

**DOVER PLANNING BOARD
MINUTES OF MEETING
FEBRUARY 8, 2000**

MEMBERS PRESENT: Jeff Mason, Margaret Stevenson, Frank Torr, Pete Lavoie,
Chuck Maglaras, Jerry Reese, Ron Cole, Anthony McManus,
Reuben Hull

MEMBERS ABSENT: Paul Beecher, Jeff Peasley

STAFF PRESENT: Bruce Woodruff, City Planner and Jacqueline Freeman, Recording
Secretary

ITEM #1: Approval of minutes of January 11, 2000 meeting.

Jerry Reese made the motion to approve.

Margaret Stevenson seconded and stated that on the top of page 10, the vote should be 5
- 2 with Jeff Mason and Margaret Stevenson opposed.

VOTE U/A

**ITEM #2: Consideration and acceptance of an application for a minor subdivision
of land for Lois Ann Keenan and Marie Bilyj, Assessor's Map H, Lot
44G & 44Q, zoned R-20, located on Lisa Beth Drive.**

Kevin McEneaney explained how this lot was created in '72, then cut in half and added
to each abutting lot. He said that now they want to recreate the lot. He said that the only
difference is that 25' has been added to the Bilyj lot.

Margaret Stevenson made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

Abstained – Tony McManus

The public hearing was opened.

There were no comments.

The public hearing was closed.

Kevin McEneaney stated that there are existing services but he does not know where they
are located, and would like that waived from the conditions of approval.

Bruce Woodruff stated that he supports the waiver.

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

1. Add both the owners' signatures to the plat.
2. Revise plat to add the area of the existing lots.

The proposed condition of adding the existing and proposed water and sewer lines was waived.

Jerry seconded.

VOTE U/A

Abstained – Tony McManus

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for Frederick Pearson, III, Edgar & Ann Crothers, Maisie Pearson 1989 Trust & Pamela & Frederick Pearson, III, Assessor's Map L, Lots 112, 112A & 112B, zoned R-20, located on Dover Point Road.

Tony McManus stated that he is abstaining from this item.

Art Nickless, of Norway Plains, explained the lot line adjustment. He said they are eliminating one lot and adding it to the other lots.

Reuben Hull made the motion to accept the application.

Margaret Stevenson seconded.

VOTE U/A

Abstained – Tony McManus

The public hearing was opened.

There were no comments.

The public hearing was closed.

Art Nickless asked to have a waiver of the set back lines. He said that he started adding setback lines and it got very messy.

Jerry Reese stated that if the applicant doesn't do it now someone would have to do it in the future. He said he feels that it should be recorded.

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

1. Add all of the owner's signatures to the plat.
2. Revise plat to add location map.
3. Revise plat to add minimum building setback lines to all lots.
4. Revise plat to add abutters across Dover Point Road.

Jerry Reese seconded.

VOTE U/A

Abstained – Tony McManus

ITEM #4: Consideration and acceptance of an application for a minor lot line adjustment of land for STF Development Corp., Assessor's Map I, Lots 51, & 51-1, zoned RM-12, located on Mast Road.

Bob Stowell, Trittech Engineering, explained the lot line adjustment.

Tony McManus made the motion to accept.
Jerry Reese seconded.
VOTE U/A

The public hearing was opened.

Brad Stewart, 21 Pond View Drive, inquired if there would be any development on the large lot.

Bruce Woodruff explained that anyone can clear the land and build on the lot within the building envelope.

The public hearing was closed.

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

1. Add the owner's signature to the plat.
2. Add surveyor's stamp and signature to the plat.

Tony McManus seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of an application for a minor lot line adjustment of land for John & Diane Newick and Edward & Mary St. Pierre, Assessor's Map 8, Lots 14, 15, 16 and 25, zoned R-20, located on Leighton Road and Cover Point Road.

Jack Newick stated that he and Edward St. Pierre bought the lot and they are splitting the land between their properties.

Charles 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.

Bruce Woodruff said that it is his understanding that Leighton Road is a Class 6 road but the City does maintain it in some fashion. He said they are looking for a demarcation point where the City's responsibilities would end. He said that the plat indicates that there is a driveway at the end of Leighton Road. He said that he would like their surveyor to get with either Pete Lavoie or Paul Vlasich to determine where to show it on the plan or put a note on the plan.

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

1. Add all of the owner's signatures to the plat.

2. Revise plat to add Conservation District setback line 100 feet from mean high water.
3. Revise plat to add minimum building setback lines on all lots.
4. Revise plat to add abutters to Map 8, Lot 25.
5. Revise plat to add zoning district line separating the B-1 and R-20 Districts and add a note indicating the dimensional requirements of each district.
6. Counsel with the City Engineer regarding where Leighton Road ends and the driveway begins and add to the plat drawing or as a note.

Jeff Mason seconded.

VOTE U/A

ITEM #6: Application for a lot line consolidation of land for the Richmond Company, Inc., (Owners George J. Foster & Co., Inc., Ethel Schweitzer, Peter & Kathy Smithson, Daniel & John Sullivan & Kathleen (Sullivan) Catalano, Raymond & Anna Blanchett, State of NH), Assessor's Map 39, Lots 6, 7, 8A, 9, & 9Z, 9B, 12, 13, 14, 8, zone B-5, and Somersworth Assessor's Map 40, Lots 41, 42, 45, 46, 47, 50, located on Route 108/Indian Brook Drive/High Street.

Malcolm McNeill stated that this is a consolidation of a multi-lot assemblage that makes up this parcel. He said that there has been a site walk. They have tried to work with the Conservation Commission on numerous issues that they have raised. He said that they have met at length with the City's traffic consultant, their traffic consultant and with City officials. He said that there is a meeting scheduled between all the traffic consultants for this Friday, February 11, at 3:00 PM. He said that they are hopeful that they can resolve the issues. He said that their traffic studies are not complete. They have appeared before the City of Somersworth for a lot consolidation, and received approved on January 19th. He said that there is a building, close to the Chinese restaurant in Somersworth, that has been approved by Special Exception for a tire facility. He said that that is the only use that requires any kind of special exception. He said that they anticipate appearing before the City of Somersworth on February 16th and they hope to receive final approval on that date. He said they are hopeful to return here on February 22, presuming that the major issues are worked out, and they can receive final approval. He said that it is the intent of the developer to build this project this spring.

Mike Leo, Project Manager, gave a brief overview of the parcels to be consolidated. He said that they are taking 11 lots and consolidating them into 1 lot of 13.74 acres.

Frank Torr 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.

Jerry Reese made the motion to approve with the staff recommended conditions:

1. Add all of the owner's signatures to the plat.
2. Revise plat to add abutters across Route 9 in Dover.
3. Revise plat to add City of Dover's GIS coordinates.
4. Revise plat to correct notes #1 & #5 by changing the Dover Zoning District to read "Rural Commercial/Retail (B-5)".
5. Revise plat to remove "Preliminary" from the plat title.
6. The original plat mylar shall be signed by the Somersworth Planning Board Chairman and brought here for the Dover Chairman's signature before it gets recorded.
7. Existing houses shall be removed prior to the recording of the plat.

Chuck Maglaras seconded.

VOTE U/A

ITEM #7: Old Business

b. Discussion and possible vote on a site plan for a proposed shopping plaza, located on Indian Brook Drive/High St.

Debra Deitz, Richmond Co., had drawings of the elevations. She said that they have reviewed the elevations with Somersworth. She explained how the use of brick, wood clapboards and gables would promote a colonial theme on the façade.

Chuck Maglaras was concerned that the side of the Retail A building, facing Rt. 108 is a large blank wall, and asked if there is something that they can do about it.

Reuben Hull said that he strongly supports Chuck in regard to the side of the Retail A building. He said that it should be treated like the façade.

Debra Deitz stated that they may be able to put a band over the top to soften the block wall. She said they will take another look at it.

Jerry Reese said that he would like to see the same theme carried around the building.

Jeff Mason stated in regard to the drainage report, that the design for the pond is for a 2 year storm and that seems a little non-conservative.

Mike Leo stated that the pond is designed for a 2 year storm, a 10 year storm, and 25 year storm and a 50 year storm. The 2 year storm is the storm that they chose for storm water treatment and water quality concerns. The pond itself is designed to handle up to a 50 year storm and has emergency overflow spillways. He said that most of the studies have shown that most of the pollutants come off a parking lot in the first flush. The first inch of rainfall is usually the dirtiest water. Mike stated that the 2 year storm is the State requirement by the NH DES. He said that above that they are strictly only holding water in such a way that it wouldn't cause downstream erosion or downstream flooding.

Malcolm McNeill stated that they are going to participate in a meeting with Somersworth and the Conservation Commissions of both communities and with NH DES to explain this drainage system within the next week to 10 days.

Bruce Woodruff stated that he wanted to inform the Board that the department is working closely with the applicant with regard to several issues. He called the Board's attention to the City Engineer's concerns and also the Conservation Commission's. He said that the Planning Department is continuing to work with Bob Berry from DOT with regard to how the signals at Weeks Crossing currently work with regard to whether they are coordinated or not. He has written Bob Berry a letter dated January 28th, requesting them to do a signal timing study and implement interim signal coordination at the Weeks Crossing signal that would alleviate some of the backup between the Weeks Lane signal to the South on Central Avenue, and the main signal to the north. He introduced Preston Samuel, Hayden/Wegman, Inc., the City's traffic consultant.

Preston Samuel, Hayden/Wegman, Inc., of Boston, said that VHB did the traffic study for Dover Commons and the study raised some issues of concerns of City staff. He said that Kimbal Chase of Portsmouth, also did a study at the request of an abutter, and raised a number of technical concerns. Mr. Samuel said that his firm was engaged as a result of those concerns and they were asked to comment on five important issues. He went over each one of the issues as they are sited in his report. He said that there will be a meeting this Friday at 3:00 PM, at Dover City Hall, to discuss the reactions to his comments.

Jeff Mason stated that he would like the staff to follow up on the issue of the façade facing Rt. 108. He said that the 2 year design feature of storm runoff is another issues he wants the staff to look at.

Malcolm McNeill asked if he could be put on the February 22nd meeting agenda.

Chairman Cole stated that the public hearing will be reopened at that meeting.

a. Discussion and possible vote on Preliminary Alternative Design Concept for Ezra Green's Farm, located on Littleworth Road.

Jerry Reese made the motion to take this item off the table.

Margaret Stevenson seconded.

VOTE U/A

Malcolm McNeill stated that he is requesting conceptual approval of this ADS. He said the property is approximately 100 acres on Route 9. The proposal is for 46 ADS style houses and 2/3 of the site will be open space. The property is in the R-40 zone and would yield 60 houses in a conventional subdivision. The site will be serviced by City water and sewer which is being brought to the site by the developer at the developer's expense. He said that bringing the sewer is beneficial beyond this project in that it connects with a point on Crosby Road and extends upon property that is undeveloped. He said that this

will facilitate development of that site and other areas in the vicinity of Crosby Road and ultimately connecting up to Littleworth Road.

Malcolm stated that the site walk disclosed what a beautiful parcel it is. He said that the project is clustered in basically two pods. He said that a couple of things have changed since they were here the last time. He said that the cul-de-sac was lowered with the provision for a connection into the adjoining piece of property. He said that it is at this connection point that the developer will have parking and a walking system within the project to access the open space which will be open to the public. He said that they are proposing something in the form of a conservation type of easement, which would be controlled by the City. For liability purposes, the control of the design would be under the direction of the City because of its sovereign immunity so that the developer would not be in a position of being sued for design defects. He said they would work with the City in terms of laying the walkway system out and building it. He said that there has been a great deal of discussion about the piece of property across the street, behind Crosby Road, which the developer has purchased. He said that the city has expressed the desire to place a water treatment plant on this site. They will provide access to the site from Littleworth Road. The developer would be permitted to sell a small upland piece to an abutter but the remaining 47 acres would be given to the City. He said that they have also submitted the fiscal impact analysis and they feel that there has been an appropriate give and take on this project between a substantial donation to the city in the form of land, which has value, and secondly, a substantial donation in somewhat of a balancing act with regard to public access. Malcolm said that the remainder of the property will be in a homeowners association which will be controlled by purchasers within the project. The land will be taxed.

Bob Stowell, Trittech Engineering, stated that he represents a local builder that has an agreement to purchase the abutting property and develop it for a housing development. He said that they are in an earlier stage than this project. They have had several conversations with Atty. McNeill and Don Rhodes regarding the connection road, and that is something that is very advantageous to their site. Whether this project goes forward as an ADS or conventional, the connection provides them access. They have a long narrow piece of land that would require a cul-de-sac with the limitation of 1,000 feet long. He said that this would leave the rear of the property, which is a better portion of the site, inaccessible to them. The connection is advantageous to them and they would like to support it.

Jerry Reese stated that he is totally in favor of the concept. His only issue is their wanting a waiver of the 100 ft. setback on Littleworth Road. He asked if the two front lots could be taken and relocated somewhere else.

Malcolm McNeill stated that he is guessing that there have been 15 to 20 plans with regards to this project. It's rare to make a donation of 47 acres of land that is partially usable; it's rare to not max out the development of a site, and it's rare to permit the public's access onto open space in an upscale development. He said that what they are asking for is a recognition of that in the process.

Jeff Mason asked if it was or was not possible to move the lots elsewhere.

Don Rhodes, Norway Plains, stated that they have been through a vast number of variations on the layout of this property. He said that if they could find another place to put those lots they would. Very early on in the process Steve Stancel expressed a very strong opinion that for this to be a public road the minimum lot size had to be 20,000 sq. ft. of usable area, unlike an ADS with a private road, where the lot size can be a lot smaller. He said that they have had to adhere to the 20,000 sq. ft. of upland per lot and on that basis, there is no way to get two more lots anywhere back in there. It cannot be done. Don Rhodes stated that there will be a right turn deceleration lane and they don't see a problem with the State Permit.

The public hearing was opened.

Ron Weeden, 41 Bellamy Road, said that the Board has set a precedence with a 32 lot subdivision of building ballfields in the Northend. Where is the ballfield?

Bruce Woodruff stated that they have talked with the applicant at length about the issue of active recreation on the upland pods and there are two problems. One is that there is a reluctance to grant active recreation to people other than those who would live there. However, they are willing to grant passive recreation through the construction of the trail system. The issue of building a ballfield in any of these locations is problematic because of the need to get a road in to those pods. The expense of constructing those roads is prohibitive.

Frank Torr asked if there was a potential to put in a ballfield on the other side of the road on the parcel with the water treatment plant.

Pete Lavoie said that there is one section where it is a possibility.

Ron Cole stated that we are redoing the Recreation portion of the Master Plan. He said that there will be a recommendation that a Fields and Open Spaces Committee be set up ASAP, and that they begin their task immediately.

The public hearing was closed.

Bruce Woodruff stated that the Planning staff recommends approving the ADS concept and the waiver of the 100 foot frontage setback so long as the driveways would be on the new road; also the waiver of the cul-de-sac length. He gave the recommended conditions of approval as follows:

1. The developer has agreed to donate the land across the road and at some point they negotiate sharing the cost of subdividing that land if it has to be subdivided at the City line.

2. The developer agreed to design (with City input) and construct a trail system to allow passive recreation use.
3. That the developer obtain utility (i.e. sewer & water) easements on the parcel in the industrial park.

Jerry Reese asked if the approval of the ADS concept is contingent on the donation of this land. He said that we are approving a concept for a piece of land and what the developer does subsequent to that seems to be two separate issues.

Tony McManus stated that if they are willing to make the offer the City would be foolish not to have it as part of the package. He said that they are not separate because the offer is that they be combined.

Malcolm McNeill stated that they offered to combine them as part of the process.

Jerry Reese stated that he does not want the applicant's application to be held up by someone saying they are not going to give them a water line easement.

Malcolm McNeill stated that the water line is the only thing that comes as a surprise. He said that it is the only thing that is not already in place. He said that he would like to be in a position, that for some reason it is determined that this water line has immense value, to be able to discuss this with Planning if that is the only component that creates a problem. This is not something that they have had a chance to discuss with anyone because they didn't know it was an issue.

Chuck Maglaras asked if the Planning Board has the authority to accept land. What if the Council decides that they aren't going to accept the property.

Bruce Woodruff stated that what the Board would be approving is that the developer must try to give the land to the City.

Anthony McManus made the motion to accept the conceptual plan and the waivers with the following conditions:

1. The developer has agreed to donate the land across the road and at some point they negotiate sharing the cost of subdividing that land if it has to be subdivided at the City line.
2. The developer agreed to design (with City input) and construct a trail system to allow passive recreation use.
3. That the developer obtain utility (i.e. sewer & water) easements on the parcel in the industrial park.

Frank Torr seconded.

Reuben Hull said that he wanted to follow up on all the conditions. He said if they don't go forward with the final design and if this falls through, the fact that we are granting this

concept conditionally doesn't mean they have to grant this land to the city if they don't move forward. If there is a problem with the land or the water line, this is the time to get it out before it gets to the final design.

Pete Lavoie stated that the City Council gave them the \$50,000 to move ahead with the design of a water treatment plant. He said that they are in need of that piece of land.

VOTE U/A

c. Request for a 60 day extension of approval for Wayside at Dover, located on Middle Road.

Jerry Reese made the motion to approve the extension.

Jeff Mason seconded.

VOTE U/A

d. Discussion on Planning Board Goals and Objectives.

Ron said that this will be discussed at the workshop at 7:00 PM on the 15th of February.

Pete Lavoie stated that in reference to the Arena, they went out for Request for Qualifications and 18 firms came forward. There was a building committee formed. Out of the 18 firms, they picked 6 and interviewed them and then picked 3 to do follow up with a Request for Proposals from those 3 firms. They should be received roughly on March 8th and then they will be narrowing it down to 1 firm.

Ron Cole stated that because the Arena is a City project, it doesn't need to go through the planning process but as a courtesy it will be brought to the Board for its advice and consent. He said that the discussion that he has had is that one of those rinks will be done by September, the second by the end of the year and the indoor soccer/multi-sport facility probably by the end of October.

Bruce Woodruff wanted to be sure it would be coordinated with the TIP project that is on the horizon for 2001 for shared ride/park 'n ride parking so that we save some room for 94 additional spaces that we have 80% Federal funding for. Also, that in the preliminary design you plan for a horseshoe drive around the complex with an exit on the side where the softball field is now.

Pete Lavoie said that the TIP parking would be on the lower level.

Reuben Hull said that in regard to the ADS Regulations, Merrimack has no setback requirements and no frontage requirements for the lots themselves within the zone. He said that there is a 100' buffer required all the way around the project but it is all done based upon density. You do the density calculations and you're left with so many houses that you are allowed to build. He said that they have to build within the confines of the 100' which gives you a 100' buffer for landscaping, screening, etc. He said that it allows

the designer to be as creative as necessary to work with the topography, etc. He said it would have allowed the ADS that we are doing tonight to push the two lots away from the street. He personally thinks that this is a great idea and gets rid of all setback requirements within the cluster itself and then provides a setback to keep the whole cluster away from roads and abutting properties.

Bruce Woodruff stated that there are a couple of setbacks that you can't get rid of, specifically, the Boca Life Safety Codes.

ITEM #9: Adjournment

Jerry Reese made the motion to adjourn.

Margaret Stevenson seconded.

VOTE U/A