolina seconded.
Vote: Unanimous approval.

- B. Consideration and acceptance of a Site Review of land for McDonalds c/o Bohler Engineering Assessor's Map 38, Lot 21 & 23F, zoned B-3, located at 912 Central Avenue. (raze and rebuild of the existing McDonald's restaurant) (P11-01)

John Kucisch, of Bohler Engineering, represented the applicants. The applicants would like to rebuild the existing McDonald's restaurant. They will be pushing the building back to meet with Zoning compliance of front setback. Green space will be added to the front of the lot, and parking spaces will be reduced to meet standard requirements. The drive-thru will have side by side ordering stations and a recirculation point in front of the building, which will be a benefit to the drive-thru service. Upon suggestion a stormwater drainage system has been added to the rear of the building to promote infiltration of groundwater. The lightning is over the required wattage level amount, and the applicants are asking for a waiver to accept the lighting levels as they are. J.Kucisch noted the applicants concern of the large investment for new lighting if waiver is not granted.

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

Public Hearing Opened-Nobody Spoke-Public Hearing Closed



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C.Parker noted the applicant has applied for Site Plan review to demolish the existing McDonalds and rebuild a 4,665 square foot fast food restaurant with 110 seats and a double drive-thru. There are 67 parking spaces proposed.

The applicant appeared before TRC on January 6, 2011 (TRC Notes enclosed).

The applicant has applied for two waivers, one to lighting levels and one to the requirement to do a standard traffic impact assessment and analysis. Since there are two new light poles proposed to the site, the Planning Department does not support the lighting waiver. Since this is a replacement of an existing restaurant and there are less parking spaces and increased vehicle queuing space, the Planning Department supports the traffic analysis waiver.

The Planning Department recommends that the Planning Board approve the site plan 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 prepare a Lot Merger Form for the Chair's signature and recording at the Registry of Deeds Office.
4. The applicant shall revise sheet C-4 of the plan to designate employee parking spaces in the southern parking lot.
5. The approval includes the granting of the requested waivers for the requirement for a traffic analysis and exceeding the lighting standards for the reasons stated by the applicant. The Board finds that the criteria of Chapter 149-19-A have been met.
6. The applicant shall revise the lighting plan to comply with Chapter 149-14-E-2.
7. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
8. The applicant shall revise the plan so that all drainage pipes have a minimum of 2.5 feet of cover, preferably 3 feet.
9. The applicant shall revise the plan to add hoods and deep sumps to catch basins B, 1, 2, 4, and 5.
10. The applicant shall revise sheet #C-9 of the plan to replace the hydro seeded area with maintenance free landscaping on the northerly re-graded hillside due to issues with mowing on a slope.

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

11. The new buildings shall pay the current impact fees in place at the time of building permit application.
12. Construction hours shall be limited to Monday-Friday 7am-6pm, Saturday and Sunday 8am-5pm. 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 Certificate of Occupancy:

13. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

D.Trefethen, C.Parker, and J.Kucisch, and T.Clark discussed the lighting levels. T.Clark noted he would be in support of accepting a lighting waiver.



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The Chair asked for motion on the lighting waiver requested. C.Parker noted they would need to adjust the conditions to adjust waivers as submitted; however Condition #7 would not be required at that point.

L.Merullo and J.Kucisch discussed the landscaping, and projected timeline. The applicants are hoping for a 90 day timeline.

G.Green and J.Kucisch discussed the use of the ordering stations and drive-thru.

Motion: T.Clark motioned to approve the submitted site plan with the elimination of Condition #7, and the granting of both waivers. F.Torr seconded. Vote: Unanimous approval.

- C. Consideration and acceptance of a Conditional Use Permit for Paul & Bonnie Lamson, Assessor's Map 7, Lot 13B, located at 33A Boston Harbor Road. (demo & replace existing residence) (P11-02)

Robert Prokop, Wetland Scientist with Wetland Consulting Services, represented the applicants. The applicants would like to demo the existing structure to build a new structure in the same footprint. The new deck will be smaller, in order to meet compliance of the Shoreland Protection Act. Their property abuts Little Bay, and the banking to the bay is eroding. The applicants would like to stabilize the bank with rip rap; an application has been submitted to the Wetlands Bureau. The applicants would like to build a seasonal dock, which consists of a ramp with a floating dock; an application for this is pending with the Shoreland Protection Agency. The Conservation Commission approved the applicant's application, with the recommendation of erosion control. The applicant has met this request, and has submitted a revised plan indicating the use of silt fencing. (Copy in file) The applicants are further planning to implement a planting area, and garage 100 ft. from the wetland area.

Motion: G.Green motioned to accept the application. D.Andolina seconded. Vote: Unanimous approval.

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

C.Parker noted the applicant is looking to remove and rebuild a structure in the Shoreland Conservation District, additionally they are looking to add rip rap to stabilize the shore. The impact would be 330 square foot dock system and 320 square feet within the Conservation Commission.

The applicant appeared before the Conservation Commission on January 10, 2011. The Commission voted to endorse the application with one condition. (See enclosed conservation Commission minutes.)

The Planning Department recommends that the Planning Board approve the conditional use permit with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

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

Discussion took place regarding the bank erosion and the restoration that is proposed for this area.

D.White and R.Prokop confirmed that City water and sewer is utilized on the property.



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M.Gasses noted her concerns with the existing structure in regards to the shoreline.

Motion: D.Trefethen motioned to approve with staff recommendations. G.Green seconded. Vote: Unanimous approval.

- D. Consideration and acceptance of a Citizen Petition for Joanne Johnson, Assessor's Map H, Lot 2A, to rezone 9.49 acres of land from Hotel/Retail (B-4) and Assembly & Office (I-4) to Rural Residential (R-40), located at 56 Freshet Road. (11-03)

James Schulte, Attorney at Law, represented the applicants. He noted Freshet Road is almost entirely in the town of Madbury. The City rezoned this area, due to the addition of Hannaford and Arbor Woods. The rezoning incurred the Zoning districts of B4 and I4 to run through her property. The applicants would like to build residential housing on her 9 acres of property; however in her current zoning she can not do this. He noted this application will be back for a Public Hearing with the Planning Board, and if the Planning Board approves the petition this will be sent to the City Council for review.

D.Trefethen and J.Schulte discussed the boundary lines of her property. It was noted that any future development will have to come before the Planning Board. The petition is asking to wrap the I4 and B4 Zoning district around the edge of the applicant's property. Discussion ensued on the abutting neighbors, and the overlay of commercial districts into residential area.

Motion: D.White motioned to table the application. D.Andolina seconded Vote: Unanimous approval.

- E. Consideration and acceptance of a Minor Lot Line Adjustment of land for Margaret McDaniel 2010 Revocable Trust and City of Dover, Assessor's Map L, Lot 37, located at 141 Spur Road. (P11-04)

Kevin McEneaney, McEneaney Survey and Associates, represented the applicant. This is a lot line adjustment between Spur Road and the City of Dover, which is located on an old railway bed. In this area the frontage is extra wide, compared to frontage in other residential neighborhoods. They are looking to add a section of land 18 ft. wide 100 ft. long to the McDaniel lot to create a new right of way line, which will alleviate encroachment. This will have to go before the City Council for their approval.

Motion: T.Clark motioned to accept the application. G.Green seconded. Vote: Unanimous approval.

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

C.Parker noted the Planning Department recommends approval of 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. Provide a digital version of the plat to the Planning Office.
3. The applicant shall add the Planning File number to the title block of the plat.
4. This approval is contingent on obtaining approval from the Dover City Council for conveyance of the city-owned right-of-way.

Motion: D.Andolina motioned to approve with staff conditions. G.Green seconded. Vote: Unanimous approval.



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- F. Consideration and acceptance of a waiver request (reduced setback) for Eric Kinsman, 38 Cornerstone Drive, Assessor's Map B, Lot 18-39, zoned R-40, located at 38 Cornerstone Drive. (P11-05)

This item has been withdrawn.

5. STAFF COMMENTS

C.Parker discussed the new folder system that was suggested by D.Andolina.

C.Parker discussed a public notification looking for Volunteers of citizens to sit on a committee to help with updating the Master Plan. He has also been in contact with Open Lands Committee and Conservation Committee for volunteers. M.Gasses asked for Planning Board members to consider volunteering to serve on this committee. She appointed Tom Fargo, Barbara Lehocky, Bill McCann, Ann Kotlus; this will allow Steve Bird to move forward with the plans for this committee. Two citizens are needed to sit on this committee.

M.Gasses noted S.Bird will be in attendance at the February 8, 2011 Planning Board Meeting. He will be presenting the grant that called for an inventory of all the open space and conserved land that is protected by the City of Dover.

6. COMMITTEE REPORTS

No reports.

7. ADJOURNMENT

Motion: L.Merullo motioned to adjourn the meeting at 8:54 pm. F.Torr seconded. Vote: Unanimous approval.