

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
MARCH 28, 2000**

**MEMBERS PRESENT:** Margaret Stevenson, Alt. Jeff Mason, Alt. Jeff Peasley,  
Anthony McManus, Frank Torr, Pete Lavoie, Jerry Reese,  
Charles Maglaras, Alt. David Landry, Ron Cole, Reuben Hull

**MEMBERS ABSENT:** Paul Beecher

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

Alternate David Landry sat on the Board.

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

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

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

**VOTE U/A**

**ITEM #2: Consideration and acceptance of an application for a Minor Lot Line  
Adjustment of land for Paul & Katherine Martel and Michael & Kristine  
Chagnon, Assessor's Map E, Lots 57 & 57I, zoned R-20, located on Upper  
Factory Road.\***

Mike Chagnon explained the lot line adjustment.

Reuben Hull 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.

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

1. Add the owners' signatures to the plat.
2. Revise plat to add list of reference plan(s).
3. Revise plat to add standard surveyor certification note.

David Landry seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of an application for preliminary Alternative Design Subdivision Concept (ADS), for Elizabeth L. Huggins Trust, Assessor's Map J, Lot 22, zoned R-40, located on Bayview Road.\* (2 lots)**

Kevin McEneaney represented the applicants. This is probably be the most unusual subdivision and hopefully the most pleasing. The plan is for 1 additional lot on a 70 acre parcel known as Back River Farm. It is the last late 17<sup>th</sup> to early 18<sup>th</sup> Century Salt Water Farm in the Back River Road district. The farm house and the fields are part of the National Register of Historic Places. He said that in the 1960s, the owners donated a section of land of about 33 acres to the Audubon Society. This proposal is going to ask for two building lots.

He said that the is requesting two waivers:

1. With regards to the requirement that an ADS be associated with municipal water. The site is in excess of two mile from the closest water line. He said that it is impractical to run a line for two miles. As part of the subdivision approval the owners have agreed to put a stipulation on the new building lot that that particular dwelling will be equipped with a fire protection system, either a water system or a dry system. The both lots will be serviced by individual septic and wells.
2. Waiver from the requirement that the driveways within the site be paved. This area is serviced by gravel or stonedust driveways, and they would like to keep those the same for the new driveways. That would be in keeping with the character of the land.

Kevin stated that they are in the process of relocating the driveway because of an impact on wetland, but they are not sure where it will be. He said that they are on the agenda of the Conservation Commission on April 3, 2000. The Conservation easement will be done simultaneously so if the Board wishes to make that a condition of approval, that is fine. The intent is take the 64 acres that are remaining and put them into a conservation easement. The owners are willing to give an access easement to connect the State property to the Audubon property so there will be a corridor for public access and that will be part of the Conservation easement. Kevin stated that because they are under an ADS subdivision and quite often ADSs allow private roads, that the number of lots permitted on a private road, is not a hard and fast number in this type of subdivision. Kevin stated that all of the roads within the Huggins property will be privately maintained.

Steve Stancel stated that this did go to TRC and both the Fire and Police reviewed the adequacy of the existing drives and did not have a problem with them.

Tony McManus stated for the record that years ago he did the trust for this property. He said that he doesn't feel he is conflicted in voting because he has not been involved in this for at least 35 years.

Jerry Reese made the motion to accept the application.

Frank Torr seconded.

**VOTE U/A**

The public hearing was opened.

Ron Cole read a letter from Bob Callan stating that he is in favor of the application.

The public hearing was closed.

Margaret Stevenson made the motion to approve the ADS concept and waivers with the following conditions:

1. Submission of a final plat containing all required information.
2. Submission of the conservation easement documentation.

Frank Torr seconded.

**VOTE U/A**

**ITEM #4: Old Business**

- a. **Discussion and possible vote on a site plan for STF Development corporation, Southwood Village, located on Mast Road. (8 units)**

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

Margaret Stevenson seconded.

**VOTE U/A**

Chairman Cole reopened the public hearing.

Bob Stowell, Tritech Engineering, stated that since they were here last they had a site walk on Monday. A great deal of landscaping has been added. They have also added signage to the project. Bob said that they have provided final drainage computations to the City Engineer and he has indicated that they are adequate. He said that on SP-1 there is a building envelope that is a little bit bigger than the units themselves to give the individual units the flexibility on the exact location and size of each of the units so that they don't have to build exactly what is shown on the plan. He said that they have provided condominium documentation as well as building elevations. Bob stated that the existing drainage in Mast Road is not outstanding and as part of the Chadwick Farm project they did some work down the road to help facilitate some improvements there. The concept here was to keep the drainage off of Mast Road and to not tax the existing systems. He said that what they have done is to pipe the drainage to the rear of the lot and provide a detention area to handle the additional stormwater. There is a small section in the front which they have worked through with the Engineering Department in providing an additional catch basin that was tied to the Chadwick Farm drainage system that will handle a small amount of water at the entrance but the concept was to get as much of it away from Mast Road as they could.

Karen Hiller, 10 Grady's Lane, wanted to know if these were houses or condos and how much they would sell for. She said that she really came to the meeting to speak about the condos at Corbin Meadows but she feels that this is the same problem. She said that Garrison School is so filled up and she is concerned with all the building in the Garrison School area. She doesn't want all this building in her neighborhood and wants the Board to give them some open spaces.

Steve Stancel explained the Master Plan process and how the growth issue has been looked at. He also explained the attempt to increase the non-residential tax base, to slow residential growth and to provide open space. He said that last year there were over 30 zoning changes proposed and about 22 of them passed. He said that many of them served to slow down growth and he gave several examples. He said that the property owners have rights and he thinks for the most part, recent developers have been surprisingly sensitive to the neighbors and to the City. He said that the developer could have come in with two 4 unit apartment building or one 8 unit building but chose to come in with 8 single family detached which is a better fit with the neighborhood. Steve stated that this project is geared to empty nesters and will limit the number of children.

Karen Hiller stated that she is concerned with all the recent developments and there won't be any more land left to discuss. She said that the Board has the right to say no now.

Ron Cole stated that she is incorrect and as long the land is zoned correctly and all the i's are dotted and there is not danger to public safety or public health, the Board has no recourse except to approve.

Karen Hiller stated that her son had 29 kids in his class last year and if there had been a fire in that school there would have been a major problem. She said that there are no sidewalks on Mast Road.

Jeff Mason asked if it was possible to look at sidewalks as part of this development.

The public hearing was closed.

Steve Stancel stated that sidewalks issues is a valid concern in that area. He said that Community Services and Engineering will be taking a closer look at the sidewalk needs on Mast Road in the upcoming year. He said that the problem with having this developer putting in a sidewalk along the frontage is that we don't know at this point which side of the road is best suited for a sidewalk. He spoke about the connection of Harland's Way with Mathes Hill Phase II and III which will be connected to Back River Rd. He said that anybody in this area is going to be able to walk up Harland's Way to get to Back River Road and end up at a crosswalk which crosses over to Garrison Road and that in turn connects to Spruce Lane. We have been making some progress. Unfortunately, until it is at least in the CIP, we can't legally extract offsite improvements for that use.

Chuck Maglaras made the motion to approve with the following conditions:

1. Add the owner's signatures to the plat.
2. Add the surveyor's and the engineer's signatures and stamps to the plan.
3. Payment of a contribution of \$800 for recreation improvements, due prior to the issuance of the first building permit.
4. Any additional conditions from the City Engineer's memo of 3/28/00.
5. Approval of the condominium association documents by the Planning Department and in reviewing them there are a couple of issues that were brought to Bob's attention about limiting the number of bedrooms as well as playground equipment that has to be included in that document.
6. Addition of three to four white pines or hemlock trees to be placed just to the west of the detention area.

David Landry seconded.

**VOTE U/A**

**Abstained – Tony McManus**

Chairman Cole called a 5 minute recess at 7:55.

Chairman Cole brought the meeting to order at 8:00 PM.

**c. Discussion on site plan for Willand Commons shopping plaza, located on Indian Brook Drive/High Street.**

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

Margaret Stevenson seconded.

**VOTE U/A**

The public hearing was opened.

Malcolm McNeill stated that he represents the Fosters and the Richmond Company. He said that the major issues have been landscaping, drainage, the layout of the site, aesthetic concerns and traffic. This project is a complicated because it involves Dover and Somersworth. He said that his goal is to have this item approved at the first meeting in April and to do the same in Somersworth. He said that the new name is Indian Brook Commons. He said that the site has been redesigned. He said that they will also show elevations. He said that they do not believe that there are any traffic issues outstanding between the City's consultant and their consultant. He said that they believe that all of the issues that Mr. Samuel has brought forward have been resolved. He said their intent is to finalize all of their technical discussions with both Cities. He said that he hopes that tonight would close the public comments and they hope to come back for the first meeting in April for approval. It is the desire of the developer to build this project this year.

Deb Deitz, with the Richmond Company, said that the changes are minor and are the result of the traffic and the City Engineering comments. She said that the two restaurants have been separated to assist with the traffic pattern and to eliminate some congestion in the former area. She said there is more landscaping in and around each restaurant. Retail C has change as a result of the city of Somersworth. They asked them to find a more

pleasing façade. She said that they are going to relinquish the tire service center and build a retail center for small retail shops in the New England style. She pointed out the areas of the added sidewalks, the increased landscaping and the added evergreens in the rear of the shopping center. She went over another revision to the truck entrance. She said that they have also added pavers to slow down vehicle movement. Deb Deitz went over the architectural elements of the buildings and the changes that they made at the request of the City of Somersworth. She also went over the cross walks.

Steve Stancel explained how the City hired an independent traffic consultant for this project. He said that they chose a company called Hayden Wegman out of Boston. He said that that Preston Samuel from that company reviewed the traffic analysis and then came back with several concerns. He said that he believes that at this time everyone is in concurrence.

Preston Samuel stated that he is cautioning that the traffic engineers have concurrence, but there may be additional work required by attorneys in this case. He said that on March 4<sup>th</sup> he submitted what he felt were their final recommendations. He went over the each of the 7 individual recommendations which are listed on his letter to Bruce Woodruff dated March 4, 2000. Preston stated that if the traffic signals are coordinated along High Street and the timing is set in the proper way then the queues from the main signal at Weeks Crossing will never back up into the other intersections. He said NH DOT has agreed to take care of that. He said that they computed the cost of a new signal at Willand Pond Road intersection at \$135,000 and based on the pro rationing of traffic generation of several projects they computed that this developer's fair share cost to be \$41,850. He said that the parties are now in the negotiating process with the developer on the final wording on these seven points and that it is a matter of council to council and he feels that the engineers have done as much as they can.

Discussion ensued regarding various aspects of the seven conditions.

Preston stated that the justification for having the right turn in driveway on 108 provides a valuable dispersion of traffic. He said if you take a facility this large and reduce the number of openings to the site to two small a number, you are going to have a very large volume concentrating in one area. He said that he thinks the site plan is good in that respect because you have a number of openings. It can be approached from all points of the compass so that the traffic is dispersed very well. He said that they had concerns about this particular driveway just because of how it reacts with the dynamics of traffic on the public street systems. But after giving it very careful consideration, worked with the developer, and came up with a compromise. Preston said that he feels that having the marquis sign at the main entrance and having the position of the buildings with the particular architectural face is enough of a suggestion to bring traffic through that particular intersection. He said that as you approach this intersection from the Spaulding Turnpike you won't be able to see the restaurants because of things that are happening in the northwest corner of the intersection. Your first visual key will probably be the marquis sign.

Margaret Stevenson asked about the two northbound lanes that are going to be extended on 108, do they actually go up past Western Auto?

Marty Kennedy, explained that today there are two lanes that drop down to one. He said they are going to carry the two through lanes all the way through beyond Willand Pond Road to about 100' north of Willand Pond Road and at that point begin to taper down from two lanes to one at a taper rate of 4:1, or basically a distance of almost 500 feet.

Steve Stancel stated that there is enough width there. He said that they used both the GIS and the City Engineer did go out and measure, as well as Bruce Woodruff, and they feel confident that there is enough right-of-way to fit all those lanes. He said that they spoke with the developer and it is their intention to complete the survey plan of that right-of-way prior to April 11, so that we can definitively have that available for the Board. Steve said that the lanes would be 12 foot lanes. He said that they feel that 12 foot lanes are adequate and do meet national standards. He said that they don't anticipate problems from the State but they will have a say in this as well.

Jeff Mason was concerned with the contents of the memo of January 18<sup>th</sup> in regard to the driveway entrance on Route 108.

Preston Samuel stated that his memo of January 18<sup>th</sup> was done by his traffic engineer for his benefit. He said that he looks at the overall picture which includes all of the aspects. He said if we entirely eliminate that drive, it will take traffic to other drives and possibly create capacity or safety problems at the other drives and that is why he looks at the overall situation. He said that it is better to keep the drive. Preston stated that the ITE standards that Jeff Mason was referring to are guidelines. They are issued by ITE, not the American Association of State Highway Officials. The actual guidelines are the ones that are generally accepted for roadway engineering in this State, and ITE is simply a guidance for special conditions. He said that using the standards, they have tested this situation and feel very comfortable that there is plenty of site distance and they don't feel that corner condition is at all a serious condition at this location.

Tony McManus asked if they are still proposing a right hand turn out north on Route 108.

Malcolm McNeill said that was correct until the traffic signal is installed at Willand Pond Road.

Marty Kennedy stated that they have agreed that when a signal is installed at Willand Pond Road they would close off the right turn out.

Ron Weeden, Dover resident, stated that he is not against the development and thinks it is a good idea for the City of Dover but he does have some concerns. He said that with respect to Mr. Samuel, everything that has been addressed to date has been with the safety problem and the right turn in and what is best for the developer and no attention has been given to right turn out. He said that there are 8 roads north of the intersection and 75 to 100 residences that all feed into that 1000 foot section. He said that the

residents will be sentenced to eternal gridlock if some means of breaking the traffic is not provided. He said that the Board does not have to approve the right hand turn in and right hand turn out for this developer. You can make the developer go to Willand Pond Road and install a temporary light. He said that it is a relatively inexpensive process. He used Kelwyn Drive as an example. He said that the temporary light, according to the Somersworth city engineer, cost \$5,000 and when the State updated the intersection they gave them a permanent light.

Peter Russell stated that he owns property across 108, which is commercially zoned and will be developed at some point in the future. He said that he had not been given an early look at the improved plans so he put his list together without having knowledge of some of the things that he has learned tonight. He said that the signal light at Willand Pond Road, the recommendation being that \$41,850 is being asked of this applicant and the rest of it would fall on his shoulders when he develops. He said that he understands that the reason that that signal light doesn't have to be installed at this time is that this is a secondary access for this project. He asked if he develops a portion of his property which has a primary access off of Old Rochester Road, would he enjoy the same deferral by saying that access off of 108 is his secondary access? He said the reversal of the signal light left hand turn lead that we have heard about to a left hand turn lag coming off the turnpike so that people will be induced to go straight ahead may be good for the traffic situation at the moment, but it could hurt his chances to attract a certain specific tenant who would say that they are at a detriment if people get the green light to go straight forward. He asked the Planning Board to make a note that in the future, if he comes forward with a development plan that they could reverse the sequencing and go back to the priority left turn, which he heard tonight that the DOT prefers. Regarding the merging of the traffic, he has heard that there are some notes on these latest plans that said "not surveyed but assumed that the right-of-way or that the paved surface was adequate to handle the two lanes until they reached a point 100 or 500 feet beyond Willand Pond Road". He said that he spoke to Mr. Berry at DOT, and asked about the width of the lanes and he heard that they may be looking at an 11 foot lane and a 13 foot lane. He asks that care is taken that they don't shift the lanes left or westward opposite Willand Pond Road because any leftward movement is going to encroach upon his access. He said that he put those points into a letter which he submitted to the Chairman of the Board.

Peter Allen, 43 Old Rochester Road, stated that he is a strong supporter of the development of Weeks Crossing. Thinks it will be good for everybody up there as long as it's done soundly with safety and the residents in mind. He said that he was a big supporter of the rezoning of 108. He said that he is at a disadvantage because the plans were not in on Friday morning when he came in to look at them. He said that he was surprised to see that there is only one through lane on High Street going into Indian Brook Road. He said that Willand Pond Road is only 18 feet wide, and asked if it will be upgraded. He said that anyone going south on 108 will use Willand Pond Road to enter the project such as the trucks, kids on bicycles going over to High St. and there are no sidewalks for the pedestrians. He was also concerned with the loss of the shoulder of the road. He said that it is a major safety concern that anybody in the left lane on Rt. 108

that is making a turn and decides to go into the project has to cut across traffic that is accelerating and is bumper to bumper. He said that the Planning Department has agreed that it is not safe but it is on the drawing. He was concerned that 18 wheelers might not fit at restaurant B for deliveries and trash pick up. If someone comes out of Willand Pond road and decides to make a left hand turn he doesn't know how they can do it with 2 lanes of traffic coming at them. He said that this plan shows that the shoulders are shrinking. He said if you screw up the intersection, you are going to have another Rite Aid up at the north end of town. He wants the Board to consider the people in the north end of town.

Marty Kennedy said that Willand Pond Road would be widened to 22 feet.

Beth Thompson, Economic Development Director, said she is encouraging this type of development because this is the type of development that the City has worked long and hard for. She is speaking for Bob Long, Chairman of DEDC, who believes that this development is good for the City of Dover and any problems will be resolved to the benefit of the City and the developer. This area has been planned for this type of development for many years. She said that they understand that there are issues but there are professionals on the City side and on the developer side who will resolve these issues to the best interest of everyone.

Ron Weeden, stated that there is a problem with Seagulls in that area and we should be sure that they have the most stringent and enclosed and covered trash accommodations for the restaurants.

Preston Samuel said that there is one concern that he can address. The situation of getting out of Willand Pond Road. He said that they specifically ran an analysis for a signal in that area as well as the developer's engineer. He said that they both concurred that at this time, with this development in place, there is still no immediate need or warrant for a traffic signal. There should be adequate gaps for people to get out of Willand Pond Road in a safe and efficient manner. We do recognize that in the long term when additional developments take place and that is the reason for computing a fair share and requesting that the developer make that contribution at this time so when that signal becomes warranted, the money will be available to build the signal promptly and serve the public's safety needs immediately.

Steve Stancel stated that this plan has been in the hopper for four months. This is not a Johnny come lately plan. We all had safety concerns about the right in and right out initially, but the developer and our traffic consultant have reviewed the situation, there have been revisions to the plans including extending the double lanes, moving one of the restaurants, changing the left hand turn to a lag and with those changes, our consultant is saying that he feels comfortable that that right in and right out is safe. Willand Pond Road will be upgraded. There are plans for sidewalks on 108 within the next 12 to 18 months. The plans are in the State's TIP plan and they will be connected to the sidewalks in this project. He said that the Planning Office has deferred to our expert's advice, if he says it's safe, then we tend to say it's safe because the City will end up in court and if our

traffic consultant say it's safe and we vote against it. He added that they tend to leave it up to the experts.

Ron Cole said that if no one else wants to speak he will close the public hearing.

Tony McManus stated that he doesn't think that the people north of Western Auto are aware that they are going to have a 3 or 4 lane highway in front of their house. He said that they should have an opportunity to appear and there ought to be some publicity to give them an opportunity to respond to that.

Tony McManus made the motion to recess the public hearing until the next regular meeting.

Margaret Stevenson seconded.

Ron Cole commented that the Planning Board does tend to bend over backward to make sure that each and every individual in the community and in the affected area will have as many opportunities as necessary to make their comments. He said that there are two sides to this and asked where those people are tonight. He said that he is willing to keep this open until the cows come home but he understands that there comes a point when we keep going over old ground.

Margaret Stevenson commented that she is very uncomfortable when she reads things like "it is anticipated that the conceptual roadway improvements can be constructed within the existing right-of-way if sufficient right-of-way does not exist, the improvement shown on this plan will be modified based on the right-of-way available" She said that doesn't tell us what that right-of-way is going to be and we should know now what is possible and that the public hearing should be recessed.

**VOTE U/A**

**Abstained – David Landry**

Reuben Hull stated that we had talked about rezoning the area all the way to the Somersworth line and that didn't happen, it was left residential. He said that it is almost getting to the point where it didn't work through rezoning so lets drive them out by making it so they can't get out on the road.

Tony McManus stated that it seems to him if your going to extend those lanes north, that you need to then put a proper driveway for Western Auto and not leave that whole frontage open. He said that it doesn't make any sense just to leave Western Auto open and come out where they want to.

Steve Stancel stated that he would like the City consultant to address left hand turns coming out of the residential area, because he will not be here on April 11. In terms in attempting to get Western Auto to close up their entrance and to use Willand Pond, we are starting to get into areas that we cannot control. The best that we can do is to attempt to make this site work and the question is, is it safe, or isn't it.

Preston Samuel stated that people turning left out of side streets and driveways and thence going south on Rochester Road, a traffic signal warrant analysis was done at Willand Pond Road and it was determined that a signal was not required at this point. One of the ways that you judge whether a signal is warranted is whether there is adequate opportunities to make that left turn out of the side streets, and it was determined that there are adequate opportunities, even given this new development. It stands to reason therefore, that there are adequate opportunities at any point north of here. He said that you have to understand that it doesn't mean that you get a level of service A opportunity, that any time that you come to the end of the street it's a go. It means that you have to wait and as time goes by and there is more development in Dover and surrounding towns, this situation will get worse and worse. Eventually you are going to need more lanes on that street and you will need traffic signals at other locations. At the present time and in response to the additional traffic created by this project, there is no need for a traffic signal at Willand Pond Road.

David Landry asked if the extension of the two lanes past Western Auto will be at the cost of the developer.

Steve Stancel answered yes.

Preston Samuel stated that there is one primary reason and only one reason why they requested the extension of the two lanes. There are two left turn lanes coming off from the Spaulding Turnpike making a left onto New Rochester Road northbound. He said that some of the people who are not familiar with this area will approach that intersection and get over into those two left turn lanes and being new in the area, they are going to instinctively choose the left most of the those left turn lanes. After they have gotten into that lane they are going to realize that as soon as that light turns green they are going to have to cross and make a right turn into the restaurant area. When they do that, they are going to have to weave across the other people that were in that other left turn lane. That's a marginal safety problem. What we felt made it a little more marginal to the point that we weren't comfortable with it was the fact that this is also in an area that we're dropping those two lanes to one lane in front of Western Auto and therefore, if a person put on his blinker and started to turn in front of you and you were in that right left turn lane, then you might think that that person was just trying to blend in, merge and you might feel that you could stay close to that car's bumper because when you get beyond that intersection the speeds are going to pick up and everything will be OK. If you make that assumption you may be too close to that car from out of town, when it decides to cross right in front of you into the shopping center. All we are asking to do is to extend that two lane section by an additional 100 feet to get through this intersection so that merge occurs beyond the influence are of this weave into the shopping center. He said that eventually the right turn in will remain and the right turn out will be discontinued when a traffic light comes in. Preston stated that they spent approximately 8 man hours on site. He said that they have seen the AM and PM peaks and he said that he is from this area and has done development in Dover in the past and is fairly familiar with the traffic.

Jeff Mason stated that he lives up there and deals with the traffic. He spoke on how difficult it is to squeak in between slugs of traffic. He said that this is going to provide unregulated intermittent traffic in which the people north of the development will have smaller areas to get out.

Steve Stancel stated if you take the left off the turnpike onto Rte. 108 north, and if you can't get over to the right to get into the project you can continue to Willand Pond Road and you still have the second lane to turn right as opposed to having it narrowed down to the single lane. It gives more of an opportunity for people to get right into the project.

**ITEM #4: Old Business**

**d. A second 60 day extension of approval for Wayside at Dover.**

Ron Cole stated that there is a request from Malcolm McNeill regarding Wayside at Dover for a second 60 day extension.

Frank Torr made the motion to approve the 60 day extension.  
Margaret Stevenson seconded.

**VOTE U/A**

**ITEM #5: New Business**

A carbon copy of a letter to the Speaker of the House Donna Syteck from the Conservation Commission.

**ITEM #6: Adjournment**

Frank Torr made the motion to adjourn.  
David Landry seconded.

**VOTE U/A**