

**DOVER PLANNING BOARD
MINUTES OF MEETING
NOVEMBER 25, 2003**

MEMBERS PRESENT: Don Andolina, John Swartzendruber, Allen Schintzius, Pete Lavoie, Beth Thompson, Ronald Cole, Eric Tooke, Parks Christenbury

MEMBERS ABSENT: Anthony McManus, Dennis Ciotti, Frank Torr, Margaret Stevenson

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

Chairman Ron Cole brought the meeting to order at 7:00 PM.

Chairman Cole opened the public hearing on the Capital Improvements Projects (CIP).

Joanne Schultz, requested that funds be included to completely renovate Hancock Park. She said that they collected over 50 surveys from residents who live in the area all requesting that the park be restored and maintained. She said that a lot of the respondents included their names and addresses and requested to be part of a committee to maintain the park once it has been refurbished. She read a comment that one of the respondents wrote on her survey outlining several generations who have played in the park. She listed the items that she felt should be done and emphasized that they are not just talking about refurbishing a park but a sense of community in a very long neglected part of town.

Dean Trefethen, 9 Daniel Lane, encouraged people when looking at the CIP to look at projects that the City needs to maintain instead of creating new things. He said that the Board may want to consider a North End Fire Station and perhaps, instead of the Central and South End Fire Stations, a North & South End could be considered which would alleviate the railroad crossing problem. He said if we are going to spend some money on the Central Fire Station and at some point in time do a North End Fire Station, the City may want to think of not having a Central Fire Station.

The public hearing was closed.

Chairman Cole stated that these issues will be discussed under Old Business.

ITEM #1: Citizens' Forum

There were no speakers.

ITEM #2: Approval of minutes.

Beth Thompson made the motion to approve the minutes.

Parks Christenbury seconded.

Donald Andolina stated that the footings should reflect the Date of Nov. 13, 2003.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for Dover Building Partners, Assessor's Map H, Lots 18-1 & 18-2, zoned R-20, RM-20, Knox Marsh Rd.* (P03-61)

Reuben Hull, Civil Design, stated that this is a simple request for a project that has a very complex background. He said that they are looking for a minor lot line adjustment between two parcels. He went to the easel and pointed to the portion that is The Village at Bellamy Commons that was approved for 45 condominium units. He said that the City attempted to rezone that parcel about 4 years ago from residential to commercial but the attempt failed. He said that they are looking to add 3,000 sq. ft. of land to the larger property. They have always had visions of the corner lot being something other than residential, such as a store or something that can support both the village project, as well as, take advantage of the traffic on Knox Marsh Road. If the lot line adjustment is approved, it would allow them to remove a 20,000 sq. ft. property from the front corner of the condo units and let the remaining condo project with the remaining 44 units stand without any issues. There are about 4 different options that they are looking at, such as a combination of residential and commercial, or both. They feel that the commercial use is the best use for the property noting that the properties across the street are commercial and it's a commercial road. He stated that they would have to go through a rezoning or a use variance to change the zoning because it is zoned R-20/RM-20 right now. He said with the approval of this lot line adjustment, they will be able to move forward with either a request for a rezoning or a use variance and if it falls through it will remain residential. He was trying to get a feel from the Board with regard to pursuing a commercial use.

Parks Christenbury made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

Ed Morin stated that he lives across the street and had reservations about the project at first but he feels that they have done a very good job as a whole. He said that he was concerned with the big pile of material on the site. Being a forester and dealing with site specifics for the State of NH, he was surprised that the pile was on the edge of the sanctioned area. He asked if anyone has checked the Site Specific from the State. If it was allowed it would be fine with him, he just questions it. He said that the potential commercial use of the property would be great with him because he would love a store there and so wouldn't one of his neighbors. He said that traffic wise, the project has a nice access and exit area and facilitates the left hand turn into his property allowing the traffic to go around him instead of smashing into the rear of his vehicle, which has

happened twice. He believes that it is safer than before and hopes that that the access lane will be extended.

John O'Neil, contractor, stated that it is a tight site and while putting in the foundations on the entire site, they have stockpiled the material. Allan Dews, Dover Engineering, has been inspecting the site approximately 3 or 4 times a week so they do not exceed beyond the silt fence. They pile of material has been stabilized and they plan on cleaning the area before winter takes place.

The public hearing was closed.

Steve Stancel stated that if a non-residential use does eventually get proposed for this site, it will come back through the Planning Board approval process and at that point, the road issues would be looked at. He added that there is a sidewalk project in both the State and the City's Ten Year Plan and the monies have already been allocated. Within 12 months or so, there should be a sidewalk out there.

Parks Christenbury said that several years ago there was a neighbor who eluded to the abutters that if they fought the rezoning to make it commercial, because of the wetlands and other issues, that nothing could ever be built out there. Parks said that there are now 45 condominiums out there when we could have had a commercial development that would have much less of an impact. He goes by there twice a day during the highest traffic counts and it is safer due to the improvements. He said that he would support the endeavor of making the second lot commercial. He said that residential was not the best use for that land and encourages the commercial use.

Parks Christenbury made the motion to approve the application with the following recommended conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Revise the plat by adding the surveyor's seal and signature.
4. Revise the plat to show the Tax Map and Lot numbers as assigned by the Tax Assessor.
5. Revise the plat by adding the zoning district line separating the RM-20 District from the R-20 District and revise note #5 to add the dimensional requirements for the R-20 District.
6. Revise the plat by filling in the blanks in the note for Reference Plan #1.
7. Revise the plat by correcting all references to Tax Map and Lot Numbers so that they read "Tax Map H, Lot #".
8. Revise the plat to correct the unreadable text located above unit #45.
9. Revise the plat to indicate the amount of contiguous upland on parcel #2.

Don Andolina seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a site plan of land for The Kane Co., (Owner Elizabeth Foster Revocable Trust) Assessor's Map E, Lots 27, 27B & 27D, zoned ETP, located at 408 Sixth Street. *(P03-56)

Mike Paloso, TF Moran, stated that they have revised their plan of the road and added a second building which is an office building. He said that they are proposing constructing a private driveway and sidewalk entering off of Sixth Street and continue it down to the proposed phase line. It also includes a proposed processing center which is 45,000 sq. ft. with office space for a total usable area inside the building of 65,000 sq. ft. Also associated with that is their parking, loading docks and sidewalks. The parking requirement for the Phase I building is approximately 200 parking spaces but because of the demands of the potential tenant, they require almost 300 parking spaces and that is what they have provided on this plan. They have provided a campus effect between the two buildings with connecting sidewalks. The landscaping plan is in process. There will be gas-like type fixtures along the road and the parking lot. He showed a rendering of the proposed building overlooking the pond. He added that this project will create no emissions.

Parks Christenbury made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

Udo Schlenrich felt that this was an improvement over the other plan but that the second building was close to the river. He submitted some photos of the damage that resulted from the tree removal along the river. He was also concerned with the height of the building closest to the river because of possible visual impact and wanted to be sure that it did not exceed 55 feet.

Steve Stancel stated that Tom Fargo, Chairman of the Conservation Commission, as well as Dean Peschel, the City's Environmental Projects Manager, both walked the site and it was their opinion that the amount of trees that was cut did not exceed the 50% basal area and he would get that in writing. He added that the building will not exceed 55 feet.

Chad Kageleiry, Kane Co., stated that Mrs. Foster, the owner of the property, applied for a permit for logging and has followed the rules which has nothing to do with this project. This area was rezoned from residential to commercial a few years ago with the intent of getting a project like this. It is a good example of a responsible development. They have kept all the setbacks, height restrictions and buffer areas. He said that they have to go through NH Site Specific and follow every rule that is out there and will prove to be a great boon to the City.

Mike Paloso, T.F. Moran, stated that the height of building #2 will be slightly less than 55' and will be 4 stories on the back side and 3 stories on the front side.

Kathy Schlenrich stated that because of the number of trees that have been cut and because of the railroad bed, the area along the river is very open. She asked the Board to consider that the buffer zone be reestablished between the river and building two.

Steve Stancel recommended that the public hearing be recessed because they are still waiting for architectural renderings for the second building. He said that they are still dealing with item such as the traffic impact study, a lighting plan and a drainage plan and analysis. They are in the process of looking for a conservation and access easement for a trail along the river section. He said that there are architectural regulations in the Site Review Regulations, and he read them.

Udo Schlenrick stated he was only concerned that there are no visual impacts.

Ron Cole recessed the public hearing.

Steve Stancel stated that they may recommend some tree planting but more to screen the parking area than to revegetate the area closer to the river. The area between the railroad right-of-way and the river will regenerate itself quite quickly.

Parks Christenbury made the motion to table
Beth Thompson seconded.

VOTE U/A

Ron Cole stated that the abutters would be notified when this comes up again.

ITEM #5: Old Business

a. Impact Fee Waiver Request for Leslie Molleur, for Assessor's Map N, Lot #20-6, located at 25 Mallard Lane.

Steve Stancel stated that this project was approved by the Planning Board on May 28, 2002 and as such, the approval took place prior to the approval of the School Impact Fees. Due to that fact, it is protected from zoning changes under RSA 674:39 and the Planning Department recommends that the waiver be granted. The request was for just one lot in this application but in actuality, it will be for the balance of the lots that are in this subdivision.

Parks Christenbury made the motion to waive the fee for this lot and subsequent lots.
Beth Thompson seconded.

VOTE U/A

b. Impact Fee Waiver Request for Pebble Beach Trust, for Assessor's Map G, Lots 10-2 - 10-18, located on Taylor Rd.

Steve Stancel stated that this subdivision was approved by the Planning Board on May 28, 2002, and due to the fact that they were approved prior to the adoption of the School

Impact Fee and are protected from zoning changes under RSA 674:39, the Planning Department recommends that the waiver be granted.

Parks Christenbury made the motion to grant the waiver.

Allen Shintzius seconded.

VOTE U/A

c. Discussion of Capital Improvement Program

Ron Cole explained that the Board has the option to vote this evening.

Parks Christenbury said that from the City Council perspective and as a Planning Board member, most of the CIP does fit into the Master Plan. He said that he is very upset that the hospital didn't do the right thing and purchase the ambulance. He said that there is no way that you can bend, stretch or twist software and the related items for the Library Catalogue System as being in the Master Plan. He fully supports the Library Automation System but it is not a Master Plan item. He said as a Planning Board member all of these items fit into the Master Plan except for the ambulance. The Library Automation System he would ask the Planning Board to look at very hard. He said that it should be paid for with cash. He said if we vote on this tonight, he would vote for all the items except for that.

Steve Stancel asked Pete Lavoie if under Culture and Recreation, there is Park Playground Improvements and if some of that is going towards Hancock Park.

Pete Lavoie stated that if they approve the \$60,000 in the budget, they would then finance the park.

Discussion ensued with regard to Hancock Park and other satellite parks and the problem with money over the years.

Ron Cole stated that his vision of what the Board should be doing tonight is voting on the CIP and if the Planning Department sees something in there that is opposed to the Master Plan, he's not sure if by voting this in total, that the Board would be abrogating its responsibility because the Library Automation system should not be in here.

Parks Christenbury stated that he wants it on record that the Library Automation System item is a tough one. He said that the City Manager wants this CIP before the Council at the December 12th meeting for a final vote and he thought that the majority of the Council would vote on it. He said that the easiest thing to do would be to pass the process on to the Council for action. He said that he would not make a big battle out of the Library Automation because there are two schools of thought on this.

Don Andolina stated that he agrees with Councilor Christenbury that the capitalization of computer software is not ordinarily capitalized and perhaps is not appropriate in this case. But his recollection of the public hearing at a Council meeting was that the Library Director made a specific point that it was crucial that they replace the existing server. He

didn't know if the hardware is included in the \$67,000 but he would hate to see this go down in ashes because he thinks that it would be inappropriate for the Board not to vote in favor of this because the library needs a server.

Parks Christenbury said that he will support it when it gets to the Council level. Eric Tooke asked if Item #17, the School Share – Library Automation, is basically the same thing.

Parks said that the school library item is tapped into the main Library, but the School Board was not aware that half of the money was going to be appropriated to their side of the ledger. Parks stated that he would support the list that is submitted and will make his argument on the Council floor when it gets there.

Beth Thompson made the motion to send this CIP Resolution (6A) along as submitted, to the Council for adoption.

Don Andolina seconded.

VOTE U/A

Ron Cole stated that he received a letter from Robert Demers regarding the Cochecho Country Club golf cart storage barn stating his concerns that they were not meeting their conditions of approval.

Steve Stancel stated that usually before a CO is given all the improvements are made, however, there are sometimes extenuating circumstances that don't allow the developer to button down everything on a plan such as landscaping or paving. He said in that case, they accept a letter of credit or a bond so that the City is assured that the work will be done. In August he sent a letter to Allen Dews, at Engineering, and spoke to him again today about going out to take a look at it. Steve stated that there is a letter of credit in place and the City can pull the money and do the work if needed.

Ron Cole asked for a report at the next meeting as to what Allen Dews perception is and if we need to get the bond. He also asked with regard to Hancock Park if the woman who spoke had talked to Gary Bannon about this and if it went any further than Gary.

Pete Lavoie stated that Gary Bannon proposed the \$60,000 that will go into the regular budget.

Ron Cole stated that he will talk to Gary Bannon also. He suggested that the abutters create a neighborhood association and work hand in hand with the City.

Don Andolina inquired if there has been any follow-up on the complaint during the Public Forum a few weeks ago regarding the school busses going onto Spruce Lane.

Steve Stancel stated that there was a follow-up and he received a letter back from the Principal of the school. He said that he would put it into the packets next time. He said what appeared in his letter is that the violations occurred during the first couple of weeks

of school and out of a potential of 200 busses going by, they had flagged 12 or 13 violations and many of which were vans and not busses. He has since made corrective actions.

Parks Christenbury stated that there has been more positive development and rezoning going on in the last decade than in any one Planning Board's tenure. He said that these are exciting times to be on the Board. He said that the Kane development will have a positive impact on minimizing taxes and controlling growth and enlarging the tax base. He predicted that the City would see the first significant projects along the Cocheco Waterfront in the next year or two due to the ground work that this Board has laid. He said much of the credit is due to Steve Stancel and Beth Thompson.

Steve Stancel stated that they have requested copies of Open Space Ordinances from various communities and they are waiting for a hard copy of Exeter's. They already know that Exeter's is based on a strict formula, as opposed to a yield plan. He said that once they receive it, they will pull out a piece of land and do an analysis to see what would happen with the Dover regulations and what would happen with the Exeter regulations.

ITEM 7: Adjournment

Beth Thompson made the motion to adjourn.

Pete Lavoie seconded.

VOTE U/A