



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

**MEMBERS PRESENT:** Marcia Colbath, Dean Trefethen, Linda Merullo, Kirt Schuman, Tony McManus, Perry Plummer, Ron Stock, Frank Torr, Donald Andolina

**MEMBERS ABSENT:** Ronald Cole, Doug Steele, John Swartzendruber,

**STAFF PRESENT:** Christopher Parker, Planning Director, and Jacqueline Pease, Recording Secretary

Vice Chair Tony McManus brought the meeting to order at 7:05 pm.

### 1. Citizens' Forum

There were no speakers.

### 2. Approval of minutes

Frank Torr made the motion to approve.

Donald Andolina seconded.

**VOTE U/A**

### 3. Old Business

#### **a. Discussion and possible vote on a site plan and Conditional Use Permit for The New Meadows, Assessor's Map H, Lot 35-D, located on Knox Marsh Road.\*(P07-18)**

Dennis Moulton, AMES, MSC, representing he New Meadows, stated that they were before the Board in April. This is a portion of a previously approved site plan. It is one of the two 20,000 sq. ft. commercial pads that were part of the overall development site that was approved at the end of 2005. It is the one further in on Lilac Ln. The breakdown of the uses within the building is the top two floors will be office space – 40,000 sq. ft. The bottom floor is programmed for 5,000 sq. ft. of dry cleaner use, a restaurant of 8,300 sq. ft. and 6,700 sq. ft. of retail. The utilities have been previously approved with the site plan. They have made modifications but overall, this is basically the same size as before. There is a revised lighting plan. They did the calculations to prove the previously approved drainage was still adequate. Parking is a major issue with this proposal. They had proposed a reduced number of parking spaces. The reduction was based on an analysis performed in accordance with 170-I-2 of the City's Ordinance. They have included that analysis with the plans. He said that the restaurant will only be open from 4:00 pm on, as to not overlap with the business uses. As people leave the business use, it frees up the parking for the restaurant. They had 135 spaces on the previous plan. City staff requested that they add additional spaces, which they have. The City was supportive of their methodology and they hope the Planning Board will also be supportive. One of the comments is that they didn't show a loading zone. They propose the loading zone be located to the side of the building.



CITY OF DOVER

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It would be posted and they would create a curb cut for dollies and other types of wheeled vehicles for deliveries. Regarding the signalization at Knox Marsh Rd., he spoke to Don Rhodes who analyzed the traffic and concluded that the warrants were not fully met for a light. It is really something that is up to NHDOT and they are not inclined to have the signal at this time. They can get a letter to document that. He had reduced sized floor plans of the building but they don't show much, as they don't have tenants at this time. They received approval for the dry cleaning use from the Conservation Commission.

Marcia Colbath said her only problem is that they don't account for the restaurant until 4:00 pm. She can't imagine that no one would show up before 4:00. There would be prep people there before opening and that would overlap with the peak time parking.

Dennis Moulton said on his usage chart for the anticipated uses, the hours before 4:00 pm have usage of 116 spaces; at 1:00 pm, 125 spaces, and 127 spaces at 3:00 pm. Factoring that in, there should be spaces available for the employees prior to opening of the restaurant.

Marcia Colbath felt they would have to regulate delivery times. She said that many of restaurants receive their deliveries in the morning hours. Between 9 and 12 is close to the peak hours for the spaces, which doesn't leave much space for maneuvering of delivery trucks.

Dennis Moulton said that they may have to have someone there earlier to take deliveries. They can possibly accommodate a couple more spaces, if that would make her feel more comfortable. The tenants are speculative, but they wanted to propose something and go forward. The developer understands that any changes would have to come back before the Board for approval.

Perry Plummer said that lack of parking concerns him because they will find a place to park somewhere. It is more than just convenience, because cars will be parked in places where they shouldn't be and the Fire Department may not be able to get through. He said that this borders on acceptable but there are issues. He said that the location for deliveries might not be the most convenient location, which is a concern.

Chris Parker asked if they had looked at how many users might come from the complexes and might not drive to it.

Dennis Moulton said that was not factored in. They took their parking numbers directly from the ITE Parking Generation Manual. It doesn't account for walking customers.

Donald Andolina asked if they have selected someone to run the restaurant and what if they serve breakfast. They are just guessing that no one will eat until 4:00 pm at this point.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

Dennis Moulton said that there is a person interested in running the restaurant. The hours could be restricted to 4:00 pm in the occupancy permit for the restaurant.

Christopher Parker explained they would receive approval conditioned on X number of seats and there would be a limitations of hours at the time of the occupancy permit

Dean Trefethen thought that the restaurateur might want to have breakfast or lunch hours if he is not making a go of it at the 4:00 pm time. With all that office space and the restaurant is not open for lunch, we would be forcing employees to drive someplace else. This defeats the purpose of having a multi-use building.

Tony McManus said that the required number of spaces is 221 and the applicant is asking for 140. This is a reduction of 80 spaces. His concern is the same as Dean, it would seem that the best time would be breakfast and lunch with the office space there. It is an out of the way location for dinner and doesn't make the building very viable to him.

Dean Trefethen asked what prevents them from adding more parking spaces on the north end of the building or across Lilac Lane in the northeasterly direction.

Dennis Moulton said it is the outfall of their stormwater treatment area. There is a detention area in that location and it has an outfall that crosses the road, into a treatment swale and eventually, enters Know Marsh Brook.

Dean Trefethen asked about the use of the public service easement which is a common use.

Dennis Moulton stated that he doesn't know why PSNH won't grant permission.

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

Donald Andolina seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was recessed.

Linda Merullo arrived at 7:30 pm.

Chris Parker felt that progress has been made and recommends that it stays on the table. He said that they are happy that the daycare use is gone. They need to work together on the parking and the PSNH option. He said an employee in the office complex might find this to be a good place



CITY OF DOVER

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Meeting Time: **6:00 pm**

for lunch and for the residents as well. He said that they need to look into the whole issue of the traffic light. He recommends tabling while they continue to work with the applicant.

Dean Trefethen asked if the Planning Office has any contact with PSNH.

Chris Parker said that the City Manager's Office has contacts with PSNH. He said that Newington Crossing would not be there today if it were not for a parking agreement with PSNH.

Dean Trefethen agrees with shared parking, but there must be a comfort level.

Perry Plummer asked how it would be handled if the restaurant wanted to start opening at noon.

Chris Parker said that the hours would be specified on the CO and it would be part of the conditions of approval.

Tony McManus felt that there should be a landscaping plan.

Dennis Moulton said that the parking in the PSNH area would be closer to the residential buildings and there would need to be some screening.

Donald Andolina made the motion to table.

Ron Stock seconded.

**VOTE U/A**

**b. Discussion and possible vote on a major subdivision of land for Dover Point Properties Development, LLC, Assessor's Map L, Lot 89G, located at 202 Dover Point Road.(P07-39)(14 lots)**

Bob Stowell, Trittech Engineering, represented the applicant. He stated that they did a site walk since the last meeting. Buffering was discussed between their project and the existing residential. The ordinance doesn't require buffering between like uses. There is significant existing screening on all sides abutting the residential parcels. Sheet S-1 shows the proposed buffers and increased setbacks. The trees are there and he has provided a no-cut buffer that will extend along the abutting residential parcels. He pointed to the areas where they have increased the 15 foot building setback to 30 feet. They have well in excess of site distance, even with 10 miles over the speed limit. With regard to the left turn issue exiting the site, there could be a possible no-left turn sign during certain hours. They proposed an evaluation period for the first year from the first CO to see if it would be an issue. The staff comments are recommending that it be in place immediately. They can live with that. There was concern about parking on Dover Point Road immediately adjacent to the site. It is a State Road and beyond the City's control. They have forwarded a letter to DOT requesting that at the applicant's expense, there be no



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

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Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

parking, if they are agreeable with that. They have proposed 400 feet on each side of their entrance as no parking. They have an exhibit that they showed on the site walk that shows, for a section of roadway, they have a significant amount of fill to grade within the 8% grade. They have shown how those sites could be graded and would look normal in the context of site development. The road is a stand alone component but the proposal is to build the road with house lots. When the house lots are fully developed, esthetically, the Board would be very pleased. The grading plan demonstrates that it can be done. Bob indicated there would be no need to have a homeowners' association with a public road.

Dean Trefethen was concerned with the accessory structures such as sheds and pools, etc.

Bob Stowell said that the lots are fairly deep. The no cut buffer does restrict accessory structures but not for the 30 feet.

Dean said enforcement would be very difficult without a homeowners association. Contrary to some people's perception, the Building Inspector does not lurk in people's back yards looking for violations. He urged that it be 30 feet for everything. The burden would be on the Building Inspector to remember that. The 30 foot setback is a good idea.

Perry Plummer asked on lot 12, originally there were two building locations one down by the water and the other near the cul-de-sac. Now it is shown near the cul-de-sac.

Bob Stowell explained they are showing the house location near the cul-de-sac and a Conditional Use Application would be needed if they want the house near the water.

Perry Plummer asked if lot 89F, which is not part of the development, is a non conforming lot. By allowing this road to go in, would it make a non-conforming lot more non-conforming?

Chris Parker explained that the lot is non-conforming on frontage. Because of the lack of frontage, it has reduced side setbacks and this meets those reduced side setbacks. That's why we determined that this development does not impact that lot.

Marcia Colbath was concerned with the 24 ft. width road, not so much at the bottom end of the road but at the opening of the road. She said that driving down Dover Point Road it would be more dangerous if the opening of the road was only 24 feet wide.

Chris Parker explained that coming off Dover Point Rd., the opening is 28 feet and then tapers to 24 feet.

Marcia Colbath agrees with Mr. Stowell that it is not fair to have a public street with a right turn only for 2 hours a day because of a private entity across the street. Should take a wait and see



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

attitude. People will turn right if they feel a left hand turn is difficult. A no left turn sign, will force them to go towards Dover and then turn around in someone's driveway or make U-turns. That would create a dangerous situation. St. Thomas creates the traffic situation with or without this project. People living on that street should have the opportunity to make the decision to turn left or not, themselves.

Donald Andolina asked if a traffic impact study was done.

Bob Stowell stated that they did not.

Donald Andolina stated that there is Royer Lane, St. Thomas and then this development all in a row and within 200 feet. The traffic is very fast on Dover Point Road, which will create a mess. He felt that a traffic impact study is needed.

Bob Stowell stated that St. Thomas went through this process without a traffic study.

Don Andolina asked that the traffic engineer address this.

Bob Mack TEP, LLC, stated that the development that is being proposed is a very light traffic generator and the volume would not have any traffic impacts. The State Driveway Permit will look at the physical layout, which addresses the high school changes and then the driveway locations. In his opinion, the driveway location is sufficiently far away. The site lines are very good. The proposed driveway coming out of the high school, he believes would be only right-turn out. There is not a lot of crossing movements happening right at the proposed driveway.

Donald Andolina felt it depends on the hour and asked how many cars he expects to go through those 200 feet between 7:00 am and 9:00 am.

Bob Mack said that he doesn't have the traffic count handy. It is like any driveway up and down the street. Everybody has to make a turn across the traffic and if they can't make it, they have to make a right hand turn.

Donald Andolina said that you can't compare a driveway with this development. He said if they don't know how many cars travel through this 200 foot area at any point in time, how can it be said that this is ok. We need to know how many cars travel between 7 and 9 am and 3 and 5 pm.

Bob Mack said except for the high school right turn exit, which is in that area, these will all be looked at during the DOT Driveway process. If they come up with a concern, which he doesn't anticipate, it will be dealt with. In terms of traffic flow at the driveway, it not a significant number.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

Donald Andolina said that he doesn't agree.

Marcia Colbath asked the applicant how many cars he expects to be exiting the development during those time frames. The traffic speed during that time frame is about 10 miles an hour. She said that all those things need to be taken into account.

Bob Mack said that exiting the proposed development for 13 homes will generate about 10 trips during the morning peak hour period and probably 7 out and 3 in. Of the 7 cars coming out during the peak hour, about 4 may go left and 3 may go right. Some people will want to go to work. If the houses have kids in public school, you will have kind of split coming in and out. It is a very sporadic and light movement. There is a half hour interval where there might be 1 or 2 left turns during that intense time. If it is that intense, people will change their schedule or make a right turn. The bottom line is that the numbers are very small.

Marcia Colbath asked how many houses there were on Royer and Ayers Lane.

Chris Parker said possibly 4 on Royer and possibly 3 or 4 on Ayers. New Bellamy has 10, Riverside has 24 homes, to the north Evans Drive has 6 or 7, and Landing Way has about 21 or 22.

Linda Merullo agrees the traffic of 13 homes will not create much of an impact and that too much of an issue was being made of it. She said many people leave before the school is up and running. People will adjust during the heaviest period and leave either a few minutes before or after the peak time. She thinks that it is unfair to single out this development vs. the ones across the street. She agrees with the developers at this point, that traffic is not a big issue.

Perry Plummer said if we are going to make a no left turn a requirement, it should be made now before the people buy the homes. If in a year it is found to be a safety hazard, it can be revisited.

Chris Parker stated that the reason he recommends looking at it now as it would give the purchasers a heads up. It is an enforcement thing also. It will fall on him to make that decision a year from now. It should be done now if it is done at all. There are other streets where there is a time of no left turn and some that have no left turns at all.

Ron Stock stated that the middle lane can have traffic backed up to make a left turn and somebody southbound might try to make a left turn into this development and might not be able to make a left turn and block the traffic. He wondered if the way the queuing is, if there should be a left turn section coming back in or should it not be right in front of road.

Chris Parker said that is something that Bob Stowell looked at with DOT.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

Bob Stowell stated that their stacking lane does end just before you get to this site and the stacking does stop before you get by this entrance.

Dean Trefethen agrees with the contention that if the people who live here find that this is a problem they will make adjustments. He has three intersections where he lives and you just don't go through there between the busiest times. The people who live in this development will make those adjustments also. Whether this development is here or not, will not change the problem that is there now. 3 or 4 cars will not change the dynamics. It has to be looked at from a rational standpoint and that is what the Board is tasked to do. He understands that it is very personal to the abutters but they have to be objective. New Hampshire is a land right state. If you own a piece of land, you have a right to develop it and the Board's job is to make sure that it does not have an adverse impact. He said if we say no, the City goes to court and when the City goes to court, it loses.

Marcia Colbath said if we do force the no left turn, it will just be a "feel good" because the way it is set up, it won't stop anyone from making a left hand turn. She doesn't believe the Police will station someone down there. She feels it is unnecessary. As Chair of the Open Land Committee, they worked hard to conserve land in this part of town. She said they preserved the Tuttle Farm and the Hunt Farm. They will stay undeveloped in perpetuity. Looking at this piece of property, it is a piece of property just like yours and it is zoned for this density of housing. Personally, she would rather see homes in an area like this instead of an 80 acre open space that supports wild life and has hundreds of feet along the river.

Dean Trefethen made the motion to take this off the table.  
Kirt Schuman seconded.

The public hearing was opened.

Paul Connolly, Civilworks, represented St. Thomas High School. He put his comments in writing but didn't make enough for everyone. The Planning Dept. memo of Sept 21, states that 3 waivers are needed. a) An 8% grade for the road for a distance of 750 feet, where 6% maximum is allowed. b) To allow road pavement of 24 feet, where more than that is required. c) A waiver for an 8 inch water main where 12 is required. After review of the plans he thought that a 4<sup>th</sup> waiver is requested also. Subdivision Regulations 155-33.G requires that there is a minimum of a 75 foot long platform, at a grade no greater than 3% coming off the intersecting road. He believes that the length of the platform, as proposed, is still less than 75 feet. Another point is that other subdivisions reviewed by this Board have included review of final grading and erosion control measures for the entire site, including all lots. He asked why not require the same of this application, as he didn't find that in the file. The majority of the acreage of the Calderwood land will be impacted by earth work. He felt it would need a Site Specific Permit, unless the work takes place on an individual site basis. The proposed Shore Lane intersection with Dover Point



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Time: **6:00 pm**

Road warrants further discussion. Not so much on traffic volumes, but it should be documented. He said that the center lane is the stack lane. When the stack lane is going to be stacked with vehicles, what will it do to the person coming out of Shore Lane going left? He said that it is called a turning conflict movement study. It is not a full blown traffic study but it is a real issue. How does a prohibition of a left hand turn get enforced? There are no provisions made to allow the sign to be dated or time specific. What would happen on holidays or in the summer? Would there be a menu of times and date prohibitions. He suggested a study. How is the no left turn enforced? He said that he finds it hard to believe that there is no deceleration lane into Shore Lane. He said that the St. Thomas High proposed improvements are not shown on the subdivision plan. He said that St. Thomas is the steward of 700 students and they are opposed to this project. No traffic study, no gap study, no conflict study, no turning movement, no DOT Permit on file and no backup for the left turn sign. He said that he is asking that the project not be approved.

Jeff Quinn, Principal of St. Thomas High School, stated this is complicated situation. He said that it is like a full glass of water at a tipping point. There is a lot going on and a very complicated traffic pattern now exists. That was their beginning point when they suggested their redevelopment plan. They began with a traffic study. In 2001, a traffic study was done at peak hours, which is a small window of time, and there were 1,400 to 1,600 vehicles. During that small amount of time they have had multiple accidents. The proposal means that the road is getting wider and more is going on. He would like to support the idea of a traffic study. He's not sure a no left hand turn sign is in order. He said if he had to make a left hand turn and couldn't, he would drive onto St. Thomas property, and go south through their exit lane. That would exacerbate the issue that they are trying to solve on campus. He would like someone who can take a broad view and come up with some solutions for all of them. They are about to embark into a project that will exceed 1.6 million dollars and part of it is widening Dover Point Road. They hate to think that they spent all that money when there might have been some adjustments that could have helped the situation.

Kate Hobson, the new owner of the McIntosh property, said she is not opposed to people building and she wants to build on her property also. She found that the 35 mph is only during school hours and the rest of the time the traffic is going 55 mph. It's not just the school but maybe if they could reduce the speed limit, maybe it could be part of the solution. She does turn right to turn left.

Lou McIntosh, used to live there, and has had 50 years of experience. He said that he lived there when the Calderwoods built their house and the river turned yellow. He witnessed accidents of people coming over the hill. That little hill obscures visibility and people make errors in judgment. That has been a dangerous piece of road for at least 25 years. He felt it would be a mistake to underestimate the traffic problem that is there. He doesn't think that having a center lane would make the problem go away. He thinks that all the requests that have been made for



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

studies for environmental visibility and traffic would be a good idea. He said as soon as you stick a shovel in the ground on that property, erosion starts to happen because it is so steep. When Riverside Drive went in, he put up with runoff, and then went to the City. It posed a problem because Riverside Dr. was washing out into the middle of the river. The EPA takes a dim view of that. The City has an easement across that property and maintains a swale to control the storm drainage so it doesn't run into the river. If you don't plan ahead for this new development and look at the drainage problem carefully, you run the risk of getting into the same situation. Even if it is developed one lot at a time, there will still be a problem.

Nancy Pearson, 200 Dover Point Road, stated that she spoke to the Chief of Police and was given the statistic that in 2007, there were 15 accidents in 18 months. This is about safety. There are 4 cars in the driveway of the house next to her. She asked that they don't play with the numbers and make them lower and lower to make them seem like they are being foolish or petty. Garrison School is currently is at 514 students and they wish to be at 500 and the high school is at 1,718 students and their goal to be at 1,700. The middle school was already too small before it opened. What kind of parents will be attracted to come to Dover, if not to come to great public schools? Not against development but they want to know why they couldn't have 6 or 7 instead of 14 homes. Couldn't the developer make his money with something that the neighbors could more comfortably swallow?

Brian Pearson, 200 Dover Point Road, stated that the dynamics of Dover Point Road has changed and he wants to know if must reach gridlock before it is a problem. Dover is filling up with more and more houses. There are rich developers and rich lawyers and real estate developers. He has a couple acres to develop too. What do they want Dover to look like? Should he put up a bunch of houses on his property, or should he try to retain the farm land that was farmed in 1623. These people come to town and run all over them. They come in and get variances and exceptions and the neighbors lose their power to negotiate. They'll have 14 families stuffed into the school system instead of pushing back. Negotiate – 6 will be great. He said that if it is that easy to come in, he knows what to do with his property. They have lived here for 10 years but he sees his friends living where there are 2 acre lots. He could make money like the other guys. What kind of town is this?

Janet Butler, 196 A Dover Point Road, stated that there is a real traffic problem. She has difficulty coming out of her driveway and she is just one car. If she needs to go south she has to turn north, and then waits for a break to cross. She then goes into St. Ann's and waits for another break in the traffic to head south. When their kids were in high school they had 3 or 4 cars heading out of their home. To them it feels like too many homes. Dover is a wonderful place to live. They are coming to NH because they want to get away from Saugus, MA. They are looking to the Planning Board to help keep this Dover, rather than turning Dover Point Road into Saugus. She is looking into protecting the waterway. It is a beautiful asset and they would be happy to take anyone on a boat ride. The river is a jewel. If we just allow developers that are



CITY OF DOVER

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Meeting Time: **6:00 pm**

chasing the almighty dollar to building as many houses as they can and pack the banks of the Pistataqua and the Cocheco Rivers, they will be sorry. We need to think how we want development to happen on the banks of that river. They are not against the development just against the numbers. It seems like a tragic loss of a very beautiful riverfront piece of property.

Tony McManus noted that there is a letter from the Butlers in the packets.

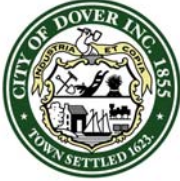
Ann Shay ,198 Dover Point Road, she said that she is not comforted by the promise that the trees will not be cut down. If they are cut down and there is no way of enforcing that and it will completely change the way their property feels. They purchased their property about 10 years ago and it was their intention to raise their child there and maybe grandchildren. They are seeing this town change and they are feeling this may not be the town for them.

Paul Butler, 196A Dove Point Road, stated they have been happy there for 36 years. He said he was grateful for preservation of the Tuttle and Hunt farms. The Tuttle farm is a good example of what bad development is. The group of houses on the Tuttle farm is a shame. Maybe in 20 or 30 years it will look more comfortable but right now, it looks like development stuffed into a pasture. He has looked at the development this group of developers have done up and down Dover Point Rd. and wonders how they can be so helter skelter and slipshod. The numbers that the engineer pulled out of his head is fictitious and whimsical. He asked the Planning Board to do their homework. They will continue to work to slow this development down or to reduce the density. He appreciates the comments that this is the way the zoning is in this area. He understands that the lawyers will take you to court if you disobey the law but there are stronger laws. There are State laws, Federal laws as the river is a navigable water way. They will look into the other laws that might govern that piece of land.

Brad Kilpatrick, 17 Riverside Drive, built in the late 30's. Their elevation is 20 – 25 feet below this project. He was concerned with their drainage or floodwater plans.

Christopher Parker explained the drainage plans are within the overall plans and Engineering would have a review of those.

Brad Kilpatrick asked when he gets those plans if he could have three or four weeks to have a private engineer review them. He asked if the State has to look at the drainage plan. He said that there is a certain amount of drainage in that field from rain and a development is not supposed to generate any more runoff than the existing. He said that he has a hard time to believe that 14 houses, with pavement and grass, would create less or an equal amount of drainage. If that hill slides down, his house is right below the development. He appreciates the no cut zone but 5 years from now someone wants a view down the river and a mud slide comes down. They are down in the gulch and are susceptible to problems if it is not done properly.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

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Meeting Time: **6:00 pm**

The public hearing was recessed.

Bob Stowell stated that there were a lot of serious concerns from the abutters. When seen on a grander scale, they are not as big as they seem to an abutter. They have listened to the abutters at the site walk and have worked out many of those concerns in their plan. A Site Specific Permit is not required for a project of this size. If you do lot development, along with the roadway, the threshold would need Site Specific. The roadway will be constructed and stabilized prior to having that threshold. He said for every application, it seems there is a new threshold on what needs to be done to address drainage and erosion control but it is the mandate of the City Engineering staff to review. They stamp their plans as professional engineers and the City has their in-house engineer, everything is being properly addressed. They are proposing to deed those buffers. The buffers are not just a promise, they will be permanently restricted. He will be happy to talk to Mr. Kilpatrick. They hope that the Board can make a decision this evening.

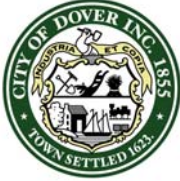
Chris Parker stated that the City Engineer has no issues. As far as the trees in the no cut zone, he will be recommending a condition stating that prior to any work being done on the property, the no cut trees are delineated and staff will review and check that out before any work is done. They do have the full grading plan in the file and if it wasn't there, it was on his desk. At this point, he didn't feel that they were ready for approval. He said that he doesn't believe that a traffic study is warranted in this case. He believes that the 13 lots and the one existing lot will not cause that much of an impact. If the Board feels otherwise, they can discuss that. With some tweaking this can be approvable.

Linda Merullo stated that it is not as if a developer came in and steamrolled this development, there had to be an owner that sold this land. Anyone could have been able to buy it. She said that it is within the developer's right to work within the codes to develop it. She felt that she heard some "not in my back yard." Traffic is heavy in other parts of the City and people who live there make adjustments by changing their schedules. She said that they discussed the drainage at the site walk. The neighbors will have the right to develop their land as well.

A woman from the audience asked for a rebuttal.

Dean Trefethen stated that there will be another public hearing where she would get another chance to speak but the public hearing was now closed.

Tony McManus said that he takes a different view from the rest of the Board. He thinks that the applicant is entitled to approval if he meets the standards of the ordinance but in this case, they don't because they are asking for four waivers. He said more and more applications are coming in with requests for waivers. As land gets scarcer, the only places that are left to develop are not really appropriate for the type of development. As a Board, it has the right to review requests for waivers and decide, given the requirements of the ordinance, if the waivers are appropriate.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, September 25, 2007**  
Meeting Time: **6:00 pm**

Malcolm McNeill frequently says this application meets all the requirement of the ordinance and they are not asking for any waiver. That is what he is looking for. The purpose of the zoning ordinance says it is very important to encourage the most appropriate use of land within the City of Dover. There may be some not in my back yard here but there are some legitimate concerns. Just because you can do it doesn't mean that you should do it. The point has been made by a couple of people; there are too many houses in this development which creates questions relating to traffic, drainage and the effect on surrounding properties. He would rather see 5 or 6 houses, rather than 13. We can't force the developer to make that change but if we are going to encourage the most appropriate use of land the point should be made. He was impressed with Paul Connolly's presentation at the first public hearing about the effect of the land and what is required to build this road. He felt it is almost obvious that we are asking for trouble for those lots that are going to be many feet below the grade of the road. He felt the Board should keep that into consideration. He doesn't know what the final product will be but he would ask the developer to consider all the comments and see if there is something more appropriate for that piece of property.

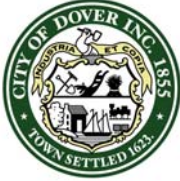
Kirt Schuman said that he echoes Tony comments. Without waivers this project fits the character of the neighborhood, such as Riverside Dr. Without the waivers, there is not much they can do. He said he wasn't ready to take action, as there are still outstanding issues.

Perry Plummer said he understand that there is no need for a traffic study for volume but he doesn't know if the problem is the configuration, site lines and the idiosyncrasies of that area. One concern is the stacking lane. He wasn't sure if the Board has looked at traffic trying to pull out of there. That is a concern if you look at that whole area and put 8 to 10 cars, which would be a reasonable queue and see how the traffic is coming by there. It could be a problem that doesn't show up on paper. After listening to what is going on with the no left hand turn, it will just push the problem down and bring it back.

Don Andolina requested that the Chairman allow the woman to speak. He doesn't agree with the other members of the Board who said no. It is the call of the Chair. He said that Mr. Stowell was allowed to speak after the public forum was closed. He requests that she be allowed to speak and give her rebuttal.

Tony McManus asked if anyone had any objections.

Marcia Colbath said that she didn't believe that we should get into a debate with the public. She felt that they will get an opportunity to speak again. And she doesn't want to get in the habit of an argument with the public. The Board listened to them and there are a lot of heated feelings and she would also like to see it stay the way it is, but that won't happen. It would be wrong to allow her to speak now. She will have her turn to come back and it would be more appropriate then.



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Tony McManus said that there will be another public hearing. He stated that there have been in his opinion, some comments made by Board members that probably should not have been made. There will be an opportunity for everybody to speak at the next meeting.

Frank Torr stated that he would like to see is a reconfiguration of the road. The City is going to accept that road and to allow an 8% road vs. a 6% which will impact Community Services. He was surprised that the Community Development Director approved it. He would like to see some reconfiguration done. It would mean some loss of lots but it might improve the project.

Chris Parker commented on the grading. He said that he likes the waiver for the narrower road it is good for traffic calming. He felt that 20 foot wide would be even better. The water line waiver was totally Engineering and Community Services. The shelf is something that they looked at and they felt comfortable with the 50 feet. Looking at the 8% grade, they require 6%. In general, that is in place for maintenance and safety. He relies on the Fire Dept. and the Community Services Department for back up on those two waivers. The Fire Chief says that their trucks can make it and Community Services said that their trucks can make the 8% grade. He said that 8% is the standard across the state for a local road. He thinks that is too much but it's better than the 10% that exists out there today.

Perry Plummer explained that their trucks can navigate the road. If their trucks couldn't make it, they would not approve it. The other issue is if their ladder trucks would have access to the roofs if there were a fire and they could do that without any difficulty. Whether it's bad because of plowing it is not his call, he looked strictly from a fire suppression standpoint and it is not a problem.

Kirt Schuman made the motion to table.

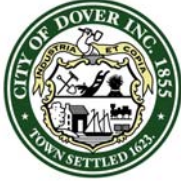
Dean Trefethen seconded.

**VOTE 7 – 1                      Opposed – Linda Merullo**

Dean Trefethen said that he would like to see a study on the traffic movement.

Marcia Colbath said that an accessory structure can be substantial and that would defeat the 30 foot setback. They can put a second garage that could be very substantial so she felt that they need to eliminate that. She said that she would like to see a more detailed presentation with regard to the erosion. That was a concern of the abutters. She felt there would be some erosion even with the erosion control.

Ron Stock disagreed with the accessory structure as anyone wanting a 12 x 12 shed would not want it in the middle of the yard but off to the side, or the back. He didn't think that 30 feet makes sense for a little shed.



CITY OF DOVER

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Tony McManus stated that they do not know when this will be back on the agenda but it will be on the web site and abutters can call the Planning Department for information.

#### 4. New Business

Chris Parker handed out a table of running tallies of units that are approved and how many units are remaining. A suggestion was made to add a school impact fee and an estimate of the number of students. At the bottom it says that there are a total of 507 units that have been approved but not built out, of a total of 847.

#### 5. Committee Reports.

- a. Distribution of the draft of the Land Use Chapter of the Master Plan will be on the agenda of November 13<sup>th</sup>.

Chris said that there will be a public hearing on October 23<sup>rd</sup>. The Chapter is on line and it is available in the Planning Office.

Tony McManus added that it may result in some changes to the Zoning Ordinance. If anyone would like to participate in sitting on the workshop, please make an effort to look at this. He thanked the committee for the work that they have done on Saturday mornings, which is above and beyond the call of duty.

Christopher Parker said that there will be a presentation at 6:30 on October 9<sup>th</sup>.

#### 6. Adjournment

Perry Plummer made the motion to adjourn.

Frank Torr seconded.

**VOTE U/A**