

**DOVER PLANNING BOARD
MINUTES OF MEETING
APRIL 26, 2005**

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

MEMBERS ABSENT: Erik Tooke, Anthony McManus

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

Alternate Bryan Cahoon sat on the Board and Alternate Mindy Anderson sat for John Swartzendruber until his arrival.

Chairman Cole brought the meeting to order a 7:04 PM.

ITEM #1: Citizens' Forum

Martha Haley, 407 Sixth Street, thanked the Board for the time that they donate to the betterment of the City of Dover. Her concern was with the delay of the traffic light installation at Enterprise Park and Education Way. She was told the light was on hold because Liberty Mutual was proposing to add to their facility. The traffic volume has increased and the speed of the cars has continued to be uncontrolled. Also, there is a lack of turning lanes for the entrance to Education Way. She suggested that the Board reconsider the installation of the traffic light because it is a tragedy waiting to happen. For the short-term she suggested the enforcement of the speed limit, putting up some signs that there are upcoming entrances and putting in some turning lanes at the entrance to Education Way. She would like to see the traffic light put in.

Steve Stancel stated that the original plan was to complete the engineering for the signal this spring and then to construct the four-way intersection sometime this summer so it would coincide with the opening of the second building for Measured Progress. The reason for the delay is because of Liberty Mutual coming in. They may very well tie into that same entrance, which may change the design of that intersection. Liberty was supposed to bring in their plans in April but because of their expansion it looks like their plans will come in early May. If we get the plans in May, we can still get the intersection constructed sometime in the fall. If we have to, we can put in a temporary signal up.

Chairman Cole announced there would be discussion and a public hearing but the Board will not be taking action. **ITEM 8: a.**

ITEM #2: Approval of the minutes.

Frank Torr made the motion to approve.

Beth Thompson seconded.

VOTE U/A

Chairman Cole congratulated Community Services on the construction of the fields on Shaw's Lane - they look great.

ITEM #3: Consideration and acceptance of a minor lot line adjustment and minor subdivision of land for Jeffery & Kari Grimes, Assessor's Map 17, lots 116 & 117, zoned R-12, located on Stark Ave./Governor Sawyer Lane. (1- lot)(P05-22)

Doug LaRosa, Trittech Engineering, explained the straight forward lot line adjustment. He said that it was requested that the pavement be removed and that has been done.

Don Andolina made the motion to accept the application.

Bryan Cahoon seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed

Beth Thompson made the motion to approve with the following Planning staff recommended conditions of approval:

1. Add the owner's signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Add the surveyor's seal and signature to the plat.
4. Certify that there are no wetlands on the site and that lots meet non-wetland requirements.

Dennis Ciotti seconded.

VOTE U/A

ITEM #4: Application for a minor lot line adjustment of land for Barry Williams, Assessor's Map M, Lots 101 & 101-1, zoned R-40, located on Middle Road. (P05-23)

Paul Connolly, Civilworks, stated that he would be addressing both Item #4 and Item #5 as they are related. He explained that the lot line is taking approximately 1/10th of an acre from lot 101 and appending it to lot 101-1, adding 50 feet of frontage.

Paul Connolly stated that the subdivision is for Lot 101-1. That parcel contains just over 6 acres of land and they are proposing to subdivide it into 3 parcels, all of which have at least 100 feet of frontage or more. All parcels have a net area greater or equal to 40,000 sq. ft. He said that they are asking for a Conditional Use Permit which is necessitated by the access of parcel #1 over a 20 foot wide access easement that crosses through the 50' wide buffer area associated with a wetland.

Beth Thompson made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

The public hearing was open on **ITEM #4, the lot line adjustment.**
There were no comments.
The public hearing was closed.

Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat by labeling the proposed property line as "New boundary line."
4. Revise the plat by updating the effective date of the flood maps in Note #6.

Dennis Ciotti seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a minor subdivision of land for Barry Williams, Assessor's Map M, Lot 101-1, zoned R-40 located on Middle Road.*(3 lots)(P05-24)

Beth Thompson made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

The public hearing was opened.

John Swartzendruber arrived at 8:25 PM.

Lias O'Connell, 232 Middle Rd., lived on his lot for 40 years and for at least 35 of the 40 years they have maintained a kennel to raise Beagle hounds for a hobby. His concern is that his neighbors accept this and they all get along fine. He will end up with somebody unknown in his back yard and he would like to have something down on paper so that anybody that moves in knows that they are there. His budget doesn't allow for a high-tech privacy sound control device. He now has 5 dogs and they are quiet most of the time but they do bark at things now and then. He wanted to be on record so that it doesn't become a nightmare later on.

The public hearing was recessed.

Steve Stancel stated that they will work with the applicant to discuss the possibility of putting a note on the plan. He said that Mr. O'Connell did a very smart thing by bringing this up in a public forum so that he is on record as knowing of the kennel. He said that they are recommending tabling this item because it will take a Conditional Use Permit for the shared driveway crossing over the wetland and this has not gone before the

Conservation Commission yet and they would like their recommendation before coming back for any final approvals.

Dennis Ciotti made the motion to table.

Beth Thompson seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of an Open Space Subdivision of land (Stonecroft) and Conditional Use Permit for Luke Westcott (Owners San Lorenzo Realty, Inc.) Assessor's Map A, Lots 15, & 16, zoned R-12, located off Picard Ln./Long Hill Rd.*(11 lots) (P05-18)

Ken Berry, Beals Associates of Exeter, introduced Ian Trefrey, soil scientist and Luke Westcott, representing the applicants. He submitted an application form signed by the owner of record who was out of the area when the application was made. The yield plan shows that 14 conventional lots could be put on the parcel and they are asking for 11 lots. They are proposing an 11 lot cluster subdivision, 9 of which would be on a new road off of Picard Lane, and two of the lots would be coming in off of a joint driveway off of Long Hill Road. The open space is a total of 19.6 acres; the wetland component of the uplands is 14.9 acres. They anticipate being before the Conservation Commission on May 2nd to discuss the easement language. They are working with the Planning Department and Engineering to work on a drainage and sewer easement in the vicinity of Apache St. The proposed name for the road will be Carriage Hill Lane. There are two wetland crossings which they will be discussing with the Conservation Commission on May 2nd. It will be a major Wetlands application because of the culverts located within a stream. They have done a drainage analysis. Two waiver requests have been submitted.. The first is to allow a 24 foot road where a 28 foot road is required. The second is to allow a road with a total linear footage of 1,250 linear feet where there is a maximum of 1000 feet. Picard Lane is to be a City street.

Ian Trefery explained that a perennial stream on the parcel flows into Reyners Brook.

Ken Berry explained that an intermittent stream does not flow year around, where a perennial stream flows year around.

Dean Trefethen asked if they have talked to the developer of the Picard subdivision concerning the future route of the potential sewer line and the ability of hooking into it.

Ken Berry answered that Mr. Westcott was involved in the development of the Picard development and has since sold that property and is no longer involved in the construction of Picard Lane but is very familiar with everything that transpired. They will be talking with the Engineering Department specifically about that. He believes that part of the sewer agreement has to do with coming over to Apache Street.

Steve Stancel stated that they looked at different ways to access the uplands. This design saves the environmental impacts in that you have a short cul-de-sac that utilizes access to

the upland areas closest to Picard Lane and then by a dual private drive accessing two lots off of Long Hill Rd. The wetland impacts and the open space preservation is much better with this plan but it does require a waiver.

Mindy Anderson made the motion to accept the application.

Donald Andolina seconded.

VOTE U/A

The public hearing was opened.

Wendel Smith, 13 Apache St., stated that he appreciated the help he received from the Planning Office. He would like insurance that the open space and wetlands will remain in its natural state. He would like to see the language similar to the language on note 16 on the Whitetail subdivision plan stating that the buffer be maintained in its natural state and the removal of vegetation be limited to dead and diseased vegetation. He said they want to see a note on the plan stating that the open space and the wetlands would be left in tact and that a condition of approval be that the open space not be developed or encroached upon.

Lisa Stacy, 75 Long Hill Rd., said the amount of traffic on Long Hill Road was a concern. It was a country road at one time and it is now a drag strip. She was also concerned with the amount of wetlands they are affecting and is asking the Board to not approve the waivers. She felt that we have to start saying no to people who would like to cram in as many houses as possible on roads that won't support them.

Constance Carpenter, 3 Mohawk Dr., was happy to hear that there will be a site walk. She has observed the wildlife that uses the area. Has a degree in soil and water science and she works for the US Forest Service. Interested in the timber harvest that has taken place on the parcel. She has no comments at this time but will participate in the site walk. Preserving water quality, wetland storage is critical.

Chairman Cole spoke on how Dover is one of two or three communities in the State that requires an open space subdivision - keeping the vast majority of land open. We are doing what we can to maintain the quality of life and yet allowing the person who owns the property to develop as their right.

The public hearing was recessed.

Steve Stancel stated that there are 29 or 30 TRC issues. One of the larger issues is the receipt of the homeowner association documents. Other issues are the disposition of the open space (who is going to own it), the possibility of walking trails through the open space may require that the Picard subdivision be required public access so there can be some conductivity. He said that there are existing trails so there wouldn't be any new trails constructed but existing trails would be utilized. A NH Wetland Permit will be required. He recommended tabling for a site walk.

Frank Torr made the motion to table.

Beth Thompson seconded.

VOTE U/A

The site walk was scheduled for Thursday, May 5th, at 5:30 PM. Meeting place will be on Picard Lane.

ITEM #7: Consideration and acceptance of a site review of land for PRPC Development Group, LLC, Assessor's Map I, Lot 3, zoned, RM-12, located on Mast Road Extension.*(14 units)(P04-46)

John Swartzendruber took his seat and Mindy Anderson sat in the audience.

Chairman Cole announced that instead of the 14 units advertised, there are 21 total units.

Malcolm McNeill stated that he was speaking on behalf of the applicant. He said that this area of town is one of condominium developments as is proposed by this applicant. They have been to the ZBA with issues regarding density of this project. The parcel consists of 6.51 acres and is located in the RM-12 zone. They are proposing 21 condo units. Nine will be single detached units and the remaining six are proposed as two-unit buildings. The duplexes will be similar to the Wingate duplexes located on Mast Rd. that were built by the same developer. They will be in the price range of upper \$300,000 to low \$400,000. He pointed out the various condos surrounding the site and the playing fields location. He said that the access to the site off of Mast Rd. will be through Mast Rd. Extension coming into a private roadway system which is consistent with condo developments. The single units are in the front of the site and the duplex units are proposed toward the back of the site.

Malcolm McNeill said that there has been discussion about providing a walking path from the cul-de-sac circle to the ballfield, also grading to diminish the slope of the ballfield area and to connection to the City sewer line on Shaw's Lane. That connection would require an easement across the ballfield area that would provide for the availability for public bathrooms in the park. There are no wetlands crossings. The maximum lot coverage is 40% and the actual lot coverage is 19.4% which is less than half. There has been discussion with Planning Department for assessment for the Durham/Back River Rd. intersection and they have made a commitment to fund \$6,000 for the traffic study and \$15,000 to implement improvements recommended by the traffic study. This is a relatively small project compared to many of the projects that have been placed in the Mast Road area. There are negotiations for a recreation contribution. The question that comes up with regard to the path is who maintains the path. They will maintain this path in the summer time but they would not be plowing it in the winter. This is proposed as a condominium where the homeowners association would control the open space.

Ron Cole stated that recently Mr. Rhodes did some business with his company in which he wasn't involved and he feels that there is no perception of a conflict of interest.

Don Rhodes, Norway Plains, stated that he would be focusing on the drainage. The soils are classified as Windsor and Hinkley, which are both rapidly draining sandy soils. He spoke about dropping the grade at the crest of the hill by about 18 feet. They will be grading down into the development, across the property line (which was discussed with the City) in order to moderate the slope between the two properties and to offer the City a more stable and usable embankment between the property line and the playing field. The drainage system is a closed system with pipes at the intersection with Mast Road Ext. and then to the cul-de-sac, then draining to the low point in the road and daylighting into a retention basin. There will be zero discharge from the site. The basin has been evaluated for storm frequencies up to 100 years. The 100 year storm is entirely contained in the pond. The pond would have the capacity to handle a 25 year storm. They do have a Site Specific Permit from the State. There will be gravity sewer that will go across the City property. He said that by going that route it will provide a sewer that the City can tie into to provide facilities at the playing field. The water service and other services will be coming from Mast Road Extension.

Dean Trefethen asked if there was any age restriction to the condos and asked about the proposed sidewalk and the winter maintenance.

Don Rhodes said that the sidewalk may be the most direct use to the school but they are not proposing to maintain it in the winter. It would require that the City maintain the part of it on the City property. They felt, with discussions with the City staff, that the most feasible outcome would be to post the sidewalk as not being intended for winter use. He said that he doesn't believe that the City wishes to clear their section and given the grade, it would be a difficult section to maintain in the winter.

Malcolm McNeill stated that there is no age restriction on these units. He explained that there is a long distance from the project site to the school. It is the most direct route and would be a desirable route and they would anticipate that the children would use it. The existence of the walkway has been a product of bilateral discussions with the City and that is one of the reasons why it is there and it is also presumed that there is a certain synergy that will come into play by the reduction of the embankment that will provide a spectator area for the ballfields. They are discussing an arrangement with the City with regard to payment with regard to any soil that is extracted in an equitable fashion. There are other issues with regard to indemnification for liability in which the City has a totally different position than a private developer does. Their sense is that the City is not in the position to maintain that walkway or desires not to.

Dean Trefethen said that the walkway is within the walking distance of Garrison School. The children in that area are not bussed and he asked for a study to see how all those kids get to school year around.

Beth Thompson made the motion to accept the application.
John Swartzendruber seconded.

VOTE U/A

The public hearing was opened.

Christen Deplera, 54 Fords Landing, and on the board of directors. They have a lot of concerns – mostly drainage which was addressed. Her condo is directly down stream of that retaining pond. She said that the Board will see at the site walk that there is a steep incline running all the way along the side of the property of Ford's Landing and towards the end it gets quite steep. She said that anything that is going to run off the property will run straight down the incline. She was concerned that the retaining pond would contain standing water and create a mosquito issue and asked if it would be fenced in because of the children. She said she understands that the property will clear cut every tree. She said that it is a small forest right now and it would be tragic to knock down the trees and plant a 1 inch in circumference tree in the front yard of every home. They have 65 units, she's not sure how many units in Davis Farm that are all going out to Mast Road Extension which comes down to Back River Rd. She said that adding 21 units will have an impact on the intersection. She said that they have a chain link fence that runs along the side and a couple of pine trees. She said that she thinks the setback is close – only 25' or 50'. Because it is uphill, the buildings will be sitting right in their faces. To help block it maybe some trees and a solid fence would be something that Ford's Landing would like to see considered.

Ted Hedberg, 32 Ford's Landing almost directly abutts the proposed development. There is an unwritten agreement between Tideview and Ford's Landing regarding the children walking through Tideview to get to school. He said that it is a 5 minute walk to the school. That is how a lot of the kids get back and forth to the school. He said that if this project is going to happen, that needs to be rethought on how to provide access even in the winter time. If you go by the road it's about a mile and about ½ mile or less going from here to the school. He doesn't feel that the buffer is wide enough and was concerned with the breeding of mosquitoes with regard to encephalitis. He said that maybe it makes sense to talk to Ford's Landing to see how they would feel about allowing the drainage to come into their system that eventually outlets to the Bellamy River. When Ford's Landing and Davis Farm were built they had to go to the State for wetlands approval because of the Bellamy Estuary. Vehicle run-off should be a consideration. He said that he was paying \$1,400 in taxes 11 years ago and now it's \$2,900. Things are busy on Back River Rd. and it will be busier with the 21 units. He said that 21 units are too many and it will change the area. He doesn't understand why the City would allow them to tie into the City system and not force them to do a much smaller development that might make better sense for the whole area. Adding houses doesn't add to tax dollars – that comes from businesses of which there has not been a tremendous amount. It would be a shame to see the trees gone. The property goes back to a land grant from the King of England.

Arthur Golden, Tideview Homeowners board, complimented Pete Lavoie for the ballfields. They have a chain link fence and a buffer of trees that offers privacy. He was concerned with the amount that would be excavated from the hill, how many trees would be removed and whether the detention pond would hold stagnant water and related bugs, mosquitoes.

Sue Begonia, resident of Tideview, stated that they have had to call Mr. Lavoie because they have been frozen in, flooded out and all this from the ballfield. They had a good 2 ½ inches of ice that came off the ballfields, ran down Shaws Lane and ran down Tideview. The Community Services Department had dikes built. They have an ongoing project to try to make this water go somewhere else. He said that the first year they had dirt poring down the street. She has some real concerns with regard to the retention pond. She asked about the runoff after cutting down the trees at the top of the hill. When the ground is frozen, nothing is going to sink in. Unless she can be made to feel more comfortable with this plan with some kind of guarantee that if this fails, the developer will be financially responsible for solving the problem. They have an unofficial agreement where the kids can access their property to get to the school. It is unofficial and she can't say that it will stay that way. She has concerns with this project towering over them. If this is like Windgate, it's a tall development.

Chris Snow, 10 Mast Road Ext., was curious if the pathway down to the ballfields would be private or would the public be allowed to use it down to the school. It would be a mistake to not to maintain this walkway in the winter. Why would the City grant an easement allowing for continued residential development because it will not benefit the neighbors on Mast Road Extension or the taxpayers at large.

Mindy Anderson left the meeting at 8:30 PM.

Al Demers, 21 Mast Road Ext., was concerned that they are stripping the land and of the drainage. The kids use the field in the winter for sliding and snow boarding. It's only a 5 minute walk to the school. He asked where the sewer was located and if the sewer line would be a good investment to the City.

Pete Lavoie answered that the sewer is in Shaw's Lane and comes into the cul-de-sac before Tideview. The new development will be tying into the gravity line. He explained that Tideview has a pumping station on the low end of their project that pumps up. The grades work for them to come into the ballfield area and go towards the existing sewerage containers and that is where they would like to put a concession building and bathroom facility. Pete said that the developers will be installing everything and they have not discussed that first section to the concession building and who would maintain it. It's an ongoing negotiation and it will have to come to the Planning Board again.

Al Demers said that there is more land in the back of his property and would they be able to tap into the sewer.

Malcolm McNeill said that it would depend. The developer will pay for the sewer from the site to the concession stand area. You would have to discuss with the City what the entry rights would be. He said that he thinks that the City is inclined whenever possible, to make public sewer available to the public.

Al Demers said that his land abuts the ballfields and he has lost about 30 feet to erosion. There were trees there and he still lost land. He didn't know if the setback of 20 feet is enough. He wanted to be sure that the public hearing would not be closed. He was concerned with the pond and the mosquito problem.

Walter Sims, 42 Fords Landing, said that he faces the steepest part of the bank. He fears the coming of the new project on the hill. He hears a lot of concern about preserving wetland and hopes that all this engineering preserves his condominium.

Joshua Trainer, 55 Ford's Landing, was concerned with the aesthetic value of the forest and also the beautiful grounds that they presently look at. He doesn't want to go out on his deck and look at a retaining wall. He was concerned with safety issues regarding the retaining pond and that it would be an unsightly eyesore breeding mosquitoes. He said that the project, if like Windgate, from an aesthetic standpoint, would affect the quality of life for all the abutting residents. Who is going to maintain the path is a premier concern.

The public hearing was recessed.

Chairman Cole asked if there were any retention pond for any of the other condo developments. His concern was with the drainage water going to the River.

Ted Hedberg stated that there is a collection area at Ford's Landing that runs out into the Bellamy River.

Ron Cole wanted to be sure that they would see all of the concerns and the potential situations at the time of the site walk. One concern to him is the current forestation that is there and if any of it is going to stay. Two is where all the drainage is going now. Three is that he would like to have someone at the site walk point out where the kids walk now and how they get to the school. Four is where the potential walkway would be located. He said if the pathway was built, the liability for the applicant would likely end when it arrives at the City property.

Dennis Ciotti asked if Mr. Rhodes could do a study of just how many kids use that path on a regular school day.

Sue Begonia stated that when the kids leave Ford's Landing they are cutting across their yards. There is no path as such. She would have to take a day off to count the kids.

Steve Stancel stated that the GIS system would pinpoint where all the school age kids live in the neighborhood and get some sort of idea on a count.

The site walk was scheduled for Thursday the 12th of May at 5:30, meeting place to be at the property site.

Ron asked that the property and the potential pond be flagged.

Dennis Ciotti made the motion to table.

Beth Thompson seconded.

VOTE U/A

Chairman Cole called a 5 minute recess at 8:55 PM.

The meeting was brought to order at 8:03 PM.

ITEM 8 a.: Discussion and possible vote on an OSS subdivision, Tolend Road Properties, LLC, located on Tolend Road. (76 units) (P03-36)

Malcolm McNeill represented the applicant and introduced Geno Belair, of Hancock Associates. This is an update of the age restricted development. He said that there is an alternative for access off of Columbus Avenue. They are not proposing that as an access with regard to the site but access into the site for public purposes. The layout of the subdivision has been the product of a lot of work in terms of minimizing impacts on the wetlands and of trying to utilize the site consistent with the regulations and to propose a project that would be interesting for the City and the people who will live there. They have had discussions with the City about extending sewer at the cost of the applicant, from the Cambridge Tool area along the Spaulding Turnpike and up to the site. The cost will be between \$400,000 and \$500,000 to be paid by the applicant. They have had discussion with the City about the conveyance of a 2 + acre parcel of land in the Tolend Road area that is owned by the City, in exchange for the conveyance of an approximate 14 acre parcel of land that is industrially zoned, as a donation at the end of the project. That has been approved by the City Council. The Conservation Commission is in favor of the project. The outstanding issue with the Conservation Commission is the treatment of the open space land. As to all of the land that is outside of the living areas, they will impose either restrictions or conservation easements on the property. As to the very large open space area, they are proposing a conservation easement that is approved by the City, the Conservation Commission, or whatever. They have had discussion with the City about the possibility of providing land for a ballfield. He said that there is significant upland available in an area closer to Columbus Ave. They presume that the land would be open to the public for walking trails, etc. They will likely provide some buffering setbacks around some of the units. They have had discussions with regard to the inappropriateness of the trails continuing in the areas behind the dwelling clusters because of security reasons. The finalization of that easement will depend on what the Planning and the Recreation Departments tell them what they want. Along the other housing units they will propose that the open space continue in its present form to be controlled by conditions of approval imposed by the Planning Board and also controlled by the homeowners association.

Malcolm McNeill said that the project is proposed for 55 and over. There are still some engineering comments that need to be resolved. They have had discussion with regard to buffering along Mr. Toomy's property to provide relief from headlights and other concerns. There has been discussion with regard to the relocating of one of the units. There has been discussion with the City about the sewer line that they are building and

paying for available to the property owners along Tolend Rd. When they started this project they made it very clear that people hooking into this industrial sewer line would not pay a fee and that continues to be the case. However, at the time of that discussion they were not talking about what became a request from the Engineering Dept. as it related to non industrial property along Tolend Road. They do have an obligation under the regulations to extend utilities as close as they can to the boundaries of the site. The issue becomes one that given the fact that the system within the project is paid for by the applicant and maintained by the applicant, the pumping system is controlled by them. He asked what the position should be of the people outside of the project in the event they wish to hook into a project that the capital costs have been absorbed by the developers and the users of this site. Their position is that someone hooking into the system should be treated similarly to all of the buyers in their project. He said that inherent in the cost of buying one of these units is the hooking charges. Because they have no legal obligation to sewer areas outside of their project, they do not feel they should absorb that cost.

Malcolm McNeill addressed the outstanding issues on the list from the Planning Department dated 4/26/05. The lot on Columbus Ave will be conveyed to a third party but there is still sufficient access into the proposed site. He said that he was in the process of providing the copy of the easement for the sewer line. The Conservation Commission recommended the approval of the Conditional Use Permit. They are in the process of completing the conveyance of the land with the City and the back parcel when the project is finally approved. They are discussing with the City the School Impact Fees for this 55 and over project.

Malcolm McNeill explained that the Katz project was designed to appeal to older occupants by virtue of prohibiting outside recreational equipment, basketball hoops, outdoor pools for children, and requiring that all living spaces that are necessary to the occupants be on the first floor. The occupancy of that project has the average age of approximately 70 years of age. There are very few children that have been generated by the project. There have been many restrictions that will be used in the homeowners' document. It gives more clout to the homeowners association and it gives the clout to the City to say that those covenants are a condition of approval.

Malcolm McNeill explained that they have encountered a great deal of ledge on the site that was unanticipated. His recollection was that the estimate of the sewer line was always in the vicinity of \$400,000. but it is clearly going to cost more than that because of the ledge, particularly along the Spaulding Turnpike that they did not anticipate.

Don Rhodes said that a comprehensive study was done that looked at all the pertinent intersections. They did traffic counts morning and afternoon. They did the forecasting and evaluated the level of service. The findings were that the traffic generated by this project did not have a significant effect on these intersections and all the intersections will continue to operate at an acceptable level of service through the 10-year period that they looked at. One question that came up was the trip generation numbers that they used. The age restricted housing is a relatively new creation and the data base is not that

substantial. The data available to them in the national publications varies tremendously. As a result of that, they were asked by the Board to count the existing traffic at Meadowbrook at Dover with the thought that it was a comparable development that might confirm their guestimate of the number of trips that they made for this project. They did that count back in January and the results were just very slightly higher. The traffic study that he presented in January estimated 40 peak hour trips, resulting from the proposed development. That was a trip generation rate of .53 trips per unit during the peak hour. He explained how he came up with the trip generation of .57. The difference is between the .53 and the .57 is that based on the .57 instead of 40 trips this development will generate 42 trips. They were very close. There is so little difference between what they used and what they observed. The conclusion and findings of the study are valid based on that data. Don Rhodes explained how the intersections are graded.

Dean Trefethen asked for an explanation of the various Levels of Service at the pertinent intersections.

Don Rhodes stated that the Tolend Road intersections operate at LOS C or better under both the existing conditions and the future conditions. The intersection at Route 9 operates at LOS C or D under present and future conditions. He said that in no case does the development cause a decrease in the LOS.

Malcolm McNeill said that they are seeking the opportunity to come to the next available meeting. They are presuming that they will be able to resolve the outstanding issues. He said that he knows that the next meeting is for gravel pits and he is not sure that he really wants to be on that meeting but by the same token, if that's the date, then as soon as reasonably possible.

Ron Cole asked if there is a decision maker involved in how this potential recreation area is to be used. Is this something that needs to go before the Council. Can Garry Bannon make the decision on what is going to happen with the land.

Pete Lavoie said that they need to continue to review it. It is a difficult piece to build a large ballfield. It would be more of a practice field that could be built there.

Frank Torr asked if there were other situations where there was a public sewer going through a private development and how has that been handled.

Pete Lavoie said that it would be just a private force main that would hook houses into a project into a pump station. They would have their own individual pumps.

Frank Torr said that he can see why the developer would want to charge them the hookup fee and a service fee for the sewer but it would be difficult to implement.

Malcolm McNeill said that they have had a lot of discussion about this. The developer is trying to be cooperative but it raises serious issues. Clearly, if they are in the system, they need to pay a maintenance expense the same as what everyone else pays. In an

effort to provide a service which he doesn't think that they are mandated to do, and it is becoming issue laden without an easy resolution. The developer is saying this issue shouldn't delay the project and it shouldn't become burdensome to provide a service that they don't have to provide.

Frank Torr said that the question is how can you enforce the people outside the development to pay for the service fee for within the development.

Malcolm McNeill stated that there would have to be a mechanism where if they didn't pay they would terminate their service just like the City would. Within the project, if you stop paying, you can no longer use the service. He said that it is not a situation that they would like to be into and the City is very aware of that.

Steve Stancel stated that this is an issue that still needs to be debated. The City traditionally requires that sewer lines be extended to the end of the property so that abutting parcels can tie in. This is unique that the end of the system is a private line. There is the opportunity to put a public line in but it would be at a much greater cost. The City is being flexible in some areas but then attempting to get things in other areas. There was an entire other subdivision off of Columbus Avenue that is being allowed to tie into this system without any expenditures or paying for the capital cost of the line. There has been a precedence being set. This is just one part of negotiations for several different things that are still outstanding.

Malcolm McNeill stated that when they advanced this sewer line they were aware of the other project. Admittedly, these other people are clients of his as well. They know the commitment but those discussions did not include then going another step, so that is where the dilemma is with regard to this process. This is a multifaceted project with some significant benefits to the City, as well as significant benefits to the applicant.

ITEM 8 b.: Discussion and possible vote on Conditional Use Permit for Patricia Meloney/Norma Bell, located on Spur Rd.

Beth Thompson made the motion to take this item off the table.

Frank Torr seconded.

VOTE U/A

Steve Stancel stated that this project went before the Conservation Commission and they chose not to make a recommendation to move forward with the previous plan. They spoke to the applicant about the possibility of utilizing the area that was currently the deck as the addition and then allowing a small deck off the back of that addition. What this does is keep the living area within the current setbacks that exists on the site and then allows the deck to go no closer to the water than the neighbor's deck. Their living addition would be further away from the water than the neighbor's. They would recommend approval of the Conditional Use. They did add a couple conditions to the approval in order to meet with the concerns of the Conservation Commission. The conditions of approval are as follows:

1. The applicant shall provide a copy of the NHDES Wetlands Permit to the Planning Department.
2. The applicant shall provide a plan for erosion and sediment runoff control in accord with the Dover Zoning Ordinance, Chapter 170: 27.C 2a. to the Planning Department for review and approval.
3. The applicant shall submit a plan for planting diverse, non grass vegetation along the shore front to the Planning Department for review and approval.

Frank Torr made the motion to approve with the 3 conditions listed above.

Beth Thompson seconded.

VOTE 7 -1

Opposed – Dennis Ciotti

ITEM 8 c.: Discussion and possible vote on The new Meadows, located on Knox Marsh Rd. (P04-04)

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

Dennis Ciotti seconded.

VOTE U/A

Dennis Moulton, site engineer for the project, introduced Don Roberge of the Meadows Incorporated, and Don Rhodes, the traffic engineer for the project. He said that two weeks ago they were tabled for a site walk. He said that he has received a list of concerns and they have addressed as many as they could and should be able to move forward with conditional approval on the remaining items. Don Rhodes is present to testify to the traffic. There was discussion with the Planning Dept. on the phasing lines as to what was incorporated in phase I, vs. phase II. Phase I is the construction of the buildings and utilities, as well as the roadway from the current development of the apartments all the way to Knox Marsh Road. The other concerns had to do with various easements including a trail easement which will also part of the conditional approval.

Dean Trefethen asked whether the new proposed road would be private.

Dennis Moulton said that it would be private.

Steve Stancel stated that when the secondary access is constructed the conduits will be placed underneath it, because the traffic analysis indicates that for the 120 units alone it does not warrant for the signalization. At such time as the commercial uses come in, it would be analyzed again and the construction of the signalization would occur at that point.

Ron Cole said that the commercial uses are very attractive portion of this.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel gave the recommended conditions of approval as follows:

1. Add the owner's signature to the plan.
2. The owner shall agree to and sign a Developer's Agreement dealing with the signalization issue, prior to the signing of the final site plan.
3. The owner shall grant to the City of Dover Conservation Commission a Wellhead Protection easement for the primary wellhead area for the Ireland well. Said easement shall be signed by the parties, executed, and a copy given to the Planning Office prior to the issuance of the first building permit.
4. The owner shall grant to the City of Dover Conservation Commission a trail easement for the portion of the public trail that is outside the conservation easement area and extend said trail on both the approved plan and the trail easement to a trailhead point on Knox Marsh Road (said location to be determined by the owner). Said easement shall be signed by the parties, executed, and a copy provided to the Planning Office prior to the issuance of the first building permit.
5. The owner shall grant to the Stafford Rivers Conservancy a conservation easement on land shown on the approved plan as conservation area. Said easement shall be signed by the parties, executed, and a copy provided to the Planning Office prior to the issuance of the first building permit.
6. Approval includes the lot merger to consolidate the existing lots into one lot.
7. Revise sheet #1 of the plan to add phase lines separating the commercial buildings and parking from the residential portion of the project.
8. Revise sheet C-4 of the plan so that the sidewalk detail shows 6 inches of crushed gravel, 2 ½ inches of bituminous asphalt and a width of five feet.
9. The Stormwater Management System Inspection & Maintenance Plan submitted by the applicant shall be reviewed and approved by the Environmental Projects Manager.

Ron Cole asked with regard to #4, if they would be building the trail or would the City have the right to build the trail.

Steve Stancel explained that the conservation easement would be held in the City Clerk's office then it's identified on the City maps. He said that there is a trail plan.

Frank Torr made the motion to approve with the 9 recommended conditions of approval as stated above.

Beth Thompson seconded.

VOTE U/A

Reuben Hull, Civil Design Engineering Consultatnts, LLC, stated that they are looking for an extension for Cotswold Subdivision on Columbus Avenue. The last extension lapsed on March 31, 2005 but they are still in a position where they are waiting for some State permits and getting easement negotiations completed for the offsite sewer. Everything dealing with the subdivision itself has been completed. There are just a few loose ends on the offsite sewer. They are looking for a 90 day extension bringing them to July 25th.

Frank Torr made the motion to approve the extension
Beth Thompson seconded.

VOTE U/A

ITEM #9: Committee Reports

Frank Torr stated that the Waterfront Development Committee has had 2 meetings since his last report. They updated the RFQ, discussion about publications that they would like to see the RFQ appear in. A review and discussion of the action plan. A subcommittee was named to discuss the long-term efforts of the properties that are outside of the City control, in particular the Washington St. corridor. The Charrette Subcommittee was asked to create a power point presentation to be presented to the Council. On April 25th they selected a trade magazine and a local newspaper for advertising for the RFQ. The adopted a press release to be released on May 16th. The RFQ package will be mailed out on May 13th. The preliminary power point will be presented for the committee review. They had discussion on potential hiring of a consultant to assist the committee in review of the RFQ and preparing the RFP, outreach and construction management. On April 18th the subcommittee established goals for lower Washington St. gateway. The concern of the Cochecho River was brought up to the committee. The next meeting is the long-range planning committee meeting on May 2nd at 5:00 and the full committee meets on May 9th.

Discussion ensued with regard to Foster's front page pointing out the problem with the dredging and how it might relate to the waterfront development.

Steve Stancel explained that the main objective of the dredging was to dredge the Federal channel and then they were also attempting to get as much of the mud flat area adjacent to the City piece dredged as possible. They anticipated that they would get more dredged than they did for the 20,000 cubic yards but there is still a good piece of it that was dredged. Now we have to take a step back and figure out how much it would cost to dredge the rest. Is that something that the City wants to take on or is it something that we wait for the developer to do. He felt that the waterfront committee in visualizing what they see as a boat or access may be thinking a little smaller than we were originally thinking of the marina on site. Those are decisions that will have to be made as we go through the process. He doesn't think that it is as big a concerns as it has been made in the press.

Frank Torr read the goals as of the committee:

1. Create a connectivity from lower square, Central Ave. to the waterfront.
2. To improve the visual impact of lower Washington St.
3. Enhance opportunities for commercial, retail along lower Washington St.
4. Encourage opportunities for compatible mixed uses
5. Create a pedestrian friendly environment

6. Encourage, implement vehicle traffic patterns that compatible with pedestrian enhancement of the area
7. Consider the potential of a parking garage
8. Employ the Butterfield Gym as a focal point in any enhancement of lower Washington St.
9. Ensure that any design elements proposed for this area be compatible with existing downtown and riverwalk elements as well as the proposed elements for waterfront site

Ron Cole compared Gloucester, MA and Dover NH. They were both settled in 1623 and Dover is doing well and Gloucester is not doing so well. He congratulated the committee for doing such a good job.

ITEM #10: Adjournment

Dennis Ciotti made the motion to adjourn.

John Swartzendruber seconded.

VOTE U/A