

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
JANUARY 11, 2000**

**MEMBERS PRESENT:** Jerry Reese, Jeff Mason, Ronald Cole, Margaret Stevenson,  
Pete Lavoie, Reuben Hull, Anthony McManus, Charles  
Maglaras

**MEMBERS ABSENT:** Karin Crittenden, Paul Beecher, Jeff Peasley

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

**ITEM #1: Election of Officers**

Frank Torr made the motion to elect Ronald Cole as Chairman.  
Jerry Reese seconded.

There were no further nominations

Jerry Reese close the nominations  
Jeff Mason seconded.

**VOTE U/A**

Jerry Reese made the motion to elect Reuben Hull as Vice Chairman.  
Margaret Stevenson seconded.

There were no further nominations.

Jerry Reese made the motion to close the nominations.  
Frank Torr seconded.

**VOTE U/A**

**ITEM #2: Approval of minutes**

Frank Torr made the motion to approve the minutes.  
Jerry Reese seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of an application for a minor lot line  
adjustment of land for Groux/Bow Street Realty Trust, Assessor's Map  
L, Lots 106, 108, 106A, zoned R-20, located off Dover Point Road.\***

Atty. Robert Battles represented Bow Street Realty Trust and Barbara Elkerton. He said that there are three properties involved. The property of Bow St. Realty Trust is adjacent to the river as is Barbara Elkerton which is in that area and they are both served by a

right-of-way easement across the land of Roy Josselyn. He said that after a period of dispute in regard to boundaries, a quiet title action was filed in Strafford County Superior Court in the Fall of 1998. The parties came to a resolution and settlement of the matter which has been presented to the Court and approved. He is here to ask the Board to grant the lot line adjustment pursuant to that Court Order.

David Vincent, surveyor of the project explained the changes in the lot lines and changes in the sizes of the properties.

Chuck Maglaras made the motion to accept the application.  
Jerry Reese seconded.

**VOTE U/A**

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

Jerry Reese made the motion to approve with the following conditions:

1. Add all of the owner's signatures to the plat mylar.
2. A copy of the Court Order be provided for the file.

Chuck Maglaras seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of an application for minor lot line adjustment of land for John & Jill Murphy, Assessor's Map B, Lots 17C & 17B, zoned R-40, located on County Farm Cross Road.**

John Murphy stated that he and his wife are planning on putting on a mud room and a garage and they need a lot line adjustment to meet the setbacks.

Jerry Reese made the motion to accept the application.  
Jeff Mason seconded.

**VOTE U/A**

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

Reuben Hull was concerned with note #5, he said that Leonard Lord's address may be and old one, and asked that it be checked.

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

1. Add both of the owners' signatures to the plat.
2. Revise the plat to amend note #3 to add the Strafford County Registry of Deeds recording numbers.

3. Revise the plat to add the surveyor's stamp and signature.

Pete Lavoie seconded.

**VOTE U/A**

**ITEM #5: Consideration and acceptance of an application for a Preliminary Alternative Design Subdivision (ADS) of land for Ezra Green's Farm LLC, Assessor's Map F, Lot 23A, zoned R-40, located on Littleworth road. (46 lots)**

Atty. Malcolm McNeill, represented Ezra Green's Farm LLC. Don Rhodes of Norway Plains, is the Site Engineer. David ~~Cyr~~<sup>Seaman</sup> is the Principal of Ezra Green's Farm LLC. Atty. McNeill said that they have worked for about 6 months with regard to the design. He reminded the Planning Board that they proposed this site for industrial rezoning. He said that for a considerable period of time any use of this for residential use was held in abeyance. He said that the parcel was proposed for industrial development which Mr. Cyr supported during that process and would have considered developing that site for industrial purposes if it had been rezoned. He said that the property was not rezoned and remained R-40 zoning which appears to be the will of the voters of Dover with regard to the use of this property.

Malcolm McNeill stated that the site is approximately 100 acres, with very beautiful upland acres. He said that there has been some farming that has been done recently on the property. He said that Dr. Ezra Green owned the property in the mid 1800's. He said they will bring water and sewer to the site and, therefore, a 30,000 sq. ft. lot size would be permitted.

Mr. McNeill said that they initially considered a conventional subdivision on this site and the more they considered it the more they ultimately came to an ADS. He showed a proposed conventional subdivision plan for the property service by water and sewer which would be a 60 lot subdivision. He said that there are dramatic differences between 60 lots and 46 lots. He went on to explain how the lots were located almost entirely on upland areas. He said that the average lot size is approximately 28,000 sq. ft, and the open space is 65.6 acres. Approximately 2/3 of the site will be left in open space. He said there are a lot of walking trails, the upland areas are beautiful, high, treed areas. He added that these areas are readily developable and it is an attractive parcel of land. The open space will be kept in passive recreation use and will be owned by a homeowners association who will control the use of the property. He said that there will be a parking area if some of the owners wish to utilize this. He said that they are proposing a public road. He said that they are aware of the fact of the development of the adjoining site. They are attempting to work cooperatively with the owner of the adjoining parcel to assure a reasonable public road connection between these sites. He said that the plan is not fully engineered. He said that they will provide a linkage that they believe would be desirable. This plan minimizes any wetland impacts. The houses that are being proposed are 3 to 4 bedroom houses, approximate size of 1750 to 2250 sq. ft.. He said the selling range will be in the approximate \$200,000 to \$225,000 price range. The homeowners

association would be the owners of the approximate 65.6 acres of open space that is being proposed.

Malcolm said that there has been discussion about donating another piece of property across the street from this site for City related purposes if the City wishes to consider it. He showed a map of Crosby Road and showed where they propose to run the sewer line across the different properties to connect to their side of the road. He said that this will also facilitate the development of an industrial property that needs City sewer for maximization of its development. He said that they considered the area behind Fibredyne for possible donation to the City. Depending on how the further discussions go, there appears to them that this project stands on its own as it is without activity across the street. He said that it provides the largest open space consideration in term of proportion that has been considered here in the past. They believe that the 46 lots that are being proposed, reserving 65.6 areas and approximately 30 of those acres being fully upland developable property, they think that it passes the criteria test. He said that it is anticipated that there will be 33 students from this subdivision based on .72 students per household times 46. He said that it is anticipated that approximately 492 vehicle trip ends will be generated from the site and their investigation shows that the level of service will be excellent. He said that the site distances are excellent in both directions. They estimate that the increase in the number of residents would be approximately 151, that is 3.28 people per household. He said that he went over the municipal cost calculations, based on the most recent taxation in Dover, and at the threshold of \$200,000 to \$250,000 price range, which is a break even point, they estimate that the positive cost revenue per unit will be \$316.29 per unit. The annual positive revenue will be approximately \$15,000 based on the present tax calculations. They have had discussion with Engineering with regard to water and sewer, which they are bringing to the site from a considerable distance. He said that neither the Police Department or the Fire Department expressed any concerns with regard to public safety issues. There will be no significant changes in surface drainage. Malcolm stated that they have been before the Conservation Commission and he believes that they were very favorably received.

Reuben Hull stated that he encourages the linkage to the adjoining site because of the 2,500 ft. long cul-de-sac. He said that it is a well laid out project and the linkage will make it more appealing to him. He asked if the 60 lot proposal is reasonable.

Steve Stancel stated that they did look at it. He said that he feels comfortable that they probably could have achieved 60 lots in a conventional subdivision. He said that it would have required a couple of additional wetland crossings.

Malcolm McNeil stated that three waivers would be requested as follows:

1. A waiver of the 100 ft. setback along Littleworth Road.
2. A waiver of the road length.
3. A waiver of the road width.

Anthony McManus stated that the houses are 3 & 4 bedroom houses, the builder is building for far more than 33 children.

Malcolm McNeill invited Tony to look at the numbers because he said that he has seen a consistency of these numbers even in other communities for these size homes.

Chuck Maglaras asked about the water lines. He said that there were subdivisions far smaller and we have required them to loop them. He said if the adjoining property is not developed, will this developer be forced to loop this water line.

Steve Stancel stated that that will be looked at when this project comes through its design phase. At the conceptual phase, Engineering did not address it, we were more concerned with making sure that anything that gets constructed can be tied into the adjacent parcel. The sewer line will be sized to not only handle this particular lot, and the adjacent lot but the entire area.

Malcolm McNeill stated that they will be going through the normal permitting process with DOT regarding the traffic and Route #9.

Anthony McManus made the motion to accept the application.  
Reuben Hull seconded.

**VOTE U/A**

The public hearing was opened.

Tom Fargo, Conservation Commission Chairman, stated that this project is beneficial to the Conservation Commission goals rather than the 60 homes. He added that they would like to see this go forward. He said that they anticipate that they would like to work with the developer and the homeowners association down the road to make sure that the conservation goals are met with regard to covenants that would cover the open space.

Purnell Ross, 82 Littleworth Road, stated that he thinks it is a good use for the property. His property is on the corner and the sewer line will come across a small portion of his property. He said that all the water from Littleworth, Old Stage, and near to the telephone building drains onto his property, Kelly Brook. He said that if this is going to work, he can see that the brook might become overwhelmed with water. He said that he thinks it can be corrected, maybe by larger pipes and cleaning of the area for better drainage. He said that he would like to see sidewalks for the older people who live in the area. He asked if there would be any green space for those who live in the area. He said that there is very little that the City has done for West Dover and he would like to see a park or recreation facility. He said that a lot of people have spent a lot of money on sewer systems and he would like to see them become inoperable before they have to connect. He said that traffic is a concern. He said that it makes sense to make a connection from this project to Columbus Avenue.

Larry Pittman, 82 ½ Littleworth Road, stated that his ditch is a lot wetter since the Barbados development. He said that he asked the State to re-cut the ditch to allow the water to go out the other way, he said they could not do that because he has cattails on his land so they can't touch it. He said that he did not have cattails on his land until they redid the ditches. He said that he is concerned that his yard will become a wetland.

Brenda Pittman, 82 ½ Littleworth, said that traffic is a major concern. It takes her 5 minutes to get out onto the road.

Erv. Sparkman, 232 Tolend Road, said that he basically endorses the concept of the ADS. He would like to see public access to the open space. He felt that the lots are too small and they are packing too many lots in a small space. He said he would like the Board to look into increasing the lot size and decreasing the density.

Chairman Cole recessed the public hearing.

Steve Stancel stated that he recommends a site walk to look at the areas of concerns.

Purnell Ross stated that there is a group from UNH who are studying a Black Racer Snake that lives in the stone wall across the street in the proposed development.

Ron Cole set a site walk for Saturday, January 22, 2000, at 9:00 AM. Parking will be at the fruit stand on Old Stage Road.

Jerry Reese made the motion to table.

Jeff Mason seconded.

**VOTE U/A**

**ITEM #6: Consideration and acceptance of an application for a major subdivision of land for Barkland LLC, Assessor's Map E, Lot 38, zoned R-40, located on Tolend Road/Watson Road. (9 lots)**

Art Nickless, Norway Plains represented that applicant. Art stated the parcel is approximately 73 ½ acres and they proposed to create 9 large lots, ranging from 7 acres to 12 acres. He said that there are 3 lots on Tolend and two of the lots will have shared driveway. He said there are 6 lots on Watson Road and two of the lots will have shared driveways. He said that the property has been flagged for hyric soils and they also did test pits on each lot even though this won't require State Subdivision Approval because the lots are all over 5 acres in size. He said that they still did soil tests and mapped the poorly drained soils so that they could ensure, when the developers conveyed this property to the owners, they will be selling lots that are buildable. The subdivision is environmentally friendly. They went to the Conservation Commission. They are disturbing less that 2800 sq. ft. of wetlands so an expedited permit has been filed with the Wetlands Bureau. There was a request from the Conservation Commission that the developers think about putting a conservation easement over the majority of these lots. Art said that the owner didn't want to do that. What they are willing to do is to place a

condition on the plan that there be no further subdivision of these lots. He said that they do want to put a condition stating that it not prevent lot line revisions between abutting lot owners.

Reuben Hull made the motion to accept the plan.  
Margaret Stevenson seconded.

**VOTE U/A**

The public hearing was opened.

Erv Sparkman stated that he lives close by. He said that the property is widely used by the abutters for recreation. It used to be a beautiful site to walk. He said that the west side of Dover is being very hard hit with subdivisions and it used to be wide open space for use by the people who live in that area. He would like to see some effort to carve out a chunk to leave as open space. He said that he leaves his 11 acres open for people to use. He would like to see the lots along Watson Road shortened up, so they are a more traditional lot size and make the remaining area a common area. He said that it would be advantageous, tax wise, to the owners. He said that he would be glad to carry the tax burden as a tax payer in the increase in tax rate to be able to leave that land as open space.

Robert Moorin, 371 Tolend Road, he said that owns 2 parcels of property that receive the run off from this property. He said that the two culverts that are on the Watson Road are directing water from this property onto his property and near to his well. He said that if there are going to be septic tanks, he is in peril. He said that his property is a corner lot, about 37 acres in all. He said that he thinks that the property being developed is all ledge, 15 feet down. He said if the culverts were plugged, he would remove is objections.

Discussion ensued. Pete Lavoie said that the culvert flows in the other direction but he said that he would take a look at it.

Gail Ross, 66 Watson Road, stated that that area is used by the existing neighbors. She said she has small children. Watson Road has no sidewalks, no street lights and no place for kids to play. The kids like to go across the street to play. She said that the runoff comes right down the side of her driveway. She thinks that making the lots smaller and using that area for everyone else is a good idea. Watson Road has turned into a highly traveled road and kids can't ride their bikes. She said she would like to know the results of the soil samples because the lot is all ledge. She wanted to know what the impact on their wells would be if they have to blast. She said if she loses her well she doesn't want to hook up to City water. She asked if they were going to drill them new wells.

Erv Sparkman requested that the meeting be kept open and it be recessed. He said that he is concerned that there are more wetlands than what is shown on the plan. He said that the citizens deserve a site walk and he would like to participate.

Jeff Mason stated that he has no problem with that.

Steve Stancel stated that he would like to have the applicant's engineer address some of these concerns. He said that he doesn't have a problem with this Board going out for a site walk in an effort to put some of the abutters minds at ease. He said that the wetlands were mapped by a certified soil scientist and that is all that they can go by. The topography seems to move the water away from Watson Road, based on the plan. While he thinks the concept of open space and conservation easements on this parcel is a noble one, the applicant is not interested in doing that. He said that he would suggest that the Conservation Commission continue to work with the applicant, perhaps utilizing some of the current use penalty fee money that might be available. However, this parcel is 74 acres large and this applicant is putting in 9 lots. He said that as the Planning Director, he is tickled that there are only 9 lots on this parcel. He said that he has seen plans for many more lots on this parcel.

Ron Cole stated that he is recessing the public hearing.

Tony McManus asked if there were any discussions of any type for public access from Tolend Road to the corner of the river.

Art Nickless stated that most of the discussion had nothing to do with public access, the discussion with Conservation Commission had to do with the preservation of open space. He said that the Assessor stated that they would pay less current use tax if you put conservation easements on this land because it is going to devalue the lots and, therefore, you won't have to pay as much current use penalty. The developers feel that this is a unique project. Someone who wants to buy 7 acres of land in Dover is not going to want to be told that they don't have control over two acres of it. People get used to using other people's land for recreation, but the bottom line is that it is not the responsibility of the developer to provide some place for kids in this neighborhood to play. Art said that if you are going to extend the sewer you can't have 9 lots on this property, it is a financial reality, you can't afford to do it. They just want to create some big lots.

Tony McManus stated that he is happy with the 9 lots and he is happy with the no further subdivision. He said he would like to see a public access to the river.

Chuck Maglaras stated that he disagrees with continuing the public hearing and keeping it open. He thinks it should be voted on. He asked who would be responsible for someone who goes down there and gets hurt. Who is going to pay the insurance or get sued because someone walks on this land. He said that he feels that it is ridiculous for this Board to keep the public hearing open. He said that they only want to put in 9 lots. These people came in to complain because we wanted to rezone to put something other than homes in that area and now they come in and don't want 9 homes. He said they should be jumping up and down. He said that his kids don't have anyplace to play but he is not asking his neighbor who wants to develop his land to supply that. He said that it is wrong for the Board to continue this. He said that this is lunacy.

Jeff Mason made the motion to table the application and schedule a site walk to address some of these concerns.

Tony McManus seconded.

**VOTE 4 – 5**

**Opposed – Pete Lavoie, Chuck Maglaras, Jerry Reese,  
Reuben Hull and Ron Cole**

Chuck Maglaras made the motion to close the public hearing.

Jerry Reese seconded.

Ron Cole stated that considering the effort to rezone, putting this number of lots on this amount of acreage is like dying and going to heaven for this City. Ron said that we could have 60 units going in out there and we would not be able to stop that. He said that we are fortunate there are only 9.

Reuben Hull stated that he echo's those sentiments. He said that we have the test pit records and they did 15 different test pits because some were too shallow. There are places out there where there is suitable land. He said that the Master Plan is trying to do neighborhood recreation facilities.

Jeff Mason stated that for the record, he doesn't disagree with anything that anyone has said with regard to owner's rights with the property in question. He said that he has a list of people that know the area better than he does that have raised questions in his mind that he would like to have addressed and that is why he made the motion for a site walk.

Margaret Stevenson stated that she agrees with Jeff Mason that there are issues that have been brought up that have not been answered. She agreed that the project is a wonderful situation. She said that she would like to see consistency in the way each of these projects is handled. She said that every time that one of these projects comes before us, she would like to see all of the people treated the same and that is why she would like the public hearing continued.

Steve Stancel stated that if the Board were to approve this evening, a Conditional Use Permit is required for the driveway crossings of the wetlands.

Chuck Maglaras made the motion to approve the subdivision and the Conditional Use Permit with the following conditions:

1. Add owner's signature to the plat.
2. Revise plat to add the required building setback lines for each lot.
3. Revise plat to add a note that no further subdivision of any lot is permitted and add this restriction as a protective covenant in each deed and lot line adjustment would be allowed.
4. Provide Planning Department with a copy of the State Wetlands Board Permit and add permit number to the plat.

Reuben Hull seconded.

**VOTE 5 – 2**

**Opposed – Margaret Stevenson and Jeff Mason**

**ITEM 7: Consideration and acceptance of an application for a major subdivision of land for William P. Tuttle III, Assessor's Map M, Lot 54, zoned R-20, located on Middle Road. (5 lots)**

Kevin McEneaney represented the applicant. He explained that this is a subdivision and a lot line adjustment. He said that there are 5 frontage lots. He said that they meet the size requirement with City water and individual septic systems. He said that the wetland mapping has been done. He said that NH Subdivision Approval is pending.

Jerry Reese 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.

Steve Stancel gave the Planning Department comments.

Margaret Stevenson made the motion to approve with the following conditions:

1. Add both of the owner's signatures to the plat.
2. Provide Planning Department with a copy of the State Subdivision Permit and add permit number to the plat.

Also, for a matter of record:

1. The developer to be on notice that any future subdivision of this lot may require extension of the sewer line. (He said that is because they are concerned that one or two lots at a time may come in on this parcel and together it would have required the extension of sewer line.)
2. The developer be on notice that this is in the area of the City's Waste Water Treatment Plant and as such there have been periods of odors.

Jeff Mason seconded.

**VOTE U/A**

**ITEM #8: Old Business**

- a. **Extension of approval for a site plan for Megan Martineau, located on Littleworth road.**

Frank Torr made the motion to approve the extension.

Tony McManus seconded.

**VOTE U/A**

**b. Discussion of Dover Commons site plan, located on Indian Brook Drive and high Street.**

Chairman Cole stated that there will not be any discussion of this item tonight.

Steve Stancel stated that the Department has hired an independent traffic engineer to review all the information that has been provided by VHB and to also meet with Peter Russell's traffic engineer to address his concerns and provide a report. The developer met with the Conservation Commission. Steve said that they have changed the name of the plan to Willand Commons.

Malcolm McNeill said that because close to half of this project is in Somersworth, there were some sensitivity of this project being called Dover Commons. He said that there may be another project with the name Willand Commons, so there may be another name that comes forward. He said that he thinks that there was good give and take with the Conservation Commission, particularly relating to the discharge issues from the parking lot.

Steve Stancel stated that he will make the changes to the ADS Regulations from the workshop of last week. He asked about a possible workshop with the developers for February 1<sup>st</sup>.

Jerry Reese stated that February 1<sup>st</sup> is Election Day.

Steve Stancel suggested the workshop for 6:00 PM prior to the regular meeting on February 8<sup>th</sup>.

Ron Cole set the workshop for 6:00 PM prior the regular Planning Board Meeting on February 8, 2000.

Steve Stancel stated that the Goals and Objectives will be discussed at the next meeting.

**ITEM #9: New Business**

There was none.

**ITEM #10: Adjournment**

Jerry Reese made the motion to adjourn.

Jeff Mason seconded.

**VOTE U/A**