

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 25, 2006**

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

MEMBERS ABSENT: Donald Andolina, Ron Stock, Bryan Cahoon, John Swartzendruber Tony McManus

STAFF PRESENT: Steven Stancel, Planning Director and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:04 PM.

ITEM #1: Citizens' Forum

There were no comments.

ITEM #2: Approval of the minutes.

Frank Torr made the motion to approve.

Doug Steele seconded.

Dean Trefethen stated with regard to the July 11 minutes to note that he was not present and Dennis Ciotti took his place as Council Representative. On page 6, paragraph starting Kevin McEneaney, after Ward House "was" needs to be deleted. Also "all the parking is on Chestnut" needs to be changed to Fifth St.

Chairman Cole announced that under ITEM #5: Old Business e. and f. for VC Dover Investments would not be coming before the Board, and ITEM #6. a. the School Impact Fee waiver request for William Pierce would not be heard.

VOTE U/A

ITEM #3: Consideration and acceptance of a Conditional Use Permit for April Moyer, Assessor's Map M, Lot 95, zoned R-40, located on Dover Neck Road.*(P06-36)

Kevin McEneaney gave a brief overview of the plan.

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.

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

1. The applicant shall obtain a NH Department of Environmental Services Wetlands Permit and provide a copy to the Planning Department.
2. The applicant shall utilize proper sediment and erosion control measures during construction.

VOTE U/A

ITEM #4: Preliminary review and discussion on a proposed Residential-Commercial Mixed Use project, for Chad Kageleiry, Michael Brigham, John O'Neill, located on Dover Point Road.

Steve Stancel explained that the applicant wished to come early on in the design process to get the intent of the Board for the Overlay District and to allow the Board input on whether they were heading in the right or wrong direction.

Malcolm McNeill represented the applicants and explained that they were looking for feedback before doing any final engineering. The project is fiscally positive, creative and will not have any adverse affects. He explained that there will be 26 units of single family houses off a private road off of Middle Road and a cluster of duplexes will be the second phase of the project. The primary access to the residential component is off of Middle Rd. The road for the residential units will be private and 20 feet wide. Walking trails will be available to the abutters. There will be an area to cross over into the commercial site. He stated that in the commercial phase there will be an expansion to Bill Dube, a retail shopping center, a retail multi-tenant use, a medical building and 4 office/retail buildings. The congregate care will be analogist to Langdon Plan and will be a building of 120,000 or 130,000 sq. ft. with 130 rooms. An office building would require 600 parking spaces where the congregate care requires 75 parking spaces.

Malcolm McNeill stated that the roadways within the units will be private and will be maintained by the property owners. They do not believe that the road from Middle Road should be a through road. The shopping center will be accessed off of Dover Point Road. There will be a congregate care which is an inherent part of a 55 and older community as it is a logical step. He went over the traffic impacts. He said that they are at a critical stage and need to get input from the Board. They felt if the roadway system were public it would affect the flexibility and creativity of the project.

Malcolm McNeill stated that the traffic impacts per ITE Trip Generations for a 130 unit congregate care facility will generate 262 weekday trips during the 8:00 AM peak hours and 22 PM peak hour trips. An office use will generate 1,536 weekday trips, 213 AM peak hour trips and 213 PM peak hour trips.

Bob Stowell stated that the parcel contains 100 acres. They need 40% for non-residential and they are at 45%. The residential use maximum is 35% and they are at 17 acres. They need a minimum of 20% of open space and they have 37 acres and 17% of that is upland.

Malcolm McNeill explained that a 120,000 sq. ft. office should be located in an area like Liberty Mutual or Pease Tradeport. They feel that there is a need for congregate care and he would like a yes or a no from the Board.

Steve Stancel stated that it is common sense that the main road be public. He explained that the road would be convenient for traffic coming from Middle Road to access the shopping rather than going around. It would not be a convenient cut-through use for the public. In terms of congregate care, it is allowed in residential areas only. The overlay ordinance talked about congregate care and it is not listed under non-residential. He stated that he had no problem with congregate care but the residential proponent of the project must be decreased. He added that the Planning Board needs to send a message

Marcia Colbath stated that a congregate care can be a glorified 55 and older apartment building. She added that Langdon Place was vastly different as it is a multi-tiered level of care. Congregate care has no level of State regulations. She has a concern with the density. She said that there is a waiting list for assisted living.

Perry Plummer asked how the public would be stopped from using the road if it was private.

Bob Stowell explained that there would be a card access for the residents of the 55 and older to cross over to the commercial component. Bob Stowell said that that he would bring a bigger plan showing where the access to the project was located on Middle Rd.

Dean Trefethen asked if there would be a need for a center turn lane in the 28 foot wide road and if the private vs. public road affected the value of the residential units.

Discussion ensued regarding the need for a center turn lane at the approach to the retail area.

Malcolm McNeil stated that the units would average \$350,000 if single family and \$300,000 if a duplex, in a controlled community, with a lack of through traffic. The private road makes the project more attractive. He said that the congregate care for the elderly is a compatible use for what is being proposed.

Dean Trefethen has concerns on how an access gate would work and if it would be practical. He gave a situation of the card being in the other car or left on the kitchen counter.

Malcolm McNeill stated that it would be a code access gate and not a card access gate.

Dean Trefethen was concerned with the people on Middle Road that are now forced to use Hubbard Road or Tuttle Lane. He felt it was more of an impact of those roads.

Malcolm McNeill stated that the traffic study has not been completed and suggested that the issues on traffic remain open. They need a response on the congregate care facility. Ron Cole stated that it is a ½ mile from Middle Road to Dover Point Rd. using the new road and it is probably 2 miles to go around.

Steve Stancel reiterated that a public road from Middle Rd. to Dover Point Road would not be used as a cut-through but would be used only when people wish to use the shopping.

Frank Torr asked if it would be a single lane road that would connect with Bill Dube.

Bob Stowell answered that the road would be 16 to 18 feet wide and would allow for synergy with the development. The site would be used as a multi-purpose site for Bill Dube.

Discussion ensued regarding the signage for the development.

Steve Stancel explained that they can't use the entire density of the residential and still ask for 130 units of congregate care.

Perry Plummer asked if that would set a dangerous precedent.

Steve Stancel answered that it would.

When asked Beth Thompson stated that an office building would be viable but the office users she has worked with are afraid of the amount of traffic on Dover Point Road and the distance from the turnpike. Traffic aside, it would be very viable as there are no large lots left.

Chad Kageleiry stated that he is not an expert on congregate care but the idea of having a congregate care facility with the 55 and older seems to be viable. No matter what happens, there will be more traffic with an office use. If they need restrictions, they can work out the details with the Board. The concept is being put forth to get some direction from the Board.

Marcia Colbath asked about assisted living.

Steve Stancel explained that assisted living was not allowed in the ETP Zone.

Steve Stancel stated that congregate care is allowed but the developer had to do a yield plan. The residential requires 40,000 sq. ft. per unit and it was proven that 62 units were allowed. They are putting in the 62 units and are asking for 130 additional units for the congregate care. He said that by eliminating some of the single family units they would be able to put in the congregate care.

Frank Torr stated that the Board set a ratio and asked why the Board should change that now. He felt that they should do away with some of the residential and that the road should be a public road, as it would benefit Back Road and Middle Road. He said that he also didn't see a major problem with cut-throughs.

Kirt Schuman felt that they reached their threshold on residential and felt that people would not use the road as a short cut.

Chad Kageleiry said that they would like the opportunity to work with staff and come back with a revised plan.

Marcia Colbath stated that the Board set up parameters and it needs to meet those parameters.

Malcolm McNeill ended by saying that they met their goal and got the message.

ITEM #5: a. Lot line adjustment for Lawrence Dubois and, b. site plan for Lawrence Dubois.

Frank Torr made the motion to take this item of the table.

Perry Plummer seconded.

VOTE U/A

Kevin McEneaney represented the applicants and stated that two weeks ago Mrs. Witham expressed her concern with the use of the two parking spaces. She was unsure if she wanted to sign the agreement. He said they are proposing to place this back on the table. Since the parcel is a City parcel it should be reviewed by the City Attorney and it would give them an opportunity to redesign the parking spaces and continue the discussions with the abutter.

Frank Torr made the motion to place this on the table

Perry Plummer seconded.

VOTE U/A

c. Consideration and possible vote on a lot merger and lot line adjustment for Lafrance Hospitality, located on Hotel Drive/Old Rochester Rd.(P06-28)

d. Consideration and possible vote on a site plan of land for Lafrance Hospitality, located on Hotel Drive/Old rochester Rs. (P06-29)

Frank Torr made the motion to take this off the table.

Perry Plummer seconded.

VOTE U/A

Mark Woglon, Opechee Construction, represented LaFrance Hospitality. The lot line adjustment is unchanged. The site plan is largely unchanged except for technical changes, adding granite curbs on Old Rochester Road and updating the traffic study. The original traffic study contained an assumption and now they are adding a third development and the sum of all three developments is still lower than the original traffic study. They will pay their fair share of impacts on Indian Brook Drive. They will also extend a hedge to suit one of the abutters.

The public hearing was opened on both items.

Beth Thompson, Economic Director, stated that she supports this project and the use is desirable. She added that having an additional hotel is needed. Overnight stays in Dover brings money to the City.

The public hearing was closed.

Dean Trefethen made the motion to approve **ITEM #5: c.** Lot merger and lot line adjustment 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. The applicant shall revise the plat to label the proposed lot line.

Kirt Schuman seconded.

VOTE U/A

Dean Trefethen asked about condition #4 of Bruce Woodruff's memo. He felt that the "one time striping of the centerline on Hotel Drive" should be done forever.

Mark Woglom stated that Hotel Drive is part of the remaining piece of property. He said that he is sure that they can put the striping in a maintenance agreement to be sure that the striping stays in place.

Frank Torr made the motion to approve **ITEM 5: d.** Site plan with the following conditions:

1. Add the owners' signature to the plan.
2. The applicant shall provide the Planning Department with proof that the EPA Notice of Intent Permit has been filed.
3. The applicant shall provide the city with a public access easement to allow the public's use of the sidewalk along Hotel Drive. Said easement shall be reviewed and approved by the City Attorney and recorded at the Strafford County Registry of Deeds prior to the issuance of a building permit.
4. The applicant shall revise the plan to add a crosswalk between the interior sidewalk and the sidewalk on Hotel Drive.
5. The applicant shall comply with the traffic recommendations contained in the memo dated 7/21/06 from Bruce Woodruff.
6. The final sidewalk engineering and design must be approved by the Engineering Department comments as follows prior to signing the plan:
 1. The proposed curb on Old Rochester Rd. seems to vary from a road width of 26 to 30 ft. The curb line and street width should be more uniform.
 2. The cover over the sewer service is normally 5 ft. but due to possible conflicts this may not be achieved. The current profile of the sewer service shows far less than the 5 ft. of cover. This should be revised to maintain as much cover as possible and in conjunction with the note, to test pit the existing utilities, to make a final determination of depth of the sewer service.

3. More detail is needed where the proposed sidewalk, stone wall, swale and headwall are located on Hotel Drive. A cross section needs to be provided showing how the proposed sidewalk, stonewall and existing swale line work. A handrail may be needed in part of this area.

7. Due to the fact that the City is undertaking a water pressure study in the north end of the City, the applicant shall contribute to the City a fair share amount, not to exceed the cost of the booster pump required to obtain adequate water pressure for the hotels, to the recommended solution from the study. If the study's recommended solution is not determined at the point the hotel is ready to construct the booster pump, the applicant shall be permitted to install the pump in lieu of contributing to the study solution.

Dean Trefethen seconded.

VOTE U/A

ITEM #5: e. and f. would not be heard.

ITEM #5: g. Consideration and possible vote on a site plan of land for South Dover Investment Group, LLC, located on Dover Point Rd. (28 units of Congregate Care)(P05-63)

Frank Torr made the motion to take this item off the table.

Doug Steele seconded.

VOTE U/A

Kevin McEaney stated at the last meeting there were issues with traffic. They have submitted traffic information and the conclusion was that it was not necessary for a center turn lane on Dover Point Rd. at this point in time. The applicant has met with a catering provider and will come up with a contract. A condo document pertaining to food service has been submitted. Because the landscaping plan is far superior and because of the number and location of the plantings they would like to deal with the Planning staff rather than the Engineering staff. They want the ability to talk to Planning if there are any minor changes that need to be made.

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road, stated that she approves of this facility. It has advantages because walking is possible, the bus stop is located in the front of the project and the Overlay District is across the street. She cautioned the Board not to let the developers of the Overlay District have too much creativity with regard to their plans.

The public hearing was closed.

Doug Steele made the motion to approve with the following conditions of approval:

1. Add the owners' signature to the plan.

2. The applicant shall prepare condominium documents for review and approval by the Planning Department, prior to signing the plan. The documents shall address the creation of the overall condominium association, the 55 and over age restrictions, the maintenance responsibilities for the utilities, roadway, and drainage facilities, and the provision of food service for the residents. The document shall be reviewed and approved by the City Attorney.
3. The applicant shall submit to the Planning Department, an executed contract for the provision of food service as specified in the condominium documents prior to signing the plan. The food service contract shall provide for the availability of three meals a day for the residents, a minimum of 20 meals per month must be purchased by each resident, and the meal fee can not be waived.
4. The applicant shall submit the foot-candle plan associated with the lighting plan for review and approval by the Planning Department prior to signing the plan.
5. The applicant shall revise the plans to add a detail for the proposed retaining wall.
6. The landscaping plan may be modified, but not significantly changed per approval of the Planning Department.

Perry Plummer seconded.

Dean Trefethen stated that he has mixed feelings on the proposal. He is concerned that the development must be looked at as a whole, along with the similar 55 and older projects in the pipeline and already approved. He cautioned that Dover may become a community of “old people.” The City will need to have workers and housing for them.

VOTE U/A

ITEM #5: h. Consideration and possible vote on an open space subdivision (OSS)(6 units) and a major subdivision (11 lots) of land and a Conditional Use Permit for MPJ Development LLC, located on Upper Factory road.(P05-72)

Frank Torr made the motion to take this item off the table.

Marcia Colbath seconded.

VOTE U/A

Bob Stowell, Trittech Engineering, stated relative to the abutter, Mr. Labrie, the location of the private drive access, opposite from his driveway was worked out and placed to the north. They provided a 30,000 gallon fire cistern that has been discussed with the Fire Department. This is the best solution given the economics. He explained that the cistern is fed off of a well and a pump will make sure that the well is always full.

Dean Trefethen asked about the access to the river and the improvement of the roadway.

Bob Stowell explained that they will recreate the trail system on the westerly side of the bridge abutment. The trail is oversized and will be gravel and the public will be able to continue using it on the west side of the bridge abutment. It will be wide enough for a vehicle. It isn't on the plans yet but he doesn't object.

Doug Steele asked who would maintain the cistern and the pump.

Perry Plummer stated that there is not a lot of maintenance to this system. This provides a water supply and is better than just widening the road.

Bob Stowell stated that the maintenance of the cistern will be part of the homeowners' association.

Dean Trefethen asked how far the nearest water service was.

Steve Stancel answered that it is on Tolend road and is about 2,000 feet. He said that for 17 house lots it is not justified to extend the water line.

Bob Stowell said that they designated a 50 foot public access way on the westerly side and reached an agreement to relinquish a recreation easement in exchange for the ability to grant a continued 50 ft. wide public access for another 500 feet along the Cochecho River. They have shown the abutter to the open space that they will provide screening.

Marcia Colbath asked if the 6th house on the plan would need sprinklers.

Perry Plummer explained that they will have to do some measuring but the distance is fine.

Steve Stancel stated that it could be made a condition of approval that they look into that.

Perry Plummer said that "without water" is considered to be 1,200 feet from the cistern.

The public hearing was opened.

Linda and Bob Mikula, Upper Factory Rd. stated that they realized the access road was being moved. There are concerned with the septic near their property. There is a small piece of land that they would like to acquire and would like the septic system moved from that piece.

Bob Mikula said that he would like to acquire the 50 X 50 ft. piece of land next to his driveway and asked if the septic could be move to allow him more privacy. He stated that they made a concession to Mr. Landry and he would like a concession made to him.

Steve Stancel asked Bob Stowell if they needed that area for the septic and if it was suitable for leaching.

Bob Stowell stated that they didn't have a septic design yet and he is not sure if the land is needed or not. When they do their designs, they will see if they have available land elsewhere. He stated that he had no answer at this time.

Steve Stancel stated that the problem of acquiring land is if it affects the setback of the units themselves. He asked if the arborvitae could be increased to create a screen.

Bob Stowell stated that he would be amendable to that.

Bob Stowell explained that a lot line merger created one property. He would be ok on the open space portion.

Steve Stancel asked if a condition of approval be that this could come back for a lot line adjustment if this doesn't affect the density of the project.

Bob Stowel stated that he would be agreeable to discuss that.

Steve Stancel said that a condition would be included that the developer be amenable to negotiate if the small parcel doesn't affect the density.

The public hearing was closed.

Discussion ensued and it was determined that the trail would be maintained by volunteers.

Marcia Colbath stated that the parking spaces would need more maintenance than volunteers and whoever plows the road should also plow the paved area for parking for the people who utilize the river in the winter.

Marcia Colbath made the motion to approve the waivers to allow a reduction in pavement width for Nye Lane from 28' to 24', a reduction in pavement width for Pacific Drive from 24' to 20', and a waiver to the 50' external buffer required by Chapter 155-22-F(4) to allow the existing woods road to be the driveway to unit #6, the subdivision plat and Conditional Use Permit with the following conditions:

1. Add the owners' signatures to the plat.
2. Approval includes the granting of the requested waivers.
3. The applicant shall provide the City with a deed to the northern portion of Upper Factory Road, prior to signing of the plat.
4. The applicant shall provide the Planning Department with the NH Department of Environmental Services Site Specific Permit and add the permit number to the plat.
5. The applicant shall provide the Planning Department with the NH Department of Environmental Services Wetlands Permit and add the permit number to the plat.
6. The applicant shall provide the Planning Department with the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
7. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent Permit has been filed.
8. The applicant has agreed to pay to have crack sealing performed along the entire length of Upper Factory Road. The cost will be calculated by the City Engineer and the applicant shall submit payment prior to the issuance of the first building permit.
9. The applicant shall contribute the sum of \$4,019 to the Community Services Vehicle Fund prior to the issuance of the first building permit.
10. The applicant shall submit a completed Lot Merger Form for the lots west of Upper Factory Road, prior to signing the plat.
11. The applicant shall provide the Planning Department with a copy of the proposed homeowner's association documents that address the open space ownership, the private driveway, drainage and utility maintenance, **maintenance of the cistern** and

the preservation of the 50 foot external buffer in its natural state, prior to the signing of the plat.

12. The applicant shall revise the plat to show the height of the landscaping proposed to provide screening for Map E, Lot 52B.
13. The applicant shall agree to grant to the City of Dover a public access easement on a 50-foot wide portion of the Open Space Subdivision lot along the Cochecho River. Said easement shall be reviewed and approved by the Planning Department and the City Attorney prior to recording the subdivision plat.
14. The applicant shall reach an agreement with the owner of Map E, Lot 48B to provide the City with a 50-foot wide access easement along the Cochecho River for the portion of the lot encumbered by the recreation access easement.
15. The applicant shall revise all plan sheets to show the relocated Pacific Drive.
16. The final design of the fire cistern shall be subject to the approval of the Fire Department.
17. **The applicant shall revise the plat to indicate that units #5 and #6 will be required to have sprinkler systems.**
18. Finalize parking and trail design to the satisfaction of the Planning and Engineering Departments.

Kirt Schuman seconded.

VOTE U/A

ITEM #6: New Business

Perry Plummer placed a Strategic Plan for the Fire Department and a DVD presentation on Fire Power on the desks. He said that this is going to be brought to the forefront and will also be played on Channel 22.

Steve Stancel announced regarding the hotel plan, that they are looking into moving the homes on that property if they can find some land before the project gets started.

Frant Torr stated the Waterfront Meeting is tomorrow night at 5:30 PM.

Ron Cole announced there are two different Planning conferences coming up.

Steve Stancel stated that the Speak Out Dover meeting is on Thursday, July 29th, at St. Thomas Aquinas High School at 7:00 PM. And Tuesday, August 1, at Garrison School.

ITEM #7: Adjournment

Marcia Colbath made the motion to adjourn.

Doug Steele seconded.

VOTE U/A