



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Ave., Dover, NH
Meeting Date: **Tuesday, February 28, 2012**
Meeting Time: **7:00 pm**

Members Present: Marcia Gasses, (Chair), Frank Torr (Vice Chair), Dean Trefethen, Mayor; Tom Clark, Lee Skinner, Kirt Schuman, Dennis Ciotti (Alternate)

Members Not Present: Dave White, Gary Green, Jake Forget (Alternate)

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

The Chair called the meeting to order at 7:00 pm.

1. CITIZENS' FORUM

Citizen's Forum open. No one spoke. Citizen's Forum closed.

Approval of Regular Meeting Minutes

- January 14, 2012 Regular Meeting Minutes

Motion: F.Torr motioned to approve the minutes, with corrections noted. Seconded by D.Trefethen. Vote: U/A. D.Ciotti abstained.

2. OLD BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Colin McGarty, Seacoast Kettlebell LLC (Owner: Freetrade Inc.) Assessors Map 30, Lot 18, zoned I-1, located at 23 Horne Street. (4,900 square foot personal training studio) *(P12-01)

Motion: F.Torr motioned to remove from the table. Seconded By K.Schuman. Vote: U/A.

Colin McGarty of Seacoast Kettlebell spoke to board. C.McGarty addressed the site walk concern of putting up a chain/barrier and stated he is going to put a chain up at the end of the property.

L.Skinner asked about the location of the chain and asked if the property owner was in agreement.

Reopen the public hearing:

Carole Robinson, 1-3 Berry Brook Ct. spoke. She is impressed that a site walk was requested in a timely manner. She spoke on behalf of her tenants and some neighbors that want to work together to make the Kettlebell studio work for the neighborhood. C.Robinson presented a list of concerns and suggestions for the board to consider including safety issues, traffic control, children and driver safety, eliminating large vehicle traffic, increased traffic in the early morning and after normal hours.

C.Robinson also stated she wants to maintain a quiet residential neighborhood. She discussed the use of jersey barriers, a chain link fence or just a chain across. The neighbors would prefer a fence where the original location was located. C.Robinson then suggested signage – “no thru way” or a “dead-end” sign. Adjacent homes would not like to see spotlights shining on homes, and she recommended possibly having motion detection lights installed. Additional concerns included changing the location of the entry door, handicap ramp and handicap parking, shades on the windows after dark, hours of operations, and a minimal noise standard.



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Beth Setear, 29 Horne St., owns property on Berry Brook Ct. She referenced another gym in the old Moore Business building and that residents abutting that gym are a good 75 ft away. The Kettlebell gym is approximately 32 feet from neighboring homes. She is concerned about the hours of operation, and the number of attendees for each class and hopes that there would be limitations.

Rick Callahan & Charlene, 32 Horne St., is directly across from Berry Brook Ct., spoke to the board and feels much progress since the initial meeting. A blocking fence or a locked gate is important. He supports the noise and lighting issues, but is concerned if neighbors are unhappy who they can complain to. R.Callahan wants neighbors to be protected in their rights of privacy and how to solve critical problems as they arrive in the future. C.Callahan also wants to know about the parking.

C.Parker stated a condition of approval would include a parking plan.

Jason Gagnon, 45 Hough Street stated his backyard abuts the property at 23 Horne St. His tenants and he both have small children. He felt eliminating truck driving is important to him and the neighborhood. He is a current member of the Kettlebell club and feels Seacoast Kettlebell fosters a sense of community, a common interest, and a business like this strengthens the community.

Chris Donnolly, 34 Maple St. stated he is a longtime resident of Maple Street and supports the Kettlebell club. He supports Mr. McGarty as a good community member.

Richard Wilson, 75 Horne St. stated traffic on Horne St. is primarily cars. He supports the club which he feels eliminates truck traffic.

Ben Lylestrom, 26 Cornerstone Dr., stated he is a Dover police officer. He mentioned the high traffic area of Horne St. B.Lylestrom feels that Seacoast Kettlebell is a good program. He stated its members are mindful of noise and activities and understand the neighborhood.

Dave Martinelli, 1 Meridian Dr., supports the Kettlebell club. He feels the club would be a benefit to the neighborhood. The club is an older and mature age membership club and is not a hangout.

Karen Collins, 11 Snows Ct., feels the Kettlebell club creates a good community because of the people in charge and who run the business. They do an excellent job at modeling behaviors, communicating and embracing the community feel. The community is involved and they know what the behavioral expectations are for the gym. She feels that the owners of Kettlebell will do an excellent job.

Deputy Mayor Bob Carrier, 31 Hough St., supports the Kettlebell and feels it's a win-win for the neighborhood.

Rick Hebbard, 97 Spruce Ln., does not support the use of a chain. He described a previous incident years ago and he feels a chain would be dangerous to children, vehicles at night, and would be a negligent and reckless act.

Public hearing closed

D.Trefethen questioned C.Parker on the potential noise concerns.



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C.Parker responded that the City does not have a noise ordinance. It would be a neighborly request. He encourages a similar response.

Handicap parking would be close to the doors of the building.

C.Parker stated parking would be close to the handicap entrance, and that no outlet signs would be taken into consideration.

F.Torr asked about a gate or chain and if it were cleared by the Fire Dept. The Fire Dept. declined the Jersey barrier option. The Police brought up the potential hazard of a chain. The Police Dept. prefers a fence with a locked gate, that would be opened for limited deliveries or emergency needs. The building owner understands and will instruct everyone to use the Horne Street access and not the Berry Ct. entrance.

A discussion ensued between the board members and the Planning Director. Further concerns were noted about emergency access, parking in front of the gate, limited deliveries, snow removal and snow plowing. Lighting issues were also discussed.

C.Parker feels a full fence with a gate apparatus is best. He is recommending a lock box key entry system for snow removal.

Chair Gasses brought up the hours of operation and feels the hours of operation listed on the application are not unreasonable.

STAFF RECOMMENDATION:

The Planning Department recommends approval of the Conditional Use Permit with the condition that a fence and gate system be installed to close the driveway onto Berry Brook Court prior to the issuance of a Certificate of Occupancy:

1. A fence and gate system shall be installed to close the driveway onto Berry Brook Court. Said gate shall be locked, except for in unusual circumstances, such as deliveries and emergency access.
2. The applicant shall work with the building owner to draft a parking layout plan for the building, submitted to the Planning Department.
3. The applicant shall work with the Community Services Department to develop a snow removal plan.
4. If the applicant installs any outdoor lighting it shall conform with Site Review Regulations, Chapter 149.

D.Ciotti asked about Sunday hours.

C.McGarty stated the hours of operation are: Classes on Sunday at 9am, 10am, 11am, and closed by noon.

F.Torr and L.Skinner felt the owner is trying to grow his business. Limiting his hours is arbitrary.

D.Ciotti stated he is not amending the hours, he was clarifying the hours.

There will be no limit to the hours of operation.



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K.Schuman spoke to changes in the ordinances. He feels this outcome is cohesive with the neighborhood and provides a good reuse of space. This is the third time Kettlebell has had to expand in five years and that's a good thing.

Motion: F.Torr motioned to grant the Conditional use Permit. K.Schuman seconded with conditions of approval. Vote: U/A. D.Ciotti abstained.

The Board took a 5 minute recess.

4. NEW BUSINESS

A. Public Hearing to hear Community Development Block Grant (CDBG) funding requests for Fiscal Year 2012/2013. All applicants for CDBG funding will be given the opportunity to present their application to the Board.

D.Trefethen asked if at the next meeting they will have the recommended award amounts.

L.Skinner asked if the \$486,226 was an accurate number of an estimated number.

R.Jones responded it is an accurate number.

Open public hearing.

Welfare Security Deposits: \$10,000 Request

Lena Nichols, Director of Dover Welfare, spoke. The needs of the organization are: Funds for security deposits for low-income persons who are currently homeless or in danger of imminent homelessness.

Community Partners: \$10,700 Request

Michele Donovan, Program Director of Community Support, spoke. Needs of organization: Funds for security deposits and/or first month's rent for affordable housing.

Cross Roads House: \$10,000 Request

Email received from the Chris Sterndale, Director who could not attend due to a scheduling conflict. Needs of organization: Funds for increased operating costs.

Seymour Osman Comm. Center: \$4,740 Request

Thad Mandsager, Executive Director, spoke. Needs of organization: Funds for low-income students in the SOCCA after school program serving students who require academic enrichment with a homework lab afterschool.

AIDS Response: \$15,000 Request

Kristin Fuller, Director, spoke. Needs of organization: Funds to provide case management and support services to persons living with HIV/AIDS; also medical/dental resources, nutritional counseling/use of food pantry, transportation, utility and housing assistance.

A Safe Place: \$3,500 Request

Marsie Sebestro, Director, spoke. Needs of organization: Funds for domestic abuse, direct services, advocacy assistance, shelter, outreach programs, groceries, clothing and personal hygiene items.

Homeless Center for Strafford County: \$10,000 Request



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Susan Ford, Executive Director, spoke. Needs of organization: Funds needed for operating costs. Also, weekly case management and referral services to help residents live a more self sufficient life.

Court Appointed Special Advocate: \$1,000 Request

Jenny Sheehan, Supervisor, spoke. Needs of organization: Funds for recruiting, training, and screening Dover volunteers who act as Guardians ad Litem for local abused children in the NH court system.

My Friend's Place (MFP): \$9,000 Request

Bob O'Connor, Director, spoke. Needs of organization: Funds for basic shelter services, and shelter improvements.

MFP Transitional Housing: \$3,000 Request

Bob O'Connor, Director, spoke. Needs of organization: Funds for the transitional housing program.

Avis Goodwin Comm. Health: \$5,123 Request

Susan Fitzgerald Reicher, Director spoke. Needs of organization: Funds for the (PC) Primary Care program which provides quality preventative health care for uninsured and disadvantaged persons.

Community Action Weatherization: \$25,000 Request

Mary Schofield, Director, spoke. Needs of organization: Funds for weatherization measures for low-income housing.

The Housing Partnership: \$210,000 Request

Jack Peduzzi, Senior Project Manager, spoke. Needs of organization: Expansion of existing services and assist in providing affordable housing in Dover.

The Triangle Club: \$40,000 Request

Mike Kimball, Treasurer, spoke. Needs of organization: Upgrading heating and air conditioning systems, improvements to flooring, plumbing, and paving the parking lot.

Closed the public hearing

C.Parker advised that Planning Board will hold a workshop meeting on Tuesday, March 13, 2012 to discuss the CDBG requests.

- B. Consideration and acceptance of a Conditional Use Permit for Michael & Shelby Brewer, Assessor's Map 32, Lots 36-E & 36-F, zoned R-12, located at Fourth Street. (Encroachment into wetland buffer)
***(P11-61)**

Kevin McEaney represents the Brewer's. K.McEaney handed out the proposed site plan which includes a request to build a new house behind the existing house and merges the two lots. There are currently three lots. Changes to the location of the house, changes to the angle of the garage, and the driveway will be made. Details of the property being in a flood zone were discussed and there would be a 15 ft fill extension. The Conservation Commission has made recommendations for native landscape species. The landscape plan will be approved by the City.

C.Parker asked about ownership of the three lots. An easement will be provided for the front lot to access the rear lot. The parents of the Brewers will purchase the front house to live in.

D.Trefethen asked if the back two lots would become one lot.

Motion: F.Torr motioned to accept the application. Seconded by T.Clark. Vote: U/A



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Open the public hearing.

George Whitehead who lives on Fourth Street is here in support of the plan. He feels it is a good plan. He requested that some of the drainage be restored to the natural drainage of the Cocheco River. He does not want to see any delays in the approvals.

Brian Stern feels there should be an exception to the no move areas, in regards to the native species.

Closed the public hearing.

C.Parker recommends approval with the following conditions:

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall complete the Lot Merger Form and have it recorded at the Strafford County Registry of Deeds.
2. The applicant shall complete a cross access easement over the new lot and have it recorded at the Strafford County Registry of Deeds in favor of Lot 32/36D.

Conditions to Be Met Prior to any Earth Disturbance Activity:

3. The applicant shall have the surveyor stake the area of the proposed fill within the 50-foot wetland buffers on the lot and install silt fence or other suitable erosion control device. This shall be checked and approved by the Building Official and City Engineer.

Conditions to Be Met Prior to the Issuance of a Certificate of Occupancy:

4. The plantings shown on the proposed landscape plan prepared by Norm Fracassa shall be installed by the applicant.
5. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs at 25 foot intervals along the 20 foot wetland buffer line. This shall be checked and approved by the Building Official and City Engineer.

Motion: F.Torr motioned to approve the Conditional Use Permit. Seconded by Mr. Clark. Vote U/A.

- C. Consideration and acceptance of an Application for a one-year Extension to an approved Open Space Subdivision Plan for Brian Stern, Assessor's Map E, Lot 45, zoned R-40, located on Tolend Road/Lika Drive. Previously approved March 23, 2006. **(P05-71A)**

B.Stern purchased this property from his neighbor to protect his boundary lines. He spoke about impact fees and his concerns.

Closed the public hearing.

Staff recommends the extension with the following conditions:

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

1. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
2. Any new dwelling unit shall be assessed the current water investment fees in place at the time of building permit application.

Motion: Tom Clark motioned to the one-year extension with conditions. Seconded by D.Ciotti. Vote: U/A



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D. Consideration and acceptance of a Major Subdivision of land for Graystone Builders, Inc. (Owner: Lionel & Kristina Paradis) Assessor's Map F, Lot 2, zoned R-40 & I-4, located at 180 Tolend Road. (4 lots) ***(P12-04)**

Christopher Berry who represents Graystone Builders and the property owners Luke & Kristina Paradis. They own a farm on the 63+ acres. They would like to subdivide 4 lots off the front/eastern side of the property.

C.Berry stated there will be an additional change to two of the lots. Due to wetlands a proposed change in the rear boundary lines will be made to accommodate the 50 ft rule. The major wetland areas will remain on the larger portion of the land the owner retains. There is a proposed close-shared driveway at the entrances.

They are requesting a waiver to the open space requirement for the front.

Chair Gasses asked about buffers and one of the lots appears narrow and unbuildable. (Lot 2-2) M.Gasses is concerned where the home would be placed in regards to the buffers.

C.Berry pointed to the buffer area which is 50 ft wide. Lot 1 is wide enough. On Lot 2-2, he described that the width is larger than 50 ft and closer to 75 ft. He feels a modest ranch or architectural style cape would fit. C.Berry recommends that the buffers are clearly marked in case Graystone Builder's does not build on this site and other builders would know the buffer location.

C.Parker discussed the Planning staff also had the same concerns.

D.Trefethen asked that all four lots have had septic system tests completed. Due to the wetland areas he feels this is a concern.

C.Berry pointed to the 4,000 sq. septic areas and discussed test pits and water tables.

Clark asked about Lot 2-4 showing wells on site. C.Berry stated this was a clerical area. He wants to review the driveways on Lot 2-2 and why they couldn't share the driveway at the curve cut and then split off.

C.Berry feels with direction from the board the driveways could be reworked.

Motion: L.Skinner motioned to accept the application. Seconded by D.Ciotti. Vote: U/A

Open public hearing. Nobody spoke. Closed public hearing.

Planning staff recommends approval as follows.

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall add the surveyor's and wetland scientist stamps and signature to the appropriate sheets.
4. The approval includes the granting of the requested waiver for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 155-51-A have been met.
5. The applicant shall add the plan number, P12-04, to the title block on all sheets.
6. The applicant shall revise note #14 on sheet 2 to reference Chapter 170-10-E.
7. The applicant shall revise sheet #2 to add the zoning districts to the zone boundary line.
8. The applicant shall revise the plat to add a legend.
9. The applicant shall revise the plat to add the water lines and hydrant locations.



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10. The applicant shall the plat to add the common note #23 regarding street addressees being assigned by the Building Inspector.
11. The applicant shall revise the plat to tie the survey into the Dover GIS points.
12. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
13. The applicant shall revise the plat to remove the errant note about the well location form Lot 2-4.

Conditions to Be Met by the Applicant Prior to Any Land Clearing:

14. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs at 75 foot intervals along the wetland buffer line in any area where development is proposed within 20 feet of the wetland buffer. This shall be checked and approved by the Building Official and City Engineer.

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

15. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
16. Any new dwelling unit shall be assessed the water investment fee.

D.Trefethen commented that he appreciates the effort to have a shared driveway but stated there would still be a problem with shared maintenance, plowing, paving. He does not support the shared driveway.

T.Clark wants to remove the condition – of a shared driveway.

Motion: D.Trefethen motioned to grant the request for the subdivision. Seconded by D.Ciotti. Vote: U/A.

STAFF COMMENTS

The Gladiola Way project has gone to litigation. Tremendous progress is being done to resolve the issues of the residents.

C.Parker reminded the Board about the City Council workshop, March 7, 2012, covering the recommendations of the Master Plan which will be held at the McConnell Center in the Media Center.

On Saturday March 10, 2012 at the Dover Middle School, 9am-noon – there will be the City Wide Conversations – Dover 2023 which is a community wide project to shape the vision for what Dover can be as it reaches its 400th anniversary in 2023.

Chair Gasses welcomed back D.Ciotti to the Planning Board. She also thanked Linda Merullo for her many years of dedicated service to the Board.

COMMITTEE REPORTS

K.Schuman – March 10th – Community Conversations – looking for moderators. Training sessions are scheduled. www.dover2023.com going live in a few hours and the community can use interactively. It coincides with Dover’s 400th. Anyone interested in being a moderator please talk with Kurt Schuman.

M.Gasses updated the Board on the Commercial/Industrial Advisory Committees work which met twice. They are reviewing where the zones are, what parcels are included – going forward looking at surrounding parcels and possible changes including changes to site regulations. The next meeting is Thursday, 8:30 a.m. March 1, 2012.

L.Skinner updated the Board on the progress with the Open Space and Conservation Master Plan chapter which met two weeks ago.



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Chris mentioned the Chamber Forum meeting on March 14th at 8:30am at the McConnell Center.

ADJOURNMENT

Motion: L.Skinner motioned to adjourn at 9:53 pm. D.Ciotti seconded. Vote: U/A.