

**DOVER PLANNING BOARD
MINUTES OF MEETING
JUNE 25, 2002**

MEMBERS PRESENT: David Landry, Anthony McManus, Parks Christenbury, Joyce El Kouarti, Chuck Maglaras, Pete Lavoie, Dennis Ciotti, Frank Torr, Beth Thompson

MEMBERS ABSENT: Ron Cole, Margaret Stevenson

STAFF PRESENT: Steve Bird, City Planner; Chris Parker, City Planner and Jacqueline Freeman, Recording Secretary

Vice Chairman Chuck Maglaras chaired the meeting in the absence of Ronald Cole.

ITEM #1: Citizen's Forum

David Downer, 34 Quaker Lane, stated that he is having problems besides the dust, and the parking in front of his mailbox. He is here because of promises that the City made about his sewer snub and second driveway. He said that the snub was not put where it was agreed on. He said that it has taken at least a month to find out why it was moved and if it was deep enough to actually work. He said that he was never told it was going under his footings, but was led to believe so because that is what he requested. He said that he finally got the information that it was deep enough, this evening, by calling someone that could read the plans. It's not where he requested it but it is deep enough to go under his footings. He said that he needs clarification if Stabile is going to put it under his footing where he requested it. The reason it has to go there is that he has a finished basement. He said that the minutes say that it is to go to the back corner of his foundation on the left hand side. He said that it is now at the road even with the front corner of his house and he was told that it will work. He said that it took 3 weeks to find out that it will work. He wants it to the back corner of his lot and he wants clarification if Stabile is going to put it to the back corner of his footing. He doesn't want to come home and find a trench through his yard at the wrong place. He wants it clarified in writing that it is to go where he wants it to.

Chuck Maglaras stated that Planning Board requested that they bring it right up to his foundation.

Mr. Downer said that the minutes say to the back corner of his foundation. He asked how he would know that they are going to bring it to the back corner of his foundation. It scares him because he has asked them to do other things and they haven't done it.

Pete Lavoie said that from what he can understand, they were going to bring it up Mr. Downer's foundation and that he was going to tie in.

Vinnie O'Connor represented the developer and said that there was no problem to bringing the stub to the left hand corner of his foundation.

Mr. Downer said that he also has a problem with his second driveway. He has a cut off of approximately 4 feet and he can't get in his driveway to get his building materials and has not been able to for the last month and a half because they have dropped the grade of the road so much that now he can't use his driveway. He needs to know how this is going to be fixed. He said that he has been told that they are going to have to cut back onto his land some 20 or 30 feet to make the driveway accessible. The problem is that he has a set of fir trees adjacent to the driveway that will be killed when they cut it back. Before this is done he wants clarification as to how it is going to be done.

Mr. Downer asked why he has to sacrifice his 30' of land to accommodate a driveway that was already there and at the right elevation prior to this development. He said that he gets no answer from Engineering, they say that that's part of the development. He said that the workers are starting to work at 5:30 AM.

Pete Lavoie said that 6:00 AM is the start time for construction.

Mr. Downer said that he doesn't mind the sand and the mud but what bothers him the most is that everybody thinks that Stabile is doing him a favor by giving him a tarred street, sewerage and saving a tree that is going to die because the roots have been cut off and telling him that he should be grateful. He's getting this from the City and the developer. He didn't want it and he doesn't want to pay the price that it's taking. No one is doing him a favor and the problem is that so many have this attitude about development. No one is listening. He said that he isn't grateful and he's been treated badly. It was his idea from the first two meetings that there would be no impact on him. He hasn't gotten mail because they are parking in front of his mailbox. He said that the Planning Board should be aware of it when they look at these developments and not take the developer's word for it and to come out and see it or ask. You are the people who pass these plans and that they rely on. He said that he knows that the Board members are not experts at it and make mistakes like everyone else.

Ted Watson, 22 Tuttle Lane, said that the point that he wants to make is that there is a process that is to be followed. Not all of these issues are Planning Board issues and there is a game of badminton going on. He would like to understand when leaving this meeting what the process is and who do they need to speak to. He said that the EPA came down today because the issues were so bad, they saw some of the pictures that were taken in the past. They have had damaged property, misrepresentation and the street basically taken as a timber yard and all against the traditional rules within Chapter 155 that is supposed to guide the City. He was told by the City that one person doesn't matter. He said that they went and got a petition and every person on Quaker and on Tuttle Lane signed that petition. They were given to Mr. Pete Lavoie to resolve the issues and the issues have not been resolved. He said that he has been given a run-around. He said that he has sent registered letters to Mr. Beecher and carbon copied many people on this Board requesting meetings. He's left 3 messages since then with Mr.

Beecher, he's notified Mr. Lavoie and he spoke to Mr. Dews again this morning to get together to resolve these issues in a professional manner. Mr. Watson said that there is an entire street that is living in an unacceptable manner that nobody here would accept. He isn't blaming Mr. Stabile and his company, they are doing what they have to do. Mr. Downer can't get to his building materials which is his way of making a living because of this issue. The sheep are running farm and he would like to understand just one thing, how does he get these issues resolved.

Chuck Maglaras told Mr. Watson if he isn't getting any satisfaction from the City Manager or anyone that works for him, his next step is the City Council.

Mr. Watson said that he hopes that in the future when the Board looks at new development that they look at it and understand it. He said that he is not saying that the Board doesn't, but that the execution of this is terrible and unbelievable.

Parks Christenbury said that there seems to be a perception in the community that this Board can manipulate and limit and do a lot of things that people would desire the Board to do. The scope and nature of the Planning Board is limited depending on the zoning of the property. The Planning Board has no enforcement authority. If everything is true, there is nothing that this Board can do about it. Parks Christenbury said that it has to go through the process, which you apparently have followed and haven't received any satisfaction. Parks Christenbury said that you can bring it to the City Council who can direct the City Manager to take appropriate measures.

Parks Christenbury said that he wanted to set the record straight, there have been letters to the editor and accusations made that the Planning staff, Planning Board and Planning Director are pro-development. It concerns him that the Planning Director and the Board brought zoning changes over the last number of years and because of political motivation they weren't passed. Your frustrations should be taken out on the City Council, the elected officials, that have failed to pass the necessary zoning and restrictions. There are a number of restrictions that can be passed but can only be passed by the City Council. Restrictions have been recommended by the Planning staff and members of the Planning Board and have been ignored by the Council. The issues that you bring in tonight are issues that need to be brought before the City Council. This City Council has pledged to address a lot of these issues. This Planning Board is very limited and there are a lot of times when there are things that the Board members do not like but because of state law and requirements, they cannot say no to it. Parks Christenbury said that your concerns need to be escalated to the City Council level.

Mr. Watson said that Mr. Lavoie referred some of the issues back to the Planning Board. He said that he appreciates everyone's time. He said that Mr. Christenbury, Mr. Quigley and Ms. Whitmore have been very helpful.

Vinnie O'Connor responded to the comments that were made by saying that they have a policy of trying to work with their neighbors. He said that he has spoken to Mr. Downer numerous times over the last couple of months and he said that he tried to explain to him

what they were doing and what was going to happen but for some reason it wasn't the answer that he wanted. He said that he feels bad that he had to come here to state this. He said that he thought that they could work it out together. He said that they have worked it out with Mr. Lavoie and the City Engineer. He said that he apologized to the neighbors because they are behind because of the weather and, hopefully, in the next two week the road will be paved, which will eliminate a lot of the dust. They have taken all of the steps that they have agreed to with the City to minimize the inconvenience of the neighbors. He said that he fully understands Mr. Downer's position where he is located, but he can't control everybody. They have spoken to their subcontractors and their own employees to be respectful to the people in the neighborhood, but you can't hold their hand even though they try. He apologized for that. He said that they are available to Mr. Downer anytime to work this out.

The Citizen's Forum was closed.

ITEM #2: Approval of minutes.

Frank Torr made the motion to approve the minutes.
Beth Thompson seconded.

David Landry stated that on page 4, the second to last full paragraph that two of the people's names need to be corrected. Kim Valoski should be Pawlawski and Mike Stafford is actually Mark Stafford.

VOTE U/A

ITEM #3: Consideration and acceptance of a minor subdivision of land for Robert R. Mercier Family Trust, Assessor's Map M, Lot 99, zoned R-40, located on Back Road. (P02-32)

Bob Stowell of Tritech Engineering represented the applicants. He said that the plan meets all the requirements and the DES approval is pending.

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

VOTE U/A

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

Steve Bird gave the 6 conditions of approval.

Beth Thompson made the motion to approve with the following recommended conditions of approval:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
3. Add the surveyor's stamp and signature to the plat.
4. Revise the plat to add the square footage of upland area for each lot.
5. Revise the plat to add a note that a digital version of the survey will be provided to the City upon approval.
6. The Building Inspector shall not issue a building permit for lot 99-1 until the existing septic system has been properly removed and the pavement that encroaches on the proposed lot line is removed to provide a five-foot setback.

Parks Christenbury seconded.

VOTE U/A

ITEM 4: Consideration and acceptance of a minor subdivision of land for Summit Land Development/Boston & Maine Corporation, Assessor's Map 31, Lot 4, zoned B-2 & RM-8, located on Grove Street/Third Street/Fourth St. (P02-31)

Bob Stowell explained that the property is located between Fourth Street and the active railroad line. It consists of almost 1 ½ acres of surplus railroad land. He said that this land has frontage of Fourth St. and abuts the end of Third Street and follows and parallels the river.

Pete Lavoie asked if something would be worked out because the plan shows a gravel parking lot that looks like it belongs to lot 19 but is encroaching on rail property.

Bob Stowell said that at this point the plan only shows where the property lines fall. He said that there are definitely a few instances along the property where there have been some encroachments.

Beth Thompson made the motion to accept the application.

Parks Christenbury seconded.

VOTE U/A 7-1

Opposed – Dennis Ciotti

The public hearing was opened.

Valery Harvey stated that she is a abutter at 48 Fourth Street. She said that she has a 4 family house and the tenants have been using the driveway which is partially on B & M land probably since the house was built. She has a concern as to why this plan should be done. It's a narrow area with a very steep hill with all sorts of animals living there. She said that she was told by the highway department when she was thinking of filling in part of her property that that particular area was a wetland. She can't see the purpose of developing this land when it can only destroy the trees and disrupt the wildlife.

Chuck explained that this is only a subdivision plan and not a site plan.

The public hearing was closed.

Steve Bird stated that the applicant is requesting a waiver to show the entire property. He said that the Planning staff supports that waiver because there is an updated property survey for the entire parcel that was done in 1992 that is on record.

Beth Thompson made the motion to approve the application and the waiver of the subdivision regulation requirement that the entire parcel be shown on the survey and with the following conditions:

1. Add the owners' signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Revise the plat to identify the abutters across Fourth Street.
4. Revise the plat to correct the shape of the subject parcel on the locus map.
5. Revise the plat by adding the Stafford County Registry of Deeds recording number to the reference plan in not #7.
6. Revise the plat by amending note #8 to indicate that the parcel is in the Conservation District and add the 100-foot setback to the plat.
7. Revise the plat to add a note indicating that the parcel will be served by municipal water and sewer service.
8. Revise the plat to add a note that a digital version of the survey will be provided to the City upon approval.
9. Revise the plat to add the standard note #22 regarding assigning street addresses.
10. Approval includes the granting of the requested waiver.

David Landry seconded.

VOTE 6 – 2

Opposed – Dennis Ciotti and Tony McManus

Steve Bird said that he wanted to inform the Board that when they do come in for future development on this property, the Planning Director has already communicated to the applicant that he is going to be looking for an environmental assessment on this property because it is an old railroad yard and you find a lot of practices that you would not see today.

ITEM #5: Consideration and acceptance of a minor lot line adjustment of land for Doug & Karen Dawley, Assessor's Map K, Lots 9 & 9-1, located on Back Road. (P02-30)

Doug Dawley stated that they are modifying the lot line so that the existing home will sit on 3 acres and they will have a lot to sell.

Tony McManus made the motion to accept the application.

David Landry seconded.

VOTE U/A

The public hearing was opened.

Ray Megan, 61 Back Road, other than the letter that has been sent to them, he and his neighbors have no idea what is being proposed.

Mr. Dawley explain the plan to Mr. Megan and stated that there are wetlands that were delineated by West Environmental but there is 40,000 sq. ft. of upland so it is acceptable for septic and well. There is also access to City water and sewer.

The public hearing was closed.

Steve Bird gave the staff comments.

Parks Christenbury made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Add the surveyor's signature to the surveyor stamp on the plat.

Joyce El Kouarti seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of a minor lot line adjustment of land for Shaw's Ridge Equipment (owners Raymond Martineau/Robert Shrewood) Assessor's Map H, Lots 32A-1 & 32A-2 zoned B-4, located on Littleworth Rd./Knox Marsh Road. (P02-29)

Beth Thompson stated that during the last couple of years the owner of Shaws Ridge had asked her who he should talk to and she gave him that information and worked with him through that process. He found, on his own, some land that he wanted and she told him who to go to and worked with him through that process. All of a sudden he came in with this project. She doesn't feel that this is a conflict of interest, but wanted everyone to know that she facilitated meetings.

Kevin McEneaney represented the applicant. He explained that they are taking a portion of the Sherwood property and adding it to the Martineau parcel. He said that the current lot is non-conforming and this will make it more conforming. He said that the next item is a site plan for Shaw's Ridge Equipment for construction of a building and this will go hand in hand with that.

Frank Torr made the motion to accept.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Bird gave the recommended conditions of approval.

Parks Christenbury made the motion to approve with the following conditions:

1. Add the owners signatures to the plat.
2. Add the surveyor's signature to the surveyor stamp on the plat.
3. Revise the plat to correct the Tax Map and Lot Number for the Sherwood lot in Note #1 and on the lot.

Joyce El Kouarti seconded.

VOTE U/A

ITEM #7: Consideration and acceptance of a site plan of land for Shaw's Ridge Equipment, (owner Raymond Martineau, Jr.) Assessor's Map H, Lot 32A-2, zoned B-4, located on Littleworth Road. (P02-19)

Kevin McEneaney introduced Bob Gagne, the owner of Shaw's Ridge Equipment. He said that Shaw's Ridge Equipment is a John Deer dealer and they deal in sales and service of lawn and garden equipment. He said that they are currently leasing space on Littleworth Road. They need an expansion and want to own their own building. This is a permitted use in the B-4 zone. It's a 7,200 sq. ft. building. They have been before the TRC and believe that they have addressed most of their concerns. They were before the ZBA earlier in the year because there is a stipulation in the B-4 that there be a 150' setback from any existing residential structures. He said that there is a residential structure on an abutting parcel that not many people knew about and once it was discovered, they were required to go for a Variance, which was received. The Variance allowed them to go to within 75' with some stipulations that there would be certain buffering needed and a no cut zone to leave some trees within a 40 foot strip. There will be a stockade fence that will keep any lighting or noise down from that abutting property.

Paul Connolly, of Civil Works, explained the configuration of the road in relation to the 30 ft. lip at the throat with ample curb radii to accommodate large tractor trailers. He said that there is no municipal water so they are proposing to put in a well to support 6 - 7 employees. There is no municipal sewer so it will have a sewerage disposal system that has been approved by the City and has been sent out to State DES for issuance of construction approval for that septic system. An application for a State driveway permit has been submitted with the NH DOT. He said that a stormwater design report has been submitted to the City Engineer's office and there will be no adverse impacts to abutting properties. He said that this plan addresses all issues that came up at TRC. He said that they will be providing 20 spaces for parking which is more than what is requested.

Kevin McEneaney stated that Shaw's Ridge has been in Dover for a number of years and have a very vibrant business and want to stay in Dover. This location will help them to stay in Dover and expand their business.

Frank Torr asked if there is any consideration to tying into the sewer from the new development that was just approved on Rt. 155.

Paul Connolly said that that municipal sewer line cuts across the back side of that site and doesn't make any practical sense to tie in for the amount of sewerage generated by this facility.

Frank Torr said that he is worried about the equipment and junk that is now stored by the road.

Kevin McEneaney said that there will be an outside display of new equipment. He said that there is a fenced-in area for the equipment that is waiting to be repaired. Kevin McEneaney said that a fenced in area for the old equipment that is waiting to be repaired could be made a condition of approval.

Pete Lavoie said that as part of the development on Knox Marsh Road, there will be sewer directly across the street from Sherwood Landscaping. Pete was concerned about floor drains inside the building.

Paul Connolly said that there will be no floor drains in the building because this is not a business that generates the need for floor drains.

Paul Connolly said that the 20 foot fenced in area will be grass.

Dennis Ciotti was concerned that there would be oil leaking out on the grassy area of the "bargain corral". He said that it should probably be a concrete pad rather than grassed.

Chuck Maglaras said that it could be added as a condition of approval.

Kevin McEneaney said that Mr. Gagne is in agreement that if the Board wished it to be paved, it could be made a condition of approval. Kevin said that he wanted to make sure that it would not be a drainage issue because sometimes Engineering doesn't like too much paved surface.

David Landry asked if there was a picture of the building. He was concerned that that this building would be on a main road that has some beautiful vistas and this building would be very visible from the road.

Steve Bird stated that there is an architectural rendering in the main file in the Planning Office.

Chuck Maglaras asked where Mrs. Michaud's well was located and said that he would like the wells located on the plan so we will know in the future.

Frank Torr 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.

Discussion ensued with regard to the concrete pad. Paul Connolly said that they were already proposing a pad for the dumpster. The result of the discussion was agreeable to Dennis Ciotti and Chuck Maglaras.

Steve Bird gave the recommended conditions of approval.

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

1. Add the owner's signature to the plan.
2. Add the surveyor's stamp and signature and the engineer's stamp and signature to the appropriate sheets of the plan.
3. Provide the Planning Department with a copy of the NH Department of Transportation Driveway Permit and add the permit number to the plan.
4. Provide the Planning Department with a copy of the septic system design permit from the NH Department of Environmental Services and add the permit number to the plan.
5. Revise the plan to add the Strafford county Registry of Deeds recording number to the reference plan #2.
6. Revise the plan to change sheet #3 by adding the detailed information for the rip-rap outlet protection.
7. Provide a drainage study to the satisfaction of the City Engineer
8. Revise the plan to add a design specification for the stone aprons.
9. Revise the plan to add a 40 X 20 concrete pad southeast of the building for storage of used equipment (Kevin said that we are guessing that it is 20 feet wide, it could be 18 X 38, could it be stipulated that it will go to the fence as we've shown it and the width of the pavement as we've shown it.)
10. Find where Mrs. Michaud's well is located and add it to the plan.

Dennis Ciotti seconded.

VOTE 7 – 1

Opposed – Tony McManus

Parks Christenbury thanked the applicant for staying in Dover and added that he feels that it will be a first class operation.

ITEM #8: Public Hearing for a Coastal Zone Management Grant to fund a Downtown Traffic Study to evaluate the traffic circulation patterns downtown and study the impact waterfront revitalization will have on the current and future patterns.

Chris Parker said that there was \$100,000 budgeted in the current CIP for this traffic study and after that money had been set aside they discovered a potential grant source through the Office of State Planning. He said that they were applying for \$25,000 grant which will lessen the cost for the City to \$75,000. Chris Parker said that they are currently working with Strafford Regional Planning to do a loop study. Strafford Regional Planning is doing a broader study of the Dover, Durham and Rochester one-way traffic systems. The results of that study will then give us the results which will then dovetail into our current proposed study. He said that this grant will be used to study the traffic impacts that might occur with the waterfront redevelopment and show how it can be mitigated.

Parks Christenbury said that the current City Council endorses this because it was already passed in the CIP. He said that this was vital. Parks said that Councilor Whitmore raised some serious issues about traffic lights and the intersection on Lower Square along with other Councilors. There is the issue of the access to the waterfront, the synchronization of traffic lights and a whole multitude of problems. This will address a multitude of problems once and for all. It is money well spent.

Chuck Maglaras asked if there was anyone who wanted to speak on this item.
No one spoke.

Tony McManus made the motion to support the application as proposed by the Planning Department.

David Landry seconded.

VOTE U/A

ITEM #9: Old Business

Steve Bird stated that Southwest Equities is asking for a 30 day extension of approval. He said that that was a complicated approval of almost 2 pages. He said that they have worked diligently with the Council to get the extension of Webb Place approved.

Beth Thompson made the motion to grant a 60 day extension.

Frank Torr seconded.

VOTE 7 – 1

Opposed – Tony McManus

Steve Bird read a memo from Ron Cole asking the subcommittee chairs if they would be available on Tuesday, July 2, 2002, to go over their presentations before the July 9th Planning Board meeting.

Chuck Maglaras read off the times of the upcoming subcommittee meetings.

Tony McManus stated that his committee will not be meeting on the 26th but on July 3rd, beginning at 5:00, at Brian Stern's office, 86 Locust St.

ITEM #10: New Business

David Landry stated that one of the items that the Quality of Life Committee is reviewing is Elderly Assisted Care. He stated that he has recently met with the owners of Wadley House, which is pretty much the only facility in the area. He handed out some information to the Board so when the subject comes up everyone will not be starting from scratch.

ITEM #11: Adjournment

Beth Thompson made the motion to adjourn

Joyce El Kouarti seconded.

VOTE U/A