

**DOVER PLANNING BOARD
MINUTES OF MEETING
MAY 13, 2003**

MEMBERS PRESENT: Margaret Stevenson, Allen Schintzius, Anthony McManus, Pete Lavoie, Frank Torr, Beth Thompson, Ronald Cole

MEMBERS ABSENT: Parks Christenbury, Dennis Ciotti, Joyce El Kouarti

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

Chairman Cole brought the meeting to order at 7:02 PM.

ITEM #1: Citizens' Forum

There were no speakers.

ITEM #2: Approval of the minutes of the Meeting of April 22, 2003.

Peg Stevenson made the motion to approve.

Beth Thompson seconded.

VOTE U/A

Abstained - Anthony McManus

ITEM #3: Consideration and acceptance of an application for a Minor Lot Line Adjustment for Anastasia Boduch, Trustee (Owner Lloyd & Sheila Elia Rosevear) Assessor's Map 13, Lots 30 & 31, zoned R-12, located on Rutland Street. *(P03-19)

Kevin McEneaney represented the applicants and stated that it is a simple lot line adjustment because the house on Lot #41 encroaches over the property line and they are here to correct that problem. He said that the setback won't quite be met but this will separate them as much as possible.

Peg Stevenson 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.

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

1. Add the owners signature to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Revise the plat by adding the minimum building setback lines for both lots.

Beth Thompson seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a Major Subdivision of land for Anastasia Savramis 96 Revocable Trust, Assessor's Map 17, 95F, zoned R-12, located on Woodland Road. * (P03-20)(12 lots)

Ron Cole announced that he would listen to the representative of the applicant and hear any comments of the Board and then open a public hearing where the public can speak. He said that his plan is not to take action this evening but to solicit concerns of the people and then schedule a site walk.

Bob Stowell, Tritech Engineering, represented the applicant. He stated that the parcel contains 6 1/2 acres of land with a single farm house on it and they are proposing to subdivide the land into 12 lots. He said that they will reconstruct a section of Woodland Road and build a new cul-de-sac. They will also extend the City water and sewer and provide underground utilities. Bob stated that they are in the process of addressing the Technical Review Committee issues. He said that the Conservation Commission has problems with two of the lots and would like to be included in the site walk.

Steve Stancel asked Bob Stowell to explain what there is now for drainage and how this plan will make it better.

Bob Stowell stated that the water is collected on their site and leaves the property at the southwest corner of Lot 2, then goes in a culvert under the existing driveway and drains across Map 17, Lot 145 and then drains into a catch basin located in the back yard of lot 144. They are proposing to discontinue that swale that drains overland across those properties and tie it in with a closed drainage system and keep it all hard piped underground. They feel that it is a better solution than having it run through people's yards. Bob said that it would be hard piped to an existing closed drainage system in Woodland Road that cuts through a couple of lots and hooks into the Governor Sawyer Subdivision and winds its way through that project into their detention area and then the drainage is released from there.

Tony McManus asked if any thought has been given to a subdivision with six houses and acre lots rather than the twelve to address the issues of congestion.

Bob Stowell stated that it is an R-12 zone and is surrounded by similar type lots, and that it is a good example of in-fill development.

Beth Thompson made the motion to accept the application.

Peg Stevenson seconded.

VOTE U/A

The public hearing was opened.

Elisa Moore at 9 Beech Road, was concerned that this would change the character of their neighborhood. She said that it is very difficult to pull out onto Stark Ave. She said that she and her husband are concerned with what is happening in Dover and that soon there will not be any open space anywhere and Dover will become another Massachusetts. She said that they are not considering one acre lots because greed steps in to the detriment of the City and the taxpayers.

Henry Mentel, 11 Governor Sawyer Lane, stated that his wife is the president of the Governor Sawyer Lane Assoc. He said that the general concern of the association is the drainage issue. He said that two of their neighbors have continuous running water. He said that he understands that the houses directly abutting the Woodland property are on ledge. He stated that their driveway is very steep and in rainy weather the water drains into the center of Governor Sawyer. He said that he was not aware that this project wanted to tie into their retention pond.

Virginia Mentel stated that one of the association members has sent a letter to say that she has water buildup in the back yard. Ms. Mentel said that the retention pond belongs to the association and they pay the taxes and insurance on it. She said for someone to go into the retention pond is something that they have to get their permission for and that the whole association has to agree on it and if they don't agree, it doesn't happen. She said that, at the moment, they don't wish that to happen unless they can show that they are not going to do any damage. She said that they are concerned with the blasting of ledge and the lot sizes and home sizes with the drainage being the most important.

Doreen Raymond, 7 Governor Sawyer Lane, was concerned with the drainage and stated that the existing drainage is not adequate. She said that she was told that they would not be putting in anymore drainage. She said that they all have covenants on their property and asked if the new development used the detention pond if they would have to abide by the same covenants and if it would be in their deeds like it is on theirs. The original people may say yes but subsequent buyers might not like that. She also asked if there was ever a study done on how much that detention pond would hold because it is not huge and in the spring it is quite full. She asked that it be taken into consideration that they are on the bottom of the lots that they are about to approve and that several of the lots have problems with water.

Phil Hatcher, 9 Woodland Road, was concerned with the drainage and the amount of water that runs right down the driveway on the parcel and comes down to his yard where there is an indentation which overflows and runs down to his neighbor's yard. Other concerns were additional traffic and that a buffer of trees be left. He asked who would be building the homes so they could see examples of his work.

Ed Lokiec, 7 Woodland Rd., stated that he is the oldest resident in the area. He gave a history of the area and pointed out the ledge areas and the drainage. He said that if they had half as many lots the lots would still be smaller than the adjacent properties. He stated that the Planning Board's obligation is to protect the existing citizens.

Pat Nicolosi, 16 Governor Sawyer Lane, stated that it is the first time she has heard that another subdivision drained into their drainage system. She said that they pay the taxes, do the physical maintenance and pay the insurance and now she is finding that they are also getting water from an adjacent subdivision and that a third subdivision wants to tie into the system. She asked to see some of the proposed builder's work. She stated that they have looked at wildlife for a number of years and she would like to be assured that some kind of a vegetative buffer zone would be maintained. She was concerned with the blasting and the affect it would have on the abutters. She stated that they would like a vegetative buffer.

Chuck Zerponopolis, 12 Long Meadow, stated that it is a great place to live and the idea of 12 more houses bothers him and his wife. He is concerned with the traffic getting onto Stark and the safety of the children in the neighborhood with the addition of 12 extra house lots.

Rene Ferland, represented Mike Skowron, and stated that Mr. Skowron submitted a letter indicating that he was concerned with the drainage backing up in his driveway and the blasting.

Pete Lavoie explained that any drainage that would be done would be the responsibility of the developer and not the City. Pete Lavoie stated that the Engineering Department is reviewing the plans for the drainage of the whole area.

Gary Traversy, 6 Woodland Road, stated that he wanted to add that he is also concerned with the change in the neighborhood and the drainage problems.

Steve Stancel stated that he doesn't see this project coming back before the Board until the June 10th Planning Board Meeting.

Chairman Cole suspended the public hearing and scheduled the site walk for 6:00 PM, May 19th, meeting by the stone pillars at the end of Woodland Road.

Peg Stevenson made the motion to table.

Tony McManus seconded.

VOTE U/A

Chairman Cole called a 5 minute recess at 8:00 PM.

Chairman Cole called the meeting back to order at 8:08 PM.

ITEM #6: Consideration and acceptance of an application for a Major Subdivision of land and Conditional Use Permit for Morgan Ryan Realty Trust, Assessor's Map B, Lots 18-26-34 & 39-47, Zoned R-40, located off Cornerstone Drive. * (P02-26)(18lots)

Attorney Malcolm McNeill, represented the applicant and introduced Joe Coronati of Jones & Beech Engineering. He stated that this is an amendment to a vested subdivision that was approved in 1988. He said that at that time 51 lots were approved. He said that some of the lots that were approved have been developed. The road which services the lots is a private road. There is community septic and public water. When this plan was approved approximately 36 out of the 48 acres were in open space, which exceeds the new standards in Dover. This amended plan proposed to add an additional 1.6 acres of open space to the site and it also proposed to eliminate approximately 225 feet of roadway and reduces the number of lots from 24 to 18. He said this is consistent with the City's Master Plan. He added that the road is private and is not a burden to the City and the septic is proposed to be on site. They have attempted to utilize the most beneficial land and enhance the open space. He said that there is a wetlands crossing which will require a conditional use permit. They have not gone before the Conservation Commission and he

suggested a combined site walk. Mr. McNeill compared this subdivision to a mutated ADS. He said that they are working through the comments that were made at the TRC and they are confident that what they are proposing to the DES is going to work. This is a modification of what is a vested project but is being done in a fashion that reduces the impacts to the municipality and to the abutter and enhances the project, consistent with the present thinking of the City.

Joe Coronati stated that the roadway has Cape Cod curbing, which is a closed drainage system so all of the drainage from the road is collected within the confines of the pavement and is directed towards the bottom cul-de-sac where the water is discharged, treated and then goes into the existing wetlands. There is City water, gas and there are various pump stations to pump up to the various sewerage systems.

Malcolm McNeill stated that they intend to improve the roadway after they are done the process. He said that reasonable anticipation of development of this site has been referred to in all of the deeds. He said that the plan has never been revoked and it is vested.

Frank Torr made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing is opened.

Nathan Paradise, 2 Jacksonville Terrace, represented the Cornerstone Crossing Association. He stated that he wanted to ensure that the new houses would have to be part of the existing association without any new privileges or restrictions. He said that the new houses would take care of the new leach fields and the existing houses would take care of their leach fields, and somehow keep things separate and yet be part of the existing association. He said that they want to be sure that there are no differences between the new houses and the old houses as far as the association goes. He said they would like to see that not just an improvement to the road is made, but they would want it to be redone and repaved.

Jane Stuart, 12 Cornerston Drive, stated that she is an abutter to one of the house that appears to be built in a wetland area, which is one of her concerns. She said that her other concerns are the leachfields, that are located behind her house. She stated that the three houses that are already there are very flooded with water at the present time and they are concerned that they do not have any further problems in their back yards. They have just put in an addition and a garage to their property and when the inspectors came out for the inspection, it was noted that the lot beside them was totally wet and that would not be fair to any purchaser. She said that she thinks that the location of the leachfields is actually wetlands also. She said that it's a beautiful area and she would like to see one acre lot sizes and some vegetation in the landscaping and would like to see the roads totally replaced. She asked how much frontage was needed for a house and what the new wetlands regulations were.

Steve Stancel explained that the new setback requirement is 50 feet from any wetlands areas but this project does not have to meet with the new regulations but with the regulations that existed at the time that the project was originally approved.

Keith Madden, 190 County Farm Cross Road, stated that he is concerned with the new proposed leach fields. He said that the drainage will have an impact on him and will flood his garden area. He said that the water that is not directed toward him is directed towards the wetlands. Mr. Madden explained that the wetlands on the site drain into Jackson Brook, which is not shown on this plan. He said that Jackson Brook crosses under County Farm Road that was the location that flooded not very long ago. The runoff from these new homes, without any provisions for drainage ponds, will just keep flooding out that road. He feels that the jurisdictional wetlands have been disguised because of the busyness of the plan. He said that if they had prepared a drainage plan it would make it easier to see what is going on up there.

Mr. Madden said that there is no notation of deed restrictions or covenants that have been placed on the land by the association and also for himself. He said that one of the deeds, of which the previous owner had purchase approximately 14,000 sq. ft. of land from the Bolstridges on Feb. 2, 1990, and part of that agreement was that the buyers or the grantees would construct a berm between his property and this project and that is not shown on this plan. That buffer zone that was agreed to was going to be 20 feet wide and two rows of white pines would be planted and spaced 10 feet apart. Mr. Madden gave a copy to the Board. He said that he doesn't think that a planting of white pines is appropriate, and suggested that a mixed planting would be more appropriate. He suggested that that planting be extended all the way across to the abutters property to the south as well. He said that the raised leach fields will need pumping stations and will have candy canes making them look like a hazardous waste dump. He said that city sewer is now located at the corner of County Farm Rd. and County Farm Cross Rd. which is not that great a distance from this project and he suggested that this project be required to tie in to the City sewer, to alleviate the concerns with the existing leach fields which have failed previously. He said that they will be getting odors with 5 leach fields. Mr. Madden asked if the applicant has submitted an impact study because of the endangered species out there. He would like to see on the plan a notation of his prior agreement that was supposed to survive any further development. He said he would like to arrange a meeting with the applicant to see if they can reach a mutual agreement as to what an appropriate berm and planting would be for that buffer zone for his property. He said that once that site is developed the kids will be playing in the street and he feels there should be play area or sidewalks because it will make a better project.

Jim Warkle, 132 County Farm Cross Rd., stated not all of the abutters were invited to the neighborhood meeting that Mr. McNeill referred to. He will be getting a septic system in his back yard. He said that the project may be vested but their area has experienced a lot of development in the past few years. He said that they are experiencing a lot of increased traffic with the County Jail, the court house and the athletic fields. He is concerned with the increased traffic this will generate. He said that there are two active springs that are not noted and will fall in the middle of the leach fields. He would like to see more neighbors like the ones that are still there, because they are good people, but he wants to see it done in a responsible manner.

Greg Merkly, 98 County Farm Cross Road., stated that he was not invited to the meeting. He was concerned with the drainage with regard to the contour of the land. He said that the land is clay so the water will run. He was concerned with the children and said they presently are using a field out there for ATVs. He said that he doesn't want to see the kids out on County Farm Cross Rd. because there will be accidents. He said that a lot of the kids use his property and they are welcome to use it. There has to be a place for the kids to play.

Chairman Cole suspended the public hearing.

Steve Stancel stated that he does not see that this project will be coming back until June 10th because they have to go to the Conservation Commission.

Chairman Cole set the site walk for Wednesday, May 21, 2003, at 6:PM. Meeting at the end of the street.

Peg Stevenson made the motion to table.

Frank Torr seconded.

VOTE U/A

It was noted that a letter would be sent to the Conservation Commission advising them of the joint site walk on Wednesday.

ITEM #7: Consideration and acceptance of an application for a minor subdivision and Conditional Use of land for Philip Jennison, (owner Estate of Louise M. Fogarty) Assessor's Map K, Lot12A, 12B, zoned R-12, located on Middle Road.* (P03-21) (1 lot)

Paul Connolly, represented the applicant, and gave a history of the lot saying that there is presently a single family home and a shed on the premises. He said that the parcels are not consistent with the present day zoning for R-12. He said that parcel 12A is about 10,303 sq. ft., 12B is about 9,028 sq. ft. and the unknown parcel is about 9,000. In an effort to settle the estate, the heirs would like to sell off what remains here as two parcels that conform entirely with the zoning ordinance. He said that they are also asking for a Conditional Use Permit so that they can construct a private way to get into the house proposed on the new Lot 12B. They have gone before the Conservation Commission and were unanimously approved

Ron Cole left his seat and Tony took over at 9:05.

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.

Ron Cole took his seat and Tony McManus went back to his.

Beth Thompson made the motion to approve the subdivision plan and the Conditional Use Permit with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.

VOTE U/A

Abstained - Peg Stevenson

ITEM #8: Old Business

There was none.

ITEM #9: New Business

- a. Discussion of a request by Matt R. Williams III for a zoning change from R-12 to B-3 for Assessor's Map K, Lot 26, located on Dover Point Road.

Steve Stancel stated that this particular area was proposed to be rezoned to B-3 and did receive Planning Board approval but when it went on to the City Council the City Council overturned the proposal. He said that that left a rather strange looking area where you have an existing B-3, where the Thornwood Farms Building is located, and the area in front and abutting against a B-3 zone is R-12. He said that Mr. William is requesting that the area that is zoned R-12 be rezoned to B-3. This is a much smaller scope than what the Planning Board had previously approved.

Chip Williams stated that he is here representing his parents, Matt and Helen Williams.

Steve Stancel explained that if the Planning Board saw fit to approve this, the next step would be to send this to a public hearing in front of the Planning Board, at which point the Board would make a recommendation onto the City Council or the Planning Board could kill it right now if they didn't see fit to send it along.

Steve Stancel explained that because the staff recommended the previous approval, they should recommend the approval of this particular area. One of the arguments that the staff made is that they see that slowly but surely there is going to be more and more non-residential development in this particular area. If this doesn't get rezoned, someone will come in for a variance and they would speak in favor of the variance because this is not your typical R-12 given the traffic in the area. He said that they would rather have it go B-3 and have more control as to what goes in there in the future.

Steve Stancel explained that the Planning Department has a policy that they don't send non-residential traffic through a residential neighborhood. He said if there were an ETP user in the rear, to have access to this particular area would be difficult, and would have to be access through another area.

Mr. Williams stated that they do not own the B-3 property that is located in the front, it is owned by the Elliot Rose Co.

Tony McManus stated that he would be opposed to this proposal for the same reasons that the City Council voted it down. He thinks that to do this process again within a very few months is really a slap in the face to the people who live in that neighborhood. He said that the people convinced the Council that this is an inappropriate use of that property. He said that he feels that they do have access through the existing B-3 and the Board might have a problem with rezoning a single lot with a claim of spot zoning.

Ron Cole stepped down before there was further discussion because of the relationship that his company has with a portion of that property.

Chip Williams stated that there are two separate land owners and he doesn't see an easement happening.

Ron Cole left the meeting at 9:20 PM.

Frank Torr stated that he felt that this should go forward because the Board rezoned the back parcel to a commercial type use and it would be consistent to rezone the front to commercial because it is contiguous. He still doesn't understand what happened at the Council Meeting that night because the majority of the residents from the opposite side of the street were in favor of the B-3 but only 3 residents were in favor of retaining the R-12. He said that something went amiss and it is possible that some didn't know what they were voting for.

Steve Stancel explained that if this goes forward, the abutters will get formal notice.

Tony McManus asked if it wouldn't be better to zone it ETP so that it is consistent with the land in the back.

Beth Thompson stated that ETP doesn't belong on Dover Point Road, but it is good zoning to have compatible uses abutting each other and she said that she didn't feel it would be fair to a residential user to have ETP behind them, or to have ETP development delayed because of residential in front. She stated that the Board should go forward.

Peg Stevenson made the motion to approve the request and refer it to the a Public Hearing.

Beth Thompson seconded.

VOTE U/A

3. Request by Eric Katz for Impact Fee Waivers for subdivisions known as Meadowood at Dover and Ezra Green's Farm.

Steve Stancel stated that both subdivisions were approved and under construction before the School Impact Fee was approved. He said that based on RSA 674:39, the Planning Department recommends approval of the waiver request for the School Impact Fees in the Meadows and Ezra Green's Farm.

Frank Torr made the motion to approve the waiver.
Beth Thompson Seconded.

VOTE U/A

Tony McManus stated that there is a letter to the City Council in the packet requesting the appointment of Joyce El Kouarti be appointed to a regular member and there has not been any response as of yet.

Tony McManus stated that there is also a notice from DOT with regard to a meeting on May 28th with regard to Exit 10.

Frank Torr asked Tony McManus if he could ask the Chairman to write a letter to the Mayor asking for an alternate appointment for the Council Representative to the Board.

Steve Stancel stated that Councilor Christenbury called to say that he had a previous engagement and the Council has never appointed an alternate.

Peg Stevenson asked about how many new homes would be coming in for the waiver.

Steve Stancel stated that he could get her the number. He said that many projects will be grandfathered if they have completed substantial development. He said that as time goes on the new subdivisions will be subject to the impact fee.

Tony McManus asked if there has been any word from the representatives of the Meadows.

Steve Stancel stated that they would be meeting with their attorneys probably on Thursday to discuss a possible settlement offer and they are not optimistic that it will be taken at which point it will probably end up in court.

ITEM #10: Adjournment

Frank Torr made the motion to adjourn.
Beth Thompson seconded.

VOTE U/A