

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
SEPTEMBER 14, 2004**

**MEMBERS PRESENT:** Tony McManus, John Swartzendruber, Pete Lavoie, Eric Tooke, Beth Thompson, Dennis Ciotti, Frank Torr, Dean Trefethen, Mindy Anderson, Ron Cole, Donald Andolina

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

Chairman Cole brought the meeting to order at 7:04

Ron Cole stated that he asked Donald Andolina to not sit on the Board this evening. He explained the issues regarding the suit filed by an organization that Donald was a member of, against the City. He said that they have not received notification from the City Attorney stating that it is ok for Donald Andolina to sit and he did not want to jeopardize any of the votes that would take place this evening.

Ron Cole introduced the new Planning Board Alternate Mindy Anderson to the Board. He said that Brian Cahoon, who was not present, was also appointed.

**ITEM #1: Citizens' Forum**

No one spoke.

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

Beth Thompson made the motion to approve the minutes.

Frank Torr seconded.

Tony McManus stated that on page 5, last paragraph, the word should be impervious rather than pervious.

**VOTE U/A**

**Abstained – Pete Lavoie**

**ITEM #3: Consideration and acceptance of a Conditional Use Permit for David & Deborah Bronson, Assessor's Map M, Lot 15, zoned R-20, located 10 Spur Road Extension.\*(P04-41)**

Mr. Bronson stated that he and his wife would like to be able to put in a pool and a small sunroom in their back yard.

Frank Torr made the motion to accept the application.

Beth Thompson 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 staff recommended conditions as follows:

1. There shall be no further encroachment into the setback areas. All Work and construction is to be done in previously disturbed areas. Erosion prevention and runoff control measures (silt fence and hay bales) are to be installed at the top of the existing bank and maintained until the area is stabilized. A written plan shall be submitted to the Conservation Commission to ensure these environmental protections are installed as required by Chapter 170-27C92)(a).
2. The applicant shall mitigate the encroachment into the setback areas by enhancing the natural slope area between the proposed construction and the Bellamy River by removing (to the maximum extent possible) the existing invasive non-native shrubs and planting beneficial native shrub, tree and/or groundcover species. A plan for these enhancements should be developed through consultation with the UNH Cooperative Extension, Strafford County Conservation District, or other qualified natural resource protection agency, and a copy provided to the Conservation Commission. The enhancements to the slope area should be implemented in a timely manner.

3. Receipt of the NH DES Permit.

Frank Torr seconded.

**VOTE U/A**

**ITEM #4: Consideration and acceptance of a Driveway Waiver for Paula Reid, 22 Lexington St., zoned RM-10, located on Lexington St.\*(P04-43)**

Samuel Reed stated that he received a variance to construct a garage to the rear of his home. He said that he has received a driveway permit for all but the area on his plan that he needs for a turning radius to get into his garage. He said that he didn't realize that he needed a 5 foot setback. He said that his neighbor is concerned that given the amount of pavement, that it will create an unnatural amount of water which would be dumped onto his land. Sam Reid said that he has been assured that it will not constitute an unnatural accumulation of water. He said that the natural drainage flows along the lot line.

Dean Trefethen made the motion to accept.

Tony McManus seconded.

**VOTE U/A**

The public hearing was opened.

Mr. William Gillis, 20 Lexington St., spoke in opposition to this application. He stated that the slope of the land on Lexington is toward his house. He doesn't approve of this application because of the potential of water accumulation on his property because of the changes that Mr. Reed did to his land in the past year.

Mr. Gillis said that the size of the garage that was built this summer will change the water runoff and drainage at the rear of their properties and eliminates a large dirt area that used to absorb the water. The entire length of the previous driveway used to be at the same level as the surrounding grass on both sides. Along with the new construction of the water drainage of the house which used to fall on the dirt beside the driveway is now being funneled onto the driveway.

Mr. Gillis stated that in his opinion, the additional water coming from this site onto his property will cause seepage into the basement and an accumulation of surface water in his backyard. He asked the Board not to approve this waiver, but if the Board chooses to approve it, please tell him what recourses he has if the result is accumulation of water on his land.

Public hearing was closed.

Steve Stancel stated that given the opposition from the abutter, he recommended tabling to give the Planning and Engineering Departments time to do further research and come to an amiable conclusion.

Dean Trefethen asked if curbing could be requested.

Steve Stancel stated that he would like to get engineering out there to see if they agree with that.

Frank Torr made the motion to table.

Dennis Ciotti seconded.

**VOTE U/A**

**ITEM #5: Consideration and acceptance of a minor subdivision of land for Christopher & Britta Ayer, Assessor's Map C, Lots 3, 3D, 3E, zoned R-40, located on County Farm Road.\* (3 Lots)(P04-44)**

Dennis Ciotti recused himself.

Mindy Anderson took his seat.

Kevin McEneaney explained with the help of a colored chart, the three lots and how the lot lines would change along with the subdivision of the parcels. He explained that one of the lots has a conservation easement and has two different areas of frontage. Municipal water is available for the 2 smaller lots to the north that were created. The other lots will have individual septic systems. There is a total 2,400 feet of water frontage, 1,700 of which is on the conservation easement parcel and the remainder on the parcel that the Ayers will retain as a building lot. Kevin McEneaney explained that there are two frontages on one of the lots because the Ayers are desirous of putting a conservation easement on the majority of that piece in the future and the fact that it has its own frontage adds value for tax purposes, in granting that easement. That easement probably won't take place in 2 or 3 years but that is the long-term goal. He stated that

there were a number of people who have proposed 12 to 20 lots on this particular property and they are only proposing 3 additional lots.

Beth Thompson made the motion to accept the application.

Frank Torr 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 following staff recommended conditions of approval:

1. Add the owners' signature to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
4. Revise note #5 of the plat to add the date and method of the wetland delineation.
5. Revise the plat by adding a note indicating the amount of non-wetland area for each lot.
6. Revise the plat by correcting the lot number for lot containing the existing house to be Map C, Lot 3E.
7. Revise the plat to show the location of the access easement in favor of lots 3 & 3C.
8. Revise the plat by adding a table listing the before and after lot sizes for each lot.

Beth Thompson seconded.

**VOTE U/A**

Dennis Ciotti returned to his seat.

**ITEM#6: Consideration and acceptance of a major subdivision of land for Albert Estes/Douglas Dodd/David Paolini, (Owner Carl & Elizabeth Feren Rev. Trust) Map B, Lot 21, zoned R-40, located on Wildewood/kBoxwood Lanes.\*(32 lots) (P04-42)**

Eric Tooke, stepped down

Mindy Anderson took his seat.

Bob Stowell, Trittech Engineering, stated that Haven Farm at Alden Woods is very closely related to the previously approved Alden Woods Subdivision for 69 lots. As part of that subdivision, it was contemplated that this parcel, owned by the Ferens to the south, would come off of Boxwood and Wildwood Lanes. He said that since Alden Woods, the Planning Board has adopted the Open Space Subdivision. Alden Woods was one of the last projects that came through under the old conventional rules where the land was subdivided and no open space was left. This project is approximately 64 acres and

they have provided 35 acres in open space which is approximately 55% of the entire parcel. They prepared a yield plan, sheet Y-1, which shows that they could develop a 32 lot subdivision. He said that they have 2 ½ times the open space, 3 ½ times the upland that is required and a very significant green area. He showed a plan that was not included in the packets showing what they were trying to do. He said that the wetlands were mapped by Leonard Lord and all the setbacks were applied to the wetlands. They went to TRC and this project was very well received. They went to Conservation Commission for the proposed wetland impacts for construction of the roadway and construction of the four shared driveways that they are proposing. They have a total of 9,500 sq. ft. of permanent wetland impact for road and driveway construction and another 5,500 sq. ft. that is part of a temporary impact to construct a sewer line. He said that they plan to pursue the possibility of relocating the sewer line in the railroad right-of-way. It was also discussed at TRC to abandon the cul-de-sacs and just construct the road right through and provide the additional land to the abutters that are directly on the end of the cul-de-sac. Two of the lots would end up with substandard frontage so they have proposed another idea to provide a landscaped island in the center of the existing cul-de-sacs that are currently completely paved. This would create a paved loop that would go to the outside of the cul-de-sac. They are asking for a waiver for the 24-foot roadway and would have no parking on the sidewalk side of the street. Bob stated that, traditionally, the maintenance of the islands are assigned to one of the landowners. He said that the landowners are in Alden Woods so they can't assign it in this case but if someone volunteered they could do that.

Dean Trefethen asked if this parcel is more or less wet than Alden Woods.

Steve Stancel answered that it is about the same, maybe a little more wet. He explained that one of the reasons that they changed the wetland regulations was the Alden Woods subdivision. Even though the developer technically met the conditions of the regulations when Alden Woods came through, there were a lot of encroachments. Back then there was a 75' setback from very poorly drained soils but a 0 setback to poorly drained soils which could be wetlands. There are instances in Alden Woods where there was land movement and construction right to the edge of wetlands. Steve asked Bob Stowell for proof that they couldn't get the frontages if the cul-de-sacs were taken out.

Bob Stowell stated that their concerns were with 4-33 on the Wildwood cul-de-sac and 4-42 on the Boxwood cul-de-sac but they will review this.

Beth Thompson made the motion to accept the application.

Frank Torr seconded.

**VOTE U/A**

The public hearing was opened.

Jonathan Burns, 6 Cottonwood Drive, was concerned with the validation of the yield plan. He showed a wetlands delineation plan that was done by Bruce Pohopek and stated that there is a discrepancy with the one submitted for this project. He handed out

overlays showing the two surveys showing the discrepancies and that some of the lots sit directly in wetlands. He had pictures showing water accumulation. He said that he feels that there needs to be an independent study. He said that if this is phase 4 of the Alden Woods Subdivision then this new subdivision should have the same covenants that are found in the adjacent neighborhood. He requested that a wildlife impact study be done and wanted to be sure that there be a 50 foot vegetative privacy buffer along the boundary of the Alden Woods Subdivision. He said that the Pohopek study was done just a few years ago.

Heidy Meyer, resident of Wildwood Lane, submitted 50 letters representing the residents of Alden Woods requesting an additional wetland study be done.

Dave Martino, 18 Cottonwood, stated that he strongly objects to this project. He was reassured by his developer that there would be no houses behind him because of wetlands. His land is soaked with water from runoff and has a stream in his front yard. He spoke of dead trees and stated that he had to spend \$8,000 to have damaged trees removed. He submitted a photograph that was taken about 50 feet of his property line with regards to filling in the wetland areas and he would like to see a proper permit. He said that there are 64 homes and there is not one street light and he would like to see some installed.

Dirk Else, 31 Boxwood Lane, stated that he currently has utility boxes in his front yard and would like to have them relocated.

Peggy Carter, 2 Cottonwood Drive, asked that the abutters all receive copies of the topos for the project and spoke of the need of a north end fire station because of the tremendous amount of development.

Molly Patten, resident of South Berwick, represented the homeowners of 14 Cottonwood Dr. who are direct abutters to this new proposed development. She read a letter stating that they oppose the plan for 32 lots because it isn't consistent with the existing homes and will devalue their homes. They requested that the same type of homes be built.

Eric Tooke, 45 Wildewood Lane, owns one of the lots on the cul-de-sac. His lot would be most affected because it would not have the proper frontage. He said that one of the neighbors has proposed that they use that island to have one-way traffic outbound and one-way traffic inbound so that it would force the one-way inbound around the island to slow down the traffic. He said that those lots in the cul-de-sac paid a premium. He said that they knew there was potential for a development; however, it would be nice to slow down the traffic. He said that Wildewood Lane would take the brunt because 29 lots would more than likely use Wildewood Ln. He was concerned with the construction vehicles and the traffic generated by the new homes. They thought that an option would be to put a curvature in the road or a series of "S" curves. He said that approximately 5 lots would require easements to get across the wetlands. He doesn't feel that that keeps with the spirit and intent of the OSS regulations. He said that he would like the plan

reduced by 5 lots. He said that he would like to be involved as an abutter to the cul-de-sac in the determination of how that goes.

John Scoggins, 47 Wildewood, would like to be involved with the plans for the cul-de-sac and also in discussions regarding wildlife movement. He was concerned with the traffic because of the 34 children on both Boxwood and Wildewood that will be impacted. He asked if there was any consideration given to accessing the property through Eric Lane, off of County Farm Road, instead of disturbing the cul-de-sacs in Alden Woods.

Eric Tooke asked if it could be a stipulation that the cul-de-sac area is not removed until the construction is completed so there is actually an area for the kids to still ride their bikes and play while the construction is going on.

Tran Depalo, 46 Wildwood Lane, was concerned with the drainage analysis discussed at TRC that and has not been delivered to Planning yet. She spoke about the water and electrical. She thought that the hydrant in the Wildewood cul-de-sac was going to be moved and they were not sure why and want some clarification of that.

Chris Carrie, 39 Wildewood Ln., emphasized that the traffic would mainly use Wildwood Ln. and was concerned for the children. They have a speeding problem as it is.

Heather Porter, 42 Wildwood Lane, expressed concerns with the traffic on Wildwood. They paid a premium to live on the cul-de-sac. Lots of children enjoy riding bikes. The concern is for the safety of the children. Most people will use Wildewood to get into the new development. She figures on 70 + more cars traveling up and down their street. She wants to be sure that it is not in a straight shot and something is there to force them to slow down before they enter the new development.

Diane Ferri, 32 Boxwood Ln. will be severely affected and is concerned with the water flow. If this is approved will there be a sidewalk, street lights and how severe and how long will the construction impact their way of living.

Steve Rewicki, 24 Boxwood Ln., spoke about quality of life just off the cul-de-sac. He said that the kids get together at the cul-de-sac. He doesn't want to see the cul-de-sac go. There is an issue with the Turnkey Landfill and the trees that are buffering them from the smell that they get once in a while. Once the trees are gone it will settle in so they will be very impacted by this development.

Carl Feren stated that they had the same comments and concerns when the Alden Woods subdivision went in. He said that the developer rented them a 4-wheel drive vehicle so they could get through the construction site because they lost both their cars out there more than once. He does understand the disruption. He spoke about the logging and putting in logging roads. They had a conservation plan contract with the US Government to put in about 5,500 feet of Conservation roads. He said that there was slash in the woods and asked Don Black, Strafford County Forester, if there were any

public funds available to help clean this up. Don Black came up with a plan for the roads to allow for future logging and maintenance of the woods. Part of the plan involved crossing streams according to the book "Best Management Practices." They followed the rules to a tee and were told to put the stones in the soft spots. He said that the photo that Mr. Martinos took was taken at least 600 feet inside of their property line, through dense woods. He spoke about cutting the boundary trees. He said that the only thing that they have from Eric Drive is a 100 foot utility easement that runs up from the circle at Eric Drive up the old B&M railroad bed to their property. There is a piece of property that belongs to the Merkleys that you would have to cross to get there. He said that if you were to walk around the various homes in Alden Woods subdivision you would find encroachment in the wetlands since the houses were put in.

Elizabeth Feren, stated that the plan drawn by Pohopek was drawn for Richard Cabral in 1988 or 1990. She spoke about a property they traded with Mr. Koutrelakos who gave them a right-of-way.

Bob Stowell stated that the yield plan, as well as the design plan is a very important part of how the lots were developed. He said that they saw the Pohopek plan with his land surveyor's seal on it. He said that it has a sketch of someone's wetlands delineation. They don't know who did the wetland delineation. They can tell by the sketch that it was not a surveyed wetland delineation and they gave it no value in their plan. He said that they did what responsible engineers and developers would do. They contracted with a licensed soil scientist and licensed wetland scientist to go out and map the wetlands based on the current regulations. He said that they have a yield plan that has been investigated and is a buildable plan. He said that there is a 50 foot setback around the perimeter. They are agreeable to the buffer. He said that as Mr. Feren mentioned, there have been wetland impacts on his property and it is shown on their plan as areas that have had crossings. He does have permits to do those wetlands crossing on file with the State of NH for a logging operation. They took advantage and incorporated three of the four crossings into their subdivision design. He said that the topo plan has been provided to the City as well as the drainage report. It was not available at TRC but since then, it has been delivered. He said that they will have to deal with the drainage of Alden Woods and it is part of their design. He said that they will welcome any participation and look at any ideas with regard to the cul-de-sacs. He said that if this project had come in as a 100 lot subdivision vs. a 70 lot subdivision a couple of years ago, he doesn't think that we would be having these issues. He said that they met with the Conservation Commission last night. He said that this will probably be a spring construction project.

Steve Stancel asked Bob Stowell about the protective covenants. He said that normally the Planning Board does not get into this type of thing or the house sizes. He asked if he can allay some fears in regard to the average size house.

Bob Stowell stated that they were provided with a copy of the Alden Woods covenants and the only issue that is out of line is that it addressed specific setbacks required in the R-40 zone which would not be applicable in the OSS. The sq. footage in Alden Woods for the house were 2 story houses with a minimum of 1,450 sq. ft. and he thinks that his

requirement will exceed that. He said although that these are smaller lots than Alden Woods because of the new regulations, the house will be 60 ft. long houses.

Tony McManus wanted to be sure that we have a topo map before the site walk. He asked if we could get a plan of the conservation roads.

Bob Stowell stated that a topo map was delivered to the Planning Department earlier today.

Mr. Feren stated that he could supply a plan of the conservation roads.

Steve Stancel stated that there is no big rush because he doesn't see this coming back in two weeks. He asked that the center line be staked.

Chairman Cole set a site walk for Thursday, September 30<sup>th</sup>, at 5:00 PM – meeting at the end of the driveway on Wildwood Lane at the Feren's property.

Peggy Carter stated that the houses will be a lot different because the Alden Woods houses are 36 feet with a 16 ft. family room and 22 ft. garages. She suggested that they take the words "Alden Woods" off the development because it doesn't look like Alden Woods.

Ron Cole stated that the north end fire station comes up every year during the CIP.

Frank Torr made the motion to table.

Beth Thompson seconded.

**VOTE U/A**

**Chairman called a 5 minute recess.**

**Chairman called the meeting back to order.**

Tony McManus left the meeting at 9:00.

**ITEM #7: New business**

None

**ITEM #8: Old Business**

**a. Discussion and possible vote on a site plan for Jim Varney, located on 29 Weeks Lane. (P04-39) and 23 Weeks Lane (P04-40)**

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

Frank Torr seconded.

**VOTE U/A**

Dirk Grotenhuis, Kimbal Chase, explained the interconnection between the two sites and gave a brief overview of the project. He explained how they have attempted to meet all the conditions. He said that they will be applying with the Planning Board in Rollinsford for site plan approval. They have met with them on a preliminary consultation and have been approved unanimously for appropriate use. He feels that the conditions have been met.

Dean Trefethen asked about the snow removal areas on the sites.

Dirk Grotenhuis pointed out the various snow storage sites. There will be no dumpsters. Garbage removal will be privately contracted.

Chris Wyskiel explained that the parcels will be under the same control but the actual real owners will be separate. The bank use property will be owned by an LLC of which Mrs. Varney and he are members. If the snow is particularly heavy in the season Mr. Varney will resort to snow removal as he does for his site in town.

The public hearing was opened of both applications.  
There were no comments  
The public hearing was closed.

**Beth Thompson made the motion to approve the site plan for 29 Weeks Lane (P04-39)** along with a waiver from Chapter 14915C which requires paving to be 10 feet from a front property line, with the following conditions:

1. Add the owner's signature to the site plan.
2. Add the surveyor's stamp and signature to sheet #2.
3. Provide the Planning Department with the proof that the site plan has been approved by the Rollinsford Planning and Zoning Boards.
4. Provide the planning Department with a copy of the corss access easements for the two parcels.
5. Revise sheet #2 of the plat to correct the zoning district for lot #4 from B-1 to B-3.
6. Approval includes the granting of the waiver for the paving within the front setback.
7. Provide the Planning Department with a lighting plan that complies with Chapter 149-14E-2 (received but have questions)
8. Revise the plan to change the proposed sidewalk to close up the driveway entrance to be asphalt to match the existing sidewalk.
9. Revise sheet #6 of the plan by changing the typical bituminous walkway section to include 2 ½ inches of pavement instead of 2 inches.

Frank Torr seconded.

**VOTE U/A**

Steve Stancel gave the recommended conditions of approval for 23 Weeks Lane.

**Frank Torr made the motion to approve the site plan for 23 Weeks Lane with the following conditions:**

1. Add the owner's signature to the site plan.
2. Add the surveyor's stamp and signature to sheet #2.
3. Provide the Planning Department with proof that the site plan has been approved by the Rollinsford Planning Board.
4. Provide the Planning Department with a copy for the cross access easements for the two parcels.
5. Revise sheet #2 of the plat to correct the zoning district for lot #4 from B-1 to B-3.
6. Revise the plat to add a stop bar and stop sign at the end of the drive-thru driveway, where it intersects with the shared driveway.
7. Provide the Planning Department with a lighting plan that complies with Chapter 149-14E-2.
8. Revise sheet #6 of the plan by changing the typical bituminous walkway section to include 2 ½ inches of pavement instead of 2 inches.

Beth Thompson seconded.

**VOTE U/A**

**c. Discussion on Class VI Roadways.**

Dennis Ciotti stated that he would like to schedule a workshop so everyone on the Board knows what is happening. He said that there will virtually be no Class VI road left after they get done with this. They also have a recommendation for Old Garrison Road which is a very touchy area of town. It is a scenic roadway and it needs much more attention than their committee can give it and they have put forth a recommendation. He thought that ½ hour ahead of a regular scheduled meeting would be good.

**A workshop on the Class VI Roads was set for 6:30 PM prior to the Planning Board meeting of September 28, 2004.**

Dennis Ciotti thanked everyone on the committee, especially Bruce Woodruff along with Chris Parker of the Planning Office.

**Ron Cole stated that Kevin McEneaney was asking for an extension of 90 for the Seacoast Geriatrics on Garrison Road.(P03-69)**

Kevin McEneaney stated that the project is an elderly assisted care facility on Garrison Road and was approved by this Board on February 24, 2004. In May of this year he requested a 90 day extension, which the Planning Director granted. He said that he missed the August deadline to submit this request prior to the expiration of the 90 day extension. They are waiting for the State approval to operate the facility. The sidewalk will be placed on the side of the facility. There are no changes in the site plan.

Dean Trefethen made the motion to approve the extension of approval until November 24, 2004.

Mindy Anderson seconded.

**VOTE U/A**

Steve Stancel stated that there was another complaint lodged against Portsmouth Christian Academy. There appeared to be 10 violations. He said Portsmouth Christian Academy responded with an explanation which they feel comfortable with. He added that he did ask Atty. Wattendorf what his thoughts were and he suggested that perhaps in the future, the Planning Board discuss and clarify what the Board meant by school busses to try to put this to bed. What he will do is to put this on a future agenda item for discussion.

Steve Stancel stated that there is an announcement in the packets for the Planning and Zoning Conference. He highly recommended this for the new members. He added that the Planning Department will pay the fee.

**ITEM #9: Adjournment**

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

**VOTE U/A**