

**DOVER PLANNING BOARD
MINUTES OF MEETING
APRIL 9, 2002**

MEMBERS PRESENT: Pete Lavoie, Tony McManus, David Landry, Beth Thompson, Parks Christenbury, Dennis Ciotti, Ron Cole (late)

STAFF PRESENT: Steve Stancel, Planning Director; Kate Pelletier, Recording Secretary

MEMBERS ABSENT: Margaret Stevenson, Chuck Maglaras, Frank Torr

ITEM #1: Citizen's Forum

Acting Chairman, Tony McManus, asked if anyone wanted to address the Board.

Scott Myers, 4 Governor Sawyer Lane, Chairman of the Dover Economic Development Corporation stated at the meeting of DEDC on March 27, 2002, the resolution was passed unanimously to encourage the Planning Board to move forward on rezoning the City owned parcel of land along the riverfront. He stated that they support the CWD zoning, or similar type zoning, allowing for mixed use, commercial, retail and residential as had been outlined in previous waterfront studies and design charettes for the parcel. In addition, they would encourage the Board to develop design guidelines for the parcel during the rezoning process so as to ensure the integrity of future development.

ITEM #2: Approval of Minutes

Beth Thompson made the motion to approve
Parks Christenbury seconded the motion.

VOTE U/A

ITEM #3 Consideration and acceptance of a minor lot line adjustment of land for David Labrie and Patricia McGlone, Assessor's Map I, Lots 94C and 124, zoned R-40, located at 25 Piscataqua Rd./Hidden Valley Drive. (P02-14)

John Berry of Berry Surveying and Engineering, represented the applicants. He stated that the existing lot area was 54 acres and corrected the application from RM-12 to R-40 zoning. He explained that there was a 50' right of way that came of Piscataqua Road and that Mr. Labrie was led to believe, when he purchased the property, that he owned the right of way fee simple, however during the last year, there had been some title work done and there was now some indication that fee simple ownership of that right of way did not exist. The deeds were unclear and it was now thought that perhaps, Carl & Sylvia Marshall actually owned the land under the right of way, but Mr. Labrie still has deeded

rights to cross the right of way. He stated that the lot line adjustment would not change the access to the lot and the issue of the ownership was being worked out. The applicants sought to transfer 27.15 acres from I-94C to I-124, which was currently Ms. McGlone's parents' house.

Parks Christenbury made the motion to accept the case.

Beth Thompson seconded the motion.

VOTE U/A

The public hearing was opened.

Mike Daigle, abutter, stated that he did not object to the proposed lot line adjustment, but just wanted to know why they were seeking one.

John Berry stated that the applicants were selling the house and did not want to sell all of the land with the house, and if they ever decided to move back to New Hampshire, Ms. McGlone's parents would have that land and the applicants would have the option of building on that property.

The public hearing was closed.

Steve Stancel gave the following staff recommendations.

1. Add the owners' signature to the plat.
2. Revise the plat to add the minimum building setback lines for Map I, Lot 124.
3. Revise the plat to add the proposed monumentation at all new lot corners.
4. Revise the plat by adding a note indicating that the applicant will provide the City with a digital copy of the final plat.

Parks Christenbury made the motion to approve with staff recommendations.

Beth Thompson seconded the motion.

VOTE U/A

Tony McManus stated that items b, c, & d under Old Business on the agenda, would not be heard.

ITEM #4: Consideration and acceptance of an application for a minor subdivision of land for Gregorios Koutrelakos, Assessor's Map 38, Lot 32, zoned R-12, located on Glenwood Avenue (P02-17)

Kevin McEneaney, of McEneaney Survey Associates, represented the applicant. He stated that the proposal before the Board was a two lot subdivision, with Lot #1 being approximately .5 acres, containing the existing 4-unit building, and Lot #2 being approximately 2.5 acres on which the applicants plan on building a single family home. The access for Lot #2 would be off of Smith Well Road with frontage on Glenwood Avenue. He stated that the applicant meets the requirement for the 20% maximum

building coverage and the minimum lot sizes. The applicant will provide sufficient parking for the 4-unit building.

Dennis Ciotti stated his concerns about the parking for the 4-unit building.

Kevin McEneaney explained the easement that would be provided for parking.

David Landry asked about the possibility of having additional houses on the property.

Kevin McEneaney explained that there was the possibility of additional housing, however, Mr. Koutrelakos' daughter would be building a house on that lot that she would occupy and he would anticipate that they would solely occupy the lot.

Denis Ciotti made the motion to accept.
Parks Christenbury seconded the motion.

VOTE U/A

Public hearing opened.

Paula Newsky, abutter at 6 Smith Well Road, stated that she needed further clarification on the driveway and asked if the driveway would affect the existing pine trees on Smith Well Road, as they currently shade her house.

Kevin McEneaney further explained the driveway plans and stated that the trees would not be affected.

Paul Hale, abutter at 9 Wedgewood Rd., stated that he was concerned about drainage onto his property, being that his property is very low and tends to flood.

Tony McManus stated that a driveway permit would be needed and the slope of the driveway would have to be approved by Engineering before anything would be done.

Public hearing closed.

Steve Stancel made the following staff recommendations:

1. Add the owner's signature to the plat.
2. Show the gravel parking area for the multi-family site and place an easement on the plan in the area.

Parks Christenbury made the motion to approve with staff recommendations.
David Landry seconded the motion.

VOTE U/A

ITEM #5: Old Business

a. Discussion and possible vote on Village at Bellamy Commons, Mist Development, located on Knox Marsh Road (46 units) (P02-41)

Malcolm McNeil, Attorney for the applicant, stated that this item was discussed at the Public Hearing held on January 8th, 2002 and it was decided by the Board that further action by the Conservation Commission was needed because two conditional use permits were necessary for the site. One, for the crossing that occurs on the roadway and second, the plan was located in the groundwater protection district and further investigation was asked for by the Planning Department to determine if there was any hydro-geologic link with the groundwater protection district, which could result in the need for a conditional use permit. He stated that it was found that the property had no linkage to the groundwater protection district, however, given the fact that it is in the district despite the absence of linkage, the applicant seeks the permit anyway because that is what the ordinance requires. He stated that the Conservation Commission recommended the conditional use permit for the groundwater protection issue and recommended the permit for the road crossing. He stated that the items addressed on the memo from the Planning Department had been resolved. He explained that the project was a 45-unit condominium project that had 13 singles, 5 duplexes, 1 triplex, 1 fourplex, and 1 fiteeplex, all with 2 bedrooms. He stated that the project could satisfy the need for more affordable housing and the probability of little impact on the school system. He proposed that the road be private and that the homeowners would be responsible for all maintenance. He also proposed that the occupants of this project be allowed an exit, through a private gate, in which Police and Fire Departments would be provided with a key for emergency purposes. He stated that the Planning Director and the applicant strongly disagree over this matter, and that he would leave it to the Board to decide. Malcolm McNeil addressed the items on the Planning Board memo.

Rueben Hull explained the water connection and the change to the center island of the project, as well as the architecture of the buildings.

Tony McManus suggested that in addition to allowing the owners to decide whether or not to open the gate, that the City reserves the right to revisit the issue of the gate when a street light is placed at the end of Western Avenue.

Malcolm McNeil stated that it was his opinion that the owners of the units should be given the option to open the gate or not.

Parks Christenbury stated that he objected to opening the gate to Western Avenue given the law enforcement issues Westgate Village creates.

Dennis Ciotti suggested the gate be some type of crash gate for emergency purposes.

Malcolm McNeill agreed.

Beth Thompson made the motion to take the case off of the table.

Dennis Ciotti seconded the motion.

VOTE U/A

Public Hearing opened.
No comments.
Public Hearing closed.

Steve Stancel stated that the Planning Department and Planning Board had recommended that the parcel be rezoned, three years ago, to a commercial use and that there had been a commercial user that was interested in the site, however during the review process, the City chose not to rezone it. He stated that in his opinion, the project would be a fiscal negative for the City, whereas a commercial use would have been a fiscal positive. He stated that the Planning Board recommended the project for approval with a list of conditions, including the recommendation that the road be connected to Western Avenue. He stated that it was his opinion that the decision to open the gate should not be left to the owners of the units as it is a public safety issue.

The Board discussed the idea of a split rail fence.

Tony McManus made the motion to approve with the recommendations of the Planning Department.
Pete Lavoie seconded the motion.

Tony McManus stated that in his opinion, the proposed use is a far better use than commercial development would have been.

Parks Christenbury made the motion to amend by removing the staff recommendation stating that the road be connected to Western Avenue.
Beth Thompson seconded.

VOTE 4-2

Approval of the application with the following staff recommendations and amended item:

1. Add owners' signature to plat.
2. Approval of Conditional Use Permit for lot coverage in Groundwater Protection District.
3. Contribution of \$8,000 for improvements to Bellamy Park, payable prior to the issuance of the first building permit.
4. Provide water line connection to Bellamy Park to replace seasonal line over parcel.
5. Fair share contribution of \$18,760 for Knox Marsh Road sideway project, payable prior to the issuance of the first building permit.
6. Approval of waiver for roadway pavement width of 24'.
7. Applicant to construct a 4' high chain link or stockade fence behind units #12-22 to prevent encroachment into Bellamy Park.
8. Copy of homeowners' association documents.
9. Architectural renderings for multi-family buildings.

10. Revise site plan showing limited common areas for each condominium unit.
11. Applicant shall address all issues contained in Engineering memo dated 4/9/02.
12. Conservation Commission recommendations #1-4 from the minutes of the meeting held 2/4/02.
13. Copy of NHDES Site Specific Permit and add permit number to site plan.
14. Revise site plan to show 30' wide easement for public sewer lines.

VOTE U/A

e. Discussion and possible vote on site plan for Covered Bridge Affordable Housing Corporation, located on County Farm Rd./County Farm Cross Road. (26 units) (P02-12)

Beth Thompson made the motion to remove the case from the table.
Dennis Ciotti seconded the motion.

VOTE U/A

David Joy of Joy & Hamilton Architects represented the applicant. He stated that since the last meeting, there had been a site walk, which brought up two issues. One, the location of the outlet from the detention basin, which had since been resolved. Second, the issue of the relationship of inlet and outlet pipe elevation, which had also since been resolved.

Dennis Ciotti stated that he thought the idea of a canopy, as presented during the site walk was a valuable idea.

Tony McManus stated that for emergency personnel, a canopy would be helpful, as well as for everyday uses such as dropping off groceries.

Public Hearing opened.

No comments.

Public Hearing closed.

Steve Stancel stated that the Planning Department recommended approval with the following conditions:

1. Add the owners' signature to the plat.
2. Add the Engineer's stamp and signature to all plan sheets.
3. Revise the plan by adding a note detailing the special exception granted by the Zoning Board of Adjustment.
4. Comply with the conditions listed in the April 5, 2002 memo from the Assistant City Engineer.

Beth Thompson made the motion to accept with the conditions of the Planning Department.

Parks Christenbury seconded the motion.

VOTE U/A

The Board discussed the four committees recently formed.

ITEM #6: NEW BUSINESS

Ron Cole appointed Dennis Ciotti to be the liaison between the Planning Board and DEDC on the rezoning issue.

The Board discussed rezoning issues.

Parks Christenbury made the motion to recommend Otis Perry for reappointment to the Strafford Regional Planning Commission.

Dennis Ciotti seconded the motion.

VOTE U/A

Parks Christenbury made the motion to adjourn.

David Landry seconded.

VOTE U/A