

**DOVER PLANNING BOARD
MINUTES OF MEETING
APRIL 12, 2005**

MEMBERS PRESENT: John Swartzendruber, Donald Andolina, Tony McManus, Beth Thompson, Bryan Cahoon. Dean Trefethen, Pete Lavoie, Frank Torr, Dennis Ciotti, Ronald Cole, Dean Trefethen

MEMBERS ABSENT: Mindy Anderson, Erik Tooke

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'

Tom Fargo, Chairman of the Conservation Commission, stated that UNH has established a Center for Stormwater Technology Evaluation and Verification and is offering some workshops. The Conservation Commission is interested in joining some of these workshops and he thought that some Planning Board members might be interested as well. He said that there are two very large projects coming up, Liberty Mutual off Sixth St. and a PUD development off Mast Road and Durham Rd. The Liberty Mutual project is close to the Cochecho River and the PUD is in a well head protection area. Stormwater Management will be very important in those projects.

Chairman Cole stated that they will take a look at the information that was handed out and discuss it at the next meeting.

ITEM #2: Approval of minutes.

Frank Torr made the motion to approve the minutes of the last meeting.
Beth Thompson seconded.

VOTE U/A

Abstained – John Swartzendruber

Chairman Cole announced that **ITEM #5: Oak Bluff** has been withdrawn by the applicant and would not be heard.

ITEM #3: Consideration and acceptance of a minor subdivision of land for Mark Phillips (Owner Lillian Fisher) Assessor's Map I, Lots 2A, zoned RM-12, located off Shaw's Lane.(P05-14)

John Chagnon, Ambit Survey, explained that area A on the plan is to be conveyed to the abutters to the east. He said that the lot is impacted by a Public Service Co. easement and the lot was bisected by Shaw's Lane. The original parcel includes the lot to the north of Shaw's Lane, which for assessing purposes, is all a part of one lot. A Variance was

granted on September 8, 2004 to relax the front setback standard, allowing Lot 1 and Lot 2 to have a 25' front setback from the proposed structures. John Chagnon stated that the lot consolidation plan has been replaced by the Lot Line Revision plan, which he will be discussing next as ITEM #4. There is a proposed private force main. There will be individual pumps at each of the house sites, which will flow into the common main in the street and then will pump up to a gravity sewer on Shaw's Lane before the Tideview Condos. Water will be extended to service the two proposed lots.

Chairman Cole asked for acceptance of ITEM #3.

Dennis Ciotti made the motion to accept the application.

Pete Lavoie seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Donald Andolina made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat to add proposed map and lot numbers as assigned by the Tax Assessor.
4. The capacity of the proposed water and sewer lines shall be reviewed and approved by the City Engineer.
5. The subdivision plat shall be recorded at the same time as the lot line adjustment plat (P05-20)
6. Also the following City Engineering (Memo of 4-14-05) conditions as follows:
 1. Relocate the forcemain closer to or onto the proposed subdivided parcels I-2a.
 2. Specify a stainless steel tapping sleeve and gate.
 3. Specify 5 feet of cover over the sewer forcemain.
 4. Polywrap the watermain.
 5. Relocate the hydrant to the south side of the road and reconfigure the ending so that it is in the flowing order: water service to lot I-2a lot 2, hydrant, mainline gate, three lengths of pipe with cap.
 6. Show the proposed driveway locations.
 7. The plan to place the private forcemain in the city right-of-way will need to go before the city council.
 8. Convey a drainage (worded as utility) easement for the existing drain outfall onto lot I-2a. The easement should be 30 ft. by 50 ft.

Tony McManus seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of a lot line adjustment of land for Mark Phillips (owners Lillian Fisher/Cathy Avery), Assessor's Map I, Lots 2A & 2E, zoned RM-12, located off Shaw's Lane (P05-20)

After hearing John Chagnon's review of both items combined, Chairman Cole asked for a motion on the lot line adjustment plan.

Tony McManus made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Beth Thompson made the motion to approve with the following conditions:

1. Add both of the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.

Frank Torr seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a minor lot line adjustment for Oak Bluff Realty, LLC, (Owner Robert Matchett Trust) Assessor's Map N, Lots 14-J & 14-S, zoned R-40, located on Fairway Drive.(P05-17)

This item was withdrawn by the applicant.

ITEM #6: Consideration and acceptance of an OSS subdivision of land and Conditional Use Permit for Northam Builders, Inc., (Owners Thomas & Carol Walsh) Assessor's Map F, Lots 15, 17A, zoned R-40, located on Emerald Road.*(37 lots)(P05-10)

This item was sithdrawn until a later date.

ITEM 7: Consideration and acceptance of a site review of land for The New Meadows, Assessor's Map H, Lot 35-A, zoned RM-20, located on Knox Marsh Road.(120 units) (P04-04)

Dennis Moulton, Engineer with Millette Sprague & Calwell, represented the owners. He said that this project was before the Board January 2004 after a court settlement. Since that time they have been to a number of Technical Review Committee meetings. They have discussed site issues with the Engineering Dept. and have been to the Conservation Commission and have applied for various permits such as NH Wetlands, etc. The plan is the configuration that was agreed to in the settlement. They have provided traffic improvements by Norway Plains, which are still currently under review by NHDOT, but are very close to final approval.

Atty. Mark Moeler stated that he is general council for the New Meadows Inc. He asked the Board for conditional approval to this proposal. This has been in litigation since 2002. The initial application to expand came back in March of 1999, so this matter has been pending for a period of 6 years. The initial problem was that the City decided not to grandfather an initial approval on this project because of land density changes and, as a result, his client had no choice but to bring suit against the City. He said that he monitored that litigation and it resulted in a settlement with the City in January of 2004. They are now 15 months from that settlement and this project has still not received final approval. He is asking the Board to grant final conditional approval subject to whatever reasonable conditions that need to be met. They are seeking to build 120 additional units which is less than what was approved prior to the settlement. He asked that the Board not delay this project any further.

Steve Stancel asked the engineer to outline some of the proposed road improvements connected to this project.

Dennis Moulton stated that Don Rhode's proposal is a widened intersection of Knox Marsh Rd., with striping for individual left and right turns exiting the site. He has also proposed restriping on Knox Marsh Rd. in anticipation of providing a traffic signal at that point. The traffic signal would not be put in immediately but would be installed when warranted. The warrants would not be met for the traffic signal until the commercial developments are actually constructed. It is the intent of the developer to construct the residential units first and, as the users of the commercial properties becomes available, they will have a more sound idea of what uses will go in there. When the warrants are met the traffic signals will be put in.

Steve Stancel stated that they would like to see the traffic consultant come to the next meeting and expand on what his findings were.

Tony McManus asked if there was any development potential in the future for the big empty open space behind Cecchetti's property.

Dan Roberge stated that the agreement states that it will not be developed. It's not part of the conservation easement but it is open land.

Steve Stancel explained that the law suit is resolved and the project is now in the Planning Board's hands. He said that it is the Department's position that this is a large project of 120 units and 40,000 sq. ft. of retail/commercial space. This is the first time that the Planning Board is seeing it. It is their recommendation to table after a public hearing for a site walk and to allow the finalization of some outstanding issues.

Beth Thompson made the motion to accept the application.

Tony McManus seconded.

VOTE U/A

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

Steve Stancel pointed out that some of the larger outstanding issues as follows:

1. EPA Notice of Intent Permit
2. Development agreement to cover signalization of the intersection, construction of trail and other issues
3. Lot Merger form for merging the lots
4. It was discussed at TRC about the possible placement of phase lines
5. They need to discuss further with the State some traffic study issues
6. They need a conservation easement with the Strafford Rivers' Conservancy
7. Approval of the stormwater management system inspection and maintenance plan
8. A well head protection easement to the City
9. A trail easement to the City
10. Final engineering comments

Tony McManus made the motion to table.

Donald Andolina seconded.

VOTE U/A

Chairman Cole set the site walk for **Thursday, at 5:30 PM, meeting at the office on the site.**

ITEM #8: Consideration and acceptance of a site review of land for Saint Thomas Aquinas High School, Assessor's Map L, Lot 15, zoned R-20, located at 197 Dover Point Road. (P05-16)

Paul Connolly, of Civilworks, spoke on behalf of St. Thomas Aquinas High School. The site plan is to add a little bit of gravel and pavement between some existing paved surfaces which were formerly used as the tennis court and basketball court at the rear of the school for the purposes of providing some additional, temporary parking spaces. There are approximately 700 students and only Juniors and Seniors are allowed to drive to school. The parking fee is \$50.00 per year. He explained the need for more parking because most of the students stay after school to participate in extracurricular activities. They have come up with a temporary solution until they are able to implement their master plan for the site. Paul Connolly explained that Notre Dame Hall contains administrative offices, as well as classroom space and was formerly the residence for the nuns. He explained where they were proposing to fill in with gravel and a 2" thickness of pavement for temporary purposes for an additional 57 parking spaces. They asked for a waiver from the Board from the front yard setback of 10 feet for pavement to allow for pavement located on the southerly side of Notre Dame Hall to remain and to allow for the parking along that side of Notre Dame Hall. They propose to plant a solid screening of dark American arborvitae adjacent to the tennis court to screen the parking. They are proposing to install a guardrail or boulders along the top of the slope of the parking lot, similar to the boulders and plantings that they have at the westerly side of the existing

parking lot, adjacent to the athletic fields. They are hoping to secure approval this evening, whereas, the implementation of this is needed immediately. They have a contractor lined up to do this during school vacation, the last week of April.

Dennis Ciotti made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

The public hearing was opened.

Robert Goss, 10 Royer Lane, said that he likes the project. The only issue he has is the parking next to Notre Dame Hall. They have it marked out as 7 spaces. They consistently park 10 to 12 cars there and someone from the City said that it is suitable for 11 spaces. He would like it required that they follow the guidelines for 10 or more spaces for granite curbing as it enters the road. He informed the Board that along the edge next to Notre Dame Hall where they have the arborvitaes, is in the right-of-way. He said that the plantings will be off of their property. If they are going to ask for no-setback and are going to pave right to the property, he wants to see granite curbs all the way along that edge because it is right on the edge of the right-of-way. Other than that, he thinks it is a tremendous improvement.

The public hearing was closed.

Pete Lavoie said that he would look into those concerns.

Paul Connolly stated that, normally, he would not have an objection to the provision to granite curbing along the parking area but the cost for granite curbing is substantial. He would prefer addressing it in the context of their master plan and the overall site work intended to happen at a future point in time. He would hate to have to spend the money for the granite curbs today and find that they will have to rip it out in a matter of two years or less.

Steve Stancel asked if the applicant would have any problem with the granite curbing on the radii for the entrance and the exit on Royer Lane.

Paul Connolly said that they could do granite curbing on the entrance at this point in time. He said that the exit is going to be reworked so he hesitates to do any work at that location.

Mr. Goss said that he would be satisfied as long as it's a finished product and conforming to the regulations. He is satisfied that as long as it is documented that it will be done under that master plan, then he doesn't have an issue with it. He added that the students park everywhere - even on his lawn.

The public hearing was closed.

Steve Stancel stated that the applicant appeared before the Technical Review Committee on March 24, 2005. The applicant has requested a waiver for parking spaces closer than ten feet from a property line, south of Notre Dame Hall. The existing parking lot is directly on the property line. The Planning Department supports the waiver request because, otherwise, the parking lot would be eliminated. The Planning Department recommends approval of the site plan with the following conditions:

1. Add the owner's signature to the plan.
2. Approval includes granting of the requesting waiver for the reduced parking setback.
3. Revise the plan to show striping of the end caps at both ends of the center row of parking spaces.
4. Revise the plan to add striping of the diagonal parking spaces along the entire length of the Notre Dame Hall to show up to 10 striped spaces.
5. Revise the plan to show traffic flow arrows to be added to the parking lot.
6. Revise the plan to add a note stating that this parking/flow layout is temporary until such time as the school expansion plan is effected.
7. Sloped granite curbing at the entrance way located behind Notre Dame Hall.

Donald Andolina asked if instead of saying "true number of spaces" on #4, to specifically state either 7 or 10 since those are the numbers that were presented.

Steve Stancel stated that it will depend on the length of the stalls. Because of the angle they each have to be 10 to 11 feet wide. Depending on how much space they have there they can get 3 or 4 more. He said that the number 10 would work.

Paul Connolly explained that the parking lot is lighted but no additional lighting is proposed at this time to keep costs minimized.

Dennis Ciotti made the motion to approve with the 7 Planning Department recommended conditions listed above.

Beth Thompson seconded.

VOTE U/A

ITEM #9: Consideration and acceptance of a Conditional Use Permit for Patricia Meloney & Norma Bell, Assessor's Map L, Lot 41, zoned R-20, located on Sur Road.(P05-21)

Norma Bell handed out plans saying that she only had 3 copies of the plan. She explained that she wanted to put an addition to the deck and have part of it enclosed for a kitchen/dining room area. She said that she and Ms. Meloney feel that this would have little or no impact on endangered species or their habitat around the river. They don't believe it will result in any erosion or unnecessary destruction to wetlands. She said that the addition was not placed elsewhere because it would interfere with the septic. She passed around a photo that shows that the abutting property is closer to the river than this project would be. She said that the abutters across the river were not notified because of the distance.

Dean Trefethen made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

The public hearing was opened.

Tom Fargo, Chairman of the Conservation Commission, stated that the applicants appeared before the Conservation Commission on April 4th, at which time the Commission voted unanimously to decline endorsing the application. The reason for this was that the proposed construction is closer than 50 feet from the tidal waters of the Bellamy River. They have a number of the new members on the Conservation Commission that take their charge very seriously. They have looked at the Shoreland Protection Act and found that it was contrary to that Act to have this house expanded. He said that he informed the Commission that they are just an advisory board but they wanted to stick to that recommendation. He said if the Planning Board does decide to allow the construction, they would recommend that the applicants prepare a soil erosion and runoff control plan, addressing issues in the Conditional Use Permit. He said that he has provided the applicants with copies of guidance documents from the DES Wetlands Bureau.

The public hearing was closed.

Steve Stancel refreshed the Planning Board's memory by saying that the City's Shoreline Protection Ordinance requires a 100 foot setback from tidal rivers. It does allow the Building Inspector some flexibility if there are existing buildings. They can be expanded to encroach within 75 feet of the water. In this instance, the entire building is within 75 feet of the water. The State Shoreland Protection Ordinance requires a 50 foot setback and that is why the State has to approve this also. They did look on the GIS and checked out the properties to the north and south to see how they compared. To the south of the property, three out of the four houses do sit closer than 43 feet to the water. To the north of the property, all five of the adjacent parcels are set 43 feet or further back. With that being the case, it would be tough for the staff to recommend counter to the recommendation of the Conservation Commission. In their opinion, they may have been a little too lenient in the past in terms of allowing expansions within the setback. He said that he recommends tabling to allow the Department an opportunity to work with the applicant to see if there are any alternatives before making a final recommendation.

Donald Andolina made the motion to table the application.
Tony McManus seconded.

VOTE U/A

ITEM #10: Old Business

a. Discussion and possible vote on an amended subdivision for Tay Tav Partnership, LLC, (Cornerstone Crossing) (18 lots)(P05-13)

Beth Thompson made the motion to remove this item from the table.
Frank Torr seconded.

VOTE U/A

Tony McManus asked Steve Stancel if the agreement, with regard to the railroad bed for the placement of the sewer, has been signed and recorded.

Steve Stance answered that it has not been signed yet.

Tony McManus asked if the recommendations in this project would be any different since it hasn't been signed yet.

Steve Stancel said that their position is that it would be a condition of approval that the agreements do get signed. If the agreements don't get signed, the applicant comes back to the Planning Board for the original approval.

Joe Coronati, Jones and Beech Engineers, stated that he has met with City Engineer Paul Vlasich, to go over his comments and the master planning of the sewer system. They got Paul Vlasich's revised plan yesterday. He said that Mr. Vlasich seemed to be in agreement with everything that had been talked about. There were a couple of items that he wanted revised and they have done that. Joe Coronati felt that they could accomplish all of the City Engineer's minor revisions.

Steve Stancel stated that the Planning Department recommends that the Conditional Use Permit and the subdivision plat be approved with conditions, which he read. He added that the approval of this plan will supersede the previous approval.

Ron Cole asked for a explanation of Condition #3.

Steve Stancel stated that the engineers identified two alternative routes for the sewer line. He asked Joe Coronati if the applicant has chosen one or the other. Steve Stancel said that note #2. says that the sewer easement should run to the corner of map B lot 18B and then along the property line to map B lot 18A.

Joe Coronati showed the alternatives on the plan at the easel. He said that the purpose of that is so that 2 of the properties that he pointed to could be tied in in the future. He said that he believes that the other request is an easement up Cornerstone Drive to County Farm Cross Road. He said that there is currently sewer on County Farm Cross Rd. in front of the Court House and then the sewer could be brought down and connected to this project.

Jim Taylor said that as the applicant, they don't own the other parcel so he wasn't sure how they could grant an easement.

Joe Coronati said that he would clarify that with the City Engineers. He believes that any easement is going to have to be provided by the homeowner's association for any work in the open space or Cornerstone Drive. Because the open space is owned by the 44 lots - everyone owns 1/44th of the open space.

Steve Stancel stated that the Assistant City Engineer recommends that it is apparent that you can do note #2 because you control it but he thinks that note #3 is an alternative that they would like to see but understand that you don't control it, so we may not get that.

Ron Cole asked if they just want plans from the applicant for a potential alternative route.

Steve Stancel said they just want an easement so in the future, if somebody across from County Farm Cross Road, for example, wanted to develop property and wanted to spend the money to extend the line it would be a possibility.

Dean Trefethen thought at the last meeting it was decided that the new plan would show where the sewer easement would be and it would indicate what houses in Cornerstone and properties off of County Farm Cross Rd. would be eligible to tie into this proposed sewer line. He doesn't see that any of those questions are addressed at all.

Steve Stancel said that Joe Coronati met with the City Engineer and that it was addressed.

Pete Lavoie said that it was accomplished. He said that Paul Vlasich was satisfied that the sewer could be extended up the railroad bed to County Farm Cross Rd. and then extended into a couple of directions so that it was sufficient as they proposed it.

Dean Trefethen stated that several of the homeowners in the existing Cornerstone Crossing were asking if their septic failed, would they be able to tie into this and what would be the route that would occur. The easement is there but how you would get from that easement to one of the existing houses is not clear to him.

Pete Lavoie said that there are several options because most of them pump from a septic tank up to the leach fields. Rather than having a line from each house, they could take one line and bring it over to the sewer. They have options to do that at whatever point they want.

Steve Stancel said that the intent of master planning the sewer is so that the sewer is low enough so that it can be accessed if there are easements provided. For example, the one proposal to bring it up adjacent to Map B, lot 18B to Map B, Lot 18A, in theory only goes to properties who would have immediate access but then somebody across the street could purchase access through one of these lots and extend the sewer at their cost.

Joe Coronati said that when they did the master planning of the existing Cornerstone Crossing area they were able to do the majority of the roadway with gravity sewer. All homes that are located below the road and it's hard to know which ones would have to be

pumped, but they have figured out they could reduce the number of pump stations and tie everybody in with this system. He said that it worked out pretty well.

Tony McManus asked about note #4 on Dave White's memo requesting to delete Note #40 on A2. He asked if it was because it was assumed that the sewer easement will go up the railroad bed.

Steve Stancel said that that Note #40 on A2 says that lots are subject to cross easements for utilities. He said that would be deleted for a couple of reasons. One is that it's anticipated that there will be no need to cross through the lots to access the sewer.

Joe Coronati said that it is correct because the City will maintain the water and the sewer only in the trunk lines. The services won't be under City ownership and, therefore, they won't have to access private the property.

Tony McManus asked for clarification that the connections off the trunk line are going to be the responsibility of the homeowners association.

Steve Stancel answered that the reason for the trunk line being public is because, as it is extended, the main trunk line would always remain public.

Tony McManus said that it seems to him that the City would like to reserve the right to maintain it in the event something goes wrong and the homeowners association doesn't have the money to fix it and it.

Pete Lavoie said that he is trying to maintain the main sewer trunk line so that it can be extended. He said that anything that can be extended is what they want to control.

Beth Thompson made the motion to approve the Conditional Use Permit and the subdivision with the following conditions and that the approval of this plan will supersede the previous approval.

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a copy of the NH Wetlands Bureau permit and add the permit number to the plan.
3. Revise the plat by adding to note #39 that new homes constructed shall be part of the existing homeowners association and provisions be made differentiating responsibilities of septic vs. non-septic owners.
4. The utility (sewer) easement along the railroad bed should be finalized and have provisions to be turned over to the City of Dover after construction acceptance. The City would also entertain maintaining the trunk line through Cornerstone to County Farm Cross Rd. with the appropriate easements.
5. Revise the plat to show the gas main from the previous plan.
6. Revise the plat to extend the outfall by catch basin #6 to the 142 contour line.
7. Revise the plat by correcting sheet D2 to show:
 - a. Outside drops are required on drops over 2 feet. (no inside drops)

- b. Crushed stone is required bedding for sewer pipe.
 - c. The City requires a full brick invert with no filler.
8. The engineer should increase the separation between the sewer main and buildings.
 9. Revise the plat so that on sheet U2 the plan and profile orientation match.
 10. Revise the plat by amending sheet U2 to show an insulated pipe where the cover over the sewer main is less than 4 feet.
 11. Revise the plan by adding the berm and the landscaping per the previously approved plan.
 12. Comments from Dave White, PE, Assistant City Engineer, dated 4/12/05 as follows:
 - a. The sewer easement should be relabeled 'utility easement'.
 - b. The sewer easement should run to the corner of map B lot 18B, then along the property line to map B lot 18A.
 - c. An alternative route to County Farm Cross Rd. would be from SMH 2, up Cornerstone Drive to the intersection of County Farm Cross Rd. This would require an easement from the association to the City for its use and construction.
 - d. Delete Note 40 on sheet A2.
 - e. Change note 41 on sheet A2 to read "The City of Dover to maintain the sewer trunk line along the railroad bed and through Cornerstone Crossing within the easement after construction acceptance."
 - f. Change note 42 to read "The utility easement is to be turned over to the City of Dover ..."
 - g. The sewer main from SMH 2 to SMH 2 A and SMH 2B should be lowered to obtain 5 feet of cover instead of using insulation.

Frank Torr seconded.

VOTE U/A

b. Request for an Impact Fee Waiver for Douglas Dodd for Assessor's Map I, Lot 47-16, located at 64 Danielle St.

Ron Cole read the memo from the City Attorney stating that given the recent change in the state law that makes an exception for imposing impact fees to exempt subdivisions, the Planning Board should deny the waiver.

Donald Andolina made the motion to follow the City attorney's recommendation to deny the waiver.

Dean Trefethen seconded.

VOTE U/A

Donald Andolina asked if there was a need to approve the Planning Board Workshop minutes.

Chairman Cole said that he doesn't see the need to approve them.

Steve Stancel wanted to clarify for the Board that at the last meeting when the Board approved the recommendations for the CDBG Program and indicated that the potential \$125,000., that would be received in income from the sale of CDBG land for the future Park n' Ride was not included in the budget but in fact it is included in the Budget and the proposal. He said that they feel pretty confident that they will receive that or more during the next fiscal year.

Tom Fargo, stated that Dover is a community of 25,000 residents and is eligible to have up to 4 representatives to the Strafford Regional Planning Commission. At this point there are only 3 designated and that is himself, Frank Torr and Otis Perry. He brought to the Board's attention that there is a vacancy on the SRPC for another member from the City of Dover.

Chairman Cole stressed the importance of the SRPC.

ITEM 12: Adjournment

Donald Andolina made the motion to adjourn.

John Swartzendruber seconded.

VOTE U/A