



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, May 10, 2011**
Meeting Time: **7:00 pm**

Members Present: Marcia Gasses (Chair), Frank Torr (Vice Chair), Linda Merullo, Tom Clark, Dean Trefethen, Lee Skinner, Gary Green (Alternate), Dave White, Ron Cole, Dennis Ciotti (Alternate)

Members Not Present: Jake Forget (Alternate),

Staff Present: Christopher Parker (Planning Director), Bruce Woodruff (Zoning Administrator), Michele Alexander (Recording Secretary)

The Chair called the meeting to order at 7:00 pm. G.Green (alternate) sat for vacant regular position.

1. CITIZENS' FORUM

The Chair opened the Citizens Forum

Mary Hebbard of Spruce Lane spoke regarding gravel pit discussion. She Believes the Board comments should limit their responsibility to ensuring the pit operators follow the law. Planning Board should support pit owners tonight.

Rick Hebbard of Spruce Lane spoke. He said it is foolish for property owners who purchased unknowingly next to the pits to complain they did not know the pits were there.

The Chair closed the Citizens Forum

2. APPROVAL OF THE PRIOR MINUTES

- April 26, 2011 Minutes.

Changes: G.Green noted typo on page 12, regarding the enforcement of the home owners association. L.Skinner noted typo. L.Merullo noted typo.

Motion: F.Torr motioned to approve the April 26, 2011 as amended. R.Cole seconded. Vote: U/A.

3. OLD BUSINESS

- A. Public hearing and possible vote of a Citizen Petition for Joanne Johnson, Assessor's Map H, Lot 2A, to rezone 10.65 acres of land from Hotel/Retail (B-4) and Assembly & Office (I-4) to Rural Residential (R-40), located at 18 & 20 Freshet Road. *(11-03)**

Motion: F.Torr motioned to remove this item from the table. L.Merullo seconded. Vote: U/A.

Attorney Schulte spoke on behalf of the applicant. Property next door has been added to request since last hearing. The properties have close driveways. They do not have City water & sewer and are separated from commercial properties. Properties were originally in Madbury when purchased by the applicant before the boundary lines became in dispute, and then it was deemed to be in Dover. Property resembles rural residential character of Madbury.

The chair re-opened the public hearing. No comment was made. The Chair closed the public hearing.

C.Parker spoke. The Planning Department supports the application and recommends the Board support the application.



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D.Ciotti asked that the other property owner be contacted. C.Parker noted that they have been contacted and have been non-responsive to date.

Motion: R.Cole motioned to approve the Citizen Petition for Joanne Johnson, Assessor's Map H, Lot 2A, to rezone 10.65 acres of land from Hotel/Retail (B-4) and Assembly & Office (I-4) to Rural Residential (R-40), located at 18 & 20 Freshet Road.. L.Skinner seconded. Vote: U/A

4. NEW BUSINESS

- A. Consideration and possible vote for a 90-day extension for Kevin & Lydia Cooper, Assessor's Map H, Lots 33 & 33A, zoned B-4, located at 67 Knox Marsh Road. Previously approved on November 16, 2010. (An Administrative 90 day extension was granted on 2/8/2011 to expire on 5/16/2011. *(P10-16 & P10-17)**

G.Green recused himself. D.Ciotti sat in for him.

Dana Lynch spoke on behalf of the Cooper's. He noted the plans are ready to go, and all permits except one have been received. The driveway permit has not been received from the NH DOT yet, and to be cautious, they are applying for the extension.

C.Parker spoke saying staff supports the application.

Motion: F.Torr motioned to approve the application. T.Clark seconded. Vote: U/A

Bruce Woodruff, Zoning Administrator spoke with regards to the Extraction Permit Public Hearings. He explained the state RSA responsibilities of the Board, and the groundwater protection responsibilities. He noted all pit owners were communicative and responsive. There has been a change of ownership in some of the pits. He discussed past issue with blowing sand, and the process between pit operators and abutters of addressing this issue should continue as it has been working. He discussed that pit owners would like to work on an engineering solution for the sandy pit bottoms, and this is a positive step forward.

C.Parker thanked B.Woodruff for the time he has put into the process.

- B. Public hearing and consideration of a request for an extraction permit by Brox Industries, Inc., Assessor's Map C, Lots 12-A, 13, 14, zoned R-40, located on Glen Hill Road.* (P11-15)**

David Clough spoke as pit operator saying he has no issue with pit recommendations.

L.Skinner asked if undue constraints have been placed on gravel pit owners to appease abutters. He asked if this was a burden. D.Clough said that Dover is the best City he does business with, that staff work with and not against his company. Also, it is customary of the industry to work with the City and abutters, and protect the properties. G.Green asked what other cities the applicant is in business in. The abutter listed a number of quarries and general operations owned in Massachusetts and New Hampshire by Brox.

The Chair opened the public hearing. No comment was made. The Chair closed the public hearing.



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B.Woodruff noted that Planning staff met with both the pit operators to discuss requirements in April. Staff performed a site inspection in April and on May 2, 2011. The application materials are complete. The excavation/reclamation plans are complete. The Planning Department recommends the extraction permit be approved with the following condition:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).

Motion: R.Cole motioned to approve the application with the condition. G.Green seconded.
Vote: U/A

C. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53 & 54 zoned I-4 and R-40, located on Mast Road.* (P11-16)

Paul Martell, owner, represented the application. L.Merullo asked if any undue burden had been placed by the Board. P.Martell said he is pleased with the relationship, understood the needs of abutters, and thanked B.Woodruff.

The Chair opened the public hearing. No comment was made. The Chair closed the public hearing.

Planning staff met with the pit operator's engineer to discuss requirements in April and performed a site inspection on May 2, 2011. The excavation and reclamation plans and application are complete. The Planning Department recommends the extraction permit be approved with a caveat that any time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these following conditions:

1. The reclamation and operational plan documents last submitted in 2002 shall be considered as part of the permit and the hours of operation hours are as follows: 7:00 AM – 5:00 PM on weekdays with the gates opening at 6:30 AM, and 7:00 AM - 2:00 PM on Saturday.
2. Limit excavation at the property lines of disapproving abutters to no closer than 50 ft. The letter from a disapproving abutter is on file.
3. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
4. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Office by May 27, 2011.
5. Continue to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year by meeting with other owners and stakeholders and agreeing to a comprehensive strategy, schedule of implementation and assignment of responsibilities. Said plan shall be presented to the Planning Board at the first meeting in June 2011.
6. Provide a current water elevation datasheet for the monitoring wells to the Planning Office by May 27, 2011.

Motion: L. Merullo motioned to approve the application with staff conditions. R.Cole seconded. Vote: U/A



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D. Public hearing and consideration of a request for an extraction permit by Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road.* (P11-17)

Ron Severino, owner, spoke. He noted it is nice to have a member of the public step forward to support the industry. He said process has typically worked, despite abutter complaints. Board has been responsive and has not asked things that are above and beyond.

D.Trefethen noted he goes to recycling center frequently, and that there has been dramatic change in amount of gravel taken out. R.Severino explained business has been slow, however the appearance of gravel taken out of the top appears more dramatic as there is less mass than at the bottom.

The Chair opened the public hearing. No comment was made. The Chair closed the public hearing.

Planning staff met with the pit operator's engineer to discuss requirements in April and performed a site inspection on May 2, 2011. The excavation and reclamation plans are complete. The Planning Department recommends the extraction permit be approved with a caveat that any time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these following conditions:

1. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM on Saturdays, with gates to the site opening no earlier than 6:30 AM.
2. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
3. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Office by May 27, 2011.
4. Continue to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year by meeting with other owners and stakeholders and agreeing to a comprehensive strategy, schedule of implementation and assignment of responsibilities. Said plan shall be presented to the Planning Board at the first meeting in June 2011.
5. Provide a current water elevation datasheet for the monitoring wells to the Planning Office by May 27, 2011.

Motion: L.Merullo motioned to approve the application with staff conditions. F.Torr seconded. Vote: U/A

E. Public hearing and consideration of a request for an extraction permit by Pruven Aggregates/Severino Trucking Co., Inc., Assessor's Map H, Lot 61, 59A and 59, zoned I-4, located on Mast Road.* (P11-18)

R.Severino spoke and explained he just purchased the property from Pruven. He said plans for pit are unclear yet. He asked for extension on monitoring wells.

B.Woodruff explained that all the pit owners in the past shared the expense of hydro-geological studies. He said it is the applicant's duty to provide the data, and an end of July extension was reasonable.



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C.Parker noted permit could be held until data is submitted. R.Severino asked for a year waiver on the data collection. R.Cole asked if the other pits have the May date, would this push back an extension for all the pits? B.Woodruff noted no, this is individual case not affecting the others. R.Severino asked that the permit not be withheld. C.Parker recommended 90 day extension, and if data is not submitted by the deadline the permit is revoked.

K.Weston, from American Engineering spoke. He tested last week for water levels and saw no indication of season highs at expected levels. He provided the Board with groundwater elevation statistics.

L.Merullo asked if trucks from Pruven will continue to stay parked to block sand. R.Severino noted two of the trucks that act as a buffer will stay.

The Chair opened the public hearing.

Rick Hebbard spoke. He said the treed buffer of 100 feet on the abutter's development was discussed. He suggested compost would be good for sand drainage in the pit bottoms.

The Chair closed the public hearing.

B.Woodruff spoke. Planning staff met with the pit owner/operator to discuss requirements in April. Staff performed site inspections on May 2, 2011. The application materials are complete. The excavation/ reclamation plans are complete. The Planning Department recommends the extraction permit be approved with a caveat that any time-based conditions that are not met and certified by the owner/operator may result in the Planning Board considering permit revocation at the next regularly scheduled meeting, and these following conditions:

1. The owner shall comply with Best Management Practices document submitted to the Board with the previous permit submittal.
2. The April 13, 2005 letter to the Planning Board Chair continues to be a part of this permit.
3. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
4. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Office by May 27, 2011.
5. Continue to mitigate blowing sand, dust and other particulate matter near the Mast Road property frontage throughout the permit year by meeting with other owners and stakeholders and agreeing to a comprehensive strategy, schedule of implementation and assignment of responsibilities. Said plan shall be presented to the Planning Board at the first meeting in June 2011.
6. Provide a current water elevation datasheet for the monitoring wells to the Planning Office by September 1, 2011.

L.Merullo discussed that the buffer for trees was to be planted by the abutting developer. C.Parker noted the re-vegetation plan was underway with the abutting developer across the street.

Motion: F.Torr motioned to approve the application with staff conditions. R.Cole seconded.



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Vote: U/A

F. Consideration and acceptance of a Site Review of land for STF Development, Assessor's Map I, Lot 18-1, zoned RM-SU/R-20, located on Durham Road/Route 108. *(P11-13)

C.Berry of Berry surveying and engineering spoke on behalf of applicant. He noted changes had been made based on TRC feedback to reduce environmental impacts. DES approvals had been received. He explained the site plans to the Board, with 11 condo units desired for development. Full drainage analysis has been completed. Style has changed, based on TRC feedback from City Engineer to reduce storm-water impacts. Porous pavement was considered, however vertical lows and soils are not conducive to porous pavement. However sidewalks will be built using porous material. He noted a storm water wetland pond has been added, to include treatment swells and wetland masses. He noted this is a change from the past in an effort to improve storm water management. Engineering package will be submitted when complete. C.Berry asked if the preliminary plans presented met board approval so they can move forward with finalizing plans to present.

R.Cole clarified role of Board this evening. C.Parker noted applicant would like to schedule site review, and receive board questions and feedback. In addition, the Conservation Commission will join the Board in the site walk.

D.Trefethen confirmed with C.Berry that four had been approved. D.Trefethen asked why the applicant now thought 15 would fit. C.Berry noted that developers cannot typically afford to build all expected units at the same time, so they apply for what they can afford and then come back to the Board when they know they can be sold. C.Parker noted they had originally been before the Board for Conditional Use approval only, not site review approval.

L.Merullo asked for clarification on plans. C.Parker clarified TRC plans and new plans had been presented.

D.Trefethen asked about emergency turn-around elevation. C.Berry noted this had not been devised yet, and they would address challenges as plans go further.

Motion: L.Merullo motioned to accept the application. F. Torr seconded. Vote: U/A

The Chair opened the public hearing.

Jason Hault, 30 Hemlock Forest, spoke. He asked for a site walk. He has some concerns about storm water run off, and standing water in current development. He asked to discuss buffer and tree line plans during site walk.

Susan Marst, 24 Hemlock Forest, asked about the procedure. M.Gasses explained there would be a site walk, another public hearing and review of final plans after the site walk.

The Chair recessed the public hearing and scheduled a Site Walk for this Saturday, May 14th, at 9 a.m.

R.Cole asked that at the next meeting they provide pervious to non-pervious surface area calculations be brought to the Board.



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Motion: R.Cole motioned to table. L.Merullo seconded. Vote: U/A

G. Consideration and acceptance of a Conditional Use application for STF Development, Assessor's Map I, Lot 18-1, zoned RM-SU/R-20, located on Durham Road/Route 108. *(P11-14)

C.Berry discussed that a small buffer needs to be crossed for development, and the roadway will have a small impact on a culvert wetland area. He will follow-up to address.

Motion: R.Cole motioned to accept the application. D.Treferthen seconded. Vote: U/A

The Chair opened the public hearing. No comment was made. The Chair closed the public hearing.

Motion: D.Trefethen motioned to table the application. D.White seconded. Vote: U/A

5. STAFF COMMENTS

C.Parker spoke:

- Note to public that signs are not allowed on utility poles in the City.
- Announced Green Commute details.
- Third-party review has begun for Gladiola Drive.
- First Tuesday meeting in June will be a workshop.

6. COMMITTEE REPORTS

Conservation Master Planning process continues. 1,300 acres has been identified as having public access. 2,500 acres are permanently protected.

M.Gasses announced Cochecho River Field Day details on May 21st.

Chair discussed the death of Bill McCann, Conservation Chair. Expressed condolences.

7. ADJOURNMENT

Motion: R.Cole motioned to adjourn the meeting at 8:42 pm. L.Merullo seconded. Vote: U/A