

**DOVER PLANNING BOARD
MINUTES OF MEETING
JUNE 13, 2006**

MEMBERS PRESENT: John Swartzendruber, Dean Trefethen, Frank Torr, Marcia Colbath, Ron Cole, Ron Cole, Perry Plummer, Ron Stock, Doug Steele, Kirt Schuman

MEMBERS ABSENT: Bryan Cahoon, Donald Andolina, Tony McManus,

STAFF PRESENT: Steve Stancel, Planning Director and Jacqueline Freeman, recording secretary

Chairman Cole brought the meeting to order at 7:01 PM.

ITEM #1: Citizens' Forum

There were no speakers.

ITEM #2: Approval of minutes.

Frank Torr made the motion to approve.

Doug Steele seconded.

VOTE U/A

Abstained – Kirt Schuman, Doug Steele

ITEM #3: Consideration and acceptance of an open space subdivision of land (OSS) and Conditional Use Permit for F. Doyle Skeels, Assessor's Map B, Lot 10C & 13, zoned R-40, located on County Farm Cross Rd.*(3 lots)(P06-19)

David Vincent, Surveyor, representing the applicant, stated that part of the property is the old railroad bed leading to the Rochester town line. The parcel is 17.9 acres. They are proposing 3 parcels with a common driveway, utilizing the existing woods road/old railroad bed, to access the 3 lots. The open space will be 9.4 acres including the crossing of Black Water Brook and contiguous with the adjoining parcel of land that has frontage on the Cocheco River.

David Vincent asked for a Conditional Use Permit for two items. They are going to utilize the existing woods road/railroad bed as access. Since it is within 50 feet of existing wetlands, it requires a Conditional Use Permit. They are also asking for a Conditional Use Permit to allow the septic systems to be within 50' of the poorly drained soils. The requirement is that the septic systems be 75' away from poorly drained soils. They meet the State definition for septic because only 50 feet is required. The Conservation Commission was in favor of both Conditional Use Permits.

David Vincent said the 3 lots will utilize the existing frontage on County Farm Cross Road. He explained the cross access easements for the road. He explained the buildable areas and the setbacks from wetlands adding that there are no impacts on wetlands. They provided a conceptual yield plan where they proposed a 50' wide public right-of-way with a cul-de-sac. This project would require some impact into the wetlands with the grading of the proposed road and the cul-de-sac.

There was a discussion on the length of the driveways for the three lots.

Marcia Colbath said that the Conservation Commission brought up the subject of the rail road bed and they are very interested in public access.

Doyle Skeels, property owner, stated he was approached by the Open Lands people last fall and they said that they were interested in purchasing an easement and asked for permission to evaluate and appraise the land. He gave them permission to do that and it was the last he has heard from them. He is open to discussion on this but there are a number of points that would need to be addressed. He said that an issue would be the kind of security that would be provided by the City for a public access along the driveway.

Marcia Colbath stated that Tom Fargo would be willing to discuss those issues with him.

Doug Steele made the motion to accept the application.

Ron Stock seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was recessed.

Steve Stancel stated that they are recommending tabling this item for a site walk. He explained that it was the Board's prerogative to determine if they wish to allow an Open Space Subdivision on this site. Because it is a minor subdivision in the R-40 zone, it's not mandatory. They need to determine if it is in the City's and the environment's benefit to do the open space vs. a conventional subdivision. In the next couple of weeks we would like to verify that the open space contains 50% of upland and discuss the public access.

Dean Trefethen made the motion to table.

Perry Plummer seconded.

VOTE U/A

Ron Cole scheduled the site walk for Monday, June 19, 2006 at 5:00 PM.

David Vincent stated that the wetlands are flagged.

ITEM #4: Consideration and acceptance of a minor lot line adjustment of land for Deborah Dube & Charles Reed, (Owner Bertha Jalbert) Assessor's Map N, Lots 8A-5 & 6A, zoned R-40, located at 626 Gulf Road.*(P06-23)

Paul Connolly, Civilworks, represented the applicants. He explained the lot line adjustment and the exchange of land. He explained that there is a question that they are working through on a survey and legal level on what appears to be an existing right-of-way that is the Portsmouth, Dover and York St. Railroad. That railroad went bankrupt in the early part of the 20th Century. At that auction Edward Rollins purchase the rights and perhaps, land that the railroad was on. Since that time the status of that land area has become cloudy. It was never conveyed to Mr. Rollins as a matter of record in the County Courthouse. It did not appear in the inventory of his probate. They are waiting to see what the dispositions of those rights are. It may be possible that the plan that they bring in for signature may have a slightly adjusted location of one of the lines. There may also be an adjustment with regard to the position of the right-of-way. In no way does it have any bearing on the lot line adjustment.

Frank Torr made the motion to accept the application.

Perry Plummer seconded.

VOTE U/A

The public hearing was open.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signatures to the plat.
2. The applicant shall provide the Planning Department with a digital version of the survey.

Doug Steele seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a minor lot line adjustment of land for B & L Builders and Kevin Joesuu, Assessors Map G, Lots 26A & 26-17, zoned R-20, located on Columbus Ave./Lucy Lane.*(P06-26)

John O'Neill, Changing Places and a developer of the property on Columbus Ave., explained that Mr. Joesuu wanted to put a deck on the back of his house and this application would allow him to do that.

Frank Torr made the motion to accept the application.

Marcia Colbath seconded.

VOTE U/A

The public hearing was opened.

There were no comments.
The public hearing was closed.

Dean Trefethen made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. The applicant shall provide the Planning Department with a digital version of the survey.
4. The applicant shall revise the plat by adding the Strafford county Registry of Deeds recording number to the reference plans #5 and #6.
5. The applicant shall revise the plat by correcting the building setback requirements in Note #3 and correcting the side setback as shown on Map G, Lot 26A.

John Swartzendruber seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of a minor subdivision of land for Heine USA, Ltd. (Owner City of Dover, (DBIDA), Assessor's Map D, Lot 11-1, zoned I-4, located on Venture Drive.*(P06-27)

Dana Lynch, Civilworks, introduced Beth Thompso, of Dover's Economic Development Department and Phil Reed, of Heine USA. Heine USA is currently at 100 Washington Center, on the 5th floor and they want to relocate the facility. The plan accomplishes a 4.28 acre lot with a sending area of 1.45 acres. The sending area allows them to go under the TDR Ordinance. There is the creation of a 60' right-of-way for a future City street. The last is a housekeeping element that adjusts the line of 1,472 sq. ft. of land with the Fosters to hold true to an agreement. The purpose is to create a building site for Heine USA.

Steve Stancel explained that through the years people would make subdivisions and would identify sending areas on individual plans. Until 2 or 3 weeks ago all the subdivisions and all the lots were not on one plan. By approving the plan brought forward three weeks ago, it clarified and cleaned up everything so it will be easier to track it through the Registry of Deeds. Steve Stancel explained how the TDR Ordinance works.

Dean Trefethen made the motion to accept the application.

Ron Stock seconded.

VOTE U/A

The public hearing was opened.
There were no comments.
The public hearing was closed.

Dean Trefethen made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. The applicant shall provide the Planning Department with a digital version of the survey.
3. Approval includes the granting of a waiver for the Transfer of Development Rights (TDR) lot size and setbacks.

Kirt Schuman seconded.

VOTE U/A

ITEM #7: Consideration and acceptance of a site plan of land for Heine USA, Ltd. (Owner City of Dover, (DBIDA) Assessor's Map D, Lot 11-1, zoned I-4, located on Venture Drive.*(P06-22)

Dana Lynch represented the applicant and showed a rendering of the proposed building and elevations. This will be the North American headquarters for the company. The building is 22,644 sq. ft. and is expandable to 34,000 sq. ft. some time in the future. They are currently proposing 41 parking spaces and expandable to 51 spaces in the future. They have 29 employees currently so there are ample parking spaces. Road construction will be undertaken by Heine USA. They are doing that for several reasons. One is to facilitate access to their site. The extension of Venture Drive will be paid by Heine USA. The expense of the 500 ft. long roadway will be paid for by Heine and will provide them with access to a loading area without encumbering their parcel with through traffic of trucks. Heine USA will pay for this initially and then DBIDA will be reimbursing them for 50% of that cost over time as the remaining industrial land served by that roadway is developed. When DBIDA sells another piece of land Heine gets reimbursed for a portion at that time. It also provides the City with access to the remaining land. There are approximately 14 acres of remaining upland for development and this roadway would be essential.

Dana Lynch explained the location of the detention areas and the drainage. They will make Venture Drive a consistent 32 feet wide and add sidewalks and curbing all the way to the cul-de-sac. They are requesting 3 waivers. 1) for a parking lot aisle width of 22 feet, 2) a pavement width of 28 feet for the proposed street, and 3) Transfer of Development Rights (TDR) lot size and building setback.

Frank Torr made the motion to accept the application.

Perry Plummer seconded.

VOTE U/A

The public hearing was opened.

Beth Thompson, Economic Development Director and staff support for DBIDA, spoke in favor of the application. She said that they have been working with Heine for 2 years trying to keep them in Dover. She stated that the company does sales and distribution of medical diagnostic equipment.

The public hearing was closed.

Discussion ensued with regard to the road width. Steve Stancel explained that the width of Quality Way is 28 feet and it is felt that the 28 feet width is adequate.

Steve Stancel explained that the applicant appeared before the Technical Review Committee on June 1, 2006. The Planning Department recommends that the Planning Board approve the waivers and the application with the following conditions:

1. Add the owners' signature to the plan.
2. Add the engineer's stamp and signature to the plan.
3. Approval includes the granting of the three requested waivers.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Site Specific Permit and add the permit number to the plan.
5. The applicant shall provide proof that the EPA Notice of Intent has been filed.
6. The applicant shall revise the plan to add a road name approved by the City.
7. The applicant shall revise the plan to add a note indicating that the building address will be assigned by the Building Inspector.
8. The applicant shall revise sheet #4 of the plan by changing the 6 inch PVC pipe between detention area #1 and catch basin #1 to be 8 or 12 inches with a 6 inch orifice.
9. The applicant shall have the utility layout plans reviewed by the utility companies prior to signing the plan.
10. The applicant agrees to contribute the sum of \$7,311.92, which is its fair share of off-site contributions for intersection improvements, as outlined in a Bruce Woodruff memo dated 06/12/06. Said contribution shall be paid prior to the issuance of the certificate of occupancy.

Frank Torr made the motion to approve with the above referenced conditions.

Marcia Colbath seconded.

VOTE U/A

ITEM #8: Consideration and acceptance of an open space subdivision (OSS) (6 units) and a major subdivision (11 lots) of land and Conditional Use Permit for MPJ Development LLC, (Owners The Nye Heirs) Assessor's Map E, Lots 49, 50, 51, 52A, zoned R-20/R-40, located on Upper Factory Road.*(P05-72)

Bob Stowell, Trittech Engineering, represented the applicant and explained that there are two zoning districts represented in the plan. On the westerly side they are in the R-40 zone and on the easterly side they are in the R-20 zone. In the R-40 they are required to do an OSS subdivision and in the R-20 an OSS is not required. In the OSS they are proposing 6 detached condominium units on the westerly side. On the easterly side they are proposing a conventional subdivision of 10 lots. They have been to TRC twice. The Chagnons have provided about 6 acres that have been incorporated in this plan and they

are now proposing 10 lots in this development. They have been to the Conservation Commission and have addressed 500 sq. ft. of wetland impact. They have also submitted a NH Wetlands Permit. They have received a favorable recommendation on this latest configuration of the plan. There was concern at TRC about the buildability of some of the lots along the river. There is a plan that shows a complete buildout of all the lots in detail that would be provided for building permits. He spoke on how they could better insure that they would not have any wetlands by clustering a group of homes back and moving one away from the water. He said that they had proposed a 50 foot wide public access easement along the Cochecho River. It's an area that the State stocks with fish and they have left it available for public access so that can continue.

Dean Trefethen asked about the foot path.

Bob Stowell said with the conventional subdivision they didn't propose a public access but they did with the OSS.

Marcia Colbath said that a lot of people fish there. She said that their concerns were that there would be adequate parking for those who fish there and access the river. There is fishing there all year around.

Perry Plummer made the motion to accept the application.

Marcia Colbath seconded.

VOTE U/A

Mark Seymour, a resident of Dover and works for the department that stocks the river said his concern is maintaining access and being able to park there without infringing on the people who live there. He said he has fished there for many years and explained where they were parking. He said that he doesn't want to have any conflict with anyone. They want to be able to use the road and get along with everyone.

Bob Stowell stated that was brought up in TRC and they have provided 20 feet of pavement so there is a place to park.

John Chorlian, 110 Spruce Lane Extension, stated that he is 75 years old and the roadway to the water is very steep. He drives down to the water so he doesn't have to walk because of his arthritis. He said that the parking area will limit his access because he drives all the way down the road. He's been using a path to go to fish. He asked if the path could be stopped. He said that it has been used publicly for many years.

Bob Stowell said that the proposal is improvement to the pavement section. They are not going to prohibit driving further down which is the Upper Factory Road right-of-way.

Ron Cole asked about the path that was being referred to.

Bob Stowell stated that it is within the Upper Factory Road right-of-way so it will remain there.

John Chorlian stated that he understood that the path would not be available unless he got permission from whoever buys it.

Arthur Burke, 2 Union St., asked how close to the Cochecho River the buildings would be. He was concerned with flooding from septic and the wetlands.

Bob Stowell explained that there is a required 100 foot setback. Bob Stowell explained that the test pits were done and they have to be State approved. The wetlands have been delineated on the plans.

Mr. Burke stated that he was concerned with the environment and with traffic on Upper Factory Road.

Ron Cole asked Mr. Burke to address his concerns to the Planning Board and the Planning Department. He added that the Board would be holding a site walk next week and the public is invited and if Mr. Burke had any questions between now and then, call the Planning Department at 516-6008.

The site walk was set for 6:00 on Monday, June 19, 2005.

Mr. Seymour said that he was concerned with the parking area. He was concerned that people would be parking on people's property. He said that he has seen 4 or 5 vehicles parked there at one time.

Ron Cole stated that they would take that under consideration.

The public hearing was recessed.

Ron Cole asked that the place where the fishermen would park and the location of the houses and the wetlands be marked off.

Marcia Colbath stated that it is not only fishermen that are going to be going down there but pedestrians also.

Frank Torr, with regard to the gentleman using the path on the easterly side, asked what the actual legality of this was because that is a conservation area.

Steve Stancel stated that he will look into it but there have been very clear court cases that have come down in NH and as a Board, we cannot force public access. On the other side because of the open space subdivision, we have some leverage and therefore we are getting public access. We can talk to the developer again but you may recall something very similar around Barbados Pond where for years fishermen fished along the shore and what we eventually did was try to create a better area for fishing, understanding that not the entire area was used previously. It is something that we can look at.

Frank Torr said that the 100 foot setback is conservation land.

Steve Stancel stated that the City has a Conservation Overlay District which is 100 feet.

Kirt Schuman stated that he agrees with Frank and we need to explore that option and see what the actual letter of the law is because if there is the potential for public access he would hate to cut it off. It is one of the three rivers in Dover and he would like to see access to it.

Ron Cole said that Steve Stancel made the point that the court would almost always hold in the position of the land owner. We try to work it out so that it never gets that far.

Steve Stancel pointed out that through the years, this Board and the Conservation Commission have been very successful in extending public access along the rivers in the City and there are many miles now open to the public than there were 5 and 6 years ago.

Ron Stock made the motion to table.

John Swartzendruber seconded.

VOTE U/A

Ron Cole announced again that the site walk will be held on Monday, June 19, 2006 at 6:00 PM – parking will be on Upper Factory Rd.

ITEM #9: Consideration and acceptance of a subdivision plan of land for VC Dover Investments, LLC,(Owner John Torr, Trustee) Assessor's Map H, Lot 4, zoned B-4/I-4, located on NH Route 108/Mast Road.*(P06-24)(2 lots)

Frank Torr announced that he is a very distant cousin to John Torr and he would not benefit from this project. In addition to that, he is in the manufactured housing business. The City Attorney has ruled that he doesn't have any interest and there is no conflict of interest.

Robert Cruesse, for VC Dover Investments, introduced Debra Brewster, with TF Moran, Nicklas Laslos, Council, and Christian Jensen, owner of the park across the street. He stated that the project has evolved over the last 2 years. There will be a lot of green spaces. The entryway is 25 feet wide and they have kept a green park between the retail areas. There will be pathways for bicycles, Segways and golf carts. He went over the landscape elements. The people at Jensens's expressed an interest of a medical building and they are still showing that on the plan, also and they have a Hannaford Supermarket. They received the Plan NH Award for their project in Bedford and hope to do the same things here. They are working with the City in developing a sidewalk and cross walk so the people across the street will have access to the retail.

Debra Brewster stated their intent is to do an overview presentation. They have a Conditional Use Permit for the Overlay District. They have focused in on the

commercial aspect of it and are looking for a favorable action on the Mixed Use Overlay Conditional Use Permit and then they will pursue the back portion of the residential. The property consists of 2 lots, one being 55.7 acres located on the corner of Mast Rd./Route 108. The second tract is currently owned by the City of Dover. VC Dover Investment has a purchase option on that which will be an integral part of this project of about 14 acres. They would be looking at subdividing this tract into 3 properties. The 1st would be lot H-4 which would be nearly a 34 acre tract located in back of the lot. The second piece lot H-4-3 which would be 21.7 acres and would include the front portion of the lot and the third lot would be the 14 acre tract to the south. This would total nearly 70 acres of development in this section of the City. The property is located in the Secondary Groundwater Protection District. She went over the type of soils in the parcel. They are looking at 81 housing units in the back of the parcel of 55 and older, active adult community. The front portion base tenant will be Hannaford Market and in addition to that there will be about 26,000 sq. ft. of retail and a medical use building.

Debra Brewster stated that the main access location is one off of Route 108 and the second is located off of Mast Road. They are offering major improvements for the traffic that will be associated with this intersection. She listed the different permits that would be needed with the State and with the City. They are looking at about 1 acre of wetland impact associated with the driveway and some of the pavement improvements and about 1.7 acres of impact associated with the stormwater management enhancement program. They are hoping the Board takes a site walk to look at the wetlands. She didn't realize it was wet because it has been mowed and is a pasture. They are seeking from DES a dam permit associated with their detention facilities, which in this case, there are three of them. They will be seeking a NH DOT Driveway permit on Route 108. They are looking for 4 Conditional Use Permits from this Planning Board. The first associated with the medical use and second would be the wetland and buffer impact. Because of the Groundwater Protection District they will have impervious surfaces greater than 20%. Lastly, would be the Mixed Use Overlay. They will be looking at the subdivision approval and then the site plan for the commercial aspect.

They have designed everything up front in accordance with the B-4 Zone. She said that there are some liberties associated with the Mixed Use Overlay but they didn't take them. They are proposing a non-residential of 41%, residential percentage of 33% and an open space percentage of nearly 27%. She went over the proposed phasing of the plan. She said that the first phase would consist of the Hannaford Market, roughly 36,000 sq. ft. and its associated parking, paving, lighting, stormwater management facilities, the conservation easement and including all the off-site work associated with that phase. After completion of that phase they will feel that they have satisfied the ordinance and that things could be built in different times and different frames and different sessions. The intent is, subsequent to the first phase going in, the residential would begin, starting with the clubhouse associated with the 81 units. There are different phases of commercial and then 4 phases of the residential. Hannaford is asking for a future expansion area. They have done the master planning for the residential and considered the traffic studies and the impervious open space, the stormwater studies, all the utility connections and the stubs into that residential area at this time.

Ron Stock asked about the traffic impact and the need for a traffic light.

Debra Brewster stated that the traffic consultant wasn't present but she would do an overview. She spoke about the two egress lanes and improvements along the frontage of 108 up to the intersection of Mast Road. A signal did not meet any of the warrants that are assigned to a proposed signal. What it did meet was widening an exclusive lane. She explained the lanes that would be added. They are proposing a sidewalk along 108. She went over the lanes at the driveways. There will be substantial widening of Mast Road. They have met with two property owners seeking opportunities of widening improvements.

Dean Trefethn asked, if without any traffic light at the main entrance to the retail, would they entertain the possibility of a pedestrian bridge as opposed to a service crosswalk. He thought without a traffic light, even though the traffic is not enormous out there, it is steady and at times busy. It would be difficult for someone to get across that road without a traffic light.

Steve Stancel stated that they are working with the State to get approvals to put a signal on the site for pedestrians only. There will be adequate lighting there and there will be a signal that will be flashing most of the time, but if you want to cross you would push a button and the light goes red.

Kirt Schuman stated that it is a heavily traveled bicycle area and asked what has been done to incorporate the existing bike lane on 108 as well as shoulder width on Mast Road.

Debra Brewster has asked them to expand the widening to include 4' shoulders on each side for that bike lane.

Ron Stock asked about a second alternate access onto Mast Road for the residents.

Debra Brewster stated that the reasons that they are staying away from that is they feel that it is an active adult community, so it is not like housing where everybody leaves for work at 8:00 and comes back at 5:00. Some of people are retired and some folks still work and it is not as aggressive a pattern as regular housing. They have stayed away from the connection to Mast Road because they think that the 100 foot buffer that is being created between the housing and Mast Rd. is more of a benefit than would be the access. She said because the operations across the street are very sandy and dusty with a lot of truck traffic, they would like to maintain the wooded line and the 100 foot buffer.

Marcia Colbath was concerned with the idea of pushing of the button and the light would work. She said she envisions a lot of rear end collisions.

Debra Brewster said a comment was that they bring the off-site design to a 70% level so they can review those details associated with the crossing.

Perry Plummer said that he had concerns with the pedestrian crossing and an over bridge for an adult community could be problematic. Typically, if people have to walk to the intersection to cross they won't do it. He thought that a tunnel would be a better solution.

Steve Stancel stated that it will be important to get a visual of the crossing. There will be flashing lights over the roadway so you would become very accustomed, as a traveler on the roadway, in understanding what is there and what is coming up. It's not going to be like something new and suddenly there's a red light and you'll have to come to a screeching halt. It will be very visible and very clear to the driver that there's something up there for pedestrian safety.

Dean Trefethen said that there is the same situation in front of the Sounthend Fire Station and many people have no clue that there is a flashing light there. He asked if it was the State's position that they will not allow a traffic light.

Debra Brewster stated that it is the State's position that they will not allow a traffic light on a roadway that is not warranted. It doesn't even come close to meeting warrants.

Dean Trefethen said that he has concerns with regard to the uses on Mast Road such as the noise factor from the gravel pits, the City garage and the concrete plant, etc. Some of these uses will phase out over the next few years but the City garage will probably be there forever. The concrete batch plant may or may not be there but is likely to be there beyond the life of the pits. They have an existing use where it is difficult to find another site to relocate. He is concerned with the long-term, to be blunt; he doesn't want the residents coming to this Board or to the City Council complaining about the noise. There has to be something in the covenants or the deeds that will tell buyers that there is noise now, and there will always be noise and there is nothing that anyone will do about it so don't bother to complain.

Debra Brewster said that she will see what she can do to come up with suggestions.

Ron Stock asked about the acre of wetlands.

Debra Brewster explained that near the southerly end of the project they have two types of impact, a total impact of 2.7 acres and 1 acre out of that is associated with the driveway access and the landscape and pavement improvements to the north. She said that they tried moving the driveway further away from the wetland area and found that the driveways were too close together. They thought about having a 4-way with the Jensen's driveway, which was their first approach but they had a queuing issue. They ended up moving the driveways, the closest they could but as far as they needed to, and that's where the driveway is located. There is 1 acre of impact associated with the driveway, landscape paving improvements and a pump station. There is 1.7 acres of impact associated with stormwater enhancement for this development program with the treatments that they are providing. She elaborated on the system and the landscaping associated with that.

Ron Stock asked the percentage of open space that doesn't include wetlands.

Debra Brewster stated that there is 26.6% of open space and 60% of that is usable open space and the requirement is 50%.

Marcia Colbath said that a substantial portion of the open space is power line easement. She said that she would like to see some kind of plan that insures that it is usable for the residents because land under power lines isn't as attractiv. She would like to see a plan addressing what's going to happen with that open space to the benefit of the residents of the community.

Debra Brewster said that they can do that as they proceed forward with the residential portions. Some things that they have been looking at with regard to the power easement is guest parking located in the easement area as well as community gardening.

Dean Trefethen asked if the 26% open space was only on the 55 acres of the main parcel or did it include the additional land that is being bought from the City.

Debra Brewster said that it includes a portion of lot H-2 in regards to the breakdown they are looking at. The non-residential portion is about 24 acres and the residential portion is 19.5 acres and the open space is 15.9 acres totaling nearly 60 acres.

Ron Stock asked if there was any consideration of swapping the road under the power lines and putting the open space between the two cul-de-sacs so they won't have to do gardening under buzzing high tension wires.

Debra Brewster asked that question to PSNH and they would not allow it.

Doug Steele asked if the existing tree buffer on Mast Road would stay or would some be moved. He added that he shares Dean Trefethen's concerns.

Debra Brewster said that are anticipating that they can maintain 100 foot buffer and in addition enhance it. They would keep the woods there and they would supplement that with some evergreen plantings along that boundary and possibly some fencing.

Christian Jensen, III, explained that this will be a land lease community and as such, they will have a rental agreement with each resident and in that agreement and the rules associated with that agreement it will require that at least one person be 55 and older and no one under 40.

Perry Plummer made the motion to accept.

Frank Torr seconded.

VOTE U/A

Chairman Cole called a 5 minute break.

Chairman Cole brought the meeting to order at 9:25

The public hearing was opened.

Beth Thompson, Economic Director, stated that staff and the Planning Department have been working on this project for 2 years and it is a very desirable project. It meets the goals of the community by creating a livable, walkable community and will be keeping more cars off the road. She said that every time Bob Cruesse appears before this Board, the next day we get calls from people asking how they can sign up to live there. This is desirable and meets a void in the south end of Dover. She stated that she hopes it moves forward and come to fruition.

Arthur Burke, 2 Union Street, quoted the Boston Globe article on acres of land turned over to developers every day. He asked how many acres were turned over to developers in Dover in the past year. He asked what the percentage of the 55 and older would be Dover residents or people coming from MA, CT or PA. He was concerned with developing an older population with repercussions in the years ahead. He was concerned with traffic as there are two schools less than a mile from this project. He thought the supermarket would put a lot of stress on Mast Road and Back River Road.

Ron Cole asked about the date of the 108 Corridor Study.

Steve Stancel stated that as part of this project there has been a corridor study done. There has been a study completed and it does analyze the different aspects. It is available in the Planning office. One advantage of a shopping center and 55 and older community is that the peak period traffic tends to be less. If you had industrial uses out there and people were coming or leaving work you would have bigger problem than the proposal before the Board this evening. These types of uses are better use than what could go in there. He said that they have yet to complete the analysis of the traffic issues.

The public hearing was recessed.

Frank Toor made the motion to table.

Doug Steele seconded.

VOTE U/A

The site walk was set for Tuesday, June 20, 2006 at 5:00 PM.

Scott Torr volunteered to have people park in his driveway and park on the grass on the left hand side was ok.

Ron Cole asked for them to stake out the corner of all of the properties, the stormwater treatment, the large buildings and the green spaces and the two driveways.

Dean Trefethen said that he was confused when he saw 81 units on the site plan advertisement but it didn't mention the retail portion.

TEM #10: Consideration and acceptance of a site plan of land and Conditional Use Permits for VC Dover Investments, LLC (Owner John Torr Trustee) Assessor's Map H, Lot 4, zoned B-4/I-4, located on NH Route 108/Mast Road*(81 units)(P06-25)

Dean Trefethen made the motion to accept the application.

John seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel clarified the process because it is the first time that the Board is doing the Overlay District. The first step in the process is the Planning Board needs to decide if they are going to vote and approve a Condition Use Permit to allow this mixed use concept. The developer has come in this evening with a master plan. At the next meeting they will go into greater detail and have the traffic engineer here. At that time the Board needs to decide if they are going to approve the concept itself. After that the Board would continue to review the detailed engineering plans for the commercial portion of the project. It's been taken into account in term of drainage, and impacts and traffic, etc. for the purposes of the master plan. The next step would be approval of the commercial space and the final step would be going through the public hearing process again for the actual residential space. There may be some change in the residential as we go along.

Ron Cole said that it would be discussed again at the July 11th meeting.

Frank Torr made the motion to table.

Perry Plummer seconded.

VOTE U/A

ITEM #11: Old Business

Perry Plummer said that he would like the Board to reconsider the last vote for **Summit Land Development on Third/Fourth/Grove St. (P06-21)** He said that he was the opposing vote and after looking at some of the parking issues that this plan fixed and was left hanging when it was denied, so he asked the Board to reconsider the application

Perry Plummer made the motion to reconsider the application.

Frank Torr seconded.

Ron Cole explained that the motion was to reconsider the minor subdivision and lot line adjustment of land for Summit land Development. The vote was 5 – 4 in opposition. He explained that Perry Plummer didn't quite understand the parking portion of the plan and there may have been others who got different impressions on it. The members voting against approving it were Marcia Colbath, Ron Stock, Perry Plummer, Dean Trefethen and Tony McManus. We've had a motion to reconsider so it will allow us to advertise this project again and have the applicant come before the Board to explain in more detail what they were trying to do with respect to the parking.

Marcia Colbath said that there are two separate issues combined in one. Dean Trefethen said that he agrees with that and he voted against it primarily for the subdivision part of it and will be more than happy to vote to alleviate the parking situation.

Kirt Schuman stated that he will abstain because he wasn't involved in the discussion.

VOTE 7 – 1 Ron Stock – Opposed

Steve Stancel stated that the gravel pits updates will be discussed at the next meeting.

Ron Cole stated that the co-chairs of the Master Plan update are not here this evening. There will be a meeting next Tuesday night.

Marcia said that the members are going to bring in questions for the phone survey and finalize the questionnaire that goes with the moderators for the Speak Out Dover sessions.

Item #11: Adjournment

Marcia Colbath made the motion to adjourn.

Perry Plummer seconded.

VOTE U/A