

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
SEPTEMBER 14, 1999**

**MEMBERS PRESENT:** Jeff Peasley, Jerry Reese, Margaret Stevenson, Reuben Hull,  
Tony McManus, Pete Lavoie, Frank Torr, Ron Cole

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

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

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

**ITEM #1: Approval of minutes**

Jerry Reese made the motion to approve the minutes.

Frank Torr seconded.

**VOTE U/A**

**ITEM #2: Consideration and acceptance of an application for a minor lot line  
adjustment of land for David Scott and Melville Hodgdon, Assessor's  
Map M, Lots 1 & 2, zoned R-40, located on Back Road.**

Kevin McEneaney, represented the applicant. He said that it is a straight forward lot line adjustment. Kevin said that the Hodgdon parcel is about 34 acres and the Scott parcel is about 10 acres. He said that the Scott parcel currently has no frontage on Back Road, it is a land locked parcel with a deeded right-of-way that is in an unspecified area according to the deed that was drawn up in 1908. The two parties have agreed on a land swap and lot line adjustment to create frontage for the Scott parcel where their driveway will be located. The Hodgdon piece will have an area of about 2.7 acres added to their 34 acres parcel.

Jerry Reese made the motion to accept the application.

Reuben Hull 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 the plan and the conditional use permit with the following conditions:

1. Add signatures of all owners to the plan
2. Add surveyor's signature to the plat.

3. Add existing buildings to the plat.
4. Provide Planning Department with approved NH Wetland Dredge & Fill Permit.

Pete Lavoie seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of an application for a site plan of land for Randall Green/RAM Machinery & Controls, Assessor's Map G, Lot 1J, zoned I-1, located at 106 Crosby Road.**

Art Nickless, of Norway Plains Associates, represented the applicant. The property is about 2.13 acres. He said that there is an existing 5,000 sq. ft. building on the site. RAM Machinery rehabs and sells milling machinery and the proposed 2,500 sq. ft. addition will be for the storage of machinery that is waiting to be rehabbed. He said this addition will eliminate the storage trailers and the outside storage. Art said that the application involves the filling of about 1,525 sq. ft. of wetlands. He added that the Conservation Commission has given their approval to the application. There will be no additional parking required or proposed for this facility. Art said that this company employs about a dozen people. He said that, at the request of the City, a 30 foot easement for the potential future installation of a sewer line has been added along the boundary line. He said that this site was one of the first lots to be developed on Crosby Road and the sewer line goes out the back of the building. He said that there is no sewer located in Crosby Road.

Jeff Peasley asked if there is any storage of hazardous materials in the building for the rehabbing operation?

Art Nickless stated the addition is simply for the warehousing, there is no storage of hazardous waste.

Jerry Reese made the motion to accept the application.

Reuben Hull 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 the site plan and Conditional Use Permit with the following conditions:

1. Add the signature of the owner to the plan.
2. Add the engineer's signature and stamp to the plat.
3. Provide the Planning Department with the approved NH Wetlands Board non-expedited dredge and fill permit and add the permit number to the site plan.

Peg Stevenson seconded.

## VOTE U/A

### **ITEM #4: Application for a site plan of land and Conditional Use Permit, for Eric Chinburg (Owner Cocheco Overlook Limited Partnership), Assessor's Map 3, Lot 63A, zoned UMUD, located on Main Street. (30 units)**

Jeff Clifford, of Altus Engineering, represented the applicant. He stated that this property, known as the "Fisher Building", is currently vacant. He said that it is situated on .59 acres of land. The applicant is proposing to convert it to 29, 1 and 2 bedroom units. He said that the parking lot will be reconfigured. He said that there are currently about 21 people who park there. The parking is leased by some of the businesses in the area. He pointed on the plan where the traffic islands would be placed. He said there will be landscaping and lighting on the lot. A sidewalk will be added to connect with the existing sidewalk on the street and there will be handicap access. He then pointed out the location of the other accesses. Jeff said that there is an access to the back of the building because they thought that Public Works and Fire would have an interest in it, however, at the TRC meeting they said it was not an issue with them. He said that the area could be plugged off and reconfigured slightly so that there would be more landscaping or possibly another parking space added. There are 25 spaces provided in the on-site lot and the tenants will also use and share spaces in the Dover Mills parking lot. He said that there will be an agreement that will be recorded at the Registry of Deeds so that spaces could be used during the day, while other spaces could be used at night for the tenants. He said that the City will also become a party to any agreement that has been worked out between the two owners. Jeff said they will be taking down the existing chain link fence and putting up some ornamental fencing for a more attractive look. The drainage will not be changed because they are not adding any impervious surface.

Erik Chinburg stated that this project is privately financed. He said that he has done a similar 65 unit project, in Portsmouth, with the same size units and same type of construction. The rents were on the medium/high side of the market. He said the tenants are usually just married, or younger people working in the technical field. He said that he anticipates that some people of the Cocheco Mills Building will become tenants.

Jerry Reese said that his experience has been that the lower lot is full during the day. He was concerned that they would not have enough spaces.

Erik Chinburg said that the way they are trying to structure the cross parking easements between Mr. Sawtelle and himself, and get the blessing of the City prior to being recorded, are ones that loosely protect each of their interests without towing provisions. He said if one of his tenants is still in the 20 lot parking lot at 8:30 AM, because he doesn't have to go to work until 10:00 AM, he will not get towed. He said that he and Joe Sawtelle will give stickers to their tenants that allow them to park in either lot. Mr. Chinburg stated that he has done this elsewhere and it has worked out.

Jeff Peasley asked if there would be some connection between the two lots to avoid having to go out onto Main Street. He said that because Main Street is one-way, people would tend to go the wrong way on the street rather than go all the way around the block.

Jeff Clifford stated that it is because of the grade difference that there is no connection.

Erick Chinburg said that they will be able to eliminate that problem if they can get the easements structured so there are no towing provisions. He said that based on his experience in the Portsmouth project where it is the same sort of rent and clientele, during the day time, of 96 parking spaces, there is probably about 10 cars. He said that as long as they know that they are not going to get towed, they are not likely to move parking lots.

Frank Torr asked what the foreseeable plans were for a parking garage. He said that he has the same concerns as Jeff with the parking.

Erik Chinburg stated that this project has been designed so that a parking garage does not have any impact and, obviously, it would just add more parking. He also suggested that an additional One-Way sign could be added.

Tony McManus stated that this would be the perfect impetus for the City to get serious about a parking garage. He stated that he would like to see a committee of Tim Sheldon, Erik Chinburg and the City to look at this. He said that he would like to see if there is a way to do this that would not financially impact the City. He said that it would be a great benefit to this project. Tony said that he would volunteer to sit on this project and that he sees this as a good stepping point in developing the other side of Main Street.

Steve Stancel said that he would like to caution the Board. He said that he does not have the same fears about parking as has been expressed. He said that you can go to any apartment complex in the City and just as Mr. Chinburg indicated, 90% of the cars will be gone during the day. He said that the staff does not anticipate a parking problem with this use. He said that they have asked for additional information, based on 15 minute intervals on exactly how many spaces are in the Sawtelle lot at 6:45, 7:00, 7:15 etc., because they are a bit concerned about the transition period. Steve stated that one of the reasons why they put this change in the regulations for downtown, was to allow the flexibility of users that could live compatibly. He said that the parking issue downtown and the potential parking garage, is a much bigger issue than can be resolved within the time period that these gentlemen need to get their project off the ground. He said that he has no problem with looking at a parking garage and the City has always had that offer on the table for Mr. Sawtelle. He added that he would not want to see this developer held up because of that.

Jerry Reese asked if there is any potential for the use of the Sawtelle lot on Chestnut St.? He added that the lot is there, and there is a shuttle.

Erik Chinburg stated that it can be arranged so that tenants can go to other Sawtelle lots. Mr. Chinburg stated that some of the two bedroom units are often rented by single persons who use the second bedroom as a study. He said that there is only about 1.3 cars per unit at his Portsmouth project. He stated that the people who are parking in that lot have a lease with Mr. Sawtelle, and they are suppose to be transitioned to another place to park in order to have this lot open for construction. He said that he will ask Mr. Sawtelle if he would allow parking in his Chestnut St. lot.

Reuben Hull asked what the difference in grade was between the street and the handicap spaces? He said that, like Steve, he doesn't have a concern with the parking but understands where Jeff is coming from. Reuben thought that the entrance on the corner could be relocated.

Steve Stancel stated that the possibility of closing up that entrance some and continuing the granite curb was talked about at TRC. He said that he thinks that would make it more difficult to attempt to come out and do a right hand turn.

Reuben Hull made the motion to accept the application.  
Peg Stevenson seconded.  
**VOTE U/A**

The public hearing was opened.  
There were no comments.

Chairman Cole recessed the public hearing subject to a site walk. He said that he would accept a motion to table.

Tony McManus made the motion to table the public hearing.  
Jerry Reese seconded.  
**VOTE U/A**

Chairman Cole scheduled the site walk for Tuesday, September 21, 1999, at 5:30 PM at the site. There was agreement on the Board to also look at the inside of the building.

#### **ITEM #5: Old Business**

##### **a. Discussion and possible vote on a site plan for Megan Martineau, located on Littleworth Road and Industrial Park Road.**

Ron Cole stated that this item was taken off the agenda at the request of the applicant.

##### **b. Discussion on possible changes to the ADS regulations.**

Steve Stancel when over the information that was distributed to the Board on the Alternative Design Subdivision regulations. He said that he would like to solicit some discussion because of the conflicts in the current Alternate Design Subdivision

Regulations. He said if you look at the density allocation it talks about how you subtract the surface area of water bodies in non-developable wetlands from the total tract size and then divide by the minimum lot size, whether you have septic or not. He said what has been occurring is the developers are doing the arithmetic and maxing out the parcel, perhaps 50 or 60 lots. He said when you look at the concept and purpose and the fact that this is suppose to be a similar number of lots from a conventional subdivision, the lot would probably yield 24 or 25 units because of the location of the wetlands or slope issues. He said that therein lies the problem, the developers think they are allowed a certain number of lots, but when you look at the concept and purpose, it clearly states that it does not allow a parcel that would not normally be developed, to be developed using the ADS. He said the second page contains some random thoughts about how the ADS is subjective the way it is now written. Steve stated that it should be a win/win proposition for both the developer and the City for one to be approved. Steve said that under issues, if you take a look at 155:20 ( c ) and 155:21 ( c ), none of the Alternative Design Regulations shall be waived, but 155:21 allows for the waiving of ADS Regulations if the project still meets with the purpose and concept. Steve said that another issue is that the density allowances don't match the concept and purpose. He said that applicants are looking to use the ADS regulations to develop a parcel that may remain vacant if forced to follow conventional regulations, and oftentimes, developers are looking at the financials. He said that in some cases it would be cost prohibitive to develop a conventional subdivision, but an ADS could be less expensive and could possibly yield more lots. He said that he feels it is causing some premature development and urban sprawl, or has the potential to. He said that there are some parcels out there, that at the moment, do not make economic sense to develop, but if a developer were to use the ADS, he could probably make it economically feasible. He said that these are some of his concerns with the ADS Regulations. He said that he would recommend taking a look at other ADS regulations and possibly make it more incentive based so that you are allowed so many lots in a conventional subdivision, however, you may be able to increase them if you show that there is less fiscal impact to the City. He said that this could probably tie it into a more scientific process. Steve said that we should also look at whether or not we should continue to allow ADSs on private roads vs. public roads. He said that in 5 or 10 years after the lots have been sold, people want to get the road accepted as a city street because they feel they are paying taxes just like everyone else. He said that it can be very difficult for a Council or even the Planning Board to say no to that. He asked if anyone else has some concerns or some suggestions. He said that he will get some examples of what other communities are doing, and some model ordinances for discussion at some future meeting.

Reuben Hull said that he agrees with Steve on pretty much everything. He said that to allow one lot more than would be allowed by zoning is against the spirit and the intent of the ordinance and he feels that should not be an incentive. He said if by zoning it's 6 lots, they should not be allowed one more lot than would be allowed by the density requirements. The incentives that should be stressed should be things like less pavement, less construction, less water and sewer, resulting in less roadway to be plowed, less water and sewer to be maintained for the same number of people. The big incentive is that it keeps open space in perpetuity. He said that he'll get a copy of the Merrimack

Regulations. He said that he believes that ADS subdivisions should be the default and it should be up to the developer to come up to us and explain why he should be sprawling and doing more clearing and more paving and more infrastructure.

Tony stated that he would like to see what other communities are doing and then decide.

Pete Lavoie said that there should be legislation that doesn't allow the street to come back to the City.

Jeff Peasley said that multiple cul-de-sacs are potential problems.

Steve Stancel stated that if we have a subcommittee, it may be good to have some developers take part.

Ron Cole stated that he has spoken to some developers and they don't agree at all.

Steve Stancel stated that this should be a win/win for both the City and the developer.

**c. Request for a waiver from Section 149:14.C for the site plan for Megan Martineau, and an extension of the Planning Board approval for the minor subdivision for Megan Martineau, Assessor's Map G, Lots 4G-1 and 4G-2, on Littleworth Road.**

Steven Stancel stated that they just receive their NH DOT Driveway Permit, however, his 60 days of the original subdivision approval is up and he would like an extension through the end of the week.

Jerry Reese made the motion to grant the waiver and the extension.

Tony McManus seconded.

**VOTE U/A**

Steve Stancel stated that the Master Plan subcommittees and the steering committee have been established and letters are going out tomorrow.

The Municipal Law Lecture Series are starting in Portsmouth tomorrow. Steve told the Board members to call the office if they were interested so they could be re registered. He stated that there are also other classes in October in Littleton, Lebanon or Meredith.

**ITEM #6: New Business**

Ron Cole read a resolution recognizing Jacqueline Freeman for her contribution as Secretary of the Planning Board.

Tony McManus stated that he has been impressed with the quality of the minutes and thought it was a good time to say thank you.

Tony McManus made the motion to approve the resolution.  
Frank Torr seconded.  
**VOTE U/A**

Jackie Freeman was greatly appreciative of the recognition and thanked the Board members.

**ITEM #7: Adjournment**

Jerry Reese made the motion to adjourn.  
Margaret Stevenson seconded.  
**VOTE U/A**