



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, February 26, 2013**
Meeting Time: **7:00 pm**

Members Present: Lee Skinner (Acting Chair), Gary Green (Acting Vice-Chair), Tom Clark, Dave White, Dean Trefethen, Mayor; John Leggett, Dexter Tarbox (Alternate)

Members Not Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair); Frank Torr.

Staff Present: Steve Bird (City Planner); Gail Pare (Recording Secretary)

Acting Chair Lee Skinner called the meeting to order at 7:01 pm. He described the procedures for using a temporary Chair and temporary Vice Chair during their absence.

G.Green nominated L.Skinner as Chair for the meeting. Seconded by T.Clark. Vote: U/A.

L.Skinner nominated G.Green as Vice Chair for the meeting. Seconded by D.Tarbox. Vote: U/A.

Chair Green announced that Items 4A and 4B will not be heard tonight. At the request of the applicants, Liberty Mutual Insurance Company, they requested to defer their cases until the March 12, 2013 meeting.

1. **CITIZENS' FORUM**

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. **APPROVAL OF THE PRIOR MINUTES**

- February 12, 2013 Regular Meeting Minutes

Motion: G.Green motioned to approve and accept the February 12, 2013 meeting minutes. Seconded by T.Clark. Vote: U/A.

3. **OLD BUSINESS**

4. **NEW BUSINESS**

- A. Consideration and acceptance of a Conditional Use Permit for Liberty Mutual Insurance Company, Assessor's Map E, Lot 24, zoned ETP, located at 100 Liberty Way. (287 space parking lot expansion – 11,764 sq. ft. of grading within the wetland buffer and 19,887 sq. ft. of grading within 20% slopes). *(P12-39)
- B. Consideration and acceptance of a Site Review for Liberty Mutual Insurance Company, Assessor's Map E, Lot 24, zoned ETP, located at 100 Liberty Way. (Motor Vehicle parking lot expansion (287 additional spaces). *(P12-38)

Motion: T.Clark motioned to continue Items 4A and 4B until the March 12, 2013 meeting. Seconded by J.Leggett. Vote: U/A.

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



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Ben Holmes, owner of Rye Beach Landscaping, represented the applicant John Gesek and gave a brief description of the request consisting of building a retaining wall and concrete patio. He explained that given the nature of the property, the river could rise up and spill over onto the property. They are requesting to build the retaining wall so the property owners can enjoy their property, but also for the containment and functional purpose of protecting the property from the river.

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

Public hearing open. Nobody spoke. Public hearing closed.

S.Bird stated that this proposal had been reviewed by the Conservation Commission. He asked Mr. Holmes to discuss the Conservation Commission meeting results.

B.Holmes discussed that they are waiting for the Department of Environmental Services (DES) approval. Conservation Commission requested that the drainage would not result in discharge into the river. A drywell will be installed under the patio to provide proper drainage. Surface water will infiltrate slowly; which the Conservation Commission requested they add as a condition of approval.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the Conditional Use Permit with the following condition:

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

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit.

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

- D. 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. (Add driveway lighting) *(P05-48A)

Robert Thomas, Maintenance Director, represented Maple Suites. R.Thomas explained the reason the amendment was needed and why he is here today. He received a call from City staff due to a complaint from an abutting neighbor that the three lights installed on the property directly shine on their property. The proposal includes lowering the light posts by 5 feet and changing the wattage of the light bulbs. Mr. Thomas explained that it is a safety issue for their tenants and some tenants enjoy the grounds at night. They have also had youth on the grounds but have the grounds policed as necessary. He discussed that the length of the driveway as being 1000 ft. After many discussions with Martineau Electric and staff from the Planning Department, the plans have been amended.

G.Green questioned if the lights were already installed and if the Zoning Administrator had received neighborhood complaints about the lighting.

Mr. Thomas replied that he did not receive a complaint, but that he was notified by City staff of the lighting issues which is why he is here tonight.



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

Public hearing open.

Wally Stevens, 49 Back River Road, had reported to Alan Dews in July 2012 that the lights from Maple Suites were lighting up his entire property. Mr. Stevens does not feel that lowering the lights or dimming the wattage will help. He discussed that due to the development of Maple Suites he has lost 18 large trees in the back and one tree on the side, because of the lack of buffers. He stated that the remaining large trees on his property are lit up by the amount of lights from Maple Suites. He also mentioned the lighting to the large granite sign which is causing more light on his property. He said his property is so lighted that you can read a book.

Rick Heberd, 97 Spruce Lane, stated that Wally Stevens had requested he come take a look at his property. Mr. Heberd asked if it were not in the plan wouldn't it be negligent of them; and it is not a safety issue because people wouldn't walk out there at night. He flashed a hand held flash light up to the board members and then dimmed it and there was no change. He feels that by dimming and lowering the lights would not help as it would send reflective lights into Mr. Stevens home. He questioned why the lights were installed on one side of the drive instead of the other and if it were the other way around the lights would shine away from the Steven's home. He stated that Wally Stevens has rights, don't make him exercise his rights.

Mary Heberd, 97 Spruce Lane, spoke on behalf of Wally Stevens, supporting him. He has encountered a hardship regarding the encroachment to his property lines. She discussed the parts of the approval which would have discussed security and lighting. There is no proof of residents walking and falling. If there are issues with kids loitering, the police should take notice. The fact the lights were installed without the proper approval means the applicant should be held accountable. She stated they went about it in the wrong way.

Public hearing is closed.

STAFF RECOMMENDATION:

Steve Bird read the summary and background information of the staff memo for the application.

The Planning Department recommends that the Planning Board approve the amendment to the previously approved site plan with the following condition:

1. The applicant shall change the pole height and bulb wattage of the three lights no later than March 27, 2013.

D.White questioned the current lighting pole heights and the wattage. He asked the applicant if they would consider a lower wattage than 250.

Mr. Thomas stated that they would consider lowering the wattage further if that is the wish of the board.

G.Green asked S.Bird about normal street pole wattage and Bird stated that he did not know.

S.Bird described the methods of lighting plans.



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L.Skinner mentioned there are standards in the site regulations that the proposed lighting does not spill over to the adjacent properties or streets. He feels the Board should vote on the recommended amendments. If it does not work he welcomed them to return to have the plan changed.

T.Clark asked the applicant if they had considered moving the poles. The applicant stated that side is where the lines and power comes in from the street.

J.Leggett asked about the safety issue and is it for pedestrians or vehicles.

The applicant stated the safety issue is for both and that residents do take walks out there.

Board discussion ensued about the lighting plan.

Motion: G.Green motioned to approve with staff conditions. Seconded by T.Clark. Vote: 5-1 (J.Leggett opposed.)

- E. Consideration and acceptance of a request by Public Service of New Hampshire to trim and remove trees and brush along the right-of-way of scenic roads (Old Garrison Road and Rochester Neck Road)
*(P13-04)

Bob Berner, a representative from PSNH discussed the proposed plans and discussed the clearance standards that they use for the removal of trees and brush.

D.Tarbox confirmed with the applicant that it is a public safety concern.

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

Public hearing open.

Rick Hebbert, 97 Spruce Lane, asked if the representative is an employee of PSNH or a third party. He asked if the law has changed in reference to the clearing. He feels that companies like this can just come in coerce people into doing what they ask. He feels that PSNH should provide pictures and descriptions of the trees in question and not just mention "two trees" need to be cut. Property owners should be notified correctly. The Planning Board must be the arborer and represent the City vs. the people with the chain saw.

Mary Hebbert, 97 Spruce Lane, concurs with everything said tonight. She asked if the people along these roads are legally notified as required by the law. There are requirements in the law, the trees must be identified, and have measurements taken before the trees are taken down.

Nicole Perkins, 350 Old Garrison Road, gave an emotional testimony to her 5th generation interest in her property and protecting it. She is concerned for a number of reasons, including the large hickory tree that has sentimental value to their family. She wants to make sure that what is done is absolutely necessary and not just what is easy for the people cutting the trees.

Jason Perkins, 350 Old Garrison Road, feels that when the City does work, they don't properly notify property owners. He has a real issue with not knowing when the work is done. They have a significant amount of frontage on Old Garrison Road, which is a scenic byway. They want the trees marked ahead of time, and they want to be informed directly at their home because that is the right thing to do.



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L.Skinner read a letter from Paul and Karen Haas, 401 Old Garrison Road, who were unable to attend the meeting, and wrote the letter in regards to PSNH using caution when cutting and trimming trees and bushes, as not to disturb the historical appearance and rural wooded character of the surrounding roadside. They are not opposed to the clearing and cutting and understand the need to reduce future power outages.

Public hearing closed.

To answer some of the concerns of the abutters, L.Skinner confirmed with Mr. Robert Berner that he is the Eastern Region Arborist and directly employed by PSNH.

T.Clark brought up that he thinks it is a reasonable request to do a site walk to address some of the concerns of the neighbors who own property along Old Garrison Road.

G.Green concurs with T.Clark and feels that because it is a scenic road he does support a site walk.

D.White asked PSNH what the process is for trimming and cutting trees and brush.

Mr. Berner responded that tree trimming is revisited every four years. Homeowners are notified by card or by direct contact. If they do not hear from the homeowner, it is considered implied consent and they have the right to trim or cut trees. The two trees that are targeted have been tagged. Sharon Sirois from Facilities & Grounds has confirmed the two trees are dead and it would be appropriate to remove them. The trees are identified with blue and white tags in advance.

Mayor Dean Trefethen joined the meeting at 7:56 p.m.

S.Bird confirmed with Sharon Sirois from Facilities & Grounds that the two trees were approved for removal. The rest of trees being trimmed were not identified.

Motion: D.White motioned to table and schedule a site walk. Seconded by G.Green. Vote: 5-1 (opposed D. Trefethen). The item has been tabled until the March 12, 2013 meeting.

The Site walk is scheduled for Saturday, March 2, 2013 at 9:00 a.m. Steve Bird suggested due to limited parking along the roadside, board members should consider carpooling and meet at the intersection of Old Garrison road and Rabbit Road.

- F. Consideration and acceptance of a Citizen Petition for Rezoning for South Dover Storage Solutions, LLC, Assessor's Map 15, Lot 62, located at 68 Rutland Street. (rezone approximately 2/3 acres of land from Medium-Density Residential District (R-12) to Restricted Industrial District (I-2)) (P13-05)

Atty. James Schulte, represented the applicant. He discussed the proposed plan to rezone and that the only access to this property is off of Rutland Street - the property being the former site of Austin Concrete. The property is being cleared of most of the debris, and the building will be converted into a storage facility. The interior of the building would be developed to a climate controlled storage spaces, with additional self-storage on the outside. The building is 180 feet by 30 feet and not conducive to convert into single family residential units. The proposed plans will improve the neighborhood and the self-storage will have a very low volume of traffic. A similar traffic analysis showed an average of 7 trips per 100 units per day. There is industrial land out back so it would not be appropriate to build single family homes on the property and have large commercial vehicles passing through. Future signage would need a variance. The request tonight is to



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schedule for a public hearing and more details would be provided. It allows for the development of the industrial portion of the property out back. The plan is to have it all zoned in a consistent manner subject to site review. Atty. Schulte noted that the legal notice and staff memo noted that the property is in the I-2 zone, but it should be listed as the I-1 zone.

There were no questions from the Board.

Motion: T.Clark motioned to post the amendment and schedule the public hearing for March 26, 2013. Seconded by G.Green. Vote: U/A.

Mayor Trefethen asked about the proposed driveway and is it sufficient to provide access to the proposed outside self-storage.

S.Bird confirmed that a 28 ft. driveway would certainly be sufficient for self-storage, however, the layout may not be the best and parking would be regulated to prevent parking, or place a painted fire lane where appropriate.

The public hearing is scheduled for March 26, 2013 and public notices will be sent.

G. Consideration and acceptance of a Citizen Petition for Rezoning for Grammas Investment, LLC, (Owner: George Mitropoulos, Trustee, of the George Mitropoulos Revocable Living Trust) Assessor's Map H, Lot 29-A, located on Littleworth Road. (rezone 6.4 acres of vacant land from Low-Density Residential District (R-20) to Hotel/Retail District (B-4)) (P13-06)

John Diamond, represented the applicant who would like to convert the property back to the B-4 zone. J.Diamond explained that George Mitropolous owned it for years and had it converted to a R-20 to accommodate his family use. The applicant would like to see it converted back to B-4 to have some retail space in it. Any traffic concerns would be controlled by this board and the Engineering Dept.

John Diamond confirmed for T.Clark that the lot is already a separate lot.

S.Bird asked what type of retail is proposed.

John Grammas, developer from Grammas Investment LLC, discussed that he develops high end real estate. This location can create a gateway for commercial retail. At this time, he cannot reveal their clients nature. There are two properties in which they would join into one property, near the corner of Littleworth Road and Knox Marsh Road. They expect that the Planning Dept. and Engineering will look at the traffic patterns.

STAFF RECOMMENDATION:

S.Bird discussed that moving forward the Board would need additional information. He noted that maybe the applicant could provide tax map information, a copy of tax maps, what properties are involved and would show how these properties tie into each other.

Mr. Grammas stated he is willing to provide tax maps and large plans to review as requested.

Motion: T.Clark motioned to post the amendment and schedule a public hearing for the March 26, 2013 meeting. Seconded by D.Tarbox. Vote: U/A.



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5. STAFF COMMENTS

- The Dover Gateway design charrette has been rescheduled for March 2nd from 10-11am which is the input session; the consultants will meet at 11am, with results at 2 pm from the consultants.
- Strafford Regional Planning Commission is holding the Strafford Region Regional Community Conversations on Tuesday, March 5, at 7:00 p.m. at the Horne Street Elementary School.
- Director Parker wanted to make sure the board is aware that the Dover City Council is holding a public hearing on Wednesday, March 6, 2013 in which he will be going over the Master Plan recommendations.

6. COMMITTEE REPORTS

G.Green discussed the update to the RCM and on March 6, 2013 at 2pm there will be a follow up meeting.

7. ADJOURNMENT

Motion: G.Green motioned to adjourn at 8:36 pm. Seconded by T.Clark. Vote: U/A.