

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
JUNE 22, 2004**

**MEMBERS PRESENT:** Donald Andolina, Tony McManus, Frank Torr, Beth Thompson, Dean Trefethen, Ronald Cole, Dennis Ciotti, Pete Lavoie

**MEMBERS ABSENT:** John Swartzendruber, Eric Tooke

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

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

Chairman Cole announced that Cotswold (Changing Places), located on Columbus Avenue, would not be addressed this evening.

**ITEM #1: Citizens' Forum**

No one spoke.

**ITEM #2: Approval of minutes**

Donald Andolina made the motion to approve the minutes of the last meeting. Beth Thompson seconded.

Tony McManus stated that on page two of the minutes the name of the engineer should be Goudreau instead of Boudreau.

**VOTE U/A**

**Abstained – Dennis Ciotti**

**ITEM #3: Consideration and acceptance of an application for a major subdivision of land for Ronald & Juanita Weeden, Assessor's Map I, Lot IP, zoned R-12, located on Garrison Road. \* (P04-25) (4 lots)**

Bob Stowell, Tritech Engineering, represented the applicant. He explained that this parcel of land is a little over 3 acres in size. There have been concepts with as many as twelve lots on this piece but this is a low intensity plan that the Weeden's would like to do. There are three ½ acre lots and a larger tract in the back. The larger piece has some wetlands as well as a conservation district, a sewer easement and an existing driveway. They went before the Conservation Commission to extend the existing driveway a little further through the conservation land and received a favorable recommendation. At the Technical Review Committee there were two significant issues. He explained that the project is on a fairly sharp curve and there was concern with providing enough sight distance. They worked with Dave White, Assistant City Engineer, and they came up with a plan, which he explained. They need to trim back the existing vegetation and provided

a sight distance easement that can be maintained in the future to ensure adequate sight distance. The other issue is an abutter residence with a driveway that encroaches on lot 1. It has been that way for quite some time. The Weeden's came up with an idea to provide a temporary easement to the abutters where it could stay status quo but in the future when they sell the house, they would like to have the driveway relocated so that it is off the Weeden property. Bob Stowell felt that it is a reasonable proposal.

Beth Thompson made the motion to accept the application.

Pete Lavoie seconded.

**VOTE U/A**

The public hearing was opened.

Doug Surina, 133 Garrison Road, the abutter to the north, said they didn't realize that they were driving on Ron Weeden's asphalt. He wanted to point out that at 1:30 today they discovered that an iron pin that says found on the plan, is actually not found. He said that they have two maps of the property that were given to them during the purchase. One shows a gravel driveway going over the encroachment; the other one shows a paved driveway with a sketch of a corrected driveway all on the outside of that line. That's why they always thought that the rebar marked the line. They met with the Weeden's yesterday and proposed a couple of contra resolutions and they would like to meet with them again to see if they can come up with a possibility where they would not have to dig up their entire driveway. Having this type of design would make the property quite undesirable upon resale.

The public hearing was closed.

Steve Stancel stated that this is a civil matter and encouraged the two property owners to continue their discussion to come to some type of agreement. In the past, this Board has left it up to the civil court system and have gone by the lot ine provided by a professional surveyor.

Ron Cole stated that Mr. Surina and he are employed by the same firm so he would not be voting and wanted everyone to be aware of that.

Dean Trefethen stated that the rear lot is not denoted with a -4 and it needs to be added.

Steve Stancel stated that it can be added as condition No. 9.

Bob Stowell stated that the City Assessor likes them to keep that number as is because it is the original lot #1P, the mother lot. They can change the number if it is acceptable to the City Assessor.

Steve Stancel stated that the condition #9 should be worded as follows: That the applicant meet with the assessor and a lot number be added, if required.

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

1. Add the owner's signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Approval includes the granting of a Conditional Use Permit.
4. Revise the plat to add a note that a digital version of the plat will be provided to the Planning Department.
5. Revise the plat to provide a shared driveway for lots 3 & 4 located on lot 4.
6. Revise the plat by moving the driveway for lot 1 to be five feet from the northern property line.
7. Provide the Planning Department with a copy of the proposed language that would be placed in the deeds for the parcels that will ensure that the site distance easements will be properly maintained.
8. Site distance for each driveway shall be a minimum of 250 feet.
9. The applicant meet with the assessor and a lot number be added to Map I, Lot 1P, if required.

Donald Andolina seconded.

**VOTE U/A**

**ITEM #4: Consideration and acceptance of an application for a Conditional Use Permit for Kendree R. Parker, Assessor's Map L, Lot 33, zoned R-20, located on Spur Road.\* (P04-24)**

Dana Lynch, Civilworks, represented the Parkers and passed out a couple of photos. He said that the Parkers contemplated adding a porch to the front of the house adjacent to the deck but after a conversation with NH DES they decided to just alter the existing stairway on the front the house. Because they are working within the 100 foot Conservation District, this requires a Conditional Use Permit. What is involved is removing the stairway from the front of the house, digging a few holes for sauna tubes to pour concrete piers and then construction of the new stairway. They are allowed to expand the existing structure up to 20% and are planning to enclose an existing 5' X 6' porch. At the discretion of the Building Inspector, under the City's ordinances, they're allowed to do so. They are required to get a permit from DES because the work is in the tidal buffer zone.

Tony McManus made the motion to accept the application.

Dean Trefethen seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the condition that the applicant shall obtain a NH Department of Environmental Services Wetlands Permit and provide a copy to the Planning Department.

Beth Thompson seconded.

**VOTE U/A**

**ITEM #5: Application for a minor lot line adjustment of land for The Kane company (Owners, 171 Watson Road of Dover Holding Corp. & CJM Durham, LLC) Assessor's Map E, Lots 27, 27D & 31, zoned ETP, located on Sixth Street.(P04-27)**

Frank Torr recused himself from this case.

Bob Duval, TF Moran, asked if he could group Item #5 and Item #6 together.

Ron Cole stated that it was acceptable to the Board.

Bob Duval said that the concept is a design of a new roadway that will form a fourth leg to the existing Venture Drive intersection with Sixth Street. The new roadway would be only for the Measured Progress property. A single four-way intersection with a traffic signal would be more efficient for traffic operations on Sixth Street. They have been working with City staff to align a fourth leg to the existing Venture Drive intersection. The traffic study that has been done shows that this proposed intersection doesn't yet have to be signalized because the traffic that will be generated by Measured Progress Phase I and II. They have, at the request of the City, designed the signalized intersection. They propose to build just the south approach and the added re-striping to provide the left turn lane on the west approach of Sixth St. He said that as soon as the City is ready to go ahead with the four way intersection, the improvements will be in place, including the underground construction on the south approach.

Bob Stowell, Tritech Engineering, explained the lot line adjustment plan at the easel pointing out the various lot line adjustments which would add to the Measured Progress parcel and to the area needed to make the road location possible. He said that there are easements that need to be added and the plans will be revised to reflect the easements.

Bob Duval stated that any further development of Measured Progress or significant development on Venture Drive could trigger the signalization.

Discussion ensued with regard to the sight distance between the new intersection and County Farm Road. Bob Duval stated that there was approximately 800 feet or more.

Discussion ensued with regard to the width of Sixth Street.

Pete Lavoie assured everyone that when the City redesigned Sixth Street they had made the width wide enough for a turning lane.

Dean Trefethen asked if we were currently using all of the right-of-way.

Bob Duval stated that there is a bit of excess right-of-way on the left side, heading inbound, but on the right side it's pretty much paved up to the right of way line.

Beth Thompson made the motion to accept the application for the Minor Lot Line Adjustment of land.

Dean Trefethen seconded.

**VOTE U/A**

**Abstained – Tony McManus**

The public hearing was opened.

Karen White, 408 Sixth St., thanked Pete Lavoie and Steve Stancel for getting the trees cut down so she can see coming out of her road. She is concerned with the amount of construction and the dust. She said that Steve Stancel was going to talk to someone about getting the dust watered down and no action has taken place as yet. She is still a bit concerned with the volume of traffic and inquired when the old barn would be taken down.

Martha Haley, 407 Sixth Street, wanted it clarified if the light would be put in now or when more development happened.

Steve Stancel stated that the traffic analysis that was done for Phase I and Phase II showed that for the driveway can handle the traffic but then almost any future development will trigger a light. They planned out 10 years in advance and maximized the development of the parcel, as well as taking into account the average annual growth of traffic in the area. It showed that you do need a traffic signal at this location, as well as an additional lane at the Indian Brook/Sixth St. area. Through the planning process, this applicant had an option of building their driveway where it was located and paying offsite improvement fees for the future light or purchasing the right-of-way and moving the entrance directly up front across from Venture Drive. That is what the applicant has chosen to do and the dollar amounts for them to do that equals what their offsite improvement fees were going to be. What this developer is doing up front is paying for the right-of-way for the fourth leg and putting in the infrastructure for that fourth leg at their cost in lieu of future offsite improvement fees for additional expansion on their site. He said that the City pledged that in the next CIP round the City would request approval of the signalization of this intersection. It won't be needed for the opening of Phase I or II, however, Economic Director Beth Thompson is currently speaking to 2 or 3 companies looking at locating on Venture Drive. He said that within a year or two this development will trigger the need for signalization of the intersection. He said that they will recommend to the City Council this fall, to put \$250,000 – \$300,000 into the CIP to signalize this intersection. He said that there will likely be other companies that would contribute towards that signal depending on the timing coming in. He anticipates the signal being in the CIP this fall for construction next spring or summer.

Bob Duval stated that the barn is slated to come down as part of phase I, before the end of this year.

The public hearing was closed.

Steve Stancel said with regard to the dust issue, Tom Clark will speak to the construction company on the site. They usually have good luck having them spray frequently to keep the dust down. He said he can see if Tom Clark can speak to them again.

Dennis Ciotti asked if there was any consideration given to the County Farm/Sixth Street intersection. He said that it is a tough intersection now and it is severely taxed in the winter time because the water runs across the road and needs sanding constantly. He was concerned with cars backing up to that intersection.

Bob Duval stated that they did study queuing associated with this intersection. The queuing will not extend all the way to County Farm Road. What happens when you have a new signal in the middle of an arterial road is that you create gaps, leaving more opportunities. He said that County Farm Road will have a better chance to clear.

Steve Stancel stated that the timing of the signals can be changed and the green time can be left longer on Sixth St. and shorter on the side roads.

Beth Thompson made the motion to approve the lot line Adjustment with the following conditions:

1. Add both the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Revise sheet #1 of the plat by labeling the southern lot line of parcel B as boundary line to be abandoned.
4. Revise sheet #1 of the plat by amending Note #2, to change Lot 27 to Lot 27B.
5. Revise the plat by adding the proposed signal easement from the site plan.

Dennis Ciotti seconded.

**VOTE U/A**

**ITEM #6: Consideration and acceptance of an amendment to a site review of land for the Kane Co. (owner, 171 Watson Rd. of Dover Holding Corp.) Assessor's Map E, Lots 27, 27D, 27E, 31, zoned ETP, located on Sixth Street\*(P04-26)**

Chairman Cole asked if anyone felt it necessary to hear from the applicant again. The Board was satisfied.

Beth Thompson 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.

Steve Stancel stated that the applicant met with the Conservation Commission on June 7<sup>th</sup>, 2004 for the Conditional Use Permit and received a favorable recommendation. The applicant went before the Technical Review Committee on June 10, 2004 and then went over the staff recommended conditions of approval. He updated the Board by saying that there has been an appraisal completed. The Conservation Commission and the Open Lands Committee will be reviewing that appraisal shortly.

Beth Thompson made the motion to approve with the following conditions:

1. Add the owners' signatures to the plan.
2. Add the engineer's stamp and signature to all applicable sheets of the plan.
3. The applicant shall install the required striping on Sixth Street, prior to obtaining a certificate of occupancy.
4. The applicant agrees to grant a conservation easement to the City for the area of the property south of the northern edge of the existing sewer easement, including the spur of land that leads to Watson Road. The applicant and the City shall agree on a fair price for the easement after an appraisal is completed, subject to approval of the expenditure from the Conservation Fund by the City Council. This shall be completed prior to the issuance of a certificate of occupancy.
5. Revise the plan to add evergreen shrubs at least five feet tall along the northern boundary of lot 28 to provide screening for the existing home.
6. Revise sheet #10 by specifying that the proposed signal easement is to the City of Dover and provide the executed easement deed to the City prior to obtaining the certificate of occupancy for the phase 2 building.
7. Revise the plan by adding a note specifying the underground signal infrastructure to be constructed by the applicant in the Education Way leg of the intersection prior to obtaining the certificate of occupancy for the phase 2 building.
8. Revise the plan to comply with the conditions (#1-8, not #9) set forth in the memo from the Assistant City Engineer, dated June 21, 2004.
9. Identify an access easement to tax map E, Lot 31 over the proposed property purchase.

Dennis Ciotti seconded.  
**VOTE U/A**

Frank Torr took his seat.

**ITEM #7: Old Business**

- a. Discussion and possible vote on Changing Places, Cotswold Subdivision, located on Columbus Ave. (20 lots)

Chairman Cole announced that is not coming up this evening.

Steve Stancel stated that a letter on the Board's desks from Attorney Malcolm McNeill requesting a further extension of Cornerstone Crossing.

Beth Thompson made the motion to hear the request and grant the extension.

Tony McManus asked to hear from Atty. McNeill.

Atty. McNeill stated that he regrets coming in for a retrospective type of extension. This project has been the subject of a few extensions, all of which have been 90 days except for the last one. He said that in April they requested a 45 day extension presuming that the last permit would be promptly issued with regard to DES approval for septic systems. All of the approvals that have been delayed have been DES approvals. The first was the DES wetlands crossing that abutters objected to. The next was the Site Specific Permit that could not be issued until the Wetlands Permit was issued. After the wetlands permit was issued the Site Specific permit was issued on April 6, 2004, which is approximately the date of the prior extension. The septic design approvals could not be issued until the Site Specific was issued and that was not issued until June 7<sup>th</sup>. He said that he became aware, through his client of that issuance last Thursday. The deadline date for that extension was May 29<sup>th</sup> because they requested 45 days, as opposed to the usual and customary 90. To the best of his knowledge everything that is needed for the approval of this plan is in the file now. He is asking to retrospectively extend the extension for May 29<sup>th</sup> through June 25 or to the date that the Planning Board Chairman signs the mylar. He said that he would like to change the last word of the extension to whichever comes later so that there is no undue pressure on anyone to have to sign this plan before Friday. He said that he appreciates the Board's patience on this case. What he is respectfully requesting is an extension through the date that the Chairman signs the mylar.

Frank Torr seconded.

**VOTE 6 – 1**

**Opposed – Anthony McManus**

Steve Stancel updated the Board that there are two outstanding issues with the gravel pits. The letters sent to Richard Proulx and Paul Martel were included in the Board packets.

Tony McManus stated that what the Board should consider is that a permit was given upon condition and the conditions have not been met. He said that the requirements are very clear and they worked with us putting these requirements together. He suggested that the Board consider revoking the permit until the conditions are met instead of sending those letters saying that they have five more days, then sending another letter saying they have 10 more days. He felt that they should be notified that the permit will be pulled as of a certain day.

**ITEM #8: New Business**

Ron Cole stated that it is bad news that Peg Stevenson is resigning. Peg has been on the Board for 71/2 years and has been a voice of reason for that 71/2 years and always did her homework and asked good questions. She has truly been a contributory citizen to the community. She will be missed. This puts us down 2 alternates and one regular member.

Ron Cole stated that anyone who wanted to serve on the Planning Board should contact the City Clerk's office for an application.

Steve Stancel pointed out that there would be a public information meeting, next Wednesday, June 30<sup>th</sup>, Dover City Hall Auditorium, for the General Sullivan Bridge and the immediate area at 7:00 PM.

**ITEM #9: Adjournment**

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

**VOTE U/A**