

**DOVER PLANNING BOARD
MINUTES OF MEETING
MAY 28, 2002**

MEMBERS PRESENT: David Landry, Tony McManus, Joyce El Kouarti, Margaret Stevenson, Dennis Ciotti, Beth Thompson, Frank Torr, Ron Cole (late)

MEMBERS ABSENT: Chuck Maglaras, Pete Lavoie, Parks Christenbury

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

In the absence of Chairman Cole, Tony McManus brought the meeting to order at 7:04 PM.

ITEM #1: Citizen's Forum

No one spoke

ITEM #2: Approval of minutes.

Beth Thompson made the motion to approve the minutes.
Frank Torr seconded.

David Landry stated that on page 10, second to last sentence, there should be a period after houses and a new sentence starting with "This seems odd".

Tony McManus said that on page 8, it should state that Henry Boyd explained that the end of the road is actually the best position with regard to the direction of the lights.

VOTE U/A

ITEM #3: Consideration and acceptance of a minor subdivision and Lot Line Adjustment of land for Tri-City Builders, Inc., and STF Development Corp., Assessor's Map 25, Lots 45 & 45A, zoned RM-10, located at Granite St./Atlantic Ave.*(P02-22)

Jim Schulte represented the applicant and explained that a portion of the large lot would be added to the smaller lot and then the smaller lot would be subdivided. He added that the existing house would be removed.

Peg Stevenson made the motion to accept the application.
Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

Annette Cockburn, 137 Portland Ave., was concerned with any added traffic on Granite Street. She said that it's zoned RM-10 and if there were apartments on the big lot she would be concerned if the access was on Granite St. She said that Dover Auto Body is located on Granite St. and generates a lot of traffic. She stated that she would like the lots to access from Atlantic Avenue, not Granite St.

Leonard Silver stated that he lives next door and has no problem with the development but does not think that Granite Street can handle traffic from 12 apartments. He felt that they should come in from Atlantic Avenue. He explained that Granite Street is a very difficult street to drive on especially in the winter.

The public hearing was closed.

Jim Schulte explained that the applicant has been before the ZBA for a Congregate Care Facility and he hasn't heard that there had been any changes. He said that they would have to come before this Board and address the traffic issues.

Steve Stancel said that the Planning Department looked at the access and had some concerns with access coming out on Atlantic Avenue because of site distance. He said that they would be recommending that the two smaller lots share a driveway access. He said that Granite Street appears to be the better street to access the larger lot. At the time the applicant comes in with development on that parcel, the staff will be looking at potential upgrades required to Granite St.

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

1. Add the owner's signature to the plat.
2. Revise the plat to add Common Subdivision Plan Note #25, regarding providing a digital version of the plat.
3. Revise the plat by revising note #4 to include the lot area of Lot #45.
4. The existing house shall be removed prior to recording of the final mylar at the Strafford County Registry of Deeds.
5. Access to the 2 lots on Atlantic Ave. shall be achieved through the use of a shared driveway.

Dennis Ciotti seconded.

VOTE U/A

Chairman Cole took over the meeting.

ITEM #4: Consideration and acceptance of a minor subdivision of land for Barry Williams, Assessor's Map M, Lot 101, zoned R-40, located on Middle Road.* (P02-24)

Paul Connolly represented the Williams and Kevin McEneaney. He explained that it's a simple subdivision where each parcel is in excess of the required area and road frontage.

Beth Thompson made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

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

Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Revise the plat by adding the 50-foot Conservation District setback line to Canney Brook.
3. Revise the plat by adding a note that indicates that each lot contains a minimum of 40,000 square feet of non-wetland area.
4. Revise the plat by adding the GIS bearings in two places.
5. Revise the plat by correcting the name of the engineering company in reference plan #2.

Joyce El Kouarti seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a revision of a site plan of land for Millstone Properties, LLC, Assessor's Map 16, Lot 15, zoned UMUD, located on Back River Road. *(2 units)(P02-10)

Jim Schulte represented the applicant. He said that a year ago this Board approved 64 1-bedroom apartments on this site. This application will increase the total number of apartments by 2 so there will be 66 apartments. Previously the large building would have housed 60 1-bedroom apartments and will now house 64 units. Because of the way the roof was constructed it is possible to add more units within the existing footprint. Last year there were plans to build a new 4-apartment building on the opposite side of the site. Instead of doing that, the existing house on Back River Road that was slated to be torn down, will now be retained and will be turned into a duplex of two-bedroom apartments. They will be providing 1 1/2 parking spaces for the 1-bedroom units the 2-bedroom units will require 2 spaces so there will be a total of 100 spaces required. Instead of the detention pond at the south end of the parking lot, the drainage will now be piped down to the river across land to Sawyer Mills and will have a Vortex unit down near the river to collect sand and oil. It will collect not only from this parking lot, but also from the parking lot for Store 24 and the office building next to that. To some extent there will also be drainage of the driveway for Sawyer Mills. So whatever drains into the manhole will be cleaned out through the Vortex that will be located down near the river.

Paul Connolly represented the Williams and Kevin McEneaney. He explained that it's a simple subdivision where each parcel is in excess of the required area and road frontage.

Beth Thompson made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Revise the plat by adding the 50-foot Conservation District setback line to Canney Brook.
3. Revise the plat by adding a note that indicates that each lot contains a minimum of 40,000 square feet of non-wetland area.
4. Revise the plat by adding the GIS bearings in two places.
5. Revise the plat by correcting the name of the engineering company in reference plan #2.

Joyce El Kouarti seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a revision of a site plan of land for Millstone Properties, LLC, Assessor's Map 16, Lot 15, zoned UMUD, located on Back River Road. *(2 units)(P02-10)

Jim Schulte represented the applicant. He said that a year ago this Board approved 64 1-bedroom apartments on this site. This application will increase the total number of apartments by 2 so there will be 66 apartments. Previously the large building would have housed 60 1-bedroom apartments and will now house 64 units. Because of the way the roof was constructed it is possible to add more units within the existing footprint. Last year there were plans to build a new 4-apartment building on the opposite side of the site. Instead of doing that, the existing house on Back River Road that was slated to be torn down, will now be retained and will be turned into a duplex of two-bedroom apartments. They will be providing 1 1/2 parking spaces for the 1-bedroom units the 2-bedroom units will require 2 spaces so there will be a total of 100 spaces required. Instead of the detention pond at the south end of the parking lot, the drainage will now be piped down to the river across land to Sawyer Mills and will have a Vortex unit down near the river to collect sand and oil. It will collect not only from this parking lot, but also from the parking lot for Store 24 and the office building next to that. To some extent there will also be drainage of the driveway for Sawyer Mills. So whatever drains into the manhole will be cleaned out through the Vortex that will be located down near the river.

Ron Cole asked if the Vortex system would be monitored.

Steve Stancel explained that the City requires a maintenance plan for the Vortex. The City Engineer and Dean Peschel, the Environmental Projects Manager, have reviewed the plan and the Conservation Commission will also review it as part of their wetlands application.

Tony McManus noted that there is a location for a single dumpster and asked if that will take care of 66 units.

Jim Schulte stated that the dumpster would have to be frequently emptied. Mr. Schulte said that the pad is 12 feet square judging by the size of the parking spaces that are next to it, therefore, a fair sized dumpster could be utilized.

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 if there are any rubbish problems on the site, the Health Inspector would issue a citation and require that there be more frequent emptying.

Steve Stancel stated that they are requesting a waiver because the driveway will be closer than 5 feet from the abutting parcel.

Frank Torr made the motion to approve the waiver and the application with the following conditions:

1. Add the owner's signature to the plan.
2. Provide the Planning Department with a copy of the Wetlands Bureau Permit and add the permit number to the plan.
3. Revise the plan to correct the number of units listed in note #5.
4. Revise the plan to add a note to sheet #5 specifying the lighting to be provided on the south side of the new building.
5. Provide the Planning Department with a Drainage Agreement that is signed by Millstone Properties, Inc. and Sawyer Mills Associates, Inc. and is recorded at the Strafford County Registry of Deeds.
6. Receipt of a maintenance schedule for the Vortex System.

Ron Cole asked if the abutter to the driveway, that is going to be closer than the 5 feet to the line, has been notified?

Steve Stancel stated that he has been notified.

Jim Schulte stated that he has had a discussion with the abutter and he is aware of it.

Peg Stevenson seconded.

VOTE 7 – 1

Opposed – Tony McManus

ITEM #6: Old Business

a. Discussion and possible vote on a major subdivision of land for Leslie Molleur, located on Back Road. (6 lots) (P02-09)

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

Frank Torr seconded.

VOTE U/A

Bob Stowell of Trittech Engineering, represented the applicants. He stated that they were here a couple of weeks ago and thought that they had worked through all the details. He said that the only issue was to try to provide frontage to one of the abutter's property that does not have any frontage on a city road. They have been trying to work out different means to accomplish that and keeping the required minimum lot size. They have worked through that. He said that the package that has come to the Board does not reflect that but Atty. Hewitt has just handed out what they have proposed and the abutters have agreed to this proposal. They have provided the Neal's with approximately 153 feet of frontage, giving them 150 feet of frontage on a city street. In exchange for that the applicant would get a triangular piece of land towards the rear of the property on lot 20-6.

Atty. Bernie Pelech stated that this all got worked out 5 minutes before the meeting.

Atty. Malcolm McNeill, represented the Neals and confirmed that statement. He said that he would hate to see the Williams inconvenienced by having to come back again. He said that Mr. Stowell will insert the final meets and bounds on the final plan.

Dennis Ciotti recommended that this be approved.

The public hearing was opened.

Dan Ayer spoke in favor saying that he has no problems with this.

The public hearing was closed.

Steve Stancel stated that they are requesting two waivers one from Chapter 155-33-J to allow a dead-end road with a length of 1,040 feet and a second waiver from Chapter 155-33-A to allow a 24 foot wide pavement. He said that they are recommending approval of those and the approval of the plan with the following conditions:

1. Add the owners' signatures to the plat.
2. Revise the plat by adding the engineer's and surveyor's stamps and signatures.
3. Approval includes the granting of a Conditional Use Permit.
4. Approval includes the granting of the requested waivers.

5. The applicant shall provide the Planning Department with a copy of the NH Wetlands Bureau permit and add the permit number to the plat.
6. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision permit and add the permit number to the plat.
7. The applicant agrees that in lieu of providing on-site recreation facilities, he shall contribute \$1,200 to the City for the purpose of improving existing recreational facilities. Said contribution shall be paid prior to the issuance of the first building permit.
8. The applicant agrees to pay a fair share contribution in the amount of \$4,098 to the City for the Community Services Vehicle Fund. Said contribution shall be paid prior to the issuance of the first building permit.
9. The applicant shall grant a 100-foot wide conservation easement along the Cochecho River to the Conservation Commission. Said conservation easement shall be approved by the chair of the Conservation Commission and shall be recorded at the Strafford County Registry of Deeds prior to or concurrently with the recording of the subdivision plat.
10. The applicant shall submit to the Planning Department a forest management plan for the area covered by the conservation easement, prepared by a licensed forester prior to signing of the mylar.
11. The application includes the approval of the lot line adjustment as indicated on the plan to be submitted to the Planning Department.

Dennis Ciotti made the motion to approve with the above referenced conditions.
David Landry seconded.

VOTE U/A

b. Discussion and possible vote on a major subdivision of land for Dupere, located on Washington St. (19 lots)(P01-65)

Frank Torr made the motion to remove this item from the table.
Joyce El Kouarti seconded.

VOTE 5 – 2

Opposed – David Landry – Tony McManus

Ron Cole stepped down.

Tony McManus took over as Chairman.

Steve Stancel stated that in between meetings the applicant's engineer met with the City Engineer and the abutter, Mr. Lundborn, in regards to drainage issues. The City Engineer asked for additional information of which he hasn't received or had an opportunity to review yet. Another item that came up at the last meeting was that the Board had requested that the applicant to meet with Mr. Fortune, the abutter across the street, which has occurred.

Henry Boyd, of Millenium Engineering, introduced Chris York, Jeff Dupere, and Atty. John Coliander. Mr. Boyd said an important item is the position that the Board was about to take on whether they would grant a waiver for the length of the road. He said that he thinks that the regulations speaks clearly to the fact that the topography is the reason that the road be longer than 1,000 feet. In their effort to minimize a severe wetlands impact and to choose the shortest crossing, they put the curve in the road. He explained how the road length would have been shorter without the curve. He said if you look at the road in a straight line as the crow would fly, it is about 1,050 feet. Also, the length was to accommodate connectivity of Taylor Road Extension. He said that they are within the spirit of the ordinance in accordance with roadway design.

Mr. Boyd said that the second issues was in regard to Taylor Road Extension and that it was thought that they should provide a turnaround for that section of the road. After taking comments into account they have designed easements to accommodate an emergency vehicle to turn around.

Mr. Boyd said that in regard to the drainage issue with Mr. Lundborn, they have always sent him copies of the drainage report. At the site walk Mr. Lundborn had asked for and received the very next day, the drainage reports and all the changes after that. He said that they have met with the city engineer several times and he came to the same conclusions that they had. The city engineer had requested that Mr. Lundborn send us all of the material that he was talking about. Mr. Boyd said that they have not received anything to date and he doesn't believe that the city engineer has either. He said that they have taken every opportunity to try to meet with him to address his concerns and to return his phone calls. Mr. Boyd said that he asked Mr. Lundborn to send them some data and they have not received anything to date. He added that Mr. Lundborn is not present this evening to address the issue. They clearly feel that they have gone over this several times and their numbers bear out the scientific data that they are working with.

Mr. Boyd said that the last issue that was brought up was the concern that Steven Fortune had regarding light pollution from the car lights on Taylor Road. He said that Mr. Fortune has struck a compromise with Mr. Dupere and Mr. Dupere has graciously agreed to meet Mr. Fortune's concerns.

Mr. Dupere said that there was a compromise of \$4,000 for plantings of Mr. Fortune's choice.

J.P. Nadeau represented J.B.J. Trust and stated that the developer has worked with them to try to adjust the plan to give access to his parcel of land. He said that the plan doesn't show where that extension is located with regard to his lot and the abutting lot. He asked if he could get that figure.

Mr. Boyd said that he can't give him that figure because there isn't a survey record of that lot and their job was not to survey that lot so they can't nail down exactly where it is. He said that it was the intent, based on the knowledge that they have, to set it in a

location that would be suitable for both abutters and not to go onto Mr. Nadeau's parcel or visa versa.

Steve Stancel stated that he wanted to point out to Mr. Nadeau that Taylor Road Extension will have to be paved as part of the project and become a public road because they are using that as frontage for at least one of the lots.

Discussion ensued with regard to the concerns of Mr. Nadeau and the placement of the Taylor Road Extension and the abutting properties.

Mr. Boyd said that the road is now a dead end and is 52 feet wide, so even if it was entirely on Mr. Nadeau's land it still doesn't give him any frontage. There would have to be something done to extend that road and Mr. Nadeau would have to work it out with the other abutter to insure that they both have what they need. He said that if you look at the topo, there isn't a more suitable spot for the road.

Mr. Nadeau said that the developer has given financial consideration to Mr. Fortune and he is not asking for financial consideration but it would only take \$2,000 to determine the boundaries.

The public hearing was closed.

Steve Stancel said that they were prepared to recommend approval and gave the suggested conditions of approval.

David Landry asked if abutters are always notified of meetings. He said that given everything that was said by Mr. Lundborn at the last meeting, he found it odd that Mr. Lundborn was not present.

Steve Stancel stated that notices were not sent out for this meeting because it was said at the last meeting that this was going to be taken up tonight. He said that he believes that Mr. Lundborn had a meeting with the city engineer between the last meeting and this one and there was a significant amount of discussion. There were some agreements and some agreements to disagree and the city engineer has requested some additional information and that is why one of the conditions of approval is the receipt of the final approval from the city engineer as to the drainage plan. He added that NH DES is going to be looking at the drainage plan for their Site Specific Permit.

David Landry thought that the Board was getting too far ahead in the process with too many concerns that have not been hammered out yet. He said that he will have a difficult time supporting this. He said that he felt that it should have remained tabled.

Frank Torr made the motion to approve this and the waiver from Chapter 155-33-J, to allow a dead-end road with a length of 1,215 feet and a waiver from Chapter 155-33-G, to allow an eight percent road slope, where six percent is allowed and the following conditions:

1. Add the owner's signatures to the plat.
2. Approval includes the granting of a Conditional Use Permit.
3. Revise the plat by adding the NH Wetlands Bureau permit number to the plat.
4. The applicant agrees that in lieu of providing on-site recreation facilities, he shall contribute \$3,400 to the City for the purpose of improving existing recreational facilities. Said contribution shall be paid prior to the issuance of the first building permit.
5. The applicant agrees to pay a fair share contribution in the amount of \$5,595 to the City for the community Services Vehicle Fund. Said contribution shall be paid prior to the issuance of the first building permit.
6. Revise the plat to add the plantings recommended by West Environmental to demarcate the wetlands boundary on lot #9.
7. The applicant shall include in the deeds of all lots that contain wetlands, language outlining the development restrictions imposed by the Wetlands Protection District Ordinance (Chapter 170-27.1)
8. The applicant shall include in the deed of lot #9 a restriction that the house be built with slab-on grade construction techniques due to the high water table.
9. Provide the abutter Steven Fortune, with the agreed upon amount prior to the issuance of the first building permit.
10. Approval of NH DES Site Specific Permit.
11. Final approval from the City Engineer as to the drainage plan.

Beth Thompson seconded.

VOTE 4 - 2

Opposed - David Landry, Peg Stevenson

Ron Cole took his seat.

ITEM #6: New Business

Ron Cole went over the memo from Jeffrey Taylor about the Smart Growth NH award.

He said that he has been very impressed with the Growing Greener workshops. He spoke about the news release where the Dover Planning Department will be hosting a presentation by Conservation Planner Randall Arendt who is an author, a speaker and community planner. Ron announced that this will take place on June 13th.

Ron Cole said that he wanted to bring the Board up to date on the notices for the sub-committee meetings.

Beth Thompson said that she is on the Commercial Industrial Base sub-committee and they have identified land that they would like to look at. She said they are in the process of choosing what types of zones and what kind of things they want to do. She said that she knows that staff is working with their committees but thought that maybe the committee chairs might want to sit down and talk to be sure that the four committees are not all looking at the same parcel for four different things.

Ron Cole said that he will contact all four chairs and see if something can be done within the next week.

Beth Thompson said that the last Planning Board meeting in June was the target to come forward with the proposals.

Steve Stancel stated that the meeting will depend on the agenda itself. He said that some meetings have very few items.

Ron Cole went over the dates and times of the upcoming meetings.

ITEM #7: Adjournment

Frank Torr made the motion to adjourn.

Beth Thompson seconded.

VOTE U/A