

**DOVER PLANNING BOARD
MINUTES OF MEETING
OCTOBER 10, 2000**

MEMBERS PRESENT: Beth Thompson, Anthony McManus, Margaret Stevenson, Jerry Reese, Frank Torr, Ronald Cole, Pete Lavoie, David Landry

MEMBERS ABSENT: Reuben Hull, Jeff Peasley, Jeff Mason, Charles Maglaras

STAFF PRESENT: Steven Stancel, Planning Director and Jamie Nye, Recording Secretary

Chairman Cole brought the meeting to order at 7:00 PM.

ITEM #1: Approval of the minutes.

Frank Torr made the motion to approve the minutes.

Beth Thompson seconded.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a Driveway Waiver for Paul E. LaBrie, Assessor's Map I, Lot 99-W, zoned R-40, located at 8 Birkshire Lane.

Maureen LaBrie stated that she needs to have her driveway resurfaced because of roots coming through. She said that the driveway has been 19 feet wide with a 1 foot setback for about 25 years.

Frank Torr made the motion to accept the application.

Margaret Stevenson seconded.

VOTE U/A

Abstained – Tony McManus, David Landry

The public hearing was opened.

There were no comments.

The public hearing was closed.

Jerry Reese made the motion to approve.

Margaret Stevenson seconded.

VOTE U/A

Abstained – Tony McManus, David Landry

Ron Cole stated that there will not be a public hearing on Motiva this evening, only an update.

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for New Redden Garden Development Co., (Owner,

Environmental Housing Associates) Assessor" Map I, Lot 20A-21 & 20A-5, zoned R-40, located on Adelle Drive/Durham Road.

Brian Poulin stated that he represents New Redden Garden Development Co. He said that they recently purchased the complex along with a piece of land previously owned by Environmental Housing. He said the lot line is to construct an accessory maintenance building.

Jerry Reese made the motion to accept.

David Landry seconded.

VOTE U/A

The public hearing was opened.

Faye Estes, Durham Road, stated that she wanted to be sure that the trees would be staying there as a buffer. She complimented them on doing a wonderful job and said that they fulfilled all agreements and have maintained the property well. She said that she hopes that the new group of people continue in the same way.

The public hearing was closed.

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

1. Add the owners signature to the plat.
2. Revise the plat to add building setback lines to both lots.
3. Revise the plat to correct Note #1 by adding "Map I" between the words "Tax and Lot".

Margaret Stevenson seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for an Alternative Design Subdivision of land 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. He said that this ADS consists of approximately 70 acres off of Bay View Road, and was approved to allow them to proceed further with the ADS Regs. This is a 2 lot subdivision of the 70 acres. Currently on the site is the original farm house and several out buildings, that would be one of the lots or non-easement area. The second non-easement area will be on the waterfront area near the point on Royal's Cove. He said that the Audubon Society and Dr. Draper have rights over the right-of-way. He pointed out the Audubon Society's property (approximately 40 acres) He said that the family has a history of donating land. He pointed out the second building site on Royal's Cove. He said that the two non-building areas are approximately 3 acres each and everything else on the property (64 acres) will be under a conservation easement with the exception of driveway rights and some septic and well areas. There will be no more building on the site. He went into the history of the site. He said that they have applied to the Wetlands Bureau for

a small crossing for a driveway and they expect that back any day. The conservation easement will be granted to the Strafford River's Conservancy, a local Dover organization and the Dover Conservation Commission is going to act as executor.

Pete Lavoie asked if there are any plans to update Declan Drive?

Kevin stated that there are no plans to update the condition of Declan Drive. He said that there is an easement area further down the road which would be an easement to the City to allow the trucks to turn around and pile snow. He pointed out where the easement currently stops.

Pete Lavoie said that the maintenance of that section of road where they currently turn around has always been in question and it needs upgrading. He said that he doesn't want the City to have to upgrade that section of road.

Kevin stated that it is his understanding that any upgrades would be at the expense of the owners and not the City's. The City's easement is strictly for vehicle turn around and snow storage areas.

Pete Lavoie said that the waste management company comes to him saying that their trucks have a problem going through the large holes. He said that he has talked to Mr. Callan and they did notice some gravel there, but he doesn't want the maintenance to fall into the City's hands. He said that in its present condition, it needs major gravel work.

Jerry Reese made the motion to accept.

Frank Torr seconded.

VOTE U/A

Abstained - Tony McManus

The public hearing was opened.

Mark Blumenthal stated that he applauds the plan.

The public hearing was closed.

Steve Stancel commended the Huggins for having the foresight to put in just one more lot on this 64 acre parcel. This is a beautiful area that could have been developed to its max.

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

1. Add the owner's signature to the plat.
2. The house be built on easement area #2 shall have a fire protection system.
3. The applicant shall grant a conservation easement on the 64 acres to be preserved and shall provide a copy of the executed easement to the Planning Department prior to the granting a building permit.
4. The applicant shall grant to the City of Dover an access and maintenance turn-around easement as shown on sheet #23 and described in note #11-A-4 on sheet #1, prior to signature of the plan.
5. Copy of State Wetlands Permit.

6. The applicant maintain general condition of road.

Frank Torr seconded.

VOTE U/A

Abstained – Anthony McManus

Steve Stancel emphasized that it is important that it be on record that the City should not be held responsible for maintaining the road.

ITEM #5: Consideration and acceptance of an application for a Preliminary Alternative Design Subdivision Concept plan of land for Douglas Dodd General Contractors, Inc., (Owners Ann Morrison, Elizabeth Warnke, Patricia Kasna, Judith Morrison) Assessor's Map G, Lot 7, zoned R-12, located at 330 Washington Street. (13 lots)

Kevin McEneaney represented the applicant, Doug Dodd. He stated that this is in an R-12 zone and approximately 28 ½ acres in size. He said that they will be coming in with a simple two lot subdivision to divide the existing house off. He said that they are proposing 13 buildings, 26 duplex units. He said in the R-12 zone duplexes are allowed if they are doing an ADS. The units will be 2 bedrooms and a mixture of 1 floor units and 2 floor, side by side units. He said that each unit will have a one car attached garage. He had some sketches of what the units might look like. He said that they expect that some retired people will want the single story units and professional people will like the in town location and the two bedroom units. He said that they may be in excess by one unit on the density calculation. He said that Doug instructed him to pull the number back to 24 units, so instead of the 26 it will be 24 units. It will be serviced by water and sewer. He said that there will be underground utilities. It will be a private road and will be taken care of by a homeowners association. The land that is not being used for houses will be put into a conservation easement. The open space is approximately 75%. He gave the prediction for the amount of school children vs. the conventional subdivision and the traffic counts. He said that they anticipate these duplex units to sell for approximately \$150,000.00. The result of that is a positive \$637.00 for the City. He said with that they are trying to take advantage of the ADS regulations by shortening the infrastructure, utilizing the ability to put in duplex units which they think will be a good fit for the area and to leave as much open space as possible. There will be 6 units that are one story. The said that the units will be approximately 1,400 sq. ft. and will all be stick built with basements.

Frank Torr asked how much of the open space was wetlands and given the neighborhood, why would you put in \$150,000 units.

Kevin stated approximately half of the entire site is wetlands, about 14 acres.

Dodd answered that there are some nice houses in the area and it is fairly heavy in multi-families. He said that he is trying to get away from all the \$250,000.00 houses.

Margaret Stevenson made the motion to accept the application
Jerry Reese seconded.

VOTE U/A

The public hearing was opened.

Sandra Wendall, 325 Washington Street, was concerned with the amount of additional traffic that will be on the road directly in front of her house.

Chairman Cole recessed the public hearing.

Steve Stancel stated that he is not completely convinced that this should be an ADS rather than a conventional subdivision. He said that some of the things that they are looking at is that each unit will have their own small parcel of land in addition to the open space. The new regulations for the ADS that were recently passed required that 50% of the open space must be upland so that is something that the applicant must show us. Kevin mentioned before that his bonus is only 15% so 15% of 22 was only 25 and they are proposing 24 units. He said that he thinks that there is some flexibility in that number. He said that they have asked the applicant to check their open space calculations regarding the bonus request and they have asked the applicant to show a seasonable brook on the parcel and the 50 ft. setback from the brook. He said that in the new subdivision regs there is a requirement of 30 ft. setbacks from external boundaries and 50 ft. from existing structures. He said there are a couple of units that are closer than 30 ft. from external boundaries. He said that he would like to see where Prospect Street comes out onto Washington in relation to this particular street. He said that they have some concerns about the offset and the safety of that offset and how it will work. He said that they have asked that the applicant provide them with an opinion on how this project might affect the surrounding property values. He said that he believes that most of the surrounding properties are single family. He said that they discussed trash and bag and tag and how that would work with this particular project. He said that they asked the applicant to take a look at the fiscal impact of an ADS vs. conventional. He said that they have used a multiplier for school aged children for the ADS that matches the typical apartment in the City and he said that he believes that that number is low and would like to see it recalculated using the typical condominium number. Steve Stancel stated that the Master Plan shows apartments at .17 school aged children and for condos at .26. He said that they have asked that the applicant show what the impact of traffic on the Arch and Silver Street intersection might be. He said there were several other minor issues and they recommend tabling for a site walk.

Frank Torr thought that there was an existing sewer infiltration problem in the area.

Steve Stancel asked if there was something in the CIP for fixing this line.

Pete Lavoie answered that it is in next years' CIP.

Steve Stancel stated that there is some subjectivity and flexibility that the Planning Board has in allowing the ADS vs. a conventional. Part of the comparison is fiscal impacts and how it affects the surrounding properties. He said that one of the criteria for an ADS is harmony with the character of surrounding development.

Jerry Reese made the motion to table pending a site walk.

David Landry seconded.

VOTE U/A

Chairman Cole set the site walk for Saturday, October 14, 2000, at 9:00 AM.

Chairman Cole called a 3 minute recess.

Chairman Cole brought the meeting back to order.

ITEM #6: Old Business

a. Continuation of public hearing and possible vote on the Transportation Section of the Master Plan.

Bruce Woodruff stated at the last Planning Board meeting the Board indicated that there were some changes that needed to be made to the draft. He said he included a synopsis of the changes in bold print. He went over each of the changes.

The public hearing was reopened.

Mark Laliberte lives on Central Avenue near Sawyer Mills. He said that he would like to reintroduce the concept of two-way traffic in the Washington/Main St. roadway near Bidly Mulligan's and Smiley's. He said it has been his feeling for some time that downtown Central Avenue is beset by a funnel effect. He said that Chestnut St. offers some relief for traffic from the North and West but the traffic from the East and Rollinsford and Rte. 4 are largely dumped into the funnel. He said that an alternative would be to allow the traffic from the east, that is just going across town, to drive down Main Street to lower square directly via Washington St. The Main St./Washington St. elbow appears amply wide to accommodate two-way traffic. This idea was presented as a suggestion to the Councilors and Planners via e-mail. He said that he was gratified to hear that the idea has been made part of the Transportation Chapter of the Master Plan. He said that while the new bridge at the end of Washington St. is a fine idea for the eventual development of the waterfront property, he thinks that the two-way traffic idea has enough merit to stand alone. He is very much in favor of the development of the land by the city barns and rebuilding the Washington St. Bridge to that area and both projects could go hand in hand.

Arthur Mitchell, Bellamy Road, said he was one of the people who worked on this chapter. He said that he submitted a letter at the last meeting. He said that he came because of the alternative transportation section, which is bicycling. He said he is back here again because other cities are ahead of us in this respect. He said that in Dover, it has not quite been that way. There is not a single sign that says "Share The Road". He said that he has had people yell at him to get on the sidewalk. He spoke about bicycling through Europe without feeling any danger to himself. He said that he is trying to get bike lanes that would get them to Pease. He said that the 9 months that you can take out your bicycle out on the road is the time when we have our heaviest traffic problems.

The public hearing was closed.

Tony McManus made the motion to adopt the Transportation Section of the Master Plan. Margaret Stevenson seconded.

Frank Torr wanted a point of clarification on the discussion at the last meeting advocating a road from Silver St. to the intersection of Washington.

Woody stated that it occurred to him after the last meeting they have tried very hard to make this a policy document not a specific engineering document. He said that listening to concerns about advocating specific locations for new roads, the recommendation does boil down to that the City should, as a policy, study ways to safely and efficiently funnel traffic into and out of the downtown to the turnpike and not just focus on one place but to take a look at all of the places where that may safely and efficiently happen.

Steve Stancel stated that there were several people from that neighborhood that came in after the last Planning Board meeting and they showed them the concept. He said that people are aware that this is a thought that is out there.

Tony McManus asked if the City has studied the land in the proposal of getting a road parallel to the turnpike, to tie into a recommendation to rezone, plus a new exit on the turnpike. He asked if the land would support industry. He said that he is not advocating any specific proposal for that area and hopes that the city does not take the position that that is what we are going to do.

VOTE U/A

b. Motiva

Steve Stancel said that the Building Inspector had determined that the proposal met with the zoning regulations. It was decided at the time to allow the developer to continue to move forward though the process but the Board would not make any decision until after the ZBA. He said that the application is far from the decision making process. He said that the ZBA on August 17th, reviewed the appeal from the administrative decision. He said that representatives from the neighborhood attempted an appeal from the ZBA decision and at their meeting of September 21st, the ZBA voted 4-1 to deny the rehearing request. He said the revised site grading and utility plan shows that the applicant has moved the infiltration system into that 50 ft. setback, thereby alleviating that concern from some of the abutters.

Bruce Woodruff stated that during the month of August, they solicited requests for quotes from 5 traffic consultant firms. He said that 3 chose not to respond. Two responded and were very qualified and the prices were similar, however, one was disqualified because they had a conflict because Motiva was one of their clients in another city in NH. That left Heyden and Wegman in Boston, with Preston Samuels the traffic engineer. They are now known as C & C Consultant Engineers (LLC). He said that there is a set of four letters in the packets. Bruce

said that all questions in the review memo have not been addressed yet. Bruce went over the sequence of letters and meetings that were held between himself, Don Rhodes, John Scott, the School Department's traffic consultant. He said that the School Department is considering moving their driveway to a better location for site distance for teachers and one-way-in busses. It would be located potentially right across from any Motiva driveway which would make the corridor safer. Don Rhodes has to get an idea as to whether that may happen before he can go ahead with some of his studies. He said that they are now waiting for Don Rhodes to answer the peer review letter requesting additional analysis and the answers to Preston Samuels' questions.

Ron Cole asked if this application was approved, would the school be making their changes at the same time?

Bruce Woodruff stated that they asked Don Rhodes to consider coordination with John Scott.

Steve Stancel stated that Woodman Park has money from the CIP to do their portion if this were to be approved.

Frank Torr asked if the school department considered no entrance there and utilizing the Towle Ave. approach?

Bruce Woodruff said that that was a possibility, but the School is trying to segregate the different types of traffic that happens at peak times of day, bus traffic, parent drop-off and pick-up, and teacher traffic. Presently the teachers go in the Silver St. entrance, the parent drop off, busses and the walkers use Towle Ave.

Tony McManus stated that he wrote to Steve and Ron when he first heard that Preston Samuels was doing the survey questioning why he had been picked because he was dissatisfied with the product that was received for Weeks Crossing. It seems that one option that we might expect when we hire engineers is for them to come back and say "You can't do it and it's unsafe to consider it further". He said that he reads in the consultant's letter of the 25th as eliminating that option. He said that it seems to him that he is saying that after we got all the information in, he is sure that something can be worked out so the traffic will be approved. He has concerns and thinks that we should have hired someone else.

Steve Stancel stated that he has made it very clear to Mr. Samuels that he is to take a very close and hard look at this project. He is aware of the situation and thinks if it's not safe, he is not going to recommend it. He thinks that part of it is that a good engineer will tell you that you can fix anything, if you have enough money. He said that we need to see what the fix might be and if the developer is willing to pay for it. Otherwise it's a "no". He said that that is where we are at at this point.

Ron Cole said that he will go on record as saying that he is not looking for a way to make this happen. He said that he is sitting on the Board and trying to be objective. He said there is an open space committee which has been appointed, but he isn't clear on its actual function.

Tony McManus stated that this was discussed before and it was decided that it was not the committee that the Board had in mind. He reminded Ron that he was asked to make that point to the Council.

Ron Cole said that he has not done that yet and he apologizes.

Don Bryant stated that in connection with the traffic study performed by the C & C Co., a question in his letter of Sept. 12th of the other consultant saying that "the traffic impact study does not state the size or arrangement of the donut facility in respect to the convenience store and asking if patron seating will be provided, take out or both?". He said that he asked Steve Stancel that same question and Steve didn't know? He said that the traffic consultant asked the same question and apparently he thinks it's important from a traffic standpoint. Mr. Bryant asked if that question has been answered. He said that we ought to find out if it will be a sit down restaurant. He said that he is also concerned with the same issue that Mr. McManus brought up. We have a whole group of people who are violently opposed to this project which he thinks is for good reasons. He said that they are placing before the Planning Board the issue of whether it should be developed, not what can be done to make it possible and he feels that that should be the issue that the traffic consultant is studying.

Steve Stancel said that it has not been answered, but we are not at the point of approval either. He said that those answers will be there before decisions are made.

ITEM #7: New Business

Steven Stancel stated that in the packets is the Capital Improvements Program. He said that it has gone to the City Council and they hope to vote on it by December, so they are looking for a recommendation from the Planning Board towards the end of November. He said that Mike Joyal is willing to come and discuss this with us at a workshop to start it off.

Ron Cole set the CIP Workshop for October 31st, at 7:00 PM, in the Council Conference Room.

ITEM #8: Adjournment

Tony McManus made the motion to adjourn.

Margaret Stevenson seconded.

VOTE U/A