

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

MEMBERS PRESENT: John Swartzendruber, Donald Andolina, Tony McManus, Beth Thompson, Dennis Ciotti, Pete Lavoie, Bryan Cahoon, Dean Trefethen, Frank Torr (late)

MEMBERS ABSENT: Ronald Cole, Mindy Anderson, Eric Tooke

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

Vice Chair Tony McManus chaired the meeting. He brought the meeting to order at 7:00 PM. Tony McManus announced that ITEM #5 a. Millstone Impact Fee Waiver had been withdrawn and would come up on a later agenda. ITEM #5 d. Impact Fee Waiver for Ann Marie Sacca & Samuel G. Sawyer had been permanently withdrawn.

ITEM #1: Citizens' Forum

There were no speakers.

ITEM #2: Approval of the minutes.

Beth Thompson made the motion to approve the minutes.

Dennis Ciotti seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an OSS subdivision of land and Conditional Use for Woodwind Farms, LLC, Assessor's Map N, Lot 8-3, zoned R-40, located on Gulf Road. (PO-38)95 lots)

Dana Lynch represented the applicant and announced that Steve Woods and Atty. Chris Bolt were present. He went over the design of the project and the status of the permitting process. He said that this property was before the Board on January 25th and that lot 8-3 is one of two lots that the Board previously approved. Lot 8-2 contains 13 acres of land and has been sold to another party for construction of a single family home. They have prepared a yield plan containing 6 lots and their proposal is for 5 lots. Each lot will range between .93 acres to 1.24 acres. Each lot would be for single family home that will be served by a septic system and a community well. State subdivision approval has been applied for. There is a new entrance to the site off of Gulf Road. They have applied to the State for and received a driveway permit per RSA 236 for this new curb cut. They will be closing an existing curb cut and it will be removed and grassed pursuant to DOT's instructions. There are 3 curb cuts for the original tract of land. The location for this driveway was selected because it provides them more than the required 400 feet of site distance prescribed by State statute. It also allows them to minimize their wetlands impact, their slope impact, conservation district impacts and their wetland buffer impact, as compared to the previous access. They met with the Conservation

Commission and demonstrated to them that if they were to have this access, the easement that was delineated in January would have a greater environmental impact on the land. The open space exceeds the amount required. They are providing 3.68 acres. There are no lots located in the Shoreline Protection Zone and they are at least 250 feet from the Cochecho River. An access easement to an adjacent piece of property has been provided. They were asked to provide access to the Childs property to the west. Mr. Lynch explained that the previously approved driveway is an existing driveway and will be closed. He pointed out the locations of the 20% slope areas, the manmade pond, the wetland buffers, and the impacts that would be incurred with the former plan. The first entrance impacts more earth and it also crosses over the dam which could result in some structural issues.

Frank Torr asked about the community well.

Dana Lynch said that they are going forward with the community well for the 5 houses. There is a possibility that they could put individual wells on each lot. It affects their lot size requirements at the State level. The roadway will be private.

Tony McManus asked what the assurance is that the larger lots would not be further subdivided.

Dana Lynch stated that the lot sizes would not accept septic systems and he doesn't believe that they could get the required amount of open space if they were to subdivide them.

Beth Thompson made the motion to accept the application.

Donald Andolina seconded.

VOTE U/A

The public hearing was opened.

Dan Gabriel stated that he lives across the street and that he has been researching this project for the last couple of weeks and he has several issues. The entrance to this project is across from his driveway. He said that there is a sharp curve and a downhill descent which has caused many accidents. He said that he brought this to the Police Dept. and Officer Speidel did an analysis that challenged some of the computations in this project. The primary problem is with the entrance. In January the project received approval of an entrance at the top of the hill. At that Planning Board meeting it was noted that it was a 3 lot subdivision and that entrance would best serve the lots and it was approved on that basis. The regulations say that the 100 year flood plain must be shown of the plan for a tidal river and it is not shown. He said that the floodplain extends to much of the open space. Dan Gabriel said that the 40,000 sq. ft. should be usable, contiguous land. If you are on a river, the lot size has to be 3 times that amount, which means it has to be 120,000 sq. ft. The yield plan that went to TRC say contiguous uplands and this new plan does not. The reason is that the new plan does not meet the minimum size requirements. He handed out computations of the slopes and wetlands that were produced by Dana Lynch.

Lot 1, is 40,369 sq. ft. made by using 2 upland areas that are separated by a slope. Lot #2 has a slope that separates the back corner of land and computes out of 40,006 sq. ft. He said that lots 1 and 2 do not meet the requirements on the yield plan. Dan Gabriel stated because the computations are so tight there needs to be a third opinion on or uplands and slopes. He has researched the history of the pond on the property and he is finding conflicting reports from the County and the State whether it is manmade or not and asked for time to find out the answer. There is a dam at the end of the pond that is controlled by Mr. Woods. According to the State DES, natural ponds can be damned. The regulations and the setbacks for that pond should be 100 feet, not 50 feet. He said that he would like to see the septic systems, the homes and the driveways placed on the OSS plan so the Planning Board can see where the house can be placed on the lots. He asked that the site walk be done during peak time because of Officer Speidel's findings. He explained that Gulf Road is a major artery and that he had to wait for 7 cars before he could turn into his driveway and that there is no sight distance. The entrance to this site can come from another angle because Mr. Woods reserved that right in this deed when he sold the parcel. Mr. Woods has an option on the Childs property which is quite large in size and abuts the Country Club. If the access is approved, it will not be for 5 lots, but will also be for the Childs property which could result in 50 or 60 homes with traffic many times greater than what is represented. Mr. Gabriel encouraged the Board to limit the use of the road.

Atty. Jim Schulte stated that he is representing Charlie and Debby Reed who share the driveway that provides access to Mr. Gabriel's property and is almost directly across the street from the proposed entrance. His clients are not concerned with the number of lots on this 11 acre piece but are concerned with the location of the access. He pointed to Dana Lynch's plan stating that the Conservation Commission tabled the matter until they could share a site walk with this Board but, apparently, they met again last night and voted. Jim Schulte said that Mr. Lynch says that the original drive was not suitable for use for driveway or roadway purposes for lots 8-2 and 8-3 but this is the layout they proposed in January and asked the Board to approve. They now say that it couldn't be built so that it would meet the right slopes and grades which was not an issue 6 months ago. The quote in the minutes is that although there were 3 alternative access ways for lots 8-2 and 8-3, they selected this one because they said that it was the safest.

Atty. Schulte stated that his clients had a concern about the traffic coming from Maine into Dover. As you come up to the crest of the hill where the existing right-of-way enters Gulf Road, the road then curves downhill fairly steeply and sweeps around to the right. The site distances that have been measured for this property were measured right at the entrance to the proposed road for this new subdivision. He explained the lay of the road. Mr. Schulte went over the hazards that Officer Speidel identified and added that a collision would be unavoidable. The concern for his clients is that their driveway comes in a little further east and closer to the crest of the hill and if a vehicle comes over the crest and vehicles are parked in the road waiting for one of them to turn left, then the only place to escape is into the Reeds and the Gabriel driveway. If they happen to be there then you have a disaster in the making because there are no shoulders on this road and there is no room to put in a bypass lane to deal with this situation. The place to put the driveway is where they originally asked for the driveway at the crest of the hill. He said that he

agrees with Mr. Gabriel with regard to the pond. The applicant says that it is not a natural pond because there is a dam. He named several lakes that have dams. There is on record at the registry an option agreement between Mr. Wood and Mr. Childs, who owns the land just west of this property. It will be bad enough to have 5 homes coming in and out of the driveway that they are proposing but add in the 3 or 4 dozen residences that will be coming off the Childs' property, then the recipe for disaster is clear. He asked that the limits of the proposed roadway be laid out, the limits of the flood plain be laid out, and where the roadway is going to be along the 30 foot right-of-way, which is what they originally proposed be laid out. The deed to the people who bought lot 8-2, specifically, grants to them an easement across the 30 ft. right of way. It reserves across their land the 30 foot right-of-way to get access to lot 8-3 that provides and the access road can be relocated by action of the grantor. The police report is not based upon national standards and assumptions but it is based upon observations, measurements of the road surface, the slope of the road, actual speed of the vehicles coming through and the determination of likely accidents.

The public hearing was recessed.

Steve Stancel stated that there are two issues that he would like to clarify. Tom Clark, the Building Official, has made an official determination that it is not a natural pond and the 50 foot setback is the setback for this water body. That decision can be appealed to the ZBA but that is the decision of the City. In terms of flood zone being counted as open space, there are no prohibitions in our regulations that prohibit floodplain areas being counted as open space. Those are two issues that the City is clear about.

Tony McManus asked if the Board would have the ability to make a determination on its own that that it is a natural pond.

Steve Stancel stated that the Code Enforcement Officer interprets the Zoning regulations and that is appealable only to the ZBA. Gulf Road is considered a State road and it is the State that has jurisdiction on the driveway permit on this parcel and it is the State that determines the location of the driveway on this parcel. They have spoken with Bob Berry of NHDOT, and it's unlikely that changes could easily be made as their engineers have taken a look at these issues prior to issuing the Driveway Permit.

Frank Torr made the motion to table.

Pete Lavoie seconded.

VOTE U/A

Discussion ensued with regard to scheduling a site walk for this project and for the Liberty Mutual project.

Malcolm McNeill stated that with regard to Liberty Mutual that the site walk should be scheduled for what is the most convenient for the Board. They intend to come back before the Board on July 26 and hope to have the site walk in advance of that meeting.

Tony McManus scheduled the site walk for **Woodwind Farm at 5:30 PM on Tuesday, the 19th of July, meeting in the Dan Gabriel driveway at 270 Gulf Road.**

Steve Stancel asked that the center of the roadway be marked.

Tony McManus scheduled the site walk for **Summit Development at 6:45, meeting at the end of Third Street.**

ITEM #4: Consideration and acceptance of a Site Plan of land & Conditional Use for Summit Land Development, Assessor's Map 31, Lot 4-D, zoned RM-8 & B-2, located on Third Street/Fourth Street.*(P05-19)(P16 Units)

Bob Stowell, Tritech Engineering, stated that the property is an old railroad bed. He said that they were before the Board 3 ½ years ago when they originally subdivided off the land. He said that the area is a fairly high density area and is located in RM-8 and B-2 zones. The permitted density is 64 units. They went through the TRC process and they went back to the drawing board and came up with this concept that has 13 units. There is a three unit building that faces on Fourth St. and a series of duplexes taking on the character of existing buildings on Fourth St. Once you get in the project, there is a roadway that connects Third St. and Fourth St. He showed an elevation of a duplex unit with a garage in front and an open area to the rear that would have excellent views onto the river. There is a piece of City-owned property between them and the river. They have been to Conservation Commission and have received a favorable recommendation. At the end of Third St., directly to the north, there is an abutter that they have provided with some parking because they have no on-site parking and used to park at the end of Third St. The applicant has provided 4 parking spaces that would be available and provided the proper easements. He said that the Harvey property also has used a section of the road for parking and the applicant has provided 5 parking spaces to replicate the spaces that they are currently using.

Dean Trefethen asked about the private drive being 18 feet wide and wondered if it was adequate for 2-way traffic. He was concerned that people would use it as a personal cutoff from Third St. to Fourth St.

Bob Stowell said that was discussed with TRC and found that an 18 foot width was adequate. He said that the cutoff situation was discussed as well and they thought that the narrow width would help discourage the cut trough traffic.

Dennis Ciotti asked if the garage counts for a parking space. Bob Stowell answered yes. Steve Stancel stated that this lot was approved in 2002 which was just before the regulation changed and because of the State RSA that protects projects for 4 years of changes; they can use the garage as a parking space.

Dennis Ciotti asked if they are using the abutters' spaces in their count.

Bob Stowell stated that they are not counting the abutter spaces in their calculations. He said that each unit has a one car garage with room for 1 parking space for a car.

Dennis Ciotti asked about visitor parking. Bob Stowell stated that they have some overflow parking at the end by the dumpster that might be used by guests or if the spaces in the Howard property weren't fully utilized, there would be opportunity to park.

Frank Torr asked what the distance was from the railroad.

Bob Stowell stated that the active railroad is about 700 feet away and there is about 200 feet from their property before the railroad property.

Beth Thompson made the motion to accept the application.

Dean Trefethen stated that he didn't think that this application meets the requirements.

Donald Andolina seconded.

VOTE 6 – 2

Opposed – Dennis Ciotti, Dean Trefethen

The public hearing was opened.

Valerie Harvey, 48 Fourth Street, stated that she bought the property 5 years ago and has put in \$30,000 or \$40,000 worth of improvements. It's a 4 family building. When she bought the property she was told that there was plenty of parking. There were more than 10 spaces on the property that was owned by the railroad and her tenants have been parking there for 50 years. She said that she wasn't savvy to the laws. She spoke on the reasons why she bought the property. She said that she knows that the parking is her problem but she does have tenants and she needs 7 or 8 parking spaces. The tenants will be greatly inconvenienced by the noise and the dust. She will miss the trees. She urged the Board to take a site walk. The property is very steep, there won't be much open space and she doesn't know how she will work out the parking but it is an issue. She said that she can't speak for her neighbor but she heard that the condos may park in her parking spaces. She has no assurance that even if there is parking for her that there wouldn't be parking for the condos there also.

Vincent Dunfy, 61 Fourth St., stated that his concern is that he was never given a copy of the revised plan and he was never given the original either. He called the City Planner and never heard back if a traffic impact study had been done. Since the Bell Center has been located on Fourth St., the traffic has greatly increased and has become an obstacle course. He asked if the project exits and entrances could be reconfigured. He shares the concerns that it will become a throughway. He would like to see some speed bumps. Mr. Kageleiry has provided speed bumps on his Tamany Park property next door to him and that has helped quite a bit. He said that Mr. Kageleiry has been a good neighbor. He is concerned with the traffic around his property as there are many children and bikers in the area. The driveway will almost create a four-way stop. He was concerned of a possible spill so close to the river with regard to the DownEast Energy site. He asked if the City would incur a great impact on the school system and the City services or if the project would pay for itself.

The public hearing was recessed.

The site walk was scheduled for Tuesday, July 19, 2005 at 6:45 PM. The meeting place will be at the end of Third St.

Beth Thompson made the motion to table
John Swartzendruber seconded.

VOTE U/A

Steve Stancel asked if the corners of the duplexes be staked so the Board can get a better idea as to the exact locations and also the center line of the driveway.

Frank Torr asked what effect this would have on the trail system.

Steve Stancel stated that he spoke with Bruce Woodruff and it really doesn't have an affect. He explained that the trail will come into the Dover Transportation Center and at that point they are not going to be directing people across the railroad tracks because of the safety issue. The trail will then be shifted to Chestnut Street for the guarded crossing location and at that point people will come down and utilize the sidewalk system on Third and Fourth St. until they get to the gas company on Fourth St. and get back on the waterfront trail.

ITEM #5: Old Business

- a. Impact fee waiver for Millstone Properties (has been withdrawn until next meeting.)**
- b. Discussion and possible vote on a site plan of land for PRPC Development Group, LLc., located on Mast road Extension. (14 units)(P04-46)**

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

VOTE U/A

Malcolm McNeil represented the applicant and stated that they had a site walk a few weeks ago which was very well attended by the people in the surrounding condo project. This project consists of a total 21 units on a private road. Six duplexes and 9 singles are shown on the site. The lot size is 6.5 acres. They are not seeking any waivers. The use is clearly consistent with Zoning and consistent with the way the land mass has been developed. They are not asking for a vote tonight except for one issue which relates to the issue of a sewer easement from this property across the ballfields to connect with Shaws Drive. The reason is that the easement can only be granted by the City Council. The developer has other options with regard to septic or sewerage disposal and one is to bring the sewer up to Mast Road and use a pump station or to do septic. They do not believe that there would be an diminution in the number of units to any of those three

alternative, however, in discussions with the City it would be a mutual advantage to having this easement across the ball field to provide sewer in the vicinity of the ballfields for use of the City at the developer's expense. That was the one area where they would like the Board to take some action on. Mr. McNeill said that the plan shows a walkway from the end of the cul-de-sac down toward the ballfield. This is a very steep embankment even with the cuts that the applicant proposes to make. The applicant has shown this on the plan because of discussion with the City. The applicant is not anxious to build this walkway because the configuration of the topo would make it very difficult to assure that there was no erosion. Liability would be an issue because only a small portion of the walkway would be on the condominium's site and the rest of it is on the City's site. A litigant might find a way to find it's way to the private property if there was a problem with the walkway. He said that if the City wishes to have it they believe that the responsibility for maintenance and the control should rest with the City, especially when the primary component of it is on City property. The City is also is protected by sovereign immunity and other limitations of liability that a private developer does not benefit from. At the site walk there was concern expressed by Mr. Cole that some of the houses in the higher areas were not staked out making it difficult to guess how these houses impacted the surrounding property. The applicant has staked out the house locations and if the board desires to go out to the site the location of those buildings has been done. The detention pond and drainage was a concern to this plan. The applicant has already done significant testing with regard to the suitability of this detention pond and has submitted that to the City. Mr. Fargo and others had expressed concerned that there should be further testing with regard to that issue and they have agreed to do that. They have agreed to dig additional test pits and will submit the information to the City for further evaluation. They would like to have an additional site walk, if the Board would like, and they will commit to doing the test borings and have them done for the next meeting for consideration.

Steve Stancel stated that they would like to see the project sewerd rather than a septic systems, and they do have ways of sewerding this with a pump station. He said that the City would rather see a gravity system as opposed to a pump station, because down the road that could present a problem. Given those facts they would like to see the easement go through the City parcel.

Malcolm McNeill stated that it is very important for the City Council to know that the Planning Department and the Public Works Department supports this and that the Planning Board is inclined to support it as well. He said that he is not asking for a final decision but for the same token if the majority said that they don't want you to go that way his suspicion is that it would have a significant impact on the Councilors voting on the easement. They are looking for a straw vote and nothing that commits the Board to final approval.

Dena Trefethen asked if there is any reason for the City to not pursue the easement.

Pete Lavoie stated that the Engineering Department feels that gravity sewer is the way to go. They feel that it is better to put the sewer line down over the hill to manhole B. The

sewer easement would only be approximately 135 feet long. The City would take over ownership from the back stop at the end of the fields. They want to own the line so if they want to do any other tie ins on the fields, the line would be City property.

Dennis Ciotti stated that he felt that Mr. McNeill is asking to cut up the ballfields. He asked when the construction of the sewer line take place.

Pete Lavoie explained that the sewer line will be on the berm side, next to Tideview so it would be running along that ridge and a stonedust type of a sidewalk would be left on there. They would not be traversing the fields.

Frank Torr asked about the disposition of the gravel. How much gravel is there and will a permit be needed.

Pete Lavoie said that the estimate of the gravel is approximately 10,000 yards that would be on the City side. This would go to the City Council and they are negotiating a cost to that. The permits would be the developer's responsibility. This would reduce and stabilize the slope which wasn't able to be done when the ballfield was constructed. Pete Lavoie added that it is a win-win situation with a nice sum of money coming to the City.

Discussion ensued with regard to the cost of gravel from other projects in the City, ending with Pete Lavoie stating that he will bring reasonable negotiations to the City Council.

Atty. McNeill said that we are not here to discuss gravel prices with the Board and they will negotiate prices with Mr. Lavoie. The Board could condition its approval on the easement.

Tony McManus, for clarification is 10,000 yards everything that would be removed or is that just on the City property.

Malcolm McNeill answered that 10,000 yards is only on the City property. There is a great deal that will be removed from the developer's property.

Tony McManus asked for a consensus of the Board for the proposed easement. He asked if anyone was in opposition to the proposed easement.

Donald Andolina felt that he did not have enough information on this to vote.

VOTE 7 -1 UNOFFICIAL

Tony McManus asked what the Planning Department's position was on the pathway.

Steve Stancel stated that the walkway is important and they still haven't completed their analysis as to exactly how many children are in this corridor. They will do that within the next couple of weeks.

Atty. McNeill said that the easement was the most pressing matter. The City will be incurring a responsibility with regard to the walkway that will be year around.

Pete Lavoie stated that the City can not maintain the sidewalks that it presently has.

Dennis Ciotti asked if the street would be private or City maintained. Malcolm McNeill answered that it would be private.

It was determined that the members would walk the site on their own.

Discussion ensued with regard to the fence on the property.

Dean Trefethen asked about the concern expressed by the Ford's Landing folks with regard to being able to see the project. He said that there is a substantial number of trees that look like they are on the Ford's Landing property and would be a good screen. He thought that in a number of years out the proposed swale could fill in with sediment or growth and asked if it could be made a bit deeper so that it becomes permanent and does the job forever.

Don Rhodes, Norway Plains, answered that could be made deeper. It's an excavated swale, as opposed to a pile of dirt, which actually cuts into the ground. It could be deeper but he personally doesn't think it needs to be deeper. If the City requested that it be deeper, they certainly can design it that way.

Don Rhodes stated that most of the water to the retention pond will be piped in. He agreed to make it slightly deeper.

The public hearing was reopened.

Arthur Golden, a resident of Tideview Condominiums, passed out a statement with signatures that he read it to the Board. It stated that they had concerns with the stormwater management system proposed by the contractor and are requesting an independent review by a qualified civil engineer. He feels that asking for a vote on the walkway would be similar to giving consideration to the whole project and felt that it would be improper in relation to the whole project. He said that when you cut away 18 feet of land it will be changing the drainage and absorption of the total site and felt that they need an independent study.

Sue Begonia, Tideview Estates, quoted a Foster's article written by Hiroko Sato on the pet waste in regard to the River and Great Bay. There is now a committee called the pet waste committee that is working with the Conservation Commission and the State DES and UNH. The pet waste problem is on Garrison Rd. They have concerns about runoff because they are all uphill from the river. She wants the Board to look into it.

Kristin Deleviller, 54 Fords Landing, stated that besides the density, there is a petition of 130 signaturse of property owners surrounding this development. They have concerns with density but mostly the drainage and the runoff. The project is very visible and will change the appearance of the area drastically. Most importantly, in light of another project that has the same sort of design for a detention pond, they are all directly downhill and when it freezes and then thaws in the spring she doesn't see how that would be acceptable for that many units and that much runoff. She wanted to be sure that an independent study be done so there is no damage to their property.

Heather Ross, Tideview resident, was concerned with the drainage and the retention pond. She said that there should be another site walk. There are areas on their property that maintain a lot of water already. She stated that the landscaper had a difficult time because of the depth of the water in the grass. There are areas that they allowed the grass to grow because it is so wet. She was concerned that the gravel being taken out of there would provide lot less soils to absorb the water runoff. She advocated an independent investigation.

Maurene Keogh, Unit 1, Fords Landing, has concerns over the drainage issue and the retention pond because it would become a breeding ground for mosquitoes and the threat of Lyme disease.

Richard Gilmer, Davis Farm, stated that the residents of Davis Farm are concerned that when the trees are removed, they will have a problem with drainage. He asked the Board to take some serious consideration on whether this is approved or not.

Maurene Keogh, stated that the Board should go after heavy rains to look at the existing drainage.

The public hearing was recessed.

Tony McManus asked if the Board wanted to request an independent study.

Malcolm McNeill stated that the testing is being done solely because of the concerns raised by the abutters. There are extensive tests being done on this site and it is being reviewed by the City. They did not presume this to be a problem from the reaction of the City officials. The City has significant expertise. He said that he is not trying to dodge the review but by the same token, he said that the City has adequate in house ability to review this. It is not the expense, but the time it takes to send it out to someone where, in his view, the City has capable engineers that have reviewed projects far larger than this. There is also Tom Fargo who multiplies the intensity of the review. He said that extensive test pitting is being done and reviewed by the City. He said that when the gentlemen got up and said that he wanted it closely evaluated, they have no objection to that. They feel that the City can do that.

Dean Trefethen said that when Davis Farm, Ford's Landing and Tideview were built, many of the same concerns that the abutters are raising now were raised by the Mast Rd

and Garrison Rd. folks about those buildings. He said that does not trivialize their concerns but it is a reality. When something changes next to us we have to accept some of it. He said the retention pond is not necessarily standing water. It is probably designed to handle the storm water runoff and it goes into the ground and is gone. It is not just sitting there all the time. There is a significant difference between a pond and a retention pond.

Tony McManus suggested that the abutters stay in touch with the Planning Department and when any new information comes in they can discuss it with the Planning Department and then at the public hearing.

Steve Stancel wanted to be sure that the abutters were aware that that they are requiring additional subsurface studying at considerable expense of the developer. They will be doing several additional bore holes around and near the detention area and by doing that they will be able to definitively determine whether there are any clay layers that would cause a horizontal movement of any drainage onto the abutting parcels. That will be monitored closely by the City Engineer as well as Tom Fargo, who is a hydrogeologist and the chair of the Conservation Commission. He feels comfortable that it will address the concerns of the best of their ability.

The public hearing was recessed.

Frank Torr made the motion to table
Dennis Ciotti seconded.

VOTE U/A

Tony McManus stated that the abutter will all be notified next time this is on the agenda.

A five minute recess was called at 9:00 PM
The meeting was brought back to order at 9:05 PM.

c. Discussion and possible vote on Emerald Woods III, located on Emerald Lane, off of Littleworth Rd. (P05-10)(37 lots)

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

VOTE U/A

Malcolm McNeill, representing the applicant, stated that this is a continuation of a development off of Littleworth Road. He said that they have worked out the final issues related to a request by the City that there be some public access to this site. The roadway system presently provides for a stub into an undeveloped parcel of land which does have frontage on Tolend Road. He pointed to a large parcel that is a horse facility that also has significant contiguous boundaries with this parcel as well as Tolend Rd. He said that there is a walking trail system within Ezra Green Farm that comes to the undeveloped parcel. They do not feel that it would be appropriate to have public access in the

relatively limited areas that exists to the southerly side of the project because of concerns of nonresidents being in the back yards of Westwood Circle in addition to Emerald Woods that is not a cluster project. They tried to find a way to integrate a trail system. They came up with a 25 foot access all across the back of this site which is about 2,500 linear feet of area that would be utilized for public access as the trail system is developed. It provides a very significant buffer between the rear of the houses and the access way in terms of security issues but also provides a public area that could be integrated with further development that occurs. Because the owners of this project will own the open space there are real issues with regard to public access and liability, security, where people go to park, which is in someone's presumed space that they are paying for. All of the other issues have been satisfied in terms of any engineering concerns.

Donald Andolina asked about how the security concern was mitigated.

Malcolm McNeill stated that they measured what the closest location of the trail to the houses and found that it is about 375 feet. They thought that they would put some signage up to say where the trail stops so in that regard they feel that it is appropriate. He said that there was a project that was approved a few weeks ago where it was agreed that public access close to the houses was not appropriate, but there was another area on the site that the public could use without jeopardizing the privacy of the property owners.

Tony McManus asked how the walkway would be dealt with. Would it be a deeded easement?

Malcolm McNeill answered that it would be.

Dennis Ciotti asked what kind of unresolved issues are mentioned in the memo.

Steve Stancel stated that there are two unresolved issues, one of which was the public access and the other was the sewer line which originally they were looking for additional engineering and design of the sewer line that would head off in a more northwesterly direction from this parcel. A meeting with the City Engineer was determined that future development opportunities wouldn't warrant such an expense.

Frank Torr made the motion to approve subject to the staff recommended conditions:

1. Add the owner's signature to the plat.
2. The applicant shall provide the Planning Department with a digital version of the plat.
3. The applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plat.
4. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency's Notice of Intent Permit has been filed.
5. The approval includes the granting of a waiver to allow the pavement width to be reduced to 24 feet.
6. The approval includes the granting of a Conditional Use Permit.

7. The applicant shall provide a copy of the proposed homeowners' association documents to the Planning Department for review and approval prior to the signing of the plat. The documents shall address preservation and stewardship of common open space, including the perimeter buffer, and maintenance of the detention basins.
8. In lieu of providing on-site recreation, the applicant agrees to contribute the sum of \$7,400 to the City of Dover for use in upgrading existing recreational facilities, prior to the issuance of the first building permit.
9. The applicant shall contribute the sum of \$12,273 to the Community Services Vehicle Fund prior to the issuance of the first building permit.
10. Revise the plat to correct the spelling of the road to be "Viridian".
11. Revise the plat to address the items listed in the memo dated June 28, 2005 from the Assistant City Engineer.
12. Finalize the 25 foot public access easement along the northern boundary of the parcel and submit to the Planning Department prior to the signing of the plan.

Tony McManus asked if all of the 25 feet is heavily wooded. He asked if the City has any money to make that accessible to the public.

Pete Lavoie said that there are some horse trails in there. There needs to be some signage and it's possible that it could be an Eagle Scout project.

Steve Stancel said that in the Ezra Green project it's the City's responsibility to develop the trail system through that open space and he doesn't believe they were able to do that yet. This particular easement won't be used until such time as the parcel to the east of it gets developed at which time you would have the connectivity from Ezra Green through this property then eventually into the City of Portsmouth land.

Dennis Ciotti seconded.

VOTE U/A

ITEM #6: New Business

Steve Stancel reminded the Board that on Wednesday, July 27, at 7:00 Pm there will be a joint workshop with the City Council, Planning Board and the Waterfront Committee. There will be consultant coming. The night of the 18th is the hearing on the trail system.

Tony McManus set the **Liberty Mutual site walk for Wednesday, July 20, 2005, at 5:30 PM.** The meeting place will be at the end of the existing driveway.

Dennis Ciotti asked if the trail system that is coming along on many of these developments that are being built. The developers are donating the land and we are appropriating money for off-site recreation facilities and public service vehicles. He asked if anyone thought that it was time to dedicate some money to walking trail enhancement. We have all these trails and we don't have money to develop these trails.

Steve Stancel stated that we received \$7,200 for this project for recreation uses. In theory this money could go toward building that trail. There are a couple of impact fees that we have to work. One is the Northend Fire Station and perhaps we can create some kind of impact fee for that as well.

Dennis Ciotti doesn't want to see this trail and no money available to put them in.

ITEM #8: Adjournment

Dennis Ciotti made the motion to adjourn.

Beth Thompson seconded.

VOTE U/A