

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
JUNE 22, 1999**

**MEMBERS PRESENT:** Jeff Peasley, Margaret Stevenson, Anthony McManus, Jerry Reese, Pete Lavoie, Reuben Hull, Ronald Cole

**MEMBERS ABSENT:** Paul Beecher, Karin Crittenden, Charles Maglaras, Jeff Mason, Frank Torr

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

Chairman Cole brought the meeting to order at 7:01 PM.

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

Jerry Reese made the motion to approve the minutes of the last meeting.  
Peg Stevenson seconded.

**VOTE U/A**

Steve Stancel explained that the department went out to bid for two sections of the Master Plan, the Open Space and Recreation section and the Community Facilities and Utilities section. The Community Facilities has been funded through the Community Development Block Grant Program and the Open Space section through the City's General Fund. Appledore Engineering received the contract, and Jack Mettee will be heading up those two sections of the Master Plan.

Jack Mettee thanked everyone for the opportunity to work on Master Plan. He stated that he lives in Dover and has served on several committees. He said that they will get as much public input as possible. Jack stated that this project will take about 5 months to complete.

Ron Cole said that there is a need for an athletic field coordinator.

Jack Mettee said that they have teamed up with a firm from MA, and Rick Tainter will be handling the recreation portion of the Master Plan.

Reuben Hull stressed that in going through the rezoning, Planning Staff and Planning Board took a lot of attacks from people who said that the process was not publicize. He said this was unfair because everything was out there and the Planning staff was up front the whole time. He asked Jack how they are going to get the public aware and involved.

Jerry Reese said that he would like the arena to be included in the Recreation portion.

Jack Mettee stated that he and Steve Bird made a list of people who should be incorporated into the process and invited them to the kick off meeting.

**ITEM #2: Consideration and acceptance of an application for a conditional use permit for Piscataqua Cellular Telephone of Delaware, LLC, Assessor's Map 28, Lot 32, zoned R-20, located on Abbey Sawyer Memorial Drive-Garrison Hill.**

Charles Brown, with Sebago Technics, introduced Michael Lajoie, a performance engineer from Cellular One. Mr. Brown said that Piscataqua Cellular of Delaware operates locally as Cellular One. He said that the 4 existing whip antennas that are used by Cellular One are reaching their life expectancy and need to be changed for a new antenna of the same size. He said that they are asking that if one of those antennas fails, and they need to replace it with the same exact model, that they be able to do so without coming back to the Board.

Jerry Reese made the motion to accept.

Reuben Hull seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated that when the Telecommunication Ordinance was approved a provision was added that any replacement of existing antennas on existing towers could be approved via the Planning staff, except for Garrison Hill. He said that was because of concern expressed by the public with attempting to keep Garrison Hill as clutter free as possible. Steve said that because they are replacing an antennae with a very similar one, we are recommending approval

Ron Cole asked Steve if he recommends putting in a provision that if something needs to be replaced with the identical, it not be necessary to go through the application process.

Steve Stancel answered yes.

Tony McManus asked if we can do that without revising the wording of the regulation. He said he would feel more comfortable if the Board would look at the language because it was done in response to concerns that were expressed.

Steve Stancel stated that it's a matter of interpretation. The regulations read " The placement of new antennae media or replacement of existing media on the existing towers on Garrison Hill shall be allowed by Conditional Use Permit". He asked if something is being replaced with the exact same thing, if that triggers it or not.

Tony McManus stated that he would not have a problem with approving this application tonight and then just changing the language so that if it is substantially the same thing, it would not need a Conditional Use Permit.

Jerry Reese made the motion to approve the Conditional Use Permit.

Peg Stevenson seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of an application for a site review of land for Chad Kageleiry, Assessor's Map H, Lot 36B, zoned I-2, located on Knox Marsh Road.**

Chris Jacobs, of Norway Plains, stated that this application is for a 4,500 sq. ft. maintenance building. He said that the parking spaces were increased from 8 to 9 spaces. This parcel only develops 3.6 acres and leaves the remaining area wooded. He stated that the ditch line will be culverted. Chris went over the landscaping, deceleration lane, the lighting, and the dumpster location. He said the building will be serviced by water and sewer and all utilities will be underground.

Jerry Reese made the motion to accept the application.

Tony McManus 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 with the following conditions:

1. Add signature of owner to the plan.
2. Revise plan to add a detail of the indoors storage facility designed to safely store and contain any fertilizers, pesticides, or similar products.
3. Provide Planning Department with a copy of the State driveway permit and add the permit number to the plan.
4. Revise plan to show relocation of utility pole #303/52 if acceleration lane is required by NHDOT.
5. Add engineer's signature to all engineer stamps.
6. The following conditions from the Engineering Department:
  - 1) A drainage analysis still needs to be submitted to this office for review and approval.
  - 2) The driveway typical cross-section on sheet 3 should reflect the 18" of gravel called for in the other details.
  - 3) Spot grades should be shown on the driveway and parking area.

7. The following recommendations from the Conservation Commission:

- 1) The Conservation Commission recommends that the applicant include in the deed and the development plan that there be no further cutting in the wetlands except within 50 feet of the road.
- 2) The site owner/operator agree to follow Best Management Practices as outlined in RSA Chapter 485-C:11 and NH Department of Environmental Services guidance Env-Ws 421.

8. Provide drainage easements if needed to the State for the new culvert area.

Pete Lavoie seconded.

**VOTE U/A**

**ITEM #4: Old Business**

**a. Discussion and possible vote on Alternative Design Subdivision (ADS) concept, for Katz Development Corp, located on Middle Road and Hawthorne Road.**

Jerry Reese made the motion to remove this item from the table.

Peg Stevenson seconded.

**VOTE U/A**

Ron reopened the public hearing.

John Pormerleau, 19 Hubbard Road, stated that the Hubbard Road residents don't want to be perceived as vigilantes, and a "not in our backyard group". He said that they appreciated Jeff Peasley for coming to their neighborhood and walking through their concerns. He said that a couple of members took the bus tour to Exeter and thought that it was very productive. He said that they have three major concerns. The first is the traffic pattern, second is the open space for the 6 residents of Hawthorne, third are the wetlands consideration and a fourth issue which is the impact on the city infrastructure. They want to see an engineering or traffic assessment impact study for each conceptual plan. He said they want assurance in writing that the open space will not be impeded upon and will remain an open space with no development as indicated in their warranty deeds and referenced in the covenants of Adams Estates. He said they need some assurances that there are no wetlands violations. Lastly, they feel they need to engage in a discussion with the Board, the developer, and their attorney on the impact to the City.

Dick Koch, 17 Hubbard Road, stated that he is an abutter that has the open space included in his deed. He said he is here to try to get this resolved quickly.

Karin Thorp, 3 Hubbard Road, corner of Hubbard and Hawthorne. She said that she understands that there is a plan that has been approved that has an access straight through Hawthorne Road all the way to Middle. She said that she is concerned with the impact of traffic on the corner of Hawthorne and Hubbard. She said that anything that can be done to not have an access through Hawthorne, she will support.

Bill Haterich, 21 Hubbard Road, said when his house was built, a soil scientist was hired to delineate the wetlands. He said at that time he noticed that there were wetlands that extended into the cul-de-sac. He said there is a ridge where the water run-off goes into an area that runs into a swale and he is concerned that any disruption may have a detrimental affect to the wetlands, possibly flooding to his property and the one next to him. He said that he wanted the wetlands flagged before this process moves forward, and he would like it in writing that there will be no building taking place on that wetlands. He said regarding the Exeter project that the houses were very handsome and appear to be well built but the size of them sitting on top of those 8,000 sq. ft. lots give a cluttered look. He said this doesn't really lend itself well to the rural setting along Middle Road. He said the 55% figure as open space sounds very good until you start to look at the impact of the density of those homes.

Kerry Forbes said that he is doing a similar project in Berwick, ME. He said that he had a very tough time with the town and the neighbors because it scared everyone to death. He said it's an 80 unit project in a town much smaller than Dover and the lots are 8,000 to 10,000 sq. ft. People did not believe that the units would be bought by empty nesters and that it would have a positive impact on the town. He said that since Fall he has sold 17 homes and all are occupied by empty nesters. He said that there are no school children and all of his buyers are way past child bearing age. He said that they are having a very positive impact on the community. The streets are private so there is no net outflow to the town. He said that he is paying \$2,500 per unit for sewer impact fees. With the 17 homes complete there is about \$40,000 in taxes, no children in school, we plow our own roads and literally, there is no expense to the town. He said that these things can work. He said the older folks do not want big lots. He said that he has had younger families and couples go through the open house but they don't buy because the yard is too small, the units are set up with 1<sup>st</sup> floor bedrooms, laundry, and even the fuse boxes are on the first floor. Everything is set up so folks don't have to go down cellar. He said that families want capes, two stories and big yards. Surprisingly, the traffic is not much less than if it was a single family subdivision, because these people make several trips during the day. The difference is they go out at 10:00 AM and they're back home by 4:00 PM. He said that they are not contributing to traffic congestion because they are not out there during the normal peak hours. He said there is a crying need for this type of development and it would be a good thing for the City of Dover.

Dave Hudson, 22 Hubbard Road, stated that he is concerned with the impact to the schools. He said the Applied Economic Research report to update the Master Plan caused a great deal of concern regarding the tax base and the impact on the school. He stated that after the developer has left, the covenants will be unenforced and the restriction of sandboxes will not restrict children in the area. He was concerned with traffic and the tax rate. He said that quite often, the homeowners in developments with private roads petition the Council to turn the road into a city street. He said that his elected representative, Bill Wilson, is out of the country. He thinks this should be tabled until they can meet with him and he can represent their concerns. He said that this project is a complete turn around from the objectives to the rezoning.

Gary Gilmore, 39 Middle Road, said he is shocked by the smallness of the lots. He said that a lot of elderly people use Middle Road to exercise. There are no sidewalks and Middle Road only recognizes a 30 ft. r-o-w. He said historically, there are greenhouses and there is a glow in the sky as a result. Agricultural uses and residential neighborhoods come up against each other and there are problems. He said the building of a gas electric power plant has been discussed and that raises neighborhood issues. He said there is no traffic exiting onto Hawthorne Road and this will push the traffic to Middle Road, then to Hubbard to get to Dover Point Road.

John Miskus, 28 Hawthorn Road, echoes the previous speakers. He said that he is one of the old timers and he goes out at 10:00 AM and it's busy. Hawthorn Road is in pretty bad shape.

Mary Buse, 45 Middle Road, wanted to voice her opposition. She said that the wetlands are in the flood plain. She said that this second plan is a zoning change that will increase the density of that property. She said that the 53 houses will tax the area. She said that there was a deed presented at the April meeting about a public road and she would like some clarification as that might be land that the City already owns. She was concerned with the proximity to the generating plant that she has been reading about in the paper and if the people who would be buying into this are aware of this.

Paul Chandler, 18 Hubbard Road, also wanted to echo the things that he has heard tonight. He said that his main concern is traffic. He said that Hubbard Rd. and Hawthorn has become a direct path for Middle Road residents crossing over to Stark. He said that an impact study should be done.

Lady in the audience who did not come to the mike and identify herself, stated that she lived in Indiana in a congested development, she now is living here on 20,000 sq. ft. and loves it.

Reuben Hull stated that this is not a forum for discussion back and forth, but he would be interested in being a part of any discussion that happens outside of this meeting.

Public hearing was closed.

Tony McManus asked if the Planning Department has the wetlands maps from the earlier application so they can be compared to the present wetlands maps. He asked what happened to the Adams Estates Homeowners Assn. documents.

Malcolm McNeill answered that the association was never formed.

Malcolm McNeill stated that he would like to thank the four members of the Planning Board who went over to Exeter, as well as, the two members of the public. He said that he has handed out some proposed conditions of approval. He said that this is very premature, but it also is something that he proposed to take out of the realm of the

concerns of the neighbors. Rather than these matters just being contained in a homeowner's association document, these conditions would be part of the approval so that they can only be changed by the municipal authority. He said they are proposing the following:

1. That the roadway servicing the subdivision shall be a private road and shall remain a private road.
2. That the subdivision will have its access to a public way at Middle Road and there will be a crash gate for emergency purposes only at the cul-de-sac on Hawthorn Road.
3. That all residences in the subdivision shall have their master bedroom on the first floor of the structure.
4. That no playground equipment, swing sets, sandboxes, basketball backboards, slides or climbing towers shall be placed, installed or erected on any lot or on the common land or any portion of the development.
5. That the common space and roadway shall be maintained and controlled by a homeowners association and all maintenance of the exterior of the lots, including snow plowing and lawn maintenance will be conducted by the homeowners association.
6. That the lots having frontage on Hubbard Road which have previously been conveyed as part of the "Adams Estate" subdivision, shall be permitted to join the homeowners association and allowed to utilize the common areas of the subdivision.

Malcolm stated that he has discussed this matter with Attorney Albert Souther who represented the developer when this was approved in the late 80's. He said that he has received the recorded approved plans and he has reviewed all of the deeds that reflect conveyances on Hubbard Road. He said that the original plan which the Hubbard Road residents took title provided that the open space would be 36% of the project. The area that is contiguous to the Hubbard Road lots contains approximately 5.529 acres of open space. The conceptual plan that you previously approved for 35 lots provides for 38% of open space as opposed to the 36% that was proposed at the earlier approval. The plan that we are asking for approval for the adult community has 55% open space as opposed to the 36% that was promised to the Hubbard Road occupants, although it is not contained in any of the deeds, and nor is it contained in the covenants that were recorded. He said that the land that would be directly contiguous to the Hubbard lots, under either scenario would be a greater amount of land than was provided for at the time of the approval of the plan in 1991. What the developer is saying is that the abutters will get what they didn't get from the original developer and will get access into the open space. He said they would be permitted to become part of the homeowners association consistent with their interest in that association. With regard to the wetlands issue, site specific approval from the State of NH, and other approvals were required and they intend to comply with every ordinance and regulation.

Kevin McEneaney explained the locations of the wetlands. He said that there have been some changes in the wetlands regulations and the new regulations are more stringent than they were in 1989 when they were previously flagged. Therefore, the amount of

wetlands depicted on this plan has increased over the amount of wetlands that were depicted on the 1989 plan. That total is approximately 10,000 sq. ft. of wetland impact on an area of 46 acres.

Attorney McNeill stated that when this project was approved in the late 80's early 90's, it was approved for 45 lots. The lots on Hubbard Rd. have been built as part of a phasing. He said that the quality of the houses that are being proposed will be consistent with that neighborhood. He added that this area was not proposed for rezoning and what they are proposing is entirely consistent with what the zoning allows. Regarding concerns that when the developer leaves, things change. He said that the conditions of approval proposed will take care of that situation. With regard to Mr. Gilmore's concerns with the greenhouses etc., Malcolm said that their use is permitted on their side of that line and the greenhouse use is permitted on the other side. Malcolm stated that they are aware of a proposed electric power plant, and he hopes everyone in the neighborhood is also aware. He said they know none of the specifics, none of the financing, nothing of the smoke stacks, and they can imagine that the proponents of that power plant wouldn't like another neighborhood around to complain about that kind of a use. He said when this neighborhood knows more about what is being proposed, a 53 unit adult subdivision would probably be a very desirable use. He said that the bottom line is 50% open space, a new endeavor with regard to demographically appropriate housing, a net positive fiscal impact with regard to residential units. He said they are proposing a road that doesn't cost the City a dime. With regard to the deed restrictions, they are proposing a homeowners association document that the City would approve. They would be happy to give the Hubbard Road people who are eligible for admission into the homeowners association written verification of their rights that they, perhaps, should have been granted. He said that the Middle Road access makes the most sense in terms of people getting onto the roadway system and reducing impacts on Hawthorn and reducing cut through traffic.

Atty. McNeill stated that under the regulations, the Board has 30 days to act on their request. He said that they are willing to waive that 30 day requirement to the next meeting in order to talk with the Planning Department about traffic related issues. He said they would like to suggest a workshop for further dialogue. He said if members of the Planning Board wanted to be there, that would be fine. He said that this project speaks for itself and it provides a real option in today's economy. He said that if some kind of a traffic routing, is something that the Planning Dept. would like to work with us on, they'd be happy to that with an appropriate third party so that the integrity would not be questioned.

Jonh Pomerleau had questions on proposed conditions 5 & 6. He said that Atty. McNeill is representing Mr. Katz and he does not want Atty. McNeill representing him. He said that he is very concerned with #6. He said that he wants to get his own legal opinion.

Malcolm McNeill said that if they would like to further discuss the issues with how they are in the association, there are a couple of ways to look at it. He said these people are entitled to open space as a result of the ADS ordinance. Malcom stated that they can

have a right to the open space, or they can become full members of the homeowners association. The open space comes with some burdens which would have been the case if the other project was developed as it had been intended. He said that he is more than willing to talk to the group.

Ron Cole said that he suggests that the group does get together, because it is not something that the Board can referee.

Reuben Hull said that both of the plans need work and, he thinks a combination of the two would be better. He added that he would like to sit in on any dialogue.

Steve Stancel said that he thinks that the abutters need to talk with the developer in regard to some of the legal issues that have been raised. He said that the issues are internal civil matters. He said that those 6 lots were created and only created as a part of an ADS. That's why they're only 20,000 sq. ft. instead of 40,000, and they will have to be included in some type of agreement with this project. He said the biggest issue is traffic. He said that this is a good piece of land, zoning allows development, and this piece is going to be developed. The question is how can we best develop it in a way that is in the best interest of the City and protect the neighbors. He said that we need a traffic analysis of both options that are before us so we will have an idea which is better. He said that he is not sure that this can be completed before next week.

Ron Cole stated that this type of project wouldn't be a bad image if we're talking about affecting the tax rate in a positive manner. He said there was no question in his mind when driving through the Exeter subdivision, that houses like that with no children are only a positive for the community. Something like this is something that the community should be doing more of because it's going to happen.

Jerry Reese asked how soon the traffic study can be done?

Steve Stancel stated that the objective would be to attempt to have the traffic analysis completed prior to the July 13<sup>th</sup> Planning Board Meeting.

Malcolm stated that he can do the traffic analysis in two weeks.

Ron Cole set up a workshop on the 6<sup>th</sup> of July, at 7:00 PM. He stated that we will probably take some action on the application on the meeting of the 13<sup>th</sup>.

Jerry Reese made the motion to table.

Tony McManus seconded.

**VOTE U/A**

**b. Steve Stancel stated that he has a request for an extension for Rand Development.**

Jerry Reese made the motion to approve the extension of approval until the 9<sup>th</sup> of July.

Reuben Hull seconded.

**VOTE U/A**

**ITEM #5: New Business**

Steve Stancel reminded the Board that there is a public meeting June 29, at 7:00 PM at the Dover City Auditorium regarding work on the Spaulding Turnpike, to discuss bridges and tollbooths. He reminded the Board that next Wednesday, June 30<sup>th</sup> there is a joint workshop with the Intermodal Transportation Taskforce and the City Council regarding additional money requested in the CIP for the passenger rail station..

Bruce Woodruff stated that we have \$300,000 available to us and of that amount the City's share is \$60,000, with the Federal Government is kicking in the balance to make a total of \$300,000. That amount of money will only pay for a station site which includes a handicap platform with a kind of a canopy cover, access and egress and some site amenities. It does not include razing or rehabilitating the existing depot building into a passenger rail station. The total cost of the whole project would be \$470,000. The \$170,000 difference is required to rehabilitate the building to make it a passenger station for the City. The City currently does not have the \$170,000.00 funding available.

There was some discussion on the cost of the program.

Bruce said that the project is being managed by the State of NH DOT. They have to follow certain salary guidelines and the cost of many of their projects runs 30 to 40% more than if the City were to manage a similar project.

**ITEM #6: Adjournment**

Jerry Reese made the motion to adjourn.

Peg Stevenson seconded.

**VOTE U/A**