

**CITY OF DOVER**

## DOVER PLANNING BOARD – AGENDA

**Revised**

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover NH 03820  
Meeting Date: **Tuesday, March 14, 2017**  
Meeting Time: **7:00 pm**

### 1. CITIZENS' FORUM

### 2. APPROVAL OF THE PRIOR MINUTES

- February 28, 2017 Regular Meeting Minutes

### 3. OLD BUSINESS

- A. Consideration and vote of a Site Plan Review for Okad of Dover, LLC, Assessor's Map 37, Lots 35, 36, 37 & 38 zoned B-3, located at 824, 826, 828 Central Avenue and 8 Glenwood Avenue. (Proposal is to construct 28,202 s.f. of commercial use including 7,000 s.f. of restaurants, a 2,072 s.f. bank and the remaining retail with a total of 134 parking spaces within the 88,262 s.f. paved area)(\*P16-39)
- B. Consideration and vote of a Conditional Use Permit for Okad of Dover, LLC, Assessor's Map 37, Lots 35, 36, 37 & 38 zoned B-3, located at 824, 826, 828 Central Avenue and 8 Glenwood Avenue. (Proposal is for the 2,850 s.f. impact of wetland and associated buffer.)(\*P17-08)
- C. Consideration and vote of a Conditional Use Permit for Okad of Dover, LLC, Assessor's Map 37, Lots 35, 36, 37 & 38 zoned B-3, located at 824, 826, 828 Central Avenue and 8 Glenwood Avenue. (Proposal is for the 50.6% total impervious surface coverage in the Secondary Groundwater Protection Zone.)(\*P17-09)
- D. Consideration and possible vote of an amendment to the conditions for a previously approved Site Plan (2/10/2015) for Bradley Commons (Owner: Housing Partnership) Map 27, Lots 2, 3, 4, & 15, zoned CBD, located at 577 Central Avenue (Amended development agreement). (P14-34A)
- E. Consideration and possible vote on revised Planning Board Bylaws.

### 4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for the City of Dover, zoned R-40 and R-12, located on Spruce Lane (between Mast Rd & Back River Rd (Proposal is to widen road, improve drainage, and repair/replace culverts) (\*P17-14)
- B. Consideration and acceptance of a Conditional Use Permit for the City of Dover (Owner: Seames Trefethen), Assessor's Map H, Lot 14A, zoned R-12, located at 58 Cataract Avenue. (Proposal is to install a bioretention stormwater system adjacent to Bellamy Road to restore the stream) (\*P17-15)
- C. Consideration and acceptance of a Site Plan Review for 6 Grove Street Residences, LLC, (Owner: Alan Hatch & Sherrilyn McKie Family Trust), Assessor's Map 31, Lot 14, zoned CBD (Transit Oriented Overlay), located at 6 Grove Street. (Proposal is to develop a 9,060.51 s.f. mixed use building with commercial space on the 1<sup>st</sup> floor and a total of 36 residential units on the 2<sup>nd</sup> – 5<sup>th</sup> floors with 30 parking spaces within the 13,806.70 s.f. paved area) (\*P16-31)
- D. Consideration and acceptance of a Conditional Use Permit for 6 Grove Street Residences, LLC, (Owner: Alan Hatch & Sherrilyn McKie Family Trust), Assessor's Map 31, Lot 14, zoned CBD (Transit Oriented Overlay), located at 6 Grove Street. (Proposal is to have a building lot coverage of 47% where as 75% is required and frontage build out of 73% on Grove and 75% on Third St whereas 80% is required) (\*P17-16)

### 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](mailto:Dover-Planning@dover.nh.gov). You may also view materials at [www.dover.nh.gov](http://www.dover.nh.gov). Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



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Meeting Type: Regular Meeting  
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**Members Present:** Kirt Schuman (Chair), Gina Cruikshank (Vice Chair), Dennis Ciotti (Councilor), Tom Clark, Frank Torr, David Landry, Catherine Plante, Lee Skinner, James Burdin (Alternate)

**Members Not Present:** Dave White, Tristan Donovan (Alternate), Hayley Harmon (Alternate)

**Staff Present:** Donna Benton (Assistant City Planner), Elena Piekut (Assistant City Planner), Tracy Smith (Recording Secretary)

The Chair recognized J.Burdin to sit in for D.White, and called the meeting to order at 7:06 p.m.

The meeting was called to order late to try to remedy video recording issues. It was determined to use the audio recorder at 7:06 p.m. pending Media Staff arrival for video recording.

### 1. CITIZENS' FORUM

*Citizens Forum Open.*

Bob Riga, 46 Stocklan Circle, distributed copies to the Board and addressed item 4.E on the agenda regarding the public uses in the I-2 District. He stated his concern regarding the timing of the District changes as it pertains to the rezoning with the Kay property and the updates to the ordinance regarding the uses to diffuse the arguments of the opponents to the rezoning project. He questioned whether the Board was doing this to cover any future legal actions. He suggested changes to remove commercial recreation, eating and drinking establishments, and hotels, increasing the setback from the proposed 30 ft. to 150 ft., and the involvement of existing buffers.

*Citizens Forum Closed.*

### 2. APPROVAL OF THE PRIOR MINUTES

- February 14, 2017 Regular Meeting Minutes

**Motion:** D.Ciotti made a motion to approve the February 14, 2017 Regular Meeting Minutes. Seconded by L.Skinner. Vote U/A

### 3. OLD BUSINESS

- A. Consideration and possible vote of an amendment to the conditions for a previously approved Site Plan (2/10/2015) for Bradley Commons (Owner: Housing Partnership) Map 27, Lots 2, 3, 4, & 15, zoned CBD, located at 577 Central Avenue (Amended development agreement). (P14-34A)

The Chair stated item 3.A has been postponed to March 14, 2017.

D.Benton explained the item would not be heard due to materials not being ready for the packet in time and therefore not available for public viewing.

**Motion:** F.Torr made a motion to table item 3.A to the March 14, 2017 Planning Board meeting. Seconded by J.Burdin. Vote U/A

G.Cruikshank stated items 4.A, 4.B, and 4.C would be heard together.



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### 4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Summit Land Development, (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lot 19-6, zoned ETP (RCM Overlay District), located at Pointe Place. (Proposal is for grading, drainage outfall, a portion of the driveway, and a small (15'x20') exterior storage shed in the wetland buffer). (\*P17-04)
- B. Consideration and acceptance of a Site Plan Review for Summit Land Development (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lot 19-6, zoned ETP (RCM Overlay District), located at Pointe Place. (Proposal is for a 38,800 sq. ft. new memory care residential development with a total of 55 parking spaces within the 40,140 sq. ft. paved area.) (\*P17-05)
- C. Consideration and acceptance of a Subdivision Review for Summit Land Development (Owner: Varney Brook Lands, LLC), Assessor's Map K, Lots 19-4, 19-6, zoned ETP (RCM Overlay District), located at Pointe Place. (Proposal is to subdivide 1 new lot). (\*P17-06)

D.Benton provided an overview regarding an update of the applications.

Chad Kageleiry of Summit Land Development and Varney Brook Lands, LLC, displayed a plan for viewing, and presented the proposed plan. Eric Weinreib of Altus Engineering, Inc., was also present.

Discussion ensued regarding clarification of the easement on the lot regarding the driveway, the reason for the lot shape for a berm and the use of the land for stormwater management, the location of two apartment buildings on the south side of the Pointe Place road, the calculation used regarding acreage and conservation land pertaining to the density of the number of units and the adjacent property, location of the wetland buffer line on the plan which was granted via a previous Conditional Use Permit, confirmation that C.Kageleiry would be selling the land to the company that will be running the facility and that the new company would have to adhere to the concept plan, the location of the easement on Map K lot 19-4 which the townhouses will have access, setbacks, consideration of the Conservation Commission notes regarding the wetland buffer impact, snow maintenance/clearance concerns pertaining to the development and the adjacent property, a wetland buffer encroachment concern regarding the driveway, the reasoning behind the location of the maintenance shed in the wetland buffer, clarification of condition #11, and the building on the displayed plan.

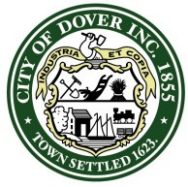
**Motion:** D.Ciotti made a motion to accept the applications for items 4.A, 4.B, and 4.C. Seconded by F.Torr.  
Vote U/A

*Public hearing opened.*

Paul Goldberg, 3 Madelyn Drive, stated the project would be a good addition to the area. He stated concerns about fire access and the trash collection hours. He requested that garbage pick-up times be considered as a condition.

*Public Hearing Closed.*

D.Benton stated that one of the proposed conditions would address the fire access, and that the City does not have a noise ordinance so it would be up to the Board's discretion regarding the dumpster hours.



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### **STAFF RECOMMENDATION: (P17-04)**

The Planning Department recommends that the Planning Board vote to approve the Conditional Use Permit with the following condition:

#### **Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The subdivision plan (P17-06) shall be approved.

### **STAFF RECOMMENDATION: (P17-05)**

The Planning Department recommends that the Planning Board vote to approve the site plan with the following conditions:

#### **Conditions to Be Met Prior to Signing of Plans:**

1. The Subdivision Plan (P17-06) must be approved and recorded.
2. The Conditional Use Permit (P17-04) must be approved.
3. The owner's signatures must be added to the final plan.
4. Applicant must provide a digital version of plan set.
5. The Professional Engineer, Licensed Land Surveyor, and Licensed Landscape Architect will need to sign and stamp final plans.
6. Submit landscape operation and maintenance plan to the satisfaction of the Assistant City Manager.
7. The applicant must revise plan set to:
  - a. Revise the lighting plan to meet Section 149-14.E including adding details of the fixtures.
  - b. Indicate colors and materials on the architectural renderings which need to meet architectural design standards 149-14.2.(B) 9) & 10).
  - c. Meet Building/Fire Department outstanding comments to the satisfaction of the Building Official.

#### **Conditions to Be Met Prior to Any Construction Activity:**

8. The site plan shall be recorded at the Registry of Deeds, with documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements and responsibilities described in the approved Stormwater Management Plan. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.
9. Site Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, with no Sunday hours. Hours of construction must be documented on a site construction sign along with the contact information for the general contractor. Said signage must be located and approved by the City Engineer or Assistant City Manager.

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

10. The 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:**

11. Any new building shall be assessed the current impact fees in place at the time of building permit application.
12. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.





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### STAFF RECOMMENDATION: (P17-06)

The Planning Department recommends that the Planning Board vote to approve the minor subdivision plan with the following conditions:

#### Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures shall be added to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds.
2. The Licensed Land Surveyor shall stamp and sign final plans.
3. The applicant shall provide the Planning Department with a digital version of the final plat.
4. The applicant shall revise the plat to add the planning file number (P17-06) to all sheets.

Discussion ensued regarding the wetland buffer and that the Conservation Commission endorsed the project pertaining to the driveway access, additional encroachments to the wetland buffer as the project has progressed, and clarification regarding encroachment within the 30 ft. sewer easement and that the buffer area is due to a man-made pond.

Discussion ensued regarding several Board member concerns with the consideration of establishing dumpster hours as a condition.

D.Ciotti explained to P.Goldberg that he has the right to contact the police and file a complaint if the trash is collected at an inappropriate hour.

**Motion:** F.Torr made a motion to approve the Conditional Use Permit (item 4.A) subject to the staff recommended conditions. Seconded by T.Clark. Vote 8/1 C.Plante opposed.

**Motion:** F.Torr made a motion to approve the site plan (item 4.B) subject to the staff recommended conditions. Seconded by T.Clark. Vote U/A

D.Benton clarified condition #6 regarding landscaping for F.Torr.

**Motion:** F.Torr made a motion to approve the minor subdivision plan (item 4.C) subject to the staff recommended conditions. Seconded by T.Clark. Vote 8/1 C.Plante opposed

D. Consideration and possible vote on revised Planning Board Bylaws.

D.Benton addressed the document distributed to the Board members in their packets.

Discussion ensued regarding the suggested changes to the Bylaws, with particular attention to the specific language of item 8.G., and the need to table the item for further evaluation.

Motion: T.Clark made a motion to table the item pending additional revisions. Seconded by L.Skinner. Vote U/A

E. Discussion and possible posting of amendments to Rural Restricted Industrial (I-2) district.

D.Benton provided an introduction to the item.

E.Piekut addressed the recent approval to the rezoning item motioned to forward to the City Council for ratification and presented the information pertaining to the I-2 district. She addressed the comments made by



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B.Riga for T.Clark regarding the setbacks according to the minimum lot sizes and frontage and the possible legalities involved.

Discussion ensued regarding clarification on page 4 footnote #3 to add Columbus Avenue, the 30 ft. setback similar to R-40, the rear and side setback clarification from the property line one for the principle structure and one for the accessory dwelling structure, the setback requirements between buildings and the minimum distance from an abutting residence, rear setback clarification, comparison of rear and side setback to the I-4 district and the R-20 district, confirmation that changes require a City Council vote, and consideration for a workshop to go over issues for further discussion.

D.Benton explained the process.

Discussion ensued regarding the timing and reason to address the changes to the I-1 and I-2 Districts due to the changes in business and industry, the need for a Workshop to further evaluate both districts and additional Board suggestions, such as, non-conformity issues, a request to define more words used in the Zoning Ordinance, and clarification of the goals regarding the districts.

### **STAFF RECOMMENDATION:**

Staff recommends removing “Industry” from permitted uses as it is undefined, while “LIGHT INDUSTRY” is permitted and defined in a way that permits industry while protecting abutters from noxious uses. Staff also recommends removing several uses which are rarely encountered and may be considered obsolete or unnecessary.

Staff recommends that “Fuel, Oil, or Gas Storage” be a Special Exception use rather than a use permitted by right and has amended the special exception criteria that also apply to AUTO SERVICE STATIONS and VEHICLE REFUELING AND RECHARGING STATIONS.

The amendments also include an increase in side and rear setbacks from 10 feet to 30 feet, and a 75-foot front setback particular to parcels fronting on Columbus Avenue.

The Planning Board should post the proposed amendments for a public hearing March 28<sup>th</sup>, 2017.

F. Discussion and possible posting of amendments to the Restricted Industrial (I-1) district.

E.Piekut addressed the issues regarding the I-1 districts and recommended the Board post the amendments.

### **STAFF RECOMMENDATION:**

Staff recommends eliminating the I-1 Zoning District in question by rezoning it to Urban Density Residential (RM-U). Surrounding lots are zoned RM-U or R-12. In the coming months, staff will present amendments to the other two I-1 districts with the goal of eliminating them while providing for continued commercial/industrial uses more consistent with adjacent districts.

Rezoning these five lots to RM-U will render industrial buildings (which predate zoning) nonconforming, but allow for residential or minor commercial redevelopments that are more compatible with the surrounding neighborhood.

The Planning Board should post the proposed amendments for a public hearing March 28<sup>th</sup>, 2017.



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**Motion:** F.Torr made a motion to table the items 4.E and 4.F to a Workshop meeting on March 21, 2017. Seconded by L.Skinner.

C.Plante addressed the workshop date and adding a third Tuesday to the schedule, and requested using April 2, 2017 which is a normal Planning Board meeting date.

Discussion ensued regarding clarification of the intention to meet the second and fourth Tuesdays, the volume of applications and the attempt to schedule these during the regular meetings, adding if there's a heavy load could start earlier.

**Revised Motion:** F.Torr made a motion to table the items 4.E and 4.F to a Workshop on a future regular meeting agenda to be determined subject to staff's discussion. Seconded by L.Skinner. Vote U/A

### 5. STAFF COMMENTS

D.Benton updated the Board about a number of upcoming applications received by the Planning Department and how the volume is already about half of last year's total applications.

D.Benton distributed a document to the Board members regarding the annual Office of Energy and Planning conference for April 29, 2017, and requested those interested in attending to contact Staff.

### 6. MEMBER COMMENTS

L.Skinner requested a site walk for the Central and Glenwood Avenue property.

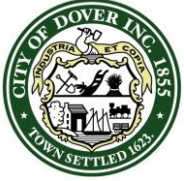
Discussion ensued regarding consideration of a site walk with areas marked out, that the application is scheduled for the March 14, 2017 Planning Board meeting, the need to check with the applicant before confirming the site walk date and the time regarding staking out the property, the concern with scheduling the site walk between meetings, and the consideration to revisit the schedule at the next meeting.

The site walk was tentatively scheduled for Saturday, March 11, 2017 at 9:00 a.m. should that work for the applicant's schedule.

K.Schuman stated the final report he received from the New Hampshire Coastal Risk and Hazards Commission will be on file in the Planning Office.

### 7. ADJOURNMENT

**Motion:** F.Torr made a motion to adjourn at 9:22 p.m. Seconded by L.Skinner. Vote U/A



**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P16-39

Application Type: Site Plan  
Applicant(s): Okad of Dover, LLC  
Owner(s): Okad of Dover, Charles and Mary Banaian, Judith Spang Rev. Trust, 826 Central Ave LLC  
Location: 824, 826, 828 Central Ave and 8 Glenwood Ave (Tax Map 37, Lots 35, 36, 37 & 38)  
Meeting Date: March 14, 2017

**INTENT:** Site plan to construct 28,202 s.f. of commercial use including 7,000 s.f. of restaurants, a 2,072 s.f. bank and the remaining retail with a total of 134 parking spaces within the 88,262 s.f. paved area

**UNITS PROPOSED:** To be further determined but a 11,250 s.f. building attached to a 6,800 s.f. building (including 3,500 of restaurant), a separate 8,125 s.f. (including 3,500 s.f. of restaurant) building and a separate 2,072 s.f. bank

**AGENDA ITEM #:** 3A

**ACREAGE:** 5.44 Acres

**ZONING DISTRICT:** Thoroughfare Business District (B-3)

**EXISTING LAND USE:** Office, residential, and vacant

**PROPOSED LAND USE:** Commercial

**SURROUNDING LAND USE:** Residential, office, and vacant

**ZBA ACTION:**

**Lot 35:** H82-17, H84-36, Z01-2

**Lot 36:** Z00-16

**Lot 37:** Z94-22, H87-47, H70-7, Z94-15

The above were all superseded by rezoning the area to B-3.

**ATTACHMENT:**

*Please bring previous materials*

Peer review traffic report, peer review stormwater report, February 14, 2017 Planning Board meeting minutes, and February 22<sup>nd</sup> Conservation Commission minutes

**APPLICATION IS COMPLETE:** Yes

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for the February 14 meeting

**PERMITS REQUIRED:**

-Conditional Use Permits for Groundwater Protection Overlay District and for Wetland Protection Overlay District

-NHDES Wetlands Permit

-NHDES Alteration of Terrain Permit

**WAIVERS REQUESTED:**

-149-14.H(1) for additional right-in driveway on Central Avenue

**Summary of Request and Background**

The applicant is back before the Board still proposing to build a commercial multi-tenant project including restaurant, retail, and bank. The applicant appeared before the Technical Review Committee on January 5, 2017 (minutes previously provided).

The Planning Board accepted the item for review on February 14, 2017 and tabled the item until March 14, 2017. The Planning Board then scheduled a site walk for March 11, 2017.

**Conservation Issues**

The Conservation Commission endorsed this project at their February 22<sup>nd</sup> meeting. The endorsement had the conditions that the requirements of the UNH Stormwater Center review letter be adequately addressed by the applicant and that if there are any increases to impacts to wetlands, wetlands buffers or impervious surface, the applicant will have to return to the Conservation Commission.

**Peer Reviews**

During the technical review of the plans, staff discussed the need for peer reviews of the traffic analysis and the drainage infrastructure. Sebago Technics, the Consultant the City uses to review traffic signal infrastructure, and the UNH Stormwater Center completed these reviews.

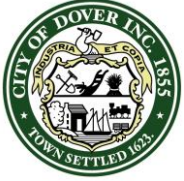
Staff has met with the applicant and reviewed the conclusions. Staff agrees with items 1, 2, 3, 4 (with some cost share relative to the truncated domes), 5 and part of 6 (Install the cameras at the southerly light, but not at Glenwood). Item 7 conflicts with a City policy, and staff does not support it. Items 8 and 9 should be reviewed on the site walk. Planning staff believes the left turn in from Glenwood should be reconsidered.

Staff and the Applicant's engineer met with the UNH Stormwater Center on March 6<sup>th</sup>. At that meeting the applicant agreed to revise the site plan to accommodate the suggested changes. Please review the memo supplied regarding these changes, many of which are detail sheet updates. Overall, the Stormwater Center found the suggested infrastructure to be appropriate and the correct systems to install to comply with best management practices and the City's regulations.

**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 was recently rezoned to Thoroughfare Business District (B-3) which is designed to provide an environment that encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. This District provides economic development opportunities for a mix of land uses including retail sales, and restaurants.



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Application Type: Site Plan  
Applicant(s): Okad of Dover, LLC  
Owner(s): Okad of Dover, Charles and Mary Banaian, Judith Spang Rev. Trust, 826 Central Ave LLC  
Location: 824, 826, 828 Central Ave and 8 Glenwood Ave (Tax Map 37, Lots 35, 36, 37 & 38)  
Meeting Date: March 14, 2017

### STAFF RECOMMENDATION:

#### Waiver Request:

The applicant is requesting a waiver from Chapter 149-14.H for an additional right-in driveway on Central Ave with justification in a letter dated February 8, 2017.

After reviewing the peer review report of the traffic study, the Planning Department supports the driveway waiver.

#### Condition to Be Met Prior to Signing of Plans:

1. A note shall be added to the site plan that the Board has granted the waiver for the reasons stated by the applicant, and the Board finds that the criteria of Chapter 149-19.A have been met.

#### Site Plan:

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

#### Conditions to be Met Prior to Signing of the Plans:

1. The owner's signatures must be added to the final plan.
2. The Conditional Use Permits (P17-08 and P17-09) shall be approved.
3. Applicant must provide a digital version of plan set.
4. The Professional Engineer, Licensed Land Surveyor, Wetland Scientist, and Licensed Landscape Architect will need to sign and date final plans.
5. Stormwater Operations and Maintenance Plan to the UNH Stormwater Center and City Engineer's satisfaction.
6. Landscape Operation and Maintenance Plan to the the Assistant City Manager's satisfaction
7. The applicant shall provide a lot merger form and record it at the Strafford County Registry of Deeds.
8. The applicant shall have a license agreement approved by the City Council and signed by the City of Dover for landscaping in the right-of-way.
9. The applicant shall pay the peer-review invoices.
10. The final map lot shall be current 8 Glenwood (Assessor's Map 37, Lot 38)
11. Submit document with timeline of construction including off site to the satisfaction of the Assistant City Manager.
12. The applicant must revise plan set to:
  - a. Combine the site plan and supplemental plans into one plan set
  - b. add outside drops on sewer man hole 3 and 5
  - c. Provide model for 1" storm to each tributary system
  - d. Add details/cross-sections for each stormwater Best Management Practice in detail sheets

- e. Revise plan to note Sebago's following Peer Review Comments on the memo dated March 2, 2017:
  - i. Show all proposed off-site mitigation at the Glenwood and Hannaford intersections (#1)
  - ii. Show protected left only turn (#2)
  - iii. Convert lane on Glenwood to shared thru/left turn (#3)
  - iv. Upgrade pedestrian sign equipment such as APS buttons and countdown heads but not ramps which the City will upgrade (#4)
  - v. Install cameras at southerly light (#6)

#### Conditions to Be Met Prior to Any Construction Activity:

13. Site Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 9 AM-4 P M, with no Sunday hours. Hours of construction must be documented on a site construction sign along with the contact information for the general contractor. Said signage must be located and approved by the City Engineer or Assistant City Manager.
14. Coordinate with UNH Stormwater Center to provide construction oversight when Berry Brook elements are being disturbed and provide written correspondence to Assistant City Manager.
15. The final signal plans shall be submitted for review and approval by the Assistant City Manager and City Engineer.

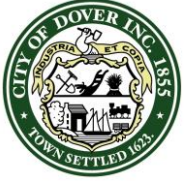
#### Conditions to Be Met Prior to Issuance of a Building Permit:

16. The new building shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service.
17. Fence and additional landscaping along Crescent Avenue shall be installed.

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

18. Any new building shall be assessed the current impact fees in place at the time of building permit application and paid by time of Certificate of Occupancy.
19. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
20. Upgrades to pedestrian sign equipment such as APS buttons and countdown heads and installation of cameras at southerly light on Central Ave has occurred.





**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P17-08

Application Type: Conditional Use Permit  
Applicant(s): Okad of Dover, LLC  
Owner(s): Okad of Dover, Charles and Mary Banaian, Judith Spang Rev. Trust, 826 Central Ave LLC  
Location: 824, 826, 828 Central Ave and 8 Glenwood Ave (Tax Map 37, Lots 35, 36, 37 & 38)  
Meeting Date: March 14, 2017

**INTENT:** The Conditional Use Permit is for 2,850 s.f. impact of wetland and associated buffer.

**LOTS/UNITS PROPOSED:** To be further determined but a 11,250 s.f. building attached to a 6,800 s.f. building (including 3,500 of restaurant), a separate 8,125 s.f. (including 3,500 s.f. of restaurant) building and a separate 2,072 s.f. bank

**AGENDA ITEM:** # 3B

**ACREAGE:** 5.44 acres

**ZONING DISTRICT:** Thoroughfare Business District (B-3)

**EXISTING LAND USE:** Office, residential, and vacant

**PROPOSED LAND USE:** Commercial

**SURROUNDING LAND USE:** Residential, office, and vacant

**ZBA ACTION:**

**Lot 35:** H82-17, H84-36, Z01-2

**Lot 36:** Z00-16

**Lot 37:** Z94-22, H87-47, H70-7, Z94-15

The above were all superseded by rezoning the area to B-3.

**ATTACHMENTS:**

*Please bring previous materials and view P16-31's new materials*

**APPLICATION IS COMPLETE:** Yes

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for the February 14 meeting

**PERMITS REQUIRED:**

- Conditional Use Permits for Groundwater Protection Overlay District and for Wetland Protection Overlay District
- NHDES Wetlands Permit
- NHDES Alteration of Terrain Permit

**WAIVERS REQUESTED:** None for this CUP

**Summary of Request and Background**

The applicant is requesting a Conditional Use Permit for the 2,850 s.f impact of wetland and associated buffer.

The Conservation Commission endorsed this project at their February 22<sup>nd</sup> meeting. The endorsement had the conditions that the requirements of the UNH Stormwater Center review letter be adequately addressed by the applicant and that if there are any increases to impacts to wetlands, wetlands buffers or impervious surface, the applicant will have to return to the Conservation Commission.

**Consistency with Land Use Regulations**

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

**Stormwater Peer Review**

Staff and the Applicant's engineer met with the UNH Stormwater Center on March 6<sup>th</sup>. At that meeting the applicant agreed to revise the site plan to accommodate the suggested changes. Please review the memo supplied regarding these changes, many of which are detail sheet updates. Overall, the Stormwater Center found the suggested infrastructure to be appropriate and the correct systems to install to comply with best management practices and the City's regulations.

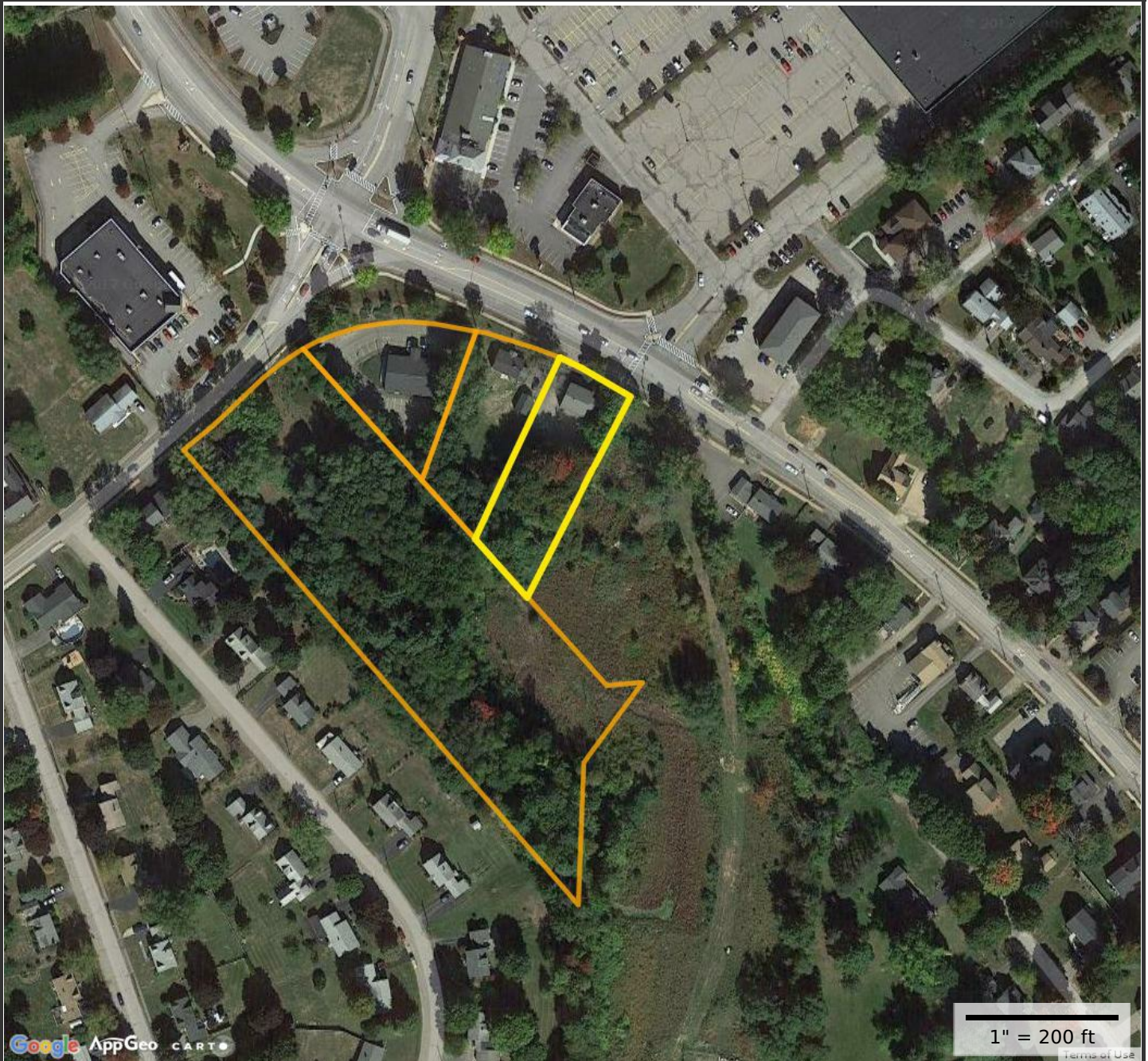
**STAFF RECOMMENDATION:**

The Planning Department recommends the Planning Board re-open the public hearing, and vote to approve the Conditional Use Permit with the following condition:

**Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. UNH Stormwater Center review letter shall be adequately addressed by the applicant and that if there are any increases to impacts to wetlands, wetlands buffers or impervious surface, the applicant will have to return to the Conservation Commission.

## Glenwood and Central

**Property Information**

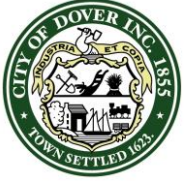
**Property ID** 37035-000000  
**Location** 824 CENTRAL AV  
**Owner** SPANG JUDITH T TRUSTEE

**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.

Parcels updated 01/11/2017  
Properties updated 02/07/2017





**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P17-09

Application Type: Conditional Use Permit  
Applicant(s): Okad of Dover, LLC  
Owner(s): Okad of Dover, Charles and Mary Banaian, Judith Spang Rev. Trust, 826 Central Ave LLC  
Location: 824, 826, 828 Central Ave and 8 Glenwood Ave (Tax Map 37, Lots 35, 36, 37 & 38)  
Meeting Date: March 14, 2017

**INTENT:** The Conditional Use Permit is for the 50.6% total impervious surface coverage in the Secondary Groundwater Protection Zone, where 20% is allowed.

**LOTS/UNITS PROPOSED:** To be further determined but a 11,250 s.f. building attached to a 6,800 s.f. building (including 3,500 of restaurant), a separate 8,125 s.f. (including 3,500 s.f. of restaurant) building and a separate 2,072 s.f. bank

**AGENDA ITEM:** # 3C

**ACREAGE:** 5.44 acres

**ZONING DISTRICT:** Thoroughfare Business District (B-3)

**EXISTING LAND USE:** Office, residential, and vacant

**PROPOSED LAND USE:** Commercial

**SURROUNDING LAND USE:** Residential, office, and vacant

**ZBA ACTION:**

**Lot 35:** H82-17, H84-36, Z01-2

**Lot 36:** Z00-16

**Lot 37:** Z94-22, H87-47, H70-7, Z94-15

The above were all superseded by rezoning the area to B-3.

**ATTACHMENTS:**

*Please bring previous materials and view P16-31's new materials*

**APPLICATION IS COMPLETE:** Yes

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for the February 14 meeting

**PERMITS REQUIRED:**

-Conditional Use Permits for Groundwater Protection Overlay District and for Wetland Protection Overlay District

-NHDES Wetlands Permit

-NHDES Alteration of Terrain Permit

**WAIVERS REQUESTED:** None for this CUP

**Summary of Request and Background**

The applicant is requesting a Conditional Use Permit for the 50.6% total impervious surface coverage in the Secondary Groundwater Protection Zone, where 20% is allowed.

The Conservation Commission endorsed this project at their February 22<sup>nd</sup> meeting. The endorsement had the conditions that the requirements of the UNH Stormwater Center review letter be adequately addressed by the applicant and that if there are any increases to impacts to wetlands, wetlands buffers or impervious surface, the applicant will have to return to the Conservation Commission.

**Consistency with Land Use Regulations**

The Groundwater Protection District ordinance provides for Conditional Use Permits to allow development or land use activities proposed within the Groundwater Protection District. This project would be in the Secondary Groundwater Protection Zone which allows for land use permitted in the applicable underlying zone. This proposal is consistent with those standards.

**Stormwater Peer Review**

Staff and the Applicant's engineer met with the UNH Stormwater Center on March 6<sup>th</sup>. At that meeting the applicant agreed to revise the site plan to accommodate the suggested changes. Please review the memo supplied regarding these changes, many of which are detail sheet updates. Overall, the Stormwater Center found the suggested infrastructure to be appropriate and the correct systems to install to comply with best management practices and the City's regulations.

**STAFF RECOMMENDATION:**

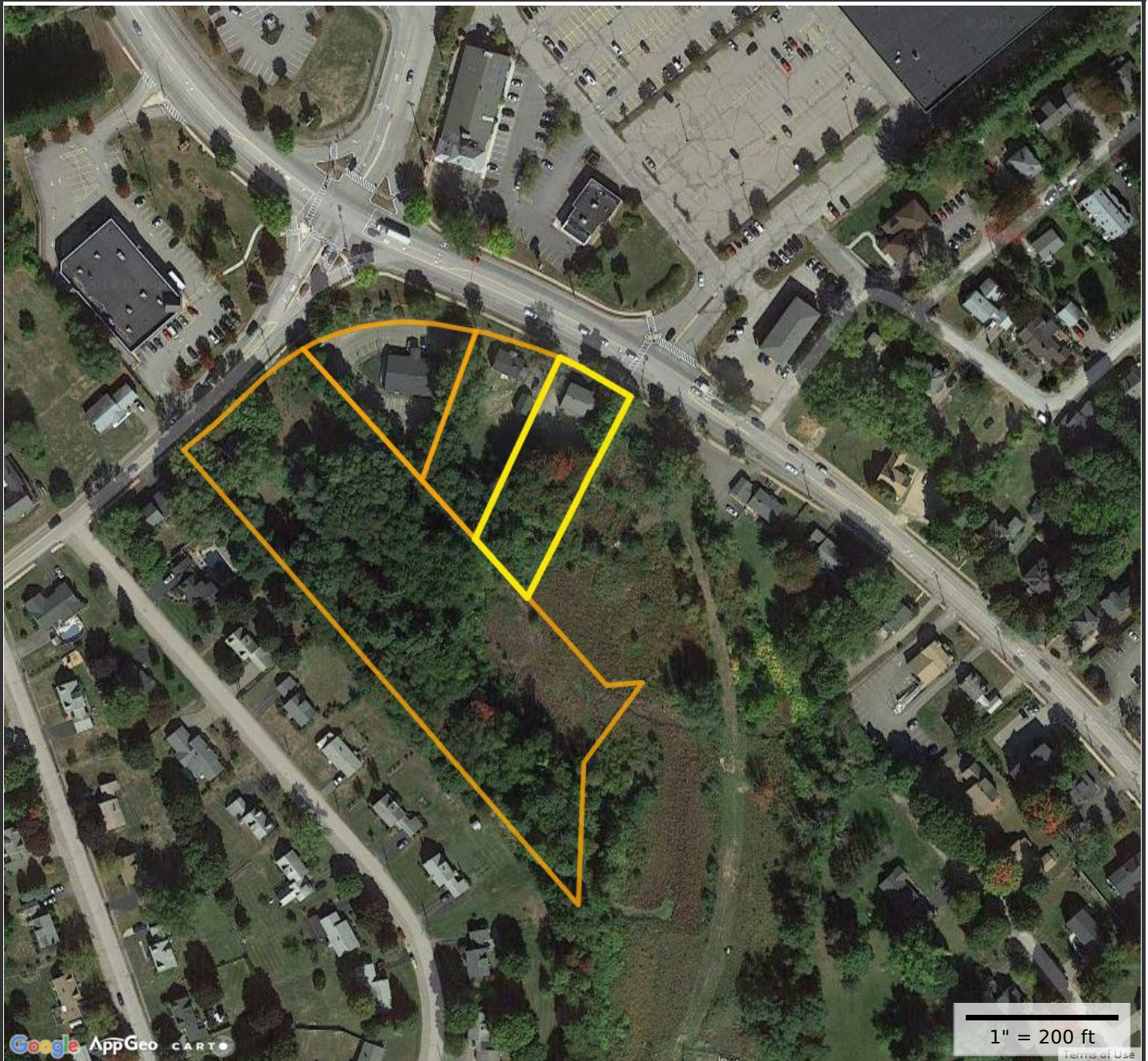
The Planning Department recommends the Planning Board re- open the public hearing, and vote to approve the Conditional Use Permit with the following condition:

**Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. UNH Stormwater Center review letter shall be adequately addressed by the applicant and that if there are any increases to impacts to wetlands, wetlands buffers or impervious surface, the applicant will have to return to the Conservation Commission.



## Glenwood and Central

**Property Information**

**Property ID** 37035-000000  
**Location** 824 CENTRAL AV  
**Owner** SPANG JUDITH T TRUSTEE

**MAP FOR REFERENCE ONLY  
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Parcels updated 01/11/2017  
Properties updated 02/07/2017



**CITY OF DOVER**

## DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: 2<sup>nd</sup> Floor Conference Room, City Hall, 288 Central Avenue  
Meeting Date: Wednesday, February 22, 2017  
Meeting Time: 5:30 pm

Bird explained that this item is being withdrawn because the applicant has already received the DES Wetlands Permit so it was unnecessary for the Conservation Commission to review.

- C. NHDES Wetlands Permit for Samuel and Jane Pollard (Agent: Steven Riker, Ambit Engineering), Assessor's Map 7, Lot 13C, zoned R-20, located at 33B Boston Harbor Road.

Steven Riker and Ken Anderson were present to explain the proposal to install a dock, consisting of a 4' x 30' fixed wood pier, a 3' x 20' aluminum ramp and a 6' x 20' float adjacent to the tidal Little Bay, with a permanent impact of 300 s.f.. Project also includes the replacement of an existing wood timber retaining wall, with 28 s.f. of permanent impact and 63 s.f. of temporary impact. The ramp and float are seasonal. Float stop is included to prevent float from resting on the mud at low tide. Work will be done by barge.

Hunt confirmed that the retaining wall will be constructed from the barge.

Anderson: We will use the crane but the workers will be on land. The retaining wall be pressure treated lumber.

The number of piers was discussed.

*Donovan made a motion to endorse the NHDES Wetlands Permit application, Erickson seconded. Vote: Unanimous*

- D. NHDES Wetlands Permit and City of Dover Conditional Use Permit for Okad of Dover, LLC (Agent: Richard Friberg of TEC), Assessor's Map 37, Lots 35, 36, 37 & 38, zoned B-3, located at 824-828 Central Ave. & 8 Glenwood Ave..
- E. City of Dover Conditional Use Permit for Okad of Dover, LLC (Agent: Richard Friberg of TEC, Inc.), Assessor's Map 37, Lots 35, 36, 37 & 38, zoned B-3, located at 824-828 Central Ave. & 8 Glenwood Ave.. The proposal is for a retail development with an impervious cover of 50.6%, where 20% is allowed in the Secondary Groundwater Protection Zone.

Hunt: we will hear both these application together.

Richard Friberg, Jim Mitchell and Mike Seekamp were present to explain the proposal for retail development that impacts 2,850 s.f. of wetlands & 23,650 s.f. of wetlands buffer. A wetlands replication area of 5,700 s.f. is proposed.

Friberg: UNH and the city have done a project to restore Berry Brook and we are fully aware of the sensitive nature of the property. The UNH Stormwater Center is doing a peer review of the storm water. We are proposing a 2:1 wetland replication area to mitigate the wetland impact. 1.4 acres is being proposed to be placed in a conservation easement. We plan to clean up some fragmities on the site. The setbacks requirements limit building locations. The storm water treatment proposed is much better than exists today.

Seekamp: I delineated the wetlands last spring. The wetlands has an odd shape, likely impacted by the sewer line that runs through the property. These are not high functioning wetlands.

Hunt: Explain the large green area on the plan.

Friberg: That is a 1.4 acre area proposed as a conservation easement. We are expanding an existing wetland.





**CITY OF DOVER**

## DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: 2<sup>nd</sup> Floor Conference Room, City Hall, 288 Central Avenue  
Meeting Date: Wednesday, February 22, 2017  
Meeting Time: 5:30 pm

Donovan: It looks like most the easement area is either already wetlands, has a sewer easement or is mostly undevelopable. It is not a very desirable area for natural resources.

Mitchell: It is a redundant protection.

Donovan: I like what you are doing with the storm water design and addressing our CUP criteria, but I don't see why the Conservation Commission would want the burden of the conservation easement.

Bird: I would recommend that instead of the conservation easement, which would place a long term monitoring burden on the City, you look at placing a deed restriction on that area.

Hunt: Describe the construction sequence proposed.

Friberg: The first thing would be the erosion and sedimentation control measures would be installed. We will need to file for an AOT permit from DES and prepare a SWMPP plan.

Seekamp: The wetlands created will be a brushy area that will provide good habitat.

Bird distributed a peer review letter from the UNH Stormwater Center that analyzed the drainage design, which contains a few recommendations.

Hunt: Have you seen and read the report from Dr. Houle?

Friberg: Yes we did receive the report this week and we are still analyzing the report and his recommendations. We will try to meet with him to discuss the report. At this point we don't see any major issues that we can't address.

Bird: Do you see any significant changes that would be required to the layout of parking, buildings, or any increase in wetlands impacts?

Friberg: It is still early to be sure but I can say that any changes we make will lessen the impacts. We realize that we have to address his concerns in order for us to get Planning Board approval.

Bird asked the applicants to explain how they are addressing the Groundwater Protection Ordinance requirements.

Friberg: By meeting the storm water regulations, which are very thorough, we are required to infiltrate the water into the ground, which helps with recharging the wells and meeting the intent of the ordinance and protecting groundwater.

Hunt: Where is the snow storage?

Friberg: We are using non-toxic ice treatment products to minimize impacts. There are snow storage areas on the plan.

Bird: The Planning Board held the first public hearing on this project last week and they decided they did not need to hold a site walk. So you can make a decision tonight if you have enough information.

*Donovan made a motion to endorse the NHDES Wetlands Permit application, the City of Dover CUP related to wetlands, and the City of Dover CUP related to groundwater protection with the condition that the requirements of the UNH Stormwater Center review letter be adequately addressed by the applicant and that if there are any increases to impacts to wetlands, wetlands buffers or impervious surface, the applicant will have to return to the Conservation Commission, Erickson seconded. Vote: Unanimous*



65 Glenn Street | 169 Ocean Blvd.  
Lawrence, MA 01843 | Unit 101, PO Box 249  
T: 978.794.1792 | Hampton, NH 03842  
T: 603.601.8154  
TheEngineeringCorp.com

March 7, 2017

Kirt Schuman, Chairperson  
City of Dover Planning Board  
288 Central Avenue  
Dover, NH 03820

TEC Ref: N0602

Attn: Christopher G. Parker, AICP  
Assistant City Manager: Director of Planning and Strategic Initiatives

RE: Central Avenue Redevelopment, File number P16-39  
824-828 Central and 8 Glenwood Avenue, Dover, NH  
Planning Board Submission

Dear Mr. Schuman,

TEC is pleased to update the Planning board on our progress with the Stormwater and Traffic peer reviews for the Central Avenue Redevelopment project. Since our previous Planning board hearing, we have received comment letters from the University of New Hampshire Stormwater Center (UNHSC) and Sebago Technics and have met with City Staff to review all comments. This letter outlines our action items to address all peer review comments to the satisfaction of the City and its review agents.

#### **Stormwater Review**

The City of Dover and TEC agreed to engage Dr. James Houle of the of UNHSC to perform a Stormwater Management peer review of the proposed project. On March 7<sup>th</sup>, TEC met with Dr. Houle and Tim Puls of UNHSC, as well as City of Dover Staff (Chris Parker, Dave White, Donna Benton) to thoroughly discuss each action item and agree upon a course of action for the stormwater design. TEC is actively working to address all comments made by Dr. Houle, and the agreed upon revisions will be incorporated into the design plans and drainage report prior to endorsement.

#### **Traffic Review**

The City of Dover and TEC agreed to engage Derek Caldwell, PE, of Sebago Technics, Inc. to perform a Traffic peer review of the proposed development. On March 7<sup>th</sup>, TEC met with the City of Dover staff to discuss the peer review comments regarding off-site mitigation. A site walk is scheduled on March 11<sup>th</sup> with TEC, City of Dover staff, and the Planning Board to review suggested traffic improvements. The Applicant agrees to prepare a detailed off-site traffic mitigation Plan reflective of the Site Walk and Sebago Technics review comments to be approved of the City of Dover Engineering Department.

We are excited to present the updates to the Board at the March 14<sup>th</sup> hearing.

Sincerely,  
TEC, Inc.  
"TheEngineeringCorp.com"

Richard J. Friberg Jr., PE, LEED AP  
Regional Office Manager



## *Memorandum*

**17044**

**To: Christopher G. Parker, AICP**

**Assistant City Manager, Director of Planning and Strategic Initiatives**

**City of Dover, NH**

**From: Derek Caldwell, P.E.**

**Date: March 2, 2017**

**Subject: Traffic Impact and Access Study Peer Review**

**Central Avenue Redevelopment - Dover, New Hampshire**

---

Sebago Technics has completed a Peer Review of the Traffic Impact and Access Study and Site Plan submission dated January 23, 2017 submitted by TEC, Inc. for the Central Avenue Redevelopment Project. We offer the following comments and recommendations:

1. Full signal plans should be submitted showing all proposed off-site mitigation at the Glenwood and Hannaford intersections. Currently, the submitted plans we have only include the improvements to be made on site. No modifications are shown on Central Avenue as described in the Report and it appears that these improvements include not only signal equipment modifications, but also lane improvements. It is the latter improvements that we question whether are in fact possible within the existing ROW of Central Avenue.
2. Under mitigated conditions, Central Avenue Northbound at the Hannaford/Site Drive is proposed to contain an exclusive left turn lane, however in the Synchro analysis it is shown to operate as permissive only. It is recommended that this movement be a protected only left turn, as it will be crossing two lanes of opposing thru traffic.
3. Convert the lane usage on the Glenwood Avenue approach to Central Avenue to have a shared thru/left turn in place of a thru only lane to help mitigate the queuing of this approach. This will require modifying the existing signal heads to accommodate the additional left turning movement.
4. As upgrades are proposed by the applicant to the existing pedestrian signal equipment, it is recommended that all pedestrian signal equipment and ramps to be upgraded to be ADA compliant at both the Glenwood and Hannaford intersections. This would include APS buttons and countdown heads.



5. Restrict the proposed unsignalized site drive on Central Avenue to be right-turn in only. This exit is proposed a short distance from the signalized intersection with Central Avenue and the Hannaford Drive. There is a concern for vehicles exiting the site into two lanes of uncontrolled traffic. With this comes the risk of drivers attempting to exit and then immediately move to the left-turn lane into the Hannaford Drive, which could be unsafe given the short available weaving distance.
6. The City is upgrading all its intersections to video detection using Gridsmart cameras. Since both the Glenwood and Hannaford intersections are being modified, we recommend that the proposed signal improvements include new vehicle Gridsmart detection with counting capabilities. Having the capability to extract vehicle counts from these intersections will allow us to keep this coordinated signal system optimized for benefit of both the corridor and this development.
7. The existing pedestrian phasing at both intersections is exclusive. We recommend that with the proposed signal improvements at both intersections, the pedestrian phasing be changed to concurrent for improved corridor operations.
8. The submitted analysis shows queues for the Glenwood Avenue approach left-turn lane that will on average extend beyond the proposed site entrance. This would limit the ability of vehicles travelling south on Glenwood to turn left into the site. The applicant should address this concern in further analysis.
9. The extension of the median island on Glenwood Ave calls for vertical granite curbing, it appears that the existing is sloped granite curbing.

We hope that these comments are helpful to your overall review, and we look forward to having the opportunity to review the off-site improvement plans once they are submitted.

## **Comments on Central Avenue Redevelopment Project**

**James Houle**

February 20, 2017

Christopher G. Parker, AICP  
Assistant City Manager: Director of Planning and Strategic Initiatives  
City of Dover, NH  
288 Central Avenue  
Dover, NH 03820-4169

Re: Central Avenue Redevelopment, Dover, NH. Assessors Map 37/35-38, Dover, NH.

Dear Mr. Parker:

Thank you for the opportunity to provide design review of the Central Avenue Redevelopment Project. We have completed our initial review of the above referenced project and offer the following summary.

### **Project Understanding:**

Development of a proposed mixed-use development including 19,175 SF retail, 7,000 SF Restaurant, and 2,072 SF bank on a 5.44-acre parcel of land off Central Avenue and at 8 Glenwood Avenue in Dover, NH.

### **Documents used for review**

Central Avenue Redevelopment Project, Dover NH Site Plans by TEC, Inc. and dated 1/23/2017.

Drainage Report Prepared by TEC, Inc. and dated 1/23/2017.

### **General Comments:**

In general, the design as proposed forwards numerous approaches that adequately address stormwater management on the site. The design demonstrates a thoughtful and informed approach to managing on site water resources in a manner consistent with up-to-date and defensible best practices. The treatment controls proposed, with few exceptions, are well suited to adequately manage both water quality and water quantity issues. That said, there are some legitimate concerns that should be directly addressed. First, there is significant incursion into the wetland buffers. Both discharge points with respect to the new development plans are into existing wetlands. This short-circuits naturally protective buffers and does not represent standard practice in environmental protection. In addition, there are buildings and transportation infrastructure proposed within the protective buffer that further jeopardizes water quality control.

Wetland buffers should be preserved as a protective measure. Obviously, the planning process allows for variances and exemptions for special circumstances and conditional uses; however, this is a burden of proof that falls on the developer as to the extent of these incursions.

The existing constructed wetland has a perimeter that must be conserved. The proposed plan seems to indicate incursions into this structure. It is important to note that because this is an engineered system any work in the vicinity of the system has the potential to significantly affect the operation and function of this system, therefore disturbance should be limited within the full perimeter of the system including system side slopes. It also should be noted that the existing constructed wetland is already undersized to handle the contributing draining area from the Hannaford's building and parking lot. The plan, if implemented with the suggested guidance, should achieve the related stormwater management objectives.

While the calculations for WQV are presented, there is no design information for the proposed stormwater control measures proposed.

### **Existing Conditions**

1. Existing conditions sub-watersheds appear well delineated and detailed. The two points of analysis are reasonable and adequately reflect existing conditions. The pre-development Time of Concentration ( $t_c$ ) ranges between 6.0-6.9 minutes and appears to have been calculated incorrectly. The  $t_c$  is defined as the time ( $t$ ) for water to move from the most hydraulically remote point in a watershed to a point of interest (aka point of analysis), it should be noted that the  $t_c$  is not necessarily the farthest point, which appears to have been the interpretation taken. There is a significant forested area over Windsor Loamy Fine Sand (HSG A) that when modeled correctly will increase the  $t_c$ . The most sensitive components of the  $t_c$  is the Manning's Roughness Coefficient the ground surface slope and the sheet flow length, which should be no greater than 125 to 150 ft. (100 ft. is typical). In this case the predevelopment flows were modeled with a travel length of only 50 ft. over grass with an  $n = 0.15$ . This is the most accurate predevelopment condition modeling effort. That said, a more accurate modeling of the predevelopment condition would not likely have a significant effect on the resultant stormwater design.

### **Proposed Conditions**

2. Breakdown of impervious cover (IC) percentages should be provided in a table (i.e. acreages of roads, rooftops, driveways etc.) Impervious cover (IC) is the most critical element in assessing post-construction hydrology. Excluding the wetlands, the percent impervious cover increases from 28% in the pre-development condition to 64% in the post-development condition. An updated map of the parcel vs the delineated subwatershed showing flow paths should also be provided.



3. The total amount of land disturbance will likely exceed 2.3 acres and therefore the owner and contractor will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP), file a Notice of Intent (NOI) with the EPA and prepare an Alteration of Terrain (AOT) permit with NHDES.

4. In general, no sub drainage delineations were provided (i.e. the drainage areas to each individual system or treatment train). There also were no individual system design details aside from generic system cross-sections. This may be due to the early stage of the permitting process however, without these details, appropriate sizing of each individual system cannot be determined at this point.

The following comments are related to each of the stormwater management treatment trains proposed:

#### PR-1 Treatment Train

- Pavement sweeping;
- Gravel Diaphragm;
- Sediment Forebay;
- Gravel Wetlands.

Street sweeping is an excellent pre-treatment (pollution prevention) strategy. The frequency and details regarding these activities should be provided.

The existing Subsurface Gravel Wetland System is already undersized, while it is appropriate to discharge to the facility it should not be counted on for stormwater management. Every attempt should be made on site to not unnecessarily burden this existing system. Therefore, it is recommended that the sediment forebay and gravel diaphragm be changed to a bioretention facility. This should be relatively easy provided there is sufficient separation from SHGW in this location, which there appears to be. In addition, the city prefers pretreatment in the form of hooded deep sump catchbasins, while not required on a private development site these recommended approaches should be accommodated if possible.

#### PR-2 Treatment Train

- Deep Sump & Hooded Catch Basin;
- Sediment Forebay;
- Subsurface Gravel Filter;
- Subsurface Infiltration Basin;
- Infiltration Basin.

As the Subsurface infiltration Basin and the Infiltration Basin are components of other systems they will be addressed only once as part of PR-4 Treatment Train.

Overall, this is a great approach. Again, it is recommended that the sedimentation basin be transitioned into a shallow bioretention system to take advantage of the good soils in this area of the project. The bioretention systems do not necessarily need a special planting plan; the City of Dover has had great success with bioretention systems that are simply grassed. Thus, these systems appear much like sedimentation forebays but allow for infiltration from a shallow subsurface stone reservoir ( $\geq 12''$ ) and an engineered bioretention soil mix (BSM).

The generic Subsurface Gravel Filter cross-section has perforated underdrains wrapped in geotextile. This geotextile should be eliminated as it serves no identifiable function and since the fabric is inaccessible to maintenance possess an undue clogging risk.

The outlet controls structures (OCS 12 and OCS 13) that govern hydraulic routing appears to be well designed however the sizing and routing in this system cannot be adequately inferred without system details such as subwatershed drainage area and a cross-section plan beyond something generic. Additionally, the origin and rationale of the 9 inch orifice control is a mystery. The weir appears to add system storage and infiltration capacity to the subsurface gravel filter yet the orifice size is 0.75 times the actual outlet pipe diameter. A smaller orifice control (such as 1 inch/0.08 times the outlet pipe diameter) would better meet these water quality and infiltration related goals without jeopardizing high flow conveyances.

#### PR-3 Treatment Train

- Deep Sump & Hooded Catch Basin;
- Subsurface Gravel Filter;
- Subsurface Infiltration Basin;
- Infiltration Basin.

As the Subsurface infiltration Basin and the Infiltration Basin are components of other systems they will be addressed only once as part of PR-4 Treatment Train.

Overall, this is a great approach. The generic Subsurface Gravel Filter cross-section has perforated underdrains wrapped in geotextile. This geotextile should be eliminated as it serves no identifiable function and since the fabric is inaccessible to maintenance possess an undue clogging risk. The outlet controls structure (OCS 18) that govern hydraulic routing appears to be well designed however the sizing and routing in this system cannot be adequately inferred without system details such as subwatershed drainage area and a cross-section plan beyond something generic. Additionally, the origin and rationale of the 9 inch orifice control is a mystery. The weir appears to add system storage and infiltration capacity to the subsurface gravel filter yet the orifice size is 0.75 times the actual outlet pipe diameter. A smaller orifice

control (such as 1 inch/0.08 times the outlet pipe diameter) would better meet these water quality and infiltration related goals without jeopardizing high flow conveyances.

#### PR-4 Treatment Train

- Deep Sump & Hooded Catch Basin;
- Water Quality Unit;
- Subsurface Infiltration Basin;
- Infiltration Basin.

This is a high quality approach to managing onsite stormwater quality and quantity. That said, there are no sub drainage areas or data provided such that system sizing can be verified. There are also no individual system design details aside from generic system cross-sections. It is assumed from the information provided that the subsurface infiltration basin is actually a Stormtech chamber system. More configuration and sizing details should be provided particularly with respect to the number and placement of the isolator row, which provides water quality treatment in the system. The configuration of the isolator row is important, as it is where all the operation and maintenance activities take place. Reconfiguration of the system may be necessary, as an inspection manhole should be located at the manifold that directs flow into the isolator row such that hydro jetting equipment can be inserted and operated at select maintenance intervals.

It is recommended that the infiltration basin be transitioned into a shallow bioretention system. The bioretention systems do not necessarily need a special planting plan; the City of Dover has had great success with bioretention systems that are simply grassed. Thus, these systems appear much like a typical infiltration basin but allow for infiltration from a shallow subsurface stone reservoir ( $\geq 12''$ ) and greater filtration capacity with an engineered bioretention soil mix (BSM).

#### Construction Planning

5. The erosion and sediment control plan appears adequate however, a detailed stormwater pollution prevention plan (SWPPP) will be required in compliance with EPA permitting. It is recommended that town officials or an independent contractor be hired to conduct routine inspections to verify SWPPP compliance.
6. The tracking pad may need to be more robust to limit the amount of soil tracking from construction vehicles exiting the site. This is of particular concern within the central avenue construction entrance where there is typically high volume routing daily traffic counts. It may also be necessary or advisable to require routine street sweeping/vacuuming during the construction phase.

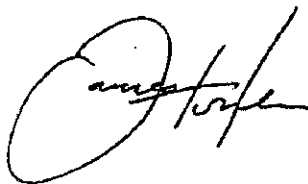
7. An updated Operation and Maintenance Plan should be submitted for the Stormwater treatment systems including inspection and maintenance frequencies, guidance and checklists. These should be provided in the submittal package, as well the entity responsible for the long-term maintenance.

Other comments:

8. There is currently no snow storage shown for the site. Snow storage locations should be shown and/or a note added to the plans that states that excess snow should be removed from the site.

If you have any questions or need additional information please feel free to contact us at 603 862 1445 or [james.houle@unh.edu](mailto:james.houle@unh.edu).

Sincerely,

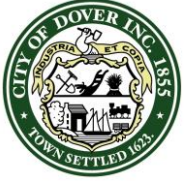
A handwritten signature in black ink, appearing to read 'James Houle', with a large, stylized initial 'J'.

James Houle, Ph.D., CPSWQ, CPESC  
Program Director  
University of New Hampshire Stormwater Center  
Department of Civil and Environmental Engineering  
35 Colovos Road  
Durham, NH 03824









**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P14-34A

Application Type: Amendment to Site Plan Review  
Applicant: Bradley Commons  
Owner: The Housing Partnership  
Location: 577 Central Avenue (Assessor's Map 27, Lots 2, 3, 4 & 15)  
Meeting Date: March 14, 2017

**INTENT:** A site plan was approved in 2014. A Condition of Approval was the signing of a Development Agreement. The Applicant wishes to amend the signed agreement.

**LOTS/UNITS PROPOSED:** N/A

**AGENDA ITEM #:** 3-D

**ACREAGE:** N/A

**ZONING DISTRICT:** Central Business District - General (CBD)

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Mixed use building with multifamily housing units, office space and retail space

**SURROUNDING LAND USE:** Commercial retail, offices, and all types of residential development

**ZBA ACTION:** None

**PERMITS REQUIRED:**

- N/A

**WAIVERS REQUESTED:**

- N/A

**ATTACHMENTS:** Signed original and signed (by applicant) revised Development Agreement

**APPLICATION IS COMPLETE:** Yes

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for the 2/28/17 meeting

### Summary of Request and Background

On September 25, 2014, the Planning Board approved a site plan for the applicant to construct a 60,918 sq. ft. building with multifamily housing units and 14,018 sq. ft. of commercial space and one 21,170 sq. ft. 2-story building with residential units.

As part of the Conditions of Approval for the Site Plan, the applicant and the City were required to enter into a Development Agreement, to be recorded, which covered the following areas:

- a. The conditions of approval.
- b. A tax guarantee for the phase II building to be located on Park Street, if said building is not completed within 5 years. The value of the guarantee shall be negotiated with the Director of Planning and Community Development.
- c. All requirements for the conditional use permits.
- d. Any traffic improvements suggested as part of the traffic analysis peer review.

This agreement was signed and recorded as required, prior to the signing of the plans for the Site Plan. The applicant is separating the buildings through a condominium. Additionally, each condominium will use a different finance corporation. As, funding of the Central Avenue building will be separate from the Park Street building, phase II, the applicant and its financial partners wish to separate the obligation of the payment in lieu of taxes (PILOT) based upon the condominiums, so that the condominium constructing and owning phase II is obligated to pay the PILOT if triggered.

The applicant's attorney and the City Attorney have drafted the language of the proposed amendment, and the applicant has signed the agreement.

### Consistency with Land Use Regulations

The Site Plan regulations allow for the approval and amendment of site plans by the Planning Board. In this case, none of the original conditions of approval, outside the Development Agreement, will be affected.

### STAFF RECOMMENDATION:

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

### Conditions to Be Met Prior to issuance of a Building Permit:

1. The owner shall acknowledge that all the original conditions of approval for the site plan continue.
2. The revised development agreement, as presented, between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

**Property Information**

**Property ID** 27003-000000  
**Location** 577 CENTRAL AV  
**Owner** HOUSING PARTNERSHIP

**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.

Parcels updated 01/11/2017  
Properties updated 03/08/2017

## **CORRECTION OF DEVELOPMENT AGREEMENT**

THIS CORRECTION OF DEVELOPMENT AGREEMENT dated as of the \_\_\_\_ day of March, 2017 (this "Agreement"), by and among THE HOUSING PARTNERSHIP: A Non-Profit Corporation, a New Hampshire non-profit corporation having a mailing address of P.O. Box 466, Portsmouth, NH 03802 (hereinafter the "Developer" or "Assignee"), The City of Dover, NY, 288 Central Avenue, Dover, NH 03820 (the "City")

WHEREAS, the Developer and the City entered into that certain Development Agreement executed September 27, 2016 recorded on October 17, 2016 in Book 4424, Page 0607 in the real estate records of Stafford County, NH (the "Development Agreement"), pursuant to which the Developer and the City agreed to certain provisions related to improvement of the property located at 577 Central Avenue (also having frontage on Park Street), Dover, NH (the "Property"), all as more particularly described in the Development Agreement;

WHEREAS, the Developer's Site Plan for the development of the improvements on the Property was approved by the City of Dover Planning Board;

WHEREAS, the Developer has subjected the Property to a land condominium regime resulting in the Property being treated as two legally separate land condominium units pursuant to Declaration of Bradley Commons Master Condominium dated December \_\_\_\_, 2016 and recorded in the Strafford County Registry of Deeds at Book \_\_\_\_, Page \_\_\_\_;

WHEREAS, The condominium units are known as Unit A and Unit Band are shown on the Condominium Site Plan recorded in the Strafford County Registry of Deeds as Plan # \_\_\_\_; in general terms, Unit A will be located on Central Avenue and Unit B will be located on Park Street;

WHEREAS, the Condominium Declaration provides that Unit A may be further condominiumized;

WHEREAS, the parties hereto now desire to correct certain terms of the Development Agreement as described herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged hereby, the parties mutually agree as follows:

1. Capitalized terms used but not defined herein shall have the meanings given to them in the Development Agreement.
2. Paragraph 5, is amended to read as follows:



“5. Prior to the issuance of a certificate of occupancy for either the mixed use building to be constructed along Central Avenue or the residential structure to be built along Park Street, the Developer shall provide a Letter of Credit or other form of security acceptable to the City, for:

- (a) any unfinished work required by the approved Site Plan for the building for which a certificate of occupancy is sought; and
- (b) determining the feasibility of and striping of a left turn pocket southbound on Central Avenue if monitoring by the City for one year indicates a need. This subparagraph (b) shall only apply to the mixed use building to be constructed along Central Avenue.”

3. For purposes of clarifying the interpretation of Paragraph 9, the parties understand and agree that the obligations under the Development Agreement, as corrected hereby, shall be secured solely by and be enforceable against Unit B and the owner thereof, and that in no event shall the terms of Paragraphs 9 of the Development Agreement be binding upon or enforceable against the Unit A, any improvements on Unit A, or any owner of Unit A, or any subcondominium unit created out of Unit A.

4. In executing this instrument, the undersigned authorized representative of the City consents to the terms of this Agreement and certifies that this Agreement is consistent with the authorizations and approvals received by the Developer from the Dover Planning Board.

5. This Agreement shall be governed by the laws of the State of New Hampshire.

6. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original copy and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.

7. Except as otherwise provided in this Agreement, the Development Agreement remains in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed under seal as of the date first written above.

**DEVELOPER:**

THE HOUSING PARTNERSHIP: A NON-PROFIT CORPORATION

By:   
Martin Chapman, Executive Director

THE CITY OF DOVER, NH

\_\_\_\_\_  
Kirt Schuman  
Chair, Dover Planning Board

[NOTARY ACKNOWLEDGEMENTS ON FOLLOWING PAGE]

STATE OF NEW HAMPSHIRE

COUNTY OF Rockingham

The foregoing instrument was acknowledged before me on March 8, 2017,  
by Martin Chapman, duly authorized representative of The Housing Partnership: A Non-Profit  
Corporation and THP Dover Commons, Inc., the General Partner of Bradley Commons Limited  
Partnership.

(Seal)

Renee Woodard  
Notary Public/Justice of the Peace

My Commission Expires: 5/4/21

RENEE E. WOODARD, Notary Public  
State of New Hampshire  
My Commission Expires May 4, 2021

STATE OF NEW HAMPSHIRE

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2017,  
by Kirt Schuman, an authorized representative of the City of Dover, New Hampshire Planning  
Board.

(Seal)

\_\_\_\_\_  
Notary Public/Justice of the Peace

My Commission Expires: \_\_\_\_\_

## DEVELOPMENT AGREEMENT

This Development Agreement is made by and between **The Housing Partnership: A Non-Profit Corporation**, a New Hampshire non-profit corporation having a mailing address of P. O. Box 466, Portsmouth, NH 03802 (hereinafter the "**Developer**"), and **The City of Dover, NH**, 288 Central Avenue, Dover, NH 03820 (hereinafter the "**City**").

### Explanatory Statement

The Developer is the owner of property located at 577 Central Avenue (also having frontage on Park Street), Dover, NH, shown on Dover Assessor's Map 27 as Lots 2, 3, 4 and 15 (the "**Property**"). See Warranty Deed from The Roman Catholic Bishop of Manchester, a corporation sole, to The Housing Partnership: A Non-Profit Corporation, dated =====, 2016, recorded in the Strafford County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_. The Developer is the holder of Site Plan Approval and three Conditional Use Permits granted to The Housing Partnership by the Dover Planning Board by four separate Notices of Decision, each dated September 29, 2014, in the following cases:

- Case #P14-34 (Site Plan Approval)
- Case #P14-32 (Conditional Use Permit for relief from zone CBD-General building coverage and side property line setback requirements)
- Case #P14-33 (Conditional Use Permit for relief from zone CBD-General on-site parking requirements)
- Case #P14-51 (Conditional Use Permit for relief from zone CBD-General prohibition of residential use on first floor)

The approvals granted by the Dover Planning Board authorize mixed-use redevelopment of the Property with the construction of two buildings, one on Central Avenue and one on Park Street, and related site improvements, all as shown on the approved Site Plans. The approvals require that certain conditions be memorialized by this Development Agreement to be recorded at the Strafford County Registry of Deeds as required by Dover Code Section 170-20-B(3) and 170-44(I)(3).



**NOW, THEREFORE**, intending to be legally bound, the parties agree as follows:

1. This agreement shall be recorded contemporaneous with the Developer's acceptance and recording of a deed to and for the Property from the Roman Catholic Bishop of Manchester - a corporation sole, dated -----, 2016, recorded at Strafford County Registry of Deeds in Book -----, Page -----.

2. Along with the recording of Developer's deed and this Development Agreement, Developer shall also record at the Strafford County Registry of Deeds a Notice of Merger of those parcels shown on Dover Assessor's Map 27 as Lots 2, 3, 4 and 15 with the intent and for the purpose of those parcels (the Property) being merged as one lot as required by the Planning Board's Site Plan Approval.

3. Any construction relating to improvements authorized by the approved plans shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m., and Saturday, 8:00 a.m. to 5:00 p.m., with no Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.

4. Prior to the issuance of any building permit for construction:

- (a) Developer shall pay required Impact Fees, with credit given for existing building;
- (b) Developer shall pay current water/sewer investment fees in place at the time of application for water/sewer service.

5. Prior to the issuance of a certificate of occupancy, the Developer shall provide a Letter of Credit or other form of security acceptable to the City for:

- (a) any unfinished work required by the approved Site Plan; and
- (b) determining the feasibility of and striping of a left turn pocket southbound on Central Avenue if monitoring by the City for one year indicates a need.

6. The mixed use building to be constructed along Central Avenue shall not have residential uses on the first floor. First floor residential uses shall be allowed in the residential structure to be built along Park Street.

7. Notwithstanding zone CBD-General parking requirements, the Planning Board authorizes redevelopment of the Property with the number and configuration of parking spaces as shown on the approved Site Plan, provided, however, that none of the vehicles used for the businesses occupying the non-residential portion of the building on Central Avenue will park in the on-site parking lot overnight.

8. Developer shall use snow storage areas shown on Site Plan for winter snow storage. Snow storage that encroaches into aisles and access ways shall be removed from the site. Developer shall be responsible for having "snow removal from site" contingency plans in place to be implemented as needed due to severity of winter storms/snow accumulation.

9. If construction of the multi-unit residential structure to be built on Park Street has not commenced by March 31, 2020, or if commenced, remains incomplete, meaning certificates of occupancy for all units have not been issued by April 1, 2020, the owner of the Property shall make a "Tax Guaranty Payment" to the City of Dover, together with its payment of *ad valorem* taxes attributable to the land, buildings and improvements for all of the Property, commencing with the tax bills due and collected by the City in December, 2020 and June, 2021, based on the Property's April 1, 2020 assessment.

(a) If, as of the April 1, 2020 assessment date, the multi-unit residential structure to be built on Park Street has not been started, then the Tax Guaranty Payment shall be in an amount equal to what would have been the increase in real estate taxes assessed against the Property as if its *ad valorem* tax assessment included a multi-unit residential structure on Park Street having an equalized assessed value no less than \$100,000.00 Dollars per unit of the multi-unit residential structure

(b) If, as of the April 1, 2020 assessment date, the multi-unit residential structure to be built on Park Street has been started but has not been completed (completion meaning certificates of occupancy for all units have been issued), the Tax Guaranty Payment shall be equal to the Tax Guaranty Payment determined under paragraph (a) above, less the actual amount of *ad valorem* taxes attributable to the partially completed Park Street structure assessment as of April 1, 2020.

(c) If the multi-unit residential structure to be built on Park Street remains uncompleted (completion meaning certificates of occupancy for all units have been issued), as of any April 1 assessment date(s) subsequent to April 1, 2020, the Tax Guaranty Payment to be paid with the December, then June tax bills following said April 1 assessment date shall be equal to the Tax Guaranty Payment determined under paragraph (a) above, less the actual amount of *ad valorem* taxes attributable to the partially completed Park Street structure assessment as of said April 1.

(d) Once the multi-unit residential structure has been completed on Park Street (completion meaning certificates of occupancy for all units have been issued), the Developer's obligation to make Tax Guaranty Payments together with tax bill payments shall terminate for any tax bills based upon an April 1 assessment including the completed Park Street structure.

10. The Developer's obligations hereunder shall be binding upon Developer's successors in interest to the Property, unless or to the extent modified by Planning Board Approval, confirmed by subsequent development agreement(s) recorded at the Strafford County Registry of Deeds.

IN WITNESS WHEREOF, the parties have signed this agreement this 27 day of September, 2016.

THE HOUSING PARTNERSHIP:  
A NON-PROFIT CORPORATION

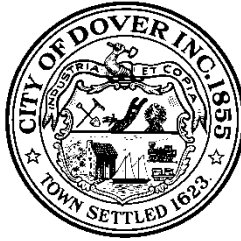
Z. Z. Hing  
Witness

By M. Chapman  
Martin Chapman, Executive Director

THE CITY OF DOVER, NH  
By Its Planning Board

Ronna Britton  
Witness

By Franklin S. Torr  
Franklin Torr, Chair



## **PLANNING BOARD OPERATING RULES**

Proposed Revision Created March 8, 2017

### **Article I. Name**

The name of the committee is the Dover Planning Board.

### **Article II. Authority and Duties**

The authority and duties of the Planning Board shall comply with RSA 672-677 and Chapter 41.

### **Article III. Membership**

#### **A. Membership.**

1. The Planning Board consists of nine (9) regular members and three (3) alternate members.
2. Three (3) regular members are ex-officio members. The ex-officio members are the City Manager or the City Manager's designee, an administrative official of the City selected by the City Manager, and a member of the City Council selected by the City Council.
3. Alternates may sit to fill the open seats of regular members at the call of the Chair or Presiding Officer, except for the seat held by the City Council member. Alternates shall be called to sit using a sequential rotation system.
4. Alternate members shall be allowed to participate in meetings as non-voting members, including discussions.
5. Only voting members shall be seated at the table.
6. Members shall be appointed to terms of three (3) years.

- B. Attendance, Vacancies and Removal.** All appointments to the board shall serve for the terms appointed and until a successor shall have been appointed and qualified. Members who fail to attend four (4) meetings out of any twelve (12) consecutive meetings held without due cause may be recommended by the Board for replacement by the City Council. Such failure to attend shall be deemed sufficient cause for the City Council to remove the member pursuant to RSA 673:13. Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute.

### **Article IV. Officers and Staffing**

- A. Officers.** The officers of the Board shall consist of a Chair and Vice Chair who shall be elected by all Members of the Board. Ex-officio members shall not be officers.
- B. Duties of the Chair.** The Chair shall be the Presiding Officer responsible for the conduct of all matters pertaining to the usual duties as described in Robert's Rules of Order.



- C. **Vice Chair.** The Vice Chair during the absence of the Chair shall perform all the duties of the Chair. In the absence of both Chair and Vice Chair, the members present at a regular or special meeting shall select a temporary Chair to fulfill all of the duties of the Presiding Officer.
- D. **Secretary.** The Secretary shall be provided by and selected by the Planning Director.
- E. **Staff.** The City of Dover may provide staff support to the committee for meeting notification, typing, copying, and information gathering to the extent permitted by the city budget. All staff shall remain under the direction of the employer.

#### **Article V. Election of Officers.**

- 1. An annual meeting to elect officers by written ballot shall be held on the first meeting of January.
- 2. Candidates for any office shall be elected by a majority vote of the membership of the Planning Board. The elected candidates shall take office immediately.
- 3. Vacancies in offices shall be filled at the next regular meeting using the regular election procedure.

#### **Article VI. Procedures**

- A. **Regular Meetings and Workshops.** The Planning Board shall meet on the second and fourth Tuesday of each month at 7:00 p.m. in the City Council Chambers.
- B. **Special Meetings.** Special Meetings may be called by the Chair, Vice Chair or Planning Director. Members shall be notified by e-mail at least forty-eight (48) hours in advance of a Special Meeting.
- C. **Cancellations or Exceptions to Meeting Schedule.** Members shall be notified by the Chair, Vice Chair or Planning Director by e-mail at least four (4) hours in advance or by telephone if less than four (4) hours in the event of a cancellation or change to the meeting schedule.
- D. **Non-Public Sessions.** Non-public sessions shall be convened in accordance with RSA 91-A:3.
- E. **Parliamentary Authority.** The parliamentary authority for the board is *Robert's Rules of Order Revised, 11<sup>th</sup> ed. ,or duly published successor edition*, except as provided by these rules or local, state or federal law.
- F. **Quorum.** A quorum shall consist of five (5) members. In the absence of a quorum at a regular or properly called meeting, the meeting shall be considered adjourned and rescheduled by the Chair or Presiding Officer.
- G. **Order of Business.** Business at regular or special meetings shall be taken up in the sequence of the posted agenda. The Presiding Officer, or any voting member, may request that an agenda item be reordered. The voting members shall by majority vote approve or reject any such request.
- H. **Conflicts of Interest.** Planning Board Members with a direct personal or pecuniary interest in a matter before the Planning Board, shall not introduce, speak or vote on any motion, ordinance or resolution. The Chair shall fill the open seat of a member who has declared a conflict of interest with an alternate member except the seat held by the City Councilor ex-officio member.
- I. **Procedure.** Actions shall be taken on the basis of a motion duly seconded made by any member of the Board. The number of votes necessary to transact business shall be a majority of those members present and voting except that no issue is to be considered passed that receives less than three (3) affirmative votes. Any member may request recording of his vote in the negative or abstention on any issue or his withdrawal from consideration on any issue with the reason stated

therefore, and at the request of any member, the Chair shall call for a recorded roll call vote on any issue.

- J. **Minutes.** Minutes shall be kept for all meetings of the board. The minutes shall include the names of the members in attendance, all actions, motions and resolutions coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the committee at the next meeting of the committee, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.
- K. **Recording of Meetings.** The committee shall arrange for video recording of all meetings. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.
- L. **E-mail accounts.** Board members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. Committee members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the committee. In addition, committee members shall refrain from conducting the official business of the committee outside the view of the public and the press unless permitted by state law.
- M. **Nonpublic meetings.** The committee may conduct nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by General Legal Counsel for nonpublic meetings.

~~N. **Amendment of Rules.** These rules may be repealed or amended by a vote of the Dover City Council based upon the recommendation of the committee.~~

## Article VII. Committees

Special purpose and study committees as the Planning Board may from time to time deem necessary in order to conduct its business, shall be appointed by the Chair and any such committees shall cease to exist when their final report is acted upon by the Planning Board or at the next annual organizational meeting, whichever is sooner.

## Article VIII. Citizen Forum

- ~~A. To encourage and allow ongoing input and feedback from citizens, Regular meetings shall include an opportunity for citizens to address the Planning Board on any items not having a public hearing and/or matters pertaining to the business of the Planning Board on the agenda.~~
  - ~~i. Speakers shall be residents of the City of Dover, property owners in the City of Dover, and/or designated representatives of recognized civic organizations or businesses located in the City of Dover or by a interested party if allowed by a two-thirds (2/3) vote of the sitting Board;~~
  - ~~ii. Speakers shall address their comments to the Chair or Presiding Officer and the Planning Board as a body and not to any individual member;~~
  - ~~iii. Speakers shall first recite their name and address for the record;~~
  - ~~iv. Each speaker shall be provided a single opportunity for comment, limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of name and address by the speaker. The Chair (or designee) will keep time;~~
  - ~~v. Speakers requiring more than the allotted time are encouraged to submit their comments in writing to the Chair or Presiding Officer at the conclusion of their remarks to be available for review at the Planning Office;~~
  - ~~vi. Citizen Forum shall not be a two-way dialogue between speaker(s), Planning Board member(s), and/or City Staff;~~

- vii. The Chair or Presiding Officer shall preserve strict order and decorum for and by all speakers appearing before the Board.

## **Article ~~IX~~<sup>VIII</sup>. Public Hearings**

- A. To receive citizen input and feedback on certain specific matters that have been placed on the meeting agenda for consideration and action by the Planning Board, Public Hearing will be schedule and held as required by law. Public Hearings will be noticed and held during a subsequent Regular and/or Special Meeting. At the request of the Chair or Presiding Officer, items scheduled on an agenda for a public hearing will be briefly introduced with appropriate explanations by staff. Citizens will then have the opportunity to address the Board speaking to specific item(s) subject to public hearing.
- i. All speakers shall be residents of the City of Dover, property owners in the City of Dover, and/or designated representatives of recognized civic organizations or businesses located in the City of Dover or by a interested party if allowed by a two-thirds (2/3) vote of the sitting Board;
- ii. All speakers shall address their comments to the Chair or Presiding Officer and the Board as a body and not to any individual member;
- iii. Speakers shall first recite their name and address for the record;
- iv. For each public hearing item, a speaker shall be provided a single opportunity for comment, limited to five (5) minutes. The Chair (or designee) will keep time;
- v. Speakers requiring more than the allotted time are encouraged to submit their comments in writing to the Chair or Presiding Officer at the conclusion of their remarks to be available for review at the Planning office;
- vi. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Board Member(s), and/or City Staff;
- vii. The Chair or Presiding Officer shall preserve strict order and decorum for and by all speakers appearing before the Board;
- viii. Any correspondence received by the Chair and/or members of the Planning Board pertaining to a public hearing agenda item may be acknowledged at the time of the public hearing and be available for review at the Planning office;
- ix. The Chair or Presiding Officer shall declare a hearing closed or adjourned pending the submission of additional material or information or the correction of the noted deficiencies. In the case of a continuation, additional notice is not required if the date, time and place of the continuation is made known at adjournment.

- ~~A. The Chair or the Presiding Officer shall call the hearing into session and identify the name and address of the Applicant or Speaker.~~
- ~~B. During the presentation, members of the Planning Board may ask questions of the Applicant or Speaker when recognized by the Chair or Presiding Officer.~~
- ~~C. An Applicant or Speaker wishing to ask a question of another party must first be recognized by the Chair or Presiding Officer.~~

- ~~D. An Applicant, abutter or any other person with a direct interest in the subject matter under discussion, may testify in person or in writing. All other interested persons may testify as permitted by the Chair or Presiding Officer.~~
- ~~E. Each person who speaks shall be required to state their name and address and to identify themselves as a party to the matter at hand, or an agent or counsel to the Applicant or Abutter.~~
- ~~F. Other interested parties such as representatives of City Departments, Boards or Commissions shall be allowed to present their comments in person or in writing.~~
- ~~G. The Chair or Presiding Officer shall declare a hearing closed or adjourned pending the submission of additional material or information or the correction of the noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at adjournment.~~

#### **Article IX. Decisions**

- A. The Planning Board shall render a written decision within sixty-five (65) days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.
- B. The Planning Board shall act to approve, conditionally approve, or disapprove.
- C. Notice of decision will be made available for public inspection at the Planning Department within five (5) business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Planning Board shall provide the applicant with written reason for this disapproval.

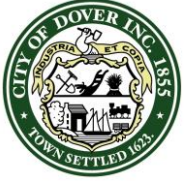
#### **Article XI. Reconsideration**

- A. The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period. Upon successful passage of the motion, the Planning Board shall schedule a public hearing, with notice as provided in RSA 676:4, I(d), where they shall consider whether or not to revise or alter their original decision. Should the Planning Board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15.

#### **Article XII. Amendments**

- A. The Dover Planning Board may suspend any of these rules by a two-thirds (2/3) majority of voting members present.
- B. These rules may be amended at any regular or special meeting by a two-thirds (2/3) vote of the entire membership of the Planning Board, including alternates. Amendments presented at any regular or special meeting may not be voted upon until the next regular meeting.





**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P17-14

Application Type: Conditional Use Permit  
Applicant(s): City of Dover  
Owner(s): City of Dover  
Location: Spruce Lane  
Meeting Date: March 14, 2017

**INTENT:** To obtain a Conditional Use Permit for widening a road, improving drainage, and repairing/replacing culverts.

**LOTS/UNITS PROPOSED:** N/A

**AGENDA ITEM:** # 4-A

**ACREAGE:** N/A

**ZONING DISTRICT:** R-40 and R-12

**EXISTING LAND USE:** N/A

**PROPOSED LAND USE:** N/A

**SURROUNDING LAND USE:** Residential

**ZBA ACTION:** N/A

**ATTACHMENTS:**

- Conditional Use Permit Application and plans

**APPLICATION IS COMPLETE:** Yes

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for this meeting

**PERMITS REQUIRED:**

- City of Dover Conditional Use Permit
- NHDES Wetlands Permit
- NHDES AoT Permit

**WAIVERS REQUESTED:** None

**Summary of Request and Background**

The applicant is requesting a Conditional Use Permit for road widening, drainage improvements, and repairing/replacing four culverts on Spruce Lane.

The Conservation Commission is reviewing this application at their March 13 meeting so staff will have those results for the Planning Board meeting.

RSA 674:54 provides for the Planning Board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. This is a City project on a parcel owned by the City of Dover.

**Consistency with Land Use Regulations**

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

The Conservation District ordinance provides for Conditional Use Permits to allow structures, dredging, filling, draining, or otherwise altering the surface configuration of land in the Conservation District 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 accept the application, open the public hearing, and vote to approve the Conditional Use Permit with the following nonbinding condition:

**Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Minimal Impact Expedited Permit.



**City of Dover, New Hampshire**  
**CONDITIONAL USE PERMIT APPLICATION**

RECEIVED  
[Revision Date: May 16, 2013]  
Planning Office

|                 |                          |                                   |
|-----------------|--------------------------|-----------------------------------|
| Office Use Only | Project #: <u>P17-14</u> | Date Received: <u>FEB 15 2017</u> |
|                 | Amount Paid: <u>N/A</u>  | Time Received: _____              |

Dover, New Hampshire

**APPLICANT AND OWNER INFORMATION**

Name of Applicant: City of Dover Telephone # 603-516-6450

Address of Applicant: 288 Central Ave, Dover, NH 03820

E-Mail Address: G.Young@dover.nh.gov

Name of Property Owner (if different from applicant): City of Dover Telephone # \_\_\_\_\_

Address of Property Owner: \_\_\_\_\_

**PROPERTY INFORMATION**

Assessor's Map # NA Lot(s) # \_\_\_\_\_

Zoning District(s) R-12 & R-40 Overlay District(s) Conservation & Wetland Protection

Existing Use of Property: City Road Spruce Lane

**CONDITIONAL USE PERMIT INFORMATION**

**Type of Conditional Use Permit (Check All That Apply):**

- |                                                                 |                                                         |                                            |
|-----------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------|
| <input checked="" type="checkbox"/> Conservation District       | <input type="checkbox"/> RCM Use Overlay District       | <input type="checkbox"/> I-1 District Uses |
| <input type="checkbox"/> Groundwater Protection                 | <input type="checkbox"/> Off-Street Parking and Loading |                                            |
| <input checked="" type="checkbox"/> Wetland Protection District | <input type="checkbox"/> Wetland Protection             |                                            |

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

Road Widening, Drainage Improvements, and Culvert Repair/Replacement

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: NHDES Wetland Permit, minimum impact expedited review - Pending

NHDES Alteration of Terrain Permit -Pending

Name of Professional That Prepared Plans: N/A

Address \_\_\_\_\_ Telephone #: \_\_\_\_\_

Professional License #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

**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: N/A - City Road Date: \_\_\_\_\_Signature of Applicant (if different from owner): [Signature] Date: 2/6/17

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**AUTHORIZATION TO ENTER SUBJECT PROPERTY**

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: N/A - City Road Date: \_\_\_\_\_

DOUGLAS W. STEELE II  
Deputy City Manager  
Community Services  
d.steele@dover.nh.gov



288 Central Avenue  
Dover, New Hampshire 03820-4169  
(603) 516-6450  
Fax: (603) 516-6463  
www.dover.nh.gov

*City of Dover, New Hampshire*  
COMMUNITY SERVICES DEPARTMENT

RECEIVED  
Planning Office

FEB 15 2017

Dover, New Hampshire

February 14, 2017

To: Steve Bird, City Planner

RE: Spruce Lane Roadway Reconstruction and Drainage Project

Dear Steve:

As part of the City's ongoing roadway maintenance program, the Community Services Department intends to reclaim and repave Spruce Lane during the upcoming construction season. The proposed work also includes the enhancement of the drainage network in the roadway. The purpose of the drainage work is to replace existing failing culverts, and strategically place new drainage structures to allow for the potential of a future sidewalk improvement project along the northern side of Spruce Lane. Note that there are no current plans to move forward with sidewalk construction in this area.

Wetlands flank both sides of Spruce Lane and the proposed project will result in some minor impacts to the wetlands that come particularly close to the roadway. The city is applying for a NHDES Wetlands Permit Application minimum expedited review, and is looking for the endorsement of the Conservation Commission. We will also be seeking a Conditional Use Permit from the Planning Board for the work within the Conservation District and the Wetland District.

Enclosed please find nine (9) copies of the following information:

- Wetland Permit Application
- City Tax Map showing project area
- USGS Map
- Project plans (11 x 17)
- Photographs
- Natural Heritage Bureau (NHB) letter

Sincerely,

Gretchen Young, PE  
Assistant City Engineer



DOUGLAS W. STEELE II  
Deputy City Manager  
Community Services  
d.steele@dover.nh.gov



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## City of Dover, New Hampshire

COMMUNITY SERVICES DEPARTMENT

February 14, 2017

To: Donna Benton, Asst. City Planner

RE: Spruce Lane Roadway Reconstruction and Drainage Project

RECEIVED  
Planning Office

FEB 15 2017

Dover, New Hampshire

Dear Donna:

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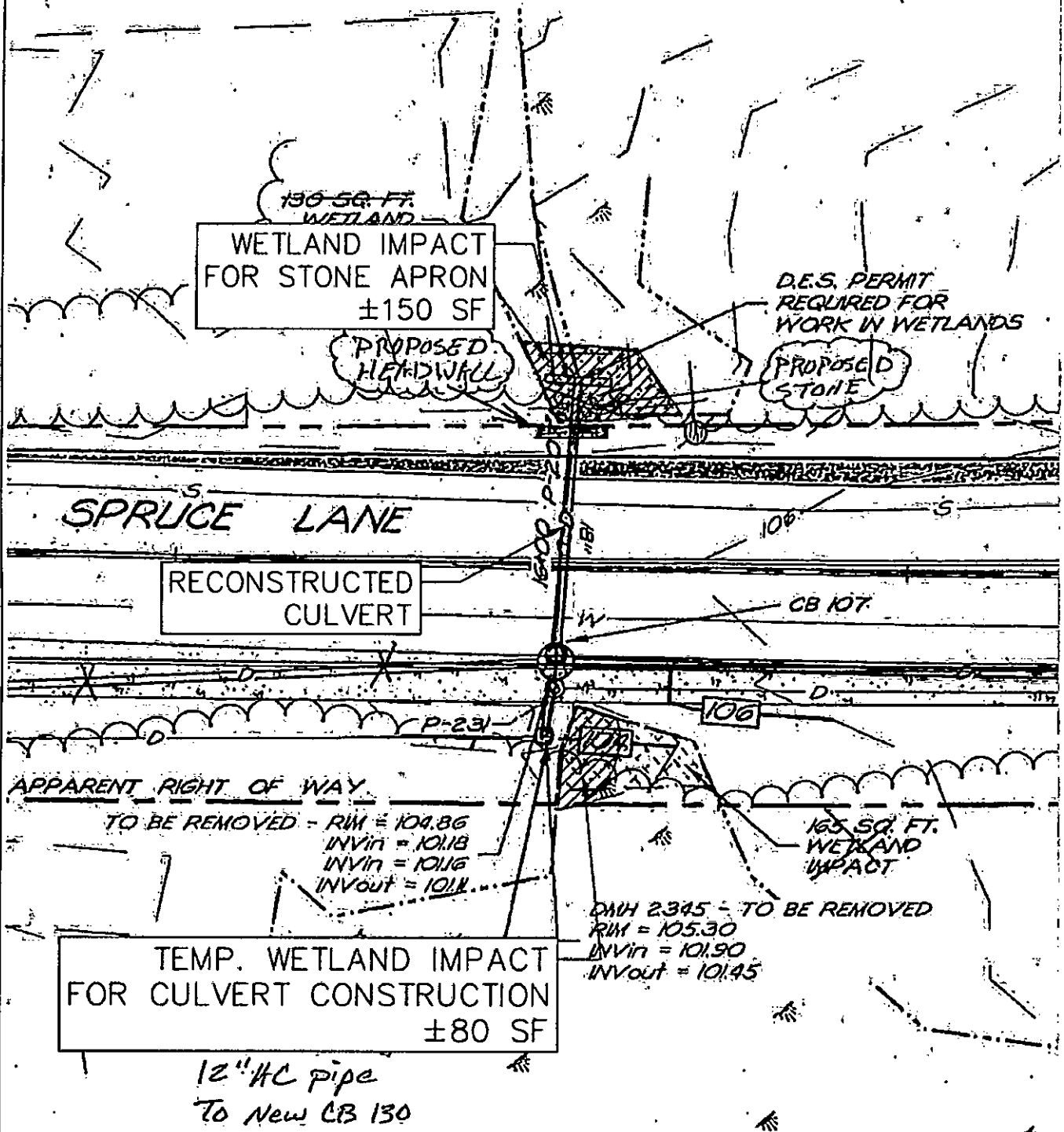
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Sincerely,

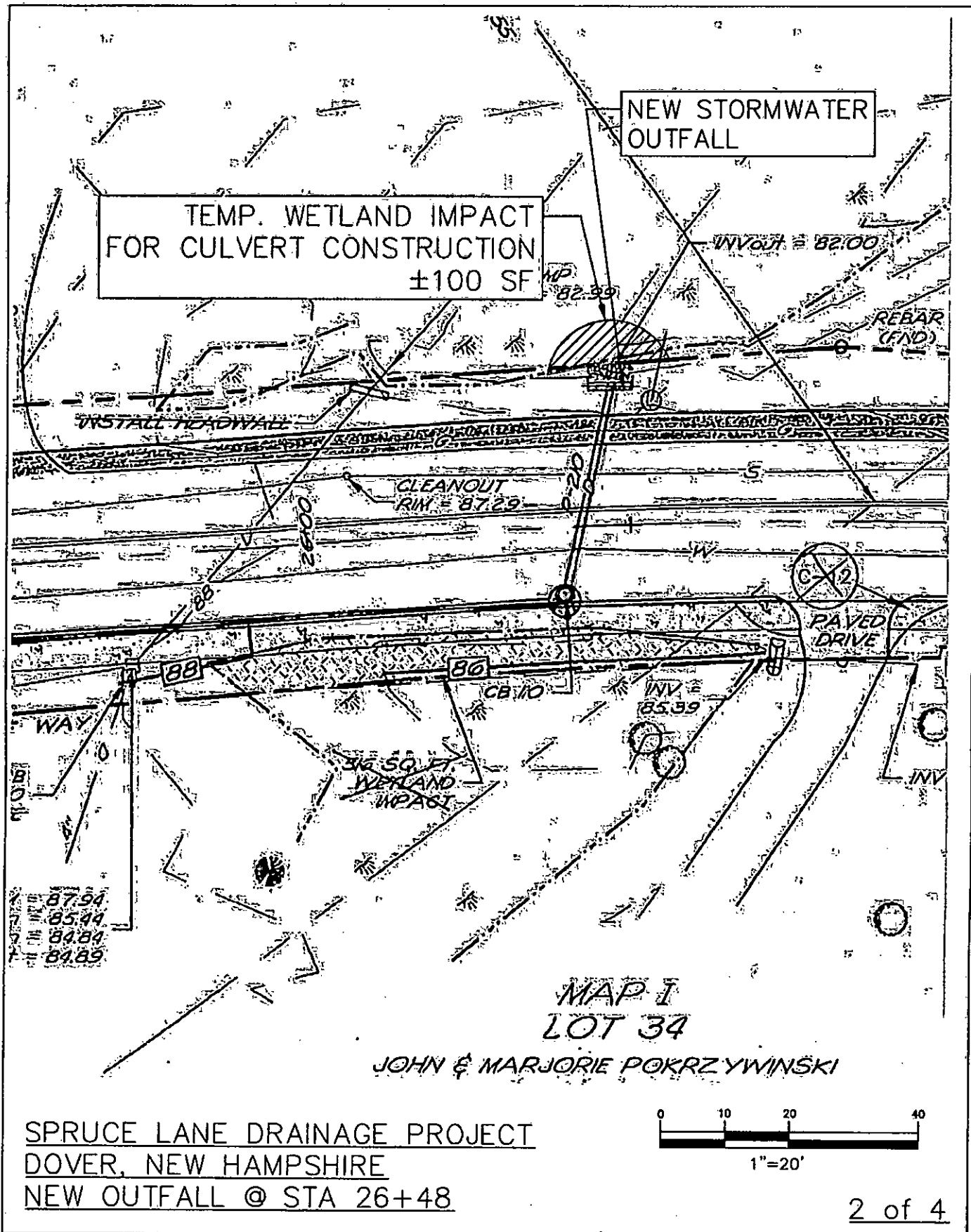
Gretchen Young, PE  
Assistant City Engineer

# R7-14 Spruce Lane

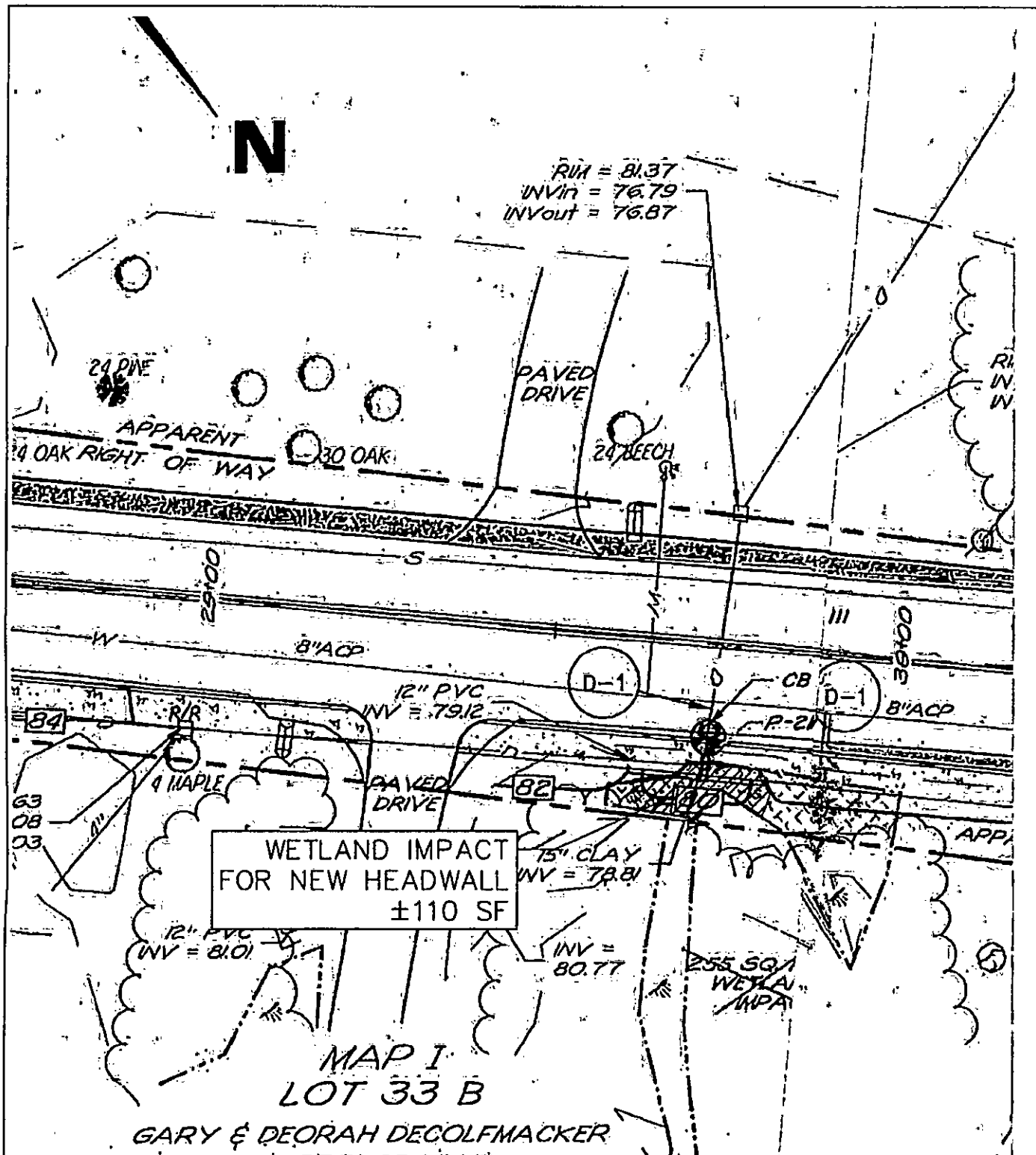
| Owner 1                         | Owner 2                            | Owner Address 1   | City    | State | Zip       |
|---------------------------------|------------------------------------|-------------------|---------|-------|-----------|
| COLPRIT STEPHEN W & PHEBE C TRI | COLPRIT STEPHEN W AND PHEBE C REV  | 33 MESERVE RD     | DOVER   | NH    | 03820     |
| STEPHENS JOYCE                  | STEPHENS JAY E                     | 33 SPRUCE LANE    | DOVER   | NH    | 03820     |
| THOMAS MARK A                   |                                    | 1 SPRUCE DR       | DOVER   | NH    | 03820     |
| SHORTILL RITA B,                |                                    | 5 SPRUCE DRIVE    | DOVER   | NH    | 03820     |
| WESTGATE MICHAEL E              |                                    | 2 SPRUCE DRIVE    | DOVER   | NH    | 03820     |
| NOWAK SPENCER D                 |                                    | 3 SPRUCE DR       | DOVER   | NH    | 03820     |
| LANDRY DAVID P &                | LANDRY LAURIE R                    | SPRUCE LN         | DOVER   | NH    | 03820     |
| GAGNE JOSEPH E &                | GAGNE JODIE A                      | 29 SPRUCE LN      | DOVER   | NH    | 03820     |
| LAAKSO ERIK W                   |                                    | 27 SPRUCE LANE    | DOVER   | NH    | 03820     |
| BARRY BRIAN E                   |                                    | 21 SPRUCE LANE    | DOVER   | NH    | 03820     |
| LACASSE CHRSTOPHER M            |                                    | 12 TREEHOUSE WAY  | BARRING | NH    | 03825-747 |
| WOODWARD EVELYN                 |                                    | 7 SPRUCE LANE     | DOVER   | NH    | 03820     |
| CUSSINS FAMILY REVOCABLE TRUST  | CUSSINS ROGER L AND MARIANNE J TRI | 269 LONG PONS RD  | NORTHW  | NH    | 03261     |
| NASON PETER A &                 | NASON LORI A                       | 2 SPRUCE LANE     | DOVER   | NH    | 03820     |
| MARSHALL JENNIE A &             | LOUCKS FREDERICK S                 | 140 SILVER STREET | DOVER   | NH    | 03820-395 |
| DECOLFMACKER DEBORAH A          | DECOLFMACKER GARY J                | 10 SPRUCE LANE    | DOVER   | NH    | 03820     |
| CARUSO JOHN A JR &              | CARUSO MERCEDES R                  | 2 TANGLEWOOD DR   | DOVER   | NH    | 03820-454 |
| POKRZYWINSKI MARJORIE A &       | POKRZYWINSKI JOHN M                | 28 SPRUCE LANE    | DOVER   | NH    | 03820     |
| JOHNS ELLEN R                   |                                    | 30 SPRUCE LN      | DOVER   | NH    | 03820     |
| SCHMIDT VAL EUGENE &            | SNEARY ALICE R                     | 49 DANIELLE LANE  | DOVER   | NH    | 03820     |
| BRENNAN MATTHEW B &             | MILES KATHRYN A                    | 36 SPRUCE LN      | DOVER   | NH    | 03820     |
| SHERMAN ZDZISLAWA               | SHERMAN ERNEST J                   | 6 PARTRIDGE LANE  | DOVER   | NH    | 03820     |
| PINKHAM RYAN B &                | PINKHAM ABIGAIL L                  | 4 PARTRIDGE LN    | DOVER   | NH    | 03820     |
| SEMERTGAKIS RICHARD E &         | SEMERTGAKIS KELLY A                | 2 PARTRIDGE LN    | DOVER   | NH    | 03820     |



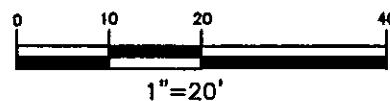
SPRUCE LANE DRAINAGE PROJECT  
DOVER, NEW HAMPSHIRE  
RECONSTRUCTED CULVERT @ STA 16+00

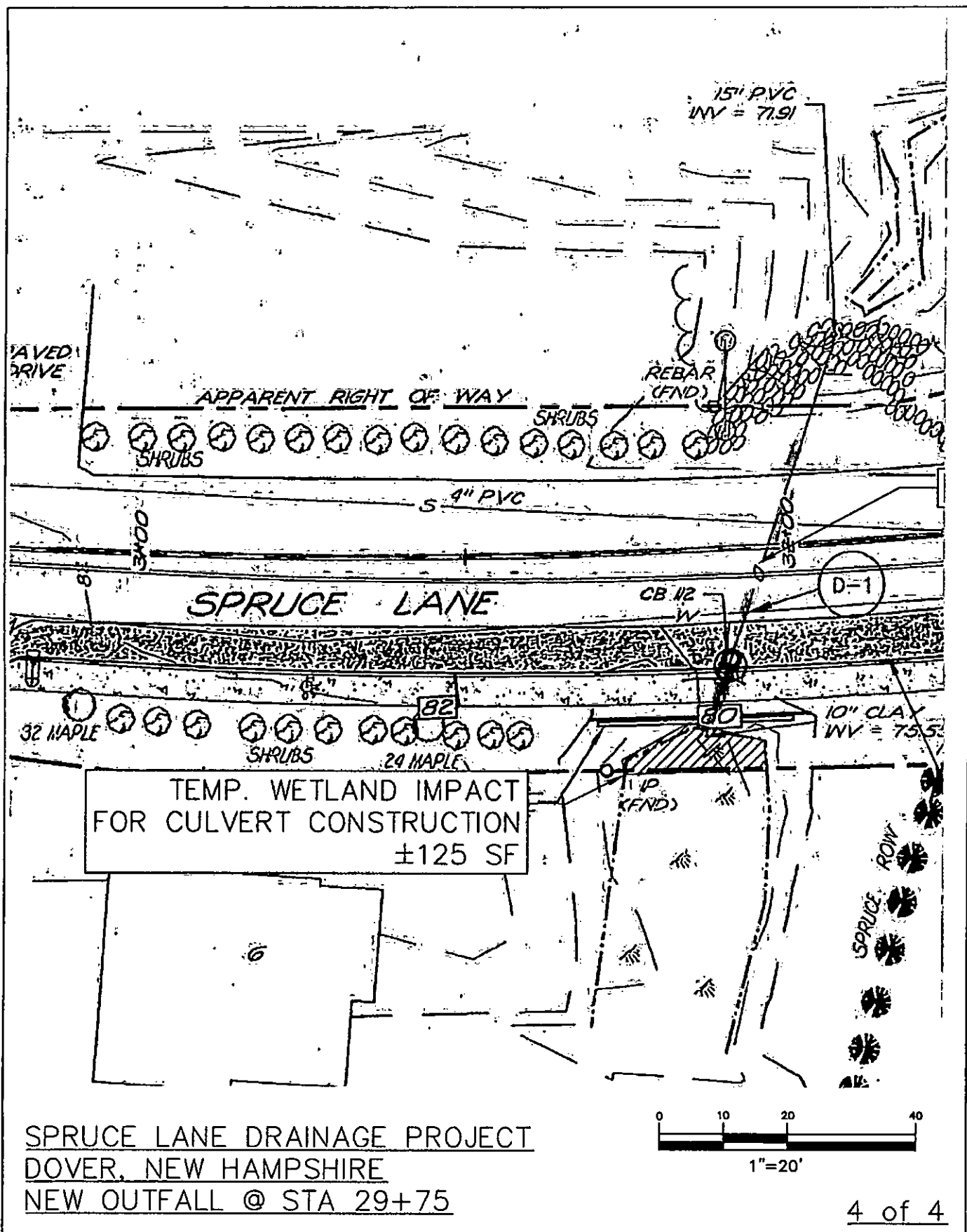


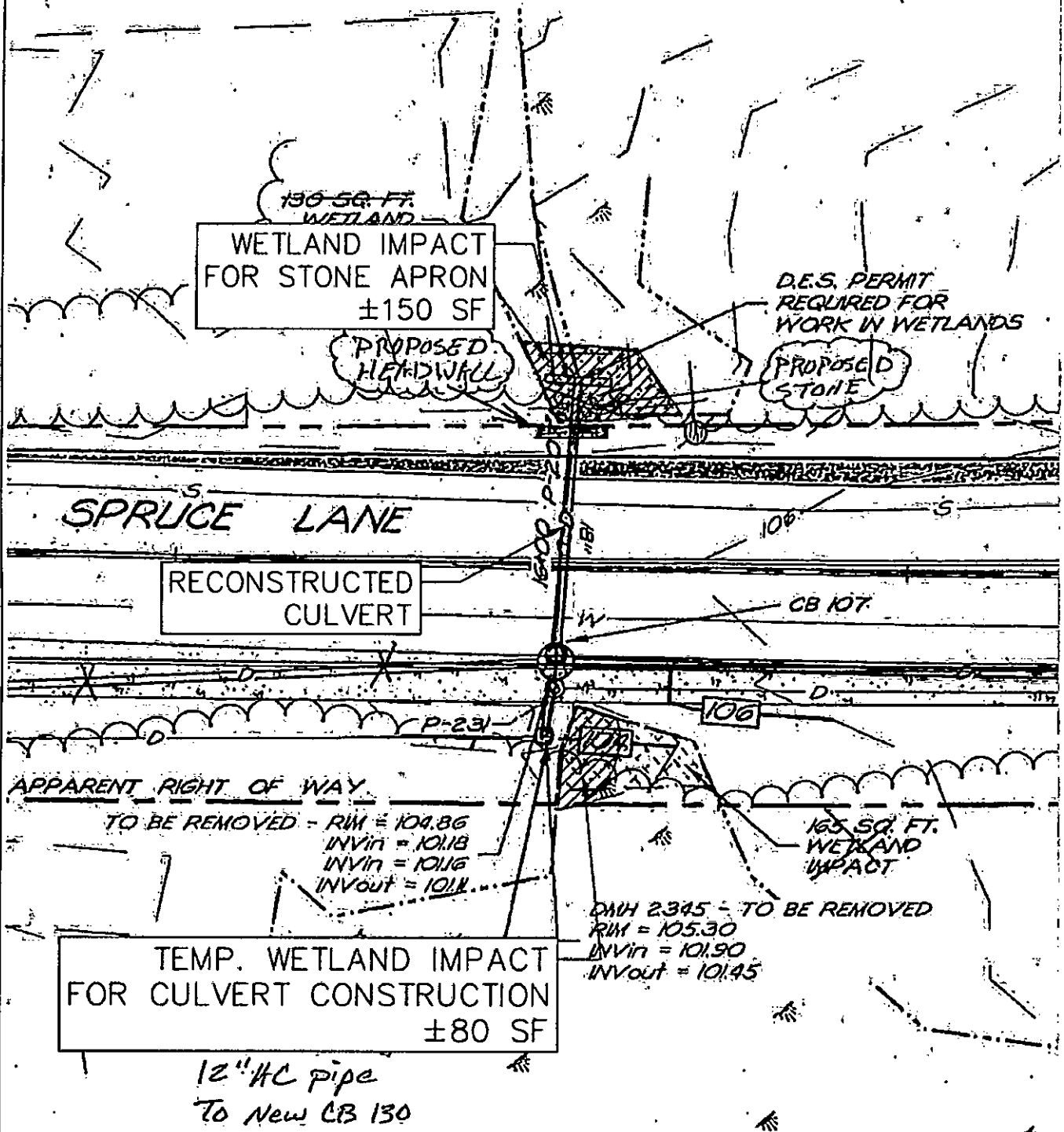




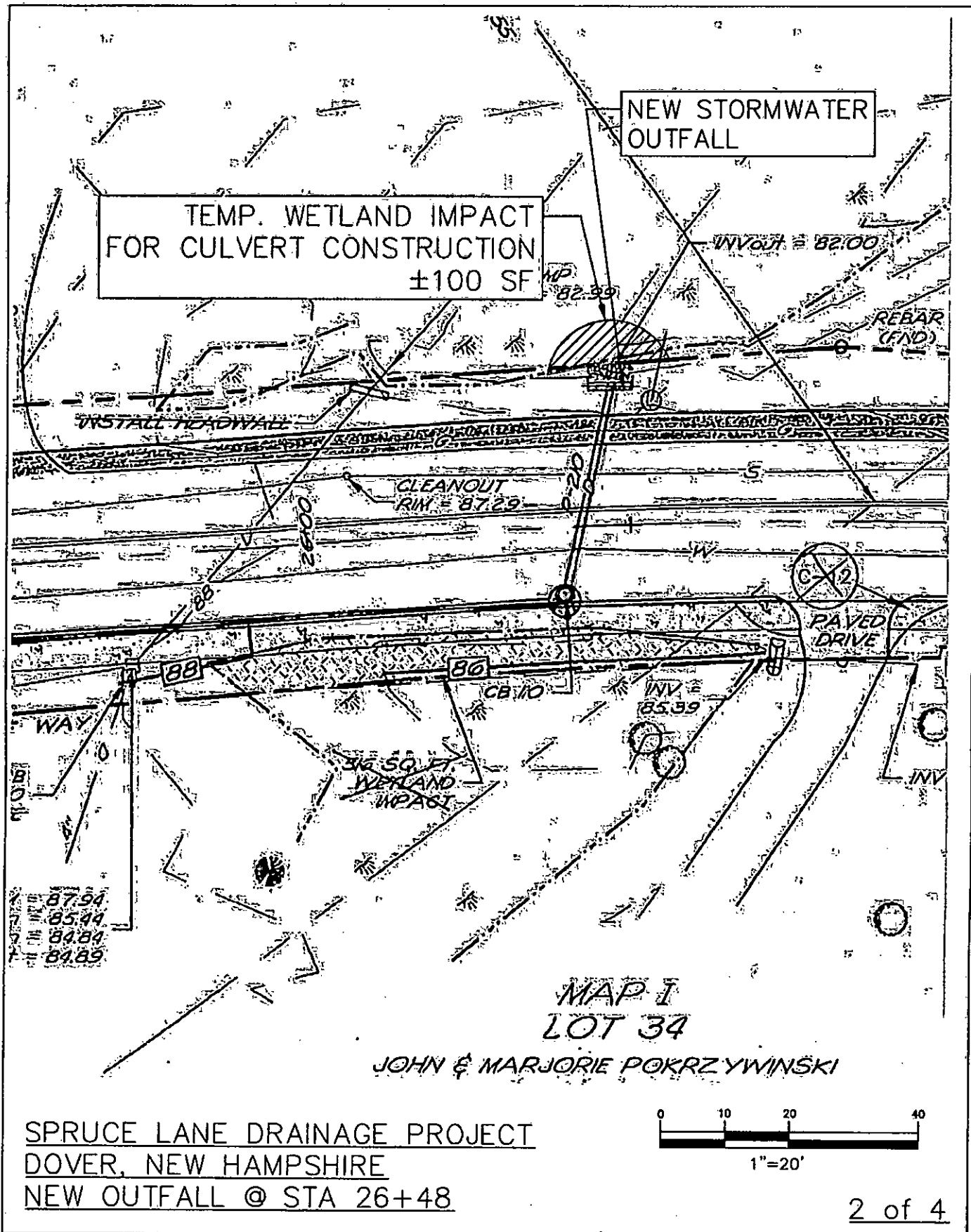
SPRUCE LANE DRAINAGE PROJECT  
 DOVER, NEW HAMPSHIRE  
 NEW OUTFALL @ STA 29+75



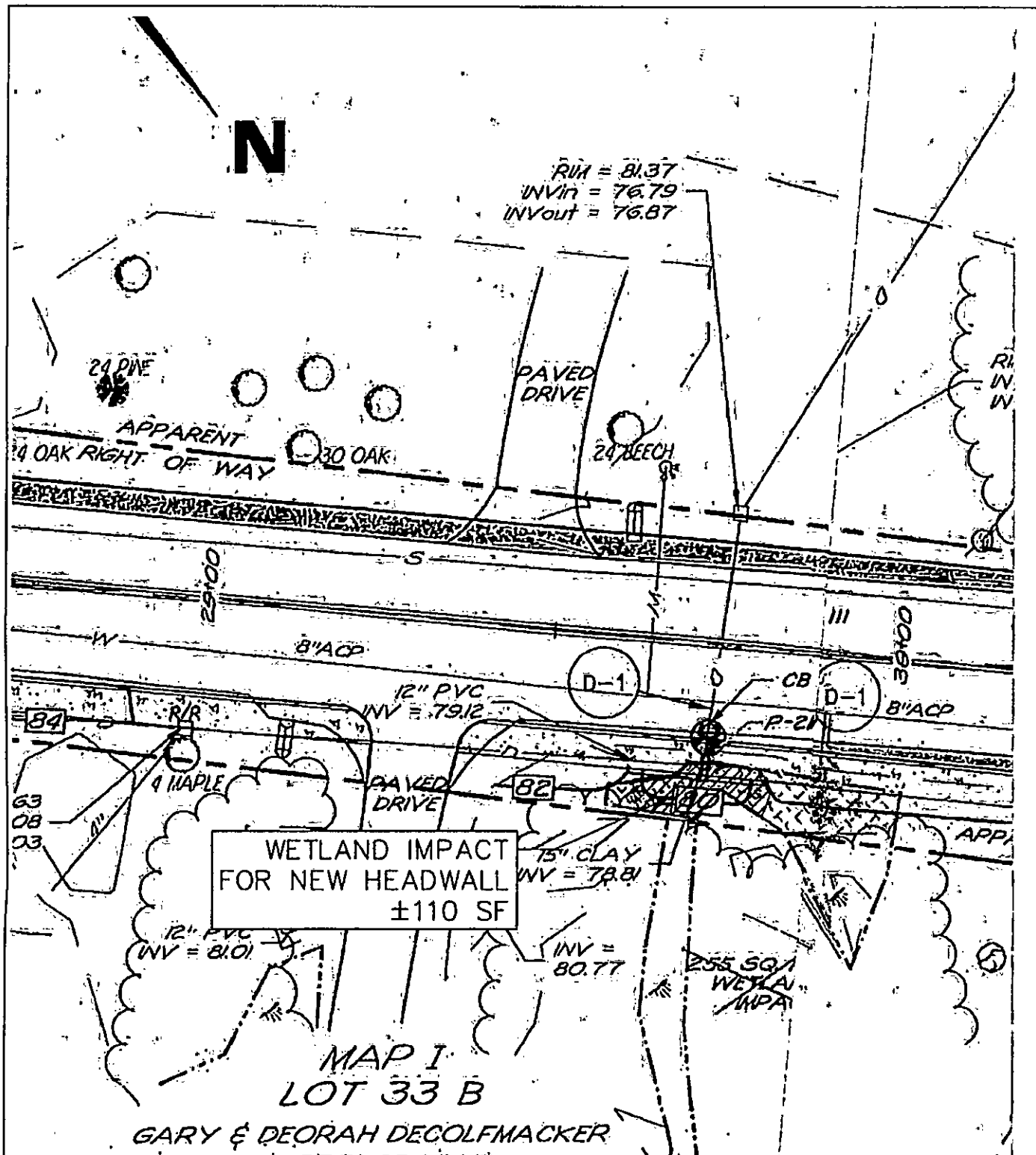




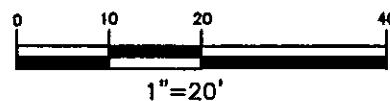
SPRUCE LANE DRAINAGE PROJECT  
DOVER, NEW HAMPSHIRE  
RECONSTRUCTED CULVERT @ STA 16+00

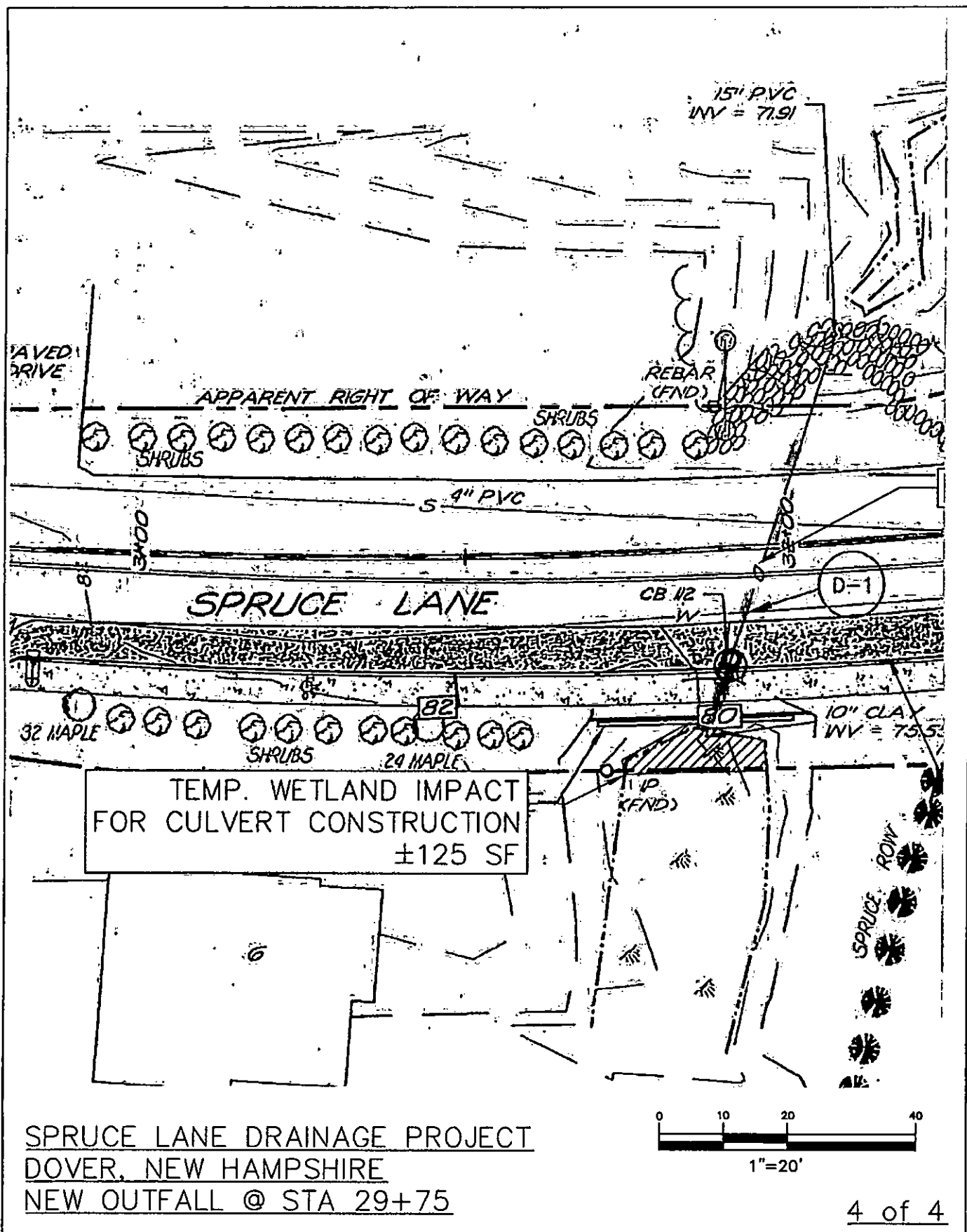




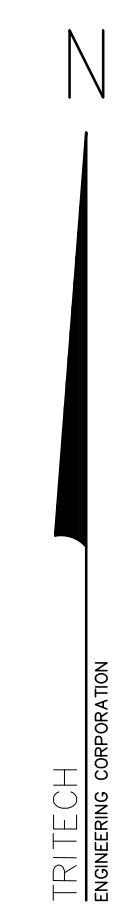
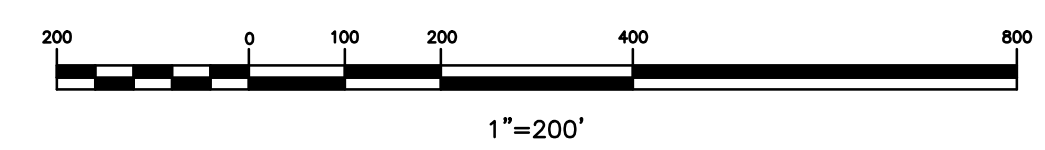
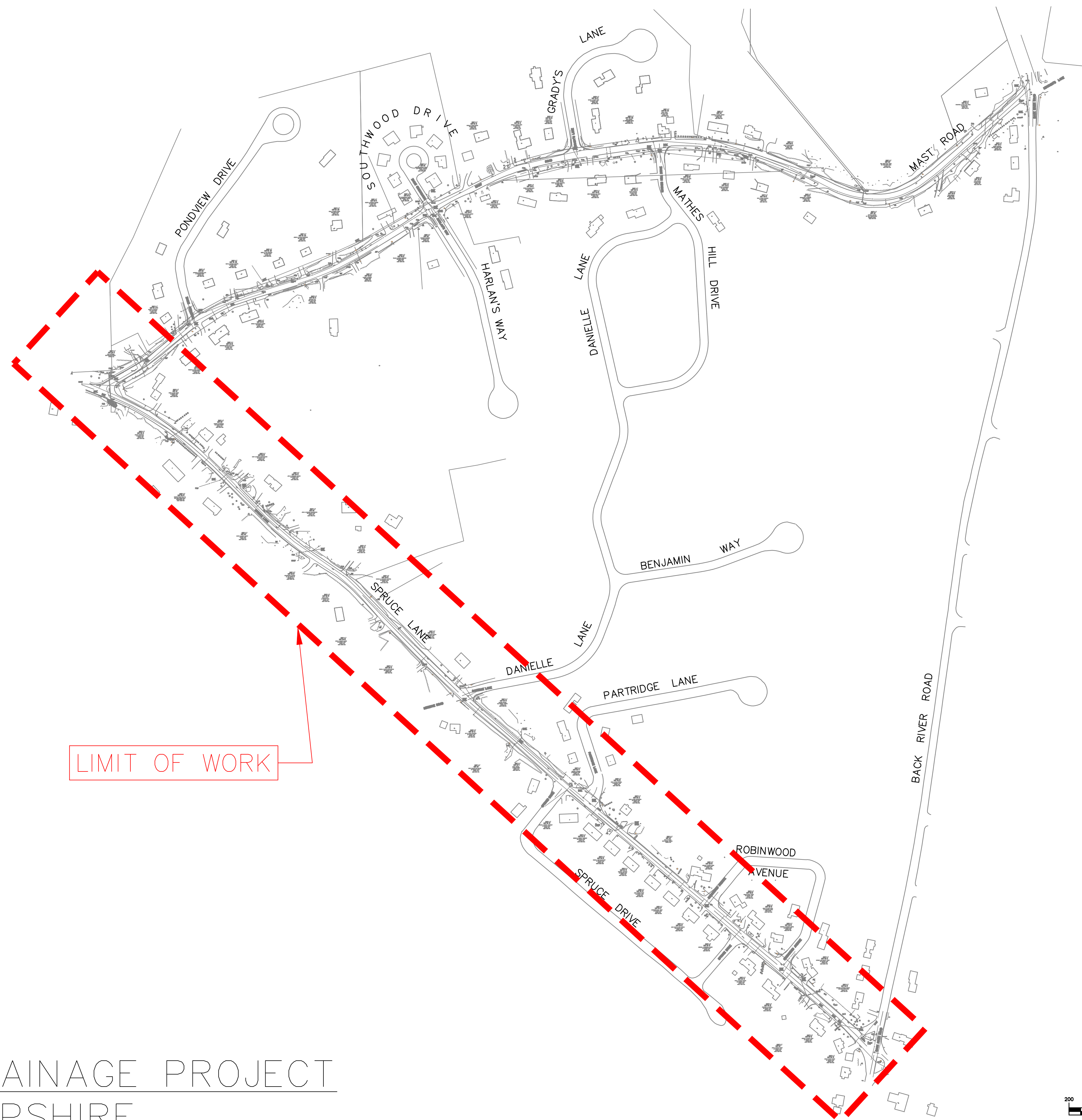


SPRUCE LANE DRAINAGE PROJECT  
DOVER, NEW HAMPSHIRE  
NEW OUTFALL @ STA 29+75

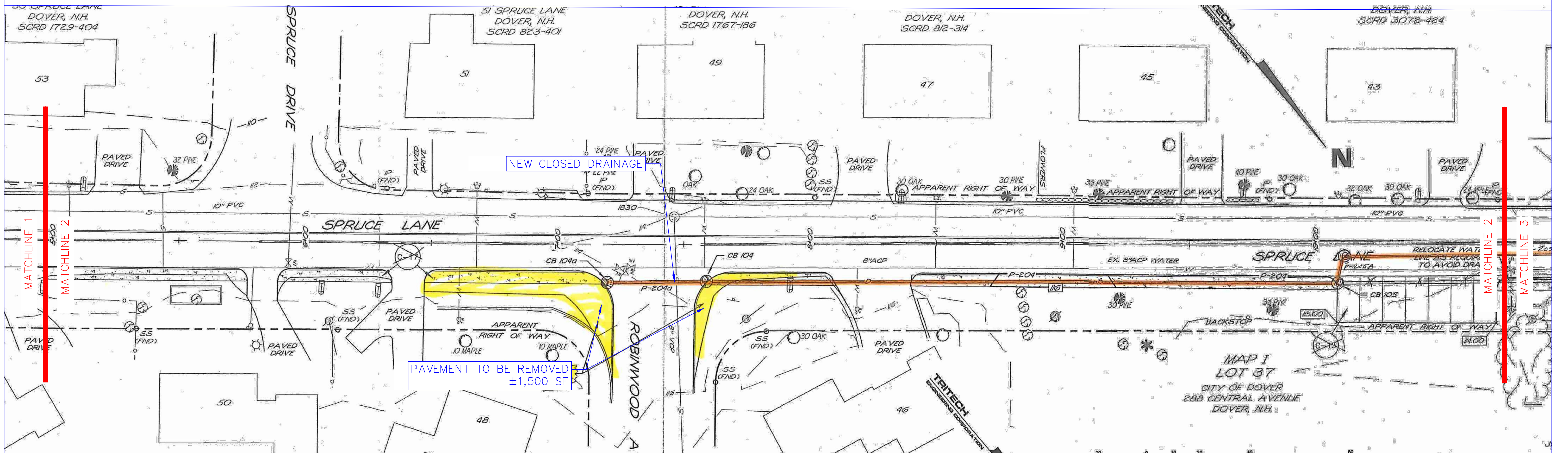
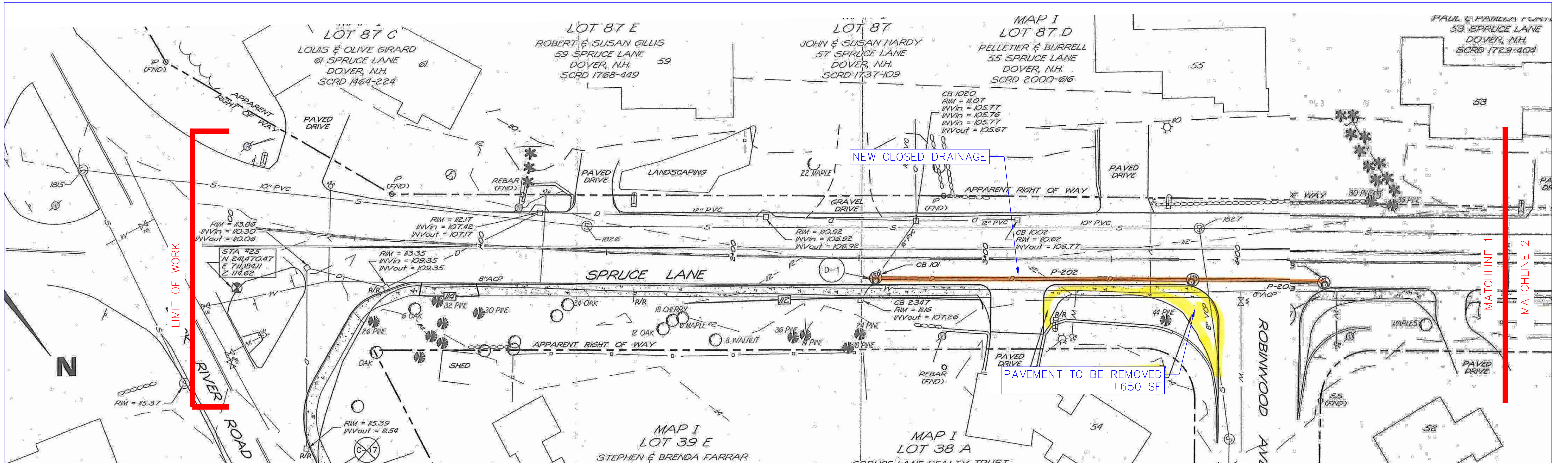




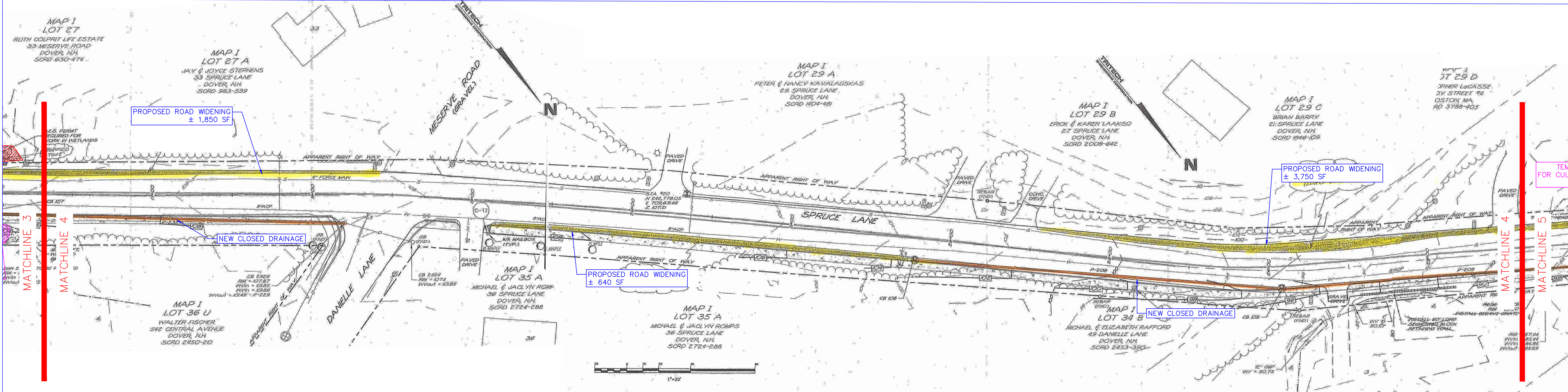
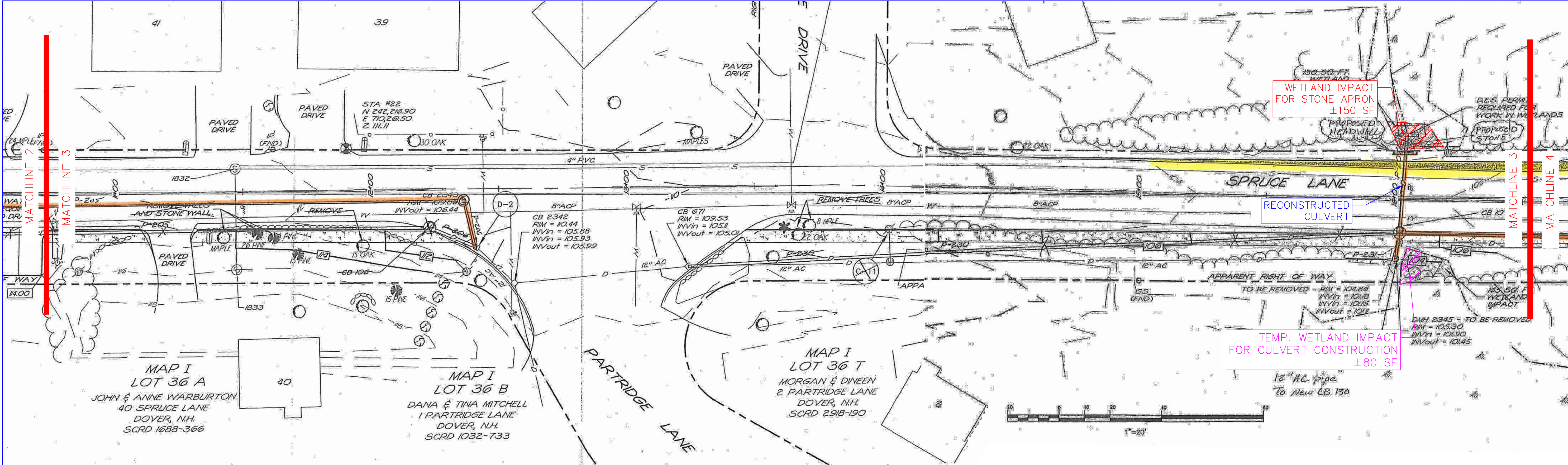
SPRUCE LANE DRAINAGE PROJECT  
DOVER, NEW HAMPSHIRE







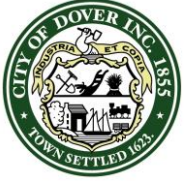












**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P17-15

Application Type: Conditional Use Permit  
Applicant(s): City of Dover  
Owner(s): Seames Trefethen  
Location: 58 Cataract Avenue (Assessor's Map H, Lot 14A)  
Meeting Date: March 14, 2017

**INTENT:** To obtain a Conditional Use Permit for installing a bioretention stormwater system adjacent to Bellamy Road and restore the stream

**LOTS/UNITS PROPOSED:** N/A

**AGENDA ITEM:** # 4-B

**ACREAGE:** N/A

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** N/A

**PROPOSED LAND USE:** N/A

**SURROUNDING LAND USE:** Residential and Recreational

**ZBA ACTION:** N/A

**ATTACHMENTS:**

- Conditional Use Permit Application and plans

**APPLICATION IS COMPLETE:** Yes

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for this meeting

**PERMITS REQUIRED:**

- City of Dover Conditional Use Permit
- NHDES Wetlands Permit
- NHDES Shoreland Protection Permit

**WAIVERS REQUESTED:** None

**Summary of Request and Background**

The applicant is requesting a Conditional Use Permit to install a bioretention stormwater system adjacent to Bellamy Road and to restore the unnamed ephemeral stream.

The Conservation Commission is reviewing this application at their March 13 meeting so staff will have those results for the Planning Board meeting.

RSA 674:54 provides for the Planning Board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. This is a City project on a parcel owned by Seames Trefethen.

**Consistency with Land Use Regulations**

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

The Conservation District ordinance provides for Conditional Use Permits to allow structures, dredging, filling, draining, or otherwise altering the surface configuration of land in the Conservation District 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 accept the application, open the public hearing, and vote to approve the Conditional Use Permit with the following nonbinding condition:

**Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Minimal Impact Expedited Permit.

**Property Information**

**Property ID** H0014-A00000  
**Location** 58 CATARACT AV  
**Owner** TREFETHEN SEAMES



**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.

Parcels updated 01/11/2017  
Properties updated 03/08/2017





# City of Dover, New Hampshire

## CONDITIONAL USE PERMIT APPLICATION

[Revision Date: May 16, 2013]

|                 |              |               |                |                                           |
|-----------------|--------------|---------------|----------------|-------------------------------------------|
| Office Use Only | Project #:   | <u>X17-15</u> | Date Received: | <u>RECEIVED</u><br><u>Planning Office</u> |
|                 | Amount Paid: | <u>N/A</u>    | Time Received: | <u>FEB 15 2017</u>                        |

### APPLICANT AND OWNER INFORMATION

Dover, New Hampshire

Name of Applicant: City of Dover Telephone # 603-516-6450

Address of Applicant: 288 Central Ave, Dover, NH 03820

E-Mail Address: G.Young@doover.nh.gov

Name of Property Owner (if different from applicant): Seames Trefethen Telephone #

Address of Property Owner: 58 Cataract Ave, Dover, NH, 03820

### PROPERTY INFORMATION

Assessor's Map # H Lot(s) # 14A

Zoning District(s) R-12 Overlay District(s) Conservation & Wetland Protection

Existing Use of Property: Single Family Home

### CONDITIONAL USE PERMIT INFORMATION

#### Type of Conditional Use Permit (Check All That Apply):

- |                                                                 |                                                         |                                            |
|-----------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------|
| <input checked="" type="checkbox"/> Conservation District       | <input type="checkbox"/> RCM Use Overlay District       | <input type="checkbox"/> I-1 District Uses |
| <input type="checkbox"/> Groundwater Protection                 | <input type="checkbox"/> Off-Street Parking and Loading |                                            |
| <input checked="" type="checkbox"/> Wetland Protection District | <input type="checkbox"/> Wetland Protection             |                                            |

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

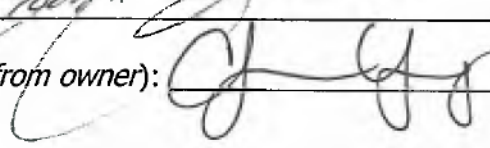
\*See Attached

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: NHDES Wetland Permit, minimum impact expedited review - Pending

NHDES Shoreland Permit -Pending

Name of Professional That Prepared Plans: Streamworks, PLLCAddress 4 Evans Road, Madbury NH 03823 Telephone #: 767-4975Professional License #: 05783 E-mail address: streamworkspllc@gmail.com**SIGNATURES**

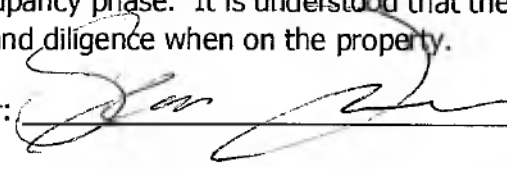
I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized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

Signature of Property Owner:  Date: 2/7/017Signature of Applicant (if different from owner):  Date: 2/3/17

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**AUTHORIZATION TO ENTER SUBJECT PROPERTY**

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  Date: 2/7/017



## Project Description:

At the site, a 150 foot culvert drains an unnamed ephemeral stream from town property at the upstream end, under Bellamy Road (where it changes from a concrete to a metal pipe), then underground through homeowner property before emptying into the Bellamy River. The culvert at the downstream end is hanging approximately 4 feet above the bank at the Bellamy River, and is eroding through the bottom causing the sediment below it to wash out, and the culvert to become unstable. Recently, the end section of the pipe broke off, and was carried downstream 60 feet. If allowed to continue, additional erosion would occur, and loss to old vegetation and homeowner property would eventually occur. At the upstream end of the culvert, to river left, stormwater flows from a small, highly impervious watershed, and ponds beside Bellamy Road at a gravel access road into Bellamy Park. The ponded water causes standing water in the road, is a concentrated source of sediment, and is not treated before flowing into the Bellamy River. This project proposes to remedy the existing culvert problems as well as treat the stormwater and manage it more properly. A bioretention stormwater system will be installed adjacent to Bellamy Road (to the north of the road and to the east of the intermittent stream) to handle, treat, and direct flows more properly from the existing ponding area back into the intermittent stream at the upstream end of the road. At the downstream end, where the culvert is failing, the project proposes to daylight the system, remove and plug the existing culvert, and construct a new section of stream using natural channel design methods that will be designed to accommodate aquatic organism passage as well as peak flows in a healthy, natural manner.

DOUGLAS W. STEELE II  
Deputy City Manager  
Community Services  
d.steele@dover.nh.gov



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## City of Dover, New Hampshire

COMMUNITY SERVICES DEPARTMENT

February 4, 2017

RECEIVED  
Planning Office

FEB 15 2017

Dover, New Hampshire

To: Steve Bird, City Planner

RE: Bellamy Rd Stream Restoration & Stormwater Treatment Project

Dear Steve:

The City of Dover currently owns and maintains a 150 foot culvert which conveys an unnamed ephemeral stream from town property at the upstream end, under Bellamy Road (where it changes from a concrete to a metal pipe), then underground through homeowner property before emptying into the Bellamy River. The culvert at the downstream end is hanging approximately 4 feet above the bank at the Bellamy River, and is eroding through the bottom causing the sediment below it to wash out, and the culvert to become unstable. Recently, the end section of the pipe broke off, and was carried downstream 60 feet. If allowed to continue, additional erosion would occur, and loss to old vegetation and homeowner property would eventually occur. At the upstream end of the culvert, to river left, stormwater flows from a small, highly impervious watershed, and ponds beside Bellamy Road at a gravel access road into Bellamy Park. The ponded water causes standing water in the road, is a concentrated source of sediment, and is not treated before flowing into the Bellamy River. This project proposes to remedy the existing culvert problems as well as treat the stormwater and manage it more properly. A bioretention stormwater system will be installed adjacent to Bellamy Road (to the north of the road and to the east of the intermittent stream) to handle, treat, and direct flows more properly from the existing ponding area back into the intermittent stream at the upstream end of the road. At the downstream end, where the culvert is failing, the project proposes to daylight the system, remove and plug the existing culvert, and construct a new section of stream using natural channel design methods that will be designed to accommodate aquatic organism passage as well as peak flows in a healthy, natural manner.

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Sincerely,



Gretchen Young, PE  
Assistant City Engineer



DOUGLAS W. STEELE II  
Deputy City Manager  
Community Services  
d.steele@dover.nh.gov



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## City of Dover, New Hampshire

COMMUNITY SERVICES DEPARTMENT

RECEIVED  
Planning Office

FEB 15 2017

Dover, New Hampshire

February 4, 2017

To: Donna Benton, Asst. City Planner

RE: Bellamy Rd Stream Restoration & Stormwater Treatment Project

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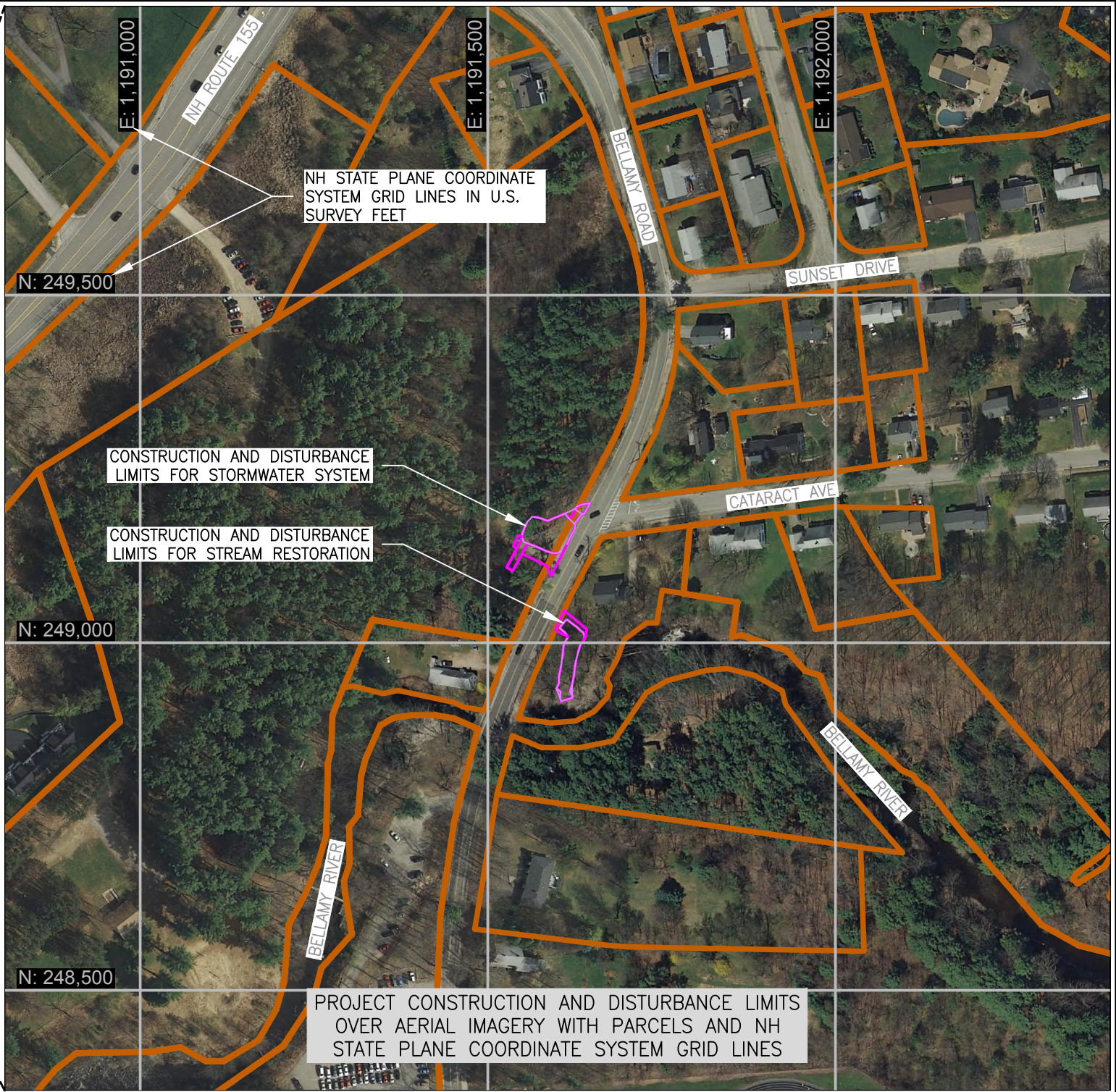
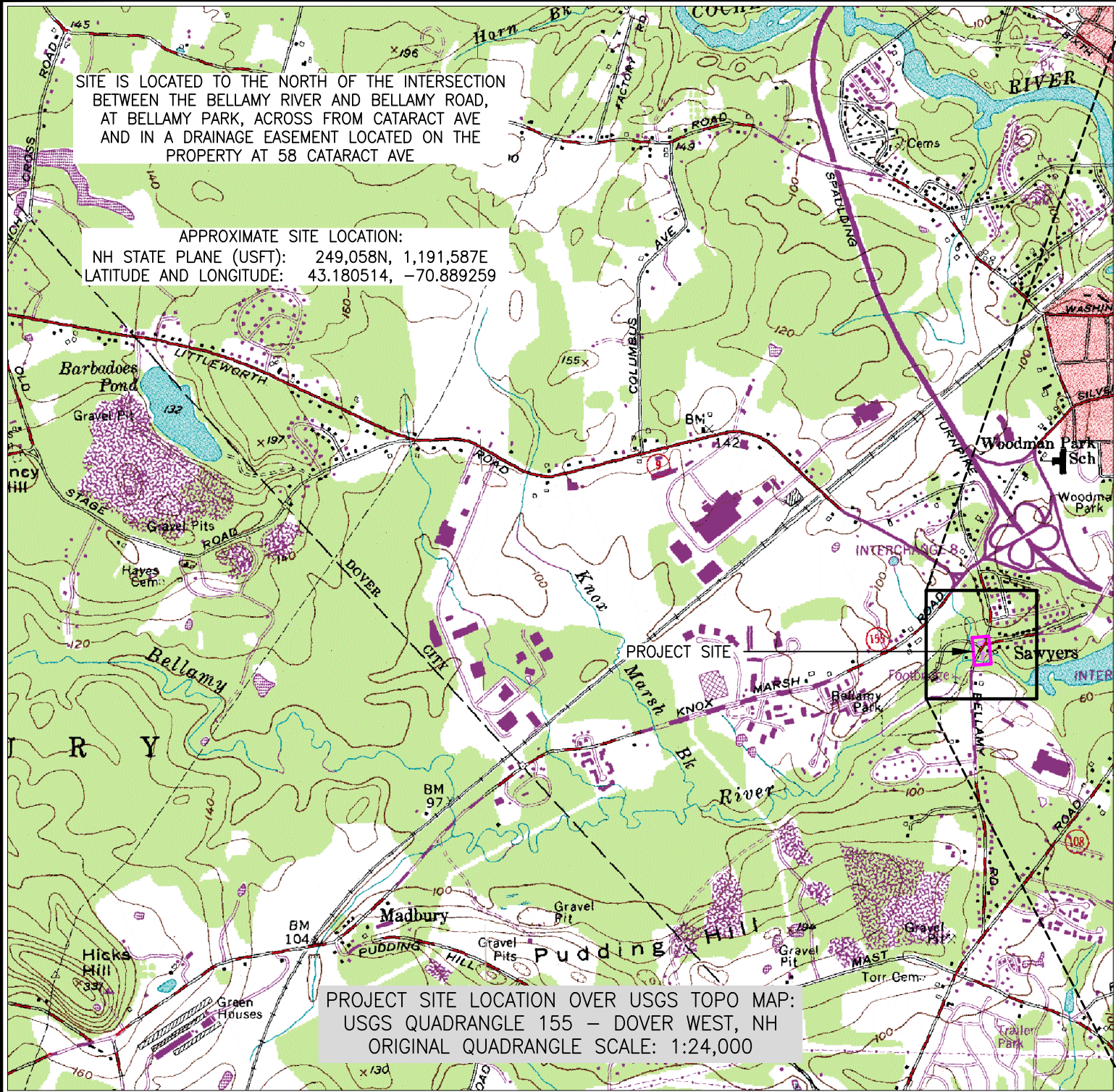
Sincerely,

  
Gretchen Young, PE  
Assistant City Engineer

# P17-15 Cataract Ave

| Location           | Owner 1                                  | Owner 2                                  | Owner Address 1        | City      | State | Zip        |
|--------------------|------------------------------------------|------------------------------------------|------------------------|-----------|-------|------------|
| 53 55 CATARACT AV  | MORGAN ALLEN & EILEEN TRUSTEES           | MORGAN ALLEN AND EILEEN IRREVOCABLE TRUS | 53 CATARACT AV         | DOVER     | NH    | 03820-4335 |
| 24 BELLAMY RD      | DAVIS DONALD                             |                                          | 24 BELLAMY ROAD        | DOVER     | NH    | 03820      |
| BELLAMY RD         | CITY OF DOVER                            |                                          | 288 CENTRAL AVE        | DOVER     | NH    | 03820      |
| 52 CATARACT AV     | GAGNON DOROTHY E HEIRS OF                |                                          | 52 CATARACT AV         | DOVER     | NH    | 03820      |
| 54 CATARACT AV     | MCCRUM J & THURBER D & PROULX ET AL TC & | PROULX MADELINE LIFE ESTATE              | 54 CATARACT AVENUE     | DOVER     | NH    | 03820      |
| 1 SUNSET DR        | VIRGUE CHRISTINE M                       |                                          | 905 2ND CROWN POINT RC | STRAFFORD | NH    | 03884-6260 |
| 26 BELLAMY RD      | CARTIER MARC B JR                        |                                          | 26 BELLAMY RD          | DOVER     | NH    | 03820      |
| 25 BELLAMY RD      | HOLGATE LIMITED PARTNERSHIP LLC          |                                          | 130 CENTRAL AVE        | DOVER     | NH    | 03820      |
| 26 1/2 BELLAMY RD  | BELLAMY TRUST                            | HEATLIE WILLARD LINDA TRUSTEE            | 26 1/2 BELLAMY ROAD    | DOVER     | NH    | 03820      |
| 58 CATARACT AVENUE | SEAMES TREFETHEN                         |                                          | 58 CATARACT AVENUE     | DOVER     | NH    | 3820       |



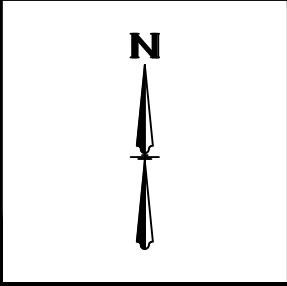
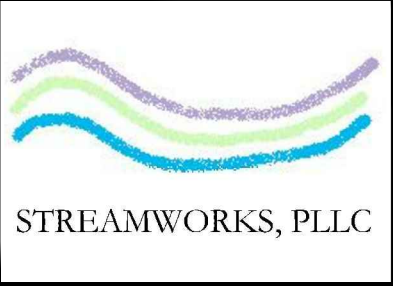


DESIGNED BY:  
JCB, TPB

DRAWN BY:  
JCB

CHECKED BY:  
TPB

DATE:  
03 FEB 2017

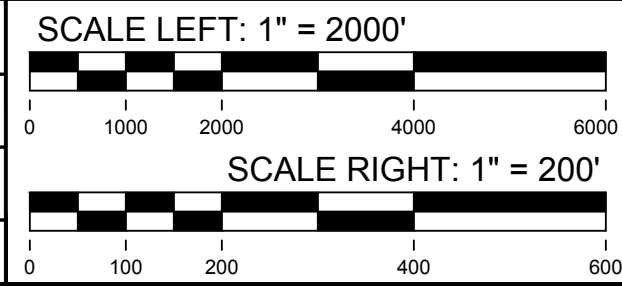


SHEET TITLE:  
**USGS TOPO AND AERIAL SITE LOCATION MAPS**

SHEET SET:  
**WETLAND PERMIT APPLICATION DRAWINGS**

PROJECT NAME:  
**BELLAMY RD STREAM RESTORATION & STORMWATER TREATMENT**

PROJECT LOCATION:  
**BELLAMY ROAD AND BELLAMY RIVER, DOVER, NEW HAMPSHIRE**



SHEET ID:  
**LOCN**

SHEET NUMBER:  
**01 OF 09**



PROJECT PARTICIPANTS

PROJECT CLIENT IS THE CITY OF DOVER, AND IS OVERSEEN BY BILL BOULANGER, THE HEAD OF THE PUBLIC WORKS DEPARTMENT (MAILING ADDRESS OF 271 MAST RD, DOVER, NH 03820)

ENGINEER OF RECORD IS TOM BALLESTERO OF STREAMWORKS, PLLC (MAILING ADDRESS OF 45 EVANS ROAD, MADBURY, NH 03823)

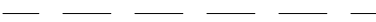
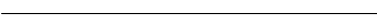
WETLANDS DELINEATION PERFORMED BY DAMON BURT OF FRAGGLE ROCK ENVIRONMENTAL SERVICES (MAILING ADDRESS OF 38 GARLAND RD, STRAFFORD, NH 03884)

EASEMENT SURVEY AND CONTROL BENCHMARKS PERFORMED BY DOUCET SURVEYING (MAILING ADDRESS OF 102 KENT PL, NEWMARKET, NH 03857)

EXISTING SITE SURVEY PERFORMED BY JOEL BALLESTERO OF STREAMWORKS, PLLC (MAILING ADDRESS OF 45 EVANS ROAD MADBURY, NH 03823) WITH THE ASSISTANCE OF STUDENTS IN THE CIVIL ENGINEERING DEPARTMENT AT THE UNIVERSITY OF NEW HAMPSHIRE

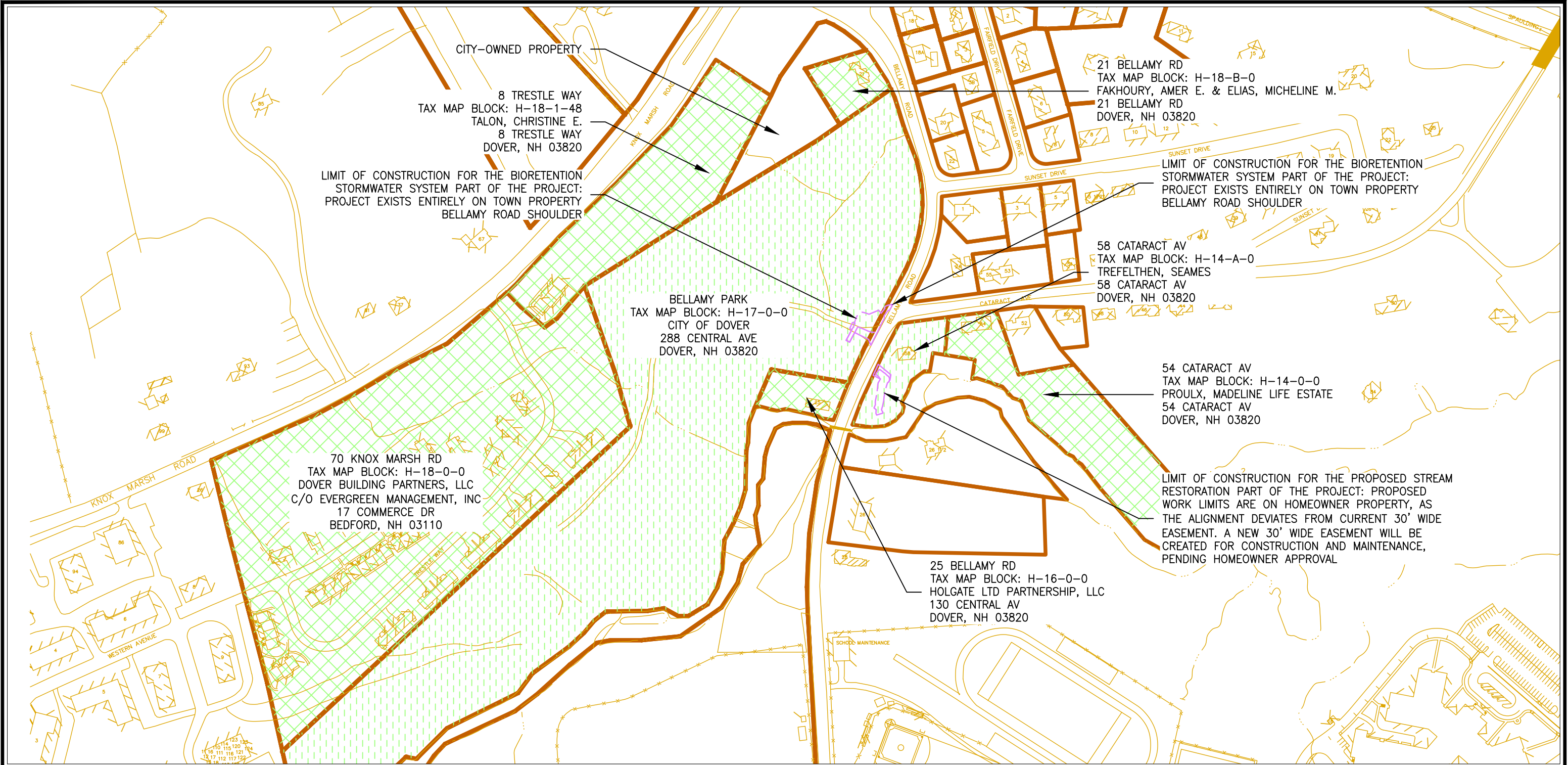
PROJECT TASKS COMPLETED AND DRAWN BY JOEL BALLESTERO, REVIEWED BY TOM BALLESTERO

SHEET SET LEGEND

|                                                                                       |                                                                 |                                                                                     |                                                 |                                                                                       |                                                     |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------|
|     | EXISTING MINOR CONTOUR                                          |  | EXISTING DRAINAGE EASEMENT                      |    | PROPOSED MINOR CONTOUR                              |
|     | EXISTING MAJOR CONTOUR                                          |  | EXISTING WETLANDS DELINEATION                   |    | PROPOSED MAJOR CONTOUR                              |
|     | PROPERTY PARCEL BOUNDARY                                        |  | EXISTING 50' WATERFRONT BUFFER LINE             |    | PROPOSED LIMIT OF CONSTRUCTION                      |
|     | PROPERTY PARCEL HATCH                                           |  | EXISTING 150' WOODLAND BUFFER LINE              |    | PROPOSED LIMIT OF DISTURBANCE                       |
|     | ABUTTING PROPERTY HATCH                                         |  | EXISTING 250' SHORELAND BUFFER LINE             |    | 18" ST PROPOSED DRAIN PIPE/CULVERT                  |
|     | EXISTING SHORELINE (TOP OF BANK)                                |  | EXISTING 100-YR FLOODPLAIN LINE FROM COUNTY FIS |    | PROPOSED STORMWATER CATCH BASIN AND SYSTEM LINEWORK |
|     | EXISTING RIVER/STREAM TOE OF BANK                               |  | EXISTING LINEWORK FROM CITY OF DOVER            |    | PROPOSED STREAM RESTORATION LINEWORK                |
|     | EXISTING RIVER/STREAM CENTERLINE                                |                                                                                     |                                                 |    | PROPOSED STREAM CENTERLINE                          |
|     | 36" ST EXISTING CULVERT                                         |                                                                                     |                                                 |    | PROPOSED RETAINING WALL                             |
|     | 18" SS EXISTING SANITARY SEWER                                  |                                                                                     |                                                 |    | PROPOSED STREAM STEP VANE                           |
|     | OH EXISTING OVERHEAD WIRE                                       |                                                                                     |                                                 |    | PROPOSED 30' EASEMENT LINES                         |
|    | EXISTING UTILITY POLE / EXISTING SIGNS OR POSTS                 |                                                                                     |                                                 |  | PHOTOPOINT LOCATION AND REFERENCE NUMBER            |
|  |                                                                 |                                                                                     |                                                 |                                                                                       |                                                     |
|    | TREE ≥ 7"Ø WITHIN SURVEY LIMITS; PLAN SIZE REFLECTS ACTUAL SIZE |                                                                                     |                                                 |  | PROPOSED COMPOST LOG                                |
|  |                                                                 |                                                                                     |                                                 |                                                                                       |                                                     |
|   | EXISTING LIMIT OF VEGETATION                                    |                                                                                     |                                                 |  | PROPOSED CATCH BASIN SOCK                           |
|   | EXISTING BUILDING                                               |                                                                                     |                                                 |                                                                                       |                                                     |
|   | EXISTING GRAVEL ROAD                                            |                                                                                     |                                                 |                                                                                       |                                                     |
|    | EXISTING GUARDRAIL                                              |                                                                                     |                                                 |                                                                                       |                                                     |
|    |                                                                 |                                                                                     |                                                 |                                                                                       |                                                     |
|   | EXISTING ROCK WALL                                              |                                                                                     |                                                 |                                                                                       |                                                     |

|                          |                                                                                                          |     |                                                                           |     |               |
|--------------------------|----------------------------------------------------------------------------------------------------------|-----|---------------------------------------------------------------------------|-----|---------------|
| DESIGNED BY:<br>JCB, TPB | <br>STREAMWORKS, PLLC | N/A | SHEET TITLE:<br>PROJECT NOTES AND SHEET SET LEGEND                        | N/A | SHEET ID:     |
| DRAWN BY:<br>JCB         |                                                                                                          |     | SHEET SET:<br>WETLAND PERMIT APPLICATION DRAWINGS                         |     | LGND          |
| CHECKED BY:<br>TPB       |                                                                                                          |     | PROJECT NAME:<br>BELLAMY RD STREAM RESTORATION & STORMWATER TREATMENT     |     | SHEET NUMBER: |
| DATE:<br>03 FEB 2017     |                                                                                                          |     | PROJECT LOCATION:<br>BELLAMY ROAD AND BELLAMY RIVER, DOVER, NEW HAMPSHIRE |     | 02 OF 09      |



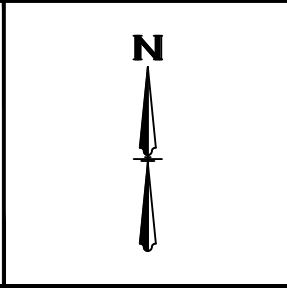
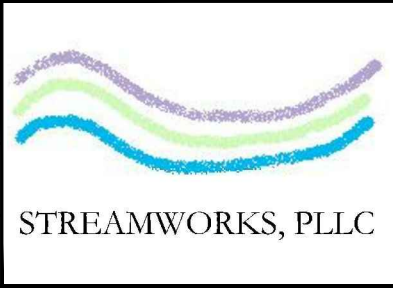


DESIGNED BY:  
JCB, TPB

DRAWN BY:  
JCB

CHECKED BY:  
TPB

DATE:  
03 FEB 2017



SHEET TITLE:  
**TAX MAP - PROPERTY OWNERS - ABUTTERS**

SHEET SET:  
**WETLAND PERMIT APPLICATION DRAWINGS**

PROJECT NAME:  
**BELLAMY RD STREAM RESTORATION & STORMWATER TREATMENT**

PROJECT LOCATION:  
**BELLAMY ROAD AND BELLAMY RIVER, DOVER, NEW HAMPSHIRE**

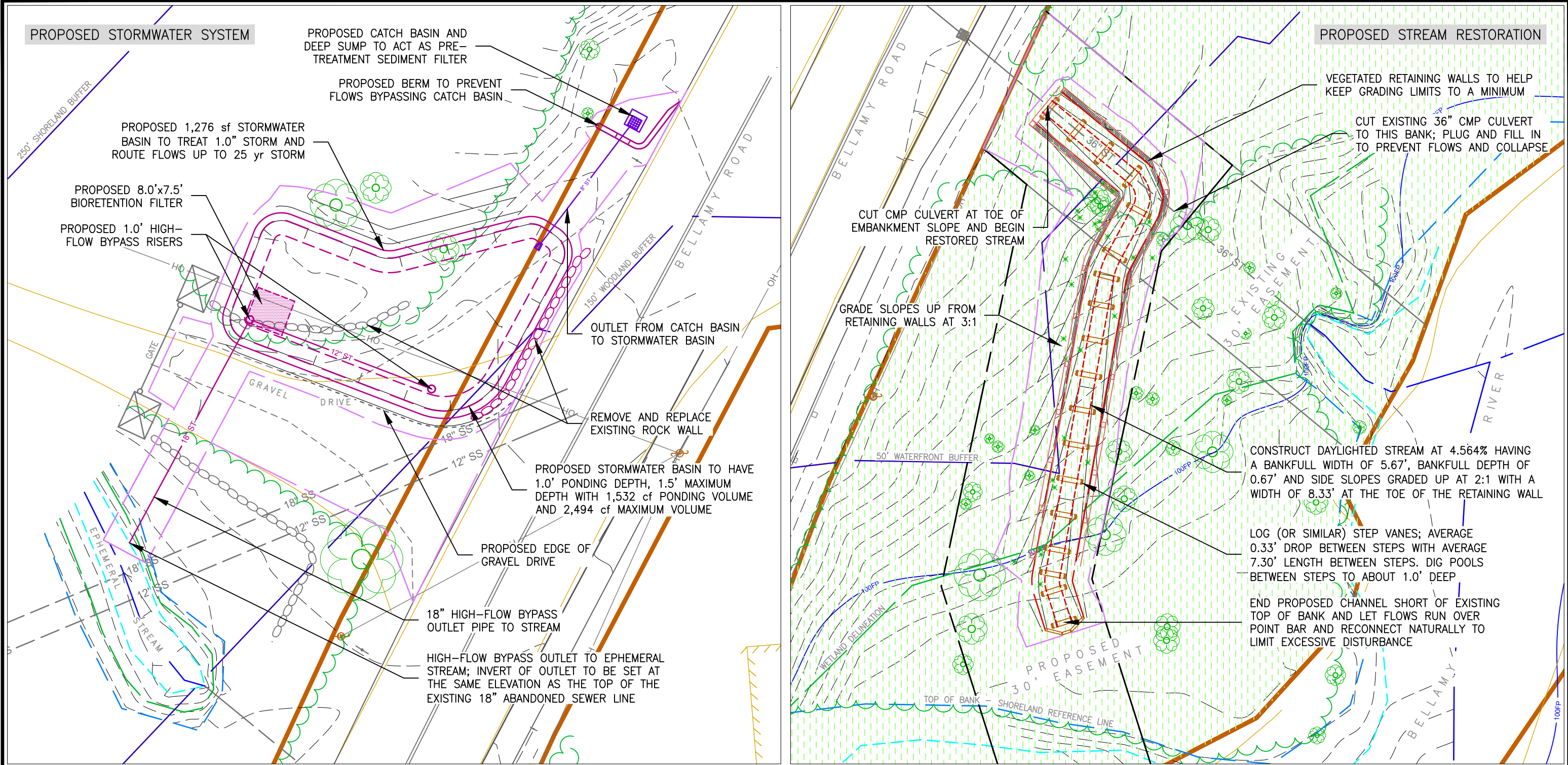


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**TAX**

SHEET NUMBER:  
**03 OF 09**





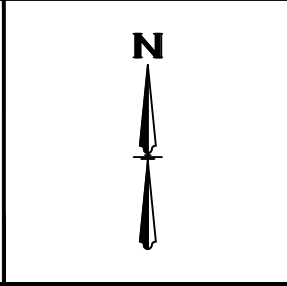
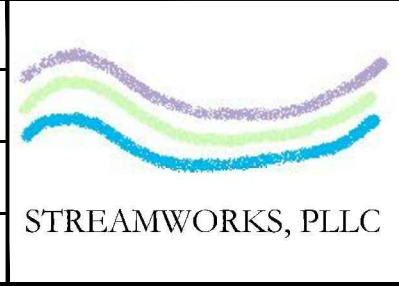


DESIGNED BY:  
JCB, TPB

DRAWN BY:  
JCB

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TPB

DATE:  
03 FEB 2017

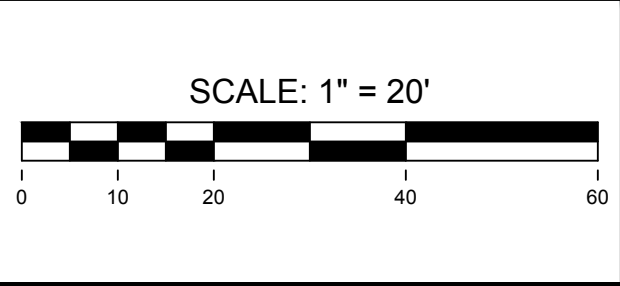


SHEET TITLE:  
**PROPOSED SITE DESIGNS**

SHEET SET:  
**WETLAND PERMIT APPLICATION DRAWINGS**

PROJECT NAME:  
**BELLAMY RD STREAM RESTORATION & STORMWATER TREATMENT**

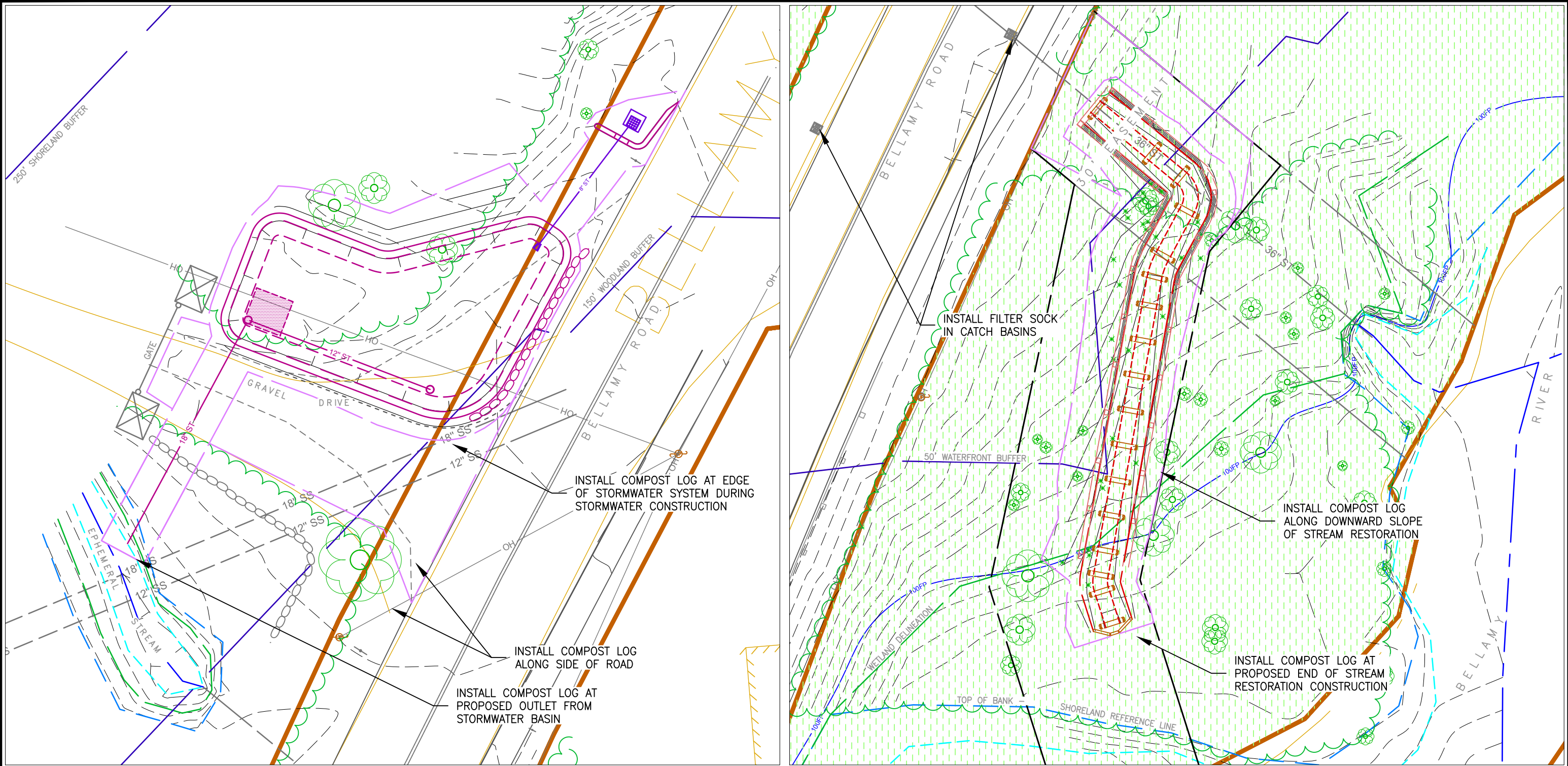
PROJECT LOCATION:  
**BELLAMY ROAD AND BELLAMY RIVER, DOVER, NEW HAMPSHIRE**



SHEET ID:  
**PRO**

SHEET NUMBER:  
**05 OF 09**



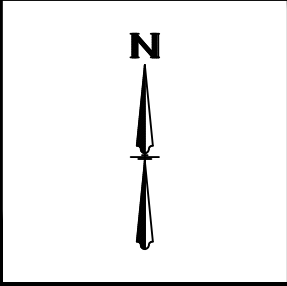
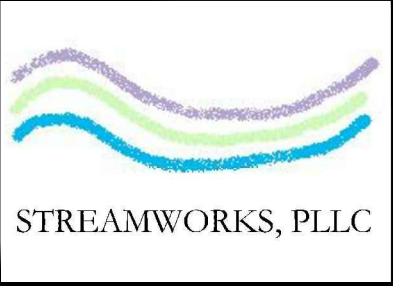


DESIGNED BY:  
JCB, TPB

DRAWN BY:  
JCB

CHECKED BY:  
TPB

DATE:  
03 FEB 2017

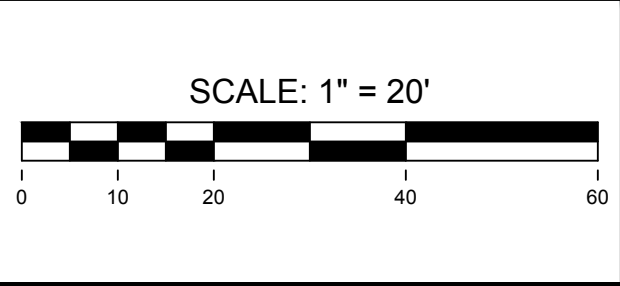


SHEET TITLE:  
**EROSION AND SEDIMENT CONTROL**

SHEET SET:  
**WETLAND PERMIT APPLICATION DRAWINGS**

PROJECT NAME:  
**BELLAMY RD STREAM RESTORATION & STORMWATER TREATMENT**

PROJECT LOCATION:  
**BELLAMY ROAD AND BELLAMY RIVER, DOVER, NEW HAMPSHIRE**

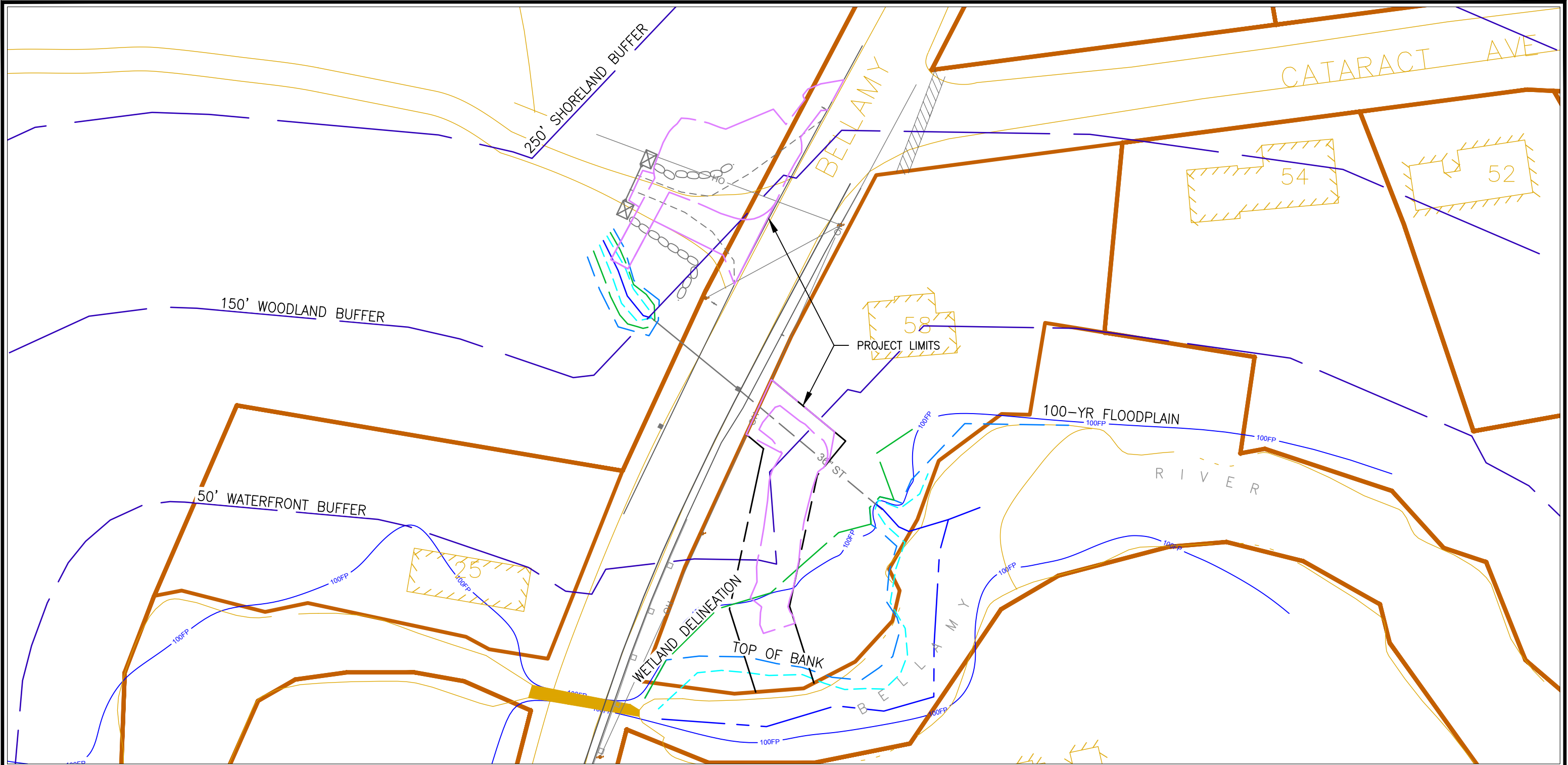


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**06 OF 09**





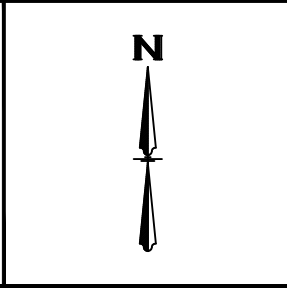
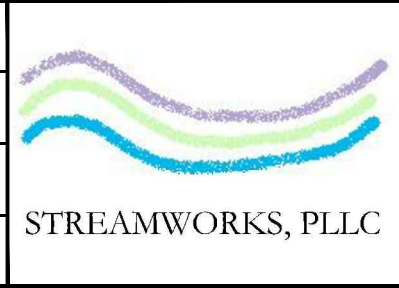


DESIGNED BY:  
JCB, TPB

DRAWN BY:  
JCB

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TPB

DATE:  
03 FEB 2017

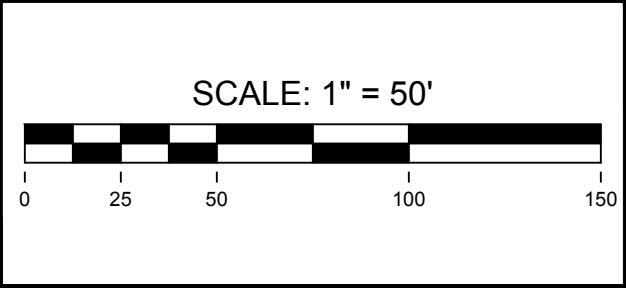


SHEET TITLE:  
**REGULATORY BOUNDARIES**

SHEET SET:  
**WETLAND PERMIT APPLICATION DRAWINGS**

PROJECT NAME:  
**BELLAMY RD STREAM RESTORATION & STORMWATER TREATMENT**

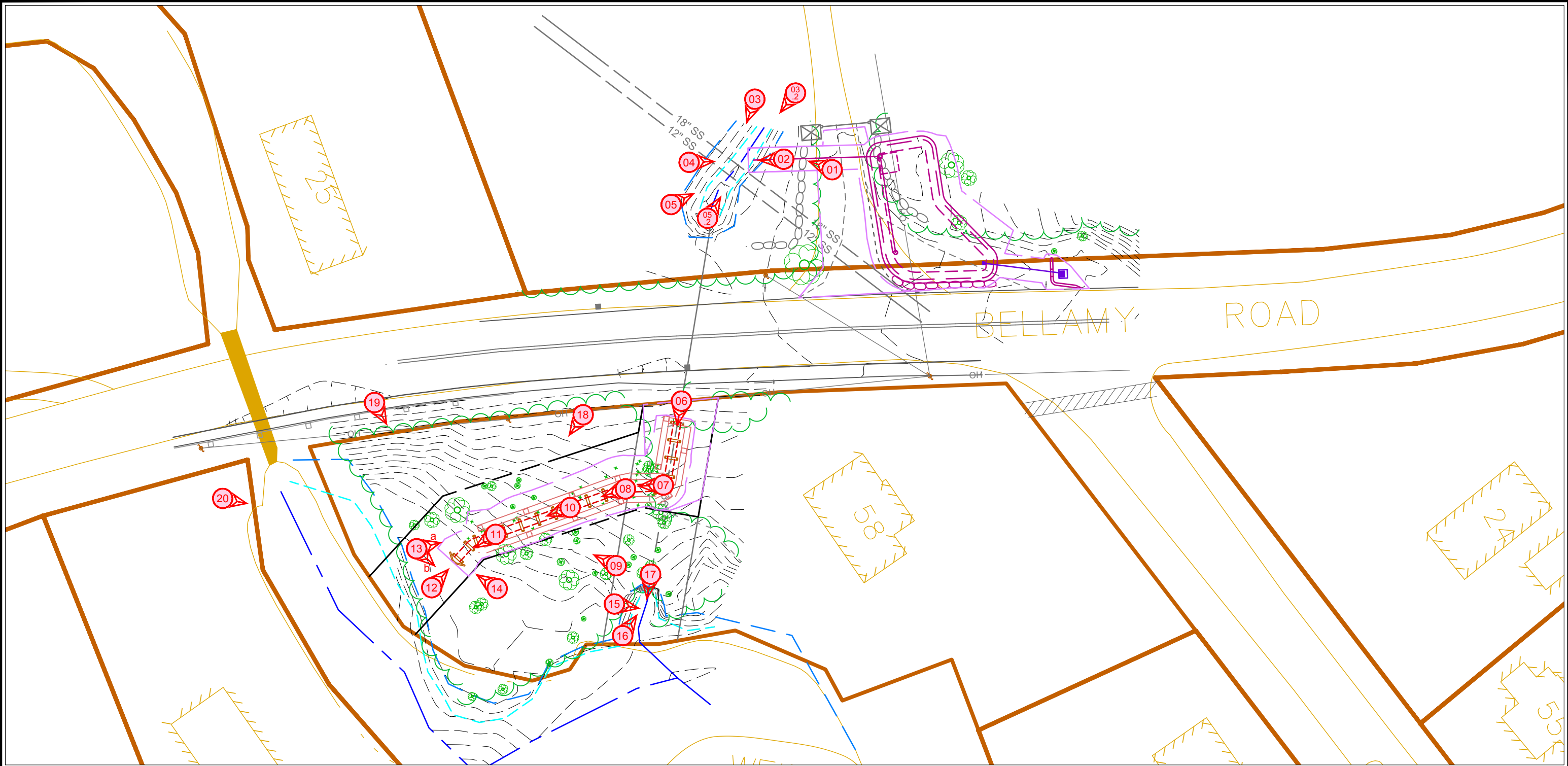
PROJECT LOCATION:  
**BELLAMY ROAD AND BELLAMY RIVER, DOVER, NEW HAMPSHIRE**



SHEET ID:  
**REG**

SHEET NUMBER:  
**08 OF 09**



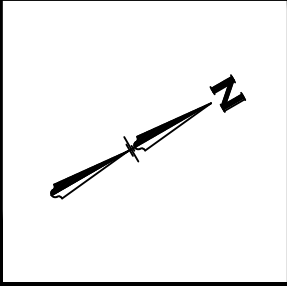
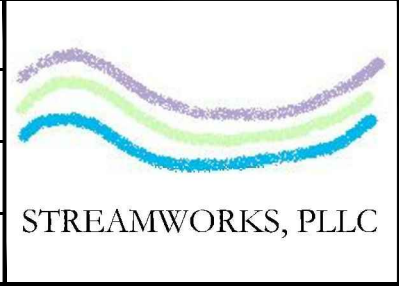


DESIGNED BY:  
JCB, TPB

DRAWN BY:  
JCB

CHECKED BY:  
TPB

DATE:  
03 FEB 2017

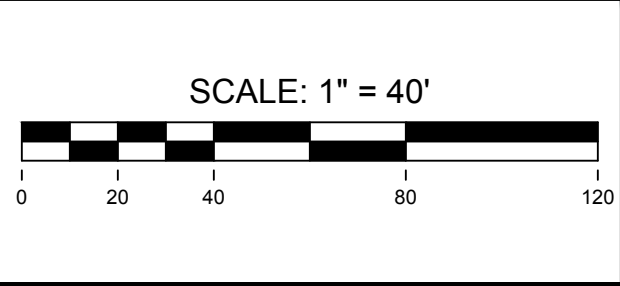


SHEET TITLE:  
**PHOTO POINTS**

SHEET SET:  
WETLAND PERMIT APPLICATION DRAWINGS

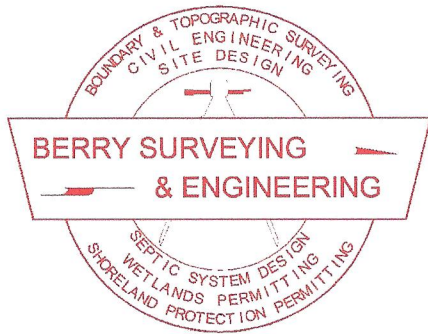
PROJECT NAME:  
BELLAMY RD STREAM RESTORATION & STORMWATER TREATMENT

PROJECT LOCATION:  
BELLAMY ROAD AND BELLAMY RIVER, DOVER, NEW HAMPSHIRE



SHEET ID:  
**PHOTO**

SHEET NUMBER:  
**09** OF **09**



## **BERRY SURVEYING & ENGINEERING**

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

[www.BerrySurveying.Com](http://www.BerrySurveying.Com)

March 9, 2017

City of Dover Planning Board  
288 Central Ave  
Dover, NH 03820

RE: Proposed mixed-use development  
6 Grove Street Residences, LLC  
35 Third Street  
Continuance Request

Mr. Chairman and Members of the Dover Planning Board,

We hereby request a continuance of the 6 Grove Street Planning Board hearing to the March 28<sup>th</sup> Planning Board meeting.

Respectfully Submitted,

BERRY SURVEYING & ENGINEERING

Christopher R. Berry  
Principal, President