

MEETING MINUTES
DOVER PLANNING BOARD
JUNE 27, 1989

MEMBERS PRESENT: Harold Preston, Otis Perry, Pete Bouchard,
Mike McDonnell, Jim Caliendo
Tom Forbes (alternate)
Jon Towle (alternate)
Richard Lak arrived 7:25 PM
Kevin Mone arrived 7:08 PM

MEMBERS ABSENT: Joseph Etelman

OTHERS PRESENT: Bill Collins, Mike Casino, Steve Stancel,
Joanna Childs - Recording Secretary

Meeting called to order at 7:03 PM

ITEM #1: Approval of minutes

Otis Perry motioned to approve.

Mike McDonnell seconded.

VOTE U/A

ITEM #2: Public hearing on a re-zoning request by Free Trade
Inc., Assessor's Map K, Lots 18 and 49, zoned R-40,
located on Hawthorn and Middle Roads.

Harold Preston stepped down from this item.

Otis Perry assumed his chair.

Atty. Al Souther represented the application.

Public hearing opened.

Mr. Rob Sanders - Hawthorn Road - stated that the Widmark's
were well aware of the zoning of this parcel when they
purchased and subdivided it in 1985. He also felt that there
was a severe traffic problem on Middle Road. He was opposed
to the rezoning.

Fran Chickering - an abutter - agreed with Mr. Sanders and
stated that she was also opposed to the rezoning.

Rob Soloman - 201 Middle Road - concerned with the abutting
properties wanting to be rezoned also. Where would it end?
He was also concerned with the traffic congestion, and was
opposed to the rezoning.

Mary Buese - an abutter - was opposed to the rezoning.

Tom Joliet - 15 Hawthorn Road - opposed to the rezoning, felt it would increase the traffic tremendously, also concerned with the impact on the schools.

Gary Gilmore - an abutter - felt that there was not a shortage on housing in an R-12 zone, there are plenty of houses available.

Jeanne Supple - York, ME. - is planning to move to the area and is concerned about the rezoning. Even though she is not a resident here yet, she would be opposed to the rezoning of that area.

Mr. Sanders spoke again asking how this would affect the tax rate on the homes in that area?

Atty. Souther responded that his client was only requesting an expansion of his parcel, and felt that this was not spot zoning.

The following letters were also submitted:

From Elliott & Williams Roses

Dear Sirs,

In Free Trade's request for a zoning change one finds several flaring mischaracterizations of neighborhoods. The quote "Also consider the continued expansion of Williams Rose operation and the Thornwood Farms constructions" deserves a reply.

- 1: First consider that over seventy-five percent of Elliott Rose Company of Dover operations were built prior to World War II. We believe this predates Free Trades' purchase of their property. Thus, Free Trade was totally aware of any use and characters of the neighborhoods prior to their purchase.
- 2: Elliott Rose Company of Dover closest greenhouse to Free Trades property is in excess of 450 ft. and more than twice that distance to land known as Adams Estates.
- 3: Thornwood Market is located on Dover Point Road, on land zoned B-3. The parcel was purchased from Public Service Company of New Hampshire approximately 8 years ago. This lot is approximately 2000 ft. from the Adams Estate on Middle Road. In one drives down Middle Road south from the Adams Estate, for 2000 ft. one finds approximately 10 houses on several hundred acres of land. To obtain similar zoning going south on Middle Road for 2000 ft. with Free Trades proposal

would be to place approximately eighty houses for each existing house, or 800 houses over that distance. Somehow that does not seem characteristic of the neighborhood.

Next, one must consider the active farming operations of Elliott Rose Company of Dover, Inc. lands. The lands surrounding the greenhouse complex contain: strawberries, blueberries, raspberries, peach trees, as well as apple trees. The continued development of surrounding lands has created substantial hardships to the success of these operations unprofitable. The increase in zoning to RM-12 and the resulting pressures will end these field activities.

Finally, Dover's school system is in substantial turmoil with modular classrooms throughout the city. This rezoning would have a disastrous impact of additional over crowding without any benefit to Dover, its city, its character, or its welfare.

In conclusion "Why" would anyone except Free Trade be desirous of this major zoning change. To this I can find no answer. We therefore request that the planning board find this zoning request inappropriate.

Thank-you,

R. Craig Willims
Acting President
Elliott Rose Co. of Dover, Inc.

Letter from Jesse A. Galt

As City Councilor and resident of Dover I must stand opposed to the proposed rezoning of the above named tract of land from R-40 to R-12. First, your own Master Plan document, "Housing, Land-Use and Economic Development", page 130 states regarding the "Study Area 3: Dover Point" "...the current large lot size has worked effectively in combination with Dover Point's amenities to carve this favorable niche in the regional housing market [high-end housing]. We believe that niche should be continued." At a time when our own Master Plan repeatedly in many places states our land use balance to be for too heavily tipped in favor of residential use, we should not do anything to shift that balance toward even higher densities of residential development. It is far from the City's "best interests" and our own Master Plan's objectives and goals to increase densities in existing residential/agricultural zones.

Secondly, the fact that a parcel of land abutts an R-12 zones does not in any way infer or lend credence to the proposal that it should be rezoned to R-12. With that logic behind us we could rightly rezone the entire city to RM-8. There are

no unique features of this property that makes it unsuitable for R-40 designation, nor any that warrant a change to R-12.

I urge you as members of the Planning Board, who are charged to watch over the best interests of the City, to deny this request for a rezoning, if for no other reason, because it does not adhere to the goals or objectives of our newly adopted Master Plan.

Sincerely,

Jesse Andrew Galt
City Council - Ward 1

Letter from Mr. & Mrs. Calvin Becky

Dear Sirs:

In reference to the upcoming Dover Planning Board Meeting June 27, 1989 - Public Hearing request by Free Trade, rezoning, Item #2.

We are extremely tired of the harassment of Free Trade alias Peter Widmark Ent., alias Adams Estates and the City of Dover in trying to pass bills or re-zoning requests in the ILLEGAL and ridiculous catch-basin area that is located off of Hawthorn Road and Middle Road.

Let Mr. Widmark - Free Trade - Adams Estates and whatever else he may call himself FIRST do something about this ILLEGAL CATCHBASIN area that is destroying our land and damaging our home and property and which is in Court pending a decision before any business is decided by the City of Dover and some of its constituents.

If any bills are passed we shall hold the City of Dover responsible and take legal steps until this matter has been resolved by Superior Court.

Sincerely,

Mr. Calvin Becky and Mrs. Margaret Becky

Public hearing closed.

Pete Bouchard asked that during the master plan development, wasn't rezoning going to be in that area?

Otis Perry stated that there was a short paragraph that rezones Dover Point.

Jim Caliendo stated that there are plenty of houses in an R-12 zone for the next 10-20 years, and felt that the Dover Point area should remain as is.

Richard Lak stated that the impact of rezoning this development really needs to be evaluated.

Kevin Mone motioned to table the request.

Tom Forbes seconded.

VOTE 5-2 Richard Lak, Mike McDonnell against.

Harold Preston resumed his chair.

ITEM #3: Consideration of acceptance of an application for a minor lot line adjustment of land owned by Back River Ventures (Applicant: Henry and Barbara Wing, Jr.), Assessor's Map I, Lot 4, zoned RM-12, located on Mast Road.

Tom Forbes stepped down on this application.

Henry Wing represented the application.

Mike McDonnell motioned to accept the application.
Otis Perry seconded.

VOTE U/A

Public hearing opened.

No comment.

Public hearing closed.

Mike McDonnell motioned to approve.

Otis Perry seconded.

VOTE U/A

ITEM #4: Consideration of acceptance of an application for a conceptual site plan of land owned by County Farm Road Association, Assessor's Map E, Lot 32, zoned E.T.P., located on Sixth Street.

John Rumbler - Interface Architects - represented the application.

Bill Collins stated that this is just for preliminary conceptual approval.

Kevin Mone asked if the lines that are shown on the plan are phase lines.

John Rumbler replied that they were.

Mike McDonnell stated that there wasn't any sewer out there yet.

Bill Janelle replied that for Phase I a septic system will be installed and eventually will be tied into the City system once it is installed on Sixth Street.

Otis Perry stated that he would like to see a complete layout of the parking lot area and to have it cut up some so that there isn't as much asphalt.

Kevin Mone stated that he was looking for infrastructure improvements - to have the street patched up - some curbing installed and that this complex have plenty of vegetative screening.

Jim Caliendo motioned to approve the concept only with the condition that the wetlands be mapped.

Kevin Mone seconded.

VOTE U/A

ITEM #5: Consideration of acceptance of an application for a site review of land owned by Stephen M. Brox (Applicant: Brox Paving Materials), Assessor's Map C, Lot 12A, zoned R-40, located on Glen Hill Road.

David Cluff, Plant Manager represented the application.

Bill Collins stated that at TRC, there was discussion of paving the work area, Brox did not want to pave this area. Also, discussion of an observation well.

Otis Perry asked if bulk oil is mixed with an aggregate to make the concrete.

David Cluff replied that it is a liquid and less harmful than a diesel product would be.

Otis Perry then asked about the paving.

David Cluff replied that they would like to pave some of the area, but not all of it. If there is a spill and the area is left unpaved, then the spill can be cleaned up quicker than if it were asphalt.

Otis Perry motioned to accept the application.

Jim Caliendo seconded.

VOTE U/A

Public hearing opened.

No comment.

Public hearing closed.

Site walk scheduled for 9:00 am, 6-28-89. This item will be under old business on July 11, 1989.

ITEM #6: Consideration of acceptance of an application for a site review of land owned by McIntosh College, Assessor's Map 13, Lot 23, zoned R-12, located on Cataract Avenue.

Atty. Don Mitchell represented the application.

Otis Perry stated that the plans were stamped not for construction.

Bob DeColfmacker stated that the engineer did not want the board to think these were building plans.

Otis Perry motioned to accept the application.
Mike McDonnell seconded.

VOTE U/A

Public hearing opened.

No comment.

Public hearing closed.

Bill Collins read the TRC comments and stated that all had been addressed except numbers 3, 6, 7 & 11, and the plans that were submitted just before the meeting met all of these comments. However, it has been customary that we do not accept the plans for review that are submitted prior to beginning a meeting.

Kevin Mone motioned to approve the application with the following conditions:

1. The existing fire hydrant will be too close to the building once it is expanded, and should be moved further from the existing building. This must be approved by the Fire Department;
2. The revised site plan should identify the sewer size;
3. The sewer manhole detail should be added to the site plan and a note stating that the sewer line will be vacuum tested; and

4. The site plan shall show an outdoor lighting plan and a detail of the outdoor lighting fixture to be used.

Jim Caliendo seconded.

VOTE 5-4 Otis Perry, Mike McDonnell, Harold Preston and Tom Forbes against. Motion carried.

ITEM #7: Consideration of acceptance of an application for an ADS subdivision of land (concept only) owned by Ray Martineau, Jr., Assessor's Map K, Lot 1A, zoned R-40, located on McKone Lane.

Ray Martineau represented the application.

Tom Forbes asked how the open space on the river would be accessible.

Ray Martineau stated that there is a trail there.

Otis Perry motioned to accept the application.
Jim Caliendo seconded.

VOTE U/A

Public hearing opened.

No comment.

Public hearing closed.

Kevin Mone motioned to accept the concept only.

Otis Perry seconded.

Otis Perry stated that he felt that Ray did not have a hardship, and would like to see the whole length of the parcel have the open space on the river frontage.

VOTE 8-1 Mike McDonnell opposed.

ITEM #8: Old Business

(a) Discussion of Waterview Terrace site review.

David Joy represented the application.

Otis Perry motioned to approve with the following conditions:

1. The site should have a stabilized construction entrance to reduce amount of sediment from entering Cochecho Street and the existing drainage system;

2. A construction sequencing plan should be developed:
 - a. Construct sediment basin
 - b. Stabilize the entrance
 - c. Excavate and construct retaining wall adjacent to road entrance;

(These two items should be completed before a building permit is issued.)

3. Based on the above sequencing the estimate to regrade the disturbed area and stabilize would be approximately \$3,000. This estimate assumes retaining wall is constructed; and
4. Plan should specify any seeding proposed on the site. Area around excavation should remain vegetated to reduce erosion potential during construction.

Tom Forbes seconded.

VOTE U/A

- (b) Discussion of McCarty Woods subdivision.

This item was withdrawn.

- (c) Discussion of Shaw's conditional site approval.

Jack Thornton of Shaw's represented the application. He was requesting that condition number two (sign requirement) of their approval be waived.

Jim Caliendo motioned to waive condition number two and not require the sign for the connector road.

Kevin Mone seconded.

VOTE 4-5 motion denied.

ITEM #9: Adjourn

Mike McDonnell motioned to adjourn.

Otis Perry seconded.

VOTE U/A

Meeting adjourned at 10:00 PM.