



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - City Hall, 288 Central Avenue
Meeting Date: **Tuesday, May 9, 2017**
Meeting Time: **7:00 pm**

Members Present: Kirt Schuman (Chair), Gina Cruikshank (Vice Chair), Dennis Ciotti (Councilor), Dave White, Tom Clark, Frank Torr, Lee Skinner, Catherine Plante, Tristan Donovan (Alternate), James Burdin (Alternate), Hayley Harmon (Alternate)

Members Not Present: David Landry

Staff Present: Steve Bird (City Planner), Elena Piekut (Assistant City Planner), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:00 p.m. He described the process used to hear cases and the opportunities for the public to communicate.

The Chair recognized J.Burdin to sit in for D.Landry.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- April 18, 2017 Workshop Meeting Minutes
- April 25, 2017 Regular Meeting Minutes

Motion: D.White made a motion to approve the April 18, 2017 Workshop Meeting Minutes and the April 25, 2017 Regular Meeting Minutes as amended. Seconded by C.Plante. Vote U/A

T.Clark stated a correction to his comment in the Member Comments to the April 25, 2017 Regular Meeting Minutes on page 14 which should read, "his opposition to waiving school impact fees".

3. OLD BUSINESS

None.

4. NEW BUSINESS

- A. Public hearing and consideration of a request for an excavation permit by Brox Industries, Inc., Assessor's Map C, Lots 12A, 13 & 14, zoned R-40, located on Rochester Neck Road/Tolend Road.
*(P17-24)

S.Bird provided an overview of the extraction permit review process, and stated the issue of regional impact under RSA 36:54 that was brought to his attention for Board review. He provided the voting options for the Board regarding the deliberation process.

E.Piekut provided a report pertaining to the Staff site visit. She addressed the conditions and recommended the removal of condition #2 regarding the hours of operation due to the lack of residential homes surrounding the site and the existing buffers in place.



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David Clough, Plant Manager, Brox Industries, Inc. represented the applicant, displayed plan for viewing, and presented the application. He addressed the hours of operation, the need for evening or weekend hours, and the traffic routes used for these hours. He explained the equipment used at night would have strobe lights instead of alarms when backing up, and the existing berms and tree buffer for sound barrier.

Discussion ensued regarding clarification of the night paving procedure and hours, turnpike paving, Map C Lot 13 on the excavation plan and the recharge pond, support of the permit renewal cycle every two years, consideration of no restricted hours and the comparison to possible restrictions incurred by surrounding towns, clarification of the traffic route used and the permits received from Rochester, as well as, the traffic activity on Rochester Neck Road and the companies abutting the pit.

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

Public hearing opened. Nobody Spoke. Public hearing closed.

S.Bird requested the Board consider a discussion regarding the regional impact issue and read the Staff recommendation.

STAFF RECOMMENDATION:

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

Conditions to be Met Prior to Signing of Plans:

1. The Applicant will add a note to the excavation plan(s) that the property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Community Services Department.

Discussion ensued regarding clarification of the conditions, consideration of the regional impact, the State statutes, comparison to neighboring cities, and Board consensus that this project does not have a regional impact.

Motion: C.Plante made a motion to approve the Excavation Permit subject to staff recommended conditions. Seconded by F.Torr. S.Bird recommended the Board vote on the regional impact issue before voting on the permit.

Motion: T.Clark made a motion that this project does not have regional impact. Seconded by D.White. Vote U/A - J.Burdin abstained from the vote.

The Chair addressed the motion for the permit. There was no further discussion. Vote U/A

- B. Public hearing and consideration of a request for an excavation permit by Severino Trucking Co., Inc., Assessor's Map H, Lots 59, 59A, 60, 61 & 62, zoned I-4, located on Mast Road. *(P17-31)

S.Bird introduced E.Piekut to provide the report.

E.Piekut gave a report on the site walk conducted by Staff, and clarified the site should not include Lot 62. She recommended an additional condition to remove Lot 62 from the plan. She addressed the concrete plant on Mast Road is not part of the permit and is not part of the Board review.



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Kevin McEneaney, McEneaney Survey Associates, Inc. represented the applicant, displayed plans for viewing, and presented the application. He explained the reason to include Lot 62 because it was part of the holdings of the company and was included in the application, and that it will be removed.

K.McEneaney confirmed for C.Plante the footage of the water levels, that are compliant, and that the area would be for reclamation.

K.McEneaney addressed the regional impact issue as it pertains to Madbury, and requested the regional impact issue not be applied to this application.

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

Public hearing opened.

Pauline Theoret, 35 Cielo Drive, stated her noise concern regarding the early morning hours of operation for the cement plant located on the applicant's property, and requested the hours be adjusted to an acceptable time of operation.

Richard Dolbec, 47 Cielo Drive, stated his agreement with his neighbor regarding the noise concern.

Public hearing closed.

S.Bird invited the applicant to address the abutter concerns.

Ron Severino addressed the abutter concerns and stated the concrete plant has a lease with the previous owner and was part of the property purchase. He stated he could have a discussion with them and stated their reason for the early hours regarding pouring concrete, and that he has limited control with the owner of the concrete plant. He stated that the cement plant is not part of this application.

R.Severino confirmed for S.Bird that he did not have a problem with the Staff recommendation to impose limited hours.

S.Bird reminded the Board to have a discussion regarding the regional impact.

STAFF RECOMMENDATION:

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

Conditions to be Met Prior to Signing of Plans:

1. The Applicant will add a note to the excavation plan that the property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance written permission from the City's Community Services Department.
2. The Applicant will add a note to the excavation plan that hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM Saturdays, with gates to the site opening no earlier than 6:30 AM and no Sunday hours.



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3. The Applicant will add a note to the plan regarding the schedule of regular access roadway water wash-downs.
4. The Applicant shall revise the plan to remove Map H, Lot 62 from note #2 and the title block

Motion: T.Clark made a motion that the Planning Board determine that this project does not have regional impact. Seconded by L.Skinner. Vote U/A – J.Burdin abstained from the vote.

Discussion ensued regarding consideration of the cement plant in previous applications and that the Board has no jurisdiction regarding the plant. The applicant stated he would have a discussion with the owner of the cement plant, and explained the agreement with them regarding their relocation and to rebuild their plant at the end of their lease.

Discussion continued regarding clarification that there is no site plan or hours of operation for the cement plant, that the plant opened in the 1950s and the site regulations were established after the it opened, the cement plant and pit had one owner at one time and the change of ownership does not change the grandfather status regarding the regulations, and recommendation of the condition to revise the permit application as well as the plan regarding the removal of Map H, Lot 62.

S.Bird agreed to add the revision to the application in the conditions.

Motion: T.Clark made a motion to approve the Excavation Permit subject to staff recommended conditions. Seconded by F.Torr. Vote U/A

G.Cruikshank stated items 4.C and 4.D would be heard together.

- C. Consideration and acceptance of a Conditional Use Permit for Whitney Scott, Trustee, Assessor's Map G, Lot 9, zoned R-12, located at 334 Washington Street. (Proposal is to build a road and add drainage facilities that impact 1,050 square feet of wetland buffer). *(P17-21)
- D. Consideration and acceptance of an Open Space Subdivision for Whitney Scott, Trustee, Assessor's Map G, Lot 9, zoned R-12, located at 334 Washington Street. (7 lots, convert existing single family to duplex, 1 new duplex, 5 single family dwellings) *(P17-18)

The Chair stated the Staff recommendation and process regarding these applications.

S.Bird provided an overview of the applications, addressed the document distributed to the Board members, and stated the Staff recommendation to table both applications and schedule a site walk.

Christopher Berry, Berry Surveying & Engineering, Inc., represented the applicant, displayed plans for viewing, and presented the proposed plan. He clarified information on the plan regarding the wooden fence replacement with the white vinyl fence to enhance the buffer along the edge.

Discussion ensued regarding clarification of the yield plan to cross the wetlands as it pertains to the number of lots and the number of lots without the wetland access, the waiver requested for the right of way and the impact of this to the property lines if not given, the location of the proposed two duplexes, and the applicant awareness of the neighbor petition and request of the applicant response to this petition.

Motion: L.Skinner made a motion to accept applications 4.C and 4.D. Seconded by T.Clark. Vote U/A



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Public hearing opened.

Leigh Alexander, 339 Washington Street, stated his opposition to the 100 ft. buffer waiver. He stated his wetland concern and recommended a site walk.

Don McCullough, 338 Washington Street, stated his opposition to the 100 ft. buffer waiver.

Diane Wingren, 335 Washington Street, stated her opposition to the number of homes to the acreage available and her concern with the congestion of the project.

Dave Coffin, 336 Washington Street, stated his concern regarding the impact of the waivers to the abutters and the number of homes to be placed on the lots. He requested a site visit.

Jen Coffin, 336 Washington Street, stated her opposition of the 100 ft. buffer waiver and the impact of the waiver to her property as a direct abutter and the need for screening. She requested the wooded area remain to provide natural screening. She requested a site visit.

Richard Mathes, 332 Washington Street, stated his opposition to the 100 ft. buffer waiver and his traffic and noise concerns.

Don Briand, 331 Washington Street, stated his opposition to the 100 ft. buffer and setback waivers and his traffic, sight distance, and lighting pollution concerns.

Public hearing tabled.

S.Bird requested the applicant address the abutter concerns.

C.Berry addressed the abutter concerns and stated the existing condition of the property in comparison to the proposed plan, the impact of the development to the neighborhood, the Board jurisdiction to enforce architecture, traffic and the sight distance from the site location, open to improvements with the buffers/screening, right of way width in a public right of way, the roadway placement due to position from existing driveways so they would not shine on adjacent houses, that crossing the wetlands is not preferred but can be done, and willingness to consider changes in the development to reduce the impact.

STAFF RECOMMENDATION: (P17-21)

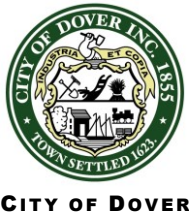
The Planning Department recommends the Planning Board vote to table the application and schedule a site walk.

STAFF RECOMMENDATION: (P17-18)

The Planning Department recommends the Planning Board vote to table the application and schedule a site walk.

S.Bird requested the Board address the emails from the abutters and the petition. The Chair confirmed the procedure.

S.Bird addressed the surrounding developments and how the regulations differ from this project.



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Discussion ensued regarding issues and scheduling for the site walk.

Motion: F.Torr made a motion to table items 4.C and 4.D. and scheduled a site walk for Tuesday, May 16, 2017 at 5:00 p.m. Seconded by L.Skinner. Vote U/A

- E. Consideration and acceptance of a Minor Subdivision for Sophie Lane, LLC, (Owner: Charles Arvenitis), Assessor's Map E, Lot 32B, zoned R-40, located at 72 County Farm Road & Watson Road. (2 new lots) *(P17-32)

S.Bird provided an overview of the application.

Kevin McEneaney, McEneaney Survey Associates, Inc. represented the applicant, displayed plans for viewing, and presented the proposed plan. He explained the easement available for future sewer connection on County Farm Road.

S.Bird clarified for K.McEneaney information requested in the conditions regarding the steep slopes.

Discussion ensued regarding the access on Watson Road and the name of the address to be assigned, clarification of the driveway location on Lot 1, location of the new water pipes on Watson Road which is a new paved road and will be torn up as a result of the development, issues with developments tearing up the new roads, the future evaluation of new road development and the suggestion to have taps provided for the larger plots of land for availability to avoid tearing up new roads.

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

Public hearing opened. Nobody Spoke. Public hearing closed.

Discussion ensued regarding the easement, State requirement for lot size, tying the sewer from Watson Road to County Farm Road, and the consideration to add a condition.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board 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 stamp and sign final plans.
3. The applicant shall provide the Planning Department with:
 - a. A digital version of the final plat.
 - b. A copy of the NHDES Subdivision Permit
4. The applicant shall revise the plat to:
 - a. Add the planning file number (P17-32)
 - b. Indicate the steep slope area as Conservation District
 - c. Add a note that lot numbers be assigned by the Assessing Department and addresses be assigned by the Building Official
 - d. Add NHDES Subdivision Permit number to note #11.
 - e. Correct note numbering (two note 4's)



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

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

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

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

Motion: F.Torr requested a condition be added regarding the sewer access. Seconded by D.Ciotti. Vote U/A

Discussion ensued regarding the clarification of the conditions regarding the omission of the hours of construction, the consideration to add an overlay to the street and the cost factor to the developer, and existing/future procedure regarding new roads and developable properties and how to avoid tearing up new roads or the appropriate repair.

S.Bird clarified the new condition added as 4.f to add the easement for sewer along the common property line between Lots 1 and 2.

Motion: T.Clark made a motion to approve the Minor Subdivision Plan subject to staff recommended conditions as amended. Seconded by J.Burdin. Vote U/A

5. STAFF COMMENTS

S.Bird addressed the update distributed to Board regarding Boards and Commissions activity, and reminded the Board that the Regular Planning Board meetings will be held at the McConnell Center starting in June. The amended Planning Board Operating Rules (Bylaws) were placed in the Board packets.

Discussion ensued regarding the option to have a driving tour on May 23, 2017 or not to have a meeting. The Board members opted by consensus to have no meeting that evening. The next Planning Board meeting would be on June 13, 2017 at the McConnell Center.

6. MEMBER COMMENTS

D.Ciotti requested the June through August Planning Board meeting dates be emailed to the Board members.

L.Skinner thanked the Board for listening to the neighbor concerns about the concrete plant even though it was not in their jurisdiction.

7. ADJOURNMENT

Motion: G.Cruikshank made a motion to adjourn at 9:25 p.m. Seconded by C.Plante. Vote U/A