

Date: February 19, 2021

To: Dover Zoning Board of Appeals

From: Red Robin Pastures, LLC

Re: Response to Original Town Comments to Site Approval Application

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Per the request of the Board and the Dover Planning Department, we are responding to municipal comments originally submitted in response to the Site Approval Application.

#### **DRAINAGE**

- a. There are a number of questions regarding retaining walls for the grading of the site and it appears that some walls could be 5' to 10' in height but does not address fall resistance on the site as well as being too close to the property lines.  
At the highest point, the 186' long wall will be about 15+ feet tall. A 4' high black vinyl chain link fence will be installed at the top of the wall. The base of the wall is an average of 4' from property lines. The Applicant has submitted additional design plans for the wall not included with the Comprehensive Permit Application. The Applicant also does not interpret a retaining wall to be a structure, as such; no waiver from property line setbacks is required. If the ZBA believes the retaining wall to be a structure, the Applicant will revise its waiver request list accordingly.
- b. Wall construction and stability due to hydraulic loading and engineering required.  
The proposed wall has been engineered by Geotechnical Consultants Inc. of Marlborough MA and has been designed to incorporate the hydraulic loading posed by the proposed drainage system and soil conditions present at the site
- c. Soil evaluations for potential erosion along the walls.  
Erosion control will be placed around the limits of construction and will remain until vegetation has been established. In sloped area with grades in excess of 5%, grass matting or geotextiles shall be used to provide additional soil stability.
- d. Discharges of storm water overflows that may be directed onto adjacent property.  
The Stormwater Management calculations illustrate how discharges to abutting properties will be reduced to less than existing runoff rates and any overflow would be dissipated by stilling basin and a curb spreader at discharge point.
- e. Drive way paved areas with catch basins to keep runoff from draining onto Rt. 109.  
A trench drain and leaching drywell have been added at the driveway entrance to capture and additional runoff from driveway areas. See Sheet C6
- f. Retention basin on a steep slope requiring retaining wall having to be engineered and designed.

The retaining wall has been designed to incorporate the size and location of the retention system (see attached Plans)

#### WATER SUPPLY

- a. Site does not address the use of on-site well(s) or connection to Walpole town water system or Colonial Water system. Walpole refused to supply water to the 40B project that consisted of 4 single family houses that is the immediate neighbor to the west. Colonial Water more than likely does not have the capacity to provide domestic water that would include a supply for the building sprinkler system. (Walpole is the neighboring town to Dover at this site and route 109 forms the town line for a distance along the road)  
The Colonial Water Company issued a letter to Red Robin Pastures indicating that it will provide domestic water conditional on the Applicant meeting several conditions (which the Applicant will meet). Colonial Water will also provide water for fire protection providing that the Applicant holds the water in adequately sized holding tanks. These tanks have been added to the plans and will conform to the Colonial Water sizing requirements. No irrigation of any kind will be featured at this project.

#### SEWAGE DISPOSAL

- a. Test results to support a design have not been submitted to Board of Health at this time.  
The Applicant is submitting to the Town a compilation of all soil testing on the property including locations outside the proposed soil absorption areas.
- b. Proposal is for 7S bedrooms and will result in a leaching field below the parking area.  
The proposed septic system is fully compliant with Title V and all DEP regulations and requirements. Moreover, the proposed design which features leaching fields under paved areas is a fairly common practice. The proposed design incorporates all necessary technical elements
- c. Concerns of the design below paved areas in the event of repairs or failure in the future.  
The Applicant, as part of the building permit, will need to submit a full operations and maintenance plan which includes information on the servicing of the system as well as replacement measures when necessary..

#### CONSERVATION

- a. There are wetlands on the site and a significant portion of the site development within the jurisdictional boundary (100 feet) of conservation protection. –  
The Applicant disputes this comment. In fact, there are no jurisdictional resource areas on the subject property. The jurisdictional areas are on the adjacent property.
- b. The Conservation Commission holds the Brook Run Conservation Restriction on Schaffner Lane properties that protect a portion of this wetlands which feeds into Tubwreck Brook a perennial stream. The Town and State EEOC have seen the value in protecting this resource.  
The Tubwreck Brook is approximately 1,450 feet away from the subject property.  
There is no jurisdictional area on this property.
- c. Conservation Commission has received no information or inquiries regarding this proposed site  
The Applicant plans to file a Notice of Intent with the Dover Conservation Commission

after the completion of the Comprehensive Permit public hearing process as is customary.

#### PARKING

- a. Dover requires 2 spaces per residence which total 78 spaces required and plan shows 63 spaces including 3 handicapped spaces. The travel way widths are questionable for width for back around but plan for review provided did not indicate a dimensional scale.  
The proposed parking supply shown on the plan (a ratio of 1.6 spaces per unit), meets or exceeds, what is commonly and customarily provided at mixed income rental developments including guest parking and handicapped spaces. The Applicant has since added travel way widths to the plans,
- b. No provisions are shown for guest parking, delivery service or the like facilities.  
See previous response. The Applicant will prepare an updated site plan to illustrate how deliveries and resident move-ins will be located. The turnout area at the front entrance is over 32' in width which will allow for safe passage of standing vehicles.
- c. No areas are shown for dumpsters or service way to the dumpster for trash pick-up.  
All trash receptacles will be stored and maintained within the building. Trash service will be privately managed.
- d. Safe school bus stop area is not depicted on the plans.  
A school bus pull out area is now included on the site plan as is directly off Route 109. The area is directly in front of the property to promote safe access.

#### SNOW REMOVAL

- a. Snow removal will prove difficult with retaining walls along both sides of the parking area and driveway within 5 feet of the property lines and may not be pushed onto adjacent properties.  
The site plan was modified to include additional snow storage areas. A snow management plan would be an expected condition of a Comprehensive Permit
- b. Snow cannot be piled upon storm water basin to the rear of the site as it may interfere with function.  
The Applicant agrees. The snow storage and management plan will prohibit stockpiling of snow in that area.

#### FIRE SAFETY

- a. The area of the building to the east provides no access, either formal or conditional for emergency fire apparatus equipment.  
The Building will provide a fire suppression system and access points for fire apparatus will be coordinated with the fire departments.
- b. The question of availability of water regarding the sprinkler system.  
Water shall be supplied by the local water services and the appropriate volume of water will be stored on site as per NFPA Requirements. See sheet 6.

## SITE DEVELOPMENT

- a. Site development appears to be dense given the size of two single acre lots combined to accommodate 39 apartments of one, two, and three-bedroom units in 3 story buildings.  

The Applicant disagrees with this assertion. The site plan and building design is contextual to the surroundings and a 3.5 story rental development is in fact quite rare as most 40B rental developments are four or more stories. Most importantly, from a functional and technical standpoint, the project works and will meet or exceed all applicable State regulations and requirements.
- b. The site, according to plot plan, is being developed to accommodate the buildings rather than fitting the buildings to topography and nature of the parcels.  

See previous response. The Applicant has spent a great deal of thought on the plan and design strategy and looks forward to communicating those thoughts and ideas at the first public hearing.
- c. The site would require the stripping of all vegetation right to the property lines and construction taking place right to the property bounds.  

The Applicant has proposed a thoughtful landscaping plan which will enhance the overall feel of the residential community. Moreover, there is no municipal prohibition to anything the Applicant has proposed as it relates to site clearing.
- d. The building size and density does not reflect the character of the neighborhood and would be 15 feet above the existing current zoning threshold of 35 feet.  

The Applicant disagrees with this characterization. Moreover, a waiver from height requirements is almost universally requested (and granted) as part of any 40B rental development. Local waivers are granted in exchange for the creation of affordable housing.
- e. In relation to the surrounding residential homes the buildings will tower above these residences by 15 to 25 feet.  

The Applicant disagrees with this characterization. Moreover, there are very few residences proximate to the proposed development location.
- f. Photos are provided of the neighboring residential homes in the immediate vicinity but are representative of the entire area and not just the adjacent properties. They are cataloged and identified on an aerial photo.  

No response required.