



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, May 26, 2015**
Meeting Time: **7:00 pm**

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

Members Not Present:

Staff Present: Christopher Parker, Assistant City Manager, Tracy Smith (Recording Secretary)

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

1. CITIZENS' FORUM

Citizens Forum Open.

D.Ciotti stated items 3.A and 3.B were pulled from the agenda and would not be heard.

Bob Berry, 7 Madelyn Drive, addressed items 3.A & 3.B asking conditions be placed on these applications because Changing Places has not met the infrastructure obligations for the Thornwood Commons development. He expressed concerns with the street lights on Julia and Madelyn Drive, the resurfacing of the roads, cul-de-sac completions, street drains, and walking paths. He asked the Planning Board to work with the developer to get timelines for completion. He further stated the Thornwood Commons Association Board has approved funds to look at the structure. He added there are utilities on five unbuildable lots and asked if these could be pulled, adding one was damaged by a snow plow over the winter. He further stated the residents are frustrated and these items should be addressed before Emerald Lane is considered. He provided a photo to show the street lights, drains and abandoned utilities.

C.Parker stated the concerns and conditions have been communicated to the City Engineer, adding the City would have the money to do the work if necessary. He further stated the City will follow up with the developer to discuss compliance and hold him accountable for his actions, adding the developer wants to complete the project and other sites.

B.Berry stated his willingness to be the citizen contact regarding this matter. D.Ciotti stated the City would not leave the citizens left to deal with an unattended project.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- April 28, 2015 Regular Meeting Minutes.

Motion: K.Schuman made a motion to approve the April 28, 2015 Regular Meeting Minutes. Seconded by F.Torr.
Vote: U/A

3. OLD BUSINESS

- A. Consideration and possible vote on a Conditional Use Permit for Changing Places, LLC (Owner: Jeffrey & Darlene White), Assessor's Map F, Lot 15, zoned R-40, located at Emerald Lane. Proposal is to build



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a subdivision road and associated utilities that will impact 4,900 sq. ft. of the 50-foot wetlands buffer.
*(P14-57)

- B. Consideration and possible vote on an Open Space Subdivision for Changing Places, LLC (Owner: Jeffrey & Darlene White), Assessor's Map F, Lot 15, zoned R-40, located at Emerald Lane. (49 lots)
*(P14-58)

Items 3.A and 3.B were pulled from the agenda.

4. NEW BUSINESS

C.Parker stated the next three applications are for the extraction permits which will be held on bi-annual basis, adding this meeting is the bi-annual meeting.

- A. Public hearing and consideration of a request for an extraction permit by Brox Industries, Inc., Assessor's Map C, Lots 12-A, 13, 14, zoned R-40, located on Rochester Neck Road/Tolend Road.
*(P15-13)

David Clough, Plant Manager, Brox Industries, Inc. represented the applicant. L.Skinner asked the current rate and lifetime of extraction. D.Clough stated the current rate is 30,000-40,000 cubic yards with this product with a 15-20 year time frame for natural materials.

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the extraction permit request with the following conditions:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
2. This approval is good for a two year period, contingent on the adoption of zoning ordinance amendment #16.

Motion: F.Torr made a motion to approve subject to staff recommendations. Seconded by C.Lawrence. Vote U/A

- B. Public hearing and consideration of a request for an extraction permit and waiver request by Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road. *(P15-27)
- C. Public hearing and consideration of a request for an extraction permit and waiver request by Severino Trucking Co., Inc., Assessor's Map H, Lots 59, 59-1 & 61, zoned I-4, located on Mast Road. *(P15-14)

C.Parker stated one parcel is owned by the City and one parcel is owned by the Pit operator.

Kevin McEneaney, McEneaney Survey Associates, Inc., represented the applicant stating they need three waivers which is the same waivers as they have requested with past permits.

Public Hearing Open. Nobody Spoke. Public Hearing Closed.



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STAFF RECOMMENDATION: (P15-27)

The Planning Department recommends the Planning Board approve the extraction permit request with the following conditions:

1. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM on Saturdays, with gates to the site opening no earlier than 6:30 AM.
2. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
3. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Department by June 11, 2015.
4. The approval includes the granting of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 170-30.1 have been met.
5. This approval is good for a two year period, contingent on the adoption of zoning ordinance amendment #16.

Motion: K.Schuman made a motion to approve subject to staff recommendations. Seconded by C.Plante. Vote: U/A

STAFF RECOMMENDATION: (P15-14)

The Planning Department recommends the Planning Board approve the extraction permit request with the following conditions:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Environmental Projects Manager (Mr. Dean Peschel).
2. Continue regular access roadway water wash-downs, to include updating and submitting the schedule of same to the Planning Department by June 11, 2015.
3. The approval includes the granting of the waivers requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 170-30.1 have been met.
4. This approval is good for a two year period, contingent on the adoption of zoning ordinance amendment #16.

Motion: K.Schuman made a motion to approve subject to staff recommendations. Seconded by C.Lawrence. Vote: U/A

- D. Consideration and acceptance of a Conditional Use Permit for K-9 Kaos (Owner: Fastdogs Realty, LLC) Assessor's Map E, Lot 32, zoned ETP, located at 432 Sixth Street. (Construct rain garden in wetlands buffer, with 3,650 sq. ft. of impact) *(P15-23)
- E. Consideration and acceptance of a Site Plan Review for K-9 Kaos (Owner: Fastdogs Realty, LLC) Assessor's Map E, Lot 32, zoned ETP, located at 432 Sixth Street. *(P15-24)

Dana Lynch of Civil Works represented the applicant stating Anne Nichols, the owner of K9 Kaos, was also present. He displayed plans for the Board regarding the as-built design prior to the 2013 Lot Line Adjustment, as well as the new property plans. He explained the location of the wetlands between the two parcels stating they want to relocate the existing rain garden closer to the wetland buffer which will enlarge the kennel area to 15,000 sq. ft. to provide additional space for the dogs. He further stated they want to expand the parking lot by six parking spaces. He



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explained the process of the proposed rain garden filtration system before it reaches the ground water, adding if the trees cannot be transplanted they will be replaced.

Motion: K.Schuman made a motion to accept the applications for items 4.D and 4.C. Seconded by F.Torr. Vote U/A

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION: (P15-23)

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 wetlands and wetland buffers shall be marked in the field prior to any earth disturbance activities.
2. The erosion and sediment control features shall be installed prior to any earth disturbance activities.

Motion: F.Torr made a motion to approve subject to staff recommendations. Seconded by L.Skinner. Vote U/A

STAFF RECOMMENDATION: (P15-24)

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures 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.

Conditions to Be Met Prior to Any Construction Activity:

3. 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.

Motion: F.Torr made a motion to approve subject to staff recommendations. Seconded by K.Schuman. Vote U/A

- F. Consideration and acceptance of a Conditional Use Permit for Rockingham County Conservation District (Owner: Luke & Kristina Paradis), Assessor's Map F, Lot 2, zoned R-40 & I-4, located at 180 Tolend Road. (3,366 sq. ft. of work in wetlands and intermittent streams to repair three existing wetland/stream crossings for agricultural uses) *(P15-25)

Tracy Degman, Rockingham County Conservation District (RCCD), represented the applicant and distributed plans for the Board to review. She stated the Rockingham County Conservation District is under agreement with the Natural Resource Conservation Service (NRCS) to implement their Wetland Restoration Program to complete restoration activities on their conservation easements to improve the wetlands. She further stated the RCCD works to achieve permits and hire contractors and the NRCS will perform inspections and approve the projects. She stated the



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total property and easement is 55 acres with a functioning farm, adding the plan is to repair three existing wetland stream crossings for agriculture use where the total buffer impact is 3,366 sq. ft. She further stated the work will include the installation of a fence to keep the cows away from the stream, and plants will be added to improve the habitat of the New England Cottontail rabbit, adding this work will improve the water quality in this area.

C.Plante asked what would happen if it were no longer zoned agricultural. T.Degman stated the land has been farmed since the 1700s, with this family farming this land since the 1980s, adding houses cannot be built because it's in conservation easement.

Discussion ensued regarding the definition and NRCS standards of fords and the easement owner responsibility for the repairs if it does not pass inspection.

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

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

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. Any fertilizer used to help revegetate areas of earth disturbance shall be non-phosphorous.

Motion: K.Schuman made a motion to approve subject to staff recommendations. Seconded by F.Torr. Vote U/A

- G. Consideration and acceptance of a Conditional Use Permit, per Chapter 170-20-B(1), for Riparia – One Hundred First Street, LLC, Assessor's Map 6, Lot 3, zoned CBD-G, located at 100 First Street. (Relief from street wall requirement) *(P15-29)
- H. Compliance Hearing for two conditions of approval for a Site Review for Riparia – One Hundred First Street, LLC, Assessor's Map 6, Lot 3, zoned CBD-G, located at 100 First Street. Planning Board needs to approve landscape and lighting plan, per approval granted on February 25, 2014. *(14-03A)

C.Parker stated the lighting structure plans were not supplied with the previously approved application. He further stated the overview regarding the application for the Conditional Use Permit.

Kevin McEneaney, McEneaney Survey Associates, Inc., represented the applicant and referred to the landscape plan displayed for the Board. He explained the reason why the masonry wall would not fit the architecture they want for the design and displayed a picture of the wrought iron fence that would go better with the site.

Discussion ensued regarding the location of the fence and parking on the property. Discussion continued regarding the purpose of the masonry wall requirement and the advantage of the wrought iron fence on this site for people to view the river through it, where other options would block the view.

Motion: K.Schuman made a motion to accept the application for item 4.G. Seconded by L.Skinner. Vote: U/A

Public Hearing Open. Nobody Spoke. Public Hearing Closed.



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STAFF RECOMMENDATION: (P15-29)

The Planning Department recommends the Planning Board accept the application and approve the Conditional Use Permit with the following conditions:

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

1. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

Motion: K.Schuman made a motion to approve subject to staff recommendations. Seconded by B.Garrison. Vote U/A

C.Parker stated the City is coordinating the lighting on First Street so it matches the theme of the lighting pattern throughout the City, adding the applicant has chosen a higher quality lighting. He further stated the applicant is providing the lighting on the north and south side, even though only required to do the north side.

K.McEneaney displayed the lighting plan for the Board and explained the location of the lighting on the plans and the lighting design.

Discussion ensued regarding location of lighting, maintenance for the landscaping, additional work with the Department of Environmental Services from the back of the building to the river, and additional conditions regarding the drainage and the islands.

Motion: D.White made a motion to accept the application for item 4.H. Seconded by L.Skinner. Vote U/A

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION: (P14-03A)

The Planning Department recommends the Planning Board accept the application and find that the conditions of approval have been met, with the following conditions:

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

1. The applicant shall have the landscape architect add a stamp and signature to the landscape plan.
2. The applicant shall provide a statement from the design engineer stating the drainage will work with the islands as proposed. If changes need to be made to the islands, the developer will bear the cost of the changes.
3. The applicant shall remove the proposed light in front of 24 Chestnut Street (on First Street), and relocate it on First Street, if appropriate.
4. The applicant shall add lighting on the river side of the building which will be comparable to other lighting as proposed on the plan.

C.Parker clarified the occupancy permit and what's involved in conditions.

Motion: F.Torr made a motion to approve subject to staff recommendations. Seconded by K.Schuman. Vote U/A



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- I. Consideration and acceptance of a Conditional Use Permit for STF Development, Assessor's Map I, Lot 12, zoned RM-SU, located at 72 Durham Road/Clancy Drive. Owner has constructed a stone wall in a wetlands buffer, with 169 sq. ft. of impact. *(P13-38A)

Chris Berry, Berry Survey and Engineering, represented the applicant and stated the reason for the application was to correct the construction of a stone wall which is causing an encroachment to the wetlands buffer. He further stated the work necessary to improve the stone wall and the total buffer impact.

D.Ciotti asked about the gutters on the southeast side of building being 30 ft. away. C.Berry stated they would have to install sewer pipe underground. He confirmed Alan Dews or Dave White would inspect the completed work.

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

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the application with the following conditions:

1. The applicant shall revise the plan to add a lip at the edge of the level spreader proposed.
2. The applicant shall complete the proposed reinforcement of the stone wall, install a gutter to the south side of the roof and install the level spreader, as specified in the May 4, 2015 letter, no later than August 26, 2015. This work shall be performed to the satisfaction of the City Engineer.
3. The design engineer or City Engineer shall be on site during construction to ensure that the wall is constructed as per design and intent.

C.Plante confirmed with C.Parker the applicant will pay for the City Engineer time.

Motion: F.Torr made a motion to approve subject to staff recommendations. Seconded by K.Schuman. Vote U/A

- J. Consideration and acceptance of a Minor Lot Line Adjustment for Daniel W. Ayer Revocable Agreement of Trust and Anthony P. Ayer, Assessor's Map N Lots 19 & 19-5, zoned R-40, located at McKone Lane and Back Road and 47 McKone Lane. *(P15-28)

Kevin McEneaney of McEneaney Survey Associates, Inc., represented the applicant. He explained the strip of land between two houses and showed the parcels on displayed plans. He stated the acreage for each lot, adding .36 acres would be transferred from Lot 19 to Lot 19-5.

Motion: L.Skinner made a motion 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 accept the application, hold the public hearing, and approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:



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1. The owners' 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 P15-28 to the title block.

Motion: B.Garrison made a motion to approve subject to staff recommendations. Seconded by D.White. Vote U/A

- K. Consideration and acceptance of a Conditional Use Permit, per Chapter 170-20-B(1), for Michael O'Malley/7 Broadway LLC, Assessor's Map 3, Lot 57, zoned CBDG, located at 7 Broadway. (Relief from 10 ft. minimum rear setback) *(P15-26)

C.Parker stated the building behind the property is located on the property line. Michael O'Malley explained the application to build staircase at the rear of the building, adding it will be safer and look better.

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

Public Hearing Open. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board accept the application and approve the Conditional Use Permit with the following conditions:

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

1. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

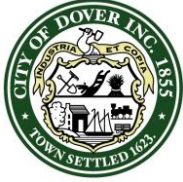
Motion: D.White made a motion to approve subject to staff recommendations. Seconded by C.Lawrence. Vote U/A

5. STAFF COMMENTS

C.Parker stated he is working on issues with the Transportation Master Plan. He further stated 20 people have requested to be on the Committee and he will have interviews for them, adding the delay has to do with the need to hire three additional people in the Planning Department. He further stated the job closes on June 8, 2015 and he hopes to have staff for later meetings.

C.Parker stated there will be only one Planning Board meeting a month until January except for the month of June, adding there will be a public hearing on June 9, 2015 for the 20 Zoning Amendments posted. He further stated that by law the City only has to have one public hearing; however, the City will provide a second hearing available to the public on June 23, 2015. The Planning Board meetings will be held at the McConnell Center for the months of June, July and August.

6. MEMBER COMMENTS



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Discussion ensued regarding the amendments and meetings for June, July and August. C.Parker stated there will be a public hearing and workshop scheduled with the City Council on the Zoning Amendments.

K.Schuman asked about the process for establishing the meeting agendas, suggesting it be considered to have the private individual cases heard before the professional cases so these individuals do not have to sit through a long process when their cases can be heard and processed in a timely manner.

D.Ciotti stated this was C.Lawrence's first meeting as a full-time Planning Board member.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 8:49 p.m. Seconded by B.Garrison. Vote: U/A