

CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, March 22, 2016**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- March 8, 2016 Regular Meeting Minutes

3. OLD BUSINESS

- A. Discussion and possible vote on Community Development Block Grant (CDBG) Funding requests for Federal Fiscal Year 2016/2017.
- B. Public Hearing and possible vote on a proposed amendment to the Zoning Ordinance (Chapter 170), per NH RSA 675:2 & 675:7, to rezone a 16 acre parcel, known as Assessor's Map D, Lot 12, located at 447 Sixth Street and Production Drive from Rural Residential (R-40) to Assembly and Office (I-4).
- C. Consideration and possible vote on a Site Plan Review for Vitas Management & Development Co., LLC, (Owner: Profero Management and Holdings, LLC), Assessor's Map 11, Lot 2, zoned B-3, located at 181 Silver Street. (Proposal is to construct a 72,360 sq. ft. Assisted Living Facility with 76 units, a 2,930 sq. ft. Bank, a 66,000 sq. ft. Medical Office Building, a 2,300 Coffee Shop, and a 66 unit hotel with a 20,472 sq. ft. footprint. The mixed use site propose 382 parking spaces). *(P15-56)
- D. Consideration and possible vote on a Conditional Use Permit for Vitas Management and Development Company, LLC (Owner: Profero Management and Holdings, LLC), Assessor's Map 11, Lot 2, zoned B-3, located at 181 Silver Street. (Proposal is for a non-residential development with a wetland impact of 24,454 sq. ft.). *(P15-55)

4. NEW BUSINESS

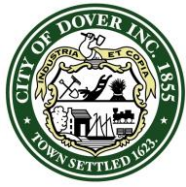
- A. **This item has been withdrawn and will not be heard.** Consideration and acceptance of a Conditional Use Permit for JNM Realty Trust, Assessor's Map 27, Lot 273, zoned CBD (Downtown Gateway), located at 130 Broadway. (Proposal is to construct a garage with a residential garage with a living unit on the second floor. Project does not conform to minimum lot coverage, minimum lot frontage buildout, and 1 unit per 5,000 sq.ft. requirements) (P16-04)
- B. Consideration and Possible Vote on a Citizen's Petition for a Zoning Amendment for Scott Mitchell Real Estate, LLC, Assessor's Map 37, Lots 35, 36, 37, and 38, located on Glenwood Avenue and Central Avenue. (Rezone 5.384 acres from Office (O) and Medium Density Residential (R-12) to Thoroughfare Business District (B-3))*(P16-06)
- C. Consideration and acceptance of an Amended Open Space Subdivision Plan for Arthur Gagnon, Assessor's Map H, Lot 2A-1, zoned R-40, located at Freshet Road. (Proposal is to amend a previously approved subdivision to request a waiver for the buffer to be 30 feet wide instead of 50 feet wide as required.) *(P12-24A).

5. STAFF COMMENTS

6. MEMBER COMMENTS

7. ADJOURNMENT

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@dover.nh.gov. You may also view materials at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue
Meeting Date: **Tuesday, March 8, 2016**
Meeting Time: **7:00 pm**

Members Present: Frank Torr (Chair), Kirt Schuman (Vice Chair), Dennis Ciotti (Councilor), Tom Clark, Dave White, Lee Skinner, Christopher Lawrence, Gina Cruikshank, Maggie Fogarty (Alternate), Curtis J. Pratt (Alternate), David Landry (Alternate)

Members Not Present: Catherine Plante

Staff Present: Christopher Parker (Assistant City Manager), Donna Benton (Assistant City Planner), Tracy Smith (Recording Secretary), Dave Carpenter (Community Development Planner), Dan Barufaldi, Dover Business Industry and Development Authority (Director)

The Chair recognized C.Pratt to sit in for C.Plante.

The Chair called the meeting to order at 6:58 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- February 23, 2016 Regular Meeting Minutes

Motion: K.Schuman made a motion to approve the February 23, 2016 Regular Meeting Minutes. Seconded by D.Ciotti. Vote U/A

3. OLD BUSINESS

A. Consideration and Possible Vote for Proposed Area Rezoning of Land.

C.Parker gave an overview of the proposal, and stated Dan Barufaldi and Dover Business Industry and Development Authority (DBIDA) members were present to identify the proposal.

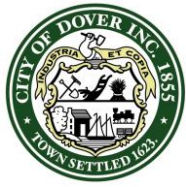
Scott Johnson, DBIDA member, explained the challenge in locating land to expand Dover's commercial base. He stated DBIDA has been evaluating different lots and their size, the locations, and considering the impacts to neighborhoods.

C.Parker explained the proposal regarding rezoning the area involving Production Drive and Sixth Street.

M.Fogarty arrived at 7:05 p.m.

S.Johnson stated one of the reasons why DBIDA has submitted the proposal is that the area is not suited for residential as it is zoned due to the view of the buildings and truck traffic on that road.

D.Ciotti requested information regarding the house on Sixth Street. S.Johnson clarified the intent of the proposal and stated it does not involve eminent domain. The house goes with the parcel and they are uncertain of the owner intent. He explained options regarding the acreage of the property.



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Discussion ensued regarding the Production Drive map and Land Use Analysis documents distributed to the Planning Board members, and further clarification regarding the intent of the proposal.

C.Pratt asked if there could be a stipulation with the zoning change. C.Parker explained that is not available in the regulations and clarified why the I-4 District would be a good choice for rezoning.

Discussion ensued regarding how and when property owners are notified about their parcels being rezoned, and clarification that the City is not looking to take over anyone's property through eminent domain.

C.Parker explained the rezoning process and how the public is notified for the Board members.

Motion: K.Schuman made a motion to post this area for rezoning as drafted by Staff. Seconded by D.Ciotti. Vote U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Saddle Lot 3, LLC, Assessor's Map N, Lot 8-1-3, zoned R-40, located at Lot #3 Saddle Trail Drive. (Proposal is to construct a single family house within a 20% slope Conservation District. Proposal will impact 4,290 sq. ft. within the Conservation District.) *(P16-03)

C.Parker gave an overview of the application.

Steven Oles, Norway Plains represented the applicant and stated the intent of the proposal and that there was more impact to the Conservation District when they considered another location on the property for the house. He stated they have the shore land permit and septic approval.

T.Clark addressed the detail on the plans for erosion control from the Conservation Commission meeting minutes. C.Parker clarified that sheet #3 in the plans has the detail, and stated Steve Bird worked with the applicant on that issue.

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

Public hearing opened. Nobody Spoke. Public hearing closed.

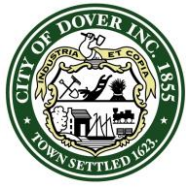
STAFF RECOMMENDATION:

The Planning Department recommends that 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 erosion and sediment control features shall be installed prior to any earth disturbance.
2. To replace Cochecho River with Fresh Creek.

Motion: D.Ciotti made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by T.Clark. Vote U/A



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B. Public Hearing on the CDBG Action Plan for FFY16. All persons wishing to speak on the proposed Action Plan and use of funds are urged to attend.

C.Parker gave an overview of the CDBG administrative process, the levels of funding utilized to put the plan together, and an overview of the economic development.

Discussion ensued regarding the CDBG administrative cost and options were evaluated.

Discussion continued regarding possible conflicts of interest. There were none and no objections.

Public hearing opened.

F.Torr stated the applications would be heard as they are listed.

AIDS Response: \$15,000 Request

Richard Wagner, Executive Director of AIDS Response spoke. Needs of organization: Grant to assist in case management and support services of AIDS Response Seacoast. AIDS Response provides vital emotional and practical support for people living with AIDS, their families and friends.

C.Lawrence asked the applicant if they applied to other towns for funding. R. Wagner stated they applied to Dover and Portsmouth; not Rochester as they have been unsuccessful receiving funding in four of the last five years.

Community Partners: \$8,208.00 Request

Pamela Thyng, representative of Community Partners spoke. Needs of organization: Funding for Homeless Assistance Program security deposits and rental assistance for Behavioral Health clientele who are mentally ill and cannot afford security deposits and rental housing.

C.Lawrence asked if the applicants could apply for more than one grant. C.Parker stated that was discouraged in order to spread the funds to as many different organizations as much as possible.

Cross Roads House: \$12,000 Request

Martha Stone, Executive Director of Cross Roads House spoke. Needs of organization: Funding for the homeless center's operations which serves Dover residents.

C.Pratt asked why the increase in homeless population. M.Stone speculated the increase was due to the heroine epidemic and the struggle with mental illness, and stated there were higher overflow numbers in January.

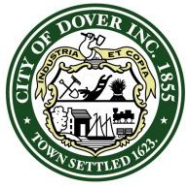
Dover Welfare: \$8,000 Request

Needs of organization: Continued funding of Dover Welfare's Security Deposit Assistance Program, which aids people who cannot afford the down payment for rental housing in the City.

C.Parker provided the information regarding the application.

End 68 Hours of Hunger: \$25,000 Request

Lauren Kolifrath, representative spoke. Needs of organization: Provide weekend meals for school children of low income families who reside in Dover.



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Haven (A Safe Place): \$5,000 Request

Kathy Beebe, Executive Director of A Safe Place spoke and distributed a flyer to the Board members. Needs of organization: Grant for shelter and services of abused spouses and their children and victims of sexual assault.

Homeless Center for Strafford County: \$10,500 Request

Susan Ford, Executive Director of Homeless Center for Strafford County spoke. Needs of organization: Funding for operations at the overflow shelter in Rochester for homeless families.

My Friends' Place: \$15,000 Request

Needs of organization: Funding for operations and repairs at the City's homeless shelter.

C.Parker provided the information regarding the application.

Strafford County CAP: \$85,000 (New Office Space) & \$25,000 (Weatherization) Requests

Betsey Andrews Parker, Executive Director spoke. Needs of organization: Weatherization and property rehabilitation program serving very low income Dover residents with housing needs. She stated she could request just the \$85,000, and ask for the remaining money elsewhere.

Dover Housing Authority: \$200,000 Request

John Maloney, Capital Improvement Coordinator spoke and distributed a document to the Board members.

Needs of organization: To rehabilitate existing low income housing by installing a new interconnected system of smoke alarms and carbon monoxide devices.

Discussion ensued regarding how the alarm system would work and the reason and need for the alarms.

Triangle Club: \$195,000 Request

Michael Kimball, Treasurer, spoke. Needs of organization: Funding for a 24'x 60' addition to the second floor of the establishment to serve those suffering with heroine and alcohol addictions. He clarified they only need a third of the amount requested.

C.Parker confirmed the request at \$65,000 instead of \$195,000.

C.Lawrence clarified the need for the request with M.Kimball.

M.Kimball answered C.Pratt's question regarding the system in place to meet the needs of those suffering with addiction.

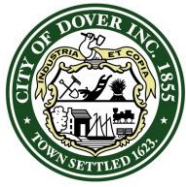
Annie E. Woodman Institute: \$63,225 Request

W.Weston LaFountain, Executive Director of Woodman museum spoke. Needs of organization: To provide access for those with disabilities to the museum.

Public Hearing closed.

C. Discuss the appointments to the Steering Committee for the Stewardship Chapter of the Master Plan

C.Parker stated D.Carpenter put together the process for this Committee and gave an overview of the topics they would address, as well as the names of those to be voted in.



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F.Torr stated if there were no objections, he would appoint the persons named. There were no objections.

5. STAFF COMMENTS

C.Parker stated the Office of Energy & Planning conference was canceled with the possibility of rescheduling in June.

C.Parker stated the Transportation Chapter is going well with preliminary recommendations. There will be a Workshop meeting in April for the Board members to adopt a chapter.

C.Parker gave the update regarding budget which will be presented to the City Council on March 23, 2016.

C.Parker stated the review regarding the recommendations of the Master Plan and the status has been changed to March 16, 2016.

6. MEMBER COMMENTS

F.Torr spoke in favor of the rezoning project. D.Ciotti stated he does not expect rebuttals from the City Council.

7. ADJOURNMENT

Motion: K.Schuman made a motion to adjourn at 9:04 p.m. Seconded by D.White. Vote: U/A

INCOME

Source	Amount
Federal Grant	\$268,665
Economic Loan Program	\$79,852
School St Parking Lot	\$3,240
Housing Loan P/I	\$5,171
Total income	\$356,928

ALLOCATION

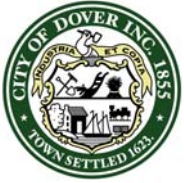
Organization	Priority Ranking*	Amount Requested	Previous Funding	Recommended Funding	
Administration					
20% of ALL income					\$71,386.0
Administration	H	\$71,386	\$72,099	\$71,386	
total		\$71,386	\$72,099	\$71,386	
Public Services					
15% of Grant and FY15 Income					\$57,465
Organization					
AIDS Response	H	\$15,000	\$10,000	\$7,900	
Community Partners	H	\$8,208	\$9,000	\$7,500	
Cross Roads House	H	\$12,000	\$12,000	\$9,500	
Dover Welfare Sec Deposit	H	\$8,000	\$9,000	\$7,565	
End 68 Hours of Hunger	H	\$25,000		\$3,000	
HAVEN (A Safe Place)	H	\$5,000	\$5,000	\$3,000	
Homeless Cntr for St Cty	H	\$10,500	\$8,500	\$7,500	
My Friends Place (MFP)	H	\$15,000	\$15,000	\$11,500	
total		\$98,708	\$68,500	\$57,465	
Economic Development					
Loan pool and Admin					\$109,915
Economic Loan Pool**	H	\$79,852	\$74,990	\$79,852	
Economic Loan Pool Admin	H	\$30,063	\$30,063	\$30,063	
total		\$109,915	\$105,053	\$109,915	
Public Facilities/Economic Development					
Remainder of income					\$118,162
Organization/Activity					
CAP (New Office Space)	H	\$85,000		\$30,000	
CAP (Weatherization)	H	\$25,000	\$23,346	\$25,000	
Dover Housing Authority	H	\$200,000		\$20,000	
Triangle Club	H	\$195,000	\$21,000	\$23,162	
Annie E Woodman Inst	M	\$63,225		\$20,000	
Additional Economic Loan Pool	H	\$0			
total		\$568,225	\$44,346	\$118,162	

Total Request of CDBG Funds
Total Allocation of CDBG Funds

\$738,319
\$356,928

* = Per Strategic Plan Chapter of the Consolidated Plan

** = Minimum allotment per CDBG funding requirement = \$79,852



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted March 8 2016

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by rezoning a parcel of land from residential to industrial.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Rural Residential (R-40) District to Assembly and OFFICE (I-4) District an area of approximately 16 acres located at 447 Sixth Street and Production Drive, consisting of lot D-12.”

3. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

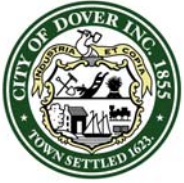
AUTHORIZATION

Approved as to
Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Dennis Ciotti
City Council Planning Board
Representative

Approved as to Legal
Form
and Compliance: Anthony Blenkinsop
City Attorney

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted March 8 2016

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

DOCUMENT HISTORY:

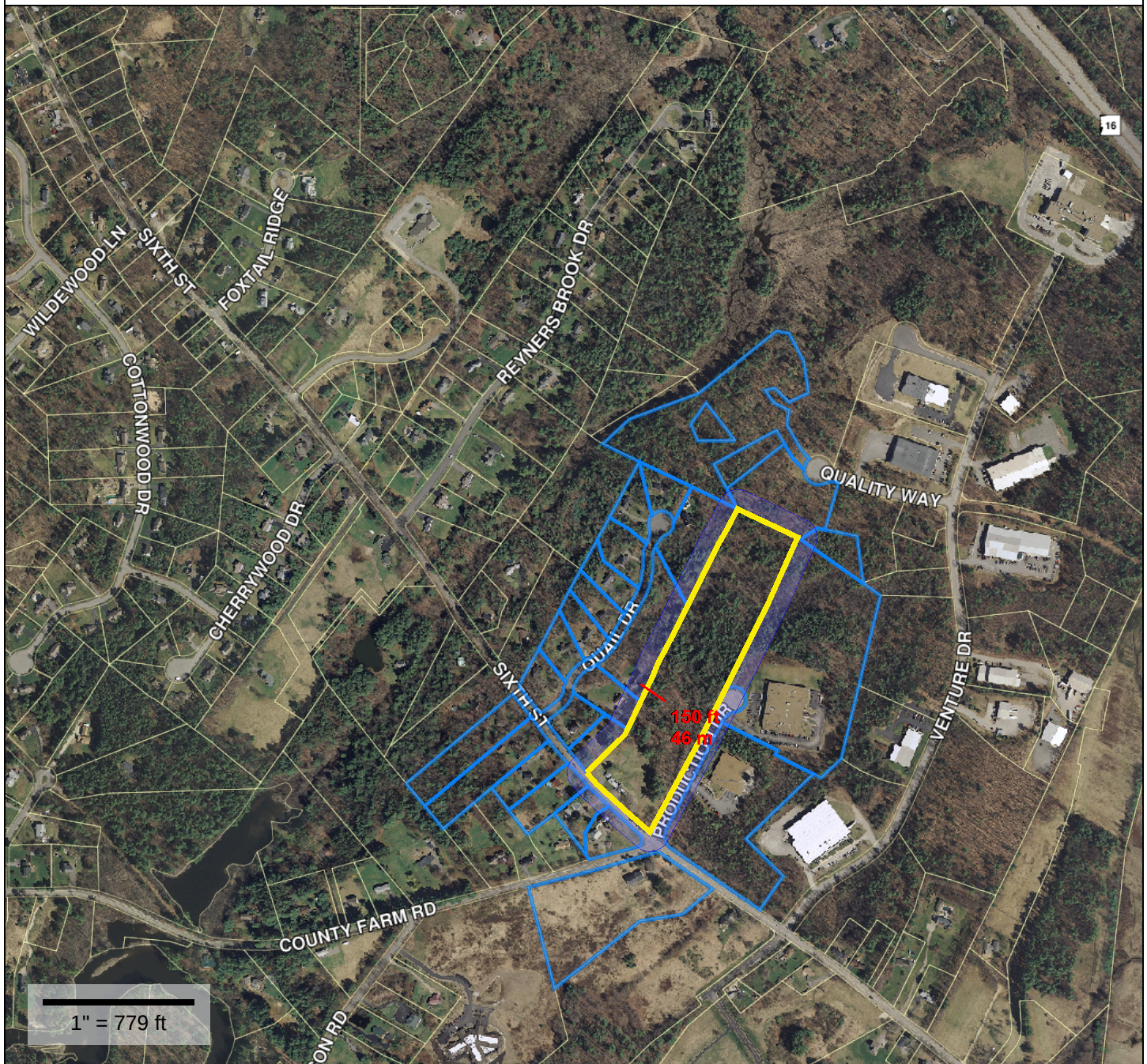
First Reading Date: Approved Date:	Public Hearing Date: Effective Date:
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DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joseph Nicolella, Jr, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Production Drive

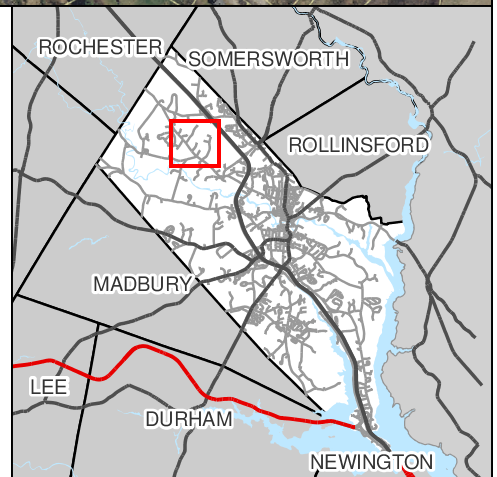
**Property Information**

Property ID D0012-000000
Location 447 SIXTH ST
Owner ELDRIDGE ELMER JR & BEULA
ELDRIDGE ELMER AND BEAULA

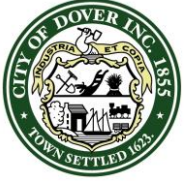
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The City makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated January 1, 2015



100 ft. Abutters



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P15-56

Application Type: Site Plan for Mixed Use Project
Applicant(s): Vitas Management & Development Company, LLC
Owner(s): Profero Management and Holdings, LLC
Location: 181 Silver Street (Tax Map 11, Lot 2)
Meeting Date: March 22, 2016

INTENT: Site plan to construct a 72,360 sq. ft. assisted living facility with 76 units, a 2,930 sq. ft. bank, a 66,000 sq. ft. medical office building, a 2,300 coffee shop, and an 66 unit hotel with a 20,72 sq. ft. footprint. The mixed use site proposes 382 parking spaces.

UNITS PROPOSED: 76 Assisted Living Units, 66 Hotel Units

AGENDA ITEM #: 3-C

ACREAGE: 19.46 Acres

ZONING DISTRICT: Thoroughfare Business (B-3)

EXISTING LAND USE: Former McIntosh College and Hotel

PROPOSED LAND USE: Mixed Use

SURROUNDING LAND USE:
Commercial and Residential

ZBA ACTION:

- Z15-10: Variances granted to allow a building height of 55 ft. where 40 ft. is allowed and to allow an assisted living facility in the B-3 District
- H84-6: Variance granted from definition of lot to construct an additional building on the existing property
- H79-17: Variance granted for sign height and area

ATTACHMENT: Updated Site plan and application; waiver request letter, January 7, 2016 TRC minutes, February 9 Planning Board meeting minutes, revised traffic counts, abutter letters.

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Abutter notices were sent by certified mail to all abutters for the February 9, 2016 meeting.

PERMITS REQUIRED:

- Alteration of Terrain Permit
- NHDOT Permit
- Conditional Use Permit
- NHDES Wetlands Permit

WAIVERS REQUESTED:

- 149-14(C)(1): Porous Walkways
- 149-14(D)(5)(g): Porous Pavement
- 149-15(G): Drive-thru hours

Summary of Request and Background

The applicant proposes to build a mixed use project including assisted living facility, bank, coffee shop, and hotel at the former McIntosh College site.

The applicant appeared before the Technical Review Committee on January 7, 2015 (see TRC Minutes attached).

The application was accepted by the Planning Board on February 9, 2016.

The Planning Board and Conservation Commission had a joint site walk on February 20, 2016.

Consistency with Land Use Regulations

Chapter 149-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. The site is located in the Thoroughfare Business (B-3) District, which encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. The district provides economic development opportunities for a mix of land uses, including restaurants, hotels, offices, banks, and more.

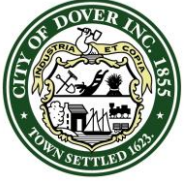
Waiver Requests

The applicant is requesting a waiver to allow for the use of non-pervious pavement and has submitted a letter dated March 4, 2015 that includes the justification for the request. The Planning Department supports the waiver for the reasons stated by the applicant.

The letter also requests a waiver for drive-thru hours of operation which the Board should consider the merits of the request including the justification in the letter explaining the decibel levels.

STAFF RECOMMENDATION:

The Planning Department recommends that the re-open the public hearing, and approve the site plan with the following conditions:



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P15-56

Application Type: Site Plan for Mixed Use Project
Applicant(s): Vitas Management & Development Company, LLC
Owner(s): Profero Management and Holdings, LLC
Location: 181 Silver Street (Tax Map 11, Lot 2)
Meeting Date: March 22, 2016

Conditions to Be Met Prior to Signing of Plans:

1. Conditional Use Permit (P15-55) be approved.
2. The owner's signatures shall be added to the final plan.
3. Applicant shall provide a digital version of plan set.
4. The Professional Engineer, Licensed Land Surveyor, Certified Wetland Scientist will need to sign and date final plans.
5. The Storm Water Management Plan and Storm Water Management System Operation and Maintenance Plan be approved to the satisfaction of the City Engineer.
6. The approval includes the granting of the waiver requested for the porous walkways, porous pavement, and drive-thru hours of operation for the reasons stated by the applicant. The Board finds that the criteria of Chapter 155-51.A have been met.
7. Revise plan set to:
 - a. Add a phase note or phasing lines to plan.
 - b. Address any life safety/fire safety concerns (signage, infrastructure, lane markings, etc.) to the satisfaction of the Fire Chief.
 - c. Add more trees along property line of the southern end of hotel to create better screening for houses
 - d. Supply a photometric plan that meets the requirements of 149-14.E(2) and has security lighting behind Assisted Living Building
 - e. Specify the size and type of pipe to be used for the sewer forcemain
 - f. Provide more information and details about the wetland restoration area

12. 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:

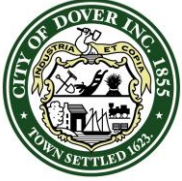
13. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Conditions to Be Met Prior to Any Construction Activity:

8. The development agreement relative to the City, Applicant, and DOT documenting construction and alteration to the Urban Compact and long term maintenance and operation of the roundabout shall be reviewed by the City Legal Counsel, approved by the Assistant City Manager, and recorded at the registry of deeds.
9. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday and Sunday 8 AM-5 PM. 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.
10. The applicant will develop, with its Wildlife/Wetland Consultant, a plan to minimize impact on wildlife, which shall be reviewed and approved by the Director of Planning.

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

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



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P15-55

Application Type: Conditional Use Permit
Applicant(s): Vitas Management & Development Company, LLC
Owner(s): Profero Management and Holdings, LLC
Location: 181 Arch Street (Assessor's Map 11, Lot 2)
Meeting Date: March 22, 2016

INTENT: To obtain a Conditional Use Permit for a wetland impact of 24,454 sq. ft.

LOTS/UNITS PROPOSED: 76 Assisted Living Units, 66 Hotel Units

AGENDA ITEM #: 3-D

ACREAGE: 19.46 Acres

ZONING DISTRICT: Thoroughfare Business (B-3)

EXISTING LAND USE: Former McIntosh College and Hotel

PROPOSED LAND USE: Mixed Use

SURROUNDING LAND USE: Residential and Commercial

ZBA ACTION:

- Z15-10: Variances granted to allow a building height of 55 ft. where 40 ft. is allowed and to allow an assisted living facility in the B-3 District
- H84-6: Variance granted from definition of lot to construct an additional building on the existing property
- H79-17: Variance granted for sign height and area

ATTACHMENT: Updated plan set and application, March 14 Conservation Commission Meeting Minutes, February 9 Planning Board meeting minutes, correspondence regarding DES wetlands permit.

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Abutter notices were sent by certified mail to all abutters for the February 9, 2016 meeting.

PERMITS REQUIRED:

- Alteration of Terrain Permit
- NHDOT Permit
- Conditional Use Permit
- NHDES Wetlands Permit

WAIVERS REQUESTED: None for CUP

Summary of Request and Background

The applicant is requesting a Conditional Use Permit for work impacting 24,454 sq. ft. of wetlands. These impacts would allow more building to be on the site.

The applicant appeared before the Conservation Commission on January 11, 2016. At the meeting, the Conservation Commission requested a joint site walk with the Planning Board and stated the application would be placed on a future agenda.

The Planning Board and Conservation Commission had a joint site walk on February 20, 2016.

The Conservation Commission met again on March 14 and endorsed the NHDES wetlands permit and Conditional Use Permit application, based on the fact that the least impacting alternative, wetland impact mitigations and wetland restoration activities have been considered and seem to be adequate given the activities proposed.

Consistency with Land Use Regulations

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards.

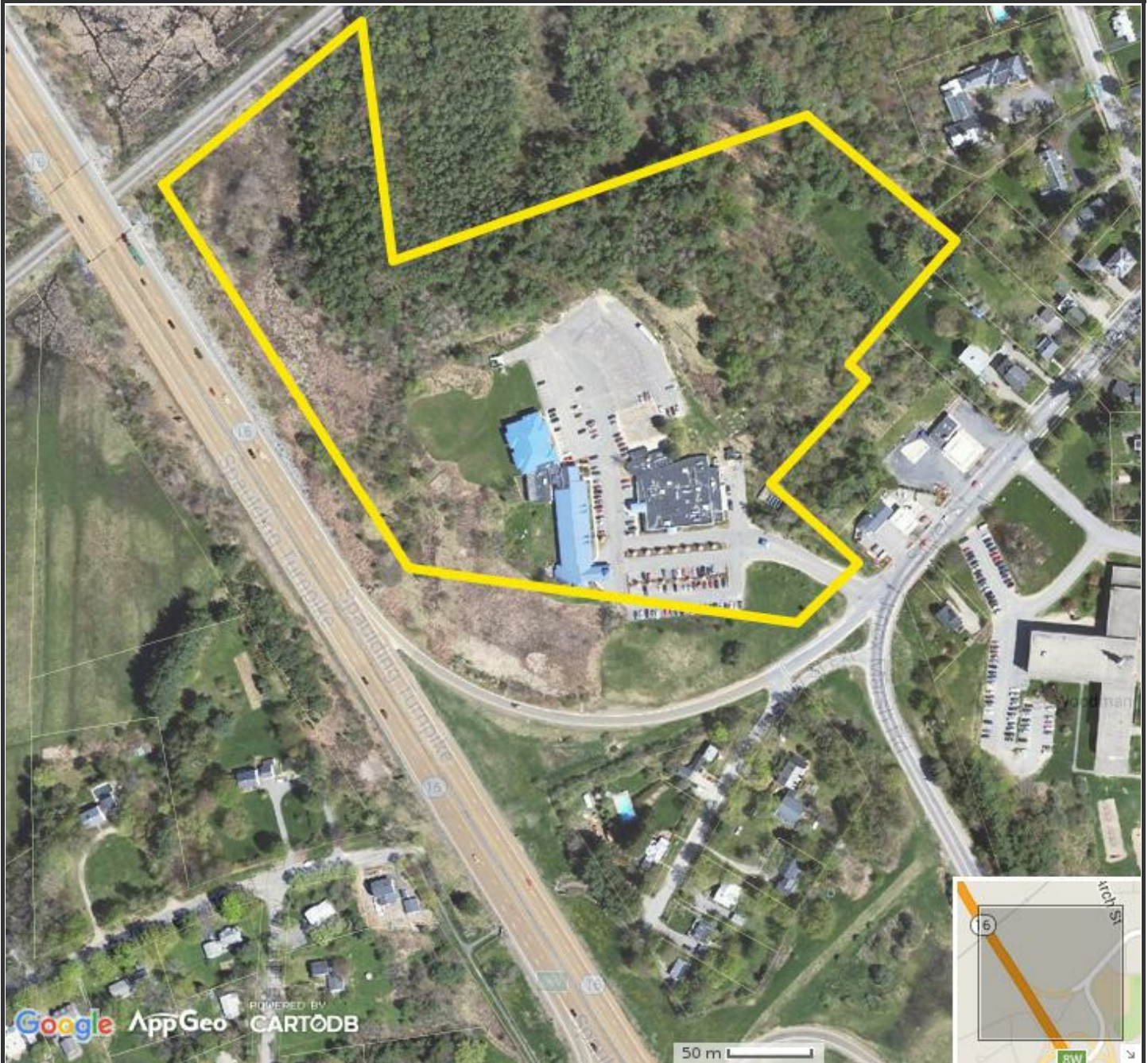
STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board re-open a 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 site plan (P15-56) shall be approved.
2. The erosion and sediment control features shall be installed prior to any earth disturbance activities.
3. NH DES Wetlands Permit granted with the permit number added to the site plan and a copy of the permit submitted to the City.

181 Silver Street

**Property Information**

Property ID 11002-000000
Location 181 SILVER ST
Owner PROPERO MANAGEMENT & HOLDINGS LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Kirt Schuman
136 County Farm Road
Dover, New Hampshire

March 18, 2016

Board Colleagues,

I will not be in attendance at the meeting on March 22nd as we will have just welcomed our baby daughter earlier in the day. I wanted to share my perspective on the Silver Square project for your deliberations. As you know the application is requesting a few waivers. Please remember that unlike a Conditional Use Permit, in which the Board is obligated to approve if defined criteria are met, the Board has the discretion to approve or deny any waiver.

I am not in favor of the waiver for the extended hours of the drive through operation. I do not feel that the applicant made a compelling argument as to why the waiver is justified, nor have they presented any additional factors that would mitigate the impact of the extended drive through hours. This project sits on the gateway to a predominantly residential zone where a limited drive through is appropriate, additionally, the extended hours would be a detriment to the residents in the Congregate Care facility. I have no issue with an extended hour operation, however, I feel in-store service after 9:00pm is more in keeping with the residential character of the surrounding neighborhoods. The argument the applicant has presented is purely based on the financial viability of their project and the convenience of who they perceive their customers to be. Typically, when we are presented with waiver requests, the applicant presents other mitigation techniques to reduce the impact of the waiver and thereby solidifying our approval. In this case we have merely been presented with an argument as to why our regulation needs to be relaxed.

Other factors to consider related to the site plan component of this project include the applicant turning a deaf ear to many of the creative suggestions of the Board, such as site configuration, decreased/shared parking and a more elaborate boulevard style landscaping plan for the parking area. All of these suggestions could have been readily adapted into the plan and resulted in a project that left a more favorable impression on me and the abutters. As mentioned previously, this project sits at a major gateway into our most historic residential neighborhood. A neighborhood we just recently granted its own zoning rules to preserve that character. While not a requirement, the plan before us does nothing to create excitement for or reference the historic context of what lies ahead down Silver Street. It's a real miss.

Lastly, and likely most importantly for me, this project seems to not even reference our Architectural Standards, 149-14-L. Had the applicant made mention of them and demonstrated some sort of reflection of them in the plan, I would perhaps be feeling more favorable about the request for the drive-through waiver. Yet, we are presented with a fast-food style box, with overt graphics and production oriented architecture in the middle of a swath of asphalt rather than site and architectural styling more appropriate for the neighborhood and this site's prominent position as a gateway to our community.

I am aware that the site plan review encompasses the totality of the project and that while I have my reservations, I believe it should be approved, however, I ask for you to consider not granting the drive-through waiver for the reasons stated above.

Thank You,

Kirt

March 4, 2016



Chris Parker
City of Dover Planning
288 Central Street
Dover, NH 03820

RE: Site Review Application Summary
Silver Square
181 Silver Street (Tax Map 11, Lot 2)
Dover, NH

Dear Mr. Parker,

As requested, Allen & Major Associates, Inc. (A&M), on behalf of our client, VMD Equities DVR, LLC has prepared the following modification summary regarding the previous Site Plan Application for the above reference project.

Original Submittal – 12-21-2015

Proposed a new 85 room hotel with 415 total parking spaces.

Public Hearing – 2-9-2016

Proposed a new 85 room hotel with 407 total parking spaces. (Responses from TRC, see Technical Review Summary).

Site Walk – 2-20-2016

Current plan dated 3-4-2016

Site Plan Information

The most current iteration of the site plans will utilize the existing hotel building in its current use and orientation on the site. This resulted in a reduction in the overall building square footage from 185,390 down to 184,634. Since the existing building is to be utilized the left side yard setback of 14.7 feet will be utilized, decreased from 52.4 as previously stated. Due to a re-allocation of interior spaces, the assisted living facility footprint was slightly modified. This allowed for a greater separation between the building and the existing property line, increasing the right side set back to 23 feet from 21.1 as previously stated.

Additionally, based upon numerous discussions with the City regarding the overall parking configuration and the incorporation of the existing hotel building, the project has a reduction of 66,046 SF of impervious from the original submittal.

Building Information

Per discussions with the proposed tenant, the coffee shop building layout was refined to have an increase in seating from 22 seats to 26 seats and a reduction of employees from 7 to 5. The result was a reduction of 25 parking spaces to a total of 382.

Waiver Requests

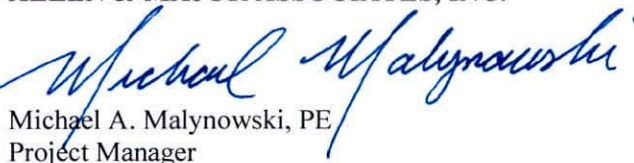
The following waiver was added and outlined in a separate application and summary letter.

SRR Section 149-15 G – To allow for the operation of the drive-in portion of the business between the hours of 5:00am and 12:00am whereas 6:00am to 9:00pm is allowed.

Should you have any questions about what is contained herein, please do not hesitate to contact me.

Very Truly Yours,

ALLEN & MAJOR ASSOCIATES, INC.


Michael A. Malynowski, PE
Project Manager

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Enclosures

March 4, 2016



ALLEN & MAJOR
ASSOCIATES, INC.

Chris Parker
City of Dover Planning
288 Central Street
Dover, NH 03820

RE: Waiver Request
Silver Square
181 Silver Street (Tax Map 11, Lot 2)
Dover, NH

Dear Mr. Parker,

Allen & Major Associates, Inc. (A&M), on behalf of our client, VMD Equities DVR, LLC would like to request the following waiver for the City of Dover, NH Site Review Regulations regarding the Site Plan Application for the above reference project.

SRR Section 149-14 C(1) – To not provide internal walkways constructed of a pervious material, such as pervious asphalt or concrete, open or pervious paving blocks or similar technologies. A waiver is requested due to the impermeability of the underlying soils, which makes infiltration of this magnitude unfeasible and impractical. As discussed at a meeting with the City Engineer on 1/22, a minimal amount of infiltration is provided in strategically placed “rain gardens” throughout the site.

SRR Section 149-14 D(5)g – To not construct the proposed parking area which exceeds one and a half (1.5) acres with a pervious material. A waiver is requested due to impermeability of the underlying soils, which makes infiltration of this magnitude unfeasible and impractical. As discussed at a meeting with the City Engineer on 1/22, a minimal amount of infiltration is provided in strategically placed “rain gardens” throughout the site. Stormwater from the proposed parking area will be collected via a closed drainage system and directed to one of three extended detention basins which will provide treatment prior to discharge.

SRR Section 149-15 G – To allow for the operation of the drive-in portion of the business between the hours of 5:00am and 12:00am whereas 6:00am to 9:00pm is allowed. A waiver is requested as the extended hours on the drive thru are particularly important to both the business and consumers because the early and late hours are the ones during which drivers particularly want to be able to take advantage of the convenience and safety of the drive thru. The hours before 6 am attract commuters whether it be emergency room workers with an early call, Boston commuters travel early to avoid traffic, maintenance workers that open buildings before anyone else gets in, or someone coming back from the gym before getting the kids on the bus and going to work. People are on the road early and want the convenience of not having to get out of their cars, particularly if it is cold, rainy or snowy. On the other end 9 p.m. is a very early cut off for drive thru service. Since this is not a downtown business where people have left their offices for the day, the location is right off the highway, which is appealing to customers who commute longer distances either to or from work. Customers after 9 p.m. could just be getting home to Dover after work or even after a night meeting, or could be someone heading north and grabbing a cup of coffee before starting their trek to the north for a vacation destination. They all want the convenience of being able to stay in the car, not worry about unloading the kids, or leaving the car running for the dog, just to run in for a coffee. The ability to utilize the drive thru will cause less noise and commotion at the rear of the building than parking, opening and closing doors and restarting of vehicles along the front of the building.

Should you have any questions about what is contained herein, please do not hesitate to contact me.

Very Truly Yours,
ALLEN & MAJOR ASSOCIATES, INC.

Michael A. Malynowski, PE
Project Manager

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City of Dover, New Hampshire
APPLICATION FOR EXTENSIONS OF/ AMENDMENTS
TO/ WAIVERS FOR AN APPROVED PLAN

[Creation Date: April 23, 2013]

Office Use Only

Amount Paid: _____

Date/Time Received: _____

P15-56

MAR 17 2016

Dover, New Hampshire

APPLICANT INFORMATION

Name of Applicant: VMD Equities DVR, LLC Telephone # 603-235-9441

Address of Applicant: 733 Turnpike Street - North Andover, MA 01845 E-Mail jvitas@vmdcompanies.com

Project Name: Silver Square Project Location: 181 Silver Street

Planning File Number: P15-56 Date of Original Approval _____

File Type: Conditional Use ☒ Site Plan Review ☒ Subdivision _____

EXTENSION INFORMATION (Note: notification of abutters required for first time extensions only)

Current deadline date: _____ Number of Extensions Previously granted by Board _____

Reason(s) for extension/comments (attach additional sheets as needed): _____

AMENDMENT INFORMATION

Condition(s) or portion of plan to be amended: _____

Reason(s) for amendment/comments (attach additional sheets as needed): _____

WAIVER INFORMATION

Site Review/Subdivision Regulations section(s) to be waived: SRR Section 149-14 D(5)g & 149-14 C(1): Porous pvm.

Justification for waiver request(s) (attach additional sheets as needed): _____

Due to the poor permeability of the underlying soil (clay), infiltration is not feasible

SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: See owner letter of authorization Date: _____

Signature of Applicant (if different from owner): James L. Vitas ll Date: 2.3.16

Signature of Agent: James L. Vitas ll Date: 2.3.16

***CITY OF DOVER EXTENSIONS OF/AMENDMENTS TO/WAIVERS FOR AN APPROVED PLAN
LIST OF ABUTTERS***

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested. The applicant must obtain the abutter information from the records of the Tax Assessor's Office (not more than five days prior to filing) in order to process the site review application.

ABUTTER is defined as the owner of record of a parcel of land located in New Hampshire and that adjoins or is directly within two hundred (200) feet (including land across the street or waterway) of the proposed site under consideration by the Planning Board. For a condominium or other collective form of ownership, abutter means the officers of the collective or association. *(See additional requirement below)*

Owner:

TAX MAP	LOT #	PROPERTY OWNER	MAILING ADDRESS
11	2	Profero Management and Holdings LLC	232 Gulf Road - Dover, NH 03820

Applicant (if different from owner):

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS
James Vitas	VMD Equities DVR, LLC	733 Turnpike St - N. Andover, MA 01845

Surveyor and/or Engineer:

NAME	COMPANY	MAILING ADDRESS
Michael Malynowski	Allen & Major Associates, Inc	250 Commercial St - Manchester, NH 03101

Conservation Easement Holder:

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS

Abutters:

[illegible]

For projects which meet 149-4A, if a condominium association is an abutter, add all owners of individual units that are located within two hundred (200) feet of the common property line for notification by first class mail.

UNIT #	OWNER (S) OF RECORD	MAILING ADDRESS

March 11, 2016

James L. Vitas II
V.M.D. Companies, LLC
733 Turnpike St, Route 114
North Andover, MA 01845

SUBJECT: Silver Square, Dover – Reader Board Noise Impacts

Dear Jim,

At your request, I have reviewed the drawings of the proposed Dunkin Donuts restaurant at the Silver Square development, to be located at the Exit 8 interchange along NH Rt. 16 in Dover. I understand that there will be a drive-through reader board, to be located at the northwest end of the building, and that there are concerns about noise impacts from the integral loudspeaker. I understand that the proposed hours of operation for the drive-through will be 5 a.m. to midnight.

The nearest homes are on Silver Street Extension, with the nearest of these being approximately 360 ft from the proposed reader board. See Figure 1 below.

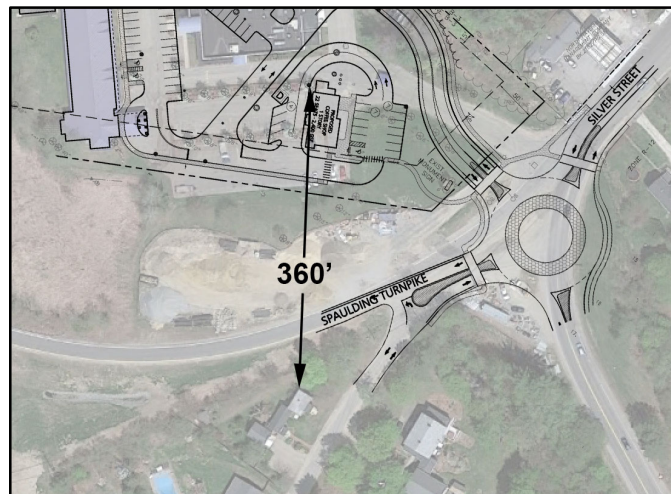


Figure 1 – Site Plan with Nearest Residence

Based on sound levels I have measured on other similar projects, and manufacturer's sound level data for a similar device, I expect that sound levels at this distance would be approximately 38 dBA. However, in this installation, the speaker will be facing away from the homes, and will be further shielded by the building itself. I expect that these factors will reduce the sound level by at least 10 dB, for a maximum of 28 dBA at the nearest home.

The City of Dover does not provide specific limits for noise. However, 30 dBA is the lowest nighttime noise level limit that I have ever seen, and 35 dBA is more common. Even in a quiet, rural environment, the sound from this loudspeaker would generally not be considered a nuisance.

This site is not in a quiet, rural environment. Silver Street Extension is in very close proximity to NH Rt. 16. The home nearest the drive-through is approximately 300 ft from the edge of the highway. A single trailer truck passby would exceed 60 dBA at this distance (16 times louder, perceptually, than 30 dBA), and even light traffic would be well above the estimated reader board sound level. A truck passing the homes on the northbound onramp would exceed 80 dBA. Given these considerations, I do not expect that the reader board will be audible, even outside of the home, under normal circumstances. It would certainly not constitute a nuisance.

In addition to the numerical analysis presented above, there are two additional factors that should be considered:

1. The Dunkin Donuts at 890 Central Ave. in Dover has a similar reader board at a similar angle relative to the nearest residence. The residence at this location is less than 100 ft from the reader board, with several additional homes at 50-ft intervals beyond that. According to the store manager, there have never been any noise complaints at this location. This store's drive-through operated from 5 a.m. to 11 p.m.
2. Having a drive-through at a restaurant significantly reduces the number of patrons who park and walk into the restaurant, eliminating louder noise events such as slamming car doors and cars starting. The overall noise impact is lower with a drive-through than without.

In summary, I do not expect that this reader board will create a nuisance. Further, it is unlikely that it will be audible, even outside of the homes, under normal conditions.

Please feel free to contact me with any questions.

Sincerely,



Eric L. Reuter, INCE Bd. Cert.
Principal



ALLEN & MAJOR
ASSOCIATES, INC.

March 17, 2016

Christopher G. Parker, AICP
City of Dover
288 Central Avenue
Dover, NH 03820-4169

RE: 181 Silver Street Comments

Dear Mr. Parker,

Allen & Major Associates, Inc., (A&M) has addressed the following comments as obtained in an email dated March 16, 2016.

1. Applicant shall provide:
 - a. digital version of plan set – *Please see updated CD*
 - b. architectural renderings that meets Chapter 149-13.A(15) – *Architectural plans have been submitted for the Dunkin Donuts and the Assisted Living buildings. The architectural drawings for the renovated hotel, proposed bank and medical office building will be presented at a compliance hearing (see note #21 on sheet C-1)*
 - c. a streetscape plan that meets Chapter 149-13.A.(17) – *A perspective of the proposed entrance has been supplied by a licensed Landscape Architect. Elevations on either side of the proposed streetscape will be submitted with the final off-site improvements (See note on Sheet C-4-C)*
 - d. elevations – *Architectural plans with elevations have been submitted for the Dunkin Donuts and the Assisted Living buildings.*
2. A&M has revised the plan set to:
 - a. Add a phase note, ID buildings which need a compliance hearing
Note has been added, Refer to note 21, Sheet C-1
 - b. Correct any references of “Town of Dover” to “City of Dover”
Existing conditions sheet 1 & 2 and Sheet SSS-1 have been updated
 - c. Add stop bars to all accessible parking spaces – *Precast parking bumpers have been added to the plans, refer to Sheets C-1, C-1A, C-1B, C-1C*
 - d. Remove unnecessary CAD layer - *CAD layers have been updated, refer to ALL sheets*
 - e. Add more trees/landscaping behind existing hotel – *Additional landscape has been added to the rear of the existing hotel, refer to Sheet C-4B & C-4C*
 - f. Match Detail G on Sheet D-2 to match the dimensions shown in site plan – *The detail has been updated refer to detail G, Sheet D-2*
 - g. Fix fire truck radius and fire lane striping to the satisfaction of the Fire Chief – *Plans have been updated to increase radius and “no parking – fire lane” signs have been added as indicated, refer to Sheets C-1, C-1A, C-1B, C-1C*
 - h. Indicate snow storage areas – *Snow storage has been added, refer to Sheets C-1, C-1A, C-1B, C-1C*
 - i. Fix the walkway shading which suddenly stops heading toward roundabout – *Walkway shading has been fixed, refer to Sheet C-1C*
 - j. Indicate other bike rack locations – *Bike racks have been added to the coffee shop, medical office and existing hotel. No rack are shown at the bank and assisted living due to the nature of the use, refer to Sheets C-1, C-1A, C-1B, C-1C*
 - k. Include a bike rack detail – *Detail added, refer to Detail D, Sheet D-1*
 - l. Include roundabout detail addressing Staff comments – *The most current plans by the traffic engineer have been included in the most recent submission. Refer to separate plans submission*

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Dover, New Hampshire

- m. Add landscaping, walkway, and lighting behind existing hotel – ***Landscaping, walkways and security lighting has been added, refer to Sheets C-1, C-1A, C-1B, C-1C and Sheets C-4, C-4A, C-4B, C-4C***
- n. Make light fixture symbols legible on lighting plan – ***Updated photometric plans have been included in the package and printed in color for clarity, Refer to Sheet L-1***
- o. Include security lighting behind buildings – ***Updated photometric plans illustrate security lighting to the rear of the existing hotel, Refer to Sheet L-1***
- p. Indicate abutters names, addresses, and lot numbers on neighborhood plan as per Chapter 149-13.A(16) – ***The neighborhood plan has been updated, refer to Sheet N-1***
- q. Photometric plan should include all lighting and be readable - ***Updated photometric plans have been included in the package and printed in color for clarity, Refer to Sheet L-1***

Very Truly Yours,
ALLEN & MAJOR ASSOCIATES, INC.



Michael A. Malynowski, PE
Project Manager

Enclosures

March 17, 2016

Chris Parker
City of Dover Planning
288 Central Street
Dover, NH 03820

RE: Technical Review Committee Meeting
Silver Square
181 Silver Street (Tax Map 11, Lot 2)
Dover, NH

Dear Mr. Parker,

The following is a plan location summary which corresponds to previously submitted responses.

January 7, 2016 technical review comments

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Planning Comments:

Dover, New Hampshire

- Correct application regarding building area and building height
- Please revise the plan set to:
 - confirm the building layout on each sheet is the accurate proposal – *See All Sheets*
 - include interior parking landscaping (10% minimum) – *Refer to Sheet C-4E*
 - indicate porous pavement – *Not shown, waiver requested*
 - update resource note 3 on sheet C-1 – *Refer to Sheet C-1*
 - add property owner name and address - *Refer to Sheet C-1 and Sheet N-1*
 - confirm building height on sheet C-1 – *Refer to Sheet C-1A*
 - remove parking from setback – *Refer to Sheet C-1 and C-1A*
 - provide a key on the lighting plan on sheet L-1 – *Refer to Sheet L-1*
 - only include the existing conditions on the necessary sheets – *Refer to ALL Sheets*
 - include the roundabout – *Refer to ALL Sheets*
 - refer to the “City” of Dover not “Town” – *Refer to existing conditions Sheet 1 & 2*
 - indicate correct building area to be accurate and include all stories - *Refer to ALL Sheets*
 - correct note regarding variances granted – *Refer to Sheet C1-A*
 - connect the internal pedestrian walkways - *Refer to ALL Sheets*
 - accurately calculate the maximum number of parking spaces— the assisted living should use the medical office equation. In general, reduce the number of parking spaces include “no stacking beyond this point” at the drive-thru’s – *Refer to Sheet C-1 for parking Summary. Refer to Sheets C-1A, C-1B & C1-B*
 - add a bypass lane or completely block off lane beyond bank drive-thru – *Refer to Sheet C1-A*
 - include the plan number (P15-56) on all sheets - *Refer to ALL Sheets*
 - indicate zoning district boundaries - *Refer to Sheets C-1, C-1A, C-1B & C1-B*

- add fire lane locations – No parking signs added as indicated by FD. *Refer to Sheets C-1A, C-1B & C1-B*
- add any existing or proposed easements - *Currently there are no existing easement which the development team has been made aware of.*
- indicate the internal walkways are porous or a waiver be granted - *Not shown, waiver requested*
- add a bike rack - *Refer to Sheets C-1, C-1A, C-1B & C1-B for rack locations. Refer to Sheet D-1 for detail*
- colored architectural renderings – *Refer to separate submission package*
- a lighting plan that meets Chapter 149-14.E.1(b) - *Refer to sheet L-1*
- a streetscape plan
- a neighborhood plan to include required details per Chapter 149-13.A(16) - *Refer to sheet N-1.*
- Storm Water Management Plan depicting the existing and proposed storm drainage system and engineered drainage analysis needed to the satisfaction of the City Engineer - *Refer to Sheets C-2, C-2A, C-2B & C-2B*

Engineering Comments:

- Include the roundabout design in the plan package for review - *Refer to separate submission package*
- All water main sizes and type need to be depicted - *Refer to Sheets C-3, C-3A, C-3B & C-3B*
- Maintain at least 6 feet of separation between the water main and other utilities - *Refer to Sheets C-3, C-3A, C-3B & C-3B*
- The city does not require water main crossings to be encased in concrete. Only crossing existing AC piping is required to be supported by flowable concrete fill - *Refer to Sheets C-3, C-3A, C-3B & C-3B*
- Show all water gates on mains - *Refer to Sheets C-3, C-3A, C-3B & C-3B*
- Sand bedding is required for water mains – *Refer to Detail A, Sheet D-3*
- All ductile iron mains should receive polywrap - *Refer to notes on Detail A, Sheet D-3*
- Tapping sleeves should be stainless steel - *Refer to Detail E, Sheet D-3*
- Drain manhole and sewer manhole covers should be hinged. Either Neenah liftmate or pamrex are acceptable - *Refer to Detail B, Sheet D-4 and Detail A, Sheet D-5*
- How is off site drainage handled behind the assisted living facility? – *Refer to Sheet C-2 and C-2A*
- How is roof runoff handled? *Refer to note #9 on Sheet C-2*
- Recommend crowning the drive entrance and placing two catchbasins on the radii at the intersection to better capture the stormwater – *Refer to Sheet C-2C*
- Specify the types of grates to be used if they are different than the standard type B – *Refer to Sheets C-2A, C-2B & C-2C for grate designations. Refer to Detail G & H, Sheet D-5*

- Per 149-14 A. (1) (i) – the purpose of the stormwater management is to promote a balance between pre-development and post-development flow and volume. The applicant has reduced the peak rate, however the volume is increased consistently during all storm events. The drainage analysis shows a volume increase of approximate 30,000 cf. in the 50 year storm event

A&M's Response: Due the poor permeability of the underlying soil, infiltration of the magnitude required to mitigate a zero net increase is unfeasible. The proposed treated discharge from the stormwater management system is directed to a large existing wetland along the perimeter of the site exceeding 245,787 square feet. Although the volume has increased, the rate has been significantly reduced such that vast area of existing wetland can aid in attenuating the added volume with a minimal rise in the overall water level.

- No porous pavement has been proposed, as is required in Section D(5)(g) of the City of Dover site plan regulations. Staff would support a waiver from this regulation, if the intent of the requirement is met through other equivalent means of stormwater mitigation. It does appear that the strategic use of porous pavement could be implemented to provide infiltration and meet the zero net stormwater volume increase.

Not shown, waiver requested

- Provide a larger routing diagram map for the post development. – *Previously provided to Dave White*
- The City Engineer would like to meet to discuss various design features, like water main sizing and gate and hydrant locations – *Refer to Sheets C-3, C-3A, C-3B & C-3C*
- Be mindful of 15' setback and move the wall currently in setback – *Refer to All Sheets*

Fire/Inspections Comments:

- Submitted plans shall indicate design compliance for accessibility in accordance with IBC 2009, ICC/ANSI A117.1-2003, as amended and the Architectural Barrier- Free Design Code for the State of NH (ABFD 300 - AB Code) – *Refer to note #19, Sheet C-1*
- The proposed coffee shop shall have a minimum of one van accessible parking space – *Refer to Sheet C-1 & C-1C*
- Indicate the dimensions of all accessible parking spaces (Reference/ discuss C-1, C-1A, C1B) – *Refer to Sheets C-1, C-1A, C1B, C-1C and detail G, Sheet D-2*
- Clarify the quantity of accessible parking spaces for each structure - *Refer to Sheets C-1, C-1A, C1B, C-1C*
- Indicate accessible signage at required locations *Refer to Sheets C-1, C-1A, C1B, C-1C*
- Indicate how accessible isles are maintained (Reference/ discuss C-1, C-1A, C1B) - *Refer to Sheets C-1, C-1A, C1B, C-1C and detail G, Sheet D-2*
- Indicate underground electric line to coffee shop – *Refer to Sheet C-3C*
- Indicate location of all pad mounted transformers and sector cabinets about the site – *Refer to Sheets C-3, C-3A, C-3B & C-3C*
- Clarify the grouping of utilities at the medical and hotel structures - *Refer to Sheets C-3, C-3A, C-3B & C-3C*
- Indicate electric power supply, controller and alarm location for sewer pumping station in parking lot – *Refer to Sheet C-3A*
- Indicate turning radius of Truck 1 thru site – *Refer to Sheet TR-1*
- Provide a note on plan to indicate all- weather access shall be maintained during construction for first responders – *Refer to note #13, Sheet C-1*
- Indicate the location of all FDCs at all structures - *Refer to Sheets C-3, C-3A, C-3B & C-3C*

- Provide an additional hydrant on the West/ North West side of the Assisted Living structure – *Refer to Sheet C-3A*
- Indicate all fire lanes throughout the site – signage has been added to the plans. - *Refer to Sheets C-2, C-2A, C-2B & C-2C*
- Another TRC may be required depending on the specific medical uses – *Refer to note # 21, Sheet C-1*

Economic Development Comments:

- Concern with connectivity flow of the site. Vast expanse of parking- *Refer to Sheets C-2, C-2A, C-2B & C-2C*
- Will there be an ATM at the bank? – *Specific location not know. Refer to note # 21, Sheet C-1*
- Connect components better - *Refer to Sheets C-2, C-2A, C-2B & C-2C*

Planning Board Comments:

- Consider innovative parking, i.e. in-building parking - *Refer to Sheets C-2, C-2A, C-2B & C-2C*

Email dated March 9, 2016 from Donna Benton

- We met with the Fire Chief and Building Inspector today and came up with these comments.
Signage has been added to the plans denoting “No Parking – Fire Lanes”. Refer to Sheets C-2, C-2A, C-2B & C-2C for locations

Email dated March 2, 2016 from Donna Benton

- Plan set to have Property owner name & address - *Added to plans. Refer to Sheet C-1 and N-1*
- Variance note on plan set - *Added to plans. Refer to Sheet C-1A*
- No stacking signs on other sheets- *Signs added, refer to Sheets C-1A, C-1B & C-1C*
- Zoning districts on other sheets – *Notes added, refer to Sheets C-1, C-1A, C-1B & C-1C*
- Fire land locations on others - *Signs added, refer to Sheets C-1A, C-1B & C-1C*
- Bike rack on others – *Rack added to hotel, office, and coffee shop, not shown at bank and assisted living due to intended use, refer to Sheets C-1A, C-1B & C-1C*
- Color renderings – *See attached submittal*
- Lighting plan - *updated, refer to Sheet L-1*
- Streetscapes – *Color rendering of perspective view updated, refer to separate plan.*
- Neighborhood plan – *Updated with abutter info, refer to Sheet N-1*
- Updated traffic – *to be submitted separately by traffic consultant.*
- “Do not enter” sign at bank – *Sign added, refer to Sheet C-1A*
- Note regarding shed – *Note added, refer to Sheets C-1, C-1A, & C-3A*
- Additional landscaping in middle pod. – *added landscape, refer to Sheet C-4A*
- Existing building in setback – *note added regarding existing non-conformance, refer to Sheet C-1 & C-1B*

Email dated March 16, 2016 from Chris Parker

1. Applicant shall provide:
 - a. digital version of plan set – *Refer to attached CD*
 - b. architectural renderings that meets Chapter 149-13.A(15) – *Refer to separate plans submission*
 - c. a streetscape plan that meets Chapter 149-13.A.(17) - *Refer to separate plans submission*
 - d. elevations - *Refer to separate plans submission*
2. Revise plan set to:
 - a. Add a phase note, ID buildings which need a compliance hearing – *Refer to note 21, Sheet C-1*
 - b. Correct any references of “Town of Dover” to “City of Dover” – *updated, refer to existing conditions sheet 1 & 2 and Sheet SSS-1*
 - c. Add stop bars to all accessible parking spaces – *refer to Sheets C-1, C-1A, C-1B, C-1C*
 - d. Remove unnecessary CAD layer - *refer to ALL sheets*
 - e. Add more trees/landscaping behind existing hotel – *refer to Sheet C-4B & C-4C*
 - f. Match Detail G on Sheet D-2 to match the dimensions shown in site plan – *updated refer to detail G, Sheet D-2*
 - g. Fix fire truck radius and fire lane striping to the satisfaction of the Fire Chief – *radius adjusted and “no parking” signs added, refer to Sheets C-1, C-1A, C-1B, C-1C*
 - h. Indicate snow storage areas – *added, refer to Sheets C-1, C-1A, C-1B, C-1C*
 - i. Fix the walkway shading which suddenly stops heading toward roundabout – *fixed, refer to Sheet C-1C*
 - j. Indicate other bike rack locations - *added, refer to Sheets C-1, C-1A, C-1B, C-1C*
 - k. Include a bike rack detail – *added, refer to Detail D, Sheet D-1*
 - l. Include roundabout detail addressing Staff comments - *Refer to separate plans submission*
 - m. Add landscaping, walkway, and lighting behind existing hotel – *added, refer to Sheets C-1, C-1A, C-1B, C-1C and Sheets C-4, C-4A, C-4B, C-4C*
 - n. Make light fixture symbols legible on lighting plan – *fixed, Refer to Sheet L-1*
 - o. Include security lighting behind buildings – *fixed, Refer to Sheet L-1*
 - p. Indicate abutters names, addresses, and lot numbers on neighborhood plan as per Chapter 149-13.A(16) – *updated, refer to Sheet N-1*
 - q. Photometric plan should include all lighting and be readable - *fixed, Refer to Sheet L-1*

Very Truly Yours,
ALLEN & MAJOR ASSOCIATES, INC.



Michael A. Malynowski, PE
 Project Manager

Enclosures

Christopher G. Parker
Assistant City Manager and Director of Planning
288 Central Ave., Dover, NH, 03820

William Hunt
Chairman of the Dover Conservation Commission
288 Central Ave., Dover, NH, 03820

Franklin Torr
Chairman of the Dover Planning Board
288 Central Ave., Dover, NH, 03820

Mar. 9, 2016

RE: Status Update to Our Feb. 16, 2016 Letter - Conservation Commission Conditional Use Permit for the Proposed Silver Sq. Expansion Impacts

Gentlemen:

First of all, we thank you and your team's consideration and follow-up of the issues we raised in our Feb. 16 letter. We respond in this letter to address the issues which we believe have been effectively addressed and those that remain open. If there is additional information available which addresses these open concerns, please forward it on to us.

We seek your review of our following impact concerns of Drainage - Version 11 of Page C-2 (dated 1/20/2016) of the Allen Major Drawing for the Proposed Silver Sq. Expansion. There may be later versions that we are not aware of so our concerns are limited to the version 11 we review here.

Drainage Issues -

1. Excavation into the hill supporting the old Silver St. automobile garages, which are identified and monitored by NHDES, must have the perpetual run-off from these sites mitigated in compliance with Ch. 149-14A - 1 a, b, h, i and j. of the Site Plan Review Regs.

Status: Mr. Parker promptly informed City Eng. of this concern and reports that the gas issues will be dealt with by the gas station and the State of NH, as it is not Dover's jurisdiction. We ask the City to reconsider the jurisdiction issue per the sited Ordinance as a public safety and welfare concern and so work with the developer to incorporate this concern into the design for Silver Sq.

2. The Railroad culvert receiving stormwater runoff from proposed Basins 2 & 3 of C-2 is severely blocked and must be cleared and maintained with annual inspections.

Status: Mr. Parker responded that 'we will alert Guilford Rail about the need to improve the culverts, which are on their property, not Mr. Decolmakers or yours'. We thank you for assisting us on this concern and request that we are copied on the communication to Guilford Rail.

3. Beaver sign in the wetlands of the Profero property between proposed basins 2 & 3 of C-2 and the RR culvert is contributing to flooding onto the Preserve uplands.

Status: The City, nor the Applicant, has indicated a position on this concern. The drainage analysis required for the Wetlands Permit is incomplete if such a blockage exists which leads to flooding on an abutters property.

4.a Version 11 of C-2 drainage design is inadequate to handle what is going to happen during a storm event.

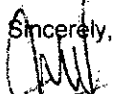
Status: Mr. Parker has reported that he has assigned the City Engineer to work with the engineer for the project and they are reworking the plan to eliminate any impact (peak or volume increase) of drainage on your lot. Mr. Parker also reported that there still will be flow, as there is today, but they have modified the outflows to account for no net increase. We thank you and look forward to reviewing these drainage design improvements to Silver Sq.

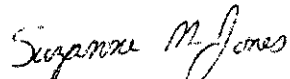
4.b The NHDES AOTS and Wetland Permit Applications filed by the Applicant must be corrected to include the impacts to the Jones abutting property. Specifically, Jurisdictional Wetland Impacts within 20 feet of an abutting property line are proposed in drawing C-2 at multiple locations and require signed permission by Jones which has not been included in the application.

Status: Open.

We request that the Conservation Comm. require the Applicant to update the Wetland Application to address concerns #3 and #4b above. We request that the Conservation Comm. add conditions into the Conditional Use Permit to address the impacts for concern #1.

Sincerely,


Mark W. Jones


Suzanne M. Jones

cc:

Chrisopher G. Parker mail and email copy to c.parker@dover.nh.gov

William Hunt mail and email to ConservationCommission-All@dover.nh.gov

Franklin Torr email copy to f.torr@dover.nh.gov



CITY OF DOVER

DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting
Meeting Location: 2nd Floor Conference Room, City Hall, 288 Central Avenue
Meeting Date: Monday, March 14, 2016
Meeting Time: 5:30 pm

MEMBERS PRESENT: Marcia Gasses (Acting Chair), Cora Quisumbing-King, Tristan Donovan, Richard Erickson

STAFF PRESENT: Steve Bird (City Planner)

OTHERS PRESENT: Ari Pollack, Alex Valais, Bob Clarke, Bob DeColfmaker, Dave Landry, Brian Sullivan

The meeting was convened by Gasses at 5:38 PM.

1. APPROVAL OF THE PRIOR MEETING MINUTES

Erickson moved to approve the February 22, 2016 minutes, Quisumbing-King seconded. Vote: Unanimous

2. OLD BUSINESS:

- A. NHDES Wetlands Permit and City of Dover Conditional Use Permit for Vitas Management and Development Company, LLC (Owner: Profero Management and Holdings, LLC), (Agent: Gove Environmental Services, Inc.), Assessor's Map 11, Lot 2, located at 181 Silver Street.

Clarke: We had a site walk last month, had a Planning Board meeting and revised the site plan to keep the existing hotel and reduce the number of parking spaces to 382. We added a note to restore an area of degraded wetlands that is 9,506 square feet.

Pollack: We are returning to the Planning Board on March 23rd and we are looking for a recommendation from the Conservation Commission. We received the letter that Steve Bird wrote to DES withdrawing the City's interest in the ARM payment.

Gasses: I went of the site walk and there was a concern about the impacts to wetlands where the assisted living facility is proposed. It seems close to the abutter. There are significant wetland impacts.

Pollack: Jim Gove looked at those wetlands and said they are low value wetlands that resulted from a previous disturbance on the property.

Donovan: What do we do with the abutter's letters? Do we have any jurisdiction on any of the issues raised?

Pollack: The second letter had many fewer issues than the first letter. We are avoiding impacts to the wetlands that extends onto the abutter property. The railroad culverts are not on our property and would have to be cleaned out by the railroad.

Gasses: What about the beaver issue?

Clarke: The beavers are on the property of the abutter, not on our property. Chris Parker said he will discuss the culverts with the railroad.

Gasses: Are the dams affecting your drainage analysis?

Clarke: Not at all. We are meeting state rules on the volume and rate of run-off. The gas stations are a non-issue because the groundwater flows towards Silver Street and the state regulates that.

Gasses: How much wetland buffer is impacted by the assisted living?

Clarke: About 6,000 square feet.

Donovan: Do you have a plan showing the wetlands restoration?

Clarke: Yes on sheet C-4B, the landscaping plan.

Gasses: Why are you locating the largest building on the largest wetland?

Clarke: The perimeter wetlands are higher value. The interior wetlands are lower value. We had numerous concept plans showing different layouts. We wanted the assisted living next to the existing residential uses for a transition.

Donovan: Are you planning to do a maintained lawn next to the wetland buffer in any locations?

Clarke: There will be lawn behind the hotel and adjacent to the detention pond.

Gasses: What is the amount of impervious surface?

Clarke: We have 6 acres of open land and we have 36% open space, more than the 20% required.



CITY OF DOVER

DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting
Meeting Location: 2nd Floor Conference Room, City Hall, 288 Central Avenue
Meeting Date: Monday, March 14, 2016
Meeting Time: 5:30 pm

Bird: What is the status of the DES wetlands permit?

We have sent in a draft response to Dave Price, but have not heard back from him yet.

Bird: What is the total wetland buffer impact?

Clarke: it is 28,904 square feet as shown on sheet WD-2.

Quisumbing-King: Are you using pervious pavement?

Pollack: No we are asking for a waiver to that requirement.

Gasses: Are you seeking Planning Board conditional approval at the next meeting?

Pollack: Yes, we are hoping for your recommendation tonight to share with the Planning Board.

Donovan made a motion to endorse the NHDES Wetlands Permit and Conditional Use Permit application, based on the fact that the least impacting alternative, wetland impact mitigations and wetland restoration activities have been considered and seem to be adequate given the activities proposed, Quisumbing-King seconded. Vote: Unanimous

3. NEW BUSINESS: NONE

4. REPORT FROM THE CHAIR

A. Review of Correspondence Received From NH Department of Environmental Services

Bird reviewed the following letters from the DES Wetlands Bureau:

1. Letter from NHDES to Bill Miller of 27 Boston Harbor Road regarding a possible violation for a dock not in compliance with a permit from 2001.

5. OTHER BUSINESS:

Bird distributed mail received from the Aquarion Water Company of Hampton for each member.

Bird: We are still looking for new members to join the commission.

6. ADJOURNMENT

Quisumbing-King moved to adjourn the meeting at 6:15 pm, Erickson seconded. Vote: Unanimous



MEMORANDUM

TO: Chris G. Parker, AICP, Asst. City Manager
City of Dover
288 Central Avenue
Dover, New Hampshire 03820

DATE: March 11, 2016

FROM: Kevin R. Dandrade, P.E., PTOE, Principal

PROJECT NO.: N0621

RE: 181 Silver Street / Silver Street at Knox Marsh Road
Updated Data & Traffic Control Considerations
Dover, New Hampshire

TEC, Inc. submitted a traffic impact assessment for the proposed site development on January 22, 2016 to document the trip generation, distribution, and intersection capacity results for the development. The Applicant's previously collected traffic data, performed by Vanasse & Associates, Inc. in August 2014, was the basis for the existing traffic conditions prior to modeling the open year and future design horizon for the study.

During the Planning Board hearing on February 9, 2016, members commented on the potential variability of traffic volumes in August 2014, and other subsequent counts in mid-January, which related to the lack of school-related activities at UNH and the Woodman Park School. At the request of the Planning Board, TEC commissioned a supplemental data collection effort to document the weekday daily and hourly trends for Silver Street near the site access point. The bi-directional volume of traffic was collected for a continuous 48-hour period on Wednesday, February 17, and Thursday, February 18, 2016; detailed data count sheets are available at the Planning Department office. The counts were conducted at the same location between the Irving gas station and the former McIntosh College driveway. The following is a summary of the change in traffic volumes:

	<u>August 2014</u>	<u>February 2016</u>	<u>Change</u>
Weekday Daily (vpd)	15,338	15,925	587 (3.8%)
Weekday Morning Peak Hour (vph)	1,020	1,493	473 (46.4%)
Weekday Evening Peak Hour (vph)	1,301	1,398	97 (7.5%)

Note: vpd – vehicles per day; vph – vehicles per hour

This data will be used by TEC and City staff as part of the infrastructure design process to evaluate the needs for the corridor during opening and future year conditions. While the new traffic data shows an increase during the weekday morning peak hour, the corridor volumes during both the morning and evening peak hours are similar and manageable. Thus, the single lane roundabout remains a viable traffic control device for this gateway intersection with traffic calming and safety benefits. Given the new higher traffic volumes during the morning peak hour, TEC, DPW, and NHDOT will be cooperatively identifying opportunities for other future capacity enhancements for the roundabout as the final design progresses.

-----Original Message-----

From: Terry Picard [<mailto:terrymcpicard@yahoo.com>]

Sent: Monday, February 15, 2016 1:25 PM

To: Parker, Christopher G.

Cc: terrymcpicard@yahoo.com

Subject: donut revenue

Dear Chris Parker,

Regarding the proposed Silver Square development at 181 Silver Street, I would make the argument that Dunkin Donuts is not a restaurant; it is a traffic generator. And it is that very traffic, so essential to its survival, which disqualifies Dunkin from the former category and in fact places it as a risk factor for the City of Dover by contributing to an unreasonable, irresolvable, ever-worsening traffic and safety quagmire. It cannot survive without excessive volume and that translates to vehicular traffic, and lots of it. Dover is about to invest 1 million hard earned, taxpayer dollars in a roundabout so that Dunkin Donuts can seduce many hundreds of cars, trucks and motorcycles daily. Is this how one defines "economic development"? The phrase, "If you build it, they will come." certainly applies to a Dunkin Donuts on Silver Street. Volume is the only way to pay the rent when you sell donuts and coffee. And that means traffic...the more, the better.

We are told our State promotes property rights and our zoning allows the market to guide the uses. But these are not the sole criteria involved in this discussion. Yes, the city has an obligation to broaden the tax base but it also has an overriding obligation to ensure that our streets remain a means of traversing the region, not devolving into a tax-payer-supported parking lot. There is no doubt that commuters equidistant to Spaulding Turnpike Exits 7 and 9 will default to the Dunkin Donuts and Exit 8 area. Dunkin Donuts needs volume and location. And this Silver Street site has volume and location in spades! Are we going to trade this valuable commodity for a pittance in taxes and a migraine-style traffic headache?

The taxpayers of Dover have a huge stake in this matter. It is we who have just paid millions to upgrade Silver Street and make it safe and beautiful. It is we who have the justifiable expectation that a reasonable traffic flow will be the norm, that we can actually get somewhere, safely, in a given period of time. No amount of taxes generated by a Silver Street Dunkin Donuts will warrant the expense of building the million-dollar roundabout or expanding it about five years from now when it ceases to handle the load. Using Dover's precious resources to benefit a Dunkin Donuts, (or any business), which can never provide return on investment betrays the trust placed in our governing bodies. Turning our streets and off ramps into gridlocked parking lots is not in the public interest. These issues comprise the justification for the Planning Board to vote "no" on a proposed Dunkin Donuts on Silver Street

Terry Picard
Silver St
Dover, NH

-----Original Message-----

From: Parker, Christopher G.

Sent: Wednesday, February 17, 2016 11:20 AM

To: Bathos

Cc: Benton, Donna

Subject: RE: Silver Square project

Ms. Trow

Thank you for the comments. I appreciate the time and effort you put into defining your concerns. I will be forwarding your concerns to the Planning Board.

So you are aware, we met with the Developer and his team yesterday. They will be updating their traffic counts over the next month for the Board's review and will be revising landscaping.

As I noted to Ms. Picard, while the developer calls the use a "coffee shop" we view it as a restaurant, and as such take into account in the review a level of impact that will be generated. We will be looking to mitigate that impact through the traffic report and roundabout. Prior to being designed, the team, City staff and the State of NH DOT evaluated whether a traffic light or roundabout was preferred for that location. All parties felt that the traffic would be controlled best by a roundabout, and that the sense of a gateway would be created by the roundabout, more so than the installation of a light. You mentioned Exit 7. We are trying to avoid that congestion.

Regarding your second email with questions, here are my answers:

1. "The project could be built in phases or all at once depending on demand and other factors."

If the project stops before all the buildings are build and all the landscaping is done will we be left with an eyesore across the street or will the developers be expected to clean up any debris?

What if this project goes the way of the Water Front Development and the traffic circle goes in and the developer gets the occupancy permit for the assisted living facility, collect their million dollars and stop there? How will the bond be paid back?

>>We anticipate that it might be built in phases and we require performance bonds be placed on file, so that if the project is not completed the City has funds to restore the landscaping and clean up any debris. Furthermore We require a bond for erosion and sediment to prevent degradation of the wetlands and drainage in the area. The City and the developer signed an agreement, approved by the City Council last summer, where the Developer agreed to pay an amount equal to the 1M bond over a term of five years, if the Assisted Living building does not provide tax revenue to cover the bond. The estimated revenue would be covered by an assessment of approximately 8M in building value. Whether a building is occupied or not, properties are assessed as if the building were occupied. So, if a building is constructed and then the developer walks away, we have guarantees in place to repay the City's commitment.

2. Will semi-trucks be allowed to use the parking lot over night? If so, will they be allowed to run their engines all night long? Will they be allowed to run their engines just to keep refrigeration going? (The one that kept me awake when the Holiday Inn Express was there had three phases for the

refrigerator truck (rev-up, run, go quiet) that each lasted just long enough to lull me to almost back to sleep before I was jolted awake by the next phase.

>>Great question. This site is not being proposed as a truck stop, so there should be no overnight parking, unless the truck driver is using the hotel. As I view the plan, there are no accommodations for semi-truck parking. Dover's police actively work to prevent this use throughout the community, and I don't see this location being any different. We will alert the developer to the concern with trucks and ensure they are aware of our limitations.

3. When will the mess left over from the Silver Street maintenance project be cleaned up and re landscaped on both side of Silver Street Ext. and on the island in the middle?

>>As I understand it, after this season's final construction work is completed, late spring, we have a plan to vegetation the area and clean it up.

4. We've been told that any drive-thru in Dover has to be closed by 9 pm. What time will it be allowed to open in the morning?

>>Dover's regulations require that a drive thru operate only from 6 am to 9 pm. The restaurant may be open 24 hours.

Chris

Christopher G. Parker, AICP
Assistant City Manager: Director of Planning and Strategic Initiatives City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169
e: c.parker@dover.nh.gov
p: 603.516.6008 f: 603.516.6049

Dover: First in New Hampshire, First with you!
www.dover.nh.gov
<http://dovernhplanning.tumblr.com/>
Facebook: <https://www.facebook.com/DoverNHPlanning>
Twitter: @DoverNHPlanning

-----Original Message-----

From: Bathos [<mailto:bathos@comcast.net>]

Sent: Wednesday, February 17, 2016 9:59 AM

To: Parker, Christopher G.

Subject: Silver Square project

Dear Chris Parker,

The Planning Board Meeting left me with many concerns and questions about the proposed Silver Square project. To be fair, I do not drink coffee, so I, personally, see no benefit to having coffee stops anywhere. All I can see is the down side of a coffee stop.

The irony of the development having a Dunkin' Donuts planned to go with a medical arts building, an assisted living home and having an elementary school across the street is priceless.

Barb Trow

Silver Street, Dover

Barbara Trow
192 Silver Street
barb@trow.us
603-749-6771

February 16, 2016

Christopher Parker
Assistant City Manager: Director of Planning and Strategic Initiatives
Dover, New Hampshire

Dear Mr. Parker,

I spoke to you at the planning board meeting on February 9, 2016. Today I would like to give you my concerns about the congestion of the Silver Square project and it's effects on the quality of life to everyone trying to use the 8E exit of the Spaulding Turnpike to use Silver Street as a way to reach downtown Dover or anyone trying to use Silver Street to reach the Turnpike or continue toward Durham or Concord.

When the Silver Street maintenance project grew into making Silver Street a "gateway to the downtown", Silver Street was seen as important to the whole city. When I left the meeting I felt that west end of Silver Street will become a gateway only to the Silver Square businesses.

Dover's "gateway to the downtown" through it's "Historic District" could go from looking like this:



to looking like this:



Before the Planning Board allows a coffee stop of any kind to do business anywhere on Silver street I think the citizens of Dover as a whole should be made aware of what is being planned. The increase in traffic will affect the lives and businesses of way more than just the people who abut Silver Square.

I believe the Planning Board and citizens should also have

- an accurate count of the current traffic flow and its distribution during a full day and night.
- an honest estimate of how many customers per hour a coffee stop needs to make a profit.
- an estimate of how many cars the traffic circle can handle per hour.
- an estimate of how many cars per hour will be coming into Silver Square for each of the other businesses.
- an estimate of the impact of drawing big-rig truckers off the Turnpike to Silver Square.
- an estimate of the impact of cars trying to go in or out of either gas station needing to turn left on Silver Street.
- an estimate of the affect of the increased police surveillance at the coffee stop will have on the rest of the city.

The west end of Silver Street is an obvious bottleneck. The light at the intersection of Belamy Road and Knox Marsh Road does not controll any of the traffic coming from the Turnpike. When drivers on the Turnpike are attracted to possibility of fast coffee I'm willing to bet that the traffic flow to the two 8E exits will add more than three times the amount of traffic we see now on Silver Street. Those continuing north, south or west will only benefit the coffee stop. At the same time they will greatly add to the congestion on Silver Street, on the bridge over the Turnpike and on the whole cloverleaf system.



If you want to make a lot of money, Silver Square is the perfect place to be for a restaurant that specializes in coffee and sweet treats. It is about half way between Portsmouth and Rochester. It has a cloverleaf intersection so it appears to be easy-off easy-on for commuters going north or south or west.

If you just want to drive down Silver Street for any other reason or want to walk down Silver Street to pick up a newspaper at one of the gas stations or go over to the water garden the new level of traffic will become a total nightmare.

As one of my friends said, " We have a Dunkin' Donuts drive-thru near us. Those drivers are crazed in the morning going for their coffee. They think they have the right of way because they need their coffee". What could possibly go wrong?



A number of years ago the court agreed that it would add too great a traffic burden on the area to allow Dunkin' Donuts to go in on Silver Street. Since then the traffic has only gotten worse.

When the proposed traffic circle can no longer handle the pedestrian and vehicular traffic caused by a fast food /coffee stop what will the city do? Will we get a double lane traffic circle like in Lee? Will we get four traffic lights in less than a half a mile like at Exit 7? Will we get pedestrian traffic lights like on Rutland Avenue? Will we get an underground pedway like at Northwood High School?

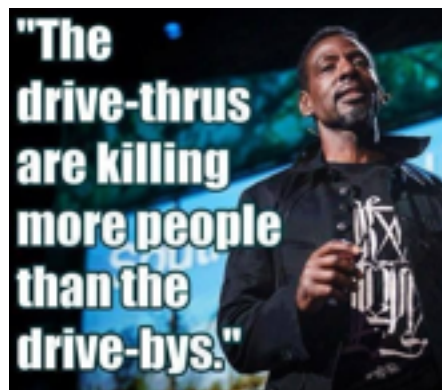
What has changed in the last two years? The proclaimed attitude of the city about Silver Street itself:

"The reconstruction of Silver Street originally started as a water main, street and drainage replacement project. Since the initial design started, including input from residents, the project has evolved into an upgrade of a gateway to the downtown. The project now consists of water main replacements, drainage improvements including a rain garden near the Woodman Park School, street and sidewalk reconstruction, landscaping, wayfinding, lighting, and traffic signalization improvements."¹

and the area around it:

- Dover's historic areas... are dependent on a consistency of scale, setback and materials. If this continuity is to be maintained, then careful consideration must be given to the design of new buildings. A new building should be designed so that its scale, proportions, and materials do not interrupt the streetscape's continuity...good, contemporary design is encouraged as a statement of the 1980's and 1990's part in the evolution of history. Such design, however, should not be blatant, and should be more subtle than the historic elements which give the historic area its primary significance"²

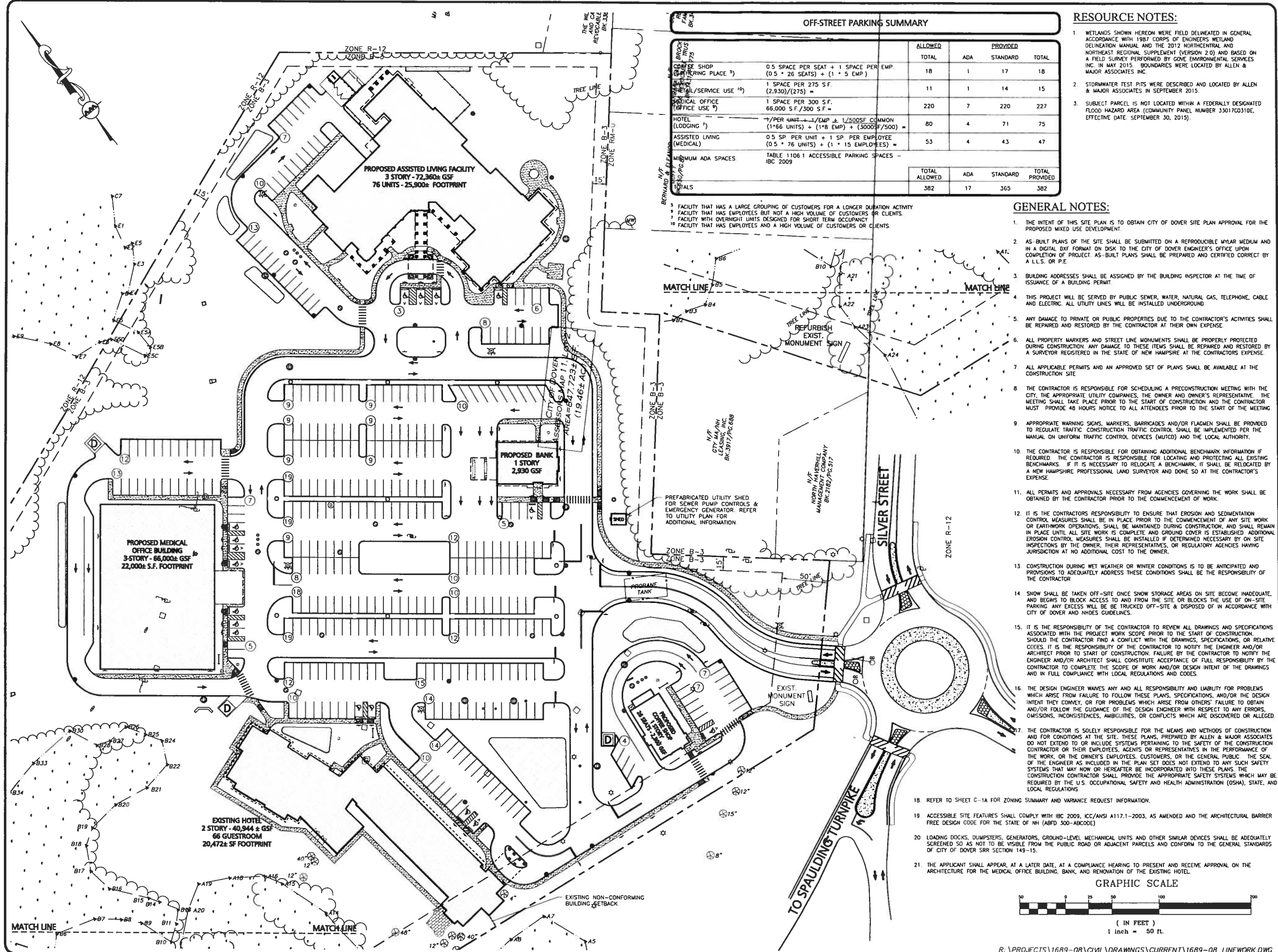
Please don't do this to us:



Ron Finley

¹<http://www.dover.nh.gov/government/city-operations/community-services/silver-street-reconstruction/index.html>

² Historic Preservation Guide Dover, New Hampshire 1991, page 45



OFF-STREET PARKING SUMMARY

		ALLOWED	ADA	PROVIDED	TOTAL
TOTAL		18	1	17	18
ADA		11	1	14	15
STANDARD		220	7	220	227
TOTAL		80	4	71	75
ASSISTED LIVING (MEDICAL)		53	4	43	47
MINIMUM ADA SPACES					
TOTAL		382	17	365	382

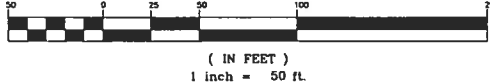
RESOURCE NOTES:

- WETLANDS SHOWN HEREON WERE FIELD DELINEATED IN GENERAL ACCORDANCE WITH 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE 2012 NORTH CENTRAL AND NORTHEAST REGIONAL SUPPLEMENT (VERSION 2.0) AND BASED ON A FIELD SURVEY PERFORMED BY GORE ENVIRONMENTAL SERVICES INC. IN MAY 2015. BOUNDARIES WERE LOCATED BY ALLEN & MAJOR ASSOCIATES INC.
- STORMWATER TEST PITS WERE DESCRIBED AND LOCATED BY ALLEN & MAJOR ASSOCIATES IN SEPTEMBER 2015.
- SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA (COMMUNITY PANEL NUMBER 3301700310E, EFFECTIVE DATE: SEPTEMBER 30, 2015).

GENERAL NOTES:

- THE INTENT OF THIS SITE PLAN IS TO OBTAIN CITY OF DOVER SITE PLAN APPROVAL FOR THE PROPOSED MIXED USE DEVELOPMENT.
- AS-BUILT PLANS OF THE SITE SHALL BE SUBMITTED ON A REPRODUCIBLE MYLAR MEDIUM AND IN A DIGITAL DXF FORMAT ON DISK TO THE CITY OF DOVER ENGINEER'S OFFICE UPON COMPLETION OF PROJECT. AS-BUILT PLANS SHALL BE PREPARED AND CERTIFIED CORRECT BY A L.L.S. OR P.E.
- BUILDING ADDRESSES SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- THIS PROJECT WILL BE SERVED BY PUBLIC SEWER, WATER, NATURAL GAS, TELEPHONE, CABLE AND ELECTRIC. ALL UTILITY LINES WILL BE INSTALLED UNDERGROUND.
- ANY DAMAGE TO PRIVATE OR PUBLIC PROPERTIES DUE TO THE CONTRACTOR'S ACTIVITIES SHALL BE REPAIRED AND RESTORED BY THE CONTRACTOR AT THEIR OWN EXPENSE.
- ALL PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED DURING CONSTRUCTION. ANY DAMAGE TO THESE ITEMS SHALL BE REPAIRED AND RESTORED BY A SURVEYOR REGISTERED IN THE STATE OF NEW HAMPSHIRE AT THE CONTRACTOR'S EXPENSE.
- ALL APPLICABLE PERMITS AND AN APPROVED SET OF PLANS SHALL BE AVAILABLE AT THE CONSTRUCTION SITE.
- THE CONTRACTOR IS RESPONSIBLE FOR SCHEDULING A PRECONSTRUCTION MEETING WITH THE CITY, THE APPROPRIATE UTILITY COMPANIES, THE OWNER AND OWNER'S REPRESENTATIVE. THE MEETING SHALL TAKE PLACE PRIOR TO THE START OF CONSTRUCTION AND THE CONTRACTOR MUST PROVIDE 48 HOURS NOTICE TO ALL ATTENDEES PRIOR TO THE START OF THE MEETING.
- APPROPRIATE WARNING SIGNS, MARKERS, BARRICADES AND/OR FLAGMEN SHALL BE PROVIDED TO REGULATE TRAFFIC CONSTRUCTION TRAFFIC CONTROL SHALL BE IMPLEMENTED PER THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE LOCAL AUTHORITY.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ADDITIONAL BENCHMARK INFORMATION IF REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING BENCHMARKS. IF IT IS NECESSARY TO RELOCATE A BENCHMARK, IT SHALL BE RELOCATED BY A NEW HAMPSHIRE PROFESSIONAL LAND SURVEYOR AND DONE SO AT THE CONTRACTOR'S EXPENSE.
- ALL PERMITS AND APPROVALS NECESSARY FROM AGENCIES GOVERNING THE WORK SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORK.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF ANY SITE WORK OR EARTHWORK OPERATIONS. SHALL BE MAINTAINED DURING CONSTRUCTION, AND SHALL REMAIN IN PLACE UNTIL ALL SITE WORK IS COMPLETE AND GROUND COVER IS ESTABLISHED. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DETERMINED NECESSARY BY ON SITE INSPECTIONS BY THE OWNER, THEIR REPRESENTATIVES, OR REGULATORY AGENCIES HAVING JURISDICTION AT NO ADDITIONAL COST TO THE OWNER.
- CONSTRUCTION DURING WET WEATHER OR WINTER CONDITIONS IS TO BE ANTICIPATED AND PROVISIONS TO ADEQUATELY ADDRESS THESE CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- SNOW SHALL BE TAKEN OFF-SITE ONCE SNOW STORAGE AREAS ON SITE BECOME INADEQUATE, AND BEGINS TO BLOCK ACCESS TO AND FROM THE SITE OR BLOCKS THE USE OF ON-SITE PARKING. ANY EXCESS WILL BE TRUCKED OFF-SITE & DISPOSED OF IN ACCORDANCE WITH CITY OF DOVER AND NHDES GUIDELINES.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THE PROJECT WORK SCOPE PRIOR TO THE START OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DRAWINGS, SPECIFICATIONS, OR RELATIVE CODES, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ENGINEER AND/OR ARCHITECT PRIOR TO START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE ENGINEER AND/OR ARCHITECT SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AND/OR DESIGN INTENT OF THE DRAWINGS AND IN FULL COMPLIANCE WITH LOCAL REGULATIONS AND CODES.
- THE DESIGN ENGINEER WAIVES ANY AND ALL RESPONSIBILITY AND LIABILITY FOR PROBLEMS WHICH ARISE FROM FAILURE TO FOLLOW THESE PLANS, SPECIFICATIONS, AND/OR THE DESIGN INTENT THEY CONVEY, OR FOR PROBLEMS WHICH ARISE FROM OTHERS' FAILURE TO OBTAIN AND/OR FOLLOW THE GUIDANCE OF THE DESIGN ENGINEER WITH RESPECT TO ANY ERRORS, OMISSIONS, INCONSISTENCIES, AMBIGUITIES, OR CONFLICTS WHICH ARE DISCOVERED OR ALLEGED.
- THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR CONDITIONS AT THE SITE. THESE PLANS, PREPARED BY ALLEN & MAJOR ASSOCIATES DO NOT EXTEND TO OR INCLUDE SYSTEMS PERTAINING TO THE SAFETY OF THE CONSTRUCTION CONTRACTOR OR THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK, OR THE OWNER'S EMPLOYEES, CUSTOMERS, OR THE GENERAL PUBLIC. THE SEAL OF THE ENGINEER AS INCLUDED IN THE PLAN SET DOES NOT EXTEND TO ANY SUCH SAFETY SYSTEMS THAT MAY NOW OR HEREAFTER BE INCORPORATED INTO THESE PLANS. THE CONSTRUCTION CONTRACTOR SHALL PROVIDE THE APPROPRIATE SAFETY SYSTEMS WHICH MAY BE REQUIRED BY THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA), STATE, AND LOCAL REGULATIONS.
- REFER TO SHEET C-1A FOR ZONING SUMMARY AND VARIANCE REQUEST INFORMATION.
- ACCESSIBLE SITE FEATURES SHALL COMPLY WITH IBC 2009, ICC/ANSI A117.1-2003, AS AMENDED AND THE ARCHITECTURAL BARRIER FREE DESIGN CODE FOR THE STATE OF NH (ABFD 300-ABDCODE).
- LOADING DOCKS, DUMPSTERS, GENERATORS, GROUND-LEVEL MECHANICAL UNITS AND OTHER SIMILAR DEVICES SHALL BE ADEQUATELY SCREENED SO AS NOT TO BE VISIBLE FROM THE PUBLIC ROAD OR ADJACENT PARCELS AND CONFORM TO THE GENERAL STANDARDS OF CITY OF DOVER SRR SECTION 149-15.
- THE APPLICANT SHALL APPEAR, AT A LATER DATE, AT A COMPLIANCE HEARING TO PRESENT AND RECEIVE APPROVAL ON THE ARCHITECTURE FOR THE MEDICAL OFFICE BUILDING, BANK, AND RENOVATION OF THE EXISTING HOTEL.

GRAPHIC SCALE



PROPERTY OWNER

BOB DECOLFACKER
PROPERO MANAGEMENT & HOLDING, LLC
232 GULF ROAD, DOVER, NH 03820

SIGNATURE

PROFESSIONAL ENGINEER FOR
ALLEN & MAJOR ASSOCIATES, INC.

3	03-04-16	ISSUED FOR PB APPROVAL
2	01-29-16	REVS PER TRC MTG. 01-07-16
1	12-21-15	ISSUED FOR TRC/PB APPROVAL
REV	DATE	DESCRIPTION

APPLICANT:

VMD EQUITIES DVR, LLC
733 TURNPIKE STREET
NORTH ANDOVER, MA 01845

PROJECT:

SILVER SQUARE
181 SILVER STREET
DOVER, NH

PROJECT NO.	1689-08	DATE:	11-06-15
SCALE:	AS SHOWN	DWG.: 1689-08_LINWORK	
DESIGNED BY:	SM	CHECKED BY:	RPC

PREPARED BY:

ALLEN & MAJOR ASSOCIATES, INC.
civil & structural engineering • land surveying
environmental consulting • landscape architecture
www.allenmajor.com

250 COMMERCIAL STREET
SUITE 1001
MANCHESTER, NH 03101
TEL: (603) 627-5500
FAX: (603) 627-5501

WOBURN, MA • LAKEVILLE, MA • MANCHESTER, NH

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DRAWING TITLE:	SHEET NO.
OVERALL LAYOUT PLAN	C-1

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PLANNING BOARD FILE: P15 - 56



City of Dover, New Hampshire ZONING AMENDMENT APPLICATION

RECEIVED
[Revision Date: February 13, 2013]
Planning Office

Office Use Only

File #:

P16-06

Date Received:

MAR 17 2016

Amount Paid:

Time Received:

Dover, New Hampshire

APPLICANT INFORMATION

Name of Applicant: Scott Mitchell Real Estate, LLC

Address of Applicant: 321D Lafayette Road, Hampton, NH 03242

Telephone # (603) 926-7770

Email Address scott@tropicstardevelopment.com

DESCRIPTION OF PROPOSED AMENDMENT

Amendment will rezone four properties on or near the southeasterly corner of Glenwood
Avenue and Central Avenue to B-3 (Thoroughfare Business Zoning District)

AREA REZONING INFORMATION

Assessor's Map and Lot #s of all properties within the area proposed to be rezoned:

Map	Lot(s)
37	35-0-0
37	36-0-0
37	37-0-0
37	38-0-0

Current Zoning District(s) See attached Size of Area: 5.38 AC (in total)

Existing Use(s) Within Area: Properties on Central Avenue-Office; Property on Glenwood-Residential

Proposed Zoning District(s) B-3 Proposed Use of Area: Retail/Commercial

ORDINANCE AMENDMENT INFORMATION

Article# 170 Section(s) # 8 Section Title(s) Zoning Map

Current Provision(s) Language See attached for existing zoning of properties.

Proposed Provision(s) Language See attached for proposed zoning of properties.

In a separate narrative, please describe how your proposed amendment(s) addresses the following elements:

- The purpose and intent of the amendment;
- Consistency with RSA 674:17;
- Consistency with Dover's Master Plan;
- Consistency with other plans, studies, or technical reports prepared by, or for, the Planning Board and the City;
- Effect on the City's municipal services and capital facilities as described in the Capital Improvements Program;
- Effect on the natural, environment, and historical resources of the City;
- Effect on neighborhood including the extent to which nonconformities will be created or eliminated; and
- Effect on the City's economy and fiscal resources.

REQUIRED ATTACHMENTS

Fifteen (15) hard copies and one digital copy of the following:

- This application;
- A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk (please see attached for example);
- A statement of the purposes and intent of the proposed amendment
- For zoning map amendments:
 - A map showing the existing zoning districts of the area to be rezoned and the proposed changes to these districts;
 - The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;
 - A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within one hundred (100) feet of the subject area. The list shall be current within ten (10) days of submittal;
 - A non-refundable fee of eight dollars (\$8.00) per property owners and abutter required to be notified included on the lists of properties;
- A non-refundable fee of one hundred fifty dollars (\$150.00) to cover the cost of staff review and processing of the amendment;
- A non-refundable fee of eighty dollars (\$80.00) to cover the cost of the newspaper notice; and
- For district or citywide zoning map amendments, or for zoning ordinance text amendments, please contact the Planning Department for cost of mailing and abutter notice requirements.

SIGNATURE OF APPLICANT(S)

I /We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Applicant: See attached Date: _____

Signature of Applicant: _____ Date: _____

City of Dover, New Hampshire REZONING APPLICATION (Addendum)

The following information is supplied for each property in this rezoning application:

824 Central Avenue

Property Owner: Judith T. Spang, Trustee
Owner Address: Judith T. Spang Revocable Trust of 2003
55 Wiswall Road
Durham, New Hampshire 03824
Assessor's Map #: 37-35-0-0
Current Zoning District: O - Office District
Size of Parcel: .7 Acres
Existing Use: Professional office

826 Central Avenue

Property Owner: 826 Central Avenue, LLC
Owner Address: P.O. Box 343
Lafayette, Colorado 80026
Assessor's Map #: 37-36-0-0
Current Zoning District: O- Office District
Size of Parcel: .585 Acres
Existing Use: Office

828 Central Avenue

Property Owner: Parkstone Properties, Inc.
Owner Address: 4 Bulough Park
Newton, Massachusetts 02160

- Provision of light and air and the prevention of overcrowding of the land, through master planning of the parcels, as merged, including appropriate open space, landscaping and buffering, as part of a master plan for the development of the parcels.

Impacts on economy, fiscal resources, environment, natural and historical resources, municipal services, capital facilities and neighborhoods: The amendment will have a positive impact on the economy of the City, while not creating any material burden on municipal services, capital facilities or any natural or historic resources in Dover. The rezoning will positively impact the fiscal resources of the City by rezoning the properties to accommodate the highest and best uses of those properties, given the affected area. The rezoning also brings the properties more in line with the manner in which this portion of Central Avenue has been developed. The area to be rezoned is adjacent to the Walgreen's Pharmacy development and across the street from the Shaws Plaza and the Hannaford/Natural Pharmacy/Papa Gino's developments. In fact, the rezoning simply represents an extension of the existing B-3 Zoning District. Through thoughtful layout of the buildings, reasonable landscaping, preservation of existing trees where possible, and the establishment of fencing and vegetative buffers, the area in question can be developed in a manner which is complementary to Central Avenue while protecting the residential neighborhood on Crescent Avenue. The applicant is not aware of any non-conformities which will be created, once the rezoning is accomplished and the properties are developed as intended.

Master Plan Consistency. The City's master plan espouses a vision for an increase in the City's commercial tax base through economic development, especially on properties already used commercially. See Vision Element 8. As noted above, the rezoning of the properties in this application will accommodate the highest and best uses of those properties, given the affected area. This will represent an improvement, in terms of commercial tax base, over the current uses of the properties. Also, as noted above, the properties, as combined, offer an opportunity to develop the land with higher quality commercial uses, while providing for the reservation of areas of open space and landscaping to protect the nearby residential neighborhood on Crescent Avenue. This is consistent with the Master Plan vision of protecting the residentially zoned areas in the City from unreasonable encroachment by commercial uses. Not all commercially-zoned properties in the City feature enough size and depth to be developed commercially with appropriate separation from residentially-zoned areas. Finally, the rezoning does not represent the expansion of commercially zoned properties outside of what is thought as the urban growth area of the City into its rural areas. See February 24, 2015 Land Use Analysis, LU 2.1. It is in an area within or adjacent to land designated as "Retail Corridor" in the Master Plan Future Land use Map. The rezoning is perfectly consistent with the other uses along Central Avenue to the west and across both streets. While the rezoning does include one parcel which is occupied by and zoned for residential use, the parcel location lines up, in terms of depth, with the depth of other commercial uses fronting on Central Avenue, and provides sufficient land to buffer residential uses on Crescent Avenue from the proposed development of the properties.

Respectfully submitted:

SCOTT MITCHELL REAL ESTATE, LLC

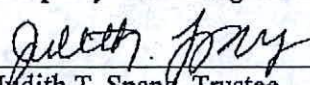
By: 

Richard V. Nichols (Print Name)

Attorney at Law (Title)

Duly authorized

Property Owner Signatures:


Judith T. Spang, Trustee

826 Central Avenue, LLC

(Print Name)

(Title)

Duly authorized

Parkstone Properties, Inc.

(Print Name)

(Title)

Duly authorized

Charles Banaian

Property Owner Signatures:

Judith T. Spang, Trustee

826 Central Avenue, LLC

(Print Name)

(Title)

Duly authorized

Joseph Tischler
Parkstone Properties, Inc.

JOSEPH TISCHLER (Print Name)

PRESIDENT (Title)

Duly authorized

Charles Banaian

Property Owner Signatures:

Judith T. Spang, Trustee

Heather S. Clements, member

826 Central Avenue, LLC

Heather S. Clements (Print Name)

member (Title)

Duly authorized

Parkstone Properties, Inc.

(Print Name)

(Title)

Duly authorized

Charles Banaian

Property Owner Signatures:

Joshua T. Spang, Trustee

126 Central Avenue, LLC

(Print Name)

(Title)

Duly authorized

Parkstone Properties, Inc.

(Print Name)

(Title)

Duly authorized

Alfred M. Silva Mascato

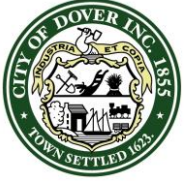
Charles Baranovich

Executive for Charles Baranovich



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P12-24A

Application Type: Amendment to Open Space Subdivision
Applicant(s): Arthur Gagnon
Owner(s): Arthur Gagnon
Location: Freshet Road (Tax Map H, Lot 2A-1)
Meeting Date: March 22, 2016

INTENT: To amend a previously approved open space subdivision plan (P12-24) to have a 30' wide buffer instead of 50' as required and approved.

UNITS PROPOSED: No change in the number of lots

AGENDA ITEM #: 4-C

ACREAGE: 2.27 Acres

ZONING DISTRICT: Rural Residential District (R-40)

EXISTING LAND USE: Residential and vacant land

SURROUNDING LAND USE:
Residential and vacant land

ZBA ACTION: None

ATTACHMENT: Subdivision plan and application, November 17, 2015 Planning Board meeting minutes and August 28, 2012 Planning Board meeting minutes.

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Abutter notices were sent by certified mail for this meeting

PERMITS REQUIRED:

- None

WAIVERS REQUESTED: Minimum Distance from Exterior Boundaries (Section 155-22(F))

Summary of Request and Background

The applicant is requesting an amendment to a previously approved open space subdivision plan (P12-24) to now show a 30' wide buffer instead of 50'. The applicant came before the Planning Board on November 17, 2015 with a lot line adjustment.

Waiver Request

The applicant is requesting a waiver to Chapter 155-22-F, to modify the external buffer requirements of 50' to maximize the amount of building area on the lot. Staff supports the granting of the waiver request.

Consistency with Land Use Regulations

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This plan is consistent with those regulations as long as the Board grants the waiver request.

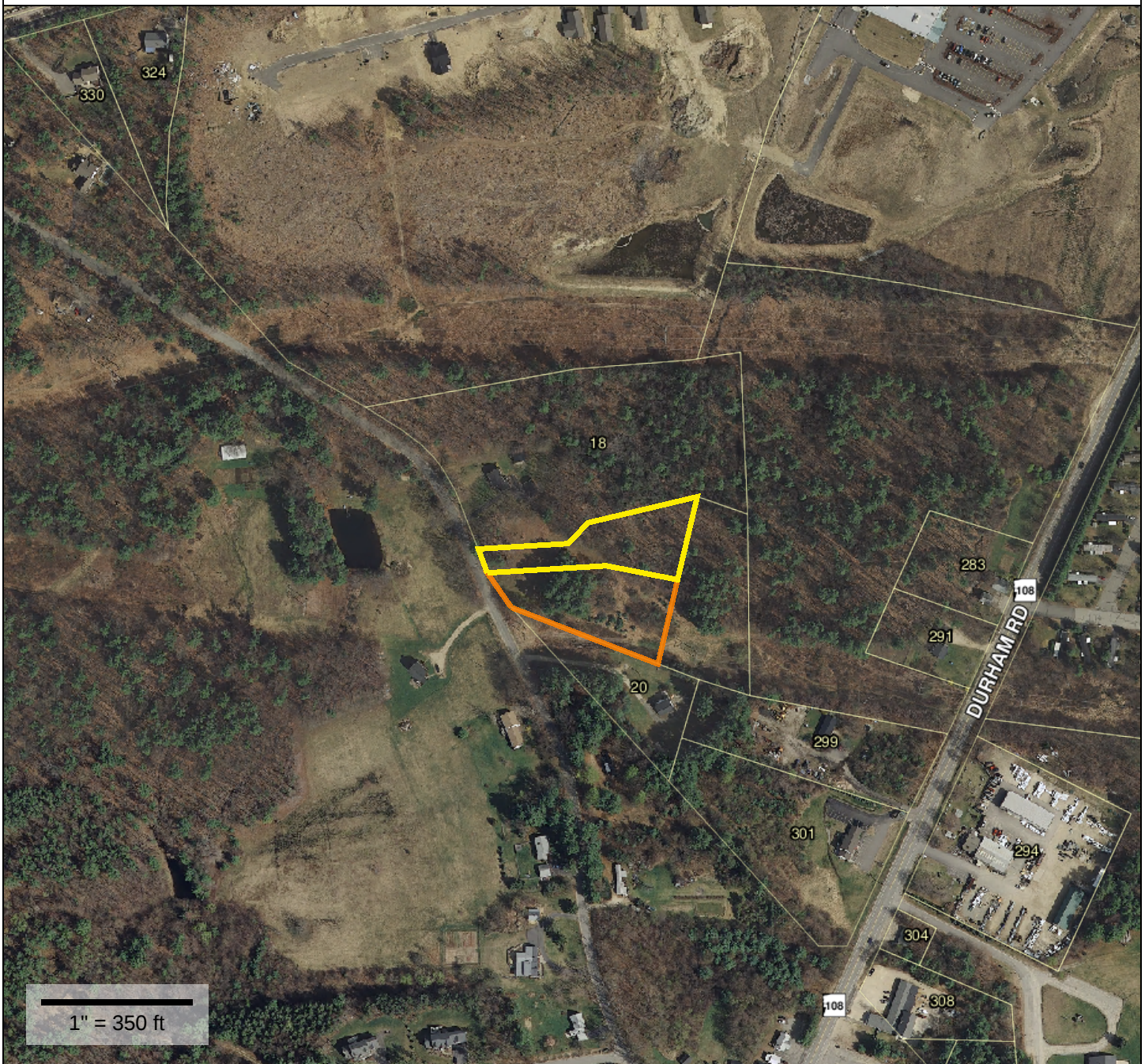
STAFF RECOMMENDATION:

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

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat.
2. The approval includes the granting of the waiver requested for the exterior buffer reduction for the reasons stated by the applicant. The Board finds that the criteria of Chapter 155-51.A. have been met.
3. The applicant shall revise the final plat to:
 - a. add the owner's signatures
 - b. add the surveyor's stamp and signature to the final plat
 - c. include the Planning File Number P12-24A to the title block
 - d. include the approved Lot Line Adjustment Plan in the list of referenced plans
 - e. remove note 5, Joanne Johnson should not sign the plan now that she no longer owns the property.

Arthur Gagnon

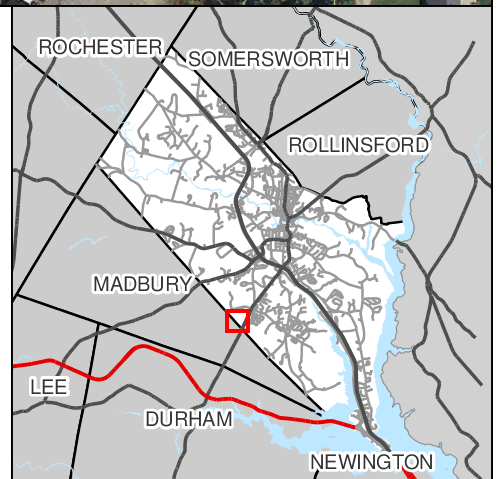
**Property Information**

Property ID H0002-A00001
Location FRESHET RD
Owner GAGNON ARTHUR

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The City makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated January 1, 2015





City of Dover, New Hampshire
APPLICATION FOR EXTENSIONS OF/ AMENDMENTS
TO/ WAIVERS FOR AN APPROVED PLAN

[Revised June 30, 2014]
Planning Office

Office Use Only

Amount Paid:

\$311.00

Date/Time Received:

MAR 10 2016

P12-24A

Dover, New Hampshire

APPLICANT INFORMATION

Name of Applicant: ARTHUR GAGNON Telephone # 817-8241

Address of Applicant: 188 BLACKWATER ROAD E-Mail _____
SOMERSWORTH, NH

Project Name: _____ Project Location: FRESHET ROAD

Planning File Number: 12-24 Date of Original Approval _____

File Type: Conditional Use _____ Site Plan Review _____ Subdivision XX

EXTENSION INFORMATION (Note: notification of abutters required for first time extensions under Sec. 149-9.B and Sec. 155-24.B only)

Extension type requested (check one): ☐ Sec. 149-8.A ☐ Sec. 149-9.B ☐ Sec. 155-14.A ☐ Sec. 155-24.B

Current deadline date: _____ Number of Extensions Previously granted by Board _____

Reason(s) for extension/comments (attach additional sheets as needed): _____

AMENDMENT INFORMATION

Condition(s) or portion of plan to be amended: _____

Reason(s) for amendment/comments (attach additional sheets as needed): _____

WAIVER INFORMATION

Site Review/Subdivision Regulations section(s) to be waived: 50' BUFFER TO PARIM. BOUNDARY

Justification for waiver request(s) (attach additional sheets as needed): THE BUFFER IS TO THE LAND OWNER WHICH COMMISSIONED THE SUBDIVISION, THE LOSS DOES NOT IMPACT ANY OTHER LAND OWNER, AND THE BENEFIT OF THE REDUCED BUFFER IS TO INCREASE THE BUILDING AREA SO THAT NICER HOUSING STOCK CAN BE CONSTRUCTED.

SIGNATURES

I/We hereby submit this application to the Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: Arthur Gagnon Date: 3-7-16

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent: _____ Date: 3-7-16



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

RECEIVED
Planning Office

MAR 08 2016

Dover, New Hampshire

March 7th, 2016

Abutters List

Owner:

Tax Map H, Lots 2A-1 & 2A-2 & 2A-3

Arthur Gagnon
188 Blackwater Road
Somersworth, NH 03878
Book 4291, Page 338
Book 4291, Page 341

Abutters:

Tax Map H, Lot 2A

Joanne Johnson
18 Freshet Road
Dover, NH 03820
Book 2504, Page 771

Tax Map H, Lot 1B

David Geanoulis
299 Durham Road
Dover, NH 03820
Book 3347, Page 385

Tax Map H, Lot 1A Madbury Tax Map 9, Lot 73

Riza Pahlevi & Atik Gantini
20 Freshet Road
Dover, NH 03820
Book 4182, Page 165

Madbury Tax Map 9, Lot 21B

Molly Hodgson Revocable Trust
Molly Hodgson Trustee
21 Freshet Road
Madbury, NH 03820

Madbury Tax Map 9, Lot 20 & 20a

Hodgson Revocable Living Trust
Robert & Dianne Hodgson Trustees
13 Freshet Road
Madbury, NH 03820

Tax Map H, lot 4-76

Madbury Tax Map 9, Lot 74

Heron Bay Partners, LLC
242 Central Avenue
Dover, NH 03820
Book 3561, Page 656

Abutters within 200'

Tax Map H, Lot 2

City of Dover
288 Central Ave
Dover, NH 03820

Tax Map H, Lot 1

Real McKoy Properties LLC
PO Box 1727
Dover, NH 03821



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

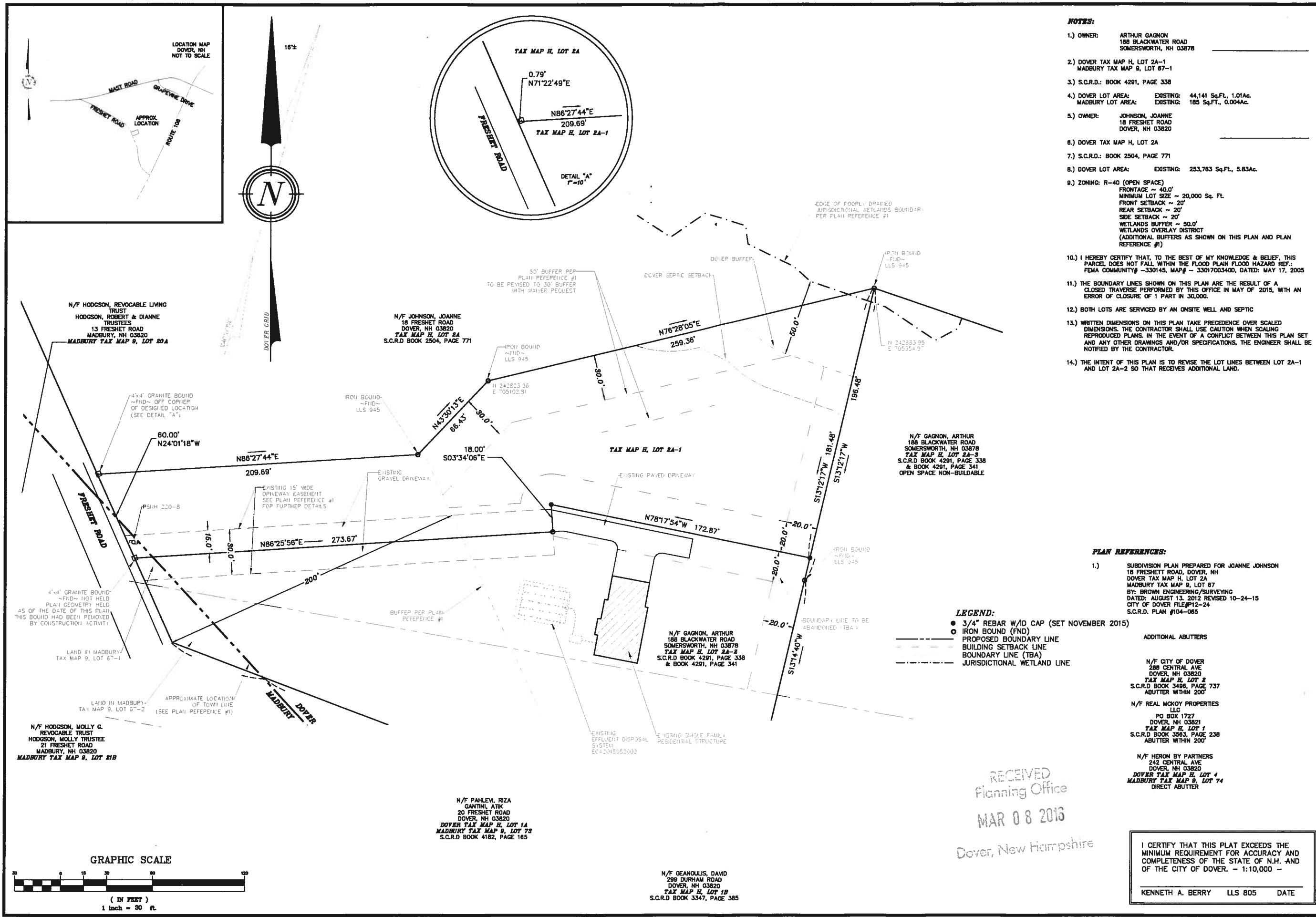
Professionals:

Kenneth A. Berry PE LLS
Christopher R. Berry, Project Manager
Berry Surveying & Engineering
335 Second Crown Point Road
Barrington, NH 03825



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com



- NOTES:**
- 1.) OWNER: ARTHUR GAGNON
186 BLACKWATER ROAD
SOMERSWORTH, NH 03878
 - 2.) DOVER TAX MAP H, LOT 2A-1
MADBURY TAX MAP 9, LOT 67-1
 - 3.) S.C.R.D.: BOOK 4281, PAGE 338
 - 4.) DOVER LOT AREA: EXISTING: 44,141 Sq.Ft., 1.01Ac.
MADBURY LOT AREA: EXISTING: 185 Sq.Ft., 0.004Ac.
 - 5.) OWNER: JOHNSON, JOANNE
18 FRESHET ROAD
DOVER, NH 03820
 - 6.) DOVER TAX MAP H, LOT 2A
 - 7.) S.C.R.D.: BOOK 2504, PAGE 771
 - 8.) DOVER LOT AREA: EXISTING: 253,763 Sq.Ft., 5.83Ac.
 - 9.) ZONING: R-40 (OPEN SPACE)
FRONTAGE ~ 40.0'
MINIMUM LOT SIZE ~ 20,000 Sq. Ft.
FRONT SETBACK ~ 20'
REAR SETBACK ~ 20'
SIDE SETBACK ~ 20'
WETLANDS BUFFER ~ 50.0'
WETLANDS OVERLAY DISTRICT
(ADDITIONAL BUFFERS AS SHOWN ON THIS PLAN AND PLAN REFERENCE #1)
 - 10.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, THIS PARCEL DOES NOT FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY# ~330145, MAP# ~ 33017003400, DATED: MAY 17, 2005
 - 11.) THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CLOSED TRAVERSE PERFORMED BY THIS OFFICE IN MAY OF 2015, WITH AN ERROR OF CLOSURE OF 1 PART IN 30,000.
 - 12.) BOTH LOTS ARE SERVICED BY AN ONSITE WELL AND SEPTIC
 - 13.) WRITTEN DIMENSIONS ON THIS PLAN TAKE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL USE CAUTION WHEN SCALING REPRODUCED PLANS. IN THE EVENT OF A CONFLICT BETWEEN THIS PLAN SET AND ANY OTHER DRAWINGS AND/OR SPECIFICATIONS, THE ENGINEER SHALL BE NOTIFIED BY THE CONTRACTOR.
 - 14.) THE INTENT OF THIS PLAN IS TO REVISE THE LOT LINES BETWEEN LOT 2A-1 AND LOT 2A-2 SO THAT RECEIVES ADDITIONAL LAND.

PLAN REFERENCES:

- 1.) SUBDIVISION PLAN PREPARED FOR JOANNE JOHNSON
18 FRESHET ROAD, DOVER, NH
DOVER TAX MAP H, LOT 2A
MADBURY TAX MAP 9, LOT 67
BY: BROWN ENGINEERING/SURVEYING
DATED: AUGUST 13, 2012 REVISED 10-24-15
CITY OF DOVER FILE#P12-24
S.C.R.D. PLAN #104-065

- LEGEND:**
- 3/4" REBAR W/D CAP (SET NOVEMBER 2015)
 - IRON BOUND (FND)
 - PROPOSED BOUNDARY LINE
 - - - BUILDING SETBACK LINE
 - - - BOUNDARY LINE (TBA)
 - - - JURISDICTIONAL WETLAND LINE

ADDITIONAL ABUTTERS

N/F CITY OF DOVER
288 CENTRAL AVE
DOVER, NH 03820
TAX MAP H, LOT 2
S.C.R.D. BOOK 3486, PAGE 737
ABUTTER WITHIN 200'

N/F REAL MCKOY PROPERTIES
LLC
PO BOX 1727
DOVER, NH 03821
TAX MAP H, LOT 1
S.C.R.D. BOOK 3563, PAGE 238
ABUTTER WITHIN 200'

N/F HERON BY PARTNERS
242 CENTRAL AVE
DOVER, NH 03820
DOVER TAX MAP H, LOT 4
MADBURY TAX MAP 9, LOT 74
DIRECT ABUTTER

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER. - 1:10,000 -

KENNETH A. BERRY LLS 805 DATE

DOVER PLANNING FILE #2016-

REVISION	DATE	DESCRIPTION

REQUEST TO MODIFY APPROVED SETBACKS / WAIVER REQUEST
LAND OF
ARTHUR GAGNON
FRESHET ROAD
DOVER, N.H.
DOVER TAX MAP H, LOTS 2A-1 MADBURY TAX MAP 9,
LOT 67-1

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 {332-2863}
SCALE : 1 IN. EQUALS 30 FT.
DATE : MARCH 7, 2016
FILE NO. : DB 2015 - 137

SHEET 1 OF 1