

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
APRIL 23, 2002**

**MEMBERS PRESENT:** Charles Maglaras, Beth Thompson, Pete Lavoie, David Landry, Margaret Stevenson, Parks Christenbury, Joyce El Kouarti, Dennis Ciotti, Tony McManus, Frank Torr

**MEMBERS ABSENT:** Ron Cole

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

Vice Chair Chuck Maglaras conducted the meeting in the absence of Chairman Cole.

Chuck Maglaras introduced Joyce El Kouarti, the new Planning Board Alternate.

**ITEM #1: Citizen's Forum**

No one spoke.

Chuck Maglaras announced that **ITEM #4, site plan for Millstone Properties, located on Back River Road, was withdrawn. (P02-10)**

**ITEM #2: Approval of Minutes.**

Beth Thompson made the motion to approve the minutes of the last meeting and the minutes of the workshop.

Dennis Ciotti seconded.

**VOTE U/A**

**Abstained – Frank Torr**

Tony McManus stated that the regular meeting minutes didn't indicate when Ron Cole came in and took over as Chairman. He said that he thought that it was at the start of Old Business.

**ITEM #3: Consideration and acceptance of an application for a lot line adjustment of land for Marie Baxter, Assessor's Map N, Lots 11 & 12A, zoned R-40, located on 210 Gulf Road. (P02-18)**

Charlie Baxter, son of Marie Baxter, stated that they are adjusting the lot line so they can sell one of the lots.

Parks Christenbury 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.

Parks Christenbury made the motion to approve with the following staff recommended conditions of approval:

1. Add the owner's signature to the plat.
2. Revise the plat to correct the setback lines from very poorly drained soils to be 75 feet for structures and from poorly drained soils to be 75 feet for the septic system.
3. Revise the plat to add a note that a digital version of the survey will be provided to the City upon approval.
4. The existing pool shall be removed prior to recording of the mylar.

Frank Torr seconded.

**VOTE U/A**

**ITEM #4: Millstone Properties, LL – Withdrawn**

**ITEM 5: Old Business**

**a. Discussion and possible vote on amendment to a major subdivision of land for Northam Builders, Inc., located on Columbus Avenue. (P98-22)**

Beth made the motion to take this off the table.

Peg Stevenson seconded.

**VOTE U/A**

Jim Schulte stated that he is representing Northam Builders, the developer. He said that they are requesting conditional approval from this Board for their concept in exchange for this Board agreeing to eliminate the requirement for the 50 foot roadway easement between lots 8 and 10. In return the developer would donate to the City an amount of land, 6 – 8 acres, depending on the final survey. The approximate boundaries are on the plan. Atty. Schulte said that this is conditional because the City Council would have to approve this as well. There would then need to have a subdivision plan for approval giving two more opportunities for public comment and input. Atty. Schulte said that if this site is going to be developed for athletic fields, he assumes that that is not going to happen this month or next, and it may be a while. The access to those fields would be across the adjacent hay field, all the way out to Littleworth Road. This land is owned by an abutter who has agreed to provide access but would prefer that the access not be developed until either the land is developed or until a given period of time has passed. He said that the owner's preference was 10 years but the exact timing of that is still subject to some discussion. If the land is developed sooner than the time period, then access would be extended from the development to this property. Otherwise if it hasn't been developed after the passage of some given period of time, the right of way would be

put in. The developer was comfortable with 10 years. If the Board has a different feeling about that, then he'll take the Board's instructions back to the developer.

Parks Christenbury stated that he walked the parcel and from a Councilor's point of view there will be no development any time in the near future. As a Councilor, he would recommend that the development that does occur out there would be of a low impact/nature trail because of the topography and terrain. He said that it would cost way too much to develop any type of fields out there and it would be much more conducive to that area to remain natural.

Tony McManus asked what the owner's schedule was to bring it to the Council and the date of the subsequent subdivision submittal.

Jim Schulte said that assuming the plans have sufficient detail for the Council, he would expect to get on the Council Agenda as soon as possible. He said that they would then go to the expense of completing the perimeter survey and bringing that before this Board to subdivide the land so that they could convey the land to the City and deed back the roadway easement that was deeded to the City a couple of years ago.

Tony McManus said he doesn't have a problem with the request but doesn't want to wait 5 or 10 years for the property to be transferred to the City. He said if the City is making the deal, he would like to see it done within the next 6 months.

Jim Schulte said that as soon as they have the next two approvals, they would be ready to deed the property to the City but the timing of access to the land may differ with regard to access by foot or access by vehicle.

Tony McManus asked if a pedestrian easement from Wallace Woods would be acceptable to the developer.

Jim Schulte said that it is acceptable to the developer but he believes that the people who own the land where the easement would be situated would have a problem with a pedestrian access. He said that a pedestrian access, if it was limited to the residents of Wallace Woods, may be acceptable. He said that there is a concern about the traffic that might be generated and traffic parking out in front and people walking through the yard. If it's for general public access, it creates a problem not for the developer but for the lot owners.

Pete Lavoie said that there are some wetland areas that narrow down to about 5 or 6 feet that would be very easy to put a footbridge across but there are other areas of wetlands that would be more difficult. He said that he would like the crossing to be negotiated to make it easier for the City.

Jim Schulte said that that he assumes that as part of the subdivision approval, the Board would want the access to be identified, even if it is not going to be immediately deeded or made available for use. Mr. Schulte said that it seemed to him that there are places where

simply putting in a culvert and a relatively small amount of fill would get you what you need.

Steve Stancel stated that if only for open space purposes and if nothing ever happens, you would have an island of green open space. Steve said that there is a good chance that quite a bit of additional development, residential as well as potential non-residential, could occur in the area surrounding this parcel.

David Landry said that there are people that live in Wallace Woods that have an issue with the access and it is a reasonable concern. He said that we are adding another subdivision of people who are going to have the same issue with access. He said it may be good enough to just obtain the land and leave it as open space. He said that as far as the access point, even if it's just for Wallace Woods, it becomes an enforcement issue. He asked if there was a reason why this decision can't wait until the plans for the new subdivision are ready so it could all be taken care of at once.

Steve Stancel stated that the reason is that the owners of lots 8 & 10 are looking to resolve the right-of-way issue.

David Landry said that we are making something that is not all that difficult much more difficult than it needs to be by dividing this question up into multiple pieces.

Steve Stancel explained that it is not that difficult because as this area gets developed, there is going to be the need for open space. There are all kinds of opportunities. It could be a tot lot that could service the entire area. One of the reasons that the staff feels so strongly that there should be pedestrian access over that easement is not only so people from this particular neighborhood can get over there, but there will be a sidewalk put in along Columbus Avenue and he sees people utilizing that sidewalk to go up Wallace Way to access this parcel as opposed to going all the way down to Littleworth Road.

David Landry said that that is not an unreasonable position from a Planning standpoint but the basis for not putting this all together is to solve the problem of these two people who own these two lots. He feels compelled to ask them if a pedestrian access that is open to anybody that comes down the street solves their problem or not.

Chuck Maglaras said that it's a public right-of-way and people can use it.

Steve Stancel stated that a foot access would be better than a road access.

Beth Thompson said that ten years is way too long to wait to access the open space and that should be looked at during the negotiations. She asked Pete Lavoie if we should have a wetlands crossing in place before we accept it as opposed to identifying one that may or may not pass through the Wetlands Bureau. She was concerned that the Wetlands Board would not approve the crossing that was chosen.

Jim Schulte said that that may be a question for the next time it comes before the Board. He said that he could understand that as part of that application you would expect to see approvals from the Wetlands Board.

Beth Thompson said that the Board just approved access for a private neighborhood to Bellamy Park. She would support having public access.

Parks Christenbury said that the abutters didn't want cars and headlight. He said that he is not going to be opposed to a pedestrian access. Parks said that when he grew up the City was famous for it's neighborhood parks and there was enough recreational opportunities so people did not have drive to someone else's park, everybody had a neighborhood area to get to. The Planning staff has been trying to work towards getting open land into neighborhoods so that people have something that they have ownership of. There will still be a utility easement so you cannot keep people out. This is a concept where we are trying to give each neighborhood somewhere that is exclusive to that neighborhood. If the City is going to invest in this land, people do have to have an access to it. He said that this is what they are trying to return the City and he thinks that the details can be worked out to everybody's satisfaction.

David Landry said that if the key is open space, coming in from Littleworth Road, given the concerns that people have with regard to access given the wetlands, what is the likelihood that this piece of land can be developed anyway. He asked if it was possible that it's such a problem and it's going to be open anyhow.

Jim Schulte said that he thinks that the access is a location with minimal impact where you could put in a culvert and crossing and once you are across that then you are on the property and its big enough to put in a number of houses. There is no guarantee that the State would approve a wetlands crossing at the end of the 50' right-of-way that exists now anyway. He feels that there is real potential for developing this piece given the land that is a little further out Littleworth Road that is under current review by this Board, where there are significant amounts of wetlands but it is still going to be developed. He said that the crossing at that location is more significant than these crossings. If that land gets rezoned for industrial use, then it probably would never get used for industrial purposes. Unless you do something like you did for the City's industrial Park, off of Sixth Street, where the City did an exchange of development rights and permitted the development of a tract of land that was half wet into a pretty significant industrial park.

Frank Torr asked if the developer has shown any interest in contributing money to this situation. He assumes that there must be a legal issue because of the fact that when it was passed it showed the right-of-way and he isn't sure what happened in the process.

Jim Schulte stated that the developer would be purchasing this land from the same owner who owns the field out on Littleworth Road. He said that if this is not done and that 50' right-of-way remains intact, it is likely that whoever develops the piece off of Littleworth Road, if it's done for residential purposes, would be required to extend the roadway all the way through there, assuming that you can get wetlands permission from the State.

For tonight's purposes, he said that he thinks that is a fair assumption. If this same developer is the person who develops that land, he would have to pay for that road. The money that he is not putting into building that road is what he would use to buy this land and then donate it to the City.

Tony McManus said that it seems to him that as part of the subdivision process, we can make it a condition of approval that whoever develops the main portion is going to have to provide access to the City land.

David Landry asked how the Board can require somebody to provide access to the City for City-owned land that is land locked.

Frank Torr asked if the Board was voting on the concept only?

Chuck Maglaras said that from what he gathers, the staff wants to pass it with a pedestrian easement. He said that they want to get rid of the 50' wide easement.

Steve Stancel added that the developer did not want to go through the expense of the doing the subdivision and some additional wetlands mapping without getting some kind of conceptual approval by this Board.

Jim Schulte stated that in deference to the lot owner's concerns, he would not like pedestrian access down that right-of-way. He added that the Board has to do what it thinks is best for the City.

Chuck Maglaras reopened the public hearing.

Susan Martinen, 12 Wallace Drive, stated that she is still questioning if the matter of the Kings Grant Land has been looked into and if it is developable. She said that they all purchased land on Wallace Drive with no knowledge of the access. While pedestrian access does eliminate traffic access, it doesn't eliminate traffic on this street, itself, which is a cul-de-sac with no parking on one side of the street. There are numerous little children on bikes and extra traffic would be a safety hazard. She questioned whether the Board had studied the usage of the other parks in the City and how those are being used and what is actually needed. They all want to see open land, but it is not necessary for it to be in their backyard. She said that if you allowed the park to be in the new development, off of Littleworth Road, people would be purchasing houses knowing that there is access into that area. She said that the land back there is very wet and it would take work to make it accessible.

The public hearing was closed.

Steve Stancel stated that he would recommend that the Board approve the concept plan with the pedestrian access. He said that it is important that there be some type of pedestrian access to that site from Wallace Drive. There have been recreational studies done that show the need for additional open space and particularly tot lots. He said that

the study shows that people, generally, don't drive to these neighborhood parks. He would recommend a minimum pedestrian access and reducing that 10-year period to possibly 5 years.

Parks Christenbury stated that there is a tough constituency when it comes to parents that want more fields in Dover. He said that he is going to recommend that this area be a very minimal impact area such as nature trails. Parks stated that the City has to allow the pedestrian access because it will be a piece of public land. He said that he would make sure that he worked with the neighborhood to be sure there would be no problems.

Peg Stevenson asked if this piece would make a difference as to the number of houses that could go in a potential subdivision if the entire parcel was considered for development vs. if 6 – 8 acres were removed.

Steve Stancel stated that even if you were not able to access that upland area for a residential development, you'd be able to count that upland area toward your density if you were doing an ADS. He said that by taking those 6 or 7 acres out, you would be reducing the total number of house lots on a future project.

David Landry asked Pete Lavoie if the property could ever support a ballfield.

Pete Lavoie said that they could not see where it would be possible. He said that by the time you would get the stumps and a road, it would take a lot of material. He said that he would like to have a service access to at least be able to get in there with equipment.

David Landry stated that making this a pedestrian access as opposed to vehicle access would be regrettable if it were possible to get a ballfield in there.

Dennis Ciotti said that it was found at the site walk that the land is not conducive to ballfields. He said that any development would require a road just to get a dump truck or a backhoe in there and that is 99.44% not going to happen. The land is nice as open land and that is probably all that it will ever be. He stated that there should be a pedestrian right-of-way because it is open space to be enjoyed by all the citizens of Dover. He said that the City would love to have more people give open land to go undeveloped. He asked the residents to weigh the alternatives and look at the big picture down the road for the City and their kids. He said that he lived in a similar development with a similar lot next door to him and he believes that they would find that they would be enjoying that land even if some other people from other close neighborhoods came by to visit.

Tony McManus made the motion to approve the concept with the recommendations of the Planning staff.

Dennis Ciotti seconded.

Chuck Maglaras asked Steve to go over the recommendations:

1. Pedestrian access over the existing 50' right-of-way.

2. Stipulate that any future use would be low impact recreation.
3. Access be negotiated sooner than 10 years.
4. Identify the wetlands crossing
5. The right-of-way be reduced to 30' at the cost of the developer.

Discussion ensued with regard to the easement size. He said that the property owners on lots 8 and 10 would each gain 10 feet of land.

Peg said that she wants to be sure that the word concept would be added to that approval.

**VOTE U/A**

Steve Stancel stated that the NH DES set up a public hearing for the River Dredge Wetlands Application for May 14, 2002.

Steve Stancel said that he didn't realize until today that the next Growing Greener Workshop is scheduled for May 14<sup>th</sup> and it happens to focus on smart growth. He said that we now have 3 different meetings to attend on the same evening. He asked the Board if they have any problems switching the Planning Board meeting to the next night, May 15<sup>th</sup>.

There appeared to be no problem with meeting the 15<sup>th</sup> instead of the 14th.

**ITEM #6: New Business**

Parks Christenbury said that it would be good to have Joyce El Kouarty, an environmentalist, as part of the Planning Board and added that there is still another opening for an alternate.

**ITEM #7: Adjournment**

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

**VOTE U/A**