Chair Jane Remsen called the meeting to order at 7:30 PM in the Dover Town House. Also present were Board members Henry Faulkner, Greg Sullivan, and Charles Ognibene, Consulting Town Planner Gino Carlucci, and Administrative Assistant Susan Hall. Town Counsel Kevin Batt was also present.

1. **Atwood Circle Subdivision Public Hearing**

Chair Jane Remsen opened the hearing. Charles Ognibene recused himself from the hearing and sat in the audience. Chairman Remsen reviewed the schedule of events leading to the current hearing, including the appeal of the original decision and the remand from the court to hold a new hearing. Jay Talerman, attorney for the applicant, asked to speak. He presented an updated waiver list and then addressed the requests for plan changes that were presented in a letter to the Board from Jonathan Fryer dated February 19, 2008.

Mr. Talerman said that his client is opposed to including rain gardens as part of the drainage system for Hunter’s Path, but that they have included an upgraded swale that addresses the issue. He said they are not opposed to a requirement that septic tanks within the subdivision be pumped every two years. He also said they were not opposed to a restriction against using non-organic herbicides, fertilizers, salt and pesticides. He said that the issue of roof runoff from the houses was already addressed. He was opposed to a 15-foot no-disturb zone along the property line between the subdivision and Mr. Fryer’s property. He said that Zoning addresses setback issues. Regarding the request for vehicular access, he said that the Planning Board rules that require such access are intended to provide for access to large undeveloped parcels to ensure the orderly extension of streets and not to make individual lots buildable. Therefore, he stated that he believes that the requirement does not apply in this instance and that, if it does, he would ask for a waiver.

Vincent O’Brien, attorney for Jonathan Fryer, said he is concerned about the rain garden. He said that it would protect groundwater better than a swale. IN the alternative, he suggested that deep sump catch basins would also be acceptable. He said buffer areas have been required in other subdivisions and gave Annie King as an example. He also said that the Planning Board rules requiring access to abutting property was exactly for the purpose being requested here. He said that a driveway easement would be acceptable. He also said that a bridle trail easement through the property would be ideal on this property.

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1 Board members Mark Sarro was not present due to another commitment.
Henry Faulkner stated that the Open Space Committee discussed this issue. He said that there is already a trail easement along the edge of this property. In addition, Conservation Commission is opposed to using the existing cart path as a trail easement because it crosses wetlands and they do not believe that it is a pre-existing cart path. Jay Talerman responded by saying that the subdivision would enhance the potential of the existing easement because the new road could be used to access the easement.

Chair Jane Remsen then reviewed the requested waivers and there are no issues with any of them. Regarding the additional requests, there is agreement on the septic tank pumping requirement, the prohibition on non-organic fertilizers, pesticides, herbicides and salt use, and the roof drains. That leaves three remaining issues: rain gardens, a 15-foot buffer and access. Regarding the buffer, project engineer Jeff Kane stated that there is a stone wall along the property line and the lots are heavily wooded so a buffer is not needed. Jonathan Fryer is concerned about people dumping debris over the property line.

Regarding the access issue, Jay Morton stated that the project would fall apart if the driveway easement were to be provided because not all of the neighbors involved in the project would sign off on it. It was also pointed out that an easement could be granted by the owners of the property outside of the subdivision process.

Jeff Kane expressed his concern about a rain garden because of the need for maintenance. He said that it takes 2 years to establish a rain garden, during which time it needs to be watered. It also needs pruning, mulching etc. and that this is sensitive work that needs to be done by professionals, not homeowners. He said that the swale has been designed to hold the first 1” of rainwater, rather than the just the required first ½”. He also said that the Conservation Commission preferred the swale instead of catch basins. Jonathan Fryer agreed that if GLM, his engineer, is OK with the swale, then he would be satisfied.

The hammerhead issue was also addressed. It was agreed that this would be handled with an easement.

The hearing was closed on a vote of 3-0 at 8:40. Since the next Planning Board meeting is on March 10, the parties agreed that the deadline for filing a decision on this matter would be extended until March 17, 2008.

2. OSP Article and Cover Memo
Charles Ognibene rejoined the Board. The OSP article language and cover memo were discussed. It was agreed to amend the OSP article by eliminating the 6-lot minimum and allowing any subdivision to be eligible. Also, the article language and cover memo were amended to reflect the elimination of the 6-lot minimum and to reflect the 1-acre minimum lot size.

3. Other
Gino Carlucci reported that the certified letter and Scenic Road decision regarding 36 Strawberry Hill had not been picked up and was returned to the Board office. Kevin Batt suggested that a regular first class mailing might be received. Gino Carlucci suggested
that the mailing could request delivery confirmation that gives the Board proof that it was delivered to the address without the need for a signature.

In response to a question from Gino Carlucci, Kevin Batt also suggested that the Atwood Circle subdivision decision should be a completely new decision incorporating provisions from the original decision as well as any additional waivers, conditions, etc. that result from the new hearing.

The meeting was adjourned at 9:28 PM

Respectfully submitted

Gino Carlucci. Consulting Planner