

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
OCTOBER 25, 2005**

**MEMBERS PRESENT:** Dennis Ciotti, Frank Torr, Dean Trefethen, John Swartzendruber, Ron Cole, Donald Andolina, Perry Plummer, Doug Steele, Tony McManus

**MEMBERS ABSENT:** Bryan Cahoon

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

Meeting brought to order at 7:00 PM.

Chairman Cole announced that Liberty Mutual ITEM 8 c., would not be discussed.

**ITEM #1: Citizens' Forum**

Rick Hebbard, 97 Spruce Lane, was concerned with an item on a Class IV Road that had previously come before the Board. He said that Steve Stancel made the comment that if the subdivision had been approved, they would not need to come before the Board again before obtaining a Building Permit. He passed out information and photos that he had taken. He played a tape recording of the May 25, 2004 meeting. (Inaudible) He said that it was discussed during that Planning Board meeting that the stone wall on the property would stay. He said that the owner of the property has since removed 400 feet or more of the stone wall and put them along his driveway. He said that the driveway is illegal because at the Planning Board meeting, the owner said that he would use the original driveway. He also cut out the trees to put in a new driveway and never came back before this Board for approval. He said that the owner of the property has started a fire without a permit and the Fire Dept. had to come out to put it out. He had photos showing brush and trees that were cut along the State property, which abuts his. There were pictures showing road damage. He said that he came into the Planning Dept. and asked that something be done for the safety of the people that use that road and nothing was done. Mr. Hebbard indicated that the last photo shows the trailer that the homeowner was living in at the time of construction and another shows the trailer being removed. He said that the home has been occupied without a Certificate of Occupancy.

Mary Hebbard, 97 Spruce Lane, spoke about going to the Planning Office on October 7<sup>th</sup> to see if the CO was in the Building Permit file. She said that they were concerned that if something happened to the owners or their house, their insurance would not cover it. They saw Tom Clark and asked if he had looked into that and he said that he would check it the next day. Ms. Hebbard stated she came in on the 24<sup>th</sup> to see if there were any comments on the action that was taken in the folder. She said that Tom Clark indicated that he knew they were living there but ran into financial problems and were working on getting their CO. She said that she wants the law followed and she sees a problem. The

Planning Board relies on the Planning staff to make the recommendations for approval and it is very clearly put into the conditions of approval. She said that there is an expectation that the conditions will be enforced. She said that she is asking the Board to make a decision on what the priority is in terms of enforcement. She didn't make the rules or the laws but she would like to see them enforced.

Ron Cole stated that he will report back at the next meeting.

Chairman Cole introduced the Board's two new members, Doug Steele, Acting Community Services Director and Fire Chief Perry Plummer.

**ITEM #2: Approval of the minutes.**

Donald Andolina made the motion to approve.

Frank Torr seconded.

**VOTE U/A**

**Abstained – Tony McManus**

**ITEM #3: Consideration and acceptance of a minor lot line adjustment of land for FAA Investment Properties, LLC, Assessor's Map 37, Lots 29 & 56A, zoned O & R-12, located at 800 Central Ave. \*(P05-60)**

Kevin McEaney explained that this is a simple lot line adjustment. One lot fronts on Page Ave., which is zoned R-12 and the other fronts on Central Ave., which is zoned O. They are taking approximately 1,600 sq. ft. and adding it to the front parcel on Central Ave. He said that the next item is a site plan for lot 29.

Frank Torr made the motion to accept the application.

Dennis Ciotti seconded.

Tony McManus stated that he was abstaining and wouldn't participate.

**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 owner's signature to the plan.
2. Provide the Planning Department with a digital version of the plat.
3. Certify that the new lot meets minimum zoning requirement exclusive of any wetlands.

John Swartzendruber seconded.

**VOTE U/A**

**Abstained – Tony McManus**

**ITEM #4: Consideration and acceptance of a site plan of land for FAA Investment Properties, LLC, Assessor's Map 37, Lot 29, zoned O & R-12, located at 800 Central Ave. (P05-57)**

Kevin McEneaney stated that there is a single family home on the property. The developer wishes to covert the home to office use and in addition to that, to add a 1,800 sq. ft. one-story addition to the north side of the building. They are proposing to construct a 17 space parking lot to the south of the existing building that will include 2 handicap spaces. The existing driveway will be widened at the entrance of Central Ave. and granite curbing will be installed. There will be underground utilities from the pole. Landscaping will be provided as on the plan. They will construct a 7' high wood stockade or vinyl fence on the rear and southerly part of the property to screen the parking from the abutters. He had an architectural rendering of the plan showing all the views. He said that the drainage will consist of a catch basin in the middle of the parking lot which then will be tied into the City storm system.

Ron Cole asked why there is no storm water protection.

Kevin McEneaney said that this has gone through TRC and Engineering did a review of the plans and approved the manner of treating the drainage.

Frank Torr 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.

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

1. Add the owner's signature to the plan.
2. Add the surveyor's and the engineer's stamp and signature to the appropriate sheets of the plan
3. Revise the plan by adding a note that no professional or medical offices are allowed due to parking limitations.

Dennis Ciotti seconded.

**VOTE U/A**

**Abstained – Tony McManus**

**Tony McManus asked that it show on the record that he has abstained on both ITEMS 3 and 4.**

**ITEM #5: Consideration and acceptance of a lot line adjustment and minor subdivision of land for Michael & Kristine Chagnon & Paul & Katherine Martel, Assessor's Map E, Lots 57, 57 I & 57 J, zoned R-20, located on Upper Factory Road.\*(P05-61)**

Bob Stowell, Tritech Engineering, stated that the property is located at the end of Upper Factory Road. He said that there are currently two lots and they are proposing to abandon those lines altogether and start from scratch and reconfigure them into three lots. There are two existing houses. One house lot had a little over 8 acres and then this smaller lot with a house and barn, which has been reconfigured to make a third lot which is now the large lot.

Dean Trefethen asked the purpose of the sliver of land that goes up to Upper Factory Rd.

Bob Stowell stated that they have no immediate plans for the 8 acres of land. Being a significant size piece of land they just wanted to leave options open for what they might be able to do down the road so they left a 30 foot strip. He added that they are going to construct a house on the new lot. Bob reiterated that there are no imminent plans for the 8 acre lot except to build a home on it. He added that they will have to deal with the rules that are in place for frontage if they come before the Board in the future.

Dean Trefethen asked if there is a way that a road could be built into the sliver of land.

Steve Stancel stated that the applicant did approach the Planning Office about the possibility of utilizing that frontage for this lot. When they did the research they found there were a couple of lots that were created without road frontage. There was also a sight distance issue at that entrance and a stipulation that there be no further lots off of that right-of-way, forcing the applicant to come off Upper Factory Road with this project. He assumes that is why they are building a house so close to the road as opposed to running a driveway all the way to the back.

Dean Trefethen asked if the applicant is fully aware that by building up near Upper Factory Road, under current zoning, he could do nothing else with this property.

Bob Stowell agreed that it could restrict their ability to do things in the future. He said that the land in the back is very high and dry with one little brook.

Donald Andolina said that it doesn't seem logical to forfeit the use of the land.

Steve Stancel said that there is nothing to prevent this owner from purchasing an additional twenty feet of road frontage from lot 27-F in the future or 50 feet from lot 57-D, so they would have options.

Bob Stowell explained that the "wood road" references on the plan are cart paths and riding trails that don't have any status.

Discussion ensued with regard to Upper Factory Road.

Frank Torr said that he assumes that Upper Factory is a City street and basically dead ends without a turnaround for plows or fire trucks.

Dennis Ciotti asked if lot 57-J would be using the access and utility easement off 57-I, because if they do not use that easement they have no frontage on a City Street. He said that he would like to make it a condition that they use the right-of-way off of Upper Factory Rd. a condition of approval.

Steve Stancel stated they technically could come in off of the Upper Factory Rd. right-of-way. The Building Inspector would make them upgrade the woods road that comes off the end of Upper Factory Rd. They do have two options. He said that he would hate to say that they would definitely have to come off that right-of-way.

Frank Torr made the motion to accept the application.

Tony McManus seconded

Tony McManus asked if that means that Upper Factory Road stops prior to the beginning of the new lot.

Bob Stowell stated that that was correct. The actual pavement stops about mid way in front of 57-I.

Tony McManus asked if the frontage had to be on a City street.

Steve Stancel explained that it has to be on a public right-of-way and it is a public right-of-way. Steve explained that a public right-of-way allows you to continue the road if you chose to. A public road is the pavement itself. The regulations say you don't have to have pavement on a public right-of-way.

## **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. Add the surveyor's stamp and signature to the plat.
4. Provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
5. Revise the plat by labeling all the new boundary lines.
6. Revise the plat by adding the locations of the existing septic systems.

Frank Torr seconded.

Dean Trefethen stated that he is trying to prevent the landowner from coming back asking for some relief in the future. He said that he would not be too lenient on bailing them out down the road.

## VOTE U/A

### **ITEM #6: Consideration and acceptance of a site plan of land for Wamco Associates, Inc., Assessor's Map 31, Lot 99, zoned RM-8, located at 56 Sixth Street.\*(P02-13)**

FX Bruton, from McNeill, Taylor & Gallo, stated that this is a site plan of two single story storage buildings located on Sixth St., formerly known as Purdy's Storage. He said that in 1983 the previous owner obtained a variance to promote storage and prior to that the facility was in rough shape. This plan will create a more aesthetically pleasing site. There was a request that there be no retail on site and that there be a pitch added to these one-story structures due to the fact that it is in a somewhat residential area. He said that anything greater than a 5 pitched roof would take over the building and be a bad idea. They have calculated that a 5 pitched roof would result in a pitch to the roof with a peak of about 6 feet. The structures themselves are roughly 9 ½ feet. The applicant would like to replace the chain link fence and add green slats to the fence. It would be a 6 foot fence and would provide for screening to the neighbors and also provide security. The applicant agreed to put significant landscaping on the property. It is intended that there be added landscaping to Sixth St., as well as landscaping all along Grove St. They have agreed that the landscaping will be dense and will be the aesthetic buffer that the Planning Department is requesting for the benefit of the neighbors.

Kevin McEneaney stated that one building will be 30 feet wide and 150 feet long and the other building will be 140 feet long and 30 feet wide. He said that the rear of the property is the highest part of the property. He explained how the drain lines would be upgraded. They will stripe the parking so there will be no parking in front of the building that the Fire Department was concerned with. He said that they will remove the two hydrants that are dead. He said that there is a manager's apartment in the building. They were requested to supply parking for apartment and for people using the indoor storage, therefore they will be adding a total of 5 spaces. He said that on the Grove St. side there is currently no landscaping so in addition to adding the slats to the chain link fence, they will put a significant amount of landscaping in front of the fence. They are proposing lights on the buildings, pointing downwards so there will be no spillage onto the neighbors' property.

Tony McManus asked if they need another variance to enlarge a non-conforming use.

FX Bruton stated that there was future development proposed at the time of the variance. He said that they spoke to Tom Clark and he gave a determination that they did not need to go back to the ZBA because there was intent to create a future use for this purpose. It was part of the grant of that variance that there would be future storage in that location.

Dean Trefethen asked if the buildings would have a metal shell.

FX Bruton stated that they would but they would have a pitch on the roof.

Dean Trefethen asked if there could be a finish that would not look like metal. He asked if it was possible on the Sixth Street side and the end that faces Grove St. that there could be a metal finish that looks more like clapboard or brick.

Atty. Bruton said that they would explore it and the Planning Dept. can explore what would work for them.

Dean Trefethen asked if they could make it a condition of approval.

FX Bruton agreed that it could be made a condition of approval.

Dennis Ciotti asked about the garage in the lower southwest corner that appears to straddle the property line.

FX Bruton explained that the two property owners have already discussed getting a boundary line adjustment to fix the encroachment.

Dennis Ciotti asked, as a matter of housekeeping, if that should be corrected before the plat is recorded.

Steve Stancel stated that he would hate to hold them up for something like that.

Doug Steele said that the storage of vehicles was discussed at TRC. He said that vehicles, construction equipment and boats are stored there. He asked if this would eliminate that type of use on the outside of the building.

Steve Stancel indicated that he added a condition of approval that vehicles could be stored but they must be registered.

Frank Torr made the motion to accept the application.

Perry Plummer seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Chairman Cole asked if there needed to be any wording on the boundary line adjustment.

FX asked that the Board not make that a condition of approval because he can represent that the abutter and the applicant will be coming back to do the lot line adjustment. It would hold them up.

Dennis Ciotti asked if it would be sufficient to have the lot line done before the issuance of a CO.

Donald Andolina said that he shares Dennis Ciotti's comments that it be documented. He said that he is not suggesting that the project be held up but if it isn't written down he would have to vote against it.

Ron Cole said that it will be made conditions #7, that in the next 365 days the applicant will come back before the Board with a lot line adjustment.

Perry Plummer asked what would happen if that didn't happen.

FX Bruton stated there is clearly the intent to do the lot line adjustment but should the unspeakable occur and those representatives perish, then he doesn't want to be put in that position. He asked that it not be made a condition of approval.

Tony McManus said that the applicant would be well advised to accept that condition because there is an existing zoning violation that is apparent on the application itself and he is not sure that the Board has the authority to approve it. Unless there is a condition that makes it conforming, he said that he would not vote for it either.

FX Bruton said that he will accept it as a condition so as to not to jeopardize the plan.

Steve Stancel said that it could be added as a condition that within 6 months, the applicant will be back before the Board for a lot line adjustment or the garage will have to be removed.

Frank Torr made the motion to approve with the conditions as follows:

1. Add the owner's signature to the plan.
2. Add the engineer's stamp and signature to the plan.
3. Provide the Planning Department with an architectural rendering of the proposed buildings including the roofing system. Application to decide along Sixth St. and Grove St. the materials satisfactory to the Planning Department.
4. Provide the Planning Department with foot candle information for the lighting plan.
5. Add information on landscaping calipers and size of planting for Planning Department Approval.
6. Vehicles on site must be registered.
7. Within 6 months the applicant will be back before the Board for a lot line adjustment or the garage will have to be removed.

Doug Steele seconded.

**VOTE U/A**

**Frank Torr recused himself as he is an abutter to ITEM #7.**

**ITEM #7: Consideration and acceptance of a site plan of land for New Hampshire Department of Transportation, Assessor's Map M, Lot 41, zoned R-12, located on Gerrish Road.\***

Ron Cole stated that RSA 674:54 provides for the Planning Board review of governmental land use and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations.

Doug DePorter, District Engineer for District 6, introduced Steve Ireland, Assistant Dist Engineer and Roger Dionne, with Public Works. He explained why this shed is important for their operation. He said that Dist. 6 covers most of Rockingham and Strafford County with about 600 miles of road. Their plan is to construct a new facility in what they refer to as the back field where they currently have their salt shed. They plan on using the old building for storage and to house a couple of survey crews.

Steve Arnold went over the site plan saying that there are currently three different sheds in poor condition. He showed a rendering of a new building which will feature three overhead doors and two personnel entrances. They will have fencing around the perimeter of the property. The back edge is intended to be chain link screened. They had some request from a couple of abutters that they look into a vinyl fence instead of a chain link and are looking into the price difference to see if it comes into the confines of the budget. They have some reservations about the vinyl fencing because they are also looking to add security to this facility. He showed a rendering of the front and end views of the facility. He said that this facility would be hidden reasonably well because they are intending to screen the fencing.

Perry Plummer asked what the view would be from the neighbors.

Steve Arnold explained that the neighbors on the back side would be looking at 3 or 4 windows. He didn't have that view. He said that it is a vinyl sided building and they will have a 6 foot fence there. They would be looking primarily at the fence and they probably would not even see the windows.

Dennis Ciotti made the motion to accept the application.

Doug Steele seconded.

**VOTE U/A**

The public hearing was opened.

Frank Torr, 1 Old Littleworth Road, stated that this land was purchased by DOT in the mid 1950's and it has been growing over a period of years. He is an abutter on two sides. His issues are fencing and drainage. He is requesting a vinyl fence vs. the chain link with the slats. He said that slats deteriorate over a period of time. Although he never saw documentation, a neighbor to the property that was living there at the time of the purchase, said that there was an agreement between the State of NH and himself that the property would be screened. There were plantings along what used to be Cushing Road, which is now Gerrish Road. Most of those pine trees are gone as a result of salt damage. He was sent two or three samples of vinyl fencing that could be utilized. He said that he isn't sure if all this will occur but it is on record. He said that there is a catch basin at the corner of the salt shed that it only goes into the ground about 8 or 10 feet. That system is

in failure today. He is concerned because the overflow of that system enters his property. He would like to see those two issues addressed.

The public hearing was closed.

Steve Stancel stated that the staff recommends that NH DOT consider providing screening in the form of vinyl fencing and vegetation from abutting residential uses based on abutter comment. They also would recommend that the current drainage system be reviewed and adjusted as required.

Dennis Ciotti recommended the vinyl fencing and the drainage as stated by the Planning Staff.

John Swartzendruber seconded.

**VOTE U/A**

Chairman Cole called a 5 minute recess.

Chairman Cole brought the meeting to order at 8:35 PM.

**Chairman Cole announced that Liberty Mutual would not be discussed.**

**ITEM #8: Old Business**

- a. Discussion on a site plan of land and conditional use for Raymond Martineau, Jr., (Phase I) Assessor's Map I, Lot 56, located at 47 Back River Rd.(48-unit independent living congregate care)(P05-48)**
- b. Discussion on a site plan of land and conditional use for Curry Brandaw Architects (Phase II) Assessor's Map I, Lot 56, located at 47 Back River Rd. (115-unit congregate care facility)(P05-49)**

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

Dennis Ciotti seconded.

**VOTE U/A**

Bob Stowell, Trittech Engineering, stated that they are not looking for any action by the Board. He said as a result of the site walk, he wanted to update the Board and would be looking for approvals at the next meeting. He said that they need a recommendation from the Conservation Commission for the Conditional Use Permit and hope to have that by the next Planning Board meeting. He said that there was concern with the development that they had placed in the 50 foot buffer from the wetlands. They relocated their ponds greater than 50 feet from the wetlands. He explained the main change to the site plan was changing some of the rear entry garages to front entry. They are looking for a favorable recommendation from the Conservation Commission. The congregate care main building is retirement residences and the lower project is now called The Cottages at Dover Retirement Residence. Architectural renderings were handed out to the Board.

Kim Hartsavarian, Tech LLC, Traffic Engineer for the project, said that the morning peak hour trip generation for the congregate care building was a subject that came up at the last meeting. They use the Institute of Transportation Engineers Trip Generation Rates and came up with 7 trips total in the AM and 20 trips total in and out in the PM. In the packet there were some trip generation information from the architect that said 30 trips morning and afternoon peak hour. He said that it turns out that 30 is supposed to be a summation of what happens in the morning and the afternoon. He said that there are 7 in the AM and 20 in the PM adding up to 27, so they were not in much disagreement. He looked at some of the staffing for the congregate care facility and it's reasonable to expect about 8 employees to come in in the AM in that 7 – 9 AM period. If the employees are spread out over the two hours, it will be 4 employees per hour during the morning peak period which is the same number as they had entering the site in the AM. If the employees arrive all in the same hour, it would make it 8 trips in, not 4 and then you add the 3 trips out and you are up to 11 in the AM. In terms of traffic operations the volumes are low enough that it wouldn't make any difference. He said that 300 feet of site distance can be made available in either direction on Back River Road. To get the 300 feet looking to and from the northwest, the retaining wall would have to be altered. The 300 feet is good for about speeds of 40 miles per hour and the posted speed limit on Back River Road is 30 MPH, leaving a 10 mph margin above the speed limit. The way to address speeds out there would be enforcement.

Tony McManus asked if the individual units would be rental or condo units.

Bob Stowell explained that the proposal is split. The main congregate care building is a rental plan to be operated by Holiday Retirement Communities and the lower units will be condominiums.

Chairman Cole inquired if this congregate care has medical staff on hand.

Mr. Dionne answered that there is no medical staff and if a resident comes to a point where they do need care, they must contract outside of the residence for home health care on an interim basis. As that evolves, they will likely go to a different facility.

Bob Stowell said that their main roadway entrance is 24 feet wide and the internal roadway was proposed to be an 18 foot wide road. After working with Bruce Woodruff on his recommendation, they have gone to a 20 foot wide road with the entrance still being 24'. There are 48 units proposed on the lower level. Some of the units are proposed for only 1 bedroom some are proposed for two.

Frank Torr said his understanding is that this is a subdivision by default because the condos are going to be sold off so you won't have the same property owner that owns the condos vs. the congregate care facility.

Atty. Chris Wyskiel stated that he addressed that issue at the last meeting. He explained that the idea of the two phases is for them to have two condominium land units. The larger building with the individual units, rented to residents will all be built in one land

condominium unit. The second land condominium unit is the cottages that will be further condominiumized to facilitate separate ownership by individual owners. The project was first looked at for zoning purposes by creating a two lot subdivision. There was preference on the part of the City to avoid the creation of a public road coming in to a cul-de-sac. That could have been designed to create sufficient road frontage for the two lots to exist but it then creates a road to nowhere. There is a preference on the part of the City to keep it a private road. This legally created separate ownership of the two phases of the development so that the first owner can build one large building to facilitate rental of units and the second phase can be developed as individually owned condo cottages.

Frank Torr said in his mind it doesn't have to be a public road. It could be kept as a private road with one party or other being the owner. In his mind a subdivision would be the correct way.

Steve Stancel stated in order to definitively break off into two separate parcels, you need to have the proper road frontage for each parcel on a public right-of-way, which you would not have unless you built in a long public roadway with a cul-de-sac. They could have done that from a planning perspective but it was better that this be all private roadway because it is a very private community and he is not sure why anyone would want a public road. The question became how do you do it legally. Chris Wyskiel indicated that it could legally be done through condominium documents. As far as the City is concerned, it will be treated as one lot and will show as one lot on the tax map.

Frank Torr said that the private road would be advantageous to the City. He was concerned with the stone walls that would be destroyed in the process of the construction. He said that he isn't sure they can do that by law.

Steve Stancel said that there seems to be some feeling that the State law pertains to stone walls along public roadways and they will verify that before it comes back.

Frank Torr said that he was there when the law was passed and he doesn't think that was the intent. He thought that it relates to the heritage of New Hampshire.

Chris Wyskiel indicated that he heard those concerns on the site walk and the only thing that he could find statutorily was the prohibition from disturbing the stone walls that amount to monumentation between abutters. So stones within the lot can be moved.

Bob Stowell stated that it is his understanding also. There are areas of internal stone walls within the area but he anticipates those stones being used as part of the overall landscaping plan for the property. They are an amenity and will be incorporated.

Tony McManus asked if there would be a homeowners' association and would each of the homeowners of the residential units would be members. He asked if the congregate care owner would be a member of the homeowners' association as if it were one unit. He asked who would be the owner of the land.

Chris Wyskiel said that there would be a homeowners' association. He explained that there are two land units that would be equally represented in terms of a weighted vote when comes to things of common maintenance such as the road. It is a private road serving two halves of a community that is designed to coexist. The large building in the front should pay for whatever proportion that is negotiated between the parties for road development, maintenance and care of that including winter maintenance, and long-term repaving. There may be other site specific long-term maintenance expenses that come up such as utilities or repairs to drainage systems, etc. Those expenses would have to be shared. Chris Wyskiel said that that the developer of the larger project is represented by a specific corporate or LLC entity. The owner of the second phase, where the cottages are, is Ray Martineau. There will be a separate owner for phase I and a separate owner for phase II. It is not a subdivision because New Hampshire law says that condominiumization of land is not a subdivision.

Tony McManus said that his understanding is when you have a homeowners' association the members of the homeowners' association are the property owners within the property that is covered by the homeowners' association.

Chris Wyskiel said that it won't be a subdivision for subdivision purposes, it will still be one lot but for condominium documents, there will be a recorded site plan and that will have unit lines declaring two units – one up front and one up back with some sort of a dotted line. It won't be a property line, it will be a unit line. This parcel of land in its entirety will be declared to the condominium form of ownership.

Dean Trefethen asked what the affect the traffic would have on the Back River Rd./108 Intersection.

Kim Hartsavarian said that they looked at the trip generations with 11trips in the morning and 25 trips in the afternoon for the project and also adding another 4 trips in the morning and 25 in the PM. If they were to run all the analyses it would show no impact.

Dean Trefethen asked about the buildings that are proposed in the 20% slopes. The detention ponds have been addressed but there are still 10 units that are either completely in, or partially in the 20% slopes and some of the roadway system is in the slopes also.

Bob Stowell said that there are isolated packets of 20% slopes. The areas that are being referred to are isolated pockets of 20% slopes that in the overall scheme of things, are difficult to maneuver around. They have tried to best deal with the slopes as in erosion issues. On the overall site design that deals with erosion issues and grading that goes along with the erosion protection measures that go on during construction, takes away those concerns with erosion. They are trying to balance an overall layout for the site and are trying to avoid the significant areas of 20% slopes. There are no minimum size guidelines on 20% slopes. It makes it hard to provide a productive layout of the site when there are pockets that are no bigger than the size of this room.

Dean Trefethen said that part of the intent is for environmental protection but also part of the intent is to control density on parcels that have slopes greater than 20%. He felt they were ignoring that aspect for the productive use of the site and they were getting approximately 10 extra units.

Bob Slowell said in a residential development, the 20% slopes can't be counted as the lot area. In this scenario for the overall density calculations for this property, they are not excluded. They worked with staff for months on different layouts on how to configure this project. One of the concepts that he kept bringing in was a larger facility at the lower end that had several units in it. Working with staff and Mike Lassell, they felt that this cottage design was more complimentary to the upper area. They are playing with a configuration, not true density.

Steve Stancel stated that he would like to hear how the Board feels about the 20% slope issues as soon as possible rather than wait until end after more engineering has gone into the plan.

Bob Stowell explained that when they get into this type of congregate care definition they are not controlling density with the 20% slope. It then falls back on the environmental issue and if they can properly compensate for disturbing them. They are going to Conservation Commission to see if they agree with them.

Perry Plummer asked if it was possible that they would come in with something that might not be as desirable if the Board voted this plan down because of the 20% grade.

Steve Stancel said that there have been different reiterations of the plan which the Planning Department looked at and in general, they prefer the concept of having a mixed use on the site so that there are different housing opportunities for 62 and above as opposed to another multi-family, square shaped, congregate care facility on the second site. They still have to fit it into the lay of the land. There is a bit of give and take and there is the possibility that they could come in with something less desirable in terms of housing type.

Chris Wiskiel, said that he is not sure that the density is an appropriate focus on the Conditional Use Permit, although how the Conservation Commission interprets that is an issue for Nov. 7<sup>th</sup> meeting.

Perry Plummer inquired about the fire lane that was brought up at TRC.

Bob Stowell answered that they are working with Richard Driscoll about getting fire access to the back of the building.

Chris Wiskiel explained that the use that is being proposed is allowed by variance and both proposals are congregate care facilities. The cottages are not characterized as multi-family dwellings because it meets the definition of congregate care.

Steve Stancel stated that the definition of congregate care facility allows separate units. He asked the board to keep in mind this is functioning as a single project.

Chris Wyskiel stated that the ZBA was specifically told that there would be a big box of units that would be rented and that there would be a village of cottages behind that was designed for age restricted dwellings that would also fit the definition of Congregate Care. The Zoning Ordinance states that Congregate Care would be a residence facility for elderly persons containing efficiency units of 1 and 2 bedroom units with or without kitchen facilities and would contain common dining facilities and other accessory uses that would be common to that type of use, hence the reason for the common building and the dining facilities.

Tony McManus asked if the people in the cottages would be able to eat in the bigger building of Phase I.

Chris Wyskiel stated that they would not. In Phase II there is a common building. There will be kitchens providing the option of either eating there or partaking of the dining services that are going to be provided within the common facilities.

Tony McManus asked if the people in the cottages would be paying a fee to the principal building for any services.

Chris Wyskiel answered only to the extent that that the two units have to share the maintenance of the road expenses. The second layer would be the expense in their line item of association fees to subsidize the dining facility. Ray Martineau who is going to be the developer of the cottages will negotiate how that will be priced and integrated into a component part of the condominium fee.

Ron Cole asked if it would be a full scale, fully run dining hall in the Phase II of this plan.

Chris Wyskiel said that the intent is for some type of breakfast service to be provided and lunches and dinners to be provided to those who absolutely want it, need it or desire it. The negotiations that Ray Maritineau had since the site walk and prior to this meeting is trying to establish a relationship with a congregate care facility called Bellamy Fields further down on Back River Road. They have a kitchen and chef, so that dietary concerns can be planned and meals could be delivered. The food could be prepped offsite and brought in and delivered and set up for people to dine there. If you're a resident you may want the opportunity to do so. That is what differentiates this living arrangement from multi-family housing along with any other accessory services that can be provided within the common building facilities. Dr. Hopkins, owner of Bellamy Fields, liked the idea. They have kitchen facilities and chef on staff accommodating that with a fixed resident population, they can make better use of those facilities and those capabilities by delivering meals. The prep kitchen and pantry can demonstrate how these meals can be served and provided even to a specific cottage if necessary. Those are some

of the amenities that will be built into this lifestyle. It is going to be another desirable option for Dover.

Dean Trefethen asked if they would they still meet the definition of Congregate Care if they voted to have no food service.

Chris Wyskiel said that the documents drafted will require that some level of service be provided with the intent being that the definition be fit. One of the attractions of outsourcing with is the congregate care facility down the road is that they can chose what they want.

Tony McManus made the motion to table.  
Frank Torr seconded.  
**VOTE U/A**

Steve Stancel reminded the Board of the joint workshop with the City Council on the CIP. He suggested that this Board hold a public hearing on the CIP at the next meeting.

### **New Business**

Steve Stancel stated that Kevin McEneaney, who is Chairman of the Strafford Rivers Conservancy wanted to make a presentation.

Kevin McEneaney announced that the Conservancy is a land trust that was started in 1989 and the Conservancy has been working with the Dover Open Lands Committee and the Planning staff and Mr. Bill Tuttle to try to come to terms to enter into an agreement to purchase the development rights for the Tuttle Farm. Last Friday they signed two purchase and sales agreements. He said that they will be putting into a conservation easement the entire 172 acres of the Tuttle Farm. They will be conducting a public hearing on November 7<sup>th</sup> with regard to using some of the Conservation Fund monies that come from the penalties for Current Use applications and they will be utilizing some of that money as a start up cost to provide to the family for purchase of the easement. Strafford Rivers Conservancy is going start a major fund raising campaign to raise the additional funds to complete the project. Kevin thanked Steve Stancel and Steve Bird from the Planning staff for their time, as well as the Open Lands Committee in negotiating this. It is the oldest family-owned farm in the United States. The current owner is the 11<sup>th</sup> generation to run the farm. It was established in about 1633.

Ron Cole thanked Kevin McEneaney and everyone that is involved in this on behalf of the citizens of the community.

Ron Cole said goodbye in absentia to both Pete Lavoie and Beth Thompson because he wasn't at the last meeting. He thanked them both.

### **ITEM #10: Adjournment**

Frank Torr made the motion to adjourn.  
Dennis Ciotti seconded.  
**VOTE U/A**