

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
DECEMBER 9, 2003**

**MEMBERS PRESENT:** Allen Schintzius, Dennis Ciotti, Margaret Stevenson, Tony McManus, John Shuartzendruber, Donald Andolina, Beth Thompson, Frank Torr, Pete Lavoie, Ronald Cole

**MEMBERS ABSENT:** Eric Tooke, Parks Christenbury

**STAFF PRESENT:** Steven Stancel, Planning Director, Christopher Parker, City Planner and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:05 PM.

**ITEM #1: Citizens' Forum**

No one spoke.

**ITEM #2: Approval of Minutes**

Beth Thompson made the motion to approve the minutes.

Allen Schintzius seconded.

**VOTE U/A**

**Abstained – Frank Torr, Tony McManus**

**ITEM #3: Consideration and acceptance of an application for a major subdivision of land for Lionheart Investment Property LLC, Assessor's Map G, Lot 28-1, zoned R-20, I-1, located on Littleworth Rd. \* (P03-66) (4 lots)**

Tony McManus recused himself because he had represented the previous owner of this project.

John Swartzendruber took Tony's seat for this item.

Bob Stowell, Trittech Engineering, represented the applicant. He said that they did fewer lots than they could have. They had a concept plan that proposed a new roadway with a cul-de-sac and a full blown water and sewer extension for 14 lots in the R-20 zone. They had a plan. He said that they scaled the plan back to four lots plus the existing house that works off the existing water line with on site septic. The smallest lot is just over an acre to a couple of larger ones that are about 3 ½ acres. The house sitings are set back off Littleworth Rd. They are waiting for a State Subdivision Permit, with NHDES and they need a State Driveway Permit is pending.

Beth Thompson made the motion to accept the application.

Pete Lavoie seconded.

**VOTE U/A**

The public hearing was opened.

Purnell Ross stated that he has lived on Littleworth Rd. for the past 20 years and wanted to see the actual location of the development.

Bob Stowell showed him that it is located across from Industrial Park Drive.

The public hearing was closed.

Steve Stancel pointed out that this was an area that this Board had previously recommended for a zoning change in the past. He gave them a further heads-up that there will be approximately 50 more lots coming in this immediate area in the next couple of months. This is all happening in the area that this Board tried to rezone and the City Council failed to approve it.

Peg Stevenson made the motion to approve the application 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.
3. Revise the plat by adding the surveyor's seal and signature.
4. Provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision permit and add the permit number to the plat.
5. Approval includes the granting of a Conditional Use Permit. The Conservation Commission gave their approval with no conditions.
6. Driveway permits shall be obtained from the NH Dept. of Transportation.

Dennis Ciotti seconded.

**VOTE U/A**

Tony McManus took his seat on the Board.

John Swartenzruher took his seat in the audience.

#### **ITEM #4: Old Business**

Chairman Cole announced that item (b) **Kane Company, located on Sixth Street, (P03-56)** has been removed from the agenda because it wasn't ready.

- a. **Public hearing and possible vote on a plan for a major subdivision of land for Northam Builders, Inc., (Emerald Woods) Assessor's Map F, Lot 22A, zoned R-40, zoned R-40, located on Littleworth Rd. (P02-01) (25 lots)**

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

Beth Thompson seconded.

**VOTE U/A**

Steve Stancel explained that this project has been before the Board prior to this meeting and during that time the developer has made some revisions to the plan. The developer is looking at a couple of the abutting parcels and in doing that, the area is being master planned to the greatest extent possible, not only for drainage but also for water and sewer usages. He added that they are recommending that the project be tabled again after the public hearing because the drainage calculations have not been fully reviewed by the City's Engineering Dept.

Bob Stowell, Trittech Engineering, represented the applicant. He explained that a couple of the abutting parcels are being looked at and master planned into the project. The Engineering staff had concerns regarding how the roadway and utilities would be extended to the future project and wanted to be sure that it would be done in the best way possible. He said that they have been working with City staff in developing preliminary road and utility designs for the future phases of construction. There was discussion about doing a water treatment plant for wells in that area but that was discarded because the Engineering Dept. came up with an alternative to the water treatment issue. The drainage has been a hot subject because of the current drainage problems in the area. They have put together a new drainage report which is now being reviewed. The Site Specific Permit from the State has been received.

Doug LaRosa, Trittech Engineering, stated that Engineering wanted them to break up the drainage areas. He said that they have a pre-construction and a post-construction drainage analysis. Their goal is to not allow an increase in rate of runoff. He said that there is a large 30" RCP that runs under Littleworth Rd. that takes care of the whole area. Their analysis encompasses from Ezra Green up to the high point in the back of their property. He explained the areas of the plan that were outlined in color at the easel. He said that everything in the project comes from the top of the hill and runs down into that 30" Reinforced Concrete Pipe. Generally, when everything runs into one area, it is evaluated as one area but Engineering had some trepidation about that so they broke it up into pre and post into comparable areas and calculated the runoff. He said that in their final analysis, they had a slight decrease in the amount of flow. He showed where there would be areas where water would be detained for about an hour during a peak storm event. Doug added that the detention allows for a slight decrease in the peak rate runoff during a ten year storm.

Chairman Cole reopened the public hearing.

Purnell Ross, Littleworth Road, asked if there would be a couple of catch areas that would retain the water for a while and then let it drain off. He said that engineering studies are like any other numbers, you can make them read what you want them to read and they are about as accurate as the weather forecaster. He said that the water is still going to land on his property unless they do a catch basin like most of the new construction in that area. He said he would like a catch basin like a small man-made lake to hold the runoff of water and let it slowly perk into the ground. It would even provide a habitat for water critters, fowl, etc. They are not against the project at all, they just ask that it's done with the idea that the people who have been living there for a long time do

not want to see their situation worsen because they are still dealing with the Ezra Green Farm. He said that he understands that it is not this developer's problem.

Bob Stowell stated that on Sheet B-2 of the plan, there is about 44 acres that is part of the Emerald Woods project which is in two phases. There is approximately 75 acres of land that they currently have a concept for as an Open Space Subdivision that will reap approximately 20 lots. There are 31 additional lots that would be developed in a 20 acre area, keeping approximately 50 acres in open space.

Doug LaRosa explained that there is some benefit when you have homes with lawns because you now have better infiltration into the top soil. They have provided 27 catch basins and each catch basin acts as a miniature detention pond. In addition to that, the existing 30" RCP is currently acting as a detention pond. They also have 4 areas of detention where they put culverts in across the road. They built the road up and put culverts in to allow water to just detain there and then release. It is currently wet and it will be wet in the future in those areas but with the catch basins and with the detention, it will curb the peak rate of runoff.

William Dodge, 78 Littleworth Rd., owner of the property that is primarily affected by the Ezra Green situation, asked about the location of the culvert. He said that there is a culvert across Littleworth Road that puts all of the water onto his property. He said that in April or May he met with Mr. Ross and the City Engineer. The Engineer's office said that they were going to solve the drainage problem in July or August. He said that what they have done was to put a couple of stakes in a straight line and painted "300 feet" on the roadway. He said that they were promised that 300 feet of culvert would be put in to solve this drainage problem and it still isn't done. He said that he is concerned that some of the drainage from this new development would come down into the area which is at the intersection of Old Stage Road and Kelly Brook which runs onto Mr. Ross's property and would eventually overflow into an area by the telephone building and would run down the culvert that affects his property. He said that this problem has not been solved and has been going on for over two years.

Larry Pitman, 82 1/2 Littleworth Rd., was concerned with any culvert that might be coming across Littleworth Rd. He spoke about the State cleaning the ditch up to his property line and changing the water flow to his yard then saying that they couldn't do anything else because it would change the water flow. Mr. Pitman stated that the State has already told him that they are not cleaning his ditch out because they want the water to stop in his yard.

Doug LaRosa indicated that the crossing locations are within their subdivision and not across Littleworth Road.

Clara Ross, asked if the drainage was coming across Littleworth into Kelly Brook. She then asked the Board to reconsider giving the developer permission to go ahead with this subdivision because they don't want water in their back yard. They made a plea before on this issue and it keeps coming up. She said that the catch basin should be on the

developer's property and there should not be any water coming across the street onto anyone's property. She wants the water to be kept across the street.

Brenda Pitman, 82 ½ Littleworth Road, stated that their land is very wet and they are dealing with that. Her concern is the traffic. With all the new development, she finds it hard to get out of her driveway. She said that she cannot get out on the road between 7:20 and 7:45 AM. She asked the Board to consider the traffic.

Chairman Cole said that the Board will not be taking action on this project and recessed the public hearing.

Pete Lavoie explained that they did plan on installing the culvert. The materials are on site and the catch basin is on the corner of Littleworth Rd. along with the concrete materials. Ezra Green has donated the pipe materials but they just couldn't get the contractors. With the many projects that they have, they are trying their best and if they can, and weather permits, they will get in there and do the work over the winter. He said that the City Engineer had many concerns with the drainage and they want to protect the roadways that the City will eventually own in that project.

Tony McManus stated that he has been out twice to see the site and would be reluctant to vote on this until he knows that the concerns of the people across the road are satisfied. He said that he would not want that same situation in his yard. He felt that the Board had contributed to this by approving the Ezra Green project. He said that he doesn't see anything in this plan that convinces him that there is not going to be excess water dumped into that system and end up across the road. He said that there is talk about a 10-year storm; and wants to know about the 15, 20 and the 50 year storm. He said that he wants a guarantee that if they approve this plan these people will not end up with additional water on their property.

Dennis Ciotti made the motion to table.

Beth Thompson seconded.

**VOTE U/A**

**b. Discussion and possible vote on site plan for Kane Co., Assessor's Map E, Lots 27B & 27D, zoned ETP, located on Sixth St. (P03-56)**

Ron Cole stated that this plan would not be addressed.

**c. Impact fee waiver Request for John MacLatchy, for 147 Spur Road, Assessor's Map L, Lot 40-23.**

Steve Stancel stated that on May 27, 2003, the Planning Board approved a lot line adjustment that added a portion of the Spur Road right-of-way to this lot making the lot buildable. The City Council adopted the Impact Fee Ordinance on January 22, 2003 and the Board adopted the School Impact fee on February 25, 2003. The building permit for this lot was approved on August 5, 2003, therefore, following the strict interpretation of

the RSA's, they do not believe that the application for the Building Permit met the deadline criteria and therefore, they are recommending disapproval of the Impact Fee Waiver Request.

Tony McManus made the motion to disapprove the Impact Fee Request.  
Allen Schintzius seconded.

**VOTE 6 – 1**

**Opposed – Pete Lavoie**

Steve Stancel pointed out the letter in the packets from **Portsmouth Christian Academy** in response to the complaint that was received regarding the bus traffic in the area. He said that the letter speaks for itself.

Steve Stancel stated that there was a letter of complaint received by Mr. Robert Demers regarding the Cochecho Country Club's landscaping improvements plan. He said that often times after approval of a project there are minor revisions made to things such as the landscaping plans. He said that they received a letter from a professional golf course landscape architect who indicated that the 8 trees that were going to be planted along the top of the berm would not tolerate the road salt. Additionally, they pointed out that they felt that the screening would not be adequate either. They suggested a continuous row of viburnum hedges be placed on the top of the berm so that as you are driving by the barn, there is a 3 foot berm and then a row of hedges on top of the berm or immediately behind the berm near the top and that would go a lot further to screening the storage barn than the 8 trees spaced 40 feet apart. They did agree to move 4 of the 8 trees behind the sign for Cochecho Country Club. He said that they approved that minor change to the plan. Engineering felt that the site improvements were completed adequately. However, after further review and going out there, it was obvious there wasn't a continuous viburnum hedge. Steve Stancel said that Engineering is already in contact with Cochecho Country Club and there will be a continuous hedge placed along the berm along with some loam and seeding in the areas that were sparse.

Ron Cole asked if a copy of the letter from PCA was sent to the Hebbards.

Steve Stancel stated that he would see that a copy was sent to them.

Steve Stancel stated that Chris Parker was present to speak on the revisions to the OSS.

Christopher Parker stated that when the OSS was last discussed there were some questions with regard to the use of a yield plan and a point was made that we should check out Exeter's ordinances because they were friendlier than ours. He said that he looked at Exeter's ordinances and a few other towns and they all required yield plans. He said that Exeter's ordinance is much more stringent than Dover's and it requires more things. He explained there are two methods used to determine the density of the open space, a yield plan and a formula that can be used. Dover uses both. He gave some examples of the formulas using existing subdivisions. He ran the numbers on the Whittier Hill subdivision which is 14 acres. It came out to be 38 lots and the Board approved 14 lots and there was 414,000 sq. ft. of remaining upland. In that case you can

see that there is a great discrepancy if you just use the formula which would have resulted in 38 lots as opposed to 14 lots when using the combination of a formula and a yield plan. He said that he looked at Exeter's ordinance and it is stricter requiring test pits, soil sampling and their wetland regulations are different than Dover's. A lot of times OSSs are used to preserve open space. The City of Dover uses it as a combination to direct growth and at the same time to preserve open space. Besides looking at the four communities, he also looked at literature from the APA, NH Office of Energy and Planning, the Southern NH Planning Commission and the writings of Randal Arendt. He said the City is not calling for a fully engineered plan, but a very good estimation of the amount of units that could be put in. He said that he thinks that they will modify the financial component that they have been considering but at this point they are not ready to come forward.

Steve Stancel asked Pete Lavoie if the City Engineer could be present when Emerald Woods comes up for approval again. Steve said that he is not convinced that there is a fiasco with the drainage of Ezra Green. He would like to have the City Engineer present to explain the entire process that has been followed for the projects out there and get his opinion on what he thinks has happened.

Dennis Ciotti said that there needs to be some resolution to the drainage problems and if the City Engineer can help us with that, fantastic. As a Board we need to make sure that the citizens are satisfied with the projects going in.

Ron Cole stated that the next meeting is scheduled for the 23<sup>rd</sup> of December and asked if everyone would be able to make that meeting. No one stated that they could not.

#### **ITEM #5: New Business**

Tony McManus stated that he gave Steve Stancel a copy of the NH Supreme Court case that was decided in October involving the City of Lebanon and another important case because it extends the court support of action taken by a local planning board to uphold a decision that they felt was in the best interest of the community. He said that this is something that boards need to be aware of because the standard over the last couple of years has been changing somewhat by this court. It gives the Board more flexibility.

Frank Torr stated that he has made request several times about contacting the City Council relative to an alternate. He suggested, with the new Council coming on board, that a letter be sent to the new mayor asking for a permanent member and an alternate.

Ron Cole stated that he has already done that. He said that he has to wait until the first of the year for them to do it but it is important that we have Council representation. There will be two former members of the Board on the Council.

Discussion ensued regarding the Planning Board meetings not being televised. Tony McManus said that there are a lot of people in the community who watch these meetings.

He said that it is important that it is made available on a regular basis so people can rely on it.

**ITEM #6: Adjournment**

Tony McManus made the motion to adjourn.  
Peg Stevenson seconded.

**VOTE U/A**