

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 27, 1999**

MEMBERS PRESENT: Margaret Stevenson, Pete Lavoie, Reuben Hull, Jerry Reese,
Anthony McManus, Jeff Mason, Ron Cole (late)

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

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

Vice Chair Reuben Hull 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 July 13th meeting.
Tony McManus seconded.

VOTE U/A

Reuben Hull announced that **Item #3, for Seafarer Development Group**, on Spur Road would not be heard tonight at their request. It will be heard on August 10th. He said that under **Old Business** the **Mathes Hill Phase III** subdivision has also been postponed and moved to August 10th.

Jerry Reese made the motion to approve the minutes of the July 20th workshop.
Peg Stevenson seconded.

VOTE U/A

Abstained - Tony McManus

ITEM #2: Consideration and acceptance of an application for Conditional Use for Candance Olson, (owner Joseph & Frances Furbish) Assessor's Map L, Lot 42, zoned R-20, located at 159 Spur Road.*

Candance Olson stated that she is the prospective buyer of the property and she would like to expand the decking on three sides of the house. She said that she would like to expand the decking on the front of the house to 8 feet. The Building Inspector told her that as long as she could stay within a three foot width on the northern side line the plan would be acceptable. She received Conservation Commission approval.

Tony McManus made the motion to accept the application.
Jerry Reese seconded.

VOTE U/A

The public hearing was opened.

Norma Bell, co-owner of 157 Spur Road, asked for clarification of the expansion.

Candance Olson showed her the diagram of the proposed deck.

Steve Stancel explained that this project required a Conditional Use Permit because it is constructed within 100 feet of the mean high water mark.

The public hearing was closed.

Jerry Reese made a motion to approve the Conditional Use.

Peg Stevenson seconded.

VOTE U/A

ITEM #3: Seafarer Development, Spur Road. WITHDRAWN until August 10th.

ITEM #4: Consideration and acceptance of a site plan of land for City of Dover School Department, Assessor's Map H, Lot 12, zoned R-20, located on Alumni Drive.

Brad Mezquita, from Appledore Engineering, represented Dover High School with plans to build a new softball field, as well as a new field hockey field on school property. He stated that the greenhouse in back of the school has been removed. They are proposing to construct another baseball diamond by overlapping the existing field hockey field. He said that those fields are intended to be used by the middle school because they are in closer proximity to that school. This field will become the new varsity and the JV baseball field.

Thom Forbes stated that they have already constructed the baseball diamond and in doing that, had to encroach about 30 feet onto the existing field hockey field which they will try to get into playable shape. It will be seeded on Friday and they hope to be playing on it this year. Thom said they are not turning that field over until they have a field to replace it. If this is not approved, or we can't get the financing, we won't go forward with this plan. If we can get these fields to replace the old ones, the problem of the Middle School having insufficient fields will be solved. He said that we get 30% State funding for these new fields because they are replacing fields that we are giving up.

Jeff Mason asked if there would be lighting.

Jerry Reese stated that lighting is not necessary and would be an intrusion to the abutters.

Jeff Mason made the motion to accept the application.

Pete Lavoie seconded.

VOTE U/A

Paul Allen, 48 Bellamy Road, stated that when the school was built he was told that that land would never be utilized because it is so wet and full of clay etc. He said that as an

abutter, they experience graffiti, vehicular abuse, noise at 2:00 AM, woods fires, alcohol and drugs. He said that he sees his property values decreasing when the woods come down. His chief concern is the water table. He said that ever since the school has been there, he has had water in his basement in the spring because his land is lower than the field. He urged the City Engineer to give consideration to his potential problem.

Penny Seaver, 105 Durham Road, stated that the land is all swamp. She was concerned with the drainage because whatever is done, will affect her property. She said that it needs to be in writing that there will never be lights there. She asked if there will be a sound system reverberating into their back yards. She feels that the area should be fenced because she has 2 to 3 dozen kids smoking in her yard every day. She said clearing this area will force the kids more onto her property. She is afraid that there will be a fire because they are out there partying until 2 or 3 AM. She added that the students will be out there with 4 wheel drives if it is not fenced, and these issues have to be resolved before the fields are built.

Thom Forbes, Facilities Director for Dover Schools, gave the background of this project. He said that the original plan for the school, in 1965, shows a practice baseball field and football field in the same location. It was always in the master plan, but never got built. He added that this is the only space they have left on school property. He said that there is fencing in this project. Lighting is not intended right now, but he doesn't want to preclude the possibility of lighting down the road. He said that he doesn't see why we couldn't light the field in spite of it being in a residential neighborhood, there are ways of mitigating that. He said that this plan avoids the high quality wetlands. He said that the school department is proposing offering a conservation easement of all the river frontage behind the football field.

Brad Mesquita, Appledore Engineering stated that the parking lot is smaller than what exists. He explained the swale and the grade of the field and said that the Conservation Commission agreed with the drainage plans. He said that the baseball field will have fencing. He said that they did not fence the outfield and did not fence the exterior of the field hockey field because the existing vegetation will remain and because it is all wet.

Penny Seaver suggested that the entire property be fenced because it is not that wet and she is afraid of fire. She said that they are out there at 2:00 AM with bear cans.

Mr. Allen stated that he backs Ms. Seaver up 100%. He said that a fence is a necessity.

The public hearing is closed.

Steve Stancel gave the Planning staff's conditions.

1. Provide Planning Department with copies of the State Site Specific permit and the Wetlands Board permit.
2. Provide wheel stops or guard-rail for the perimeter of the parking lot to prevent vehicles from parking on grass areas.

3. The approval includes the granting of a Conditional Use Permit for development in a wetland and that includes the recommendation of the Conservation Commission for Conservation easement for lands adjacent to the Bellamy River.
4. Screening of parking areas adjacent to abutters, we recommend a few abbreviates.
5. Revise plan to show spot grades on the parking area.
6. Review drainage and simplify if possible.
7. Revise plan to provide a plan view of drainage of the field. Include location of under drains to the satisfaction of the Engineering Department.
8. Revise plan to show irrigation system waterlines.
9. Rip rap the swale area to the southwest of the property.

Steve said that he did go out to the site with the City Engineer and it was his opinion that this proposal will not exacerbate any additional water problems but he did recommend to rip rap the swale area to the southwest of the property and that would be condition number 9.

Brad Mezquita explained how the field will have under drainage. He said that he felt that the rip rap is not going to facilitate the water flow.

Tony McManus stated that since they do not have the financing yet. He said that he is inclined to have a site walk because he is not familiar with that area.

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

Jeff Mason seconded.

VOTE U/A

Reuben set the site walk time for 6:00 PM, on August 3, 1999 prior to the Master Plan workshop which is at 7:00 PM. He said they will meet in the parking lot for the site walk and he invited the abutters to meet with them.

ITEM #5: Old Business

a. Discussion and possible vote on the Alternative Design Subdivision (ADS) concept, for Katz Development Corp., located on Middle Road and Hawthorn Road. (53 lots)

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

Peg Stevenson seconded.

VOTE U/A

Steve Stancel stated that since the workshop of last week we have received a letter from the applicant's attorney which is included in the packets and a letter from an abutter which was placed on your desks. He went over the Planning staff's comments. Steve said that the alternative design subdivision regulations allow the Planning Board a degree of flexibility and discretion in an effort to allow innovative proposals. The regulations allow a certain amount of units on a parcel based on a mathematical formula. When you

use this mathematical formula, it comes to 54 units. On the other hand the intent of the regulations also state that a similar number of lots compared to a conventional subdivision may be arranged on the tract in a more innovative fashion. Previously there was an approved project for 38 lots on the site and more recently, 35 conventional lots were approved. The question before the Board is what are you comfortable with, given the unique concept of the adult only proposal. He said that his recommendation is based on three factors. First, that the number of units will generate approximately the same amount of traffic as the previously approved concepts. Second, they believe that the concept of an adult community and its projected positive fiscal impacts warrant a small increase in the number of units of the previously approved plans. Thirdly, they feel that the smaller density of units better fits the character of the surrounding neighborhoods. Steve said that the Planning Department recommends approval with the private-road adult-community concept, for the maximum of 45 lots. Steve went over the recommended conditions.

Peg Stevenson felt that reducing the lots to 45 might not be an improvement. She said that the 53 is a realistic number because she is sure that Mr. Katz has done his homework. She said that given the fact that Langdon Place is across the road and it is a big sprawling building, this doesn't seem so out of place. She said that she is in favor of the 53 units because she thinks there is a need for this type of housing in Dover. She said that the market is there, and that has been proven by Mr. Katz's development in Exeter. This is a new concept and she would like to see him succeed. She said if we reduce the number, and the project doesn't succeed as well as expected, we might be causing the problem. The 53 units represents an increase in revenue. The traffic is not going to be much different, and probably will be less than the 35 residential houses. She felt that 45 is probably too low a number considering the fact that the outside of these properties will have to be maintained by fewer units, resulting in higher association fees. She said that she would like to see it stay at 53.

Jerry Reese said that he goes along with Margaret in terms of being in favor of the project. This is a project that does not need any variance or waivers and meets all the requirement. He said that the Exeter project was very high class and this would be a benefit for the City. He suggested 49 units as a compromise. He said that it is a good concept. He said that the biggest issue that he's heard from the abutters is the through traffic and the traffic is not going through. He said that based on what he saw in Exeter, it is a wonderful proposal and a good thing for Dover.

Tony McManus stated that the Planning Department has put in a lot of time to find the best use of the land and the best impact on Dover, and he feels that we should listed to the staff recommendations. He said that his concerns are that the idea is good but it is untried in Dover. He said that this is going to produce more traffic than there is now and the traffic will be put out entirely onto Middle Road. He feels that Middle Road is limited in the amount of traffic that it can take. He said that the buildings in Exeter were attractive but he has a constitutional aversion to 7,000 sq. ft. lots because he feels they are too small for good living. He said reducing the number to 45 units and 10,000 sq. ft. lots, would

be more appropriate for this area. He said that we may be setting a precedence. He supports the Planning Department recommendation.

Ron Cole arrived at 8:06 PM.

Pete Lavoie stated that he is in favor of the project and said that he backs the Planning Department recommendations.

Tony McManus made the motion to adopt the proposal of the Planning Department for the 45 lots, with the conditions of approval as follows:

1. Protective covenants and homeowners documents shall be in place and approved by the Planning Board to include:
 - A. That the roadway servicing the subdivision shall be a private road and shall remain a private road.
 - B. Access shall be from Middle Road with an agreed upon emergency accessway from Hawthorne Road.
 - C. 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.
 - D. That no playground equipment, swingsets, 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.
 - E. That all residences in the subdivision shall have their master bedroom on the first floor of the structure.
 - F. That the existing lots having frontage on Hubbard Road which have previously been conveyed as part of the Adams Estate subdivision be included in the Homeowners Association and Protective Covenants. Details on any financial contributions or covenants to be agreed upon by the Hubbard Road homeowners and the applicant.
 - G. Any detention ponds shall be maintained by the Homeowners Association.
 - H. That the open space shall forever remain open space and protected in perpetuity.
2. Off site improvements shall be determined prior to final approvals.

3. Applicant and City shall address the potential existing public accessway through the proposed project.

Ron Cole seconded.

Steve Stancel stated that if the developer chooses to move forward with the 45 lot concept, he would complete his design phase and go back to a TRC, and from there it would come to the Planning Board for a public hearing. He said that the Board would then make its decision either that night or hold off until issues were addressed to the final plan.

Jerry Reese asked if the 45 lot concept is approved, does that make the first approval for the 35 lots null and void? Or could the developer take the first one as opposed to this one?

Steve Stancel said that he hesitates to say that the 1st plan would be automatically null and void, because he isn't sure if the developer would move forward the 45 lots or chose to go back to the 35 conventional. He said that he probably should be given that option.

Reuben Hull said that there will be development out there. He said that the two cul-de-sacs back to back is bad planning. He said for the whole community and for the whole area it will create a worst situation where all the traffic will be funneled in one place. He said that in terms of the lot sizes, there are people who want 7,000 sq. ft. lots, if its done tastefully. He said that he lives on a street that has very narrow lots. The houses are very close to each other but you wouldn't know it because there is a lot landscaping and shrubbery between them. He said that tastefully done, smaller lots work. He said if you look at the acres of green area behind this that is common land, it's more than a 7,000 sq. ft. lot. He looks at the traffic between the 53 and 45 lots as a grave issue. His question is if we approve as a 53 unit concept are we saying that 53 units will work?

Steve Stancel stated that, regarding the open space, we have to be very careful to attempt the same amount or more than what is provided. If you were to say 49 units for example, there would be some flexibility on lot lines in terms of which lots they choose to eliminate or which lots they choose to expand, or if they choose to put the additional land into open space. If they do 53 lots, there would be some flexibility but if that plan changed too much, we would have to come back to the Planning Board to start over to allow the public the opportunity to address the lots again.

Tony McManus stated that he would hope that if we approve this concept with 45 or 49 lots, the developer would not be able to come back with the 35 lots. He would be very disappointed with any developer that manipulated the system to that extent. He said that we've been sold on this concept as being good for Dover and that area of the City.

Malcolm McNeill stated that they clearly did not withdraw the other application because they felt that that application worked on its merits. He said they feel this plan works better. He said they carefully designed this project for 53 units in contemplation of a new

market place. The developer is absorbing all of the risk with regard to the roadways, maintenance system, expansive open space, etc. He said that his client is in business, and the viability of this project is enhanced by size and the scale with regard to attract clientele because of diminishing cost. He said that they intend to keep their options open. If you were to approve 53 which is clearly their request, they agree that you have an option to modify it as you go through final approval. If there are not economical viable units, the applicant would look at all of his options.

Jerry Reese made the motion to amend the Planning staff's recommendations and to make this 49 units rather than 45.

Ron Cole seconded.

**VOTE ON THE AMENDMENT 1 – 5 Opposed – Mason, Lavoie, McManus,
Stevenson, Cole**

Peg Stevenson made the motion to amend the original Planning staff recommendation of 45 lots to 53 lots with the conditions.

Ron Cole seconded.

**VOTE ON THE AMENDMENT 2 – 4 Opposed - Mason, Lavoie, Reese,
McManus**

VOTE ON THE ORIGINAL MOTION – 5 – 1 Opposed – Jerry Reese

ITEM #4: Old Business
(b) Mathes Hill Phase III - withdrawn.

ITEM #5: New Business

Steve Stancel stated that on August 3rd is the Master Plan Workshop.

ITEM #6: Adjournment

Ron Cole made the motion to adjourn.

Jerry Reese seconded.

VOTE U/A