



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, September 13, 2011**
Meeting Time: **7:00 pm**

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

Members Not Present: Ron Cole, Jake Forget (Alternate)

Staff Present: Christopher Parker (Planning Director), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:02 pm

1. CITIZENS' FORUM

Citizens Forum Open. Nobody addressed the board. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- July 26, 2011 Regular Meeting Minutes.

Motion: G.Green motioned to approve the July 26, 2011 minutes. L.Merullo seconded. Vote: U/A.

- August 23, 2011 Regular Meeting Minutes.

G.Green requested a correction on page 5 of 10 to change the statement made by Attorney McNeil regarding that the property *not* be treated uniquely.

Motion: F.Torr motioned to approve the August 23, 2011 minutes with amendments. Seconded by G.Green. Vote: U/A.

3. OLD BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Aranco Oil Company, Assessor's Map 38, Lot 28, zoned B-3, located at 874 Central Avenue. (increase on site impervious area) (P11-30)
- B. Consideration and acceptance of a Site Plan Review of land for Aranco Oil Company, Assessor's Map 38, Lot 28, zoned B-3 located at 874 Central Avenue. (demo existing structure & construct a 2,800 sq. ft. convenience store & gasoline sales) (P11-35)

Attorney Malcolm McNeil discussed both items.

Attorney McNeil represented the applicant and summarized the site plan and conditional use plan as submitted. He introduced members from Aranco Oil (Floyd Hayes), Ambit Engineering (John Chagnon) and Ranson Environmental (Steve Rickerich). He explained the upgrade to the property and the significant improvement to this area. The canopy fascia size has been reduced. He stated there is a new landscape proposal being done, where none existed; and a drainage system proposal being done where none existed. There are no wetlands on the site and no ZBA action necessary. The only discretionary relief was a conditional use permit to be addressed. New sidewalks and lighting were also discussed. Improvement and makes Central Avenue look better. He thanked Mr. Green for his amendments to the record.

Motion: G.Green made the motion to remove both items from the table. Seconded by F.Torr. Vote: U/A.



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Atty. McNeill discussed the additional drainage system proposal and the Conditional Use Permit. He stated the Conditional Use Permit was recommended by the Conservation Commission at July 11, 2011 meeting and was unanimously approved the Conditional Use Permit.

John Chagnon (Ambit) showed G.Green the drinking water well location.

Atty. McNeill continued to discuss the Site Plan and spoke about: drainage improvements, zoning issues, the B-3 district, the lighting, the canopy and the convenience store plan. Fencing was proposed and goes beyond what is required. There is a waiver required for paving within 5 ft of the rear property; and the City feels the paving waiver is reasonable, and the planning department supports the waiver. The Developer feels that what has been provided has been reasonable and has gone beyond what is required by the City.

G.Green stated that he is happy with the upgrade to the site. He asked what type of customer uses Diesel and he feels the store will be more of a destination compared to the old station. He also feels there is a concern with traffic flow and if there will be large diesel rigs using the station. Previous comments from the August meeting had concerned congestion, traffic conflicts exiting left across Central Ave and questioned traffic flows. He then suggested a one way in and one way out traffic flow.

Atty. McNeill feels if a traffic study was needed, they would have done one. His clients want to be treated the same as other businesses along Central Ave.

C.Parker commented on the site walk, and tightening up the entrance. Traffic on Central Ave continues to be constant and the department does not feel the need for reviewing of the access patterns and stated a traffic pattern change is not necessary.

L. Merullo asked about traffic pattern and proposed a one way in and one way out.

C.Parker stated it was not suggested early in plan and it is not being considered. A traffic pattern change is not necessary.

D.Trefethen commented on current traffic pattern and feels signage would not change how people react to traffic pattern.

Chair Gasses is happy with the two ways in and out, based on personal experience. She supports the traffic pattern proposed and agrees with the marketing concept as a destination.

Re-open Public Hearing. Nobody addressed the Board. Public Hearing Closed.

C.Parker noted that staff recommends that the Planning Board grant the Conditional Use Permit with no conditions of approval. Item A Vote: (P11-30):

Motion: T.Clark made the motion to approve. Seconded by F.Torr. Vote: U/A

C.Parker states that staff recommends the site plan approval 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.



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3. The approval includes the granting of the waiver for paving within five feet of the lot line for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 149-19-A have been met.
4. The applicant shall revise the lighting plan to comply with Chapter 149-14-E-2.
5. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
6. The applicant shall agree that all on-site vehicle storage will terminate.
7. The applicant shall revise Sheet C-3 to show the electrical line underground.
8. The applicant shall revise the plans to extend the retaining wall to the front property line.
9. The applicant shall revise the plans to depict painted lane lines and arrows at the both entrances.
10. The applicant shall revise the plans to relocate the sidewalk by the southern entrance to the east of the utility pole.
11. The applicant shall revise the plan to show the replacement of the sidewalk from the northernmost driveway of map 38, lot 29 to the northern property line of the subject lot with a concrete sidewalk.

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

12. The new building shall pay the current impact fees in place at the time of building permit application.
13. The new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.
14. Construction hours shall be limited to Monday-Friday 7am-6pm and Saturday and Sunday 7am-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:

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

L.Merullo questioned condition #9 and clarified the painted lines and arrows are on the site and not on Central Avenue. There will not be changes to the existing lines on Central Avenue.

Item B Vote (P11-35):

Motion: G.Green motioned to approve with staff conditions. Seconded by F.Torr. Vote U/A

- C. Consideration and acceptance of a Site Plan Review of land for LDSJ Holdings, LLC (Owner: Beulah Eldredge & Betharlene Weeden Miller, Trustees, Weeden Family Revocable Trust) Assessor's Map D, Lots 16 & 16-A, zoned B-4, located at 385 Sixth Street. (Construction of a 5,544 sq. ft. Dental Clinic Building) * (P11-37)

Motion: F.Torr motioned to remove from the table. D.Trefethen seconded. Vote: U/A.

Dr. Josh Howard spoke about the Sixth Street Dental Office. He introduced Jones & Beach Engineers (Jonathan Ring) and Warren Street Architects (Jonathan Halle).



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Jonathan Ring spoke in regards to the plans submitted and feels they have met all the requirements. He introduced Jonathan Halle who was at the site walk the previous day. Mr. Ring expressed concern with proposed condition #9 recommended by staff.

C.Parker explained condition #9 regarding vegetation issues and the intention to work with the applicant to retain mature vegetation as part of the landscape plan.

Dr. Howard stressed he wants to make sure that the general public can still visibly see the facility.

Mr. Ring identified on the plans, the bull pines along Sixth Street. The proposal is to leave all the natural buffers along both sides of the property. Mr. Ring feels there should be grading changes and states they have met all the requirements of the ordinance.

C.Parker stated the board wants to find balance and work through the landscape concerns and work with the developer. He stated that the Planning Department recommends that the Planning Board approve the Site Plan with staff conditions.

L.Merullo commented on the lack of a site walk and feels strongly there should always be a site walk.

Chair Gasses stated the applicant showed a virtual site walk and the board is familiar with this area. She states that the residents and other businesses along Sixth Street, many who have large setbacks, and people still find the buildings. The board is looking to blend the current residences and businesses along Sixth Street.

G.Green commented about the Planning Department and feels it always goes out of its way to work with people. He is confident that C.Parker (Planning Director) will treat everybody fairly.

Dr. John Howard thanked the board for working with him towards the end goal.

Re-open public hearing

Jeff Weeden, 387 Sixth Street reiterated that he feels C.Parker is fair and the dental facility would be a great project. He also thanked Dr. Howard and feels it would be a great asset to the city.

Public hearing closed.

C.Parker noted that staff supports the approval of 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 have the subdivision plat (P11-36) recorded at the Strafford County Registry of Deeds.
4. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
5. The approval includes the granting of the requested TDR waiver for development within the wetland and pond setbacks, per Chapter 170-27.2, F-4.



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6. The approval includes the granting of the licensed landscape architect waiver for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 149-19-A have been met.
7. The applicant shall amend sheet D-1 of the plan to revise the sewer and drainage trench details by specifying stone bedding only.
8. The applicant shall amend sheet D-1 of the plan to revise the sloped granite detail by specifying asphalt instead of concrete.
9. The applicant shall revise sheet LA1.1 of the plan to identify any existing trees that will be preserved in the front of the lot between the street and the parking lot. The revised landscape plan shall be reviewed and approved by the Planning Department and City Engineer.

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

10. The applicant shall contribute funds in the amount of \$3,768 to the City for traffic signal improvements to the Indian Brook Drive/Sixth Street and Venture Drive/Sixth Street intersections. This amount is the development's fair share based on an impact calculation using a rational nexus approach.
11. The applicant shall provide the proposed wording for the deed restriction for the TDR sending area. This document shall be reviewed by the Planning Department, with consultation by the City Attorney on the proper form of the document. The executed deed shall be recorded at the Strafford County Registry of Deeds.
12. The new building shall pay the current impact fees in place at the time of building permit application.
13. The new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.
14. Construction hours shall be limited to Monday-Friday 7am-6pm, and 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:

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

D.Trefethen noted that condition #14 states the hours are different from the previous application. He questioned the hours of construction listed in the conditions on Saturday/Sunday hours. The previous hours stated 7am to 5 pm. He also questioned condition #9, questioned preserving existing vegetation vs. picking a few mature trees.

Motion: F.Torr made the motion to approve with staff conditions. Seconded by T.Clark. Vote: U/A

- D. Consideration and possible vote of a request for a 90-day extension for John & Caroline McGlone, Assessor's Map I, Lot 124, zoned R-40, located at 25 Piscataqua Road (P09-16A) (5 lots) previously approved on 8/24/10. (A 90 day extension was granted on 5/24/11 to expire on 8/24/11).

C.Parker discussed the delay. Mrs. McGlone requested an additional 90-day extension due to a legal reason.

T.Clark confirmed the expiration date. (90 days from 8/24/11)

L.Skinner mentioned that this was the 5th extension.



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C.Parker states this would be the last extension.

G.Green asked if there were any changes within the Land Use regulations.

C.Parker states the projects still complies with all regulations at this time.

Motion: F.Torr made the motion to grant the 90-day extension. G.Green seconded. Vote: U/A

4. NEW BUSINESS

- A. Dover Point Road 252, LLC. Conditional Use Permit Discussion and possible vote on a Conditional Use Permit for Dover Point Road 252, LLC, Assessor's Map K, Lot 25, zoned B-3, located at 38 Dover Point Road. (2,282 sq. ft. of pavement within the wetland buffer) * (P11-43)
- B. Discussion and possible vote on a Site Plan Review of land for Dover Point Road 252, LLC, Assessor's Map K, Lot 25, zoned B-3, located at 38 Dover Point Road. (Construction of a 22,330 sq. ft. Parking Lot) * (P11-41)

Dave White recused himself from these two items.

Both items will be discussed with separate votes and conditions.

Bob Stowell from Trittech Engineering, representing the applicant spoke. He introduced Doug LaRosa (Trittech Engineering) and Charlie Reid (Principal of the LLC) and Attorney Sean O'Connell. Mr. Stowell states that they have been through the TRC process. They have also been to the Conservation Commission regarding the Conditional Use Permit, both giving favorable outcomes. They are requesting a waiver regarding 5 ft setbacks. He discussed the proposal which includes overlaying the existing gravel with pavement.

C.Parker spoke about the Conditional Use Permit, and no need for a larger site plan review. This project is an improvement project.

B.Stowell discussed the gravel plans.

L.Merullo questioned any drainage impacts.

C.Parker states existing sewer lines and drainage do not need changes.

D.Trefethen questioned the catch basin.

L.Skinner commented on the parking lot size and proposal and asked the engineers about infiltration, gravel and runoff.

B.Stowell explained the stormwater maintenance plan, runoff, and gravel.

Motion: D.Trefethen made the motion to accept the application on item A – (P11-43). Seconded by L.Skinner. Vote: U/A



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Motion: D.Trefethen made the motion to accept the application on Item B. (P11-41) Seconded by L.Merullo.
Vote: U/A

Public hearing open on both items A & B. Nobody addressed the board. Public hearing closed.

C.Parker noted that planning staff recommends approval for the conditional use permit without any conditions of approval. (P11-43)

Motion: L.Skinner made the motion to approve Item A – (P11-43). Seconded by L.Merullo. Vote: U/A

C.Parker noted that the planning staff recommends approval of 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 approval includes the granting of the requested waiver to allow paving within five feet of the side property line for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 149-19-A have been met.
4. The applicant shall revise the plan to delete notes C-8 and C-16.
5. The applicant shall revise the plat to add the plan number P11-41 to the title block on all sheets.

Motion: G.Green made the motion to approve Item B - P11-41 with staff conditions. Seconded by T.Clark.
Vote: U/A

- C. Presentation by Strafford Regional Planning Commission on Fluvial Erosion Hazards.

C.Parker introduced Kyle Pimental of Strafford Regional Planning Commission as guest speaker as a workshop item.

K.Pimental gave a brief overview of the program and its impact on the Cochecho River in the area and other waterways within NH. He also introduced Lorie Chase of Cochecho River LAC. They both spoke on the subject of Fluvial Erosion within the State of N.H. There is a high priority for state fluvial erosion programs. He discussed the benefits of the program. The contact for the program is Shane Csiki for Fluvial Geomorphology at www.des.nh.gov.

D.Trefethen asked about funding. Funding would be provided by the DES and FEMA.

Lorie Chase spoke briefly in regards to the Cochecho River, public safety and health and a corridor management program.

5. STAFF COMMENTS

- C.Parker gave out a confidential letter and spoke briefly about the City Attorney with update on progress with Gladiola.
- 9/27/11 revisit zoning amendments, Land Use regulations – EPA workshop
- Bruce Woodruff is taking a job as Town Planner for Moultonborough, after 20+ years. There will be a going-away party for Mr. Woodruff.



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6. COMMITTEE REPORTS

L.Skinner – An update was given on the Stearing Committee for the Conservation Chapter of the Master Plan.

Congratulations to C.Parker for being named the Northern N.E. Planner of the Year, at the awards ceremony this past week in Vermont.

7. ADJOURNMENT

Motion: Green motioned to adjourn the meeting at 8:47 pm pm. Seconded by Merullo. Vote: U/A