



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), Frank Torr, Tom Clark, Gary Green, Lee Skinner, Christopher Lawrence (Alternate), Maggie Fogarty (Alternate), Gina Cruikshank (Alternate), William Garrison (Councilor), Catherine Plante, Dave White

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

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

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- March 11, 2014 Regular Meeting Minutes

Motion: K.Schuman made a motion to approve the minutes. Seconded by G.Green.

T.Clark requested additions in two places on page 3. Vote to approve, as amended: U/A

3. OLD BUSINESS

- A. Consideration and possible vote on an Open Space Subdivision for Tuck Realty Corp., (Owner: Paul & Maria Rouillard Revocable Trust), Assessor's Map G, Lot 36, zoned R-40, located at 4 Old Stage Road. (1 existing lot subdivided into 9 total lots) (P14-01)

Motion: K.Schuman made a motion to remove from the table. Seconded by B.Garrison. Vote: U/A

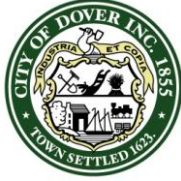
Kevin McEneaney, McEneaney Survey Associates, represents the applicant. He gave an overview, stating that this is a 9 lot open space subdivision consisting of 22.4 acres in Dover that will be subdivided. The 6.43 acres located in Madbury will be combined with the open space lot. He stated a site walk was done on the property on March 8, 2014 and there was discussion about adding some sewer service "y's" for the properties across the street. Three waivers are being requested: a waiver to build no further than 100 feet back and no closer than 50 feet to Old Stage Road, a 15 foot side setback instead of the required 20 feet for more flexibility in the location of the buildings, and the existing house is within the 100 foot building buffer, so a waiver is being requested for that. Conditions have been reviewed and he has no problems with any of them.

G.Green confirmed with K.McEneaney that removal of the leach field for the house on lot 2 is because the house will be tied into the municipal sewer line once the sewer is extended.

Public Hearing Open. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the application for the open space subdivision with the following conditions:



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Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

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 approval includes the granting of the three waivers requested for the reasons stated by the applicant and by staff. The Board finds that the criteria of Chapter 155-51-A have been met.
4. The applicant shall revise the plat to add a note requiring a minimum of three eight-foot tall evergreen trees be planted on each new lot within the front setback area.
5. The applicant shall revise note #18 on sheet #3 to require the front of the house to be located no less than 50 feet and no more than 100 feet from the front lot line.
6. The applicant shall revise the plat to add a note requiring the installation of sewer service "y's" for the lots across Old Stage Road. Exact locations to be determined in the field.
7. The applicant shall provide a revised Current Use plan for the property to the Tax Assessor's satisfaction.
8. The applicant shall revise note #11 on sheet #3 to indicate that the properties between the subject lot and the Madbury town line will have to be renumbered.
9. The applicant shall submit proposed deed covenants for the open space lot and for the new house lots, which addresses the sewer easement, access to the open space lot, and preservation of the open space. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on compliance with conditions.

Conditions to Be Met Prior to Any Construction Activity:

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.

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

11. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
12. Any new dwelling units shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service.

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

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

F.Torr confirmed with C.Parker that the evergreen trees to be planted on the lots are to replace some of the trees that will have to be cut down.

There was discussion regarding enumeration of houses.

T.Clark stated five or six houses from the subdivision to the Madbury town line would have to be renumbered.

C.Parker proposed condition #8 to read that this would be done at the expense of the applicant.

Motion: L.Skinner made a motion to approve with revised staff recommendations. Seconded by C.Plante. Vote: U/A



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

- B. Discussion and possible vote on Community Development Block Grant (CDBG) funding requests for Fiscal Year 2014/2015.

C. Parker gave an overview of the revised allocation of funds and explained increases and decreases.

Board discussion ensued regarding amounts requested and amounts allocated, this year's income vs. next year's income and the impact of the limit for public service next year, the elimination of the housing rehab program and its administration cost, and questions regarding what would happen if money is not allocated.

There was also discussion about the Dover Economic Loan Program (DELP), loan ratio and reserves, spending levels, federal government grants and entitlement communities, and what would happen if loans were not paid back. There was also discussion about approval and forwarding to the City Council, and the Chair asked if anyone from the public wanted to speak about this. Nobody spoke.

Motion: T. Clark made a motion to approve and forward to the City Council the recommendations as submitted by the Planning Department.

G. Green stated his wife works for one of the applicants and he has no financial interest, but he offered to abstain if any Board members wanted him to.

Vote: 8/1

- C. Consideration and possible vote on a Citizen's Petition for a Zoning Amendment for White Dove Properties, LLC, Assessor's Map 20, Lots 33, 34, 35, 35-1, 35-2, 36, 37, 40, 41 & 42, located on Hanson, George & Sonnett Streets. (rezone 2.2 acres of land from Urban Density Multi-residential District (RM-U) to Central Business District-Residential (CBD-R) (P14-05)

Motion: K. Schuman made a motion to remove from the table. Seconded by F. Torr. Vote: U/A

Attorney F.X. Bruton represents the applicant. He brought a letter of support from one of the owners for the change in zoning which he submitted to the Board. He explained this involves a number of lots on the westerly side of Hanson Street currently zoned RMU and the request is for a change in zoning to CBD-residential.

B. Garrison confirmed with C. Parker that this request does not tie in to the Zoning Amendments which were recently approved by the City Council.

Public Hearing Open

Brian Lapierre, 20 Noble Street, Somersworth, part owner of 17-19 Hanson Street, spoke in opposition to the proposed change in zoning. He stated he felt the intent of the zoning ordinance was to lessen congestion in the streets, prevent overcrowding of land and to avoid undue concentration of population in an area. He stated the streets in the area are narrow and there are minimal sidewalks in the area, and the CBD-residential zone requires 5 foot sidewalks. He is also concerned about the lack of parking in the area and stated that the CBD-residential zone requires 2 off street parking spaces per



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

unit. He also found concerning that there is no mention of minimum lot size in the CBD-residential zone.

Public Hearing Closed

C.Parker spoke to Mr. Lapierre's concerns. He stated any development would have to provide off street parking. He stated this area should have been included in the CBD zone but was overlooked in 2009 and this was an oversight. He stated that the applicant asked for a variance, there has been a request for a variance on George Street, and he anticipates more variance requests, so a zoning change would solve this problem. He explained that the zoning change would result in improvements to the area.

B.Garrison asked C.Parker for clarification as to what the variance issues were in the past.

G.Green confirmed with C.Parker that increased density will not be an issue because off street parking is required for any new development and that will dictate the size of the building.

L.Skinner expressed his concern that parking waivers would be needed for this area with new development. C.Parker explained that with the proposed zoning change the requirement would be 2 parking spaces per unit and there should be no requests for waivers because relief has already been given with that. The old zoning requirement was 3 parking spaces per unit.

C.Plante expressed her concern that development close to the street creates a tunnel effect if the buildings are tall.

C.Parker stated that the CBD-residential zone limits building height to three stories.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve this zoning amendment and send it to the City Council.

Motion: G.Green made a motion to approve and pass it on to the City Council. Seconded by L.Skinner. Vote: U/A

C.Parker stated he would keep the Board apprised of the process as this goes before the City Council.

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Plan Review for Formax Paper Processing Solutions (Owner: FMX, LLC), Assessor's Map E, Lot 31, zoned ETP, located at 420 Sixth Street & Education Way. (Proposed 34,496 sq. ft. office & warehouse building with 85 parking spaces) (P14-08)

Kenneth Berry, Berry Surveying & Engineering, represents two members of FMX, LLC, the owner, and the work of a number of people who he named, whose stamps are on the appropriate plans. He explained that the property consists of 18.98 acres, and a lot line revision was recently granted by the Board adding land to the parcel. He stated the parcel contains a house and barn, a cemetery,



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

woodlands and a number of wetlands. It is adjacent to Education Way where electric and gas services as well as a water main stub were left in place. He explained that Formax Paper Processing Solutions, currently located at 44 Venture Drive, has 45 employees, and is looking to move their operation from there to the proposed office/wholesale operation/warehouse facility which will be constructed in two phases, with a manufacturing facility possibly being built in phase 3. He stated the original application stated 85 parking spaces, but the proposal is for the minimum number of required parking spaces which is 75.

He explained in detail the site plan, drainage and water runoff plans with bio-retention devices and a rain garden, traffic plan, landscaping plan and lighting plan. He also addressed the reasons for the request for a waiver to not use pervious pavement for the sidewalks. He stated that an application for an alteration of terrain permit has been submitted to the State.

Discussion ensued regarding relocation of the rain garden in phase 3, roof top equipment being screened, lack of longevity of pervious pavement and the reasons for failure of parking lots being reconstructed, Education Way being a private way and transfer of easement rights for its use, and concern regarding EPA regulations and the size of the development.

K.Berry described the time line for the project, stating that it was hoped ground breaking would take place on 4/1/14 but more likely it will be later in April, the alteration of terrain permit application has been in for approximately 30 days and there is about a 50-day review period, and the general contractor has provided a timeline that, in order for the building to be completed in 2014, work needs to begin as soon as possible.

It was confirmed that if there is a phase 3 it will come before the Board for review. The phase 2 building would also have to come before the Board for approval.

Motion: K.Schuman made a motion to accept the application. Seconded by F.Torr. Vote: U/A

Public Hearing Open. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

C.Parker passed out a revised Staff Memo to Board members. He stated the Planning Department recommends the Planning Board approve 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.
3. 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.
4. The applicant shall revise sheet #10 by adding either one tree or ten shrubs in each of the islands on the south side of the building.
5. The applicant shall revise sheet #11 to add wall mounted light at rear of phase 1 building.
6. The applicant shall revise sheet #11 to correct the note for phase 1 to be 64 spaces.
7. The applicant shall revise the plans to address the following issues from the City Engineer:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers - 288 Central Avenue, Dover, NH
Meeting Date:	Tuesday, March 25, 2014
Meeting Time:	7:00 pm

- a) Add a note to rework the shelf of existing sewer manhole #4116 to accept the new 6-inch pipe.
 - b) Add two 8-inch gates on the tee at Education Way. Also add one length of pipe with a cap and thrust block. The gates and tee should be restrained.
 - c) Add a 6-inch gate to the service line by the hydrant.
 - d) Sheet #7 references an 8-inch trench and sheet #9 references a 4-inch trench. Please correct conflict.
 - e) Include an 11" x 17" plan in the Stormwater Management Maintenance and Inspection Plan.
8. The applicant shall provide floor plans that include the phase 2 building.
 9. The applicant shall provide a revised Current Use plan for the property to the Tax Assessor's satisfaction.
 10. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Alteration of Terrain Permit and add the permit number to the plan.
 11. The applicant shall provide proof that the EPA Notice of Intent has been filed.

Conditions to Be Met Prior to Any Construction Activity:

12. 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 Building Permit:

13. The applicant shall pay \$5,000 to the City of Dover, which is their fair share contribution for the design study of the Education Way/Sixth Street/Venture Drive intersection. This payment shall be made prior to the issuance of the building permit for the phase 2 portion of the building.
14. Any new non-residential use shall pay the current impact fees in place at the time of building permit application.
15. Any new non-residential use shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service.

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

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

C.Parker commented that seven conditions are "housekeeping" conditions. He stated there were a lot of engineering detail correction items to be dealt with, but that there is nothing complicated or complex here.

Board discussion ensued regarding a condition clarifying that there would be screening of roof infrastructure.

C.Plante confirmed with C.Parker that the list of items in the technical review notes has been addressed.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

C.Parker clarified that any project that contains more than .75 acres of paved area would need to go through the process of looking at pervious vs. impervious pavement. Any project containing over 1.5 acres of paved area must use pervious pavement or request a waiver.

Motion: F.Torr made a motion to approve subject to the conditions set forth by the Planning Department as amended. Seconded by D.White. Vote: U/A

- B. Consideration and acceptance of a Conditional Use Permit for McEneaney Survey Associates, Inc. (Owners: Elbert Kelley Jr., Kevin Kelley & Jerry Kelley), Assessor's Map 8, Lot 46, zoned R-20, located at 31 Wentworth Terrace. Proposal is to replace an existing sea wall with a dry stone retaining wall, within the Conservation District adjacent to the Piscataqua River. (P14-07)

Kevin McEneaney, McEneaney Survey Associates, represents the owners. He explained that the existing sea wall is in disrepair and some of it has fallen in. The proposal is to build a new sea wall with no grout which would allow the free flow of water through it. The proposal also includes removal of a garage and construction of a new garage that will be smaller and further away from the water. The proposal went before the Conservation Committee and was endorsed.

Motion: F.Torr made a motion to accept the application. Seconded by K.Schuman. Vote: U/A

Public Hearing Open. Nobody spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

C.Parker stated this went before the Conservation Commission on 3/10/2014 and was endorsed. The Planning Department recommends the Planning Board approve the Conditional Use Permit with the following conditions:

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.
2. The applicant shall revise the plan to add the requirement that a dewatering system be installed.
3. The applicant shall revise the plan to add the requirement that the discontinued driveway area be loamed and seeded.
4. The applicant shall revise the plan to add a note that any disturbed area below the high tide will be revegetated per a planting schedule.

At G.Green's request, K.McEneaney explained what a dewatering system was.

D.White asked if the State inspects the work and asked if it would be prudent for the city to ask for an as built to ensure that the sea wall is constructed according to plan.

C.Parker stated that reporting back to the Conservation Commission as to the design and how it was installed would be appropriate.

T.Clark asked K.McEneaney what the complexity would be for doing an as built for this sea wall.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

K.McEneaney stated the wall itself is relatively small, 1.5 foot base, 2.5- 3 feet high, and that it would not be an onerous task.

C.Parker stated that a condition of approval would be added that the applicant shall submit an as built plan to the Engineering office upon completion.

Motion: T.Clark made a motion to approve the application to include the comments from the Conservation Commission and the Planning Staff. Seconded by F.Torr. Vote: U/A

- C. Consideration and acceptance of a Minor Subdivision for Michael Towle, (Owner: Richard P. & Katherine C. Towle Revocable Trust of 1997), Assessor's Map I, Lot 54, zoned R-12, located at 67 Back River Road. (1 lot subdivided into 2 lots) (P14-09)

Kevin McEneaney, McEneaney Survey Associates, represents the applicant. He explained that this is a 2 lot subdivision application. The parcel contains 22.1 acres with an existing house with a well and a septic system. The proposal is to create a 1.16 acre new lot on which a single family home will be constructed which will have municipal water but will have a septic system. Access to the property is along an existing driveway which also services two other lots. He explained that there are fairly large wetlands and the buffer is included in the frontage, and this zone has a build to line which was calculated to be 80 feet, but it was impossible to build within 80 feet due to the wetlands. A variance was required, which was obtained from the Zoning Board of Adjustment, to build 240 feet back.

Motion: K.Schuman made a motion to accept the application. Seconded by T.Clark. Vote: U/A

Public Hearing Open

Charles Cheney, 53 Back River Road, stated he has abutted the applicants for 58 years and supports their application.

Matthew Smith, 57 Back River Road, echoed Mr. Cheney's sentiments and stated he endorsed this application.

Public Hearing Closed

STAFF RECOMMENDATION:

C.Parker stated the applicant was granted the variance by the Zoning Board of Adjustment on March 20, 2014. The Planning Department recommends the Planning Board approve the application 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 surveyor's stamp and signature shall be added to the plat.
4. The applicant shall revise the plat to add a note containing information on the variance granted.
5. The applicant shall revise the plat to add the Planning File number P14-09 to the title block.
6. The applicant shall revise the plat to show the front build to line.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

7. The applicant shall revise the plat to change the new lot to Map I, Lot 54-D.
8. 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.
9. The applicant shall submit the proposed deed for lot #1, including the access easement to benefit parcel I-54 and reference to the access easement over parcel I-54C. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on compliance with conditions.
10. The applicant shall provide a revised Current Use plan for the property to the Tax Assessor's satisfaction.

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

11. Any new dwelling unit shall be assessed the current impact fees in place at the time of building permit application.
12. Any new dwelling unit shall be assessed the current water investment fees in place at the time of application for water service.
13. Per Chapter 170-27.1-D-1-c, the applicant shall install wetland buffer signs at seventy-five foot intervals along the 50-foot wetland buffer line near the buildable area on lot #1. This shall be checked and approved by the Building Official and City Engineer.

D.White confirmed with C.Parker that access to up to four lots would be allowed from one private driveway.

Motion: F.Torr made a motion to approve subject to the conditions as set forth by the Planning Department. Seconded by L.Skinner. Vote: U/A

- D. Consideration and acceptance of a Site Plan Review for South Dover Storage Solutions, LLC, Assessor's Map 15, Lot 62, zoned I-1, located at 68 Rutland Street. (Proposed 35,000 sq. ft. storage facility with 16 parking spaces) (P14-12)

Kevin McEneaney, McEneaney Survey Associates, represents the applicant. He explained that this is a 4.13 acre site and the proposal is to construct a 35,000 sq. ft., 3-1/2 story building for climate controlled storage. The plan is to tear down the existing building and construct a new building. He explained details of the proposed building in regards to the alarm and sprinkler systems, the lighting plan, the landscaping plan, and parking. A waiver is being requested to not pave within 5 feet of the property line and a retaining wall and landscaping will be put in to screen the property from the neighbors.

B.Garrison had concerns about lighting on the property and closeness to the neighbors, and confirmed details of the lighting plan with K.McEneaney as well as the anticipated hours of operation. He also had questions about water in the back of the property and wanted to know if permits were required.

K.McEneaney explained that there are areas of wetlands in the back but phase 1 will not impact that area and there will be no wetland disturbance. He stated that the demolition of the existing building will be a three day process, beginning in early May at 7 a.m.

D.Ciotti expressed concern that this could impact children walking to school or school buses driving by.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH
Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

K.McEneaney stated that the time could be adjusted as needed.

There was further discussion regarding demolition, construction debris, the site being surrounded by fencing, and the option of halting the demolition if necessary.

More discussion ensued regarding the location of and noise from climate control equipment, the locations of the limited access to the building, access to storage units through internal hallways, and the location of the loading platform.

Motion: G.Green made the motion to accept the application. Seconded by L.Skinner. Vote: U/A

Public Hearing Open

Jack Mettee, 56 Rutland Street, stated he had questions about the site plan and concerns over a lack of information. He would like to see more information regarding stormwater management, landscaping, parking and the lighting plan. He expressed concern about the remainder of the property, the additional 3 acres in the back, and would like to know if the proposed development precludes or restricts any future development or makes it problematic.

Scott Wellington, 70 Rutland Street, expressed one of his concerns was that anyone in the proposed building could look down into his complete back yard, but the number of windows on that side of the building has been reduced to three. He has lived there for 18 years and is concerned about the impact the business will have on him.

Daniel Ball, 64-66 Rutland Street, stated his property is higher than the property being developed and that it has been an eyesore for many years. He is very pleased with what has been done there so far and supports the development of this property. He thinks it will improve the neighborhood. He commented that it is hard to go round the corner and enter his driveway.

Table Public Hearing

K.McEneaney addressed some of the comments and stated that he will make the full lighting plan and landscaping plan available, and stated that the stormwater management plan is being worked on. He explained that they are in the process of determining how to comply with requirements regarding parking. He stated that there is no lighting planned on the side of the property that abuts Mr. Wellington's property. The proposed building will be set back 50 feet, so that should help with Mr. Ball's problem with that corner.

T.Clark commented that it is a requirement that there be lighting on all four sides of non-residential buildings.

K.McEneaney stated there may be low level lighting that could be installed.

There was discussion regarding timers on the lights and the height of the existing and the proposed building, and the maximum allowed height in that zoning district.

Motion: T.Clark made a motion to table this pending a site walk. Seconded by F.Torr. Vote: U/A



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Location: 03820
Meeting Date: **Tuesday, March 25, 2014**
Meeting Time: **7:00 pm**

Discussion ensued regarding the date and time of the site walk, and the site walk was scheduled for Thursday, April 3, 2014 at 5:30 p.m.

- E. Consideration and possible posting of an amendment to the Zoning Ordinance (Chapter 170) to restrict the hours of sign illumination in the Central Business District (CBD) - Downtown Gateway sub-district.

C.Parker explained to the Board that when the Office and B-1 zoning districts along Central Avenue were changed to the CBD Gateway, the tables were reviewed for conformity but the text was not reviewed and subsequently an error was found. There is a restriction in the B1 and Office tables that states no sign shall be illuminated between 9 p.m. and 6 a.m. Currently in the Downtown Gateway district, a sign would be allowed to be illuminated 24/7, but only 5 foot tall signs are allowed. He stated it is up to the Board if this should be posted and hold a public hearing or if it should go through the sign committee.

G.Green spoke for the sign committee that there was some concern voiced about making another amendment while working on amendments.

Board discussion ensued regarding posting and having a public hearing in May or June.

Motion: K.Schuman made a motion to post this amendment. Seconded by T.Clark. Vote: U/A

5. STAFF COMMENTS

C.Parker pointed out that the Agenda for the April 8, 2014 Planning Board Meet and Greet Meeting was in member's packets and he went over the topics to be discussed at that meeting.

He stated the City Council approved the TIF on 3/12/2014.

He asked members to return their CDBG folders.

6. COMMITTEE REPORTS

G.Green stated the Sign Committee is going over the Zoning Administrator's list of suggestions and they will prioritize what to talk about next.

D.Ciotti stated the first meeting of the Master Plan Subcommittee will be on Thursday, March 27, 2014.

L.Skinner asked if plans could be submitted in a more timely manner. He stated that tonight the lighting and landscaping plans for South Dover Storage Solutions were shown to Board members for the first time.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:46 p.m. Seconded by T.Clark. Vote: U/A