



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 22, 2013**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), K.Schuman (Vice Chair); Dean Trefethen, Mayor; Tom Clark, Lee Skinner, Dave White, Frank Torr, Dexter Tarbox (Alternate)

Members Not Present: Gary Green, John Leggett, Jake Forget (Alternate)

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

The Chair called the meeting to order at 7:01 pm.

1. CITIZENS' FORUM

Citizens Forum Open. No one spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- January 8, 2013 Regular Meeting Minutes

Motion: T.Clark motioned to approve and accept the January 8, 2013 meeting minutes with corrections. Seconded by F.Torr. Vote: U/A.

3. OLD BUSINESS – N/A

4. NEW BUSINESS

The Chair announced that Items E and F will not be heard tonight. He entertained a motion to refer these items to the February 26, 2013 regular meeting.

Motion: L.Skinner motioned to Items E and F to the February 26, 2013 meeting. Seconded by T.Clark. Vote: U/A.

- A. Consideration and acceptance of a Site Review for Aroma Joe's Coffee LLC (Owner: Estate of Robert & Ruth Plante) Assessor's Map 16, Lot 1, zoned B-5, located at 1 Charles Street. *(P12-36) (Replace residential duplex with retail takeout coffee kiosk – 922 sq. ft.)

Steven J. Smith, of Steven Smith Engineering, represented the applicant Aroma Joe's. He commented that William Staff, project engineering, and Norway Plains Associates, and owner Kevin Plante, principal from Aroma Joes were on hand to answer any questions. S.Smith gave an overview of the proposed plan and reviewed other establishments in the same neighborhood of the plan which include Burger King, Agway, Sullivan Tire and Roland's Subs; with mixed residential on Charles Street on both sides of the street, and the mill property nearby to the property. In the B-5 district, a drive-up food establishment is allowed with conditions. This plan did go to TRC on November 29, 2012 and suggestions from that meeting resulted in a request for a patron walk-up window, so plans were revised to extend the sidewalk down to the property and up the side of the building for the walk-up. There will be an access ramp with ADA markings with access to Charles Street to get onto the site. There will be a dedicated access/fire lane bypass lane going around the property, four parking spaces including a space for the disabled (three parking spaces are allowed for employees and one disabled patrons). The property abuts a residential property, and they are proposing a 6 foot high fence, arborvitae, and additional screenings along the boundary line abutting the residential property, with screenings to the rear of the property as well. During the traffic study, it was suggested there



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be dedicated right/left hand turn lanes, and the TRC suggested a sign at the exit directing those that want to use the traffic light down on Central Avenue. TRC suggested LED down cast lighting which would be on a time controller coming on 30 minutes before and after opening/closing. A waiver was requested for landscaping. Electrical was discussed with all electrical currently located off site. There is currently a feed from the street pole to the current home.

D.Trefethen entered the meeting at 7:22 p.m.

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

Public hearing open.

Jim Ellis, 15 Alder Lane, spoke on behalf of his parents who own the abutting property at 5-7 Charles Street, asked about the drainage from the water coming from the Agway area and with additional pavement areas, he is concerned with water runoff. He asked for a clarification on the arborvitae and if they would be on one side or both of the property. He requested an 8 foot fence instead of 6 foot and wanted to know how many cars will fit into the lot at one time and how many will be waiting in queue.

Paul Sevigny, 19 Charles Street, addressed the parking. He stated that on Thursday through Saturday nights there is a lot of parking from the rental unit that primarily houses college students. He stated that there is a lot of parking for Roland's sub shop at Sullivan Tire during lunch time, and during the school drop off/pickup times, the parents drop off kids from Mill Street. When they are waiting for the school bus, there are issues with cars parking on both sides of the street. (The bus times are 7:30 a.m., noon, and shortly after 3 p.m.)

Atty. J.Schulte, represented the Estate of Robert & Ruth Plante, which has been in the family since 1932 and three generations have lived there. The children of the Plante's have had many choices for the property and they have been happy working with Aroma Joe's. They feel the use is appropriate for the property considering other permitted uses for the property which are allowed. They feel that this plan is an overall improvement to the proposed site, and the neighborhood. Atty. Schulte reviewed the location of the proposed plan, which he stated will be an improvement to the traffic to Charles Street with new turn lanes, and added sidewalks.

Public hearing closed.

C.Parker spoke on behalf of some of the concerns of the citizens. First he addressed the parking concerns on Charles Street and offered to bring the concern to the TAC. They looked at having the road as a one way street but did not want to cause the residents further in on Charles Street to have to loop around. In regards to the request for the 8 foot high fence, as a staff perspective, the ordinance does allow for that. For the lighting requirements, ordinance requires no lighting drift onto an abutter's property. This will be reviewed throughout the construction process and verified.

S.Smith addressed the drainage questions. There will be no issue with the 8 foot fence. He discussed the arborvitae location and the placement reasoning. The drainage is capturing all the water runoff and reducing it, directing into the new drainage system. Drainage issues will be an improvement with the plan. There is a minimum of five (5) stacking spaces for the order window and nearly seven (7) because the pickup window is on the other side, which will add an additional 4 on that side. They used the Laconia location as a reference to this locations design. The design allowed for maximized stacking on the site.



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C.Parker mentioned that through experience with the Dunkin Donuts up on Central Avenue that more stacking is better than less. Regarding the fence, ordinance requires that the nice side of the fence face the abutter, and usually the arborvitae is planted on the proposed site rather than the abutter's side because if the plantings should fail, it becomes part of the plan and the city would have control over replanting requirements as a condition of approval. If the plantings are on the abutter's side, there would be no recourse.

D.Ciotti asked if a specific fence would be used, stockade, or chain link with slats.

C.Parker confirmed that it would be a stockade fence for the boundary lines, and a slatted fence for the dumpster for screening.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning approve the site plan application 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 submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall revise the plans to add the surveyor and engineer's stamps and signatures to the appropriate sheets.
4. The applicant shall revise the plan by adding the project number P12-36 to the title block on all plan sheets.
5. The applicant shall revise the plan to correct the lot number for the lot owned by Cruden Bay LLC to "TM 15-3" on sheet #1.
6. The applicant shall revise the plan by correcting note #9 on sheet #2.
7. The applicant shall revise the plan to depict the installation of an ADA compliant tip-down at the southern end of the crosswalk across Charles Street.
8. The applicant shall revise the plan to add revision dates to the appropriate sheets.
9. The applicant shall revise the plan to add a drop down utility pole on the property to run the electric line underground to the building.
10. The applicant shall have the Storm water Management Maintenance and Inspection Plan approved by the Community Services Department.
11. The approval includes the granting of the waiver requested for the reasons stated by the applicant and by staff. The Board finds that the criteria of Chapter 149-19-A have been met.
12. The applicant shall provide proof that the invoice for the peer review of the traffic analysis has been paid.
13. The applicant shall revise the Neighborhood Plan to add the proposed development and to narrow the extent to include an area bounded by the Bellamy River and Locust Street.
14. The applicant shall revise the plan to show an eight foot high fence, not a six foot fence, along the southeast property line.
15. The applicant shall revise the plan to add a note on sheet #2 identifying the location of the walk up window.

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

16. Any new building shall pay the current impact fees in place at the time of building permit application.
17. Any new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.



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18. 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.
19. The applicant shall prepare a sidewalk easement deed for the sidewalk along Charles Street for review by the Planning Department, with consultation by the City General Legal Counsel for compliance with conditions of approval. Said deed shall be recorded at the Strafford County Registry of Deeds at the expense of the applicant.

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

20. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
21. All off-site improvements proposed for Charles Street shall be completed and accepted by the City.

T.Clark asked about the size of the construction sign and should the size be specified. He also wanted to know the location of the walkup window.

C.Parker discussed that the applicant should provide a draft design before installing the final sign.

D.Trefethen feels that the plan should go to the TAC for available parking. He agrees with the assessment to not make Charles Street a one way. He discussed parking on the street on a regular basis. He commented to the applicant that there may be parking at Aroma Joe's when it is bus time.

D.Ciotti asked if the location of the fence is satisfactory to Mr. Ellis. He feels this should go to TAC and require that no parking on the northerly side of Charles Street, down to the entrance of Aroma Joe's and across the street on Charles Street by Roland's subs. The front half of Charles Street should have parking eliminated until you get past the Sullivan Tire driveway.

Motion: F.Torr motioned to approve with recommended conditions. Seconded by K.Schuman. Vote: U/A.

- B. Request for a Determination of substantial completion to meet performance requirements of the Open Space Subdivision or waiver of the same, per Dover Code 155-24(E) and NH RSA 674:39(v), for Brian Stern, Assessor's Map E, Lot 45, zoned R-40, located at Tolend Road/Lika Drive. *(P05-71B) and;
- C. Consideration and acceptance of an application for a one-year extension to an approved Open Space Subdivision Plan, per Dover Code 155-24(A), for Brian Stern, Assessor's Map E, Lot 45, zoned R-40, located at Tolend Road/Lika Drive. Previously granted one-year extension on 2/28/12. *(P05-71B)

C.Parker recommended that the board entertain hearing both items B & C at the same time, and hold a public hearing for both.

Brian Stern presented on his own behalf and gave an overview of the proposed subdivision. He received a one year extension one year ago. He discussed the terms of substantial completion or waiver. He said it ties into state statue. The City wants to show the developer has a financial investment in the plan and that he is committed to the completion of the development. The subdivision is irreversible. He will not let the approval lapse. He has a financial investment into the plan including water service tie-ins, and has paid property taxes for the past 5 years. He states he needs more time.



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He discussed the previous plans for the 4 lot subdivision, one of which has been sold. There are 4 lots left of the original 20. The original plan was a 20 acre lot. There has been a lot line adjustment and the original home sold off including 15 of the original 20 lots have been sold. There is no way it can be reversed now.

D.Trefethen commented that the City Council is set to award the bid for the Tolend Road reconstruction tomorrow night. Construction will start in the spring of 2013.

Motion: T.Clark motioned to accept the application for items B & C. Seconded by D.Tarbox. Vote: U/A.

Public hearing open.

Silvio Pupino, owns 217 Tolend Road. He stated that he purchased it as a rental property. His concern is the side and with the current driveway being the main entrance to the house it becomes more public and less private. He is concerned with the safety due to the driveway being so close to the house. He is asking if the driveway can be moved to the other side of the house. There is a safety hazard with the driveway and would like to see the driveway moved for a safety perspective where they would have a better line of vision to the road when exiting. He asked if Lika Drive is going to be paved or not. He was concerned if the driveway was removed where his tenants would park. He is concerned about the construction on Tolend Road, and the building of homes as well. It will become less desirable to rent his property out.

Public hearing closed.

C.Parker addressed the concerns for Mr. Pupino that Lika Drive will be paved. There is no discussion on relocating Lika Drive. He asked D.White to comment on the Tolend Road construction and how it would or wouldn't impact the development of Lika Drive.

D.White stated that Lika Drive and Tolend Road are two separate projects. When the construction starts on Tolend Road, depending on which end it starts on, he's not sure if there would be one or multiple crews.

D.White asked C.Parker to confirm what substantial completion ordinance.

C.Parker read the Chapter 155:24.e and its requirements.

D.White discussed that there was a parcel of land with a house on it. The land was subdivided, and a portion of it went to conservation. The existing house was sold. There was supposed to be a driveway.

C.Parker confirmed that the existing driveway became Lika Drive, and three new lots were created on Lika Drive. Planning staff previously requested that the roadway be upgraded with a gravel base as required by the ordinance. This was not done so it doesn't meet the substantial completion requirements. Staff does not support the waiver or granting of the substantial completion.

L.Skinner agrees with D.White. He feels that what has been done is hardly completed.

STAFF RECOMMENDATION:

In regards to the first request, the Planning Department recommends that the Planning Board determine that the criteria for a finding of substantial completion have not been met and the request be denied.



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The Planning Department recommends that the extension request be approved for one year with the following conditions:

1. A letter of credit shall be submitted for the outstanding work prior to April 1, 2013.

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

2. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application. (and a letter of credit)
3. Any new dwelling unit shall be assessed the current water investment fees in place at the time of building permit application.

Motion: D.White motioned to deny the Determination of Substantial Completion (Item B) and grant the one year extension (Item C). Seconded by L.Skinner. Vote: U/A.

Discussion after the motion.

D.White asked if or a letter of credit for any outstanding work on the roadways, electrical, drainage, and water should be required.

L.Skinner confirmed that the law provides four years to complete, but the state recognized the economy and extended it to six years. He does not feel the board can limit the amount of extensions.

D.Tarbox agrees with L.Skinner; he is not in favor of blocking extensions but he would not vote for another one.

D.White feels that a letter of credit be required and is insurance to those who purchase a lot that will make sure the work is finished.

Discussion ensued about the need for the letter of credit and when it would be required.

The motion was amended to include D.White's request for a letter of credit to be received by April 1, 2013. L.Skinner seconded the amended motion. The extension is contingent on the letter of credit. The new extension expires 3/23/14.

D. Consideration and acceptance of a Minor Lot Line Adjustment for David Della Penta and Woodwind Farm, LLC Assessor's Map N, Lots 8-2 & 8-1-10, zoned R-40, located at 32 Wisteria Drive and Saddle Trail Drive. *(P13-01)

Dana C. Lynch, Civilworks represented David Della Penta for a minor lot Doucet Surveyor of record. Civilworks was the Engineer of record for Saddle Trail Drive. Mr. Della Penta is going to purchase the "the barn lot or stable lot" which is 3.25 acres on lot 8-1-10. It will take his lot from 13 acres to 16.3 acres and reduce lot 8-1-10 from 16.66 to 13.4 acres. There will be no change in the number of lots on Saddle Trail Drive subdivision and there will be no change in the OSS lot of Saddle Trail Drive (Lot 8-1).

D.Trefethen confirmed with C.Parker that when the site walk was done on Winterberry Drive that they discussed that area behind those lots and thought that it was to be an open space or conservation area.

C.Parker responded its further down but it's not the immediate area. The immediate area on the original plan showed another 10 lots. The original yield plan would be diminished with this action.



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D.Lynch discussed the 3.26 acres which has over an acre of it as wetlands. It's more of a visual protection for Mr. Della Penta. He wishes to obtain more buffer area for his single family lot.

D.Trefethen questioned what the intension was and that this area was always available for development.

C.Parker responded that the original yield plan included removal of the barn and putting more houses and an additional roadway. When Saddle Trail Drive was approved, with any additional development, the road would have needed to be upgraded and widened.

D.White confirmed with D.Lynch that the setback lines follow the new lot lines. He also asked if this change would make Lot 8-2 (the Della Penta lot) sub-dividable .

D.Lynch confirmed that conditions of approval require that the setbacks lines be altered with the change. Lot 8-2 is not sub-dividable as it only has 150 feet of frontage on Gulf Road.

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

Public hearing open. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve 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 revise the plat to add the Planning File #P13-01 to the title block.
4. The applicant shall revise the plat by removing the Planning Board signature block.
5. The applicant shall revise the plat by adding the 50-foot perimeter building setback line to the new property line.

Motion: D.Tarbox motioned to approve with conditions as recommended. Seconded by D.White.
 Vote: U/A.

~~E. Consideration and acceptance of a Conditional Use Permit for Bennett Holmes, (Owner: John Gesek) Assessor's Map I, Lot 30, located at 127 Spur Road. *(P13-02) (For construction of a retaining wall and concrete patio within 100 feet of the Bellamy River.)~~

~~F. Consideration and possible vote on an amendment to a previously approved Site Plan (2/28/06) for Dover Retirement Residence, LLC/Maple Suites, Assessor's Map I, Lot 56, zoned R-12, located at 30 Holiday Drive. *(P05-48A) (Add driveway lighting)~~

G. Discussion on Accessory Dwelling Unit Impact Fees

Chris Parker discussed the Accessory Dwelling Unit Impact Fee proposed fee schedule and explained the process. The latest zoning ordinance amendments added Accessory Dwelling Unit as a permitted use in some zoning districts. The current adopted Impact Fee Schedule does not include impact fees for Accessory Dwelling Units. The intent is to propose impact fees for the Planning Board to consider. Board members



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were given a staff memo to review. A public hearing will be held at the February 12, 2013 Planning Board meeting to discuss the recommended fee schedule and discuss the process of the Accessory Dwelling Unit methodologies.

By show of hands, Board members agree that there should be a fee schedule for Assessor Dwelling Units and a public hearing is scheduled for February 12, 2013 meeting.

5. STAFF COMMENTS

- Dan Barufaldi from Dover Business Industrial Development Authority (DBIDA) will update the Planning Board on its activities and projects.
- Cynthia Copeland of Strafford Regional Planning will give a presentation on services and activities.
- Jake Forget resigned from the Planning Board effective immediately due to his work schedule.
- Waiver application forms are being worked on.
- The Gateway Zoning Project design charrette/brainstorming sessions are scheduled for Saturday, February 2nd & 9th at the McConnell Center – Room 306. The public is invited to attend from 10-11 a.m. Consultants will work on design planning from 11 am-2 pm, and the public is invited back at 2pm for a review.

6. COMMITTEE REPORTS

7. ADJOURNMENT

Motion: K.Schuman motioned to adjourn at 8:37 p.m. Seconded by F.Torr. Vote: U/A.