

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
NOVEMBER 9, 2004**

**MEMBERS PRESENT:** Donald Andolina, Mindy Anderson, Ron Cole, Dennis Ciotti, Frank Torr, Pete Lavoie, Dean Trefethen, Beth Thompson

**MEMBERS ABSENT:** Tony McManus, Eric Tooke, Brian Cahoon, John Swartzendruber

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

**ITEM #1: Citizens Forum**

Sarah Boyle, who grew up on Back River Road, stated that it is a bad idea to get rid of the house with regard to the new subdivision that is before the Board. She stated that she is familiar with the history of the street and felt that keeping the house would maintain the integrity of the neighborhood. She felt that it should not be removed.

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

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

Dean Trefethen said that the time of the workshop should be changed from 7:10 to 6:10 PM.

**VOTE U/A**

Chairman Cole announced that the Board would not be addressing **ITEM #5 Old Business, b. and c., regarding the Back River Rd. subdivision.** Also, they would not be voting on **d. Major subdivision for Haven Farm** but there would be discussion.

**ITEM 3: Presentation by Strafford Regional Planning on "Vision 2020."**

Gerry Mylroie, Senior Land Use Planner at the SRPC, spoke about the commission and the status of the region and some of the issues that need to be addressed regionally. They are working on updating a regional master plan that would serve as a guide to help the regional and local units of government address issues that affect the region. He then went over the workbook that was passed out to the Board members. He asked the Board to review the Mission Statement and make some comments. He said that the next meeting for the Regional Planning Commission is scheduled for Tuesday, November 23, 2004, at the Frisbie Community Education Conference Center.

Donald Andolina asked if Strafford County was growing faster than neighboring Counties.

Gerry Mylroi stated that we are probably growing at the same rate of growth as Rockingham County. He added that the communities of Farmington and further north are beginning to feel a terrific growth.

Further discussion ensued with regard to cluster development.

**ITEM #4: Consideration and acceptance of a minor lot line adjustment of land for the Heirs of Kenneth & Irene Nye & Paul & Katherine Martel, Assessor's Map 49 & 57-I, zoned R-20, located on Upper Factory Road. \*(P04-55)**

Bob Stowell, Tritech Engineering, stated that this is a simple boundary line adjustment. They are planning on abandoning an old right-of-way that crosses the Martel property in exchange for a small triangle of land and a small easement.

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.

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

1. Add the owners' signatures to the plat.
2. Add the surveyor's signature and stamp to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. Revise the plat to add the minimum building setback lines to both lots.

Mindy Anderson seconded.

**VOTE U/A**

**ITEM #5: a. Discussion and possible vote on the designation of Back Road as a Scenic Road.**

Steve Stancel stated that the Saturday before last, the TAC sponsored a site walk on Back Road that started at 12:00 noon and ended at 3:30 PM. He said that the TAC is holding a follow up meeting on Tuesday, November 16, to discuss the road construction issues again.

Steve Stancel said that on the walk he felt that the intention of the residents is to request the Scenic Road no matter what happens at the TAC level. He said that the Board will have to make a decision at some point.

Chairman Cole announced that items **b. Discussion and possible vote on a minor lot line adjustment for Back River Road Realty Trust, located on Back River Road. (P04-33)** and item **c. Discussion and possible vote on a major subdivision of land for Back River Road Realty Trust, located on Back River Road (P04-34) (20 lots)**, would not be discussed this evening.

**d. Discussion on a major subdivision of land for Haven Farm at Alden Woods, located off Wildewood Lane. (P04-42)**

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

Frank Torr seconded.

**VOTE U/A**

Bob Stowell, Trittech Engineering, represented the applicants. He said that since the last time that they were before the Board, they had a meeting with the neighborhood. He said that they went through many of the issues. One of the concerns that they still have is some clear directions on the cul-de-sacs. He said that they met with the residents on each cul-de-sac and discussed what their wishes were. They came back at the last meeting with a fairly traditional handling of how they would like to see the Boxwood cul-de-sac. It featured a through road with the pavement on the outside in typical teardrop design. The people at the end of the Wildewood cul-de-sac developed a more hybrid plan that the City has not been presented with before. He felt that it was not very well received because public works has some concerns with maintenance issues. He asked for direction from the Board.

Steve Stancel stated that they met with the developer from Cornerstone Crossing, the developers from this project and the owner of the rail right-of-way, to try to effectuate shifting the sewer line onto the rail right-of-way, as opposed to running through this project. He said that by doing so, they can alleviate a lot of wetland impacts in the project. He felt that the meeting was positive. There are still some hurdles to jump but he hopes in the next couple of weeks to nail that down and come back to the Board with good news.

The public hearing was opened.

Bob Meyer, resident of Wildewood Lane, stated that in the past two weeks the residents have had a lot of their questions answered. He said that he believes that they have come to a common understanding with the issues that can be solved and those that can not. Some of the issues are the cul-de-sac, the possibility of expanding the playground that is currently in the development and the easement. He believes that those would be best solved in the next two weeks by meeting with Steve Stancel to try to find out if there is any room for compromise. He said that they will try to have a resolution by the time the Board meets in two weeks.

Chairman Cole recessed the public hearing.

Steve Stancel stated that they would like some direction from the Board on the cul-de-sac. He said that there is a memo dated November 11 from Dave White, the City Engineer, taking the position that the existing cul-de-sacs on Boxwood and Wildewood should be eliminated and made straight through or landscaped islands installed as shown for Boxwood. If landscaped, note that the landscape is to be grass and trees, etc.

Pete Lavoie stated that the problem with the Wildewood cul-de-sac is the maintenance and being able to continue around it with a large plow truck. He added that it is the winter maintenance that is a big problem. He said that his staff will work with the people within the next two weeks.

Dean Trefethen stated that he believes that it is up to Pete Lavoie and his staff to look at that and revise as necessary. He believes that it is in Community Service's hands.

Beth Thompson made the motion to put this item back on the table.

Dennis Ciotti seconded.

**VOTE U/A**

**e. Discussion and possible vote on a major subdivision of land for Saunders & Westcott Assocs., LLC, located on Varney Road. (P04-47) (17 lots)**

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

Pete Lavoie seconded.

**VOTE U/A**

Kevin McEneaney stated that he is representing the applicant. He introduced Christian Smith of Beals Associates. This is a 16 lot OSS subdivision, located on Varney Road. The site is approximately 50 acres in size. Two of the lots will be accessed directly off of Varney Road. The remaining 14 lots will be accessed off the newly constructed Picard Lane. Of the 50 acres, 31 of those acres would be left as open space making the open space in excess of 60%, which far exceeds the minimum requirement for the OSS. He said that this Board held a site walk three weeks ago that was well attended by the neighbors and the Board members. The Conservation Commission voted to approve the subdivision as presented. He said that they just received their Wetland Permit today. One concern at the site walk was the location of the proposed sewer easement which was recommended by the Engineering Department.

Christian Smith stated that in 1994, Hoyle Tanner had done a design bringing the sewer up Longhill Road, down Varney Road, and then through the Picards property and connecting into Cherokee St. In working with Dave White and Paul Vlasich with regard to sewerage the buildings and tying into what would be their trunk main, it dawned on them that if they upped the pipe size that they could probably come down in between the proposed lots 10 and 11, tie into their system rather than having an 8" pipe in there; just put the 18" pipe. He then proceeded to point out the locations of the various manholes.

He said that the Public Works Department wanted to keep their options open. They would like to have the easement granted to the City but in addition to that, provide the easement that would go down between lots 10 and 11 and connect down to the previously proposed easement so that they can have the flexibility to pick and choose at the point that this item gets approved. He said that they will leave the requested easement across the alternative location for that sewer design.

Kevin McEneaney said that there is an issue relative to sewer services for each of those lots with the house locations in the exact location of potential easements. His recommendation in talking to Steve Stancel is that they would make a provision within the homeowners association, that when the homeowners receive their deed, they are buying into the fact that they will, in the future, provide easements as needed to tie into that sewer line depending on which location it is in. Without knowing where it will be, it is difficult to be specific. He said that he has reviewed the conditions of approval and they have submitted a copy of the Homeowners Association documents but the staff has not had time to review them.

Dean Trefethen asked what the requirement would be for the homes to tie into the sewer.

Pete Lavoie stated that they would be required to tie in or they could go to Dover Utilities Commission and request a waiver until their septic systems fail and then they would be required to tie in. He explained why they were asking for the two easements. He then spoke about how technology is changing. He said that with direct drilling, you don't end up tearing up the whole neighborhood. They are able to go under roads and bring the sewer line right into the house without disturbing the landscaping of the home. He asked the Board to consider keeping the options open.

Dean Trefethen said that he would be looking for some wording in the homeowner documents that tell the buyers that the long-term plan is to have a sewer line and even though they are septic now it will very likely be going to sewer.

Kevin McEneaney said that the individual deeds could specifically say that they are subject to a homeowners association as specified in such and such a document as recorded at the Registry of Deeds. He said that the language can be explicit that, not only is it recommended, but there is a requirement that if the sewer line goes in, they will provide an easement in order to provide access for their unit to that sewer. In addition to that, in some of those service easements it may be required to go across some of the open space. Since the homeowners are going to be owners of the open space it will have to be put into that easement document as well.

Frank Torr asked if the City would relinquish the easement if the alternate easement is used.

Steve Stancel stated that we could write in that if the City doesn't need to have the easement, it would be extinguished.

Frank Torr asked about the water being tied into the Indian Village where there is low water pressure.

Pete Lavoie explained that there could be a tie in on the back side of Foster's lot on Longhill Road Extension. There is a way of getting there and they still have the Old Rochester Road upgrade of the water main, which will help that area and would create a complete loop.

Frank Torr stated that he is not trying to hinder the development, but that it is something that needs to be thought about.

Kevin McEneaney stated that that is one of the reasons that they are providing the easements so that they could provide sewer and water if necessary. The condo documents of the homeowners association would specify that the easement is for utilities in general so that it is not limited strictly to sewer services. He said that it is their preference that if the easement is not necessary, it would be extinguished, if possible.

Chairman Cole reopened the public hearing.

Margaret Buckingham, an abutter, asked if the 50' buffer would be specified as a no-cut buffer and if that language could be included in this plan.

Kevin McEneaney stated that the majority of the buffer would be a no-cut buffer but in the area that actually abuts Mrs. Buckingham's lot (lots 14, 15, and 16), there is a 4,000 sq. ft. area, which is the receiving area for the septic system. It may not be the location of the septic system itself but it is what is necessary to be provided to the State to prove that there is sufficient receiving area. They are hoping that they can design the leach beds so that they are not within the 50' buffer, however, if for some reason they can't design it outside of that area, they would plant sufficient screening that would act to buffer as a natural buffer.

Margaret Buckingham stated that it would be fine with her.

Tom Fargo explained from the Conservation Commission's point of view why they were hoping that the sewer could be routed through the street rather than go around the outside. They were very interested in maintaining somewhat limited public access to this area. They recognized that the homeowners association, if they own this area, would have significant problems if there were parties going on. He said that there are a number of trail systems that do go around the open space areas. Mrs. Picard has allowed local residents to walk around and enjoy the area and they would like to see that limited public access maintained. He said that he suggested that the easement documents or the covenants have what is considered revocable public access agreements. He explained that if the homeowners association found that there is too much inappropriate activity out there, they can post the area for no trespassing. He would like to modify that recommendation and say revocable reinstate able public access. He would like to see

that these accommodations are addressed in the covenants for the homeowners association.

Tom Fargo explained that the idea for having rights of posting for no trespassing is common in some of the LCHIP grant easement areas. They do allow the landowners limited rights to post for different times of the year, which could be associated with hunting. He said that it is so that problems don't develop and that is why he would like that type of flexibility in the agreement.

Kevin McEneaney stated that the applicants have agreed that public access would be a component of the homeowners association and be glad to provide Mr. Fargo a copy of those for review.

The public hearing was closed.

Steve Stancel gave the recommended conditions of approval as follows:

1. Add the owner's signature to the plat.
2. The applicant shall provide the Planning Department with a copy of the Department of Environmental Services (DES) Subdivision Permit and add the permit number to the plat.
3. The applicant shall provide the Planning Department with a copy of the DES Wetlands Permit and add the permit number to the plat. (copy received)
4. The applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plat.
5. The applicant shall provide the Planning with proof that the Environmental Protection Agency's Notice of Intent Permit has been filed.
6. The approval includes the granting of a waiver to allow the pavement width to be reduced to 24 feet.
7. The approval includes granting of a conditional Use Permit with the condition that there be public access allowed on the open space lot under specific revocable conditions.
8. Revise the plat to add a note indicating that the open space lot will be owned by a homeowners association and that the open space lot will be placed under a conservation easement to be held by the City of Dover, a land trust, or a combination of both. The easement shall be executed prior to the issuance of the first certificate of occupancy. Said easement shall include adequate provisions for utilities.
9. The applicant shall provide the Planning Department with a copy of the proposed homeowners' association documents prior to the signing of the plat.
10. Revise the plat to show the 50-foot Conservation District along Reyners Brook.
11. Revise the plat to add a note containing the open space calculations.
12. In lieu of providing on-site recreation, the applicant agrees to contribute the sum of \$3,000 to the City of Dover for use on existing off-site recreation facilities, prior to the issuance of the first building permit.
13. The applicant shall contribute the sum of \$4,989 to the community Services Vehicle Fund prior to the issuance of the first building permit.

14. Revise the plat to add a second utility easement to run within the roadway and connect with the first utility easement on the open space lot so as to limit the potential wetland impact.
15. Revise the plat to add a note that the 50-foot boundary buffer shall be maintained in its natural state of open space and that vegetation removal shall be limited to dead or diseased vegetation. This stipulation shall also be included in the homeowners association documents. The first three lots on the right, entering the project #14, 15, 16 shall provide individual landscape plans providing adequate buffer for abutting parcel prior to issuance of building permits if encroachment occurs within the 50 foot setback.
16. Revise the plat to address the conditions recommended in the Dave White memo dated 11/5/04. as follows:
  - a. Place the headwalls at station 6+25 on the right of way lines.
  - b. The culvert at station 1+25 is mislabeled on the profile as 12”.
  - c. Extend the grading and drainage easement between station 7 and 8+60 (right) to 15 ft. off the right of way line to encompass a future swale.
  - d. Finalize the UGE&T utility and show the services to the lots.
  - e. A decision has not been made on the proposed easement location for the future sewer line. This decision will hopefully be finalized by the planning board meeting on Tuesday.
17. If and when utilities are run through the site any easements not utilized shall be dissolved.
18. The applicant will be on record that the project is subject to impact fees.
19. Memo from Dave White dated 11/9/04 as follows:
  1. The easement for the truck line that runs through the subdivision remains as proposed by the engineer.
  2. The easement for the Reyner's Brook sewer line remains as shown per the Hoyle Tanner plans.
  3. That the engineer recommend possible tie in options and routes for the ties in of the houses in the subdivision to the Reyners Brook sewer line if the sewer main is not run through the subdivision. All easements should be 30-foot wide utility easements with a 50-foot wide construction easement overlapping.

Don Andolina asked for an explanation of the \$4,919. fee for Community Services  
Steve Stancel explained how a formula for new roads was devised.

Frank Torr made the motion to approve with the 19 conditions of approval.  
Beth Thompson seconded.

**VOTE U/A**

**ITEM #6: New Business**

- a. **Notice of lot merger for Madeleine H. Proulx., Assessor's Map H, Lots 14 & 14C, locate on Durham Rd.**

Frank Torr made the motion to approve the merger.

Beth Thompson seconded.

**VOTE U/A**

Ron Cole announced that next Tuesday night at the Radisson in Manchester, The American Council of Engineering Companies of NH are hosting a Brownfields Redevelopment Focus NH seminar.

Ron Cole announced that next Monday, November 15<sup>th</sup> there are two good meetings. The Open Lands Committee from 7 – 9:00 PM in the Council Chambers and November 15<sup>th</sup> at 6:00 PM, at the Dover Public Library, Public Hearing to discuss the Community's vision for the redevelopment of the City's parcel on the Cochecho waterfront. Also on Thursday, November 18<sup>th</sup>, Collaborating to Achieve Municipal Land Protection Goals, the City of Dover's Open Lands Committee in conjunction with the Strafford Rivers Conservancy, at the Dover Middle School at 7:00 PM.

Frank Torr emphasized what a great job Hiroko Sato was doing reporting on the Waterfront and also to list the website details the charrette

**ITEM #7: Adjournment**

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

**VOTE U/A**