

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
AUGUST 14, 2001**

**MEMBERS PRESENT:** Tony McManus, Margaret Stevenson, David Landry, Ron Cole, Charles Maglaras, John Sullivan, Beth Thompson, Frank Torr, Jerry Reese, Brenda Whitmore, Dennis Ciotti

**MEMBERS ABSENT:** Pete Lavoie

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

Chairman Cole brought the meeting to order at 7:04 PM.

Alternate John Sullivan sat on the Board.

**ITEM #1: Approval of minutes.**

Jerry Reese made the motion to approve the minutes of the previous meeting.  
Beth Thompson seconded.

David Landry stated that on page 7, he was listed as opposed to the issue on the Weeks' property. He said that he was not opposed, but Margaret Stevenson was. Also, he would like it to be reflected at the bottom of page 7, with regard to the Stabile Homes item, if everyone would agree, prior to Brenda making the motion, that he had expressed a great deal of concern over the Conservation Commission's determination. He said that he must have spoken for at least 5 minutes and there was nothing reflected in the minutes. He would like to have the following sentence added to the record as follows: 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. Ron Cole added that the Board was ok with that.

Jerry Reese stated that under ITEM #2, he had asked Kevin McEneaney whether Mrs. Duffy had incurred cost to have the work done on the plan. He said that he would like that recorded because he still has to get back to the City Manager about her costs.

**VOTE U/A**

**Abstained – Tony McManus**

Chairman Cole stated that under Old Business, Kevin McEneaney will bring us up to date on Stabile Homes, located on Tuttle Lane. He said that the Board would not be discussing ITEM 8: b, the Alternative Design Subdivision for Doug Dodd, located on Washington Street. Ron said that ITEM #5, the application for a driveway waiver for Robert & Linda Ross, has been handled administratively and will not be coming before the Board.

**ITEM #2: Consideration and acceptance of an application for a minor subdivision of land for Russell & Emilie Parker, Assessor's Map A, Lot 35, zoned R-40, located at 86 Varney Road.**

Ken Moore, represented the applicant and stated that they are taking one lot out of the total piece.

Jerry Reese made the motion to accept the application.

Margaret Stevenson seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel gave the staff recommendations.

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

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a copy of the NH Subdivision Permit and add the permit number to the plat.
3. Add the surveyor's signature to the Surveyor's stamp.
4. Revise the plat to show an easement for the water line crossing lot #1 and prepare the easement document for recording with the subdivision plat.

Beth Thompson seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of an application for a minor subdivision of land for Gaetane L. Malo Irrevocable Trust, Assessor's Map B, Lot 23C, zoned R-40, located on County Farm Road.**

Jerry Reese stepped down because Councilman Berry is a relative of the applicant.

Ron Cole said that the Board does not replace the Council Representative with an alternate.

Dana Lynch, with CivilWorks, represented the applicant. He said the lot is located on County Farm Road almost directly opposite Watson Road and diagonally across the street is the ETP zone. The current parcel is 2.25 acres in size containing a single-family dwelling. The site is served with City water and a septic system. The proposal is to create 1 additional lot. Currently the NH DES subdivision permit is pending and the number will be placed on the plan once they receive approval.

Tony McManus made the motion to accept the application.

Chuck Maglaras seconded.

**VOTE U/A**

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

Steve Stancel gave the 5 recommended conditions.

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

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a copy of the NH Subdivision Permit and add the permit number to the plat.
3. Revise the plat to show the 4,000 square foot septic system reserve area.
4. Revise the plat to add the standard note regarding providing a digital version of the survey to the City.
5. Revise the plat to show an easement for the overhead utilities and prepare a document for recording with the plan.

Margaret Stevenson seconded.

**VOTE U/A**

Jerry Reese took his seat.

**ITEM #4: Consideration and acceptance of an application for a Conditional Use of land for Rick & Kimberly Faustino, Map J, Lot 19G, zoned R-40, located at 66A Piscataqua Road.**

Rick Faustino stated that he has a 10 X 20 deck that he would like to tear down and replace with a 20 x 20 deck, adding 10 feet which puts him within 50 feet of their pond.

Steve Stancel stated that this has gone before the Conservation Commission and they have approved it. The minutes of the Conservation Commission are not available yet but Steve Bird spoke with Tom Fargo who indicated that it was approved without conditions.

Margaret Stevenson 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 he has been meaning to suggest to the Planning Board that they give some thought to placing a Planning Board member on the Conservation Commission again. He said that there used to be a member on the CC and it worked out pretty well

because of the continuity that occurred. He added that the staff recommends approval of the Conditional Use Permit.

Jerry Reese made the motion to approve the Conditional Use Permit.  
Margaret Stevenson seconded.

**VOTE U/A**

Ron Cole asked if any member of the Board would like to be on the Conservation Commission to let him know or he will appoint someone. Ron said that the Conservation Commission meets on the first and third Monday of the month.

**ITEM #5: Consideration and acceptance of an application for a driveway waiver for Robert & Linda Ross, Assessor's Map 19, Lot 47, zoned RM-10, located at 1 South Pine St.**

Ron Cole stated that that this item was taken care of administratively.

**ITEM #6: Consideration and acceptance of an application for an application for a site plan of land for Megan Martineau, Assessor's Map G, Lot 4G-1, zoned I-2, located on Littleworth/Industrial Park Road.**

Bob Stowell, Tritech Engineering, represented Megan Martineau. He stated that this is phase II of a two phase project that was before the Board a couple of years ago. The Board approved a 15,000 sq. ft. light industrial facility in front of the property and at the time it was planned that the rear of the property would be a storage facility. The front building has done so well that they are proposing a multi-tenant building in the rear that would function similarly to the existing building. Bob said they have eliminated the storage facility and are proposing a 15,000 sq. ft. light industrial facility. He said that most of the infrastructure has been done as part of Phase I. He said that they have extended the water and sewer from the Industrial Park Road side for the project. He said that this use would be more desirable than a mini storage facility. Bob presented a rendering of the building elevation stating that it would be a pre-engineered metal building with loading docks located on the westerly side of the building.

Jerry Reese asked if the existing Martineau building was hooked up to the sewer. He said he thought that one of the conditions of approval was that if the sewer ever came up from Industrial Park Drive, he would hook up. Jerry inquired whether the new addition would be hooked onto the sewer line.

Bob Stowell stated that he does not know the answer to the first question because he was not involved with that plan but the new building will be hooked up to the new sewer line.

Jerry Reese said that he would like someone to check on this because he thought that it was a condition of approval that the building be hooked in. He said that he thought that there were provisions to allow the Tuckers to hook in should they want to in the future.

He said that he remembers something with regard to the tie in with the Tuckers because it was part of the site walk and he would like that checked as well.

Bob Stowell stated that he is not familiar with the issue, but if there were things that should have been done with regard to the original approval and has not been done, you would expect them to be done by this point.

Tony McManus stated that he remembers when this originally came before the Board, that the vehicle access for the second building would be through Industrial Park Drive rather than Littleworth Road. He asked if there was any proposal to buffer this building on the back of the Tucker property.

Bob Stowell said that that was one of the issues raised at TRC. He said that they show a seven-foot high stockade fence that buffers the southern boundary of the Tucker property. As far as the access goes, the access was always from Littleworth Road. He said that the frontage on Industrial Park Drive, with its proximity to Littleworth Road, would be problematic to have any significant traffic enter. He said that the frontage for this lot is on Industrial Park Road.

Steve Stancel stated that there may have been issues with potential wetlands crossings or the proximity of wetlands on that piece. He said that he is not sure that the access was coming off Industrial Park Road. It would be easy enough to pull the previous approval.

David Landry asked if a site walk was contemplated.

Ron Cole stated that he didn't feel that a site walk was needed but agrees that there should be a review of the original approval.

Tony McManus asked if there would be a problem with this being postponed to the next meeting.

Bob Stowell stated that it would be their preference to have the Board act this evening. He said that they do have a contract to begin construction pending this approval. He said that he did not represent the project two years ago and, therefore, is not familiar with the issues.

Jerry Reese stated that there are enough issues out there to not vote on this tonight. There are too many questions and it's not fair to vote until the Board looks at the record. He said that it should be tabled.

Jerry Reese made the motion to table.

Frank Torr seconded.

**VOTE 7 - 1**

**Opposed – Chuck Maglaras**

**ITEM #7: Consideration and acceptance of an application for a preliminary ADS subdivision of land for Raymond Vermette (Owner George Parsons), Assessor's Map A, Lot 36, zoned R-40, located on Parsons Lane. (2 lots)**

Beth Thompson abstained because she works with Mr. Vermette.

Kevin McEneaney stated that this is a two step process. He said first there is a preliminary approval to allow them to be considered for an ADS. This application is unique and closely mimics a subdivision owned by Huggins Trust on Bay View Road. This 46 acres parcel is located at the end of Parsons Lane, is zoned R-40 and the applicant is proposing only 3 lots. Two of the lots would be approximately 2 acres in size and the third lot is 42 acres, and 39 acres of it would be placed under a permanent conservation easement. Kevin said that as part of the application proposal procedure, they are required to submit a fiscal analysis, which was done and reflects that there is minimum fiscal impact to the City for 2 additional lots. There will be no extension of the road with this subdivision; the drives will be private. This particular property is bounded on the north by the Cotton property, which was acquired by the City as a well site. He said that he is not sure what the schedule is for hooking the well into the system. The conservation easement portion will run the entire length of that boundary which would add further protection.

Kevin showed two different versions of conventional subdivisions. One was for 4 standard lots and the other was for 8 lots. He indicated that the ADS would create less of an impact than the conventional subdivisions. He said that he has spoken to Pete Lavoie and he requested that the applicant agree to grant a utility easement in case the City wanted to activate the well site and utilize that as a means to run the lines through that property. He said that the applicant is agreeable to that. He said that this is a unique opportunity and he hopes that the Board is in favor. Kevin explained that the entire lot three is 42 acres, but only 3 acres will be where the house and perhaps a barn would be built on the property. The conservation easement will place very restrictive covenants, so they designated an area that they feel comfortable with where the building will be able to take place. He said that they would convey the easement to the Conservation Commission.

Jerry Reese asked if there is City water in Parsons Lane. He asked if the easements will be a private driveway. Where do you anticipate the easement from the Cotton well going?

Kevin said that there is no City water and sewer. He explained that there would be one driveway that would access lots 1 & 2 and would be privately maintained by the two homeowners. There would be a second driveway to access the larger of the lots where Mr. Vermette will put his house. Kevin said that there is a groundwater protection zone around the well area but he believes that that area is encompassed within the conservation easement that they are proposing.

Steve Stancel said that this particular well is an irregular shape because of the type of well that it is. He said that is another advantage to the ADS vs. a conventional in that the balance of this property will be forever protected and it's adjacent to the well.

Kevin McEneaney said that he is requesting that a waiver be granted in conjunction with this application because the ADS regulations require that they only be considered in areas that are serviced by municipal water and this is not serviced by municipal water. He said that should the well be developed, it would be serviced by municipal water.

Tony McManus made the motion to accept the concept.

Peg Stevenson seconded.

**VOTE U/A**

The public hearing was opened.

Barbara Godin, an abutter, stated that she is for the most part in favor. Her one concern is that the two houses (lots 1 & 2) are right behind two existing houses and cosmetically, it will look odd. She said that she doesn't have a problem with a couple more houses. She said that she would like to see the houses placed elsewhere as there are 47 acres to chose from.

Kevin McEneaney stated that they want the lots where they are as it more resembles a cluster which is consistent with an ADS. He said the idea is to put the houses in one area and reserve as much open space as possible. If they were to place two additional lots down below the cul-de-sac, it mirrors a conventional subdivision and would not be consistent with an ADS subdivision. He said that there is an existing approved septic design on lot 2 in anticipation of a house being built prior to this subdivision. Also, the way the topography of the lot works, it is like a series of plateaus and no views would be broken up by placing those houses in that area. You probably would not be obstructing views if you put them down below but you would be overlooking the houses. He said that that is the reason for putting them at the present location.

Barbara Godin stated she appreciates that they are trying to take the views into consideration. She said that she spoke to some of the neighbors that could not make it tonight and they would also prefer to have the houses located below. She said that this proposal changes the nature of her neighborhood, and that is not what they originally bought into. She said that they would prefer the houses spread out a little more.

The public hearing was closed.

Steve Stancel stated that they are prepared to recommend approval of the concept plan, as well as the waiver, with the condition that an easement for utilities be provided to the City for purposes of providing a water line access to the Cotton Well.

Tony McManus asked if it is the intention to have a 40 ft. paved access or is it simply the right-of-way with a narrow pavement and a buffer to that existing lot.

Kevin McEneaney stated that the 40' would be the right-of-way itself and the pavement width would be 12 – 14 feet. He said that at this time, he thinks they are anticipating a gravel drive. He said that there will be 12 – 14 ft. of travel way centered in the 40 ft. section.

Steve Stancel stated that the ADS regulations require paved access. It was waived for the Huggins Trust and it is an issue that will need to be discussed at the approval stage.

David Landry stated that the plan is very commendable. He asked if the road would be considered differently if it were a public road. He said for instance if the Browns were going to have this private road, around their property and they wanted to build some structure or something on their property would a private road vs. a public road affect this. Steve Stancel answered no.

Jerry Reese asked if there is a plan to put in a buffer between the Browns and the Wilde property and lots 1 & 2.

Kevin McEneaney stated that they have not anticipated that but they can certainly look at it as they go through the process. There is currently an approved septic design in that area where Mr. Parson had anticipated building a house out there. He said that someone could go and get a driveway permit for exactly where we are asking for the driveway to be placed. He said that he is not sure about a buffer along the driveway, as it would interfere with the views but perhaps in the rear it would be possible.

Tony McManus made the motion to approve the concept plan and the waiver of the requirement that Alternate Design Subdivision only be allowed in areas serviced by municipal water, with the condition that an easement for utilities be provided to the City for purposes of providing water line access to the Cotton Well.

David Landry seconded.

**VOTE U/A**

**ITEM #8: Old Business**

Ron Cole reiterated that **8 b.** will not be discussed tonight.

**Ron Cole stated that there is a letter from Malcolm McNeill requesting a 60-day extension for Brooks Pharmacy.**

Malcolm McNeill stated that he was requesting an extension to complete the conditions of approval for Brooks Pharmacy. He said that they had to assemble 4 lots to complete acquisition of this site and there were a number of conditions of approval. He said that he has completed a lot merger agreement which was one of the conditions of approval which, under state law, now requires some action but does not require a public hearing.

He said that in matters of any complexity, getting the mylars done within 60 days sometimes is a problem.

Jerry Reese made the motion to grant the 60-day extension.  
Margaret Stevenson seconded.

**VOTE 7 - 1**

**Opposed – Tony McManus**

**8. a. Discussion and possible vote for Stabile Homes of Dover, located on Tuttle Lane. (28 lots)**

Chuck Maglaras made the motion to take it off the table.  
Margaret Stevenson seconded.

**VOTE U/A**

Kevin McEneaney, representing Stabile Homes of Dover, explained how the roadway has been revised only slightly so that there is a connector road, like a sideways H, which accomplishes several things. The roadway is shorter so the infrastructure is less. He said that they have taken the cul-de-sacs and pulled them away from the wetlands which increases the buffer to the wetland areas. Kevin said that he would be submitting plans to Engineering for review for these changes. He said they have now come up with a solution to the sewer that will be very favorable to the Conservation Commission, as well as this Board. It will maintain the gravity flow with no pump station necessary, and have significantly less impact on City property resulting in a decrease in the wetland impact. They are hoping to be back before this Board in September for a conditional approval.

David Landry was concerned that houses would be built underneath the power lines and asked if the new design has affected that.

Kevin explained that, as a rule, there is no building under the power lines, there are setback lines. He said that this might result in the buildings being further away than they previously were.

Kevin explained the route of the sewer.

Jerry Reese asked where the sewer line would end by the Downer property. Jerry said that the Downers expressed that they would like it at the end of their property line so they didn't have to go across the lot to connect.

Kevin said that they would bring the sewer line to the front of their house. Kevin said that they would be creating a tot lot in a centrally located area.

John Sullivan asked if the tot lot was necessary since all the lots have plenty of yard space.

Kevin McEneaney stated that Stabile finds that tot lots are advantageous to their subdivisions.

Steve Stancel stated that there have been a few subdivisions in this particular area and the City has been collecting fees for recreation use and those fees will go towards paying for some equipment on that lot.

Jerry Reese made the motion to table.

Chuck seconded.

**VOTE U/A**

**ITEM #9: New Business**

Steve Stancel said that the notice for Dealing With Growth in Dover is being put together by the Dover Conservation Commission and the Open Lands Committee. They are scheduled for September 19<sup>th</sup> and 26<sup>th</sup> at 7:00 PM, in the Council Chambers. He said that in conjunction with that, the department will be adding on some additional speakers in subsequent weeks. He said that they would be putting their Growth Management Committee together shortly. He brought attention to a notice from the NH Coastal Program – Office of State Planning, for the soils and wetlands on Monday, August 27<sup>th</sup> at 1 – 4 PM at the Strafford County Farm location. Steve said that they have Jeff Taylor, who is the Director of OSP, who had indicated that he is more than willing to come and do a presentation on Smart Growth.

Ron Cole said that the “Dealing With Growth in Dover” presentations on September 19<sup>th</sup> & 26<sup>th</sup> will be simulcast on Dover cable Channel 22, and as new dates and speakers are set, he will announce them publicly.

Jerry Reese stated that if no one else raises their hands, he will volunteer for the Conservation Commission.

**ITEM #10: Adjournment**

Jerry Reese made the motion to adjourn.

Chuck Maglaras seconded.

**VOTE U/A**