



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 27, 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, Kirt Schuman (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 7:00 pm

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

- September 13, 2011 - Regular Meeting Minutes.

Motion: F.Torr motioned to approve the September 13, 2011 minutes. D.Trefethen seconded.

Vote: U/A.

A. OLD BUSINESS

- A. Discussion and possible vote on a Site Review and a Conditional Use application 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 and P11-14)

Motion: F.Torr motioned to remove both items from the table. Seconded by D.Trefethen. Vote: U/A.

Christopher Berry with Berry Surveying & Engineering addressed the Board and gave a brief overview of the application.

D.Trefethen asked about the storm water collecting along the property line. He asked about gutters on the buildings.

Discussion ensued between D.Trefethen and Mr. Berry who clarified the swale area and showed the board on the plan where the swale would be located. Mr. Berry explained the swale would be adequate enough to get the water away from the units. No additional storm water plans have been proposed, however, engineers are looking into relief systems. Detention ponds were also discussed. Mr. Berry showed the board the PDF drawing showing the water runoff to the lowest point on the property.

G.Green asked if the swale area is an improvement to the plan Mr. Berry explained it would be an improvement and a lower point on the property where water cannot be trapped.

Public hearing open

Jason Wall of Hemlock Forest addressed the Board and requested an explanation of the swale area. He asked about water capturing on the back part of the roofs. He also stated he is concerned about the hemlock trees and the white pines and suggested arborvitae trees to provide privacy.



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Susan Barnes of Hemlock Forest, had questions about the guidelines of the construction project, and wanted to know who she could contact on the weekends if posted work hours are not followed. C.Parker stated that due to a change in the ordinance process, construction hours and contact info would be available on site for concerned residents to call if needed.

Eric Kelsey of 26 Hemlock Forest, stated he attended the site walk, stated flooding problems in the past, and has current concerns about flooding and possibly diverting water from one side of driveway to the other side of the driveway.

Mr. Berry addressed the concerns. With respect to the breaks along the property line to allow storm water to enter the swale system. Mr. Berry states he would propose breaks.

In respect to the arborvitae trees. Arborvitae trees could be added, but would be about six feet tall- they would provide coverage at the ground level and not the second level. In respect to the drainage at the front, a proposed side walk on the Hemlock Forest side of the road, that is now capturing the water and sending to the detention facility and no longer sending it to capture area under the driveway, therefore reducing the amount of storm water that area now captures.

C.Parker questioned the note on the grading plan, upper left on page #9.

Public hearing closed

C.Parker noted that staff recommends that the Planning Board grant the Site Plan approval with the following conditions: Item A for Site Plan approval. Vote: (P11-13):

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 add the surveyors and engineers stamps and signatures to all appropriate sheets.
4. The approval includes the granting of the waiver for a driveway width of 20 feet where 24 feet is required 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.
5. The applicant shall have the Storm water Management Maintenance and Inspection Plan approved by the Community Services Department.
6. The applicant shall revise sheet #4 to correct the zoning district from RM-20 to RM-SU.
7. The applicant shall revise sheet #5 to correct notes #6, 33 and 36.
8. The applicant shall revise the plan to add an additional 800 square feet of passive recreation to the site.
9. If applicable, the applicant shall provide the Planning Department with proof that the existing wetlands violation has been resolved to the satisfaction of the NH Department of Environmental Services Wetlands Bureau.
10. Applicant shall revise the plan sheet #9 to revise the note to identify tree stands that will remain with the City engineer when they do the site visit.
11. The applicant shall revise the landscape plan to show that two arborvitae trees shall be installed between each white pine.



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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 7 AM-6 PM, Saturday 8 AM-5 PM, with no Sunday hours. 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.
16. In lieu of on-site active recreation, the applicant shall contribute the amount of \$4,000 to the City for improvements to recreational facilities at Morningside Park or Shaw's Lane.

L.Skinner wants to know what level of confidence there is in someone calling the general contractor on a Sunday and reaching somebody.

C.Parker stated that strategies are in place, to make sure that signage is readable, and the source is reliable.

D.Trefethen asked about a utility cut in the road in front of this project, the road was repaved 18 months ago, stated his concerns about the road failing. What is the policy or maintenance of the utility cut in the short run or long run.

D.White responded in the short run there is a one year guarantee. After that, it would be maintenance.

C.Berry stated a there was an error in calculating the disturbance on site, and needs to make a correction. The disturbance will be 88,000 square feet and not 118,000 square feet. He states they will not need the Alteration of Terrain Permit.

C.Parker asked if the plan set has been corrected, and C.Berry stated it has. However, the Board does not have the corrected plan set. Mr. Parker stated to amend Condition #9 with *if applicable*.

Additional discussions between L.Merullo and F.Torr. After D.Trefethen commented, the Board left the weekend hours for Saturday at 8 a.m. as previously stated.

Motion: F.Torr motioned to approve the Site Plan with amended changes to #9 #10, #11. Seconded by G.Green Vote: U/A

C.Parker noted that staff recommends that the Planning Board grant the Conditional Use Permit with the following conditions: Item A for Conditional Use Permit. Vote: (P11-14):

Condition to Be Met Prior to Issuance of a Conditional Use Permit:

1. The applicant shall provide the Planning Department with proof that the existing wetlands violation has been resolved to the satisfaction of the NH Department of Environmental Services Wetlands Bureau.



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Condition to Be Met Prior to any Earth Disturbance Activity:

2. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs along the 50-foot wetlands buffer line at 25 foot intervals where any structure, pavement or fill is proposed within 20 feet of the buffer. This shall be checked and approved by the Building Official and City Engineer

B. Discussion & Review of Land Use Amendments.

C.Parker presented to the board a sheet for Land Use Amendments and read through the list briefly. Chair Gasses stated the goal would be to get through all the zoning amendments.

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Plan Review of land for MSC Civil Engineers & Land Surveyors, Inc. (Owner: The New Meadows, Inc.) Assessor's Map 4, Lot 35-D, zoned RM-SU/B-4, located at 1 Lilac Lane. (Proposed storage units) *(P11-38)

Matt McCormack of MSC Civil Engineers & Land Surveyors, is seeking a site plan approval. Mr. McCormack gave an overview of the project and presented to the board site maps. Previously approved by the City in 2005, it was updated with a variance in 2010 for a cold storage commercial building. Three waivers were requested. He explained the need for the waivers and an explanation on each. He pointed out the lighting plans and fixtures, the landscaping plans.

D.Trefethen asked about existing parking and sidewalks planned and if there would be gates. Mr. McCormack responded no gates proposed. Sidewalks are available and the landscaping would also allow for foot traffic.

L.Merullo asked about foot traffic to and from storage. She also asked about signage.

Mr. McCormack stated that two signs are proposed that would discourage unauthorized parking.

L.Skinner questioned temporary parking and asked for revision to signage that clarifies. He also asked about dumpsters and asked for clarification about providing dumpsters. He voiced concerns about unauthorized dumping of trash.

G.Green questioned if the development is owned by The Meadows.

D.Trefethen asked about rules of the condo association, rules about cars and storage.

Motion: G.Green motioned to accept the application on item A. Seconded by L.Merullo. Vote: U/A

Public hearing open. Nobody addressed the board. Public hearing closed.

C.Parker noted that 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.



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3. The applicant shall add the surveyors and engineers stamps and signatures to all appropriate sheets.
4. The approval includes the granting of the three waivers for no new drainage study, no new traffic analysis, and reduced interior landscaping 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.
5. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
6. The applicant shall revise sheet to C3 to define the temporary parking time limit.
7. This site plan supercedes Site Plan (P04-04) signed by Planning Board Chair on 9/27/05 for two commercial pads.

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

8. The new buildings shall pay the current impact fees in place at the time of building permit application.
9. The new buildings shall be assessed the current water/sewer investment fees in place at the time of building permit application.
10. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, with no Sunday hours. 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:

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

Motion: L.Merullo motioned to approve the site plan. Seconded by G.Green. Vote: U/A

- B. Consideration and acceptance of Site Plan Review of land for Changing Places, LLC (Owner) Marcia Wentworth Revocable Trust) Assessor's Map 28, Lot 9-C, zoned Office, located at 6 Brick Road. (24 Townhouse Units w/parking spaces & infrastructure) *(P11-42)

Atty. James Schulte approached the podium, and introduced the engineers from Tritech Engineering. He gave an overview of the project. The proposal includes 24 townhouse units. He discussed the location off Central Ave., the setbacks, and the lot sizes. He discussed two variances issued in 2011. They requested two waivers: one is for driveways and sidewalks. The other waiver is for a streetscape waiver. Condominium documents are being drafted, primarily for owner occupied townhouses, but some could be rented. This includes three parking spaces per unit. He discussed landscape and fencing plans. Drainage and a large swale were also proposed. Sidewalks will be provided on the easterly and northerly sides. Atty. Schulte explained they are working with the abutters regarding future easements but no agreements have been met.

D.Trefethen asked about abutter property lines and existing trees. Atty. Schulte explained there would be approximately 40 large trees retained.

G.Green asked if there is any additional right of way.

Atty. Schulte stated that Brick Road would use up most of the right of way. He further discussed turning lanes and traffic patterns.



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L.Merullo asked about water infiltration. Doug LaRosa explained the drainage design.

Motion: G.Green made the motion to accept the application on item B. Seconded by K.Schuman.
Vote: U/A

Public hearing open.

Peter Menounnos, 727 Central Ave. voiced his concerns about traffic entering/coming from Oak Street.

Norman Pontbriand, 4 Brick Rd., concerned about crowding him out on the side walk side, and rear of his lot.

Wendie Adam Alghaithy, 1 Abbey Sawyer, she is an abutter who is concerned about the integrity of Garrison Hill.

Valerie Luster, 2 Floral Ave showed pictures and concerned about the impact to her neighborhood.

Bill McQuade who represents McQuade Realty. They are abutters. They own Floral Garden apartments & Oak Terrace apartments. The states the ZBA approved 4 buildings, he sees 6 buildings. He questioned roof connections between the buildings and their purpose, drainage and traffic patterns.

Bryan Fiobese, 6 Floral Ave, voiced his concern about 20 ft drive, the retaining wall and State approval for changing flow of the hill, increased traffic, decreased property values, and water drainage.

Morrigan Browne, 12 Brick Rd., concerned about property value, traffic, retaining wall, and water drainage.

Gregory Hede, 4 Floral Ave., concerned about pollution, traffic, noise, and water drainage. He would like to be present at the next site walk.

Recess the Public hearing until after the site walk. All members of the public are invited to attend.

D.Trefethen wants a copy of the ZBA minutes at the October 25th meeting. Traffic will be reviewed from Weeks Crossing to Oak Street to coordinate the signals in pairs to correct the signal patterns.

Atty. Schulte stated a 6 page traffic analysis was presented previously.

C.Parker noted that staff recommends tabling the item until the October 25th meeting and scheduling a site walk. The site walk is scheduled for Tuesday, October 4th at 5:30 pm.

Motion: F.Torr motioned to table the application. Seconded by K. Schuman. Vote: U/A

Recess at 9:20pm – Resumed 9:25pm

C. Discussion and acceptance on a Conditional Use Permit for Graystone Builders, Inc., Assessor's Map E, Lot 50-4, zoned R-40, located at Pacific Drive. *(P11-44)



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Christopher Berry from Berry Engineering approached the podium and gave a brief overview for the developer. He discussed the wetlands, the buffers and the slope of the parcel. They are requesting a Conditional Use Permit to fill part of the parcel. They propose the structure be moved a little to the west, and a proposed rock retaining wall. He referred to the letter submitted for review.

Motion: L.Merullo motioned to accept the application. Seconded by G.Green. Vote: U/A.

Public hearing opened. Nobody spoke to the board. Public hearing closed.

C.Parker noted that planning staff recommends approval of the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to any Earth Disturbance Activity:

1. The applicant shall have the surveyor stake the area of the proposed fill within the 50-foot wetland buffers and 20 percent slope areas on the lot. This shall be checked and approved by the Building Official and City Engineer.
2. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs along the 50-foot wetlands buffer line at 25 foot intervals where the house, driveway or fill is proposed within 20 feet of the buffer. This shall be checked and approved by the Building Official and City Engineer.

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

D. Consideration and acceptance of a Minor Subdivision of land for Roland Royer, Assessor's Map L, Lot 73-C, zoned R-20, located at 14 Royer Lane.

Kevin McEaney of MSA spoke on behalf of Mr. Royer. There will be an additional Condition of Approval to change the lot number.

Chair Gasses asked about the current shed on the parcel and K.McEaney stated it will remain.

L.Merullo asked about the house on Ayers Lane, and landscaping.

T.Clark asked about front property line set back for the existing shed. This was not previously addressed by the ZBA. It meets the new lot line, but should have met the existing lot line in the back.

L.Merullo asked about ZBA sheets pertaining to the plans.

Motion: L.Merullo motioned to accept the application on item D. Seconded by T.Clark. Vote: U/A

Public hearing open. Nobody addressed the board. Public hearing closed.

C.Parker noted that planning staff recommends approval of the minor subdivision with the following conditions:

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.



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3. The applicant shall add the surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat to show the front setback neighborhood average as being 41 feet.
5. The applicant shall revise the plat by amending note #10 to specify that the new house shall front on Royer Lane, as per the Zoning Board of Adjustment decision.
6. The applicant shall adjust the plan to correct the map and lot number of the proposed lot.
7. Note #8 shall be revised to clarify side and rear.

Motion: T.Clark motioned to approve the application. Seconded by K.Schuman Vote: U/A

- E. Consideration and acceptance of a Minor Lot Line Adjustment of land for Dahn & Norma Tibbett and John Janetos, Assessor's Map N, Lot 13 & 13-B, zoned R-40, located at Gulf Road & Country Club Estates Drive. *(P11-46)

Paul Connelly of Civilworks, represents Dahn & Norma Tibbetts and John Janetos. Mr. Connelly presented a brief overview of the plan.

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

Public hearing open. Nobody addressed the board. Public hearing closed.

C.Parker noted that planning staff recommends approval of the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures 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 stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-46 to the title block.
5. The approval includes the granting of the waiver requested for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 155-51-A have been met.

Motion: T.Merrullo motioned to approve the application with staff recommendations. Seconded by T.Clark . Vote: U/A

- F. Consideration and acceptance of a Minor Lot Line Adjustment of land for Jonathan P. Towle & Karen A. Towle Rev. Trust, Assessor's Map I, Lot 4-A & Lot 67-B, zoned R-12, located at Leathers Lane and 62 Back River Road. *(P11-47)

Paul Connelly of Civilworks, representing Jonathan Towle and Karen A. Towle The plan calls to reduce Karen Towle's parcel and increasing Jonathan Towle's parcel. He is asking for a waiver for regulations to not show the lot line set backs.

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

Public hearing open. Nobody addressed the board. Public hearing closed.



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C.Parker noted that planning staff recommends approval of the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures 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 stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-47 to the title block.
5. The applicant shall revise the plat to correct the proposed lot area for lot 67B in note #2.
6. The applicant shall revise the plat to add a detail of the area where lot 67B narrows near Back River Road.
7. The approval includes the granting of the waiver requested for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 155-51-A have been met.

Motion: T.Clark motioned to approve the lot line adjustment. Seconded by L.Merullo. Vote: U/A

5. STAFF COMMENTS

- Law Lecture Series workshop was discussed. Registrations should be submitted individually.
- Bruce Woodruff's last day is 9-29-11. There is a going away party 4-6 pm 9/28/11.
- The October CIP hearing on joint workshop is 10/19/11.
- The Planning Board Workshop is 10/11/11.
- The Sherman School project on School Street, has property extended until 9/16/11. Plans have been received.

6. COMMITTEE REPORTS - NONE

7. ADJOURNMENT

Motion: L.Merullo motioned to adjourn the meeting at 10:00pm. Seconded by F.Torr. Vote: U/A