



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, October 22, 2013**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Tom Clark, Michael Weeden, Councilor; Frank Torr, Lee Skinner, Gary Green, Dave White, Catherine Plante (Alternate)

Members Not Present: Kirt Schuman (Vice Chair), Deborah Thibodeaux (Alternate), Dexter Tarbox (Alternate)

Staff Present: Christopher Parker (Planning Director), Diane Britt (Recording Secretary)

The Chair called the meeting to order at 7:02 p.m.

F.Torr sat in as Vice Chair.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

M.Weeden arrived at 7:06 p.m.

2. APPROVAL OF THE PRIOR MINUTES

- October 8, 2013 Regular Meeting Minutes

Motion: F.Torr made the motion to approve the October 8, 2013 regular meeting minutes. Seconded by C.Plante.
Vote: U/A

The Chair announced that New Items 4B and 4C would not be heard tonight and will be heard at the November 12, 2013 meeting.

Motion: G.Green made the motion to continue Items 4B and 4C until the November 12, 2013 meeting. L.Skinner seconded. Vote: U/A

3. OLD BUSINESS

- A. Public hearing on the City's proposed Capital Improvements (CIP) FY 2015 – 2020. The CIP can be found on the City Web Site at www.dover.nh.gov.

Motion: L.Skinner made the motion to remove from the table. Seconded by T.Clark. Vote: U/A

- B. Discussion and possible vote on the City's proposed Capital Improvements (CIP) FY 2015 – 2020.

Public Hearing Open. Nobody spoke. Public Hearing Closed.

C.Parker addressed the CIP. He encouraged the Board to discuss the merits of the proposed plan and any additions or amendments that the Board wishes to make.

F.Torr commented that the Third Street parking lot was a new item to the CIP this year and that he wished to hear more detail on this project.

C.Parker gave details of the current concept to locate the garage on Orchard Street and add a deck on Third Street. A benefit of building the deck would be to minimize the cost and size of the garage that would be needed. Due to the Council directive not to spend public taxpayer money on parking infrastructure, this project is listed under Special Revenue projects and parking revenue would pay for any improvements.



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F.Torr wanted an explanation as to why only engineering funds were in the CIP for the County Farm bridge replacement project.

C.Parker stated that for both the County Farm bridge and the bridge over Route 108 replacement projects the City wants to obtain as much grant or State bridge building aid as possible.

G.Green asked about the \$500K amount six years out for Silver Street.

C.Parker stated that as the project currently stands Silver Street from Central Ave to the Exit 8 intersection will be redone and a roundabout will be added. Design and engineering costs to re-do that intersection were put in the two years 2020 and 2021. The current \$3.8M water line project figure does not include the Exit 8 intersection.

G.Green asked for more detail on the economic development park.

C.Parker stated that because Enterprise Park is almost totally developed and there is not much available space for 100,000-200,000 square foot offices, this project would develop a park that is complementary to Enterprise Park and it would be larger in scope. The figure of \$1.3M next year is to purchase land and start the design process. It is in the Special Revenue Fund so that revenue brought in by the developer would go to pay off the bond.

F.Torr commented that the water and sewer rates keep going up and is concerned.

M.Weeden responded that the Council is concerned about the water and sewer rates. He explained that because of EPA regulations a new water treatment plant needs to be built in the future. He stated that he would bring this concern to the Council.

Motion: L.Skinner made the motion to recommend the City Council to accept the CIP as proposed.

G.Green seconded. Vote: U/A

C. Consideration and possible vote on a Conditional Use Permit for STF Development (Owners: Taylor Family), Assessor's Map I, Lot 12, zoned RM-SU & R-20, located at 72 Durham Road. (13,500 sq. ft. of permanent and 1,000 sq. ft. of temporary impact to wetlands buffer for construction of driveway and retaining wall) (P13-38)

D. Consideration and possible vote on a Site Plan Review for STF Development (Owners: Everett Taylor, etc.) Assessor's Map I, Lot 12, zoned RM-SU & R-20, located at 72 Durham Road. (12 dwelling units within 2 buildings & 36 parking spaces) (P13-37)

Both items will be discussed together and voted on separately.

Motion: L.Skinner made the motion to remove from the table. Seconded by F.Torr. Vote: 7/1

Christopher Berry of Berry Surveying & Engineering represented the applicant and the land owners. He explained some of the design changes.

Motion: G.Green made the motion to reopen the public hearing. Seconded by L.Skinner. Vote: U/A

Reopened Public Hearing.



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Charlene Courtemanche, Unit 47, The Garrison, President of Garrison Condominium Association, stated she has great concerns about the impact of this development on the abutters.

Coeli Hoover, Unit 23, The Garrison, a research ecologist, is concerned about some subsurface items.

Rita Taylor, 68 Durham Road, Dover, has concerns about the fence, street lights, and increased activity on Durham Road.

Alfred Catalfo, 82 Durham Road, also owns the house at 78 Durham Road. He stated that he is concerned about how water will flow to the south of the property. He also stated that he spoke with the Dover Police and that Route 108 is the second most patrolled street in the city.

Guiseppe Bellavita, Unit 5, The Garrison, commented that he would like an independent study to be done on the drainage issues for the area.

Public Hearing Closed.

C.Parker addressed some of the non-site plan specific items and the general process when a site plan is brought in to the City. He asked D.White to address the drainage.

D.White commented that his office has reviewed and approved the plan, and he would prefer to let C.Berry explain the specifics on the plans.

C.Berry gave more detail regarding water analysis and soil studies that have been done. A storm water pollution prevention plan is in place. He addressed the lighting requirements and fencing planned for this site.

G.Green asked if the units would be sold as condominiums. C.Berry stated the units being constructed are rental units but they may be sold in the future as condominiums.

STAFF RECOMMENDATION: (P13-38)

The Planning Department recommends the Planning Board approve the application for Conditional Use Permit (3C) with conditions:

1. The applicant shall revise the plan to widen by two feet the stone apron adjacent to the small parking lot closest to Durham Road and reduce the size of the lot by two spaces.
2. The applicant shall revise the plan to add silt fence between the small parking lot closest to Durham Road and the adjacent wetlands.

Motion: F.Torr made the motion to approve subject to conditions. Seconded by T.Clark. Vote: 7/1

STAFF RECOMMENDATION: (P13-37)

The Planning Department recommends the Planning Board approve the application for Site Plan Review (3D) with conditions:

Conditions to be Met Prior to Signing of the 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 Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
4. The applicant shall have the landscape plan stamped by the Landscape Architect.



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5. The applicant shall submit colored architectural renderings of the proposed buildings.
6. The applicant shall revise the cover sheet to fix the title.
7. The applicant shall revise the plan to extend the 6-foot stockade fence an additional 70 feet westerly along the boundary of Map I, Lot 11.
8. The applicant shall revise the plan, sheet #1, to identify the abutters across Durham Road.
9. The applicant shall revise the plan to incorporate the amendments required by the Conditional Use Permit (P13-38).
10. The applicant shall revise sheet #6 of the plans to show replacement of the existing drain pipe in Durham Road from the drain manhole in front of the existing house to the downstream catch basin.
11. The applicant shall revise sheet #6 of the plans to change the two proposed catch basin sumps from 2 foot to 3 foot.
12. The applicant shall revise the plans to add a Utility Sheet.
13. The applicant shall revise the plans to depict the proposed location of a development sign.
14. The approval includes the granting of the waiver requested for the reasons stated by staff. The Board finds that the criteria of Chapter 149-19.A have been met.

Conditions to be Met Prior to any Construction Activity:

15. Hours of construction, as depicted on sheet #3, note #25, 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.
16. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs at fifty foot intervals along the 50-foot wetland buffer line from the rear of unit # 1 to the property line at the rear of unit #6. This shall be checked and approved by the Building Official and City Engineer.

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

17. Any new dwelling unit shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service.
18. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
19. Any new dwelling unit shall pay the current impact fees in place at the time of building permit application.
20. In lieu of providing on-site active recreation, the applicant shall contribute the amount of \$4,500 to the City for improvements to recreational facilities.

G.Green stated he appreciated all the cooperation between Conservation Commission and the applicant, and that the Conservation Commission minutes helped him understand the flow of water and ease his concerns.

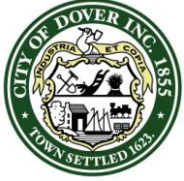
C.Plante questioned where the amount of \$4,500 came from for recreation and C.Parker explained that it was from a formula that takes into account the cost of certain recreational elements and the square footage that would have been required on site.

Motion: G.Green made the motion to approve with conditions. Seconded by D.White. Vote: 7/1

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Douglas Dodd General Contractor, Inc., (Owner: John Leonard & Wiley Parsons), Assessor's Map B, Lot 21-13, zoned R-40, located at 127 Boxwood Lane. (wetland buffer encroachment for fence, rocks and mulch bed) (P13-46)

Brief recess at 8:20 p.m and resumed at 8:22 p.m.



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Douglas Dodd stated that he built the house on the property, explained how and why rocks were placed at the edge of the buffer zone. The rocks were from the excavation of the driveway. The owners asked if the rocks which were on the lot could be used to make a design off to the side of the driveway. He admitted he was vaguely aware that it was on the edge of the buffer zone but felt that it would protect the buffer zone. On inspection he was told that the rocks were in the buffer zone and were technically protecting any use of the buffer, but this was a violation because they were not the original material.

L.Skinner questioned how one normally avoids encroachment into the wetland buffer zone.

D.Dodd answered that the wetland buffer zone is normally flagged and marked by a silt fence of some sort.

Discussion continued regarding the encroachment.

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

Public hearing opened. Nobody spoke. Public hearing closed.

C.Parker stated the Conservation Commission decided not to endorse the conditional use permit because the rocks could be removed the same way they were placed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board decline the application for Conditional Use Permit for the following reasons:

1. The applicant has not demonstrated a need for the encroachment.
2. The applicant has not demonstrated that the impact was not avoided to the greatest extent possible.
3. The applicant has not demonstrated that impact was minimized to the greatest extent possible.

C.Parker commented that the Planning Department feels that this is asking for forgiveness rather than permission.

G.Green drove by the property and has a photo of the rocks that he submitted to the members.

L.Skinner stated he also drove by the property and he feels the objective is not to disturb the land again.

Motion: D.White made the motion to approve with conditions that the stones would remain and a fence would be placed along the buffer line from the tail end of the stones to the right of way along the buffer line.

Discussions regarding clarification of the conditions ensued along with placement of a fence.

M.Weeden asked how long owners have lived there.

D.Dodd answered owners have lived in the house since August. Discussion continued regarding the conditions.

Motion on the table. L.Skinner seconded.

C.Plante clarified placement of fence.

STAFF RECOMMENDATION:



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The Planning Department recommends the Planning Board approve the application for Conditional Use Permit (4A) with amended conditions:

1. The applicant shall install a fence from the tail end of the stone pile to the right of way, along the wetlands buffer line. Please see enclosed drawing to clarify location.
2. The wetlands buffer area north east of the fence shall remain in a natural state in accordance with 170-27 G. (1) (b).

Vote: 6/2

The Chair announced that New Business Items 4B and 4C would not be heard tonight and will be scheduled for the November 12, 2013 meeting.

- B. Consideration and acceptance of a Minor Lot Line Adjustment for The Patrice D. Foster Revocable Trust of 2003, Assessor’s Map L, Lots 89A & 89B, zoned R-20, located at 192 & 194 Dover Point Road. *(P13-48)
- C. Consideration and acceptance of an Open Space Subdivision of land for Carleen’s Way, LLC (Owner: The Patrice D. Foster Revocable Trust of 2003, The Hayward Family Revocable Trust of 1998 and The Catherine F. Hayward Revocable Trust of 2012), Assessor’s Map L, Lots 89I-1, 89I-2 & 89B, zoned R-20, located at 188, 192 & 194 Dover Point Road. (3 existing lots subdivided into 7 lots) *(P13-49)

Motion: G.Green made the motion to continue to the November 12, 2013 Planning Board meeting. L.Skinner seconded. Vote: U/A.

- D. Consideration and acceptance of a Conditional Use Permit for the Residential-Commercial Mixed Use Overlay District for Summit Land Development (Owners: Varney Brook Lands, LLC, Thornwood Commons, LLC, Changing Places, LLC, and Dover Point Road 252, LLC), Assessor’s Map K, Lots 19 & 19-1 and Map M, Lots 4, & 4-29 to 4-37, zoned ETP, located at Thornwood Lane (conceptual site layout for 105 single family, 204 multi-family, and 130,100 square feet of commercial and retail buildings) (P13-53)

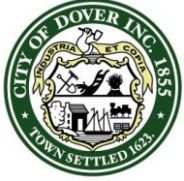
Chad Kageleiry of Summit Land Development is the applicant. He explained the other applicants listed are owners of pieces of the property that were covered under the original mixed use master plan but they have no economic or titled interest and this is just a technicality that they had to be listed as applicants. The application is a request for an amended mixed use plan conditional use permit from an original plan which was approved in December of 2007. The recent zoning changes by the City of Dover will allow this mixed use concept, which has a greater mix of uses with residential as part of that plan. There has been an updated traffic study, an economic impact study, and the project engineer is present for any questions.

Motion: M.Weeden made the motion to accept the application. Seconded by C.Plante. Vote: U/A

Public hearing opened.

Richard Hill, 9 Jacqueline Drive (Sawyer Green), spoke in support of the project with a few concerns which included increased traffic on the main road, Thornwood Drive, possible restriction of incoming construction traffic to Dover Point Road while construction is underway, and assurance that completion of the project will occur in a reasonable amount of time.

C.Parker stated that the Planning Board would like to work with the applicant and come up with conditions for the developers agreement and then bring back the public hearing at the November 12, 2013 Planning Board meeting.



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D.Ciotti confirmed with C.Parker that a golf cart path is planned for this proposal.

G.Green questioned the concept plan. He stated that the plan appears different. In the senior housing section there are 13 less units than what was considered earlier and the commercial area is a different configuration. The multi-family units have gone from 8 to 7, and appears that the previous plan had three stories. This one has four stories.

D.White said he would like to see a small roundabout to differentiate between residential and commercial.

T.Clark commented that this is a much better plan for scope and intent, and when the time comes he will support it.

Motion: T.Clark made the motion to table. Seconded by D.White. Vote: U/A

Brief recess @ 9:05 and resumed at 9:07 p.m. M.Weeden left at 9:07 p.m.

E. Consideration and acceptance of a Minor Subdivision for Mitchell Putnam, LLC, Assessor's Map A, Lot 3, zoned R-12, located at 73 Old Rochester Road. (1 new lot) (P13-54)

Kevin McEneaney, McEneaney Survey Associates, represented the applicant and summarized this R-12 zone, 2-lot subdivision regarding location, size, city services to the property, existing building, soil testing, there are no wetland buffers, and the fact that an application to the State has been submitted for subdivision approval.

G.Green confirmed with K.McEneaney where the septic system would be located on the new lot and also confirmed that the existing structures would remain on the old lot.

D.White confirmed with C.Parker that a single family dwelling would be allowed on the lot and asked if an accessory structure would be allowed as shown on the plan.

K.McEneaney stated the existing shed could be removed as a condition of approval.

D.White asked where the driveway would be on the new lot and K.McEneaney answered that it would depend on the type of house that is built, but a driveway permit would be required.

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

Public hearing opened. Nobody spoke. Public hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the application for Minor Subdivision with conditions:

Conditions to Be Met Prior to Signing of the 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 number P13-54 to the title block.
4. 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.

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

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



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Other Conditions:

- Any new dwelling units shall be assessed the current water investment fees in place at the time of application for water service.
- Should a building permit not be issued for Map A Lot 3-1 by 2/1/2014, the shed shall be removed.

Motion: D.White made the motion to approve with conditions. Seconded by G.Green. Vote: U/A

5. STAFF COMMENTS

C.Parker gave some updates:

- The Planning Board is finishing requests for proposals for land use chapter of the master plan. The Planning Board will establish a steering committee to work with the staff and a consultant. He asked for anyone who wished to be on that committee to let him know.
- MIT Climate Change Project – Next session is on November 7, 2013 and December 2, 2013 and potentially another one in November as well. He encouraged everyone to take part in this unique opportunity.
- The Energy Commission is down to three members and he encouraged anyone interested to join that commission.

T.Clark confirmed with C.Parker that due to state regulations only one Planning Board member could be on that commission and he offered to join that commission.

F.Torr commented that the Arch Street project contractor and the Central Avenue and Silver Street project contractor are doing excellent jobs, and that the Old Mill project is looking good. He also commented that it is good to see positive things happening.

6. COMMITTEE REPORTS - NONE

7. ADJOURNMENT

Motion: L.Skinner made the motion to adjourn. Seconded by C.Plante. Vote: U/A