

**DOVER PLANNING BOARD
MINUTES OF MEETING
JUNE 8, 1999**

MEMBERS PRESENT: Pete Lavoie, Peg Stevenson, Anthony McManus, Frank Torr,
Jeff Mason, Jeff Peasley, Jerry Reese, Ron Cole(late)

MEMBERS ABSENT: Paul Beecher, Karin Crittenden, Chuck Maglaras, Reuben Hull.

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

Anthony McManus conducted the meeting in the absence of the Chairman and the Vice-chairman.

Tony McManus brought the meeting to order at 7:00 PM.

ITEM #1: Approval of minutes.

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

Jeff Peasley stated that on first line of Page #5, it was he and not Jeff Mason who voted in favor.

VOTE U/A

Abstained -- Pete Lavoie

ITEM #2: Consideration and acceptance of a request by David Hanna, to open a portion of a stonewall on a scenic road, (Owner, William Leavitt) Assessor's Map J, Lot 19-E-4, zoned R-40, located on Old Garrison Road.

David Hanna stated that he is here to get a driveway and access to the land he will be purchasing from Mr. Leavitt. He said that there is no current opening in the wall.

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.

Steve Stancel stated that Planning staff recommends approval of the request to remove a portion of the stone wall and then went over the conditions. He stated that he wanted to be on record saying that this lot is part of an original four lot subdivision that occurred back in 1989, and one of the conditions of approval was that lot 1 would be accessed

from Bay View Road, lots 2, 3, and 4 would be accessed from Old Garrison Road with a limit of 2 driveway cuts. Steve said that this is lot #4 on the subdivision and if this applicant receives approval this evening, it will mean that lot 2 and 3 will have to have a shared driveway. He stated that he wanted Mr. Leavitt to be on notice of that.

Peg Stevenson made the motion to approve with the condition that the applicant shall obtain a driveway permit from the City Engineer.

Jerry Reese seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a minor subdivision of land for Brian Stern, (Owner Michael Clark) Assessor's Map E, Lot 47, zoned R-40, located on Tolend Road. *(2 lots)

Brian Stern stated that this subdivision is for his personal use to build a home, and the other lots will help defray the cost. He explained the angles of the frontage for the lots. He stated that Engineering was concerned with the location of the driveway for lot 1 because of the crest of the hill. Mr. Stern stated that he feels it is a worse situation to have the driveway away from the crest rather than on the crest of the hill. He said that the driveways should not be addressed because he is not asking for a driveway at this time. He said it should not be a burden of this project to remedy what is an already existing problem and is something that the City may want to address in the Capital Improvements Program. He said that there is already an existing driveway for lot 3 and this would serve as a temporary driveway to lot 1. He stated that the shared drive is one third on the abutter's property and two thirds on his property.

Jeff Mason made the motion to accept the application.

Jerry Reese seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Pete Lavoie stated that they have no problem with the subdivision, the driveways are the problem. He said there is a 160 foot site distance where there should be 275 feet in a 40 mph speed zone.

Jeff Mason made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a copy of the State Subdivision permit and add permit number to the plan.
3. Provide the Planning Department with draft language to be placed in the deeds that will put prospective lot owners on notice that the reversion area may become a City right-of-way in the future.

4. Add surveyor's stamp and signature to the plat.
5. Revise plat to add right-of-way curve radii to reversion area on the eastern side of the property.
6. Revise note located to the left of the graphic scale to read: "Area to revert to Lot No. 3 if future right-of-way is dedicated to the City, and a City approved street is constructed."
7. Lots 1 & 3 shall share a driveway location to be decided by City Engineering Dept.
8. Prior to the issuance of a driveway for lot #2 adequate sight distance shall be achieved through cutting of brush along side of the parcel.

Jerry Reese seconded.

VOTE U/A

ITEM #4: Consideration of a conceptual approval of an application for an Alternative Design Subdivision (ADS) of land for Katz Development Corp., (Owner Free Trade, Inc.) Assessor's Map K, Lot 18, zoned R-40, located on Middle Road and Hawthorne Road. (53 lots)

Atty. Malcolm McNeill introduced Eric Katz and Kevin McEneaney and gave a brief history of the subdivision. He stated that this parcel consists of 46 acres and is in an R-40 zone. He said it was approved as an ADS for 45 lots in 1990. The developer built out seven lots on Hubbard Drive which is disconnected from the central area of this subdivision and the remainder of the subdivision was not built out. There were various extension of approval until 1994, then no further extensions were requested although the Planning Board never formally terminated the project. In April 27, 1999 we came before you for an ADS which was conceptually approved for 35 lots, with 38% left as open space and serviced by public roads. Malcolm added that the open space is highly desirable and fully developable land. He said that the plan at that time was for 2,000 to 2,500 sq. ft. homes, with homeowners association control of the open space and usual and customary covenants and an expected purchase prices of between \$225 - \$250 per home. The developer is fully ready to proceed with that plan, and is not coming here abrogating that plan. He said that depending on what happens tonight, that plan may be effectuated.

Malcolm stated they listened to Steve Stancel respond to citizens with regard to impacts on schools and the fact that there were hundreds of outstanding permits for 3 and 4 bedroom single family homes in Dover, and that is why they are here tonight. He said that there was also concern as to how many children the project would generate and what the affects would be on the community. He said that the impact statement indicated that the project came very close to carrying itself but for a shortfall of \$300 or \$400. Malcolm stated that there is a new body of buyers, that are called "Empty Nesters". They are people who are looking for carefree living, probably to have a home before they go into some form of assisted living. He said the upside is that you have older citizens come into the community with the history and maturity that they bring. He said that the municipal costs and services are dramatically different. Despite the Claremont decision and other decisions relating to school funding, the issue of school capacity and school

costs will continue to be major issues in all municipalities. This adult project proposes 53 units with private roads that do not connect to Hawthorne Road and have their access point at Middle Road. The first project had 38% open space, in this project the open space is 55% of the total acreage, approximately 17% more. He said that Mr. Katz has a project very similar to this one that has been approved in Exeter. He said that they asked the Planning Director and his assistant to look at that project and they would like the Board to also look at that project. He said the project is under construction and approximately 25 houses have been built. The houses have some unique characteristics, the master bedroom and all the living facilities are located on the first floor. There is a second bedroom on the second floor and an available area for a den. The restrictive covenants do not permit playground equipment, outdoor play facilities, basketball courts, or anything that would be amenable to children. The maintenance is done by the homeowners association as it relates to the lawn care, snow shoveling and other services that maintain a high and desirable appearance of the project.

Atty. McNeill said of the 25 units that exists in Exeter, the average age of the owners is 55 and there are 6 children. It works out to a $\frac{1}{4}$ of a child per unit. The average number of children per unit in 3 and 4 bedroom facilities in Dover based on the Master Plan, is .72. In the previous concept that was approved there was a net adverse impact of about \$400, with regard to this project based on $\frac{1}{4}$ child per household, we believe there will be a beneficial impact of approximately \$3,000 per unit. Mr. McNeill stated that in this project they anticipate 13 school age children, and in the previously approved plan they anticipate 25. He said that they presume that 115 people would occupy the 35 unit project and that 119 people will occupy this project. Malcolm said the vehicle trips for the initial project would be about 350, and the dilemma is that there are no numbers in the ITP Manual so they figured it the same way of 10 per unit, that comes out the 530. He said they feel it is important that in the absence of youngsters, there will be no soccer games, no PTA meetings, and a lesser activity we believe in automobiles.

Malcolm McNeill said that with regard to road maintenance this will be private. He added that if the owners wish to have a gate, it is something that would be considered. He said that with regard to either one of these projects there is no request for any waiver from the regulations, both of these projects completely comply with the regulations. Regarding the average lot sizes, the average lot size for the 53 unit project is larger than the average lot sizes in the Exeter project. With regard to the deed restrictions between the two projects the 35 unit subdivision, we proposed deed restrictions that would be usual and customary that the homeowners would control the open space. With regard to the 53 units, we are proposing the homeowners association will control all the maintenance, outdoor amenities, open space and would control the streets. He said with regard to the cul-de-sac that ends at Hawthorne Road, if there was a need for some sort of emergency connection, the developer would consider that. With regard to the drainage, groundwater, etc., tree cover would be dramatically retained as a result of more than half of the project being open space. He said that they would not be standing in front of the Board to bump up the project from 35 to 53 if there wasn't a difference that made sense both to the developer and to the city. He said that they think this is the first time that anything has come before the Board that is a project that is truly designed for a particular

type of user with covenants to enforce that type of use. He said that in terms of making the lots larger, they chose open space over larger lots primarily due to the facts that we presumed from the developer's own experience in Exeter that the buyers in this subdivision will not want big lots to maintain, but would like to have the rural feel that exists and the amenities and the reasonable proximity to the City. He said that it is a neighborhood where mature type use already exists and what is being proposed would be desirable. Malcolm stated that he would like the Board to go to Exeter for a site walk before making any decisions and to ask the Planning Director to talk to the Planning Director of Exeter with regard to his experience with this project and to make an evaluation as to the accuracy of the numbers that they are using. He said they are trying to turn this into a project that maximizes open space and minimizes municipal impacts and they believe they have done that.

Peg Stevenson asked if the sizes of the houses will be reduced.

Malcolm McNeill stated that the sizes of the houses will likely be 2,000 to 2,200 sq. ft. with one less bedroom.

Eric Katz stated that the style of the houses will be cape style with gable ends and dormers, with vinyl siding.

Steve Stancel stated that originally the applicant was looking at 53 lots coming off the existing Hawthorne cul-de-sac. He said that it was their feeling that they needed to receive public input before moving forward, however, he did not see the private road being acceptable coming off Hawthorne because from a planning standpoint, you would not want the traffic of 53 lots funneled out Hawthorne Road and on to the intersection of Stark and Hawthorne. He said that the applicant has brought in this plan as sort of the step 1 of a potential revision that this Board might accept or not accept.

Malcolm McNeill stated that they considered both plans, the Middle Road access and the Hawthorne Road access and either is acceptable to the developer but we feel that the Middle Road access would be more acceptable to Dover.

Jeff Peasley stated that everyone that lives there could have school children and asked if there is any guarantee that there will not be more than 13 school children.

Malcolm McNeill stated that Mr. Katz, is doing a project in Exeter that would be similar to the first one that you approved and one project that is similar to the one we are asking you to approve. They are both marketed differently, they both have different numbers of bedrooms. He said they are asking the Board to look at both of them. He said that they did an inventory of the all the people that have moved into this development, the average age is 55, the kids there tend to be teenagers. He said they can't guarantee it, but they can design houses where all the living space is on the first floor, and is desirable to a certain type of user and that has worked out which is the best evidence. He added that they are not prohibiting someone that has children from purchasing.

Jerry Reese made the motion to accept.
Peg Stevenson seconded.

VOTE 5 – 1

Opposed – Jeff Peasley

The public hearing was opened.

John Pomerleau, 19 Hubbard Road, said that this looks more like profit maximization than it is anything for the good of Dover. He said he questions the market studies. He said that he manages corporate relocations for Liberty Mutual. He said that he could send 5 people per month to Mr. Katz that would qualify, but they have children. They are not going to buy into a subdivision that might as well have a sign that says children not wanted. He said he doesn't understand especially as it abuts their neighborhood and Applevale. He is concerned with the 53 lots and the smaller lot sizes. He said that Hubbard Road is a pass through road. He is concerned with the impact into the former Adams Estates open space. He said that a lot of people purchased lots that abut it and that open space is an important reference in the warrantee deed. He said it is important that there is no intrusion on that green space. He said that he has wetlands issues also.

Bill Congo, 32 Hubbard Road, heard a lot about the positive financial impact with schools. He asked if the Assessor could come up with some idea as to the income to the town of the first project of 35 lots vs. the 53 and if the town will gain or lose.

Steve Stancel stated that they will be reviewing those numbers to make sure that they make sense. If they used the numbers from the recently approved Master Plan then they probably will be acceptable.

Bill Congo was concerned with the cul-de-sac on the project and the cul-de-sac on Hawthorne. He said that he heard of a possible gate put there. He said he would be very concerned if it ends up that there is access through to Hawthorne because of the traffic impact on Hawthorne and Hubbard Road. He would like to know that the plan that we are looking at right now won't be subject to an opening through to Hawthorne.

Diane Day, 5 Hubbard Road, not sure how they are going to discriminate against small families that might be able to afford those types of homes and have children. She was concerned with the teenagers and the extra cars. Concerned with teenage traffic through their neighborhood. Concerned with dysfunctional families and grandparents taking in grandchildren. She said that she is not convinced of the vehicular trip numbers. She is concerned with the safety issue with regard to cars. She said that the Hawthorne cul-de-sac has become a party zone for teenagers. She said that she is concerned that the cul-de-sac will be left undeveloped but doesn't want to see that number of houses. Asking the Board to slow the growth and not let the contractors profit at the expense of the taxpayers.

Bill Herterich, 21 Hubbard Road, concerned with the traffic. He said he thinks this is a better plan with the access from Middle Road. He wants to be sure that there won't be a

bridge on to Hawthorne Road. He said that there is an association somewhere that involves Hubbard Road residents. He said he believes it's called Adams Estates Association and is not sure what the status of it is. He said that the developer usually keeps control of the association until such time that the development has been completed and then it is turned over to the residents. He asked if the new association will interact with the old association and how it will impact all the open land.

Dick Koch, 17 Hubbard Road, stated that there are 40 kids on his block alone, most of whom are under 10 years of age. He said that Hubbard Road is a through road between Middle Road and Hawthorne. He wants to be sure that this problem is not exacerbated. He said that people built where they did because of the desirability that nothing would be built behind them.

Denise Allen, 31 Hubbard Road, invited everyone to come to her back yard and look at the cars that go speeding by at 55 miles per hour. She said that she is concerned with the safety of her kids, as they're out there riding their bicycles and skating. She asked who would guarantee that the cul-de-sacs would not be connected in the future.

Mrs. Becky, 53 Applevale Drive, stated she is concerned with the catch basins as both of them drain on her property. She said she has damages galore. She said it was taken to court in 1988 and the supreme court determined that it was the City's responsibility and the City has not fixed it yet. She added that her house is beginning to tilt.

Dave Hudson, 22 Hubbard Road, stated he is concerned with the impact on the schools and the safety of children. He said that whatever covenants that are placed on a new development they are often overlooked. He doesn't see that omitting sandboxes will greatly reduce the amount of children. He said he has 2 children, 4 and 7 years of age, that play in the front yard and go back and forth on their bikes across the street. He has seen cars go 35 to 40 mph. He is gratified that the current plan does not go through to Hawthorne. He feels the traffic numbers do not make sense.

Mary Buse, gave a history of the parcel. She claims that there are wetlands in that area on Hubbard Road. She stated that there was a considerable amount of flooding at Langdon Place this past winter. She said that the open space is not fully developable. She is concerned with the impact on the schools. She feels that the anti-children message they are sending is discriminatory. She still does not see the logic for the 53 lots. She spoke of the vehicular and truck traffic on Middle Road. She stated that Dover cannot be compared to Exeter. She said that she is opposed to this plan.

Stan Kaubris, 14 Hubbard Road, said that the major concern should be the safety of the children. He said he doesn't have a problem with the developer making some money off this but the paramount concern has to be the safety of the children.

Tom Peterson, 11 Hubbard Road, stated that 500 trips per day additional traffic is quite a bit. He said that this plan is more appealing than the one that opened up on Hawthorne. He said that Stark Avenue to Middle Road through Hubbard is a great shortcut. He said

that regarding the senior element it will be very difficult to discriminate against people with young children. He said that although there wont be play equipment allowed in the covenants, it will be just a matter of time before people with children move in and it will snowball. He said more houses mean more people and greater traffic impact.

Malcolm McNeill stated that he appreciates the input of the neighbors, and that is why this project was brought in. He said that this property is extremely valuable and will be developed in some fashion. It can be developed like their neighborhood but he can recall some of the discussion when their neighborhood was being proposed. This project could be another Hubbard Road, it could be 3, 4, and 5 bedroom houses on conventional lots but we believe that alternatives with greater open space with controls with regard to streets, and covenants are in everyone's best interest, including the City.

Ron Cole arrived at 8:20 pm.

Malcolm McNeill invited all the neighbors and the Board to go to Exeter to look at the projects. He said that this is an opportunity for a different type of project.

John Pomerleau stated that this is a project to make money and he doesn't want to hear about Exeter, he cares about what is happening in Dover.

Frank Torr made the motion to recess the public hearing to the call of the chair.

Jerry Reese seconded.

VOTE 6 - 1

Opposed - Jeff Mason

Steve Stancel asked Mr. Katz if the offer to rent a bus to go to Exeter still stands.

Mr. Katz stated that he will get a bus.

Steve Stancel recommended to the neighbors that they go to Exeter on the bus with the Planning Board. He said that there usually is a good discussion back and forth that occurs on these site walks.

The Exeter site walk was set for Tuesday, June 21, 1999 at 5:30 PM, meeting at City Hall.

Jerry Reese made the motion to table the application

Frank Torr stated that the Board needs some information relative to the development of Hubbard Road and whether a conservation easement was granted at that time, and if it was, is it incorporated with the new project?

Steve Stancel stated that the original project did set aside open space and the 6 lots on Hubbard Road were constructed as a part of Phase I of the subdivision. He said that there is probably a valid legal question as to the boundaries of the open space.

Frank Torr stated that he would like a copy of the conditions of the approval. He said there must have been some consideration given to the traffic and to the future traffic flow.

Steve Stancel stated that he will get copies. Steve said that he and Steve Bird have gone to the Exeter project. He said that he is not completely sold on this plan, and more discussion should take place, but he does believe that there is some merit to the concept of targeting the subdivision as an adult community and the positive impacts to the community that that presents. He said the project in Exeter is working, and the question is will it work in Dover. He said that this is a work in progress and through the site walks and the public hearing, we may be able to make some changes and possibly come to an agreement.

Tony McManus reminded everyone that this is just a concept and that it would still have to come back in for full Planning Board review.

Steve stated that the original concept is approved and still valid.

Frank Torr seconded.

VOTE U/A

ITEM #5: New Business

ITEM #6: Old Business

Steve Stancel stated that they expect the consultant to sign the contract for the two sections of the Master Plans and then he will get them before the Board.

ITEM #7: Adjournment

Jerry Reese made the motion to adjourn.

Ron Cole seconded.

VOTE U/A