

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

MEMBERS PRESENT: Ron Cole, Alternate Jeff Mason, Margaret Stevenson, Pete Lavoie, Frank Torr, Charles Maglaras, Tony McManus, Jerry Reese, Alternate David Landry, Reuben Hull, late

MEMBERS ABSENT: Paul Beecher, Alternate Jeff Peasley

STAFF PRESENT: Steven Stancel, Planning Director; Bruce Woodruff, City Planner and Jacqueline Freeman, Recording Secretary

Alternates David Landry and Jeff Mason sat on the Board.
Chairman Cole brought the meeting to order at 7:06 PM.

ITEM #1: Approval of minutes.

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

VOTE U/A

ITEM #2: Consideration and acceptance of a site plan of land for Formax, (Owners Timothy & Gary Lindsay) Assessor's Map D, Lots 13-4 & 11-2, zoned I-4, located at 44 Venture Drive.

Bob Stowell, of Tritech Engineering, represented the applicant. He said that this is a 6,750 sq. ft. addition. Currently there are 21 parking spaces and they are adding 23 for a total of 44 spaces for the site. The infrastructure for drainage and underground utilities are in place as part of the original plan. They have added landscaping and a note will be added to the plan identifying that the building will be sprinklered and the water line is coming in off Venture Drive.

David Landry asked if the parking waiver would be good if the additional lot is sold.

Steve Stancel stated that once the waiver is given it's all set for the future. He said one of the conditions for approval is that we receive written easement documents for the parking area so it is further set in stone.

Bruce Woodruff stated this being Enterprise Park which was developed by the Planning Department and this particular site was planned as a site which would share an access and parking. He said that sharing access and parking will allow those two sites to maximize the upland area.

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

VOTE U/A

The public hearing was opened.

Bob Long, DEDC Chairman, stated that they have signed off on the plan and urges the Board to approve the plan.

The public hearing was closed.

Reuben Hull arrived at 7:15 PM. He did not sit on the Board.

Frank Torr made the motion to approve the waiver to the provisions of 149-15-C, which requires a five foot setback for parking from a property line and the site plan with the following conditions:

1. Add the owner's signature to the plan.
2. Add the surveyor's and the engineer's signatures and stamps to the plan.
3. Revise plan to add a note indicating that a sprinkler system will be installed and add new water line to sheet SP-2.
4. Revise sheet SP-3 to add interior landscaping in order to comply with Section 149-14-G1(a).
5. Submission of the proposed parking and drainage cross easement document to be approved by the Planning Department.

Chuck Maglaras seconded.

VOTE 7 - 1

Opposed - Tony McManus

ITEM #3: Consideration and acceptance of a revision of a subdivision plan for Dean Fournier, Assessor's Map E. Lot 19, zoned R-12, located at Conifer Commons, off Glenwood Avenue.

Dana Lynch of Civilworks, stated that this is lot 15 of a subdivision that was approved in 1994. Lot 15 is a lot of record and contains 7.5 acres of land. At the time of the original approval, there was a note placed on the cover sheet which stated that lot 15 was not approved as a buildable lot. The original wetlands were flagged per the regulations in effect in 1993. We were given a directive by the owner that we were to subdivide this property so that we did not in any way encumber or impact any wetlands. To do that they designed a subdivision road to come into site and make a hard left and run down the middle of the parcel and create 15 lots, 14 of which are roughly 20,000 sq. ft. or more in size. The wetland boundary in lot 15 was such that we did not feel that it warranted any further testing at that time and did not do any test pits and did not prove the buildability of that lot. As a result of that, a note was placed on the cover sheet "Not approved as a buildable lot". Since that time, their client has asked them to revisit it because the wetlands delineation regulations have changed. He said that they retained James Long, NH Soil Consultants and have included his report which is stamped. Civil Works has determined that there was approximately 44,000 sq. ft. of upland on lot 15. We also

determined that when you laid over the 50' Hydric soil setback, we have an area on the lot that might have been suitable for a septic system, therefore we retained Mr. Long to go out and do 4 test pits in that area. He pointed out the area where there is 5,500 sq. ft. which is adequate for setting a septic system. Dana said they had the septic system design approved by the City Engineer before they submitted to the NH DES. They approved the septic system that you have before you, therefore we have proved the buildability of this lot. We would like the Board to approve the revision to the cover sheet by removal of the note that says "Not approved as a buildable lot". Dana said that the entrance to this lot will come off the new subdivision on Glenwood.

Frank made the motion 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 the revision to the subdivision plan.

Margaret Stevenson seconded.

VOTE U/A

ITEM #4: Public Hearing to amend Chapter 155, entitled "Subdivision of Land" of the code of the city of Dover. Amendments to Chapter 155-20-23 clarify the intent of the Alternative Design Regulations (ADS) and establish specific guidelines for open space.

Steve Stancel explained why the amendments came about. He also explained that workshops were held to solicit input and changes were made based on that input. After this evening, the Board will hold another workshop and make the final approvals. The ADS Regulations will be posted in the newspaper sometime in May and will become part of the of the Subdivision Regulations.

The public hearing was opened.

Tom Fargo, Chairman of the Conservation Commission stated that he encourages more ADSs because they promote open space. He said that he is in favor.

Malcolm McNeill stated that he finds himself agreeing with Tom Fargo. The concept of the ADS should be a concept that the City promotes vigorously. He feels that the proposals are going to be counterproductive. When the ADS was first started in Dover there was a perception that the development side of the community got something out of an ADS. The developers had to come in with fiscal impact statements, analysis of school population increases and had to go through a process that was more vigorous than a conventional subdivision. He said that what has evolved is a perception that once you go through that process you are more or less confined to what you would get if you were

doing a conventional subdivision. He said that there are some bonuses that come about that are primarily based upon a conventional delineation. He said that there is a practical side to real estate development and that is that certain risks will be taken and certain attempts at complying with bonus related statutes will be undertaken if it appears there is a reciprocal benefit to the landowner for going forward with this. His concern with what is being done here is that all of the threshold issues remain in place. You are basically capped with a conventional number, but for fixed bonuses, and you are still in a discretionary process. Malcolm suggests if one goes through the process of laying out reasonable grounds why you should qualify for an ADS, and you do not exceed the conventional number, he thinks there should be no discretion on the part of the Planning Board. He said that you should be able to look at every unique piece of land and make appropriate adjustments that may provide a greater incentive for open space because the developer may get some additional density. He suggested that the density bonuses that are being proposed don't provide a sufficient basis for the creativity that everyone would seek. He asked the Board to look again at being more generous with regard to the consideration of bonuses such as an elderly project, active adult project and other types of projects where the impacts on the land may be less. Also to provide greater flexibility with regard to bonuses in the event there is conventional compliance. He said that he believes that the projects that the City will be the proudest of in the years ahead will be the projects where there is significant open space, homeowners associations and open space communities.

The public hearing was closed.

Ron Cole stated that this will be discussed at the next Planning Board meeting and recommendations will be made at that point.

ITEM #5: Public Hearing to consider amendments to Chapter 170, entitled "Zoning" of the Code of the City of Dover. Rezone an area of city-owned land (portions of Map 22, Lot 1 & Map 23, Lot 15) from I-1, Restricted Industrial to RM-8, High Density Multi-Residential. Rezone an area of city-owned Maglaras Park (a portion of Map 22, Lot 42) and the entirety of two adjacent parcels (Map 22, Lots 33 & 34, from R-12, Medium Density Single Family Residential to RM-8, High Density Multi-Residential. Rezone an area of city-owned Maglaras park (Map 22, Lot 42) from I-1, Restricted Industrial to R-12, Medium Density Single Family.

Dana Lynch, of Civilworks, stated that he is representing the City of Dover. He gave an overview of the location of the proposed zone and gave a brief history of the area. He concluded by saying that all the proposals they have received over the years for the bluff area came back with the same conclusion that it would be best suited for residential development because of the adjacent residential uses.

Nick Skaltsis, 6 Erik Drive, stated that he is the Director of the DEDC and is here to request the rezoning. He stated that there will be a neighborhood meeting prior to any

final plat submittal to the Planning Board. He said that the present Industrial use is inappropriate. He said it has been the feeling of the DEDC that industrial use for this parcel was too close to a residential neighborhood and was not what the total scope of the waterfront development had in mind. He said that tonight is a follow through of a 16 year discussion of using this site for multi-family residential purposes.

The public hearing was opened.

Jean Therien, 5 Wellington Avenue, said that Dover has enough housing. She said that the waterfront should be left alone.

Mr. Lavoie, 1 Wallingford St., has been there since 1953. People who live on Paul St. have to back out in the traffic, compounded with the new development, it will be intolerable. Traffic and safety is a concern. He said that his is a key lot and he will not give up any part of his lot.

Erik Sweetser, 2 Wallingford St., stated that he has prepared a statement to become part of the record and made copies for the Board. He said that he can't connect this project to the riverfront because it is 100' above the riverfront. This project will destroyed the character of one of Dover's oldest neighborhoods. He felt that the Dover residents would be better served with a small undeveloped area close to downtown. The intersections of Paul St. and Henry Law would have to be considered in failure. He is opposed.

George Maglaras stated that about 98% of the urban core of the City is developed and of the 2% that remains, 85% is the waterfront. He said that there have been plans for condos on this site for the last 20 years, but that is not what you have before you; this is a zoning change in. About 20 years ago a construction firm came before the Council wanting to take that ledge that exists and put a rock quarry there. It was an asset that the City had and they were going to pay the city a lot of money for that ledge. It was decided then that there would be too much disruption and the major reason for not doing that was because of the dust it would create in the downtown area and it failed by one vote. He said there have been many plans over time regarding the redevelopment of the waterfront. You are doing a disservice to the people in that neighborhood by not rezoning this land. This rezoning gives them some protection that this land can only be used for residential.

Kevin McEneaney, 8 Gold Post Road, stated that he is representing himself and his family. He said they own one of the parcels that is included in this rezoning. He said that they also own a larger parcel that is near but not included. Both parcels have been owned by his family since the 1950's. Kevin said that Industrial is totally inappropriate for the area and what is being proposed is an intricate part of the riverfront development. He said that the area looks over the downtown, and the future development of the waterfront. He urged the Board to move forward. He is in favor of the rezoning.

Steve Lintz, Wallingsford St., was concerned with the volume of traffic and the size of that area. He doesn't see Paul St. able to support the volume of traffic. Doesn't think this area can support this type of growth.

Doug DeDe, 143 Locust St., stated that industrial zoning is inappropriate, and were there to be an industrial application which had to be approved because it is a permitted use, the residents would feel betrayed more so than if it were a residential area. He supports this rezoning proposal.

Patricia Taylor, 10 Wallingsford St., just moved in in August and she is in agreement with the rest of her neighborhood. Concerned with the high volume of traffic on Paul St. She said that there are already 3 apartment complexes on Henry Law Avenue. She asked why not single family homes.

Art Burke, 2 Union Street, if this is going to be rezoned to residential, why is there an Aquarium proposed? What is residential about an aquarium? He feels it is a faulty plan because it will benefit the few rather than the many. The waterfront should be developed with balance, including commercial, historical, natural and recreational facilities.

Bob Long stated that the Aquarium site is not finalized and showed on a plan the most likely spot.

Steve Hetu, 4 Wallingford St., said neither multifamily nor industrial is right for the area. He was concerned with the traffic in the single family neighborhood.

John Knox, 6 Paul Street, state that he lived there over 20 and can't understand why they want to put more houses and traffic. Against any zone change.

Beth Thompson, Economic Development Director, stated that she has been working on the waterfront redevelopment since she has been working for the City of Dover. She stated that the demand for industrial development is very strong and there is very little land left. She is constantly getting calls from businesses that want to be in Dover. This parcel, zoned Industrial is getting a lot attention. She said with the right business, they would look seriously at whether to put that business there. We could have something similar to a Cabletron that would like to be on the waterfront and bring 3 or 4 shifts of people up there. She said that residential development will not have the impact that an industrial user would have. This is what we are trying to accomplish with the rezoning.

Tom Fargo, spoke as a resident. The redevelopment of this parcel is a long process of 16 years. He asked if high density subdivisions can't be done in the urban core, where else should it be going?

Dwane Taylor, 10 Wallingford St., said that the problem with that land is that there is only one way in and out and that is right through his neighborhood and it is not a very big street. Feels that it should not be high density multi-family.

Bob Long, Chair DEDC, stated that we are talking about rezoning, not a specific plan. He said that there will be a neighborhood meeting. There is no intention of taking

anyone's property. He said that the traffic impact of a residential development is significantly less than industrial. Asked for support of the project.

Jackie Taylor, 16 Samuel Hanson Avenue, spoke about Mt. Pleasant Estates and the relationship to River Street, they won't be able to go out their back doors.

Erik Sweetser, stated that the letter they received stated that this is being rezoned specifically to put in the condo development. Cabletron would look good looking out over the water but he would fight that equally as hard. He said it is unlikely that the City would allow access to that industrial site through a residential neighborhood.

The public hearing was closed.

Steve Stancel stated that this development is aimed at the urban professional that would live downtown, work downtown, shop and eat downtown.

Tony McManus made the motion to refer this to a workshop to decide if it should be rezoned RM-8 or R-12.

Jeff Mason seconded.

VOTE 5 - 3 Opposed Chuck Maglaras, Pete Lavoie, Jerry Reese

Chairman Cole stated that he will set a joint workshop between the Planning Board and the DEDC. He said that it will be a public meeting and will be advertised in the newspaper.

ITEM #6: Old Business

a. Indian Brook Commons

Jerry Reese removed this item from the table.

Tony seconded.

VOTE U/A

Chairman Cole stated that we are back into a public hearing.

Atty. Malcolm McNeill brought the Board up to date. He said that since the last meeting they have had numerous meetings with City officials with regard to conditions of approval. He said that NH DOT concurred with the City's consultant, Preston Samuel with regard to Route 108 and lanes in that area. He said that this project complies with all of the zoning, site review and subdivision regulations. He said that it was the will of the City in 1995 to rezone this area B-5 which allows for very expansive uses. He quoted Jeff Mason's letter to the City. He said that despite the fact that the City has a competent transportation planner, they agreed to and paid for a substantial peer review by Preston Samuels of Hayden/Wegman. Malcom stated that he was not their choice, but the choice of the City. The City's traffic expert confirms the validity and safety of the project and confirms the procedures that their traffic expert proposed for this site. Malcolm read

from the letter that the NHDOT wrote to Bruce Woodruff. He said that conditions listed in the Hayden Wegman letter to Dover dated April 4, 2000, are appropriate to address the Department's concerns for preserving the operational characteristics of the NH Route 108 corridor northward through the Willand Pond intersection. There are 3 experts that have come forward to advance that argument and there is no contradictory expert evidence.

Malcolm said that one line of opposition has come from an owner of a competing restaurant. He said that they feel that his property will benefit from this project. The second opposition comes from a competing developer across the street who seeks to impose upon the Richmond Co. as much of the development burden on Route 108 as possible so to reduce that own developer's development burden. We are making a contribution to a traffic signal and that contribution clearly benefits the abutter across the street who will be the party that drives and is responsible for the signal. If that property is not developed, there will be no need for a signal. Lastly, there are neighborhood concerns relating to the alleged residential character of Route 108 and the traffic impacts caused by this project. These are the same concerns that were expressed when the City chose to rezone this site commercial. There were many people who said that Rt. 108 is residential and should stay that way. Many people who drive 108 know that the character of 108 in this area has changed. He said that it is the result of that political compromise that brought forward and resulted in this site being permissibly zoned. He added if there weren't traffic here there would be no commercial development. Jeff Mason has concerns about a light. Neither the City, or the State, or their expert has said that a light is warranted. If Mr. Russell does something, a light might be warranted. They should not guess what Mr. Russell's project is going to be and put up a light when it is not called for. With regard to Atty. McManus, we ask if this site is not appropriate for retail use in Dover, what site is? What else would you conceivably place on this site in terms of recognizing its location off of the State highway, close to an 8 million dollar improvement, surrounded on most of its sides with commercial uses with more to come? He said that he hasn't spoken about the hundreds of jobs this will create, the thousands of dollars in taxes that are going to be generated, the increased shopping opportunities.

Mike Leo, project Manager with VHB went over the comments made by Tom Fargo of the Conservation Commission. He said that they will modify their storm water system inspections to include an active response system. It will identify a contractor that can be contacted in the event of a spill and that will give guidance to the facility manager on how to address spills if they do occur. He said that they are proposing that the system be thoroughly inspected twice a year by a qualified inspector. He said that the store manager will be required on a monthly basis of going out and checking all the site features including curbing, looking for litter and in addition to doing that, he will also do a visual check on the catch basins and the detention ponds and submit the report to the Community Service Department or whichever department the City deems most appropriate.

Gordon Leede, VHB landscape architect. Went over all of the landscape items on the plan. A certified arborist will come in to trim the pines and cut some of the brush on Route 9, contingent to NH DOT approval.

Marty Kennedy, VHB recapped the traffic proposal.

Bob Long spoke on behalf of DEDC, and urged the Board to approve the plan subject to conditions.

Ron Weeden, stated that he wanted to see relief from the added traffic that is going to be created. He said that temporary lighting at the Willand Pond intersection is the only compromise that they have for some salvation.

Mary Peabody, Sherman Street, concerned with traffic, the preservation of her residential neighborhood and with the safe entrance and exit from her neighborhood.

Tom Fargo, Chairman of the Conservation Commission, stated that the environmental issues have been met and the developer has been very responsive.

Terry Dunn, 15 Lake View Drive, stated that Willand Pond is a jewel. The people north of Dover have felt under siege. Concerned with the animal life in the pond. He stated that Dover will be owning its own "Dead Sea".

Henry Pike, 1 Newton Street, agrees with the lady who lives on Sherman St.

Nancy Cote, 13 Lake View Drive, concurs with all who have spoken. Concerned with oil slicks, gas driven vehicles on the pond and the Bird Man who is still feeding the birds.

Peter Russell, property owner across 108 from the development. He went over an exhibit he brought. He is not asking for a delay of the project, but has traffic concerns. He asked the Board to accelerate the design of the fully signalized intersection of Willand Pond. He said it will give spacing to the traffic and will slow it down so people won't be speeding to try to merge just beyond Willand Pond Road. He asked Kimball Chase to do a feasibility study to see if that signalization of the intersection can be designed within the existing ROW because he cannot in any way enlarge the ROW if for some reason the lanes are not adequate.

Peter Allen, 43 Old Rochester Road, was concerned with pedestrian safety, bicycles etc. He said that he sees a lot of cut through traffic. He said that it is the roll of the Board to look at the safety design of Willand Pond Road.

Paul Fishler, Sherman Street, said that he sometimes walks on 108 to the downtown. This will make it more dangerous. Doesn't oppose the development. A light at the end of Willand Pond will not especially help. He spoke about the first lawsuit that somebody like him will file against the City for producing an unsafe traffic condition when they get

broadsided. He said it will wipe out the tax advantage. He wants some lights built in to the development for the little streets.

Jean Therrian, 5 Wellington Avenue, scared that the Board can decide on something of this magnitude. Asked for a referendum. She stated that Dover is a mess and will get worse. Stated that we don't need all the restaurants or businesses. It is not a safe area.

The public hearing was closed.

Steve Stancel stated that he wishes that we could roll up the red carpet in the City of Dover, it would make the Board's life easier and make his life easier. He said that Dover is a City and will continue to grow. He said that there are State laws in place to prohibit communities the size of Dover from restricting growth too much. Steve said that it is the Planning Board's goals this coming year to make revisions to residential zones to limit the size of future residential projects. He said that we do have existing zones in place and if developers meet the criteria of those zones, this Planning Board has limited means of rejection. In regard to Peter Russell's comments, the city will be happy to work with him in terms of putting in a traffic signal at the Willand Pond Road. We will begin to work with him tomorrow, however, there are going to be ROW issues with his project and those ROW issues are going to depend on the eventual user of his property. So it is very difficult to move forward in a design plan for traffic signals and ROW widths until we know exactly what it is that Peter Russell wants to put in across the street. It is the job of the Planning Board to make sure that the applicant addresses all of the issues and to make sure that all of the regulations have been met. We believe that this project does meet those. This project has gone through an unprecedented review process, has been before the Planning Board for 4 months now, there have been 4 public hearings, at least one site walk and all of this is just before the Dover Planning Board, the applicant has also gone through several meetings before the Somersworth Planning Board. There have been meetings before the Conservation Commissions of both communities and they concur that this project will work with conditions. Steve explained how the traffic consultants have reviewed the issues with this project as well as the representatives of NHDOT. He said they concur that the project will work and is safe and that there will be adequate gaps in the traffic to allow turning movements from adjacent residential projects. Steven went over the 23 recommended conditions.

Reuben Hull stated that problems with traffic on 108 are not necessarily related directly to this project. He said that if he had gotten here on time to sit on the Board he would have voted in favor of this project. He said there is a traffic management problem that needs to be addressed. He felt that a traffic signal misplaced causes more problems than it solves. He suggested that the money for the light should be directed not necessarily for the light but for access management and traffic control along the Rt. 108 corridor. He said that textured crosswalks are less of a maintenance headache.

Steve Stancel stated that any development that occurs on Mr. Russell's property will trigger the signal. He said that that is going to be the main entrance to the Russell piece. He said that in his opinion, the \$41,850 should be kept for the intersection. Steve said that

it would be his interpretation that in 6 years, if Russell's project never got off the ground, the City of Dover could decide to put the traffic signal in and wait to charge the future developers. The City could decide to put the signal in tomorrow, and charge all the surrounding developers their fair share and this developer will have already paid his fair share. He said that there are advantages to the City in regard to a signal going there, above and beyond a system creating traffic gaps for residents down the road, and that is that we anticipate a connector road between New Rochester Road and Old Rochester Road going through Mr. Russells property. He said that it will alleviate the U-turns that take place now coming off the turnpike and will alleviate the traffic cut throughs on Willand Ave. and through Strafford Farms. It's in the Master Plan that this road occurs.

Steve Stancel stated that if it would make the Board more comfortable, what #10 is relating to is the March 4th memo from Preston Samuels, where he very specifically states that two lanes will be carried 100 feet beyond Willand Ave. and then tapered at 40 to 1. We can add per Hayden/Wegmans letter of March 4th.

Frank Torr made the motion to approve with the 23 conditions as follows:

1. Add the owner's signature to the plan.
2. Add the surveyor's and the engineer's signatures and stamps to the plan.
3. Provide the Planning Department with a copy of the NHDES Site Specific Permit and add the permit number to the plan.
4. Provide the Planning Department with a copy of the NHDES Dam Permit and add the permit number to the plan.
5. The City and the applicant shall take necessary measures to effectuate the final Willand Pond road layout per the Weeks Crossing Plan.
6. The applicant shall pay \$41,850 to the City as its contribution toward the cost of design and or installation of a traffic signal at the Willand Pond and Route 108 intersection. The contribution shall be paid prior to the issuance of a building permit and deposited in an interest bearing account. If the contribution has not been spent for the design or placement of a traffic signal at the intersection at the end of six years, the City shall return the principal plus all interest accrued to the applicant.
7. The right turn only exit onto Route 108 shall be removed once the traffic signal is installed and operational at the Willand Pond Road and Route 108 intersection. The applicant shall pay \$6,000 to the City as its contribution toward the City's cost of removing the right turn out only exit. The contribution shall be paid prior to the issuance of a building permit and deposited in an interest bearing account. If the contribution has not been spent for the removal of the right turn only exit at the end of six years, the City shall return the principal plus all interest accrued to the applicant. The removal shall include installation of vertical granite curbing, removal of the applicable portion of the asphalt driveway and replacement of the asphalt with loam and landscaping.
8. The applicant shall pay \$15,000 into a joint account as its contribution to the recreational improvements to the Willand Pond area. The contribution shall be paid prior to the issuance of a building permit. This account shall be jointly administered by an independent subcommittee made up of equal representation from the City of Dover and the City of Somersworth.
9. The applicant shall prepare and submit to the NHDOT a signal coordination plan for the Kelwyn Drive, Weeks Lane/Indian Brook Drive, Main Weeks Crossing, and Weeks Lane/Central Avenue traffic signals. The signal coordination plan should be based on materials contained in the February 2000 VHB Response to Comments document. This

signal coordination shall be implemented by the applicant and be operational prior to the issuance of any occupancy permit.

10. The applicant shall complete the extension of the two northbound lanes on Route 108 per [Hayden Wegmen's letter of March 4, 2000], prior to the issuance of any occupancy permit, in accordance with the plan dated April 6th as stamped by a surveyor and subsequent to final design plans.
11. Revise the plan to remove the trash compactor located adjacent to the Somersworth City line.
12. Revise note #1 on sheet 10 to read, "Conceptual off-site improvements require final engineered plans prepared separately from this site plan, which shall require the review and approval of the City Engineer."
13. The applicant shall submit the engineered plans for the proposed off-site improvements to the City Engineer and NHDOT for review and final approval.
14. Revise the plan to add the property line between Map 39, Lot 11 and Map 39, Lot 11B
15. Revise plan to add proposed crosswalk to connect the sidewalk located west of Restaurant A to the island that leads to the sidewalk on Route 108.
16. The applicant shall propose to NHDOT, as part of the engineered plans for off-site improvements, a left-turn lag phase, instead of the existing lead phase, at the Week's Crossing intersection. NHDOT to determine the appropriateness of this.
17. Applicant shall reimburse the City for the cost of the City's Traffic Consultant preparing the peer review of the applicant's traffic study prior to signing of the site plan.
18. Revise the plan to show the area between the detention pond outfall and Willand Pond to be loamed and vegetation established.
19. Revise the detail for the double grate catch basin on sheet #11 of the plan to call out a four foot sump instead of a three foot sump.
20. Revise sheet #15 to show the crosswalk pavers to be set in concrete or show a different type of raised or textured crosswalk.
21. Receive approval of the plan by the City of Somersworth.
22. The approval is subject to applicant's response dated April 11, 2000 regarding additional stormwater management issues and submit biannually the inspection and maintenance report to the City of Dover.
23. Final landscaping plan in regards to NHDOT right-of-way area to be approved by City arborist and the Conservation Commission.

Chuck Maglaras seconded.

Jeff Mason stated that he is being told by the experts that there is no traffic problem, but those who live up there and deal with it on a daily basis, common sense tells them there is a problem. This development will add to the traffic problems that exists but the City receives a greater amount benefit from the project than negative. He said that he supports the development but has concerns with regard to safety and traffic issues.

Tony McManus stated that he will vote against the development. He said that he doesn't believe that the traffic has been adequately addressed. He said that Indian Brook Drive is a problem as well. He thinks this development only makes a bad situation worse. He doesn't feel that the lights can be adequately coordinated. He said that this is not planning and not progress and not in the best interest of the people

Margaret Stevenson stated that she agrees with Tony on condition #9. Her big concern is the safety issue. She said that there will be a great impact from this development and for that reason she is going to vote against approval.

Steve Stancel said that the traffic in that area doesn't work very good right now and it has nothing to do with the capacity of that intersection and has everything to do with the coordination of the signals that has never taken place. The City has contacted NH DOT and we have received a commitment from them that they will time these traffic signals as soon as possible. Additionally, the transportation engineers have taken into account all existing approved projects in the immediate area, as well as, some projected approved projects. They also took into account a close to 3% annual growth rate in the area, which NH DOT has in their memo that they believe is overly conservative. Steve then explained the process of the CIP and getting projects such as a traffic light in the CIP.

Frank Torr stated that we need to have faith in our experts and one of the experts was hired by the City of Dover. He said that there is no question that there are some traffic problems out there. He said that the State is conducting an Exit 10 study. He has heard some information from the DOT that the Route 108 upgrade would be the proposal recommended. If that does come to pass, a lot of the safety issues will be addressed as far as the traffic concerns, possibly the widening of 108 to take care of the traffic that exists now. He said that these are things that you need to think about.

David Landry said that he would like a base line assessment of the pond and he thinks that the Cities of Somersworth and Dover should share in that. He said that as long as they are going to be inspecting twice a year per the document and maintaining twice a year, he thinks that the most critical thing that we are talking about here environmentally, is impact. He thinks that the report ought to be submitted twice a year when the inspection and maintenance is done. He would like to see an amendment that as long as they are going to comply with the April 11th letter that it be changed to submitting biannual inspection reports to the City rather than once a year. This is item #22.

Malcolm stated that he has no problem with that.

The Board agreed to change #22 to add that they submit biannually the inspection and maintenance report to the City of Dover.

Pete Lavoie stated that the NH Fish & Game has done some studies on the pond because they are talking about stocking it. He said that a sidewalk is being proposed for Year 2002. He discussed the drainage, catch basins, curbing and traffic calming methods.

Ron Cole said that when he doesn't have all the answers he goes to an expert. He said that he has personal knowledge of Preston Samuels because they were both on the Strafford Regional Planning Commission for 3 or 4 years and his qualifications are impeccable and as an individual, he falls into that same category. Ron said that he hears what the abutters are saying, but by the same token, when we listen to the experts we can only go by what they say. We've asked for experts, we've gotten experts and we've

spent 4 months doing this. The city is growing and these are the things that happen. He said that this is the biggest intersection in this section of town and this is where this project should be.

VOTE 5 – 3 Opposed – Tony McManus, Margaret Stevenson, Jeff Mason

ITEM # 6: Old Business

b. Discussion and possible vote on a site plan for Northam Builders (Dovetail Lane), located on Corbin Drive.

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

VOTE U/A

Frank Torr left the meeting and Reuben Hull took his seat.

Ron Cole stated that we are in a public hearing.

Malcolm McNeill represented the developer, Jeff White. He stated that this is an 18 unit active adult condominium, located on 7.519 acres of land. Primarily in the RM-20 zone. He said that 21 units would be permitted on this site and 18 are being proposed. The condos are in 2 unit clusters and will contain all necessary living elements on the first floor. The roadway is private. He said that there was a site walk attended by the Board and the neighborhood. He said that there was a neighborhood meeting at the Engineer's office, so they could see the buffering, drainage, roadway issues related to the project. They submitted the condo documents. He said that the original Paddock plan contained 239 units which were approved and contained the pond that they have on this site for that drainage system. 60 units were actually built out of the 239. The detention pond was sized for the 239 units. He said that they propose to add 18 more units and utilize this pond for drainage. He said that he has been in contact with members of the Paddock association and they indicate that there is very minimal maintenance that is done in regard to the detention pond and they have agreed with the City to work cooperatively with the Paddock or to take over the maintenance of that pond. They also talked with the Paddock about looping utilities with their existing water systems. If they can't loop it with the Paddock, they will loop it on site. He said that they have agreed to \$150.00 per unit for recreation off site. He believes that they have resolved all issues.

Bob Stowell, Tritech Engineering, went over the buffer at the entrance of the project, the landscaping, sign and the trees that they have provided. He spoke about the drainage and he said that they sent a detail plan of that intersection to Engineering and they reviewed and concurred with their analysis.

Wayne Evans, 11 Corbin Drive, said that this development is not responsible. He said that he asked Jeff White about buying lot 11 and was told it wasn't for sale because he was going to build his own home there. He said that that was a determining factor of

buying his lot. He that he wanted to appeal to the conscience of the developer and say, "Use a little integrity". He said that the drainage is based on plans that are historic. Who will enforce the empty nesters. Urged the Board to deny the development

Doug Cobb, Pond View Drive, echos everything that Wayne said. He is basically concerned with the pond. He said that this development covers ground that right now is absorbing the water and that will all end up in his backyard.

Steven Jensaw, 15 Corbin Drive, abuts the cul-de-sac. He has similar concerns that Wayne has brought up. He said the bylaws can't be enforced, and he is also concerned with the safety of the children. He believes that these condos will be sold to families with children which will place an additional burden on the residents living on Corbin Drive and the City of Dover. He said that there will be a 600% increase in traffic. He is concerned with the children waiting for the bus at the corner of Corbin and Mast Road. He is against the development.

Nancy Adams, 11 Corbin Drive, has a child with special needs. She stated that she asked Jeff White if he would ever build condos or duplexes in this neighborhood and Jeff said that this neighborhood was named after his children and he had no intentions of doing that. She stated statistics on traffic. She is against this development.

Edmund S. Perry, of lot #10 Corbin Drive, stated that there was no mention of a large condo complex being proposed when he bought his property. He said that he was told that Lot 11 was a wetlands and was not suitable for development. He was concerned with the increased traffic and the cul-de-sac being turned into a traffic circle. He was concerned with the maintenance of the pond and whether the pond was adequate.

Larry Parker, 10 Corbin Drive, stated that he is concerned with the safety of the children the wetlands, drainage, flooded basements, the wildlife. He asked for permanent speed bumps. He stated that the developer twisted the truth for gains and he was misled by the real estate agency. He stated several conditions that he wanted the city to demand of the developer. He read a letter from his wife Denise Caper who could not attend. She stated that she is a 3rd generation Doverite. She said that safety is most important and that Mast Road and Spruce Road are not wide enough to accommodate the increase in vehicle, bicycle and pedestrian traffic.

Angela Barons, 23 Corbin Drive, main concern is the proximity of the road and their driveway. She would like the road moved a little.

Brian Howard, 19 Corbin Drive, stated that Jeff White indicated that there would be little to no noise or traffic. He supports his neighbors concerns. He said that he has a concern of water coming into his basement. He said that he would like to have Mr. White support his statement to him that there would nothing more than one additional house on lot 11.

Kate Raferty, 18 Pond View Drive, supports her neighbors. Her concern is the drainage. She called the City regarding a drainage easement on her property and they say that it is

not a high priority, so it doesn't get done. Recently they said that it is not adequate and they will have to put a pipe in.

Bob Duval, traffic engineer with Kimball Chase Co., stated that with the addition of 18 homes, the volumes are on the order of 300 cars per day. He said that it's true, if you have 1 house on the road and you build another house, you've double the traffic and the hazards but you basically have no traffic hazards. He said that many people have raised children on roads with far more traffic than would be generated by this proposal. There will be a perceptible increase in traffic, but this is not an unreasonable safety hazard and is entirely in keeping with residential planning standards. He said that their concerns are valid in that they will have to pay more attention to their children and will have to treat the road with a little more respect. He said from a traffic engineering perspective they do not see a traffic safety issue. He said that keeping the cul-de-sac will be a positive feature because it has a traffic calming effect and is a feature that is sought after by urban planners, specifically for the purpose of slowing traffic. He said that a stop sign at the entrance to the cul-de-sac is probably extreme given the volumes and the geometry.

Seth Rafferty, 18 Pond View Drive, stated that he is concerned with putting in multi-family dwellings in the middle of a single family neighborhoods. His other concern is with the drainage and how high the water comes up in the pond, especially with a new area that will be draining into it. He disagrees with the concept of swale maintenance. He said that it means no maintained at all.

Mark Bennett, 3 Corbin Drive, echos his neighbors and stated that the awkward nature of the traffic pattern doesn't make sense.

The public hearing was closed.

Steve Stancel stated that he sympathizes with the residents of this neighborhood. He said that he does not know what was told to residents when they purchase from Jeff White or the realtors. He said that this is a multi residential zone. He said until zoning was changed last year, there could have been a maximum of 70 - 76 units on this parcel and with the change a maximum of 21 can be placed on this parcel. He said that he believes that the project being aimed at empty nesters will work because if you look at the Paddock, there are not many children in that project and he thinks you will get the same type of purchasers. He said that the City engineer reviewed the drainage analysis and was satisfied. Bruce Woodruff, our traffic planner reviewed the traffic analysis and was satisfied. He said that Mr. Parker's issues are addressed in the protective covenants. Steve gave the recommended conditions of approval.

Margaret Stevenson asked whether there is anything in the documents that addresses the maintenance of drains that are suppose to go to the swale for the protection of the abutters and what recourse they would have.

Malcolm McNeill said that that was addressed in the condo documents

David Landry stated that he grew up on a dead end street. He said that he knows that the zoning permits this development. He said that he feels justified in saying no to this on what he believes is his obligation to protect human health and safety. He said that he doesn't think that this development is appropriate.

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

1. Add the owner's signature to the plan.
2. Add the surveyor's and the engineer's signatures and stamps to the plan.
3. Provide the Planning Department with a copy of the NHDES Site Specific Permit and add the permit number to the plan.
4. Provide the Planning Department with a copy of the NHDES Wetlands Permit and add the permit number to the plan.
5. The applicant agrees to work to reach an agreement with the Paddock to allow the water line and electric line to be looped into the Paddock.
6. Revise the plan to show a speed bump to be installed on Dovetail Lane between the mailboxes and the stop sign.
7. Determine and agree upon maintenance responsibilities of the detention pond.
8. An offsite recreation fee of \$150.00 per unit equaling \$2,700.00 shall be paid at the time of the first building permit.
9. The developer be responsible the placement of a street light in the cul-de-sac area.
10. The association covenants must contain a specific clause addressing a schedule of maintenance for the drainage approved by the Planning Department or City Engineer

Reuben Hull seconded.

Ron Cole stated that he looks at his responsibility as outlined in the RSA's and he can't find a way to vote no as much he would like to.

Margaret Stevenson asked if it is possible to add a couple more conditions. Specifically the drains. Worded so that the association covenants must contain a specific clause addressing a schedule of maintenance for the drainage approved by the Planning Department or City Engineer

10. The association covenants must contain a specific clause addressing a schedule of maintenance for the drainage approved by the Planning Department or City Engineer

Malcolm McNeill stated that he has no objection to that.

VOTE 6 – 2

Opposed – Jerry Reese and David Landry

ITEM #8: Adjournment

Jerry Reese made the motion to adjourn.

Reuben Hull seconded.

VOTE U/A