

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 24, 2001**

MEMBERS PRESENT: Ron Cole, Brenda Whitmore, John Sullivan, Frank Torr, Margaret Stevenson, David Landry, Dennis Ciotti, Beth Thompson, Jerry Reese, Chuck Maglaras (late)

MEMBERS ABSENT: Tony McManus, Pete Lavoie

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

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

ITEM #1: Approval of minutes.

Jerry Reese made the motion to approve the minutes of the last meeting.
Margaret Stevenson seconded.

VOTE U/A

Ron Cole announced that the Board would be discussing Stable Homes of Dover, under Old Business, but would not be voting on it.

ITEM #2: Consideration and acceptance of an application for a minor lot line adjustment of land for Priscilla Duffy and City of Dover, Assessor's Map 40, Lot 40, zoned R-12, located on Willand Avenue/Old Rochester Road.

Kevin McEneaney represented the applicant. He said that the parcel is approximately 10,000 sq. ft. He explained that the right-of-way in that section of Willand Avenue has a kink in it and over the years during various paving projects, the City has encroached onto Mrs. Duffy's front line. They are proposing a lot line adjustment whereby Mrs. Duffy would convey approximately 3 ½ feet along the frontage of Willand Avenue to the City to be incorporated as the right-of-way to Willand Avenue. He said that because this parcel was less than the 12,000 sq. ft., it required a Variance in order to make it less conforming. He said that last week they went before the Zoning Board and received a Variance. He said that they would make a reference to that Variance on the plan.

Beth Thompson made the motion to accept the application.
Dennis Ciotti 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 owners' signatures to the plat.
2. Add a reference to the plan regarding the variance received for the non-conforming lot size.

Beth Thompson seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for an Alternative Design Subdivision (ADS), for Douglas Dodd General Contractor, Inc., Assessor's Map G, Lot 7-1, zoned R-12, located on Washington Street. (24 units)

Kevin McEneaney represented the applicant, Douglas Dodd. This project is an Alternative Design Subdivision consisting of 27 acres and 24 units within 12 duplex buildings. An ADS allows duplexes in an R-12 zone. This plan was before the Board in November of last year and received preliminary approval allowing them to proceed through the process as an ADS. He said that they are proposing a private road approximately 1,000 to 1,200 feet long. Each of the individual units will have its own lot. There will be a zero lot line down the middle of the duplex units and approximately 15 feet on either side around the buildings as an additional setback. The ADS allows them to do that and to put the lot lines around the units with minimum frontage or lot sizes. The project has approximately 86% open space. They are proposing to do the roadway construction along with a sidewalk and just a grading around the immediate units. The entire remainder of the property will be under a conservation easement that would be given to the Conservation Commission or some other conservation group within the area. They are in the process of getting the documents completed and will have them to the Planning staff for review prior to final approval. He said that they asked for a waiver at the preliminary for the 50% of the open space must be upland. He said that that they are slightly less than the 50%, but they are well in excess of the total open space at 86% where only 25% is required.

Paul Connolly stated that the proposed roadway would have a 24 foot paved width with a 5-foot asphalt sidewalk from Washington Street to the cul-de-sac area. The utilities will be underground. There are wetland impacts of 7,450 sq. ft. He said that the box culvert, 20 ft. wide by 4 ft. tall would allow the existing stream to remain intact. Paul stressed that part of that impact would only be a temporary impact for the utilities. Paul said there is not a lot of stormwater generated from the project and it will be treated through a series of swales. Paul stated that the homeowners association would be responsible for the upkeep of the culvert.

Douglas Dodd stated that the size of the units would be 1,400 to 1,500 sq. ft. He also indicated that three of the buildings (6 units) would be single-story. He said that the units would consist of 2 bedrooms.

David Landry asked if the Conservation Commission looked at this project with a bridge in mind and now it's something different.

Kevin McEneaney answered that when they went to the Conservation Commission the first time they had not really calculated the permanent impact at that point. He said that their proposal now is a slightly larger permanent impact than a bridge, but the overall 7,000 sq. ft. impact, half of which will be temporary has not changed. He said that they would be going back to the Conservation Commission again for their review because they have to issue a statement to the State Wetlands Board prior to final approval.

David Landry asked if the City has recourse, with regard to the road, when a lack of maintenance on the private owner's part affects the public interest

Steve Stancel stated that the City, under Public Safety, could take the association to court.

David Landry stated that this project will be visible from the Spaulding Turnpike and he would like to see them put some trees in the open space area so it wouldn't look like the development fell out of the sky into an open field.

Chuck Maglaras arrived but did not sit on the Board.

Doug Dodd explained that a lot of this development is on the north side and is against the existing trees.

Paul Connolly stated that the 2 street trees per lot might be next to impossible. He said that possibly one tree on the street and one to create a buffer.

John Sullivan 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 the Planning staff recommends tabling until the August 14th meeting.

Jerry Reese made the motion to table.

Dennis Ciotti seconded.

VOTE U/A

Chairman Cole stepped down for the following item.

Chuck Maglaras, Vice Chair, took a seat on the Board and chaired the meeting.

John Sullivan gave up his seat on the Board.

ITEM #4: Consideration and acceptance of an application for a site plan of land for Weeks Restaurant Corporation, Assessor's Map 39, Lots 2, 3, & 3A, zoned B-3, located on Central Ave/Weeks Lane/Indian Brook Drive.

Bob Stowell, Trittech Engineering, represented the owner, David Weeks. The project is in the island area behind the Chili's building, and encompasses the area that is the existing ATM machine and the old Varney's Cleaner building. The proposed new building is a two-tenant building, 5,500 sq. ft. Tenant #1 has approximately 4,000 sq. ft. and the Tenant #2 has approximately 1,500 sq. ft. They have proposed a loading area and dumpster location for both units on the easterly side. They had proposed a stockade fence enclosure for the dumpster and at TRC it was suggested to incorporate a block enclosure which would match the construction of the building and that was incorporated into the plan. They don't propose any new curb cuts, they feed off of the existing Chili's site and the two existing curb cuts. The Varney's Cleaners building will be demolished. The original site had 120 parking spaces and this new configuration has a total of 139 spaces for 19 new parking spaces. The tenants that they are proposing require a total of 12 new spaces. They have a net parking gain of 23 spaces of which 12 are necessary. He said they are accruing 11 new spaces that can be used for some of the overflow spaces from Chili's. The existing parking on the lawn was brought up at TRC. They are going to add a decorative fence, which will eliminate the parking on the grass. All the utilities are underground. He said that Mr. Weeks is on a tight time schedule as far as getting his tenants in there. Bob said that Mr. Weeks has a demolition permit and expects to start the building as soon as he receives approval here.

Jerry Reese said that at 6:05 PM tonight, there was at least 7 staff cars parked on the grass.

Bob Stowell stated that the staff was instructed to park there but the fence will keep them off the grass so they wouldn't have any choice anymore. Bob said that the peak time for the new uses would not be the same as the peak times for Chili's. Bob said that Mattress Discounters is the larger tenant and the smaller is called Super Cuts. Bob Stowell stated with regard to the loading area, that they have provided enough room for a tractor-trailer to sit in there, adding that they are not a forklift loading dock operation. The inventory is low for a store this size. They do have smaller deliveries where they are hand loaded, and they expect that on the Super Cuts end there would not be any deliveries at all. The reason for the one-way access road is for the tractor-trailers.

Jerry Reese asked if there is any landscaping planned.

Bob Stowell stated that there will be some landscaping against the building and some street trees on the Weeks Lane side. Bob said with regard to signage, that they would relocate the existing pylon sign that is located next to the bank ATM. He said that there would be some signage on the side of the building also.

Steve Stancel stated that Mr. Weeks will be maintaining the ownership of this property and he will be making sure that the parking is shared. There won't be any assigned parking.

Steve Stancel explained that it was discovered at TRC that this area consists of 3 separate lots and because it is under one ownership with several different users, they requested that the applicant merge the lots into 1 lot.

Frank Torr stated that he knows that this is a small development and will not have a major impact, but if you look at the area you will potentially have other small businesses and each one will only have a small impact. He questioned where the line would be drawn for contributions to that impact.

David Landry asked about the design of the building and if it would be compatible with what is there.

Bob Stowell showed a rendering of the flat roofed design of masonry construction.

Margaret Stevenson asked how many people would be employed in the Super Cuts.

Mr. Weeks stated that it would be 3 to 4 people.

Margaret Stevenson asked if there were many tractor-trailers that go into Chili's now.

Dennis Ciotti asked about the loading area and the distance from the gate to the edge of the building. He said that his concern is that the truck would stick out 24 feet beyond the edge of the building.

Discussion ensued.

Jerry Reese made the motion to accept the application.

Beth seconded.

VOTE 5 – 1

Opposed – Brenda Whitmore

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel asked Bob Stowell if he had any problem with looking at the loading location to see if there was room to move it back a little further.

Bob Stowell stated that he will take a look pushing it back on the site plan but his concern was what it would do internally to the building as well.

Dennis Ciotti said that he would feel more comfortable because he knows that Mattress Discounters has 54-foot tractor-trailers. He said that he would have no problem with moving the dumpster back.

David Landry asked if there was enough room on the other side of the building to have the drop off doors and asked why it was put on this side of the building.

Bob Stowell stated that they have drawn a couple hundred of these plans. He said that it is very hard to do a rectangular building on a triangular piece of land but one of the overriding reasons is that this is the most hidden part of the site. The other side would not be as good aesthetically.

Steve Stancel stated that the Planning staff recommends approval and gave the recommended conditions.

Steve Stancel explained that the Chili's drainage dumps directly into the City's drainage. What this applicant is actually doing is capturing the water, filtering it and putting back into the groundwater zone. Steve said that when Indian Brook went in one of the conditions of approval was that a stormwater drainage maintenance plan be developed so that we know that the maintenance protection vehicle is being checked on a regular basis. He added that it is a rather simple document.

Bob Stowell stated that they did meet with Tom Fargo and discussed this. These plans have incorporated some construction issues that he had interest in adding to the plan, but we hadn't been able to address the specifics of a maintenance schedule agreement. We reviewed the Indian Brook one but we hope because of the scope of this project that it won't have to be as elaborate as that. He said that they can come up with a compromise.

Brenda Whitmore asked what recourse the Board would have if it voted to approve this with the loading in the existing configuration and they didn't make any changes.

Steve Stancel stated that the way that this is written they don't have to change the plans, it is a request that they review it to see if they can change it.

Dennis Ciotti made the motion to approve with the following conditions:

1. Add the owner's signature to the plan.
2. Add the engineer's stamp and signature to all sheets of the plan set.
3. Applicant shall complete a Lot Merger Form, which will be recorded at the Strafford County Registry of Deeds.
4. Provide an executed agreement for snow removal to the satisfaction of the Planning Department.
5. Revise landscape plan to provide another tree along Weeks Lane so that the maximum distance between trees is 40 feet.
6. The applicant shall develop a storm water system maintenance plan subject to the review and approval of the Planning Department.

7. The applicant review the location of the dumpster in regards to the loading location.

Beth seconded.

VOTE 4 – 3 Opposed – Margaret Stevenson, Frank Torr, Brenda Whitmore

Ron Cole resumed his seat as Chair.

John Sullivan took his seat on the Board.

Dennis Ciotti did not sit for the next items.

ITEM #5: Old Business

**a. Discussion and possible vote for Stabile Homes of Dover, located on Tuttle Lane.
(29 lots)**

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

Frank Torr seconded.

VOTE U/A

Kevin McEneaney said that he wanted to update the Board. He said that the Board has received a letter from the applicant stating that they are waiving the time period requirement for planning action for an additional sixty (60) days. Kevin said that they have had discussion with Tom Fargo, Conservation Commission Chair, and they have worked out a tentative agreement to proceed with the gravity sewer line through the City parcel. He said that they are in the process of revising the plans to that effect and hope to have those plans submitted shortly. He said that they are going to try to reclaim as much of the cut through the parcel as possible and revegetate the areas that they can and limit the final cut as much as possible.

Chuck Maglaras asked if the Planning Board has the authority to grant the sewer line going across the property, or if it has to go before the City Council.

Steve Stancel stated that the Planning staff got a legal opinion from George Wattendorf, that indicated that because the land was deeded to the Conservation Commission and specifically states that they had control over what happens in the future, his decision was that it was the Conservation Commission who had the authority.

Kevin McEneaney said that they are proposing to minimize the cut that would be left permanently. And they are going to revegetate the area outside of where the actual easement is, as well as re-landscape and reshape the hill so that it will be more rolling than what it is now. The City has 18 pump stations and Community Services really doesn't want another one. He said that he thinks that they felt that this was the right way. He said that they would get final approval from the Conservation Commission before coming back to Planning.

David Landry expressed concern over the present decision of the Conservation Commission in not obtaining any significant consideration from the developer for traversing the conservation property.

Brenda Whitmore made the motion to give them the 60-day extension that they request. Frank Torr seconded.

VOTE U/A

ITEM #6: New Business

Ron Cole announced the free Educational Workshops for the proper care and maintenance of septic systems.

Ron Cole said that there is a copy on the desks of the Presentation on New Urbanism by Michael Behrendt, who is the Chief of Planning for the City of Rochester. Ron said that there is a plan before the planning board in Rochester for a planed segment of the community. He said that the piece by Mr. Behrendt is pretty comprehensive on things that we have and will be discussing at the Growth Summit. He said that he called Mike and asked him if he could copy this. Ron said that it includes a lot of things we now implement in the community, but he felt that it is a nice piece.

ITEM #7: Adjournment

Jerry Reese made the motion to adjourn.

John Sullivan seconded.

VOTE U/A