

**DOVER PLANNING BOARD
MINUTES OF MEETING
OCTOBER 14, 2003**

MEMBERS PRESENT: Allen Schintzius, Anthony McManus, Dennis Ciotti, Donald Andolina, Beth Thompson, Pete Lavoie, Ron Cole, Frank Torr

MEMBERS ABSENT: Margaret Stevenson, Parks Christenbury, Eric Tooke, John Schartzendruber

STAFF PRESENT: Steve Stancel, Planning Director; Chris Parker, City Planner, and Jacqueline Freeman, Recording Secretary

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

ITEM #1 Citizens' Forum

Rick Hebbard, 97 Spruce Lane, stated that he had a theoretical question. He asked if he put another building on his land and the Board came up with some stipulations that had to be achieved before he could get his Certificate of Occupancy, what City official would assure the public that these stipulations would be taken care of.

Steve Stancel stated that, generally speaking, it would be the Building Inspector and the Engineering Department. He said that there are times when an applicant is unable, either by weather or some other reason to get a specific item completed and at that point the City will hold a bond or letter of credit to make sure that the conditions are completed within a certain period of time.

Rick Hebbard asked about smaller violations that are not monetary in nature?

Steve Stancel stated if there are violations, the City can go to the City Attorney and there can be fines issued and if there are continued violations then approval can be revoked.

Mary Hebbard, 97 Spruce Lane, stated that she is here regarding Portsmouth Christian Academy. Ms. Hebbard said that PCA agreed to direct all school busses to use Garrison Road to access the site. She said that they counted from August 23rd to October 8th, twenty different PCA or visiting busses on Spruce Lane. She stated that she should not have to feel like she has to come in here every couple of months to say what the Board stipulated is not happening. She said that she understands that Tom Clark has a lot on his plate and so does Engineering. She said that she compiled a list of violations and presented them to the Board back in October 2002. She said that another one of the conditions of approval was that the applicant contributes to the off-site traffic improvements prior to the issuance of the CO. She said that there are other conditions such as painting the white fog lines on Garrison Rd. to Seaborne Drive that have not been done yet. She said that she is not sure if that money has been paid for their fair share

contribution to the Garrison/Back River Rd. intersection improvement or the payment of the fair share contribution for the Durham Rd./Back River Rd. Intersection Signalization Project. She said that she is trying to understand how this all fits together. She said that she feels that they don't have to play by the rules like the rest of them. She asked the Board to look into this or have Tom Clark look into this issue.

Ron Cole stated that he will follow this personally.

ITEM #2: Approval of minutes.

Beth Thompson made the motion to approve.

Dennis Ciotti seconded.

VOTE U/A

Ron Cole stated that he had a request to move Item #7 forward.

The Board voted not to move it forward by a vote of 6 – 1 **Opposed - Beth Thompson**

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for Pebble Beach Trust, Assessor's Map G, Lots 10-4 & 10-5, zoned R-12, located on Taylor Road. (P03-55)

Henry Boyd represented Millennium Engineering. He said that the purpose of this plan is to correct an error in their original subdivision plan that created all of the lots on Taylor Road. He said that they caught the error and this is the product that will bring Lot 5 into conformity.

Frank Torr made the motion to accept the application

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Beth Thompson made the motion to approve the plan with the condition that a digital version of the final plat is provided to the Planning Department.

Frank Torr seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a minor lot line adjustment of land for Linda Moreau, Assessor's Map 25, Lots 72, 73, 73A, zoned R-12, located on Cocheco St. (P03-49)

Patty Keeman stated that she was representing Linda Moreau and substituting for Kevin McEneaney. She explained that the buyer asked them to put additional land with one of

the lots and that is why the need for the lot line adjustment. She added that she has a copy of the deed which would give an easement over the driveway.

Beth Thompson made the motion to accept the application.
Don Andolina seconded.

VOTE U/A

The public hearing was opened.
There were no comments.
The public hearing was closed.

Tony McManus made the motion to approve with the following conditions:

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

Dennis Ciotti seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of an application for a site plan of land for Jewett Construction, Inc. (Owner 30 International Drive, LLC) Assessor's Map G, Lots 31-4 & 31-3, zoned I-2, located on Crosby Road.* (P03-53)

John Chagnon stated that they are combining two lots on Crosby Road that were just subdivided this year to develop 36,000 sq. ft. of industrial speculation space. He said that they will have a single entrance. He pointed out the areas for parking and loading. He said that the detention pond will be in the rear of the site. The catch basins in the parking lot will be treated by vegetation before the runoff reaches the wetlands that are present on the rear of the property. He said that there will be extensive landscaping that will be brought to the site to shield the north side of the building from the views on Littleworth Rd. The proposal is to build the project out in phases. Phase I will be a 10,000 sq. ft. building and most of the parking area. Phase II will be the second 10,000 sq. ft. on the north side and the remaining parking area and the last two phases are subject to the build out. He said that he would submit a rendering of the building.

Dennis Ciotti asked how they came up with the 52 parking spaces.

John Chagnon said that where it is an unspecified use at this time, they took two items of parking use out of the ordinance. First is the Office use, every unit has a 10 X 10 office in the front next to the door so they took the square footage of all those offices and put them into the calculation which is one space per 325 sq. ft. He said for the rest of the parking they used 1 space for every 800 sq. ft. commercial use and that came up to 52 total required spaces and they are providing 57. John Chagnon stated that since the project is phased and the applicant is not interested in putting up a building and having it served by less than desired parking, if it turns out that during the phasing there is more parking need than is provided, the fourth phase could be turned into addition parking.

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.

Steve Stancel stated that they are requesting a waiver from Chapter 149:14 E2B, the parking lot lighting standards. He said that the Planning Department supports the waiver request because the average illumination is adequate for this type of facility and then gave the recommended conditions of approval.

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

1. Add the owner's signature to the plan.
2. Approval includes the parking lot lighting waiver.
3. Approval includes the merger of the two existing lots (31-3 & 31-4)
4. The applicant shall provide the Planning Department with a copy of the NH Site Specific Permit and add the permit number to the plan.
5. The applicant shall provide the Planning Department with a copy of the EPA Notice of Intent permit application filed with the EPA.
6. The applicant shall submit architectural renderings of the buildings showing split faced brick on all sides.
7. The Building Inspector shall confirm that the parking spaces are adequate for the actual occupancy for the building prior to the Certificate of Occupancy.

Pete Lavoie seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of an application for a site plan of land for the Kane Company (Owner Elizabeth Foster, Rev. Trust) Assessor's Map E, Lot 27, 27D & 27E, zoned ETP, located on Sixth Street.* (P03-56)

Ron Cole stepped down from this item.

Tony McManus took the Chair.

Mike Palosa, TF Moran, represented the Kane Company. He stated that the application was for a perimeter access drive on Sixth Street. He said that it will be a private road to get into the proposed business sites. The private road is 28 feet wide with a 4 foot wide sidewalk. The right-of-way will be for easements and utilities. The water line is coming in from Sixth Street. The other utilities will be coming in from the back of the property through an existing sewer line easement on a right-of-way. The wetlands were mapped by Joesph Noel in July of 2003.

Steve Stancel explained that that this plan is just a road entrance drive plan. There will be detailed site plans for the building coming in within the next several weeks. The idea

is to look for approvals of the driveway and then the buildings will follow very shortly thereafter. He said that they will be recommending a site walk because there are still some outstanding issues on the driveway entrance. He said that he wanted to make it clear that there, by no means, are the final plans for the site.

Beth Thompson made the motion to accept the application.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

Tom Fargo, 14 Cobble Hill Drive and Conservation Commission Chairman, stated that they have had this on their agenda but the minutes are not yet available. The Commission recognized that there will be various evolutions. He said that the wetlands have been avoided by the alignment and configuration of the roadway but there were some minor encroachments into the 50' wetlands setback. The Commission recognized that the applicant has done a good job of minimizing those impact and they have endorsed the application with regard to the access road. Tom said that the Commission is interested in providing public access along the river, along the sewer line right-of-way. The Commission and the Open Lands Commission would be interested in purchasing this or making some sort of arrangement to set aside that access way because it is a continuation of a project that they have been working on since 1999 and his would provide a large measure of completeness from Fourth Street all the way out to Watson Rd.

Martha Haley, 407 Sixth St., read from an article written and published in Foster's Daily Democrat in 1893. She asked the Board to get all the facts and do what is right.

Udo Schlenrick - 67 Watson Road, said that he would like the Board to check the impact that the project will have. He felt that the project, in its present form, should not be accepted. He felt that the entire project should be submitted to the Planning Board. He felt that there are areas that are very environmentally sensitive and of great environmental and leisure value. He said that he doesn't know if an environmental study has been undertaken but he strongly suggests that one be undertaken before any permission be granted. He spoke about the damage that mankind can cause to an area that is very beautiful. He submitted some pictures of the river and his comments in writing. He said that if there is a trail they would be concerned that no snowmobiles or motorbikes would be allowed because of erosion, also with noise and visual pollution. He feels that this project would endanger an area that is very precious.

Charles Graverly, 63 Watson Road, asked why the Board would approve a road without approving a project. He felt that the cart was put before the horse and that there is pressure to approve the project. He asked what would happen to the road if the project is denied?

Tony McManus recessed the public hearing.

Tony McManus set up a site walk for 9:00 AM, Saturday, October 18, 2003.

Tony McManus felt that it would be helpful to the Board to have more definite plans and to have the locations of the proposed buildings flagged.

Steve Stancel stated that when the road gets approved it will be based on full build out of the site. It doesn't mean that we have to know exactly what is going to go on that site. It means that they maximize, in terms of master planning, the worst case scenario and determine if the traffic works.

Beth Thompson made the motion to table.
Dennis Ciotti seconded.

VOTE U/A

Ron Cole took over the Chair.

ITEM #7: Consideration and acceptance of an application for an Open Space Subdivision (OSS) for Charles Robbins (owners Ricky & Dyanna Ledger), Assessor's Map F, Lot 18F, zoned R-40, located on Westwood Circle.* (3 lots) (P03-40)

Atty. Malcolm McNeill explained that this was approved conceptually as an OSS. He said that there is a considerable amount of open space and 50' buffers along the driveway. Malcolm McNeill went over the conditions of approval from the conceptual hearing and stated that they have accomplished them. He said that it has gone to TRC again and there were no significant issues. He said they agreed to provide underground utilities. They have established a street name just for safety purposes even though it is only a driveway. He said that it has been requested that the waivers be clearly noted on the plan.

Bob Stowell stated that for 911 purposes the name of "Ivy Drive" was given to the common drive.

Frank Torr asked if the waivers of the conceptual plan carry forward to the final plan.

Steve Stancel stated that there is a question regarding a condition of the concept plan regarding a possible future utility easement for a water line for the City. Steve Stancel said everything that was approved for the concept plan carries over for this plan.

Frank Torr stated that he voted against the original concept plan because of the granting of the waivers. He said that he will be voting against it again.

Malcolm McNeill stated that he was not sure what the position of his client was going to be with regard to the water easement because his client was not present. He said that the developer has to determine whether it should be part of this plan; whether the

municipality should be paying for the easement over private properties; whether it is essential to the development of this site and whether it is a reasonable request. He said that he has a problem because his client is not reachable. He said if the City is looking for a water line from the Bellamy Reservoir through the open space, there may be a problem with the environmentally sensitive area. Malcolm said with the absence of certainty as to its needs, and if it is something that isn't at all related to this project in any fashion, he wasn't in any position to consent to that. He added that this is a relatively small project and they would like to cooperate but to run a major water line through these lots to service the City from the reservoir, he is just wondering whether it has to go in that location.

Pete Lavoie stated that the City Council approved the hiring of a firm to study the feasibility of a location of a water treatment plant. Pete Lavoie explained that the Bouchard Well and the Hughes Well could be combined into one treatment area. He said that they have been looking at the back area of the Ezra Green development and the next property to that site would be a perfect location for a treatment plant. He said that they would have to come through at the back corner of the open space.

Malcolm McNeill stated that the developer does not care if the line goes through the open space but if a major water line with an maintenance access easement would have to go through the building lots, he would not have authority to agree to that. If this lot were continued to be owned by the applicant and was not being developed and the City wanted to put a line through there, they would have to either negotiate for the purchase of the real estate or take it by eminent domain.

Steve Stancel stated that the only concern that he has with the line going through the open space is that the Board did condition the approval of the concept plan on the fact that the open space would be left in its natural state. That was to appease or mitigate concerns from abutters. He said that he didn't know how big an impact a water line of that size would be to the open space.

Pete Lavoie said that it is not like a sewer line where you need access to maintain it. It isn't like they need a roadway to maintain man holes or wash the line. This most likely would be plastic pipes and would last 100 years.

Malcolm McNeill stated that his experience is that there is usually a 20 or 30 foot access easement with regard to construction.

Pete Lavoie explained that they are trying to get around the wetlands and they are hoping that the new development, on Littleworth Road, which they haven't seen plans for yet, would allow them to have one of the building lots for the treatment plant. Pete said that if you have ever walked along the Bellamy Reservoir from French Cross Road, there is a berm that was put in by the military to stop surface water from going into the reservoir. He said that they plan to run the pipe on the top of the berm. Pete Lavoie said that Mr. Hoginski said that he would be willing to give access.

Beth Thompson made the motion to accept the application.
Pete Lavoie seconded.

VOTE U/A

The public hearing was opened.
There were no comments.
The public hearing was closed.

Steve Stancel stated that there were two waivers that were received as part of the concept approval. The first one was for the 100 foot setback so that the existing building would not have to be moved. The second waiver was the distance from the existing structure which is less than 100 feet. He said that there may have been a third waiver for setbacks from the property line which would normally require 50 feet.

Beth Thompson made the motion to approve 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. The applicant shall provide the Planning Department with a copy of the NHDES Subdivision Permit and add the permit number to the plan.
4. Revise the plat to add the private road name approved by the Building Inspector
5. Provide the Planning Department with a copy of the proposed protective covenants for the Open Space.
6. All previous waivers for the concept plan shall follow with the approval of the final plan.
7. Add a waiver of footnote #19 to the extent that if needed, the open space would be available for the installation of a water line, provided that upon completion of the installation, the area disturbed would be replanted to its natural state and disturbance to be no more than 30 feet.

Pete Lavoie seconded.

VOTE 5 – 2 Opposed – Frank Torr, Allen Schintzius

ITEM #8: OLD Business

a. Discussion and possible vote on concept plan for Criswell/Wolcott, located on Whittier/Sixth Street. (P03-48)

Steve Stancel stated that since the site walk the Department has done a couple more site walks with Bruce Woodruff, the Transportation Planner and with the Conservation Commission and have continued to work with the applicant and the abutters with regard to the public trail. He said that they are making progress and they agreed that they don't have to nail down the exact specifics for the easement for the concept plan. He said that they have spoken with Mike O'Malley, of NH DOT Division 6, and he is in favor of using the underside of the bridge for access to the opposite side with certain conditions like fencing, etc. He said that at subsequent site walks they walked to the turnpike and

then went underneath the bridge to the opposite side of the turnpike. He said that there is plenty of clearance and a great opportunity to run a trail. The trail would then come back along the turnpike and connect up with the sewer easement, otherwise owned by Liberty Mutual, through their entire property.

Steve Stancel said that the Department believes that there is enough information available to vote approval of the concept and they will continue to nail down the exact location of the easement.

Ron Cole mentioned the letter received from the Oshmans with respect to the project and stating that they do not wish to have the sidewalk on the westerly side of Whittier St. and would rather have it on the easterly side of the street.

Steve Stancel stated that included on the desks is a memo from Bruce Woodruff. Bruce indicates that generally accepted planning guidelines indicate that the sidewalk sighting should favor constructing the facility on the side of the street where the majority of users reside and in this instance it is on the western side of Whittier. Steve said that a second factor is the connectivity and in this case there is no sidewalk on the bottom of the hill on Whittier.

Ron Cole asked if this could be changed.

Steve Stancel stated that it could but that they feel very confident that it should be put on the same side as the subdivision.

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

Dennis Ciotti seconded.

VOTE U/A

Beth Thompson made the motion to approve the concept plan.

Dennis Ciotti seconded.

Tony McManus asked if we have to approve the Conditional Use Permit tonight or can that be held up until they can see the actual site plan.

Steve Stancel stated that it could be saved for subdivision approval in the future when there is more information.

Tony McManus stated that he thinks that he will vote in favor of the concept. He would just suggest to the developer that they consider creating fewer lots which would be more in keeping with the open concept. He said that he has problems with building lots behind lots and he would like to try to avoid that kind of development in the future. He would like to cut some lots to avoid "stacking". He said that it is not good planning because it means that there are going to be two other houses that are going to be in the back yards of the two houses in the front. The only way that you can get access to those back lots is

either by shared driveways or going through the front lots. He sees them as potential problems.

Bob Stowell stated that the OSS encourages shared access ways. He said that they could have had access off of Sixth Street.

Beth Thompson made the motion to approve with the waiver request of the 100 foot buffer due to the setbacks of the existing homes in the neighborhood and with the following conditions:

1. Include an easement for a public trail to connect the City parcel (formerly Cassily) to a crossing of the Spaulding Turnpike, at a location to be negotiated.
2. Obtain a Conditional Use Permit for the development of steep slopes.
3. Include sidewalks along Whittier Street, from Sixth Street to Whittier Falls Way.
4. Require additional landscaping and/or preservation of existing vegetation along Whittier Street and Sixth Street to insure an adequate buffer in the area where the 100-foot buffer was waived. A 40-foot no cut buffer should be provided on lots fronting on Sixth Street and on Whittier Street, except for any clearing necessary to improve sight distance.

Dennis Ciotti seconded.

VOTE U/A

b. Discussion regarding changes to the Subdivision Regulations, Chapter 155, Article IV Open Space Subdivision (OSS).

Christopher Parker stated that they have reworded some of the legalese and cleaned up some of the language. He briefly went over each of the proposed Subdivision Regulation Amendments

Steve Stancel stated that if the Board is so inclined this would be posted and would go to a public hearing. Because these are just changes to the Subdivision Regulations they don't go on to the Council. After the public hearing the Board can either vote to approve or not.

Tony McManus made the motion that the changes be sent to a public hearing.

Dennis Ciotti seconded.

Dennis Ciotti asked that the density bonuses be put on paper so it can be clear to everyone.

VOTE U/A

Steve Stancel announced that the City's transportation consultant, that has been hired to look at traffic issues downtown and on the waterfront, would be in the Auditorium at 6:30, the 15th, to present what data they have collected thus far and to receive comments

from the general public in regards to traffic problems, not only in the urban core but anywhere in the City.

Tony McManus asked if it was possible to have a better sound system in the Auditorium so people could hear.

Steve Stancel said that they were getting a sound system from the Recreation Department so it will be better.

Tony McManus stated that he attended a meeting with SRPC as a representative of the Planning Board. They were reviewing the 10 year DOT plan for highway projects. He said that the local agency sets up a list of priorities within the region and forwards them to DOT. DOT has agreed to maintain the priorities but have put the priorities off for a year or two in terms of engineering or design and they have done that two years in a row. The response from the State is lack of funding that they are not able to proceed. The number one priority in the area is the Newington bridges and it should not be delayed and should be moved forward. A lot of the State money comes from the gasoline tax and the statement was made that the gasoline tax has not been increased since 1991. He said that the Planning Board needs to contact the elected representatives and make sure that the City Council knows, because not only the region, but the City of Dover is suffering because of this situation and the continued response of, they just don't have any money. He said that we need to do something about this otherwise these projects are going to continue to be put off. He said that we can make all the recommendations and set all the priorities we want and the State is not going to pay for them. He said that we need to get serious and have some communication with the City Council to have them take a stand to see that these projects are funded.

Steve Stancel stated that he believes that the Council just approved a resolution recently requesting that the Newington Bridge project be moved up. The people that have to be approached are the State Legislators. He said that the squeaky wheel gets the grease.

Tony McManus stated that another thing is the Park N' Ride and SRPC seems to be 100% behind that concept. The issue that was discussed was where that it would be located. He said that he understood that it would be in Dover somewhere and several people said that Dover is not really moving on this and they have no location for it and they are not going to put much effort into it. Whatever needs to be done to work with SRPC on location, should be done but it is not the Planning Board goal to do that except on a conceptual basis.

Steve Stancel stated that he was surprised that SRPC has said that because they have pushed very hard to getting a park and ride in Dover, somewhere between Exit 8 and Exit 9, which is where they believe it should be. The State on the other hand prefers to make it part of the turnpike widening up in Rochester.

Tony McManus stated that the widening in Rochester has now been pushed up to 2008.

Ron Cole stated that the widening in Rochester is needed but to a certain extent it's a situation where if they build it they will come, but it's also, they won't be able to get there. He said if we don't do something about the Newington Bridge, Rochester widening the turnpike won't make any difference because the people are still going to be backed up to Portsmouth.

Ron Cole asked about the timeframe for the CIP.

Steve Stancel stated that according to Mike Joyal, the Council will be approving this in late November or early December.

Ron Cole asked the Board to follow the guidelines of the Master Plan. He said that as you go over this in the next two weeks, we will set up some workshops and bring in the Department Heads and query them about some of the things that they need that is reflected in the Master Plan.

Steve Stancel stated that we need to think ahead because the second Tuesday in November is a holiday. We'll have to decide whether to meet the following week or try to fit in a different night that week.

ITEM #10: Adjournment

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

VOTE U/A