

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
APRIL 22, 2003**

**MEMBERS PRESENT:** Margaret Stevenson, David Landry, Allen Schintzius, Joyce El Kouarti, Beth Thompson, Ronald Cole, Frank Torr, Dennis Ciotti, Pete Lavoie

**MEMBERS ABSENT:** Parks Christenbury, Anthony McManus

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

Chairman Cole brought the meeting to order at 7:02 PM.

Alternate Allen Schintzius sat on the Board

**ITEM #1: Citizen's Forum**

There were no speakers

**ITEM #2: Approval of the minutes**

Peg Stevenson made the motion to approve the minutes of the last meeting.  
Beth Thompson seconded.

**VOTE U/A**

**Abstained – David Landry**

**ITEM #3: Consideration and acceptance of an application for a minor subdivision of land for Civil Consultants, (Owners Russell & Frances Browne) Assessor's Map A, Lot 23-2 zoned R-40, located on Blackwater Road\* (1 lot) (P03-17)**

George Chobanian, Civil Consultants, represented the applicants and explained that 6 acres of the parcel are in Dover and the remainder is in Somersworth. He said that this land will be sold to the City of Dover as a buffer to their well.

Frank Torr made the motion to accept the application.  
Beth Thompson seconded.

**VOTE U/A**

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Steve Stancel went over the recommended conditions of approval.

Pete Lavoie commented that several months ago there was a subdivision plan for this property that included both the Dover and Somersworth lot. He said that at that time the people from the Open Lands Committee, the Dover Water Department and the Conservation Commission all got together with the Browns to look at their farm. He said that the City Water Department owns approximately 40 acres on the other side of the road that was developed into a well field back in the 80's. He said that when they found that this parcel that was going to be developed, they saw the possibilities for a location for a water treatment plant. He said that the Open Lands Committee will be coming forward with the Conservation Commission on other parcels of the Browns' property to conserve more of their property. He said that they have received a grant from the DES that will help the City purchase this piece of property for a future water treatment plant. They are very proud to have been able to protect this property for the future.

Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Revise the plat to add the proposed Tax Map and Lot Number (Map A, Lot 23-2-1) from the Tax Assessor for the portion of Lot B in Dover
4. Revise the plat to add common Subdivision Plan Notes #1, 22 & 25
5. Provide the Planning Department with proof that the Somersworth Planning Board has approved the plat.

Peg Stevenson seconded.

**VOTE U/A**

**ITEM #4: Consideration and acceptance of an application for a minor subdivision of land for Norman Investment Trust, Assessor's Map J, Lot 22 C, zoned R-40, located on Bay View Road.\*(1 lot) (P03-13)**

John Berry, Berry Surveying, represented Ms. Norman. He explained that there are two residences on one lot and they are looking to put these residences on their own lots. He showed how there was adequate frontage for the back lot on Bay View Road and how it narrows to 8 feet wide and then widens out to 10 feet as it goes to the existing house on the back of the lot. There are no new driveways proposed as there are two existing driveways that now service the lot. There is one that loops around to the big house and an existing driveway that runs along the southwest property line which accesses the house in the back and the barn. It is proposed that the driveway that runs along the southwest property will remain as the access to the back house. They have included an easement on the plan. The soils are not the greatest of soils, therefore, they had NH Soils come in to do the wetlands flagging and the test holes. John Berry stated that Judd Shepard, of NH Soils, felt that in lieu of a 4,000 sq. ft. area on what is to be 22C-1, that if they submitted a septic system design along with the subdivision for 22C-1, that the State would accept that in lieu of denoting a 4,000 sq. ft. area. He added that the effluent would have to be pumped to the front of the lot and basically into the "foot" where the field would be located. He said that they have not made application to the State of NH yet but they are at a point where they can proceed with the application. At the moment

both of the houses share a septic system. When the two lots are separated, a new septic system will be put in for the house in the back and a new well will be provided for lot 22C-1. In an effort to facilitate the system Lot 22A, which Ms. Norman also owns, will have to move its well location which is shown on the plans. John Berry stated that the pump line will be installed in the neck and that way there won't have to be a sewer easement. He said that it is wide enough to get a small compact backhoe in if something ever happened. John Berry stated that Lot 22C-1 will have a driveway easement going across it and Lot 22C will have the other driveway easement going across it.

Beth Thompson made the motion to accept the application.  
Dennis Ciotti seconded.

**VOTE U/A**

The public hearing was opened.

Ted Valpe stated that he is an abutter on the westerly side of this property and that he lost 4,800 sq. ft. of his land in an adverse possession ruling. He stated that in 1996, Mr. Blumenthal applied to the ZBA for a subdivision with one lot having no frontage. It was approved but no further action was taken. Mr. Valpe submitted some plans and a letter from the Planning Board, which he read. He said that the existing barn on this property was built over the property line and because he was not paying attention, he lost this property. He said that he has two large barns for which a permit was granted but he doubts that permits would be found for the barns in question. He said that his barn is set back 75' because they were considered to be agricultural because they contain horses. He said that the barns in questions contain horses also. He said that he is concerned with the septic systems on these very small lots. He said that the applicant is not a considerate neighbor and that he is vigorously opposed to any subdivision of this property.

Robert Morack, lives across from this subdivision and stated that he had several questions relative to keeping the character of the neighborhood and assuring that the wetlands do not get violated.

Steve Stancel explained how the Planning Board can give conditional approval for a project and one of the conditions in a situation like this, is that the applicant receives State Subdivision Approval. He said that they are the ones that primarily review the septic design and then it is further reviewed by the City Engineer at the time of the Building Permit. He said that once the State approves the septic design, the City receives an approval letter and it is at that time that the plan is officially stamped and recorded and considered approved.

Mr. Morak asked several setback questions and if the septic system could be located anywhere else except for the "neck" in the front of the lot. He asked if a driveway could possibly be located in the neck portion.

Steve Stancel answered that a septic tank has to be 15 feet from a foundation and a leach field must be 10 feet from a property line and 25 feet from a building, 75 feet from a well

and 75 from the wetlands. Steve explained that the septic system could not be located anywhere else except in the proposed location. Steve stated that buildings have to be 50 feet from jurisdictional wetlands. Steve Stancel stated that there is only one driveway allowed per house lot.

Elisa Huggins stated that the subject parcel is the place that he grew up. He said that he can sympathize with the peculiar structure that he helped his father build. He added that his father enjoyed building and there were no restrictions in the 50's and 60's. He said that he has been familiar with the problems that involve the three houses over the years. He said that it makes sense to finally straightened this out and separate the houses on their own lots, as long as it can be done within the regulations.

Steve Stancel stated that this went to the ZBA in 1996 for a Variance and at that time they spoke in favor of the variance because it did make sense in terms of not having this pork chop lot being in existence, however, the applicant chose not to go forward with that plan and the 4 year time frame went by and it became null and void. He said that as the staff sees it there is an existing situation where you have two residential units on one lot which are sharing 1 leach system today. What this plan does is subdivide each of the houses on their own lots where they will each have their own leachfields. He said that it has come to their attention in the last few days that the existing barn is on the property line and that it may not have received a building permit. He said that there may be issues with livestock with that parcel and they will take a look at that from an enforcement standpoint. The applicant may have to resolve that issue but they see it as a separate issue from the application itself and, therefore, the staff recommend approval of the subdivision with several conditions.

Chairman Cole called a 5 minute recess at 7:40 to look over Mr. Valpe's information. Chairman Cole called the meeting back to order at 7:45.

Steve Stancel stated that, after a comment from the abutter, he would like to add a fifth condition of approval to the effect that the applicant shall identify any potential wetlands or well setback issues on abutting parcels to the proposed leach fields.

Discussion ensued with regard to the leach fields.

John Berry stated that page two of the plan has a 4,000 sq. ft. leaching area which is a requirement of the State. He explained that the septic system is not 4,000 sq. ft., it is probably about 620 sq. ft., but the State requires them to show 4,000 sq. ft. per subdivision. He explained Judd Shepard, of NH Soils said that if they provided a septic design at the time of the application the State forgoes the 4,000 sq. ft. area requirement. He said that the septic design for 22C will be around test pit 1. He said that each lot will have its septic on its own lot and the only difference is that the house on 22C-1 is going to have to pump the effluent from the house up to the test hole 2 where the leach field will be constructed.

Beth Thompson made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Provide the Planning Department with a copy of the State Subdivision Permit and add the permit number to the plat.
4. Provide the Planning Department with a draft of the driveway easement document.
5. Applicant shall identify any potential wetlands or well setback issues on abutting parcels to the proposed leach fields.

Dennis Ciotti seconded.

**VOTE 4 – 3**

**Opposed Allen Schintzius, Pete Lavoie & Frank Torr**

**ITEM #5: Consideration and acceptance of an application for a site plan of land for Precision Mechanical Contractors, Inc., Assessor's Map G, Lot 31-2, zoned I-1, located on Crosby Road.\*(P03-13)**

John Chagnon, Ambit Survey, represented the applicant, and stated that the proposal is a 7,000 sq. ft. building on a parcel on Crosby Road. He indicated where the parking would be located and the site for the dumpster. He said that they would tap into the existing water main and they would extend the sewer to the building.

David Landry asked what the parking requirements were for the building and asked if the building was set closer to Crosby Road if the parking spaces would fit in the back.

John Chagnon answered that Precision Mechanical would be using half of the space and the other half would be for a rental. He added that most of the work is done off site and they have an office staff of 2 or 3 people. John said that, based on the size of the lot, there is not much impervious area. He explained that they do have to maintain the ability to swing the trucks around to have access to the back of the building. He said that they gave the applicant several options and this is the one that the applicant preferred.

David Landry asked about the series of trees being put in all through the wetlands and if they were put there for screening purposes. He said that they keep discussing disturbance to wetlands and they don't want to hear about people putting fences and posts in. He said that, normally, he doesn't think of trees being a problem but he thinks it's a curious thing that a bunch of trees would be put in the wetlands which could be disruptive to the quality of the wetlands. He said that it is not a pretty building and the trees will not hide it. He added that he doesn't have a problem with the project.

Steve Stancel stated that the parcel is just a field and they have made the applicant do some façade work. He said that the screening is needed because there will be trucks in the back that will be visible from Littleworth Rd. and there are some residential properties across the street

Discussion ensued with regard to the planting of the maples.

Frank Torr made the motion to accept the application.  
Beth Thompson seconded.  
**VOTE U/A**

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Peg Stevenson made the motion to approve with the following conditions:

1. Add the owner's signature to the plan.
2. Revise the plan to add a stop sign at the driveway exit onto Crosby Road.
3. Revise the lighting plan to correct the average to minimum ration number in the analysis table.
4. Include engineering comments dated 4-18-03 as follows:
  1. The location and size of the permanent and construction/fill easements will be finalized once the water line location is established.
  2. The easements should be labeled as, 'utility easement' and '60 ft. construction and fill easement'.
  3. The trees and bushes along Crosby Rd. are to remain and minimum clearing/disturbance done for the construction.
  4. The proposed 4" sewer service should be a drop or tie into the 8" main line.
  5. A curb stop should be placed on the water service outside the building.
6. Consult with the Conservation Commission Chairman to see if the red maples should be moved to the upland area.

David Landry seconded.  
**VOTE U/A**

**ITEM #6: Consideration and acceptance of an Open Space Subdivision (OSS) for Edward & Alice Henny, Assessor's Map I, Lot 128, zoned R-40, located on Piscataqua Road. \*(4 lots) (P03-11)**

Bob Stowell Trittech Engineering stated that they received conceptual approval and now they are looking for final approval. He added that the State Subdivision Approval is pending.

Beth Thompson made the motion to accept the application.  
Frank Torr seconded.  
**VOTE U/A**

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Peg Stevenson made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Provide the Planning Department with a copy of the State Subdivision Permit and add the permit number to the plat.
4. Provide the Planning Department with a copy of the Homeowner's Association documents, which shall include provisions for maintenance of the common land.
5. Provide the Planning Department with a copy of the proposed deed containing the restriction that the common land shall remain as open space in perpetuity, shall never be developed or further subdivided, and the land be left in its natural state. This deed restriction shall be recorded concurrently with the subdivision plat at the Strafford County Registry of Deeds.

David Landry seconded.

**VOTE U/A**

**ITEM #7: Public hearing in accordance with RSA 675:6 to consider an amendment to Chapter 155-“Subdivision of Land” of the code of the City of Dover. Amendment is to 155-14-A to allow Planning Director to extend deadline for final plat submittal, with an appeal to Planning Board, and additional extensions granted by Planning Board.**

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Ron Cole stated that he will go over each public hearing and then take a vote on all three at once.

**ITEM #8: Public hearing in accordance with RSA 675:6 to consider an amendment to Chapter 149 – “Site Review Regulations” of the code of the City of Dover. Amendment is to 149-8-A to allow Planning Director to extend deadline for final plan submittal and increase deadline to 90 days, with an appeal to Planning Board, and additional extensions granted by Planning Board. The complete wording of the amendment is available in the Planning Department, the Dover Public Library and on the City's website a [www.ci.dover.nh.us](http://www.ci.dover.nh.us).**

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

**ITEM #9: Public hearing in accordance with RSA 675:6 to consider an amendment to Chapter 155-“Subdivision of Land” and an amendment to Chapter**

**149 – “Site Review Regulations” of the code of the City of Dover.  
Amendment is to 155-60 to add a definition of Farm/Agriculture and  
amendment is to 149-21 to add a definition of Farm/Agriculture.**

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Frank Torr made the motion to adopt all three amendments.  
Dennis Ciotti seconded.

**VOTE U/A**

**ITEM#10: Old Business**

Allen Schintzius stated that the subcommittee on the gravel pits completed its work on the 14<sup>th</sup> and have reviewed the final proposal which is in the packets for the Board's review. He said that the subcommittee would like to suggest that the Planning Board schedule a workshop to review this and invite all of the affected parties.

Ron Cole set the Workshop for May 13<sup>th</sup>, at 6:PM, prior to the Planning Board Meeting.

**ITEM #11: New Business**

David Landry stated that he needed to simplify his life and needed to cut short his term on the Board. He said that the Board is very dedicated and he has enjoyed it and he will miss being involved.

Ron Cole stated that he wanted to express his personal regrets. He said that while he has been on the Board there have been a series of outstanding members come and go and he thinks that David is in the top two. He said that David's contributions have been immeasurable and his wit and his insight will be sorely missed.

Ron Cole stated that the ordinary method of succession is that the alternate with the longest time be recommend to the City Council to be appointed as a regular member. He said that Joyce El Kouarti was the member of longest standing.

There was some discussion with regard to service on two committees with regard to Joyce being the Chair of the Open Lands Committee. Joyce stated that the Open Land Committee is a committee and not a commission.

Frank Torr asked if there was an alternate to take Councilor Christenbury's position in case of an absence.

Ron Cole stated that he would check into that. He added that it is important because the Board wants as much input as possible from the Council end of it.

**ITEM #12: Adjournment**

Frank Torr made the motion to adjourn.  
Beth Thompson seconded.

**VOTE U/A**