

**DOVER PLANNING BOARD
MINUTES OF MEETING
NOVEMBER 22, 2005**

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

STAFF PRESENT: Steven Stancel, Planning Director; Chirs Parker, City Planner; Bruce Woodruff, City Planner and Jacqueline Freeman, Recording Secretary

Meeting brought to order at 7:03 PM.

ITEM #1: Citizens' Forum

Carl Heller, 10 Dover Point Road, spoke in regard to the High Point Village project and of waiting in lines of traffic, excessive blasting without any warning and stress cracks in their homes. He said that it is the last nice drive in and out of Dover. He spoke of the overdevelopment of Dover Point Road.

Tony Kretsepis, 15 Dover Point Road, an abutter to Mr. Paolini's project at 19 Dover Point Road. She spoke of the excessive amount of blasting and her concerns on how much more her house could take. She is also concerned about her retaining wall and her foundation from the intensive blasting. She asked if they could use smaller charges. She added that Alan Dews, of Engineering, has been very kind.

Ron Cole asked the Planning Department to take a look at the blasting. He said that he understands that the blasting permit ran out today.

Rick Hebbard, 97 Spruce Lane, stated that the City Council, Planning Board, Planning Department, Open Lands Committee the Conservation Committee and himself blew it big time with regard to some 20 acres of land at the intersection of Mast Road/108 that was sold for \$150,000. He couldn't understand why the City would be selling property. He said it is one of stupidest things this community has ever done and if there was any way to get the land back, we should. He said this Board just put another million dollars in the CIP for Open Lands and we are giving land away. More thought should go into getting rid of public land. He said that other parts of the country have been smart enough to keep open space in the downtown area and we don't seem to be smart enough.

Marilyn Follansbee, 25 Dover Point Road, stated that the blasting has been a nuisance but hasn't bothered them that much. She would rather have the blasting for residential development than blasting for commercial.

Steve Stancel stated that it is not usual for him to reply to someone who spoke at Citizens' Forum but he felt that he had to in relation to the parcel of land sold on Route

Donald Andolina stated that in reading the amendment that there are at least 3 references to older persons and one sites the RSA 356-A:15. He felt that wherever that “older persons” is referenced the RSA should be described because some lawyer might contest it. He thought that on Page 4, b., minimum pavement width of 20 feet should be 24 feet in order to get emergency vehicles in there.

Chris Parker said they felt 20 feet would be adequate because there is no parking allowed on the roadway.

Doug Steele felt that he wouldn't have as much concern with the pavement width, if there would be no parking at all.

Dean Trefethen said that he agrees, except that there is minimal parking for residents and they usually don't create guest parking, therefore, parking would be on the street. If there is no parking on the street, a provision for guest parking should be made and that could be considerable if someone had a family event.

Chris Parker pointed out that the front setback for the mobile home is 10 ft, however there is a garage that is 20 feet back to allow for at least one car.

Dennis Ciotti said that 20 feet is required for residential and commercial and asked why not 24 feet for the commercial side.

Chris Parker stated that they would look at that.

Ron Cole asked what would happen if the City fell on hard times and the units become empty and couldn't be filled by the age specific folks.

Steve Stancel stated that it has to become part of the association documents and of the deed so that it can be enforced by the association. If the association doesn't enforce it, then the City can enforce it. He added that a CO could be withdrawn.

Perry Plummer said that he hoped that we would look at the parking issue so it will not create a system that is going to fail and have the Fire Dept. or the Police Dept. having to going down there and enforcing parking issues all the time.

The Public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road, was concerned with the Thornwood area. She stated that the residents of Dover Point Road made it clear at the last rezoning that they wanted Dover Point Road to remain the same as much as possible. She asked that none of the residential lots be changed and hopes that the Planning Board respect the wishes of the residents. She felt that the 55 and over homes are ok, but the businesses should go in first. She said that they don't need a hotel or used car sales or office spaces.

Robert Cruess, owner of the project on 108/Mast Road, stated that he has been working with Steve Stancel and Chris Parker on this ordinance for 1 ½ years. This project will allow numerous people to not have to drive to Miracle Mile. With regard to the 20 foot road, he has lived in a community for 15 years with a 20 foot road. It's the type of thing that gets awards. They are trying to reduce drainage and runoff problems and the wider the road the more drainage and pervious area you have to deal with. They feel that setting the garages back would leave room upfront for one or two cars if they have a guest. If they have a big party they would go to the clubhouse where there is parking. In Bedford they have the first grass pavers in the State and he is hopeful that next to the garages they will be able to have one additional spot that would have grass pavers. He asked if there was any flexibility to the 100 foot buffer and if it could be waived for a big fence. He said that it is their intent to keep big trees wherever they can. He said that they bought the City parcel to preserve it. Of the 14 acres, they represented in their P & S Agreement, they will put all of that land into conservation. He said that the City has the land back. They couldn't take the risk of that becoming an out parcel. He supports the amendment.

Bob Stowell, of Tritech Engineering, represented the developer of the potential development of the Elliot Rose Company. He pointed out that a letter was received from Atty. Malcolm McNeill stating that he was in support of the amendment.

Charlie Reed, 262 Gulf Road, owns a home and a business on Dover Point Road. He said that the City needs a balance of residential and business for the community to flourish. He is in favor of the amendment.

Rick Hebbard, 97 Spruce Lane, stated that he is not in favor of the amendment. To him it is spot zoning. He felt that the vacant buildings should be filled first before developing virgin land. He said that it gives the developer too much flexibility. He thought that it seemed counter productive. He said that he is not in favor of the amendment and feels the Board should reject it. He explained, with regard to the land that was sold, that he didn't realize that it was going to be put into conservation. He said that he is confused because he doesn't know how you can develop a piece of land and also put it under conservation at the same time. If he's incorrect so be it, but he still stands by what he read, and until he is shown differently, he has to stand by that.

Steve Stancel stated that Tom Fargo, the Conservation Chairman, is away for the holiday but wanted to make sure that the Board considers adding into the Ordinance some type of requirement that a developer provides a fiscal impact analysis to assure projects are revenue positive. He also suggested that we might need some type of training sequence included in the ordinance in terms of when a residential vs. the nonresidential will occur. Thirdly he suggests that somehow we have a provision to assure integration between residential vs. the commercial aspects of the project so that there is some connectivity between the two.

Steve Stancel stated that what will happen next is that the Planning Board will deliberate in regard to the proposed changes at a future meeting and eventually, vote a

recommendation of the ordinance. It then goes on to the City Council who will hold another public hearing and then the City Council finally votes.

The public hearing was closed.

Chairman Cole called a 5 minute recess at 8:10 PM.

Chairman Cole brought the meeting back to order at 8:15 PM.

Tony McManus made the motion to table the ordinance.

Donald Andolina seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of a request for an amendment to subdivision plan on Old Garrison Road to have a separate driveway entrance where a combined driveway was a condition of approval for Peter Clairmont (Owner Joan Hills) Assessor's Map J, Lot 29, located on Old Garrison Rd.* (P86-87)

Peter Clairmont stated that he is purchasing land from his mother-in-law Jean Hills. He said that there are 15 acres total. The hill house is on a 1 acre lot and there are two separate lots; one of two acres and the other 12 acres. They are planning to build a single house on the larger lot. The current restriction is that they are required to share Jean Hill's driveway. They would have to build a driveway parallel to Old Garrison Rd. to get to where they wish to locate their new house. There is already an opening in the stone wall which is approximately 350 feet from the house. He said that assuming they get approval, it would mean that they can only put a single driveway into that lot. He said that they intend to keep that land in current use. Mr. Clairmont explained they chose that location for the house because it has a slope toward the south and looks out across their land and they like the privacy.

Don Andolina asked if this was approved if there is anything that would prevent the subdivision of the property.

Steve Stancel stated that there would not be anything preventing a subdivision if he met a one acre minimum and 150 feet of road frontage.

Frank Torr made the motion to accept the application.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

Rick Hebbard, 97 Spruce Lane, stated that he hopes that Mr. Clairmont won't subdivide the land. This Board can't vote on this tonight a tree needs to be cut. It is a scenic road, therefore, there is a scenic overlay and you have to have a public notice and public hearing. He was concerned that fire trucks couldn't get there. He spoke about an

extremely steep hill before Jean Hill's home and then a left into her driveway. He said that they are proposing to make a 90 degree right turn where you would go 150 feet and then take another left and start down a hill and that is where this proposed driveway is. He said that he didn't think it should be approved under those circumstances.

Discussion ensued with regard to where the tree that would have to be cut was located.

Jean Hills stated that the land was recently surveyed. The markers that were put in are in the stone wall, therefore, she assumes that the stone wall is the boundary. She said that Rick Hebbard is talking about another house that is past where the Clairmonts want to build. She said that Mr. Hebbard is mistaken and went to the easel to explain to him where their property is located and where the house that Mr. Hebbard was talking about was located.

Rick Hebbard said that the Overlay District is from the property line and in on their property 25 feet. He said that its not from the roadway or the right-of-way.

Steve Stancel stated that the regulation clearly reads that the clearing of vegetation necessary for the construction of a driveway for access to a lot is permitted without the approval of this Board.

Paul Hass, Garrison Road, stated that it is clear that the applicant's intent is to develop their land with a minimal impact to the surrounding area. He sees no reason why they should be denied putting the driveway through. Some means should be taken to carry on the intent of the original driveway restriction, should further development occur down the road on that particular parcel, so it will need to be revisited. Whatever the intent was for the restriction, it should be revisited. He said that last year a subcommittee was put into place to deal with all scenic roads. They dealt with all the roads except Old Garrison Rd. because it had so many strings attached to it. He suggested the City Council create a committee to deal with strictly Old Garrison Road. He would like to see the Planning Board follow up with the City Council so that there is a valid set of guidelines in place for the inevitable future development of properties that are on or accessed by Old Garrison Road.

The public hearing was closed.

Steve Stancel stated that the driveway will follow an old woods road which will require less tree removal on the lot than using the shared driveway with Lot #1 and result in a shorter driveway. The driveway will also be located in an area that won't require any disturbance of the stone wall. The Planning Department recommends approval of the request to amend the previous subdivision approval with the condition that a driveway permit be obtained from the Community Services Department.

Tony McManus made the motion that the recommendations of the Planning Department be approved with the understanding that the previous requirement for a shared driveway, in the event of further development of Lot #3, is not waived.

Donald Andolina seconded.

Dean Trefethen cautioned the owner to be aware of the Zoning Ordinance and the Scenic Overlay ordinance and to not rely solely on contractors.

Perry Plummer stated that Mr. Clairmont will have to be sure that they can get fire apparatus down there and the Fire Department will work with him.

VOTE U/A

ITEM #5: Old Business

Chairman Cole announced that Liberty Mutual will not be discussed this evening.

Steve Stancel stated that Liberty Mutual is about ready to come back with regard to laying out the off-site road improvements. They have begun the negotiation process with regard to the fair share of those off-site improvements. They would like to come back in December to update the Board. We have a meeting on the 13th of Dec. and on the 27th of December. He said that Liberty could come on the 13th but the City's consultant could not make it, therefore it has been suggested that the Board hold a workshop session to discuss Liberty on December 6th and it would become the second meeting for the month. It would not be a meeting for a vote or a public hearing, it would be a regular meeting and could be posted as a workshop.

Frank Torr said that he tends to follow what is going on around us and felt that Somersworth should be involved with this somehow because there will be impact.

Steve Stancel stated that it is a touchy situation. He felt that the cost of Exit 9 should be shared with abutting communities, but the reality is that it may be very difficult. He thinks that it is a discussion that we do need to have at some point.

Ron Cole said that he received a call from the Planning Board Chair in Madbury. He said that something should be set up to talk about growth with the Planning Board Chairs of neighboring towns.

Steve Stancel stated that we did notify the town of Madbury.

a. Discussion and possible vote on CIP items.

Tony McManus asked Chief Plummer if he was comfortable in leaving the construction of the Northend Fire Station amount in 2008, or would he like to see it in 2007.

Perry Plummer stated that he would like to see the Northend Station construction in 2007.

Tony McManus felt that we were premature on some of the City proposals in view of the fact that people will be moving out of City Hall as we don't know how much space will be available and who is going to need what.

Tony McManus made the motion that Items #2, 3, & 5 be moved out and placed in the proposal for 2008 and that \$2,500,000.00 for the Northend station be put in one of those spots for 2007. He said that he wants to leave Land Acquisition in there but he doesn't think that we know the need for the new police facility at this point as we do for the fire facility.

Donald Andolina seconded.

Frank Torr addressed Item #2. He felt that the impound facility affects the waterfront. He felt it could be a hindrance down the road if it stayed there too long. There needs to be a solution to transferring it to some location.

VOTE 6 – 2

OPPOSED – Dean Trefethen, Doug Steele

Tony McManus made the motion that \$1,000,000 be placed in 2009 for Open Space Land to give the message to the Council that the Planning Board feels that continued open space preservation is important.

Donald Andolina seconded.

VOTE U/A

Discussion ensued with regard to Don Andolina's suggestion of a Special Reserve Fund for the maintenance of all government buildings.

Ron Cole said that he and Steve Stancel had a conversation with the City Manager and it is already in there.

Donald Andolina said that he looked at the comprehensive summary of last year and it might be in there but it isn't obvious. By setting up the special trust fund it would be very clear that the money is allocated and appropriated to be used for maintenance of government buildings. The way it is now, he doesn't know what the odds are that it would be spent for maintenance of government buildings. The last thing that the City needs is to have some major repair work done so that we have to go through the CIP.

Donald Andolina made the motion that the City Council consider the establishment of a Special Fund for the sole purpose of maintaining all Government Buildings and suggests that each annual budget includes an appropriation to the fund of \$100,000 or more.

John Swartzendruber seconded.

Steve Stancel said to look at page 38 under General Government – Capital Reserve Infrastructure and equipment. He said what Mike Joyal is suggesting is that amount be set aside each year out of the Operating Budget in a Capital Reserve fund for infrastructure and equipment and it was verified today by phone that it included building maintenance.

Donald Andolina said that establishing a separate fund is the only way to assure that it would be applied to government buildings.

Steve Stancel repeated that the recommendation would be to add another line item under General Government specifically for Government Buildings at the amounts recommended.

Ron Cole said that the motion before us is to send this recommendation to the Council.

Don Andolina said that he would be satisfied to split the line item under General Government Capital Reserve – Infrastructure & Equipment to add Maintenance of Government Buildings as a second line item in the amount of \$100,000.

Ron Cole explained that it would be a separate line item from the current Capital Reserve – Infrastructure & Equipment.

VOTE U/A

Dennis Ciotti said one of the biggest requests that he has heard from residents is to get their street fixed. He said that nobody cares that their taxes went up as long as their streets were fixed. This line item is going from \$1,000,000 to 2.25 million over the next 5 years and he said that is what people in Dover want to see. They don't mind paying a little extra in taxes as long as they get something for it. He said that a complaint was that the projects drag on and on. His street sat for a year and a half. When you start something, get it done.

Tony McManus made the motion to recommend the 6 year CIP plan as amended to the City Council.

Donald Andolina seconded.

VOTE U/A

b. Discussion and vote 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)

Tony McManus made the motion to remove this item from the table.

Dennis Ciotti seconded.

VOTE U/A

Steve Stancel stated that he wondered if it makes sense to take them both off the table for discussion purposes, but then if you decide to vote, vote on them separately.

c. Discussion and vote 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)

Tony McManus made the motion to remove this item from the table.

Dennis Ciotti seconded.

VOTE U/A

Chris Wyskiel stated that the applicant is willing to keep ITEM b. , Phase I, 48 units, portion of this site back on the table. Updates on the dining facilities and the community building have not been completed. He said that there are many things that need to be done. He said that some of the items that he will discuss are relative to both items but he is focusing on **ITEM 5 c.**

Atty. Wyskiel said the entire site is being submitted to the condominium form of ownership for one condominium. All the land, except the footprint of the large building, is common area. The footprint of the large building and that structure will be a unit because it is owned by one operator so it is appropriate that it be one collective unit and will be a rental consideration. The 48 units in the rear will be typical condominium development with the units being declared when they are built. The community building will be a site and structure of limited common area designated to be used by the 48 units. There will be one common condominium, one entire common area, and tenancy in common ownership of the entire common site, split between the units of one big unit and 48 smaller ones. Understanding the nature of how it is going to be condominiumized has much to do with understanding why it's not appropriate to come to the Board for subdivision approval. The Condominium statute RSA 356 B5, declares that no subdivision in any city or town shall apply to any condominium unless the ordinance by its express terms makes it applicable. If you review Dover Subdivision Regulations, Chapter 155, nowhere is an expressed declaration that condominiums should come before this Board for subdivision approval. Dover has routinely required developers to come before the Board to present a site review application and to obtain site review approval. Section 170-6 in Dover's Ordinance defines a lot in terms of a parcel of land that has frontage on a City right-of-way or a public street. He said that no lots are being created here. The use came before the ZBA in two separate applications and was approved. He then handed out a letter to the Board.

Atty. Wyskiel stated with regard to the access and to the site appearing to need an easement for the re-sloping and re-grading that will encroach upon the property owned by the Dover Day Care Learning Ctr., the owner of that property has confirmed the willingness to grant such an easement. He has drafted a proposed easement for review. The owner's concern was that nothing interferes with the drop off and pick-up of children.

Atty. Wyskiel stated that his office studied the statutes for the stone walls. The stone walls that mark common boundaries cannot be disturbed. He said that the design of the access way will not disturb any of stone walls that are within the boundary.

Bob Stowell stated that they had a traffic study and the site distance is good for a 40 mph speed. They have done their investigation for the speeds out there and they brought their traffic consultant to speak on that. Bob Duval will answer questions on the how this project fits in with the corridor study.

Kim Hazarvartian spoke on the speed study stating that 15% of the vehicles exceed the 30 mph speed limit. 85% were 37 mph southbound and 34 mph northbound. The stopping sight distance at 35 mph is 250 feet and for 40 mph it's 305 feet. They are providing at least 300 feet of sight distance which is good for the observed 85% speeds. The samples were taken at approximately 3:00 PM of Nov. 16th. He said that he did not take any AM samples. The samples were taken at approximately 47 Back River Road. He said that he observed the traffic for approximately one hour.

Bob Stowell stated that the easement with the Day Care will allow them to get their sight distance in either direction up to 325 feet.

The public hearing was opened on both **ITEMS b + c.**

Wally Stevens, 49 Back River Rd., grew up on the land and said that some land should not be developed. He indicated that a lot of blasting will be needed and he is concerned that it will affect his house. He was concerned with the site distance and suggested the Board come park in his driveway. At 3:00 PM it is usually bumper to bumper and doesn't see how a car could go 37 mph. He has problems pulling out of his driveway. He felt with regard to the wetlands, it would be difficult to fit that project in. He felt that there would be more than 5 cars coming out of that project and doesn't agree with what they are saying.

The public hearing was recessed

Steve Stancel asked the applicant to address the sight distance again. He said that he has seen actual plans that have the sight line drawn. He asked that the author of the Corridor Study gives an abridged version on how the traffic is going to work in the corridor. This plan has been before this Board for about 3 months now and there has been a lot work done.

Bob Stowell went to the easel and pointed out the site distance and how they got their figures. He said that the retaining wall will need to be removed. He went over how they determined the stopping distances.

Bob Duval, TF Moran, stated that they divided the corridor area into two areas called the south study area and north study area that include 6 or 7 intersections from Back River Rd. to the northbound ramps on the Spaulding Turnpike. The intersections are so close

that they treated them as one study area. He went over all the figures that are listed in the study. He said that the overall affect of all of those developments amounts to approximately 276 new trips in the AM peak hour, 586 new trips in PM. This development accounts for 26 new trips in the AM, and 39 in the PM. It's a very small percentage of the total trips on the corridor. He said that the congregate care (115 units) are accounting for 20 trips in the PM Peak Hour and the 48 units are accounting for the 19 trips in PM peak hours for a total of 39 trips. In the AM Peak Hour the 115 units generate 11 trips and the 48 units generates 15 trips. He said that these figures are from the Institute of Transportation Engineers. He said that the numbers were provided to him by Kim Hazarvartian, the applicant's engineer.

Chairman Cole questioned that there would only be 15 trips generated out of the project because of age restricted.

Kim Hazarvartian stated that they are actual counts at actual facilities. They looked at Congregate Care and the other was Senior Adult Housing which matches the 62 + housing that is proposed. Using the ITE rates they came up with 11 in the AM and 25 in the PM combining congregate care and the other units. They looked again at the trip generation at the request of the City. The morning peak hour went up a bit on the congregate care. On the senior adult housing they used the 55 + rate which gives more traffic because more people are working. That's where the figures came from that Bob Duval used in the corridor study. The bottom line is that they used the high figure. The numbers they are giving are for the busiest hour within that two hour period.

Bob Duval stated that this project will contribute to less that 1% added trips to the corridor. He went over the plan showing how they would alter the intersection and the approaches. Their fair share to this project is \$11,000. He explained how the traffic flow through the corridor could be improved. The cost of those improvements is approximately \$850,000.00. The total cost of both improvements would be 1 1/2 million dollars.

Bob Duval stated they were asked by Bruce Woodruff to check the Pudding Hill Rd. improvements to see if they would have an appreciable effect on this corridor. After talking with District 6, NHDOT, they determined that there would not be a significant effect on either study area in that the improvement will facilitate what eventually becomes Mast Rd. They were asked to look at 3 intersections, Mast Rd/Spruce Lane, Back River Rd/ Mast Road and Back River Rd./Spruce Lane to see if these un-signalized intersections closely situated to the Martineau development, were affected to the point where improvements would need to be made there. After careful consideration, they found that the intersections would continue to operate effectively. He said that they support the conclusions from the applicant's traffic engineer and believe that his trip generation numbers are conservative and reasonable and they support those numbers and the conclusions.

Steve Stancel explained that when you look at off-site improvements and who should pay for what, in general, if there is a large project coming in that is creating a problem where

you have an existing infrastructure that is working, you can charge the entire off-site improvement to the applicant. He said that as the larger project comes in on 108, the proposed improvement in the 108 corridor are going to be largely funded by the applicant. When you are talking about 108 and Durham Rd. and that corridor, we can all agree that there is some significant existing traffic in that area that has been created and continues to exist. We can't turn around and charge a very small amount of traffic into the system with much more than their fair share. What Bob Duval didn't cover is that we want to take a look at that traffic situation and ask if this project puts it over the edge into failure. This corridor study says that the traffic from this project does not put that into failure or lower it to such a degree that we would require more money from them or some short-term fix.

Doug Steele asked about the future CIP in 2012 where there is 2 million dollars proposed for 108 bridge improvements.

Steve Stancel stated when they were drafting the CIP, they had some preliminary discussions with the engineers and they put in the 2 million dollars in anticipation of widening the bridge. What is being proposed here is perhaps the bridge doesn't have to be widened and we have to look at that further.

Bruce Woodruff stated that whether you can engineer outriggers on that bridge without redoing the stringers underneath is still up in the air. That is one of the reasons that the larger amount was put in the CIP. The \$873,000 that is stated from TFMoran is probably low because it is in today's dollars. The software they use cannot tell you how bad it is for that ½ hour when people are taking their children to school and picking them up. We can make the improvements sooner to address the ½ hour in the AM and the ½ hour in the PM when it is a problem. He said to do this project prior to 2015, would probably make sense. He said that while each one of these projects does not break the straw on the camel's back all four of them together, in an incremental basis, begins to erode what is happening during those ½ hour school pick up and drop off peaks. He said that typical corridor studies can't address that. What Bob Duval is saying is true but it doesn't look at that ½ hour period. Regarding the project that Bob Duval shows for 2015, if you wait until 2015, that \$873,000 cost would probably be up to 1 ½ million dollars. His suggestion to the Board would be that instead of using the numbers that Bob Duval has provided, you use the same percentage numbers from 1 ½ million and that would make the contribution from Martineau around \$20,000 rather than \$18,987. Let's not wait until 2015 to do this. He said that because this corridor study brings up the development of Mast Road and 108, he would like to recommend that the Planning Board reserve the right to re-visit, not only this corridor study as it regards that development, but also to take a closer look at that traffic at that time. We have a corridor study that addresses a development that has not come before the Board yet.

Chairman Cole called a 5 minute recess at 10:10 PM.

Chairman Cole brought the meeting back to order at 10:15 PM.

Steve Stancel stated that there are two phases to this project the Dover Retirement, Residence which is the 115 unit project and the other is the Cottages at Dover Retirement, which is an additional 48 units. He recommended tabling the cottages at Dover Retirement because of a couple of outstanding issues that will require further review by staff and the Board prior to making any recommendations for that phase of the project. He said that he is prepared to move forward with the recommendations for the Dover Retirement Residence with the understanding that any approval of Dover Retirement Residence, in and of itself, does not constitute inference of approval of the Cottages at Dover Retirement in the future.

Steve Stancel stated that the Planning Board conducted a site walk on October 4, 2005. The applicant submitted revised plans on November 17, 2005. The applicant was on the November 7, 2005 Conservation Commission agenda. Please review the enclosed letter dated November 17, 2005 from Robert Stowell of Tritech Engineering Corporation. He gave the staff recommended conditions of approval.

Dennis Ciotti stated that he would like to see the age restriction in the deed and not just on the association documents. He felt that it should be a deed restricted item and that would ease his mind for this project. He said that there is no way to differentiate between a congregate care and a condo association that doesn't have food service and it isn't spelled out specifically. He said that we need to protect ourselves.

Steve Stancel asked if he means that the age restriction itself would be included in the deed documents. He said that he would add a sentence that would say, "Said age restriction shall be placed in the deed documents."

Chris Wyskiel said that the inclusion into the condominium document would be incorporated in the deed by reference by placing it in unity just gives further notice.

Steve Stancel stated that this would be more important if and when the 48 units are approved because they get transferred down the road.

Dennis Ciotti said that that was his intent.

Frank Torr said for clarification that we are dividing a condominium unit into two units one owned by the Congregate Care facility and the other by the land owner.

Steve Stancel said that it would be one condominium. He said that is why he wants the City attorney to approve it. The document from the NH Municipal Association communicates that it is possible to phase the construction of structures within a single condominium by noting area reserved for future construction as convertible land.

Chris Wyskiel stated that you are approving the construction and the land use consistent with zoning.

Frank Torr stated that he just wanted to make it clear on the record.

Frank Torr made the motion to approve subject to the conditions set forth by the Planning Department:

1. Add the owners' signature to the plan.
2. Add the surveyor and engineer signatures and stamps to the appropriate plan sheets.
3. The stormwater management and maintenance plan shall be reviewed and approved by the Planning Department and Dean Peschel of the Community Services Department prior to signing the plan.
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 applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plan.
6. Provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit and add the permit number to the plan.
7. The applicant shall submit a lighting analysis table to the Planning Department for review and approval.
8. Revise the plan to add a road name approved by the City.
9. The applicant shall prepare condominium documents for review and approval by the Planning Department, prior to signing the plan. The documents shall address the creation of the overall condominium association and each subsection, the 62 and over age restrictions, and the maintenance responsibilities for the utilities, roadway, and drainage facilities. Said documents shall be reviewed and approved by the City Attorney and said age restriction shall also be placed in the deed documents.
10. The applicant shall prepare cross easements for access and utilities for review and approval by the Planning Department, prior to signing the plan.
11. This approval includes the granting of a Conditional Use Permit provided that the applicant prepares a wetland restoration documentation report for the wetlands disturbed by the utility line installation. Said report shall be submitted to the Planning Department for approval prior to the issuance of the first certificate of occupancy.
12. The applicant shall revise the landscaping plan to require the installation of natural plants with deep roots to control erosion in the cut and fill areas.
13. The applicant shall make a contribution for off-site improvements to the Northern Study Area (per the Route 108 Corridor Analysis, prepared by TF Moran, dated 11/17/05), in the amount of \$12,000. Said contribution shall be made prior to the issuance of a building permit.
14. The applicant shall prepare a plan that demonstrates that the required sight distance can be obtained within the applicant's property and/or the City right-of-way or submit an executed sight distance easement from the abutting property owner.

Dennis Ciotti seconded.

Tony McManus stated that he would vote against it for several reasons. The Zoning Ordinance requires 100 foot frontage on a public way and this lot does not. He said that he has a problem with the site line information on Back River Rd. The proper site line distance will not be known until the wall is down. He said that people drive more than

the speed limit at certain times during the day. He has problems with the traffic. When you add up 5 or 6 developments it becomes more than minimal. He feels that it isn't appropriate planning to approve projects, particularly one of this size, and then say we will deal with the traffic sometime in the future. We need to slow down the development or speed up the solution for the intersection. The trip generation numbers don't seem credible. He feels that there will be two cars in the townhouse units and the owners will be working and going out on Back River Rd. Also the number of units that are in the 20% slope area is a concern. In this case there are over 20% of the total units that are within the 20% slope and he is not willing to waive that high a percentage of units under the ordinance. He said that he disagrees with Atty. Wyskiel and believes it is a subdivision. Even though the ZBA has approved the whole project as a Congregate Care Facility, he has a hard time buying that the townhouses are a congregate care facility because they don't have access to the main building or any of the services provided by the main building and they are each going to have their own kitchens. He feels that it is simply a residential townhouse development just like we have approved on Knox Marsh Rd. and a number of other places around town. He feels that there are two separate purposes, a commercial purpose and the other is a residential. The plan shows a definite line between the two which is a marked project boundary. He thinks that the proposal is a very clever approach to dealing with the development of land but under this argument, there could be seven buildings in there all owned by separate owners and we would be told that there is no subdivision involved. He can't buy that. The quote from Atty. Sanderson's letter assumes that you are talking about a piece of property that is in one single ownership and that is not what is here. For all of those reasons he is voting against this.

Donald Andolina said that he doesn't think that we should approve this until some of the points that Tony McManus raised have been looked at and until we hear from our new City Attorney. He will vote against it.

Steve Stancel said that he feels that the Board is covered with the condition that the City Attorney will have to approve any condominium documents. He said that by history, the Board has never made any condominium project unit in this City go through subdivision approval. He can name any number of situations where there are units owned by different people and there are probably projects out there where there are commercial units owned by one person and a residential owned by another on the same property. You are approving a conditional use permit that deals with the 20% slopes. There is no waiver required. A Conditional Use Permit deals with development in the 20% slope area. Our own Conservation Commission has recommended approval with very specific conditions which are included in the list.

Tony McManus stated that this approval includes the granting of a Conditional Use Permit for the wetlands but there is no reference to a 20% slope.

Ron Cole stated that he felt that this portion of the independent living congregate care portion which is the 115 units is a good thing for the community and a good location for

Steve Stancel stated that there will be a workshop on the December 6th with Liberty Mutual. He said that there would have a regular meeting on December 13th and there would not be a meeting on the 27th.

ITEM #8: Adjournment

Dennis Ciotti made the motion to adjourn.

Frank Torr seconded.

VOTE U/A