



Pete Lavoie asked if the use of the barn for commercial could be documented so it could not be changed.

Steve Stancel said that he is not sure why they wouldn't allow it to go residential in the future.

FX Bruton stated that if there is a possibility that it would go multifamily, it would first need a variance from the ZBA.

Dean Trefethen made the motion to accept the application.

Dennis Ciotti seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

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

1. Add all of the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat by adding a note referencing the Zoning Board of Adjustment case regarding the Appeal of an Administrative Decision.

John Swartzendruber seconded.

**VOTE U/A**

Mr. Torr explained that under **ITEM #6: Old Business, numbers a. for Ray Martineau; b. for Curry Brandaw; c. for Liberty Mutual and d. for Paolini would not be heard.**

**ITEM #4: Consideration and acceptance of an Open Space Subdivision of land for Jonathan & Melissa McCallion, Assessor's Map 40, Lots 32 & 32-1, zoned R-12, located on Old Rochester Rd.\*(P05-51) (8 lots)**

John Berry, Berry Surveying & Engineering, stated that the proposal is a consolidation of Lots 31 & 32-1 into one lot. The combined lots would have a total lot area of 2.77 acres. The proposal is for a road to be constructed off of Old Rochester Rd. with a length of approximately 375 feet to access 8 lots. There is existing sewer and water on Old Rochester Rd. One of the things that has been brought up by Engineering is that approximately 600 feet of the water line would have to be upgraded from the 99 Restaurant towards this property. It is something that the City has been planning on and would be accomplished in part by the applicant. The water line would be upgraded to the entrance of the proposed road. He said that Dave White, at TRC, asked if there was any way that they could design their drainage so that the City may tie into it in the future. They are now working with them to facilitate that request. What is being proposed is a 24 foot wide roadway that would have granite curbing along the side with a 5 foot planting strip and a 5 foot sidewalk along it. This will create a closed drainage system consisting of 5 catch basins that would collect the water, bring it to the back side of the

property and then be detained and dispersed through a detention pond. Those items are not on the plan because they are trying to get the figures to work with their roadway.

Donald Andolina asked how many of the TRC items are not done.

John Berry stated that the items that have not been conformed with are the drainage items that were discussed with Engineering. The design is yet to be completed. He said that, originally, their drainage design was for open drainage and it was at the request of the City to go with a less wide roadway with granite curbing and a closed system. John Berry stated that the cost would be about \$24,000 to extend the water line 600 feet. The water line has been upgraded past Hotel Road, which goes into the new 99 Restaurant. They would be picking it up from there and extending it to their property. He said that his client is willing to contribute to the upgrade. John Berry stated that he doesn't know if the existing line is completely inadequate.

Pete Lavoie stated that the Sullivan Drive project upgraded the line and paid for that in full, from the Weeks Circle to their project. The line needs an upgrade because of low pressure on the north end and increasing the size of the water main is a solution. He added that there is flooding in the Ox Bow Lane area during heavy rains and that is why the Engineering Dept. is concerned. He asked Mr. Berry to explain the sewer.

Mr. Berry stated that the original design came off Old Rochester Road at a negative pitch. They originally looked at all of the houses having to pump their sewerage into the City line but in re-looking at the layout, after the TRC meeting and with the guidance of Engineering, it was suggested that they build the road up, as opposed to down. By bringing the road up they were able to make it so that the first 5 houses will be gravity systems into the new sewer system. The last three houses will have their own small pump system that will pump up to the proposed sewer manhole and then it will be gravity from that proposed manhole and down the new road into the existing sewer manhole that is located in Old Rochester Rd.

Steve Stancel stated that this item was mistakenly advertised as an open space subdivision. He said that they are recommending that the public hearing be tabled in that they will resume the public hearing in the future and re-advertise.

Dean Trefethen asked why a 24 foot width road is recommended in a non open space subdivision.

Steve Stancel stated that it's based on the number of lots. With just 8 lots and a short road they felt that 24 feet was adequate since there will be curbing and sidewalks.

Dennis Ciotti asked about the frontage on Lot 32-4.

Steve Stancel stated that the plan has changed quite a bit in terms of the frontage from the previous plan. He said that you measure 100 feet from the setback line when you are on

a cul-de-sac. You don't measure the cul-de-sac itself, you measure back from the front setback, which is 30 feet in this case to get your 100 feet.

Dean Trefethen made the motion to accept the application

Dennis Ciotti seconded.

**VOTE U/A**

The public hearing was opened.

Karen Ayer, 2 Maplewood Ave., stated that she bought her property almost a year ago. Her concern is that her deck is only 20 feet from the property line and there are some trees on the common property line. She said that she would like to see the trees remain and possibly have a few more evergreen trees planted or a fence. She was asked what the projected market value and the styles of homes that are being proposed would be.

Joseph Chavez, 6 Maplewood Ave., was concerned with access to the ballfields and the recreation area.

Steve Stancel left his seat and Chris Parker took over.

Mr. Chavez stated that they preferred an open pathway to the recreation. They would like to see a site plan from the developer. He asked if the idea of open space could be added to help keep some of the trees. He asked if there were any plans for a courtesy fence for the abutting properties. Traffic is an issue and Horne Street School is already overcrowded. He was concerned that the taxpayers may be asked to pay for some of the water lines or sewer lines. He noted that there is a drainage problem at the bottom of Maplewood Avenue and was concerned with the pond because of the encephalitis problem and mosquito related diseases.

Chris Parker explained that the recommendation will be to table this application. He explained that the plans and TRC notes can be reviewed in the Planning Department. Chris said there would be a site walk scheduled and the public is invited to attend.

John Berry stated that the houses that they have sized are all 28 X 40 and will have garages. The houses would be ranches, capes and split levels. A 12,000 sq. ft. lot will take some creativity and moderate single family homes will be built. They are proposing a pedestrian easement to the ballfield from the road to the back side of the property. The best location is between lots 32-6 and 32-5. The 15 ft. setback could be spelled out as a no cut or naturally vegetated. He felt his client would not have a problem with leaving a buffer between the lots and the houses along Maplewood Ave. and lot 32-A. The taxpayers will not be picking up the costs of any of the new services that are being provided. The services will be burdened by the developer. The upgrade of the water main is something that his client is going to do for the sake of the project. The drainage design is to take the water from the front of the lot to the back of the lot and put in a detention pond where it will be dispersed from there. He said that he would be very

surprised if there would be any water in the detention pond which would be 3 ½ to 4 feet deep at it's deepest.

Steve Stancel asked John Berry to explain how lot 32-5 has the proper road frontage.

Discussion with regard to measuring the frontage on a cul-de-sac ensued.

The public hearing was recessed.

Frank Torr set the site walk for **Saturday, October 22, 2005 at 9:15 AM, meeting on the site at the existing driveway.**

Steve Stancel asked that the center line and the land adjacent to the abutters be staked.

Dennis Ciotti made the motion to table.

Bryan Cahoon seconded.

**VOTE U/A**

**ITEM #5: Consideration and acceptance of a site plan of land and Conditional Use for Appledore Engineering, Inc, (Owner, NP Dover, LLC) Assessor's Map 38, Lot 6A4 & 6A2, zoned B-3, located at Shaw's Plaza , Central Ave.\*(P05-58)**

Jennifer Viarango, Appledore Engineering, explained that there are two out parcels of the Shaw's shopping center. Currently, the two parcels are green space. The two lots are separate and independent of the Shaw's Plaza. They are joining the two lots together and making it into one lot. They are proposing a sit down restaurant, or a fast food restaurant, as they can meet the requirements for both. If the building were not to fit into the rectangle they would have to come back before the Board. They don't have architectural renderings because they don't have a tenant. They are proposing a 141 seat restaurant, with 20 employees in 5,750 sq. ft. There are 76 parking spaces associated with the restaurant. The fast food restaurant does allow for parking in the same ownership on adjacent lots. There are 170 extra spaces on the Shaw's lot. As they are in a Groundwater Protection Zone, they are requesting a Conditional Use Permit. The detention basin that they had designed has been turned into an infiltration basin at the request of the TRC. They will be tying into the existing drainage system at the Shaw's Plaza.

Steve Stancel explained that they are providing 76 spaces on site but the staff is requiring a note on the plan that says that additional parking would be provided in the Shaw's Plaza parking lot. The regulations do allow parking within 500 feet of the use.

Donald Andolina made the motion to accept the application.

Dean Trefethen seconded.

**VOTE U/A**

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

Steve Stancel set the **site walk for Saturday, October 22, at 10:00 AM**, meeting on site.

Jennifer Viarengo stated that someone from her office would attend.

Dean Trefethen asked what would trigger this site plan coming back before the Board.

Steve Stancel answered that they would have to come before the Board again if the restaurant space becomes bigger or was moved on the site. He asked the Board how much latitude it wanted to give on the architectural rendering and if it should be brought back to the Board or allowed to be done administratively.

Dean Trefethen stated that he is a little uneasy to approve a plan when you don't know who will be there.

Frank Torr thought that it might be good for the plan to come back before the Board with the staff recommendation in the future and get approval from all parties.

Dean Trefethen made the motion to table.

Donald Andolina seconded.

**VOTE U/A**

**ITEM #6: Old Business.**

- e. Discussion and possible vote on a revision to the Planning Board approval for Dan Gabriel (Tamarack Condominiums), located on Long Hill Rd./Old Rochester Rd.(P04-62)**

Dan Gabriel gave an update on the project across from Middleton Lumber. He said that they would like to make improvements. Two parking spaces have been added bringing the total of 24. They have gone to a professional landscaping company that wanted to improve the plan. He said that the original total of plants was 71 plants. They are now proposing a total 185 plants. They want to mix the pine trees with some Fraser firs and add 32 holly bushes, 15 spreading hews, 116 daylilies, 13 Alberta spruce, 1 cherry tree and 1 tamarack tree. They are requesting a more attractive fence. They are ok with the 8 foot fence but they would like to have a fence with some lattice work at the top or have some design to it that would make it more attractive. He said that he would like to have the fence lowered to 6 feet to give them a bit of latitude. There is a large demand for condos from the older population. The units are designed for 2 and 3 bedrooms thinking that there may be some children. The units are selling for \$229,000 and for the size, are one of the most affordable projects in town. Most of the interest is from people 55 and older. After discussions with the Planning Department they have offered to make a donation to the City in the amount equal to what it would cost them to build a

playground. Long Hill Road Park is across the street from the project and they are looking for money for improvements.

Don Andolina made the motion to accept.

Dennis seconded.

**VOTE U/A**

It was decided to have a public hearing although it was not necessary.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel recommended approval of the revisions and noted that these items will be in addition to, or replace the original approval. They agree with the two additional parking spaces, the landscaping, the fencing to be approved by the Planning Department, and a contribution of \$10,000 for use of Long Hill Park.

Donald Andolina wanted to know if the \$10,000 was going to be set aside for the Long Hill Park or if it would go into the General Fund.

Steve Stancel explained that the \$10,000 is specifically being allocated to Long Hill Park. There have been other times where it was stated that the contribution would go towards a nearby recreation facility, which then gives some latitude to the recreation director. In this case, the \$10,000 will be put into a specific account that will be used for needs at the Long Hill Park.

Dennis Ciotti asked about the request for a 6' fence rather than the 8' fence.

Steve Stancel spoke about the potential of allowing the 6' vinyl fence but with the addition of lattice work on the top and similar to what is behind the 99 Restaurant. He had reservations of dropping the fence without notifying the abutters and putting this through a formal revision process but these were minor enough changes that could be done under old business.

Frank Torr felt that the fence at the 99 Restaurant was very attractive.

Donald Andolina made the motion to approve the request.

Dennis Ciotti seconded.

**VOTE U/A**

**f. Discussion and possible vote on a minor subdivision plan for Barry Williams, located on Middle Rd. (P05-24)(3 lots)**

Kevin McEaney represented Barry Williams and explained that this subdivision came before the Board in April of this year. It's about 7 acres total and the two lots range in

size from 1.3 to 3.45 acres and will be serviced by septic systems and municipal water. The three lots will be accessed by a common driveway off of Middle Rd.

Donald Andolina made the motion to take this item off the table.

Dean Trefethen seconded.

**VOTE U/A**

Kevin McEaney said that it was necessary for them to get a wetlands permit because the common driveway was crossing a swale containing wetlands. They went to the Conservation Commission in May and received their approval for the Conditional Use Permit. They went to the State Wetlands Board and received their approval. They will provide a copy of the State Subdivision Approval to the staff.

Dean Trefethen said that one of the comments from the minutes was a concern from Mr. O'Connell that the future neighbors might complain about his kennel to raise Beagle hounds that has been in existence for about 35 years.

Kevin McEaney stated that the O'Connells have been there for 35 years and Mr. Williams has owned this property for a long time. The location of the proposed house on that lot will be a significant distance away from the lot line.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Dennis Ciotti made the motion to approve with the following conditions:

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision permit.
4. Revise the plat by adding a not requiring that a shared driveway provide access to all three lots.

John Swartzendruber seconded.

**VOTE U/A**

**g. Discussion regarding Residential-Commercial Mixed Use Overlay District (RCM)**

Chris Parker stated that the Overlay District will be put under Chapter 170-28.2. The first change is a description of a 50 acre parcel with access to a State maintained road. They have added a stipulation that it be within 500 feet of a road maintained by the State. That is to clarify what access to a State maintained road is. On Page 2, under section C., Master Plan concept, first paragraph, Chris said that it was previously indicated that the mixes between commercial/residential and open space would need to be noted on the

plan. They have given guidelines to say “residential uses must not exceed 40% of the tract and a minimum of 20% open space is required.” The 20% open space may be calculated through the buffers and through any easements or wetlands. He said that they clarified the next paragraph Residential Uses, Required Calculations and Permitted Density by adding the following: It shall be completed through the submission a yield plan. The yield plan concept was introduced with the open space subdivision regulations. On page 3, under Residential Development Plan Guidelines, it says that they want to encourage flexible and creative designs. He ended by saying that covers the bulk of the changes that they have made.

Dean Trefethen thought that the residential had to be 55 or older.

Chris Parker answered that it is under principal uses, Housing for Older Persons, as defined by the RSA.

Dean Trefethen thought that it is a good goal but the Board should keep mindful and concerned about the number of age restricted developments that have been approved along with the projects that are in the pipeline. There are some advantages but there are some potential downsides to catering to a older residential mix. He wondered if the City is going to reach a saturation point or a problem point with the mix of ages in the City. He is not necessarily opposed to this proposal.

Donald Andolina asked if there was a time frame that the developer has to complete the project, or if it would be open ended. An example would be a developer puts in 20 acres of residential and then does not finish the project, and then somebody comes along in a number of years and goes to the ZBA to get relief saying they can't attract industry. He asked if there would be something in place to protect the City.

Chris Parker said as it stands, there is no phasing outlined. The density for residential is calculated on the whole parcel and then allocated to that one section. The developer would need a variance and he felt that it would have a poor chance proving a hardship because you have already used your residential calculations. He said that they were hoping to get some input from the Board. He said that it was a good point.

Steve Stancel stated that it is really important to create a phasing schedule. It could be difficult to expect a non-residential to be constructed first because sometimes it takes years to try to find the right company to come in. The key may be based on infrastructure improvements, thereby vesting the project.

Frank Torr felt that one of the developers that recently spoke to the Board, had complete plans and the other one did not. He asked if the Board has the authority to ask developers to come in with a brick or stone projects.

Chris Parker explained that one of the developers knew who their tenants would be but couldn't divulge that at the time. The developer for the Dover Point Rd. project said that

they would like to see certain things but did not have any tenants. He said that neither project was fully engineered but both had good concepts.

Steve Stancel explained that they can request the Board to approve the posting of these changes and then advertise for a public hearing down the road. It requires a 15 day public hearing notice so it would not make the next agenda but would probably be on the meeting after that. He said to bear in mind they will have the public hearing and then there would be more discussion where this ordinance could be massaged further.

Dean Trefethen made the motion to post the ordinance.

Donald Andolina seconded.

**VOTE U/A**

### **ITEM #7: New Business**

Frank Torr announce that it would be the last Planning Board meeting for Pete Lavoie, Community Services Director and Hiroko Sato, Reporter for Fosters. He said that the Board wished them both well and that they will both be missed.

Steve Stancel noted that there is a letter from NH DOT, on Gerrish Road, in the packets. It indicates they are looking to make some improvements to their maintenance facility. The State RSA requires that they notify the community. It is up to the Board to decide if a public hearing is warranted or not. If the Board does, a public hearing will be heard at the next Planning Board meeting. The State RSAs allows for the community to hold a public hearing and then make non-binding recommendations. The community can't dictate to the State what to do to the site. He said that they have looked at the site and what they are requesting to do and they feel fairly confident that there wouldn't be changes that would negatively impact the surrounding abutters but it is up to the Planning Board to decide.

Frank Torr stated that he is an abutter so if any action is taken, he will have to step down. If it was just to make a recommendation, then he can sit.

Donald Andolina stated that he felt that there should be a public hearing which would give the public an opportunity to hear what is going on and made the motion to hold a public hearing.

Dennis Ciotti seconded.

Steve Stancel explained that the State is not required to meet any of the City regulations but believes that they do need to meet the State wetlands and environmental regulations.

**VOTE 5 – 1**

**Opposed – Pete Lavoie**

Steve Stancel explained that originally there was a workshop scheduled for on October 18<sup>th</sup> with the Conservation Commission but that has since been postponed because NH

DOT is holding a public hearing at City Hall, on October 18<sup>th</sup>, at 6:30 on the State's Ten Year Plan. The Board members may want to attend, as the Planning Department will be making comments on some of the traffic projects that they have been working on. The meeting is at 6:30 on October 18<sup>th</sup>.

Steve Stancel said that CIPs have been distributed on the desks. He said that on October 19<sup>th</sup>, a joint workshop with the City Council and the Planning Board has been scheduled to hear presentations on all of the items in the CIP. That workshop is at 6:30 PM, on Wednesday, October 19, 2005. He said that at 6:30 there is a presentation specifically on the McConnell Center and then at 7:00 PM is the start of the all of the other items.

**ITEM #9: Adjournment**

Dean Trefethen made the motion to adjourn.

Donald Andolina seconded.

**VOTE U/A**