

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 29, 2003**

MEMBERS PRESENT: Allen Schintzius, Margaret Stevenson, Parks Christenbury, Anthony McManus, Ronald Cole, Dennis Ciotti, Frank Torr, Beth Thompson

Chairman Cole brought the meeting to order at 7:01 PM.

ITEM #1: Citizens' Forum

Marilyn Follansbee, 25 Dover Point Road, thanked the Board for listening to the citizens. She said that it is a hard job for the Board and sometimes it is a hard job for them. She said that the Council Chamber is very hot and if the Planning Board could do it, it should request that air conditioning be put in. She said that the citizens of Dover would benefit and the Boards that meet here would also.

ITEM #2: Approval of minutes

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

VOTE U/A

Abstained – Allen Schintzius

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for Prebble Beach Trust, Assessor's Map G, Lots 10-17 & 10-18, zoned R-12, located on Taylor Road (P03-37)

John Coliender represented the applicant and stated that this lot line adjustment only affects lots 17 and 18. He said that there was a mistake on the designation on the boundary line on the original plan. He said that the lot line denoted to be eliminated had never existed to begin with. He said that this plan reconfigures lot 17 and 18 to properly reflect the Farmer lot to what it should have been. Mr. Coliender gave some revised plans to Steve Stancel.

Parks Christenbury made the motion to accept the application. Peg Stevenson seconded.

VOTE U/A

The public hearing was opened.

Christen Hickey, 338 Washington St., passed out copies of the abutters list. She was not given official notification as a direct abutter at the time that the other abutters received certified letters. She said that the Assessor's Office has her listed as the owner of 338 Washington St. and sends her tax bills for that property. She said that she is currently paying taxes not only on that property but on every lot on the right hand side of Taylor

Rd., including the proposed lot #18, due to a delay in recalculation from the previous owner. She said that she has been in contact with Attorneys Chris Wyskiel, Jim Schulte, FX Bruton and Simone Massy and they all expressed concern regarding these issues but were unable to assist her prior to this meeting because there was not sufficient time to gather evidence. She said that there is a case in NH law dealing with notification which is Barrington vs. Hussy and there are possible encroachment issues that need to be researched. She said that the attempt to shoe horn lot #18 in an extremely tight area at the top of a wetland is questionable, given today's setback regulations. She said that she is requesting a postponement so she can retain council to ensure the integrity of the wetlands and the adherence to all applicable law and regulations.

The public hearing was closed.

Ms. Hickey stated that she wrote a letter to the Planning Department in May asking that she be notified if this came up and did not receive a reply.

Steve Stancel stated that he would look into that.

Peg Steven made the motion to table.

Parks Christenbury seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a Driveway Waiver for Michael Ham, Assessor's Map 32, Lot 18, zoned R-12, located at 335 Washington St. (P03-38)

Sean O'Connell represented Mr. Ham and explained why the driveway was denied. He said that the reason for the denial was that there was no hardship and under the driveway rules hardship is not grounds for denial. He said that Mr. Ham has a deeded right-of-way over his neighbor's property to access his land but Mr. Ham simply wants his own driveway. He said that the Planning Department feels that there should be a survey conducted of the property. He said that they have provided a not-to-scale drawing but a surveyed plan was not required. The property is small, there is limited area where this driveway could appear in any circumstance. The survey will be within feet of his client's rendering of it on his drawing. There is no impact on traffic. He stated that they comply with all City ordinances. He stated that the Washington St. frontage is 100 feet.

Beth Thompson asked why the driveway is being shown as 20' wide, 130' long driveway for a small single-family home and the neighborhood.

Sean O'Connell stated that it is 12' at the entrance. He said that there is a parking area outside of a barn area which is to the right side of the rear of the house.

Frank Torr was concerned with the separation of only 2 feet between the driveways and with snow removal.

Mr. O'Connell stated that they would be sure that the snow did not encroach on the neighbors' property. He stated that there would be discontinuance of the use of the right-of-way when this driveway is constructed.

Tony McManus made the motion to accept the application.
Peg Stevenson seconded.

VOTE 6 – 2 Opposed – Pete Lavoie, Frank Torr

The public hearing was opened.

Don Briand, 331 Washington St., the owner of the current shared driveway said that he supports the proposal for the driveway but his only concern is that the plans that are submitted do not agree with the lot lines that are drawn on that map. He said that the copy that he saw showed that the property line ran right along the edge of the existing driveway and he believes that the lot line is actually 2 feet over from the driveway. He said that he would like the 5 foot driveway setback adhered to. Mr. Briand stated that he would like the driveway to maintain the aesthetic integrity of the area and that there be a suitable buffer between his property and a parking lot that is now to the rear of the barn and is in line of sight from his house.

Discussion ensued with regard to the of snow plowing and the length and width of the existing driveway.

Ron Cole recessed the public hearing.

Steve Stancel stated that the Planning staff did a site walk on this property last week and they felt that there were some inaccuracies in the hand-drawn plan. Steve Stancel stated they also identified some fresh survey bounds so it was clear to them that it has recently been surveyed. He said that they have asked the applicant to provide them with some kind of a certified plot plan so they can be sure that this is accurate before they make any recommendation. He said that they would like the applicant to identify the sight distance in both directions from the entrance prior to making any decision.

Tony McManus made the motion to table the application.
Parks Christenbury seconded.

VOTE U/A

Chairman Cole did not see the need for a group site walk but suggested that everyone go on an individual visit.

Sean O'Connell answered that there was a survey done recently but there is no plot plan that has be produced as a result of that.

ITEM #5: Consideration and acceptance of an application for a site plan of land for Temple Israel of Dover, Inc., Assessor's Map A, Lot 45A-2, zoned R-40, located at 515 Sixth Street.*(P03-34)

Bob Stowell, Trittech Engineering, introduced Doug LaRosa, Project Engineer and Eric Paulson, the architect. He depicted the property as a long narrow piece of land with a 1,500 ft driveway that meanders around some wetlands. They will tie into City water & sewer. They are requesting a waiver to the 24' foot wide driveway requirement to 20 feet wide and provide gravel shoulders on the side to compensate for the pavement width. He showed a rendering of the building. He said that they are proposing 50 paved parking spaces and an additional 20 overflow spaces that will be gravel at this point for major events. If in the future they find that those will be used on a consistent basis, they would at that point pave those spaces.

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 including the Conditional Use Permit, as well as the waiver for the 20 foot wide drive with the following conditions:

1. Add owners' signature to the site plan.
2. Provide the Planning Department with a copy of the NH Site Specific Permit and add the permit number to the plan.
3. Provide the Planning Department with a copy of the NH Wetlands Bureau Permit and add the permit number to the plan.
4. Provide the Planning Department with an analysis of the lighting plan.
5. Provide the Planning Department with proof that the applicant has filed a Notice of Intent and Storm Water Pollution Prevention Program with the environmental Protection Agency.

Beth Thompson seconded.

VOTE U/A

ITEM #6: Old Business

- a. **Discussion and possible vote on an amendment to the Dover Zoning Map changing from Medium Density Residential (R-12) to Thoroughfare Business (B-3 an area of 1.6 acres located at 26 Dover Point road.**

Ron Cole stepped down and Tony McManus took over his seat.

Steve Stancel stated that the public hearing was closed at the last meeting.

Frank Torr made the motion to take this item off the table.
Peg Stevenson seconded.

VOTE U/A

Parks Christenbury stated that this has already been before the Council and they decided that they didn't want to rezone and he hasn't seen any change. He felt to put the abutters through this again, and under the circumstances, he feels for the applicants and fundamentally agrees with him, however, he also has to recognize the fact that the abutters fought the fair fight and convinced the Council that the rezoning was not appropriate in this area. It's still the same Council and he will vote no.

Beth Thompson stated that the Planning Board did a lot of work on this and this lot was part of a larger portion that was denied by the Council. This is one lot on the other side of the road. This rezoning makes sense because we are talking of a parcel that has in the vicinity of 20,000 cars going by it per day with ETP zoning behind it. She said that the ownership of the lot doesn't matter and this is something that we have to take personalities out of and look at what is in the best interest of the City. She thought that it would be desirable land for businesses. She said that there is another property owner in the vicinity that wants to put in a business in their existing house. Beth emphasized that the neighborhood is changing and that the Board recognized that it was changing and that we must pass that message on to the Council.

Frank Torr stated that he agrees with Beth that you have to look at the injustice being done to the land owner that is asking for the rezoning because we have put him in a terrible position and now, as a result of the action of the Council by turning down part of the rezoning, and yet accepting the other portion. He added that the rezoning for just a small parcel will not disrupt what occurs on Dover Point Road.

Tony McManus pointed out that there is a legal issue with rezoning a single lot.

Beth Thompson said that any court would look at the whole area and the abutting property being the same zone that we are proposing and that it would not be spot zoning.

Frank Torr stated that that is his point, it is not like a piece of land separated by other type zones, this lot dovetails right in with the zone that is there.

Parks Christenbury stated that this will have to go back before this Council and he can pretty well assure the Board that it won't get past the Council again.

Beth Thompson stated that it is the right thing to do and that we are sending the City Council a message. This a rezoning that is directly abutting a B-3, next to an ETP and she stated that she is not sure that they understand the ramifications of what they did by putting the ETP behind a residential.

Parks Christenbury stated that he thinks that they do and they know the ramifications it has on the abutters and that they will favor the abutters again.

Frank Torr stated that he moves that they recommend the rezoning to the Council.

Beth Thompson seconded.

**VOTE 3 – 4 Opposed – Parks Christenbury, Allen Schintzius, Pete Lavoie,
Dennis Ciotti**

**b. Discussion and possible vote on a major subdivision, for Anastasia Savramis 96
Revocable Trust, located off of Woodland Rd. (P03-20)**

Peg Stevenson recused herself from this item.

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

Frank Torr seconded.

VOTE U/A

Bob Stowell, Trittech Engineering, stated that they got a lot of feedback from the site walk and they have been to the Conservation Commission again to resolve the access into lots 1 and 3. He said that they had proposed separate driveways to lots 1 and 3. The Conservation Commission had concerns that they were impacting too much of the newly created 50 foot wetland buffer so they are now proposing an access into lot 1, and there is a common drive for lots 3 and 5 outside the wetlands buffer. He said that they got a favorable recommendation regarding the Conditional Use permit, as well as, their pending State Wetlands Permit.

Bob Stowell stated that they have had an additional neighborhood meeting with the Governor Sawyer's Homeowners Assoc. and presented several ideas regarding drainage and buffers. The plans have been revised that so there will be a 15' buffer along the common boundary line with Governor Sawyer. The buffer will be a green strip where none of the existing vegetation can be cleared in that area and the setback to that boundary line has been doubled from 15' setback to a 30' setback. He said that they will be keeping the existing trees along Woodland road by narrowing the roadway from 24' to 20' wide. He said that instead of having the 3' grass strip between the roadway and the sidewalk they will have the sidewalk right adjacent to the roadway. There is one tree that will need to be cut to accomplish the plan. Bob Stowell said that the sidewalk will be extended from the project out to Stark Ave. He said that it would be full road reconstruction from Woodland and Longmeadow into their project. He stated that they have provided the detailed drainage analysis that incorporated the Governor Sawyer project. He discussed the drainage swale that headed toward the Governor Sawyer project and carried flow into one of the abutter's backyard and what they have done is put a drainage easement on the swale but have changed the pitch so that it drains back to their project and carries it into the closed drainage system within the project. Bob Stowell addressed the traffic study that Kimball Chase did for them and then added that there were no problems.

Atty. Jim Schulte stated that the members of the Woodlands subdivision will become members of the Governor Sawyer association and will pay dues for their pro rata share of maintaining the pond and in addition the developer will be contributing a couple of years of back payments which will be going into the fund to assist with that. Woodlands will

have it's own homeowner's association because it has its own detention pond that they will be maintaining but those members will also be required to be members of Governor Sawyer's and will be paying dues. He added that the Governor Sawyer Association will not have to be member of the Woodlands'. He said that there is a request that the sidewalks for this project be concrete as opposed to the more typical bituminous. He said that there is only one subdivision that has concrete sidewalks and he thinks that that was done by mistake. The only other subdivision with concrete sidewalks is Governor Sawyer. All of the other subdivisions that have been approved in the past years have called for bituminous. He said that the Engineering Dept. is requesting that if the sidewalk is going to be placed immediately adjacent to the curbing that instead of angled granite that it be vertical granite, which is more expensive. He said that those two provisions are going to cost about \$20,000. The only reason that the sidewalks are going to be placed that close to the road is because the developer is trying to accommodate the concern of the City and the neighbors that the trees not be cut. They are asking that if the instead of the vertical granite and the concret,e that you approve angled granite curbing and bituminous sidewalks.

Discussion ensued with regard to the memo from David White.

Bob Stowell stated that the all the blasters are licensed and insured and any damage would be the responsibility of the individual blaster that would be hired.

Pete Lavoie stated that the Community Services Dept. has worked with this project to make it happen. They agreed to narrow the roadway and for that they have been very stern on the concrete sidewalk with vertical curb and they think with the existing homes that are there that the people deserve a quality sidewalk. They are willing to work with the developer and contractor to put off putting in the curb so that it is not damaged by concrete trucks because of the narrowness of the road. It will be part of the bonding. He said that they have bent a lot but feel strongly about the concrete sidewalks.

Atty. Schulte stated that they are asking that the construction of the sidewalks and the installation of the curbing at least within the area of the new lots be deferred until the concrete work is done and they will work out a schedule, that about the time that the 7th or 8th house is getting its Certificate of Occupancy, that the curbing will need to be installed and the sidewalks will need to be completed at that point. He said that prior to that time it will be bonded.

The public hearing was reopened.

Andy Penaskovic, 9 Beech Rd., the abutter to the north, requested a 15 foot no-cut buffer as was provided to the southerly abutter and they would also like to have the 30 foot setback that the developer has agreed to on the southerly side enforced on the northerly side as well. He said that they will be greatly impacted by this development. Also they have a well and asked what protection they would have with regard to the 13 homes that may impact pesticides, etc.

Phil Hatcher, 9 Woodland Rd., was concerned with the swale.

Bob Stowell explained the drainage swale to him.

Peggy Kechnick, 9 Woodland Rd., stated that her concern is with the buffer of trees that she hopes will be present between her property and the new development. She now sees trees from her windows and felt that this is a major selling point for her house. She said that if the trees are taken down it changes her whole world.

Melissa Moore, 9 Beech Road, stated that the only people that were invited to the meeting with the attorney were the members of the Governor Sawyer Association. None of the other abutters were invited. She said that they are being impacted much more so than the people on Governor Sawyer.

Mike Scowron, 10 Woodland Rd., asked for clarification on the swale.

Doug LaRosa explained how the swale would go into a closed drainage system.

Judy Mentel, 11 Governor Sawyer Lane, asked about the July 25th letter to Steve Stancel from Dave White, regarding the detention pond being undersized and asked if it has been addressed.

Steve Stancel stated that it will be addressed as a condition of approval and they will have to correct that.

The public hearing was closed.

Jim Schulte stated that with particular reference to lots 1, 3 and 5, since they are pushing the building envelope back because of the detention area and the driveway, a 15 foot no-cut zone and a 30 foot setback would not work. He said that they could go with a 10 foot no-cut and a 20 foot setback on that side which would allow for the houses to be built on those lots because the building envelope is not large enough to accommodate the size houses that they wish to put in. He said that on the other side of the project, those numbers are 15' and 30' but there are different considerations on the other side.

Steve Stancel asked about Map 17, lot 95 F-2 and the request for some sort of a buffer in the area of the existing ditch area.

Bob Stowell stated that there is a 30' wide drainage easement that will have to be manipulated somewhat to reconstruct that swale but they could certainly leave that vegetation in that easement area. Bob agreed that there could be some arborvitae towards the house location opposite the structure.

Steve Stancel stated that he would like to negotiate again with regard to the Penaskovic boundary along lots 1, 3 and 5. He suggested a 20 foot no-cut strip.

Mr. Penaskovic, stated that it would be acceptable if they went 15' no-cut zone and then planted evergreens and arborvitae to give them some screening.

Jim Schulte stated that you can call him Monte Hall, they would suggest a 10' no-cut zone and they can work out with Planning how many arborvitae, and the building setback can probably be pushed back to 25 feet. Atty. Schulte stated that it would be in the homeowners covenants and of course it would be on the plan as a condition of approval.

Steve Stancel stated that the Planning Staff recommends approval with the following conditions:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Provide the Planning Department with a copy of the NH Wetlands Bureau Permit and add the permit number to the plan.
4. Revise the plat to add the amount of upland area for each lot that contains wetlands.
5. The existing garage on the property shall be removed prior to recording the plat.
6. Revise Sheet C-1 to correct the species of existing trees in front of 7 Woodland Road.
7. The applicant shall be required to complete the off-site improvements to Woodland Road as shown on the plat prior to the issuance of the first occupancy permit.
8. The applicant shall grant a right-of-way to the City for the future access over Lot #11 prior to the issuance of the first building permit.
9. The applicant shall provide evidence that an agreement has been reached with the Governor Sawyers Lane Homeowners Association regarding the maintenance of the pond.
10. The applicant shall pay the Community Services Vehicle Capital Improvement Program fee of \$2,380 prior to the issuance of the first building permit.
11. In lieu of providing on-site recreation facilities, the applicant shall contribute \$2,400 for improvements to existing recreational facilities prior to the issuance of the first building permit.
12. Provide the Planning Department with proof that the applicant has filed a notice of intent in Stormwater Pollution and Prevention program with the EPA.
13. The narrower road is creating spacing problems with utilities from station 5+75 to 9+). The utilities will need to be reconfigured.
14. The existing services on Woodland Road need to be tied into the new water and sewer mains.
15. Concrete sidewalks are required by the Engineering Dept. The concrete walks that abut curbs shall require a 5:x17" vertical granite curb.
16. Add another catch basin by proposed manhole #1 on the north side of Woodland and adjust water main to accommodate this.
17. Increase separation between water and underground electric & telephone in the vicinity of CB #4.
18. Show existing and proposed structures on sheet C-2.
19. Add curb and sidewalk between driveways of #5 and #7 Woodland Rd.
20. Rebuild the existing sewer manhole invert shelf at the intersection of Longmeadow and Woodland as necessary.

21. The underground electric & telephone is not fully designed. Show the service connections, transformers, boxes and pedestals.
22. Adjust the sidewalk and road radius at Stark Avenue.
23. The Planning Department recommends no parking be allowed on one side of Woodland Road. The reason why they don't recommend both sides is that in that in the recent past there has been a problem with people once they build on a road with no parking on both sides because if you have a visitor, it becomes very difficult to get everybody in one driveway and even with a 20' wide road there is enough space to park vehicles on one side.
24. The driveway culvert to lot 95F-1 needs to be resized to handle the 10-year storm drainage. The drainage easement for this pond shall at least extend to the 10-year storm level event. An independent homeowners association will be required to maintain the detention pond.
25. The installation of the curbs and sidewalks in the new section of the road may be phased. All curbs and sidewalks shall be installed prior to the issuance of the 8th Certificate of Occupancy.
26. That a 10 foot wide no-cut zone and a 25 foot wide building setback zone be added to lots 1, 3 and 5 as well as additional screening be placed along the lots in the setback.
27. Additional screening shall be placed along the drainage swale boundary along map 17, lot 95F-2.
28. The applicant is put on notice that these lots will be subject to the School Impact Fees.

Steve Stancel explained how they have been requiring \$200.00 per lot be placed into the fund. If there is a neighborhood park within the vicinity the money is used in that park and if there isn't, it goes into the general recreation fund.

Beth Thompson made the motion to approve with the 28 Conditions of approval.

Frank Torr seconded.

VOTE 5 - 2

Opposed - Tony McManus and Allen Schintzius

ITEM #7: New Business

- a. **Lot merger for Christine Boulanger, Map 21, Lots 24 and 24A, located on Samuel Hanson Ave.**

Steve Stancel explained the merger process.

Beth Thompson made the motion to approve the merger.

Frank Torr seconded.

VOTE U/A

- b. **Request for an Impact Fee Waiver for Ralph & Pamela Chasse, Map D, Lot 5-17, located at 2 Evergreen Valley Dr.**

Steve Stancel stated that this is the first waiver that a favorable recommendation was not given. He explained that this lot was part of a subdivision approved by the Planning

Board on March 14, 1995, and the plat was recorded on October 11, 1995. RSA 674:39 stated, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for four years, provided that substantial completion of the improvements on the plat have occurred and that active and substantial development has begun within 12 months. According to City records, there was no active and substantial development until March 31, 1999, when the first building permit was issued for the subdivision. This was 41 months after recording the plat.

RSA 674:39 also states that approved and recorded plats are vested if substantial completion of the improvements as shown on the plat has occurred within four years of recording. As of October 11, 1999, the improvements shown on the plat such as the roads, drainage facilities and ball field were not substantially complete. The building permit for 2 Evergreen Valley Drive was applied for on May 5, 2003.

The authority for impact fees was adopted as Chapter 170-28.7 in the zoning ordinance. Due to the fact that the subdivision and this lot did not comply with the provisions of RSA 674:39, the Planning Department recommends that the waiver be denied. Tony McManus made the motion to deny the waiver. Dennis Ciotti seconded.

VOTE U/A

Dennis Ciotti asked about having something to test adjoining wells to projects. Steve Stancel stated that he will look into developing something. He said that it probably should have been said, but blasters generally take photos of homes and probably do test wells.

ITEM #8: Adjournment

Parks Christenbury made the motion to adjourn. Peg Stevenson seconded.

VOTE U/A