

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center, Room 306
61 Locust Street, Dover, NH 03820
Meeting Date: **Tuesday, July 28, 2015**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Frank Torr, Lee Skinner, Tom Clark, Dave White, Catherine Plante, Gina Cruikshank (Alternate), Maggie Fogarty (Alternate)

Members Not Present: Kirt Schuman (Vice Chair), William Garrison (Councilor), Christopher Lawrence

Staff Present: Steve Bird, City Planner, Donna Pohli, Assistant City Planner, Tracy Smith (Recording Secretary)

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

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- June 23, 2015 & July 14, 2015 Regular Meeting Minutes.

Motion: F.Torr made a motion to approve the June 23, 2015 Regular Meeting Minutes. Seconded by D.White. Vote U/A

Motion: F.Torr made a motion to approve the July 14, 2015 Regular Meeting Minutes. Seconded by D.White. Vote U/A

D.Ciotti introduced the new Assistant City Planner, Donna Pohli, adding she would be observing the meeting.

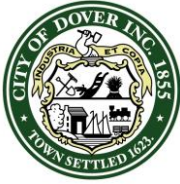
3. OLD BUSINESS

- A. Consideration and possible vote on a Site Plan Review for Dubois Family 2003 Revocable Trust, Assessor's Map 22, Lot 3, zoned RM-U, located at 80 Henry Law Avenue. (Proposed 10 multi-family units within five buildings with associated parking). *(P15-17)

Motion: D.White made a motion to remove item 3.A from the table. Seconded by C.Plante. Vote U/A

S.Bird stated a memo was distributed to the Board members with additional comments from the City Engineer, D.White, regarding the updated plans received since the site walk, as well as a document from McEneaney Survey Associates asking for relief from the outdoor lighting regulations.

Kevin McEneaney, McEneaney Survey Associates, represented the applicant and stated Diane Hemingway, one of the Dubois Trustees was also present. He further stated the revised plan consists of eight new units in four buildings with two existing units, and clarified the parking for the units. He addressed condition #3 requesting a waiver to the lighting plan to use residential lights, not commercial lights, and described the proposed lighting in comparison to the requirements. He addressed condition #5 regarding the dumpster location not shown on plan and stated the applicant would like to provide a private trash removal contractor, adding they are not in favor of the dumpster due to odors and people using it who are not authorized to do so. He requested the conditions for #3 and #5 be waived.



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T.Clark addressed the road name with K.McEneaney and suggested the applicant use Clay Hill Drive as the name, which would be added to the conditions.

Discussion ensued regarding removing condition #3 and adding the stipulations associated with the memo from D.White to the conditions, as well as adding the trash removal stipulation to the conditions as private trash pickup.

Motion: F.Torr made a motion to reopen the public hearing. 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 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 applicant shall revise the plan to add Clay Hill Drive as the road name.
4. The applicant shall revise the title of sheet #2 to be "Existing Conditions and Demolition Plan".
5. The applicant shall revise the plan to add that rubbish will be removed private contractors.
6. The applicant shall revise the plan to label snow storage areas.
7. The applicant shall revise the plan to add common site plan note #17 regarding providing sprinkler systems.
8. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
9. The applicant shall revise the plan to provide a minimum of six feet of separation between the gas and sewer mains.
10. The applicant shall revise the plan to remove the conflict between the water main and the utility pole.
11. The applicant shall have the drainage analysis reviewed and approved by the City Engineer.
12. The approval includes the granting of the waiver requested. The Board finds that the criteria of Chapter 149-19.A have been met.

Conditions to Be Met Prior to Any Construction Activity:

13. 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.

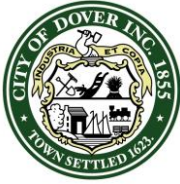
Conditions to Be Met Prior to Issuance of a Building Permit:

14. Any new dwelling units shall pay the current impact fees in place at the time of building permit application.
15. Any new dwelling unit 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.

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



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- B. Consideration and possible vote on a Waiver for First Rate Real Estate Group, LLC, Assessor's Map 2, Lot 76, zoned CBD, located at 11 Court Street (proposal is to waive the pavement setback requirement of 5 ft. on side and rear property lines and 10 ft. on front property lines per Site Review Regulations 149-15C). *(P15-34)

Motion: F.Torr made a motion to remove item 3.B from the table. Seconded by G.Cruikshank. Vote U/A

S.Bird gave an overview of the application, adding the applicant submitted revised plans on July 23, 2015.

Kevin McEneaney, McEneaney Survey Associates, represented the applicant and stated the home on Court Street had been removed, and the waiver request is to modify the setback requirements to construct a parking lot with 11 spaces for the tenants at 2 Silver Street which is below the threshold. He stated adjustments made to the plan to transfer parking from the east side to the west side so the spaces and headlights are farther away from buildings. He addressed issues regarding fence and wall construction, snow storage, and lighting, adding they did not propose lighting due to the street lighting provided. He read and distributed a letter from Janice and Devin Karkos and Richard Martuscello to the Board requesting no lighting or fencing and how it would affect their property.

Discussion ensued regarding clarification of the fence design and the parking associated with 2 Silver Street. K.McEneaney stated they are looking at additional parking at the library, adding the lot is separately owned and a separate entity not to be combined with this application. S.Bird confirmed the applicant would have to apply to combine the two.

Motion: D.White made a motion to reopen the public hearing. Seconded by C.Plante. Vote U/A

Public Hearing Opened. Nobody Spoke. Public Hearing Closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the waiver with the following conditions:

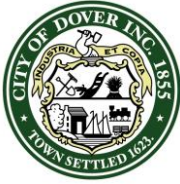
1. The applicant shall revise the plan to add a street wall at least 24 inches in height as a base for the proposed 4 ft. fence.
2. The applicant shall install all required fencing prior to parking any vehicles in the parking lot.

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

4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Lot Line Adjustment for William R. & Sheila S. Dube Trustees, Assessor's Map L, Lots 96-A & 96-L, zoned R-20, located at 250 Dover Point Road. *(P15-39)

Joel Runnals, Norway Plains Associates, represented the applicant and stated the application is to transfer 1.81 acres from lot 96-A to 96-L. He further stated lot 96-L, the Dube house, will increase to 4.14 acres and adding frontage on Dover Point Road, and lot 96-A, the rental property, will decrease to 23,800 sq. ft. with access to sewer and water at Dover Point Road. He added the Dube house will have access to the sewer easement.



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D.White confirmed with J.Runnals that the rental property will have access to city water and sewer and the Dube house has the sewer easement.

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

Public Hearing Opened. 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:

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 P15-39 to the title block.
4. The applicant shall add the surveyor's stamp and signature to the final plat.
5. The applicant shall revise the plat to correct the rear setback in note #3 to be 30 feet.
6. The applicant shall revise the plat to show that iron pipes will be installed at all the new lot corners.

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

- B. Consideration and acceptance of a Change of Use for Seacoast Charter School (Owner: Measured Progress, Inc.), Assessor's Map E, Lot 33, zoned ETP, located at 171 Watson Road. (Proposal is to use existing structure as an Educational Institution, K-12). *(P15-41)

F.X. Bruton, Bruton & Berube, represented the applicant and addressed issues as stated in the application for the Change of Use to change the existing structure from an office space and child care facility to a charter school. He stated the variance application was approved by the Zoning Board of Adjustment on July 16, 2015 with the condition to limit the enrollment to 300 students. He addressed the Planning Department condition regarding the traffic study and provided a handout for the Planning Board to compare the traffic and parking with the school in comparison to Measured Progress, Inc., adding there were no traffic issues for them. He asked the Planning Board to reconsider the traffic study due to the fact that it was not required of Measured Progress, Inc. when they received their approval and due to the high cost of the study. Brianna Moynahan from Seacoast Charter School and John Woodman from Measured Progress, Inc. were also present.

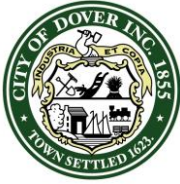
Discussion ensued to confirm the building code requirements were met and any State requirements for an outdoor recreation area. B.Moynahan confirmed there were no requirements with set green space, and the school is not required to have fields.

Motion: F.Torr made a 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 approval of the change of use, with the following conditions:



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1. The applicant shall prepare a standard traffic impact analysis study for review by the Planning Department.
2. The applicant shall have a meeting with the Building Official to conduct a thorough review of the building for compliance with code issues.
3. If the school decides to expand to include high school students, the applicant shall return to the Planning Board for a public hearing to review traffic and any other impacts.
4. The applicant shall pay the current impacts fees in place at the time of building permit application, prior to obtaining a certificate of occupancy.

Discussion ensued regarding condition #1 and the concern with waiving the traffic study if residents later complain about the traffic. S.Bird clarified the information provided in the standard traffic study and the need to obtain this information due to the amount of traffic schools typically generate.

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

- C. Consideration and acceptance of an Open Space Subdivision for MCL Builders and Developers, LLC (Owner: Mace Family Revocable Trust), Assessor's Map I, Lot 6-C, zoned R-12, located at 46 Back River Road. (Subdivide existing lot into 8 lots. The applicant is requesting three waivers). *(P15-05)

Bob Stowell, TritTech Engineering, represented the applicant and stated the updates to the plans in response to the Planning Technical Review Committee (TRC) meeting comments. Mike Lefevre, the applicant, and Peggy Mace, the land owner, were also present.

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

Public Hearing Opened.

Frank Crossman, 50 Back River Road, stated his concerns regarding safety issues associated with the road shrinking and too many roads going in on the one area and the heavy traffic associated with this, and how this has affected his daycare business.

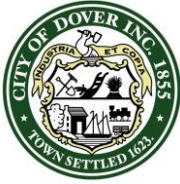
Public Hearing Closed.

B.Stowell addressed the road width as 20 ft. wide stating this is appropriate for residential use. He stated the issue expressed by the abutter was not related, adding the issue with Back River Road is sight distance. Doug LaRosa, TriTech Engineering, distributed a document to the Planning Board regarding the sight distance to show an adequate and safe volume of traffic.

S.Bird gave the update from the TRC meeting and stated the recommendation for a site walk prior to approval and the issues to address at the site walk.

Discussion ensued regarding the number of bedrooms in the houses proposed and the factors associated with the schools and the tax cost per student.

Discussion ensued regarding Picnic Rock and the potential for future connection.



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STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board accept the application, open the public hearing and then table the application so that a site walk can be scheduled.

Motion: F.Torr made a motion to table item 4.C to schedule a site walk. Seconded by D.White. Vote U/A

D.Ciotti scheduled the Site walk for Tuesday, August 4th at 5:30 p.m.

- D. Consideration and acceptance of a Site Plan Review for Summit Land Development (Owners: H53 Mast Road, LLC), Assessor's Map H Lot 53-1, zoned I-4, located at Stonewall Drive. (Proposed 129,600 sq. ft. Industrial Manufacturing Building w/Office Space & Warehousing to include 68 parking spaces).
*(P15-35)
- E. Consideration and acceptance of a Conditional Use Permit for Summit Land Development (Owners: H53 Mast Road, LLC), Assessor's Map H Lot 53-1, zoned I-4, located at Stonewall Drive. (CUP for proposed use in Secondary Groundwater Protection Zone and for impervious coverage of 43.6%).
*(P15-36)

D.Ciotti stated items 4.D and 4.E would be heard together.

L.Skinner recused himself for items 4.D and 4.E.

S.Bird gave an overview of the applications.

Chad Kageleiry, Summit Land Development, property owner and applicant stated the applications are to build a 129,600 sq. ft. manufacturing building owned by Rand Whitney Corporation. He addressed the TRC comments and stated the awareness of the sensitivity and location regarding the well, adding the Planning Staff has been involved with reviewing plans associated with the well. He displayed aerial photos to show the construction, roadways, and locations of perspectives of the buildings. He expressed the economic benefits to the community associated with the project. He stated Rand Whitney considered other locations and expressed the importance of timing to complete the building. Eric Weinraub from Altus Engineering, Inc. and Matt Worth from Pro Con Construction were also present.

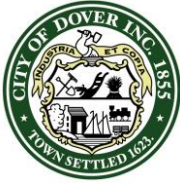
E.Weinraub explained the process of drainage on the Rand Whitney site and the connection to Stonewall Kitchen and clarified the easements between the properties and the run off for the combined projects. He displayed aerial photos to show the proposed landscaping, and clarified there would be Sumac and light vegetation for the area on Mast Road. He confirmed the completion of the proposed project to be in May 2016. S.Bird clarified that Stonewall site has to be completed before Rand Whitney site water could be treated.

Motion: F.Torr made a motion to accept the applications for items 4.D and 4.E. Seconded by G.Cruikshank. Vote U/A

Public Hearing Opened.

Dan Barufaldi, Dover Business and Industrial Development Authority, 240 Backwater Road, gave background information regarding the Rand Whitney Corporation, and stated the need to build due to the existing lease expiring at the current location for the corporation. He further stated the economic benefits to the Dover community.

Stephen Sherman, 75 Bellamy Road, stated his concern regarding industrial traffic and asked if the trucks would be using Route 108 or Bellamy Road. He further stated his concern regarding the impact to the water.



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David Dupont, 24 Lisa Beth Circle, stated his concern regarding water garden #2.

Lara Scammon, 356 Washington Street, represented her parents who live on Lisa Beth Circle, stated her concern about the water table and the effect on the homes. She further stated her concern with the possibility of contaminants affecting the water, Bellamy River and Great Bay Estuary. She also expressed her concern with industrial traffic.

Bonnie Sanders, 23 Lisa Beth Circle, stated her concern with tree removal, her view, and fewer wildlife. She requested the location of the buffer, adding her concern with the effects of the blasting. She further stated her concern regarding the value of the homes, and the water level rising and polluting homes. She suggested a site walk for the neighbors for assurance of the safety issues. Larry Sanders was also present.

Public Hearing Closed.

C.Kageleiry stated the abutter concerns are regarding Stonewall Kitchen, adding Rand Whitney is a separate issue and application. He addressed the contamination concerns and stated it is more possible for the homes to contaminate the Bellamy River before the extensive water system developed by the companies. He explained the water collection process, adding they have no control regarding the water table. He addressed the site walk request and stated he tried to show the progress with the aerial photos. He displayed plans and clarified what areas will be conservation and the location of the rain garden, as well as the conservation land that was fixed. He explained the landscaping and where berms will be built. He explained the water system and the continual monitoring associated and that no salt would be used and the protective measures to develop the property near the groundwater well.

Discussion ensued regarding the guarantees available for the water garden and water system. E.Weinraub explained the water treatment system.

Discussion ensued regarding Route 108 or Route 4 for truck traffic, and Bellamy Road has signs requesting no trucks.

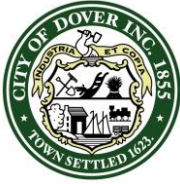
C.Kageleiry clarified the manufacturing use proposed at Rand Whitney Corporation and described the products and process and stated no hazardous products will be used other than lubricant oil for the machinery.

STAFF RECOMMENDATION: (P15-35)

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.
3. 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.
4. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
5. The approval includes the granting of the waiver requested for the reasons stated by the applicant. The Board finds that the criteria of Chapter 149-19.A have been met.
6. The approval includes the granting of the Transfer of Development Rights waiver.



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7. The applicant shall revise the TDR plan to label the TDR sending area.
8. The applicant shall prepare a developer's agreement that addresses, at a minimum, the prohibition of the use of salt for roadway and pavement maintenance, TDR architectural covenants, the requirement for a blasting plan, groundwater monitoring plan, and amendment of the Emery & Garrett contract.
9. The applicant shall have the drainage analysis reviewed and approved by the City Engineer.
10. The applicant shall prepare drainage easements for review by the Planning Department.

Conditions to Be Met Prior to Any Construction Activity:

11. 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:

12. Any new building shall pay the current impact fees in place at the time of building permit application.
13. Any new building 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:

14. The applicant shall prepare a perpetual easement or restrictive covenant for the TDR sending area that preserves the open space within the sending area. These documents shall be reviewed by the Planning Department, with consultation by the City Attorney on compliance with conditions.
15. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
16. The storm water system on Stonewall property shall be installed and operational before RW gets certificate of occupancy.

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

STAFF RECOMMENDATION: (P15-36)

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the Conditional Use Permit with the following conditions:

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

1. The erosion and sediment control features shall be installed prior to any earth disturbance.

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

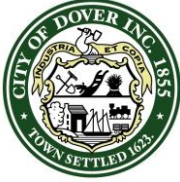
1. The applicant shall prepare the Development Review Model required by Chapter 170-28.3-G and submit it to the City Engineer for review and approval.

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

5. STAFF COMMENTS

S.Bird stated the City Council will be having a Workshop on August 5, 2015 to review the Zoning amendments.

S.Bird stated C.Parker has provided a list of names for the Planning Board to review for the Transportation Master Plan Steering Committee, adding he will schedule the first meeting for the Steering Committee when he returns from vacation. D.Ciotti read the list to the Planning Board. There was a show of hands for approval of the list.



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S.Bird introduced Donna Pohli, Assistant City Planner, and explained the work she will be doing in the Planning Department.

6. MEMBER COMMENTS

None.

7. ADJOURNMENT

Motion: C.Plante made a motion to adjourn at 9:39 p.m. Seconded by G.Cruikshank. Vote: U/A