

**DOVER PLANNING BOARD
MINUTES OF MEETING
OCTOBER 24, 2000**

MEMBERS PRESENT: Charles Maglaras, Beth Thompson, Ronald Cole, Reuben Hull, Pete Lavoie, Jerry Reese, David Landry, Anthony McManus, Frank Torr

MEMBERS ABSENT: Margaret Stevenson, Jeff Mason, Jeff Peasley

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

Chairman Cole brought the meeting to order at 7:04 PM.

Chairman Cole announced that the traffic studies for Motiva have not come in yet so there will be no discussion or action taken this evening.

Discussion ensued with the Silver St. neighbors in regard to the length of time the applicant for Motiva was taking.

Steve Stancel explained that there is no deadline in terms of the developer having to produce something. There is a deadline for the Planning Board to make a decision once an application is complete, but the developer can allow the Board additional time to review it as opposed to the other way around. Steve said that we could establish a deadline but the developer could just reapply, so it is better to deal with an application as it comes through. He emphasized that a project can not be rejected because we don't like it, and the neighbors don't like it. If something is allowed by Zoning, there has to be a legitimate reason to deny it. He said that the reason must be clearly stated the night of the meeting and the reason would have to stand up in court. A legitimate reason would be traffic problems, but it can not be legitimately rejected until there is a full traffic picture. Steve said we are now waiting for the developer's response to our consultant's questions.

Steve said that the consultant is not doing an independent investigation, he is doing a peer review. At a previous Planning Board meeting it was determined that we needed to hire our own independent traffic consultant. The consultant reviewed the information and came back with several questions and concerns. Those questions and concerns were relayed to the developers and they have yet to be addressed.

Mrs. Duffy asked if there was a contradiction in the Master Plan and read a portion that speaks about managing the gateways of the City such as Silver Street.

Steve Stancel responded that the Master Plan is developed to act as a guideline for creating and establishing new policies and new regulations. He said that if an application is before this Board prior to those ordinances or revisions, that project is grandfathered. He said that this particular project was submitted prior to that section of the Master Plan being approved. He

added that it would take a zoning change or an ordinance posted in order to stop something. Mrs. Duffy said that it is strange that their assessment increased \$12,800.00.

Ron Cole stated that he will attempt to spur the developer on.

ITEM #1: Approval of the minutes.

Jerry Reese made the motion to approve.

David Landry seconded.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a Notice of Merger of land for Nick and Becky Mourgenes, Assessor's Map G, Lot 30B and 30B-1, zoned R-20, located on Columbus Avenue.

Nick Mourgenous stated that he wants to merge both lots into one.

Tony McManus made the motion to grant the merger

Reuben Hull seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a Minor Lot Line Adjustment of land for Stabile Homes at Dover, Inc., Assessor's Map B, Lots 2B and 4-1, zoned R-40, located at the junction of Sixth and Cherrywood Drive.

David Landry abstained.

Kevin McEneaney stated that this is a simple lot line located in the Alden Woods Subdivision.

Jerry Reese made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the condition that both of the owners' signatures be added to the plat.

Beth Thompson seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a Minor Lot Line Adjustment of land for Annie T. Foss, Assessor's Map E, Lots 60, 62, and 62B, zoned R-20, located at the junction of Tolend Road and Upper Factory Road.

Kate Guilmet stated that she is here on behalf of her mother Annie T. Foss. She said that the lot line adjustment is requested to build a single family house for themselves.

Steve Stancel stated that the plans are a little confusing. He explained that there is small lot with only 56.88 feet of frontage on Tolend Road and the balance of the land is the larger piece. They eliminated the line of the smaller lot and cut the bigger lot in half, giving the front portion of the bigger lot to the smaller lot so they will now have conforming frontage to go along with the existing house and then the back lot which is now made smaller, will now will have new frontage on Upper Factory Road.

Steve Stancel stated that this was discussed with Tom Clark and because the new lot has 57 feet and the current lot has 56.86 feet, it is actually decreasing the non-conformity by increasing the frontage. He said that the existing house that has just 100 feet of frontage is getting the 56.86 feet and now becoming conforming. He said that the reason for moving the location of the frontage to Upper Factory Road is that you can't get a driveway off Tolend Road at this location because of a brook.

Jerry Reese said that it is the most confusing map he has ever seen.

Frank Torr made the motion to accept.

Chuck Maglaras seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Tony McManus stated that he will vote for this but he is not sure that he agrees with the Building Inspector that you can swap one non-conforming lot for another.

1. Add both the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Revise the plat to add the minimum building setback lines to all three lots.
4. Revise the plat to delete the phrase "Proposed New Lot Line" in two locations along Upper Factory Road.
5. Revise plat by correcting the soil data note in the upper left hand corner of the sheet by changing the number from "84, 081.83 " to "85,171.53".
6. Revise the plat to add a note indicating the amount of non-wetland lot area for Lot 62.

Jerry Reese seconded.

VOTE U/A

ITEM #5: Old Business

a. Possible discussion regarding Motiva, Located on Silver St.

Ron Cole reiterated that this would not be discussed tonight.

b. Discussion and possible vote on an Alternative Design Subdivision Concept plan for Douglas Dodd General Contractor, Inc.

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

Reuben Hull seconded.

VOTE U/A

Kevin McEneaney represented the applicant. He said there was a site walk a week ago. He said the revised plans show 24 units instead of 26. He said that the standard subdivision would have been 22 lots and they are requesting that they take advantage of the bonus of 10% based on "in excess of 60% open space", which results in 25 units. He said that they removed one the buildings from the cul-de-sac and spread the rest of the units out so there is additional space between them. He said that they have added lot lines around each individual unit (not the buildings). There is a zero lot line between the units so they go right down the common wall between the duplex units and then go out beyond the building itself approximately 15 feet at the rear and 15 feet on the side simply to be able to convey the land around the building and the unit itself. The lot areas are roughly 30 X 80 for each unit. He said that they have shown the setbacks from the exterior boundaries which is 30 feet, the setbacks from the existing buildings on Washington St., and both of those are in excess of 30 feet, and they have shown the approximate center line of the brook. He said that the units are in excess of 50 feet away from the center line of the brook and the closest unit is 70 feet. He said that they presented a revised impact statement to reflect the 24 units vs. the 26. The Planning Department suggested that they use a factor based on condominium information from the master plan and that resulted in an increase of 1 student, from 5 to 6 children. From a dollar standpoint, there's a plus \$299.00 per unit. He said that they did not factor in road cost maintenance and upkeep, that will be taken care of by homeowners association but those numbers are not reflected in this impact statement so there will be a small additional savings to the City. He went over the calculations of the wetland acres and the upland acres.

Kevin McEneaney said that he is requesting a waiver from the requirement of the 50% upland – 50% wetland ratio. He said that they have the ability to create some very odd shaped lots in order to meet that 50% upland/50% wetland ratio which is just an exercise in trying to meet the strict letter of the ratio. He said that they feel that it is better to have an aesthetically pleasing looking project than to try to meet an arbitrary ratio. He showed a scenario on how he could make one of the lots to be equal to 5.8 acres and if they did that most of that 5.8 acres would be wetlands and that would take the ratio of the open space to 50%. He said they feel it is more important to have the subdivision shown as the 24 units because it's a good use of the land.

Paul Connolly, went over the Strafford Regional Planning Traffic Volume Report for 1998-1999. He said the traffic volumes at the Washington Street/B&M Railroad track location has an average daily weekday traffic volume of 6,176. Paul said the average daily traffic generated from this project is about 169 trips. This represents less than 3% of the existing

volume. It also assumes that all of the trips both entering and exiting the site would go across the traffic counter located at the tracks. He said that a reasonable directional split in and out of the project at 50% going towards Whittier St. and the other 50% going towards Arch would cut their generator number in half to about 90 trips per day and represents 1 ½% of the traffic. The other count was located on Arch, south of the West Concord St. intersection. The numbers are very similar 6,155 trips per day. Because that number is so close the Washington Street number the same percentages and ratios apply. He said that the counts for this project is at a mathematical negligible level.

Steve Stancel explained how Strafford Regional Planning, on an annual basis, does traffic counts throughout the region.

Reuben Hull stated that he makes a left hand turn out of Prospect St. onto Washington St. every day and has never had a problem. He asked if there is an attempt to align the project up as a four-way intersection with Prospect St. He asked Pete Lavoie if there has been any discussion on sidewalks.

Paul Connolly said that there is going to be an 80 foot offset, center line to center line of the two opposing streets.

Pete Lavoie stated that there has not been any discussion on sidewalks.

Reuben Hull said he would support the open space waiver. He asked if there would be differences in the facades of the houses.

Doug Dodd said that most of the houses will not look alike with a mix of single one story units, as well as, side by side two story town house style units. It will have the feel of a neighborhood.

Tony McManus asked if the deeds will be for ½ a house and ½ a lot?

Kevin McEneaney said that there will be separate deeds and 1/24th ownership of the common area. He said the meets and bounds will be added to the final plan.

Chuck Maglaras asked about fences and if there will be a designated area for kids.

Paul Connolly said that that fences will be addressed in the covenants and the playground area can be worked out as this goes through the formal planning process.

Kevin McEneaney said that in the Middlewood development it was specifically requested that there not be active playground equipment as to not encourage children because they wanted an active retirement community.

Chuck Maglaras asked about the water line looping.

Kevin McEneaney said that he thought that he would leave an easement for future extensions that might be better than just looping the water line for the sake of looping it. Kevin said that the open space will be owned by the homeowners. He said that they could also place a conservation easement as added protection if that is what the Board wants.

The public hearing was reopened.

Linda Deyak, stated that she wanted to offer comments as a consumer. She said that she thinks that what this project is offering is a way for a large group of professionals to maintain a home and keep the lots small and still have the advantage of being a homeowner. She said that this concept appeals to a lot of people.

The public hearing was closed.

Steve Stancel stated that the staff recommends the use of the ADS concept and the waiver for open space. He said that they would like to look at the traffic a little more closely and take a look at the Arch and Silver intersection.

Jerry Reese made the motion to approve the ADS Concept and the waiver.
Chuck Maglaras seconded.

VOTE U/A

Steve Stancel reminded the Board of the CIP Workshop on Tuesday, October 31, in the Conference Room. He said that Mike Joyal will be at the meeting. He said if the Board is interested, the Council is looking at the CIP this Thursday and the department heads will be presenting their proposals. They will also be going over the train station plans.

Tony McManus stated that he is still concerned with the traffic study on Motiva. He said that Steve characterized it as having hired an independent expert. He said if all the expert is doing is waiting to get fed information from the developer, he doesn't think of that as an independent investigation on behalf of the City and the City is being short changed.

Steve Stancel stated a peer review is common. He said you don't pay someone to do a completely new traffic analysis. What he does is review the analysis that was done by the developer's traffic engineer and if he agrees with the basic presumptions in that analysis, then there is no need to do a second traffic analysis. If he disagrees with that, then he comes back to us and says I disagree with this analysis and you need to do your own or reject it.

Tony McManus said he didn't know what basis he would have to disagree with the analysis if he didn't have any independent information on the traffic. He said that he didn't feel that this was an independent study on behalf of the City.

Steve Stancel stated that there is enough secondary information out there where you can get an idea

David Landry said that he joined the Open Lands Committee about a month ago. He said what they are basically doing is looking at the Master Plan, mapping, identifying and surveying and reviewing existing open space properties. They are also charged with constantly pursuing and reviewing, with the City Council, acceptance of parcels of land or easements that can be bought with the Change of Use money that is now over \$200,000.00. He said he would like to get some feedback.

Ron Cole stated, as the Chairman of the Planning Board, he is officially appointing him the Planning Board Liaison to the Open Space Committee.

Frank Torr said for situations like Motiva, when the agenda is made up and they are not ready, they should not be put on so to not incur the wrath of the public.

Steve Stancel stated that Atty. McNeill was called prior to doing up the agenda, and he indicated that they would be ready. Steve said he understands the frustration of the neighbors.

Chuck Maglaras asked for clarification of the letter from Mr. McNeill requesting a 60 day extension of the time to approve Motiva.

Steve Stancel read RSA 676:4. He said that this gives the Planning Board 65 days. This was put into place so that Planning Boards wouldn't string developers along. Steve said that we have accepted the application and that has started the 65 days. He said that the Planning Board may apply to the City Council for an extension of the 65 days for up to 90 days or the applicant can waive the requirement for the Planning Board action within the time period specified.

ITEM #6: New Business

None

ITEM #7: Adjournment

Jerry Reese made the motion to adjourn.

Reuben Hull seconded.

VOTE U/A