

**DOVER PLANNING BOARD
MINUTES OF MEETING
APRIL 24, 2001**

MEMBERS PRESENT: Brenda Whitmore, Margaret Stevenson, Anthony McManus,
Beth Thompson, Frank Torr, Pete Lavoie, David Landry

MEMBERS ABSENT: Jerry Reese, Chairman Ron Cole

STAFF PRESENT: Steven Stancel, Planning Director; Bruce Woodruff, City Planner,
and Jacqueline Freeman, Recording Secretary

Vice Chair Chuck Maglaras brought the meeting to order at 7:03 PM

ITEM #1: Approval of minutes

Frank Torr made the motion to approve the minutes.

Margaret Stevenson seconded.

VOTE U/A

**ITEM #2: Consideration and acceptance of an application for a Conditional Use
Permit for NH soil Consultant, Inc. (Owner Acorn Associates)
Assessor's Map N, Lot 8, zoned R-40, located on Gulf Road.***

No one was present to represent the applicants.

Chuck Maglaras said that he would move it to later in the agenda.

**ITEM #2: Consideration and acceptance of an application for a Conditional Use
Permit for Carex Exosystem Sciences, (Owner Dana & Kerin
Lariviere) Assessor's Map A, Lot 35A, zoned R-40, located on
Fieldstone Drive.**

Leonard Lord, Soil Scientist, represented the Larivieres. He said that they have received a State Wetland Permit and passed out copies to the Board. When the Larivieres purchased the property there was already a wetland impact that was not permitted. They have received Conservation Commission approval and the approval from the Sub Surface Bureau is in process.

Frank Torr made the motion to accept.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

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

1. The applicant shall comply with the Conservation Commission recommendations which are: (1) restoration of impacted wetland area outside the crossing back to original level with standard mitigation type plantings, (2) protection of 75' buffer zone for very poorly drained soils as stated in the City regulations, and (3) maintenance and restoration of vegetation within 50' of the brook.
2. Conditions of the State Wetlands Permit be adhered to.

Margaret Stevenson seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a minor subdivision for Ronald B. Newell, Assessor's Map 27, Lot 291, zoned R-12, located on Pearl Street.

Ronald Newell stated that the land was originally in two lots and he wants it put back as it was.

Beth Thompson made the motion to accept the application.

David Landry seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

David Landry made the motion to approve with the following staff recommended conditions:

1. Add the owner's signature to the plat.
2. Add the surveyor's signature to the surveyor stamp on the plat.
3. Revise the plat to add the new lot number (Tax Map 27, Lot 291-1) to the plat.
4. Revise the plat to label the new lot line as "Proposed Lot Line."
5. Revise the plat to add the standard note regarding assigning street addresses.

Margaret Stevenson seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of an application for a site plan of land for Woodman Park School, Assessor's Map M, Lot 52, zoned R-20, located on Dover Point Road.

Kevin Quigley, School Board Member, stated that this is his third visit to ask for recommendations for this plan. He said that they are not going to split the plan. He said that the reason for this is that he is not a traffic engineer and if they change the traffic

patterns on Silver Street, the liability to the School District after the plan has been designed could be disastrous to them. It doesn't mean that the plan can't change in the future. If problems arise or it doesn't work to the way that they think it will work, it can be changed. He said that the problem is the congestion in the Towle Ave. and Clifford St. area with the busses, the parents, and the children. He said that anything on the plan in gray is added, and anything in white is existing. They are proposing closing off the area of the parking lot, moving it up to across from what is the Texaco station. They will add a lane onto Silver St. so the busses can turn into the bus loop, put in cross walks and sidewalks, as requested by Planning. He pointed out the pattern that the busses would take, where they would line up, and where the parents will go to drop off their children. He said that they would be planting trees in back of the neighbors as requested and also plant some trees along the access road. He said that there would be parking on one side of Towle and Clifford during school hours. He said that they are requesting a stop sign on Towle & Clifford and at Clifford & Towle. He explained how the gates would work and where they would be located. He said that there would be no parking on the new grass area. He said that this plan was developed in 1997. 2 ½ years ago when the kindergartens were put in all the other schools changed their traffic patterns and this is the last school to be changed. He showed the master plan for Silver Street. He said that he does not think there will be any confusion for drivers. They wouldn't propose something if they didn't feel it was safe. He said that some of the residents on Silver St. had concerns with crossing three lanes of traffic. He said that they are not increasing the traffic or decreasing it. They are just changing the entrance and how the busses enter into the school in a much safer area. Kevin said that Foster's wrote a nice second editorial backing their plan. He said that they are here tonight to seek concerns and considerations of the plan and to bring them back to the school district.

David Landry said with reference to the parent drop off area, that they know from looking at the morning pick up, it is more likely that the afternoon pick up has the most people there at the same time. His only comment is that along with the granite curbing and the sidewalk, and the rail that will have openings, he suggests that the roadway should be no wider than what would allow parked vehicles along the sidewalk to pick up their children and one lane for cars to pass by. He wouldn't want to see people having two parallel sets of cars with a driving lane in between.

Kevin Quigley stated that they would have granite curbing on the sides. He said that he would write a letter to Pete Lavoie asking that the School Department take responsibility for the plowing and maintenance of the area. This winter the City thought the School Dept. was taking responsibility and School Dept. thought the City had the responsibility for plowing it.

Kevin Quigley explained that the traffic pattern has not changed from the original plan. He said that they were told that the legalities of doing this in two phases where they would still use the existing entrance and not change the traffic pattern on Silver St., could present some legal problems to the district.

Frank Torr said that they received an opinion that the school can do what they want to do. You have two jurisdictions, one is the City and the other is the School Dept. Under two jurisdictions does the rule still apply?

Steve Stancel stated that in recent days, there have been a discussion regarding whether the City Council controls changes to be made on Silver St. He said that he thinks that is a legal issue that someone will have to take a look at. Traditionally, Planning Board has control of offsite improvements in the City and offsite improvements have not gone to the City Council. The City continually makes improvements to the roads and those improvements do not go to the City Council. This is an interesting situation where, if this was a private developer and we required the offsite improvements, the developers would be paying for it and, traditionally, the developer would not go to the City Council. We may have to research, whether or not the School Board could move forward and just make the improvements on Silver Street or whether or not the City Council would have to approve those improvements.

Bruce Woodruff said that there is a difference between roadway improvements with existing streets and existing right-of-way lines, and the laying out of a new roadway entailing new rights-of-way. That is not what is happening here. You are not doing anything with the right-of-way on Silver St., all the improvements being made are contained within the existing roadway layout, therefore, there is no Council authority.

Brenda Whitmore said that she has asked them to consider a one-way in for staff and busses. She assumes that it was not brought back to the engineers for consideration.

Kevin Quigley stated that they have left the plan alone, and not made any changes to it whatsoever. He said that doing a one-way would be putting more traffic on Towle and Clifford Streets. He said that this will be a topic at their meeting next week.

Beth Thompson made the motion to accept the application.

David Landry asked why they are accepting, if we are just giving recommendations.

Chuck Maglaras stated that if we accept it, it would allow the public to speak again.

Frank Torr said that the Board accepted this at one time and the motion was to adopt it as presented. That motion was defeated.

Steve Stancel stated that when this came up the first time there was a motion to approve with specific conditions and that motion failed. It wasn't a motion to disapprove. The next day there was confusion, it seemed that most of the Board members would have liked looking at the plan. This was checked with legal council. The Planning Board falls under Roberts Rules of Order and it says that you have to vote to reconsider the plan the night of the meeting or the next business day. Technically, we could not vote to reconsider. The attorney said that the cleanest way was for the School Dept. to reapply and the Board would review it as another application. He is not sure if it has to be

accepted because we are only giving recommendations, but he recommends that you accept it for the sake of procedure.

David Landry said that he has no objections of having a public hearing but when he read the legal review it has nothing to do with voting on it or not. It has to do with making recommendations that are not binding.

Kevin Quigley said that at the second meeting there were suggestions that they make changes to their proposal. For example, sidewalks all the way down to Silver St., crosswalks, and some trees and aesthetics. The Planning Board at the second meeting requested these changes and they came back with those changes. They are here to work with the Board, not to work against it. Their main concern is the safety of the children.

Frank Torr said that if we accept the plan, it could be divided. There are two factions, the Silver St. aspect and the safety aspect for the children.

Pete Lavoie seconded the motion to accept the plan.

VOTE 5 – 2 Opposed – Tony McManus, Brenda Whitmore

The public hearing was opened.

Kathy Wentworth Chalue, 12 Mast Road, stated that she appreciates all the hard work that was put into the plan. She said that to her it is plain and simple, it's all about safety. She said that she is a mother and is also a substitute at the school and has done crosswalk duty. She said that it is scary. She said that we should be so thankful that a tragedy has not occurred. She asked the Board not to wait. She said that in the winter it was disastrous. She asked to put the politics and everything else aside and keep focussed and to remember what is at the core of this issue – its 400 + children who are 5 – 9 years old. They don't always stop and think and sometimes they dart. Even when they stay in the crosswalk, they are still in danger at that intersection. She begged everyone to go over there and do crosswalk duty. It will scare you.

Mike Dalton, 18 Old Littleworth Road, said that he is looking at it from the Silver St. aspect. Yes, we have a problem with the kids in the crosswalks, but the 6 busses are pretty well behaved. He suggested redirecting the traffic. Eliminate the Silver St. entrance, he doesn't think that the traffic needs to be widened. Look at what is there on Towle Avenue and maybe making that one way away from the school. Using Clifford and Parker for exits off of Woodman Park Dr. You can still drop your kids off on the right hand side in front of the door so they are not crossing in the front of the busses. He said that the key is that it's the parents themselves. It's an education process. He doesn't think the plans will make it any easier. Yes, you have the money, but he thinks that you are looking at a \$200,000 that will probably cost us \$500,000 and we don't know if that will work. There are no changes to this plan after you voted 5 – 2 last week. The key is to leave Silver St. alone and working with what we have up there already. Redirecting the traffic, putting in some new curbing, directing the parents from one road to another, and maybe making Towle a one-way street leaving the school, not entering the school.

Gail Moore, 30 Silver St., said that her comments are both general and specific. She finds it very difficult with so much going on around and on Silver St, to divide the issues and looking at them individually. Dover should be an agreeable City in which to live. The character and history of the City should be valued as much as it's contemporary structures. Should honor the resident's right to maintain a pattern of life they choose and not let them be overrun by outside forces. She spoke against the development across from the school. The Silver St. neighborhood should not have to bear the pressure of enormously increasing traffic. She thinks that the plans offer a confused pattern for the immediate neighbors and some compromise in safety for Woodman Park children walking and riding. She said that the 6 busses, with 300 riders, should not determine Silver St. traffic. She has a proposal that would put less traffic on Silver St. and Towle Ave. and offers clearer safety zones for students. She suggested that there be two loops one would be for the busses and the other for the parents. She went to the plan and explained both loops.

Dennis Duffy, 163 Silver St., was brought up there as one of 7 children. His father has been there 52 years. He said that he is still confused and disappointed in why this meeting is taking place. This is a defeated plan. This is the same plan, and people have suggested some improvements. Who made those suggestions, and when?

Chuck Maglaras explained that the suggestions were made after they met with the Board the last time.

Dennis Duffy said that it is not the public's plan. The public should have had more input in this plan. The newspapers are the ones that are confusing the issues. They have been fighting two different issues here. Nobody has interviewed them to ask them their opinion, yet their opinions are down in the editorials in the paper. This is a plan that was presented and defeated. This is a plan that was defeated and the very next day Mr. Quigley was quoted on the front page saying, "We're going to go on with it anyway." Having the Board ridiculed this way, he thinks it's an insult. He thanked the Board for voting against this plan and he thinks they should do it again.

Mr. Duffy said that every time it comes up, it should be defeated because it was voted down for safety issues. He gets a few phone calls (Mr. Stancel), and he brings it up again. He said that he doesn't think that Roberts Rules call for something to come out under Old Business. He said that he thinks it should have been on the agenda. He said that the existing bus loop is safe because it has the busses coming up at a place where you can see down Towle Ave. You now will have them coming up behind the school, in front of the crosswalk, (someone could walk behind that school and get clipped by the bus). In the wintertime it's going to be a problem. The plan is not safe and that's why it was voted down. They are not separating the parent drop off and busses. It is in the very same exact spot at the top of Towle St. He said that they went to the site meeting and there were many unanswered questions. He said that he also objected to those meetings. They got their letter on a Saturday afternoon and the meetings were on Tuesday. There are alternatives to this very costly plan. The flow does not even work on paper. It is very

costly to accommodate just 5 busses. This school has been around for a long time with grades 1 – 8 and with many more busses. To say that this is not affecting Silver St. traffic is ridiculous. What it is doing is taking the busses away from a safe light, with a police man, and funneling them down to a new situation in front of other businesses and his driveway. He asked why they are disallowing a left-hand turn coming out of the bus loop, and why it is different for him to take a left out of his driveway. He said that it's the same three lanes. He said that if he wanted to back out of his driveway it would make it even more difficult. His point is that this plan has already been dumped and it's history. If it is to be done the proper way it should be put on the agenda and there should be public input. He spoke to the City Attorney about breaking a curb on Silver Street. He has it in writing from people on the School Board that it would need consideration from the Planning Board. He said that if anyone wishes to read his letter from Mr. Skaltsis, he would give it to them afterwards. He said that he has been trying to follow the rules and he can see that some people are not. This is not the public's plan, it is not the Board's plan, because the Board voted it down. It's somebody else's plan that is being steam rolled in this town.

Tim Winters, 29 Fieldstone Drive, is a parent of two Woodman Park students. As the vice president of the PTO, he's had the chance to speak with dozens of parents and people who are affected by this. Four things have been a common denominator. Everybody here is in agreement that the current situation at Woodman Park School is unsafe. Everyone is in agreement that the safety of the students is the first priority. Everyone you see here or talk to on the street seems to have another plan. None of us are traffic or safety engineers. We have the benefit of a plan that is prepared by traffic engineers and has been reviewed by many of the City departments, Planning, traffic, Police, and Fire. Many of the people present have taken the bus ride. Professionals have worked the plan for 4 years, and in his eyes, the course of action is fairly clear. We have a solution before you tonight that will remediate the situation and improve the safety of the students. It may not be the perfect plan, but it is a plan that has been done by professionals, reviewed and looked at over and over again. It can be adopted and safety can be improved by Sept. 1st of next year. He said that they would be remised if they kept working. They could be working for the next ten years. You will never get everybody in the same room to agree on what time it is. He said at this point, as a parent, he would look forward to seeing that this plan gets implemented and the safety improved at Woodman Park.

Stephanie Keegan, 58 Cherywood, she said that this community is marvelous about the care that they take for the community and the children in it. She feels that it would be an unbelievable tragedy if something were to happen because we didn't make a decision that improved the safety of the children. Changes can be made to plans, but something has to be done about the way things are now. It's unfortunate that there are a few members of the community who don't see eye to eye. Some of us are not considered members of the community, but a force pushing an issue through what we want, regardless of the concerns of the people who live in the area. She said that she could assure you that people that are here in favor of this plan are here because they believe it is the best way to go. They wouldn't believe that if they honestly believed that there was any hazard in the traffic pattern. We would not go against the safety of the people who have been living

there 50 years. They want everyone to be as safe possible, not just the children, not just the residents. She said that they are all members of the same community. It is really important that we come together on this issue the same way we've come together on so many other issues. Not everybody will be as happy as they can be, but the safety of the children has to be considered before anything else.

John Murphy, 207 County Farm Cross Road, and Zoning Board member, said that he drops his child off and has been yelled at because he's at the wrong spot. We've a nice quaint City, however, we've had our own issues. It would be nice to have a separate area for the busses, away from all the cars and walkers. This plan does that. Everybody is for it, if it is not in your own back yard. This is a school and it has been here for a long time and the safety of the children has to come first, period! People have spent a lot of time and money on this plan and he would like to see everybody work together to either adopt this or have a very constructive workshop to come up with a vital alternative. Everybody is in agreement that something needs to be done. It's a very congested area, whether it is summer, spring, fall or winter and its dangerous. He heard Mr. Duffy's comments that at one time there use to be more children and more busses. Times have changed. When we were all children riding, none of us wore helmets and now everyone wears helmets because we are more safety conscious. This is just something along the same lines.

Julie VanAcken, 68 Central Avenue, stated that she has several other children. She said that her 5-year-old has to be walked into the kindergarten classroom. She has to find a place to park and drag another 5 year old and a 3-year-old along. When it's separated out like they are proposing, it will make it a lot easier. It will make it more convenient for the parents who have more children to tag along. She said that she supports this and hopes that it goes through.

Kim Arkwell, 181 Durham Road, stated that she is the mother of 2 students at Woodman Park School. She drove her child to school every day last year. This year they are taking the bus. She said that it is a very dangerous area. There are accidents happening there almost every day. She is also the President of the PTO and many parents come to her and ask her to please go speak on their behalf and emphasize that this is definitely a safety issue for their children. Somebody commented that this is quite an expense for 5 busses. She added that there are 300 children on those 5 busses.

Alison Fisher, 23 Cottonwood Drive, said that she has lived here for less than a year. She drives her daughter everyday and is amazed at the number of cars and people in that area and that there has not been an accident. From day one she asked if they couldn't just separate the cars from the busses. This plan does that. Whether or not it is the best plan, she doesn't know that. She said as Mr. Duffy stated this proposal was voted down last weeks so why are we back here again tonight. She said that she was disappointed to read that it was voted down. She said that she should have been there to support this plan, and that is why she is here tonight. She said that the plan has not gone away because there are too many people who feel that it is a very important thing. She said that even if this is not the specific plan that we go with, she hopes that this issue won't die and we can continue to work together to come up with something to make that area safer.

Gretchen Lothrop, 16 Grandview Drive, said that up until this year she has always driven her kids to school because the busses make her nervous. After 3 years of driving to that school she has seen accidents of people who were going to make turns from Towle Avenue onto Woodman Park Road. She said that it is because that turn is too tight and there are cars and people everywhere. It's a mess. This year she has let them take the bus but she still picks them up every now and then. There is no where to turn for the busses. They either have to line up and wait or the cars have to back up onto other streets to get out of their way. She wanted to come in the hope that the Board recommends this.

The public hearing was closed.

Steve Stancel thanked everyone for showing up pro and con because this is an important issue. He said that we are back here because we are attempting to come up with a plan that has some consensus. He said that it is important to not just walk away but to work on a plan and try to get to a point of agreement. The Board has had a couple workshops and additional public input. He said that they are going to continue to support this plan because they haven't heard of any reasons to go into another direction. They are open for suggestions in terms of one way traffic changes, but that they maintain putting in that bus loop and putting the additional parking behind the school to get the teacher off the street. He said that he thinks that they can move forward with the School Board and, possibly, even participation by the City Council as to which direction to go with the one-way proposals on some of the abutting streets.

Bruce Woodruff stated that he thinks that it would be more appropriate for John Scott to address any changes that were made to the plan. He said that he wants to address making changes to the adjacent City street network to one-way streets. The ASHTO bible talks about any changes to street traffic flow of the street or change to it from two-way to one-way with out providing another one-way in the opposite direction in a very close proximity like the next block over. That is not possible here, therefore, it is not a good idea to change Towle Avenue to a one way. It would also take City Council approval. It would have to go through another public hearing process. You would probably see the residents of Towle Avenue come and speak on whether they would like to see a one way street. He said that as the Transportation Planner for the City, his main concern is not the traffic flow on the school grounds, his main concern is whether that plan works with the City's street system that is adjacent to this school. He said that this school is different from other schools in the City. That is because they have no accessways. There is no place for busses to go, and there is no place for parents to go. It is either the busses use the private road, or the parents use the street. There is no other school in the City like that. That's the problem and that is what you are trying to solve. His job is to assure that the city street system, adjacent to uses such as this, continues to work the same as it has once the use goes in, or that it gets more efficient and more safe. He said that he is a professional and he would like those present to listen to him. He said that you couldn't separate out the improvements to Silver Street and have this plan go in. He said that you couldn't have one without the other. A licensed professional engineer developed this plan, he's reviewed it and the City Engineer's reviewed it. He said that they are telling

you that traffic would become more efficient and safer on Silver St. if this plan goes through. That's the bottom line. When you say lets do things on Rutland and lets do things on Towle and lets make one ways, you have to think of what happens beyond that. What happens at the next intersections? Are we placing an undue amount of traffic an making turning where there are no signals, such as Rutland and Silver, which is a substandard T-intersection, and just can't handle it. Not to mention Cataract and Central at the other end. They just can't handle it. He said that in a three-year period, from 1998 – 2000, there were 13 accidents. All of the accidents that were reported were accidents that occurred from people making opposed turns into commercial business, people making right turns into the school driveway, people making left turns into McIntosh College driveway and that is all because there are no defined lanes out there. With the exception of a short span, across from the Texaco, we are moving the curb back 2 feet – we are not widening the road.

Steve Stancel stated that it is actually 15 accidents in a three-year period.

Bruce Woodruff stated that it's 15 in a time span from 1998 to today. This roadway carries 17,000 – 18,000 vehicles per day.

Peg Stevenson asked Bruce could give a breakdown as to what businesses where the vehicles going to when those accidents occurred.

Bruce Woodruff said that Officer Spidel indicated that it is a sprinkling at each of the locations. They were all fender benders.

Pete Lavoie said that the reasons that he didn't go along with the original plan were that the sidewalk was not included. He said that his other reason was the center turning lane had arrows designated just for that left hand turn and that didn't allow the Duffy's to come out of their driveway. He said that since then, the way that the Community Services Department would like to see it is to not install those arrows at all. He said that the plan went through the TRC and Police, Fire and his staff reviewed it and they are willing to go along with the plan, except for those two exceptions.

Brenda Whitmore stated that she is completely in support for the kids. Her concerns are the two-way traffic on the loop and the opposing turning lanes on Silver St. She is not a traffic engineer, she is a construction professional. She requested that they return and look at this plan as a consensus-building plan and make the loop road a one way. It would restrict the traffic coming back out on Silver St., and would make that intersection, especially in front of the Duffy's house, a little less confusing. She is concerned that the street being partially one way and partially two ways as they are going to put a no right hand turn at Towle on the bus loop, is confusing. The other concerns are just general concerns with safety. She said that she would vote for this plan if they would consider those two items. It would help with the confusion on Silver St. and would allow people on Silver St. to use their driveways. This does a very good job at trying to solve a very difficult problem. No plan is perfect and she'll be the first to admit it. She still is concerned with the intersection of Towle Avenue where the pedestrians and the busses

must cross. You have a bus road now that services 7 busses. That bus road is now going to service up to 100 + cars so you need to be aware how that is going to affect the children that are walking to school. You are going to have the busses crossing in front of all of those vehicles that are coming down Towle Street to use the new car loop road. Her experience with children in grammar school is that the most dangerous time for them to be around cars is when there are breaks between cars that are parked. She would ask the School Board to revisit that and they can come up with one point of access for the children. That would make it easier for the staff to supervise what could potentially be a safety issue. It is a good plan for the school, but not a great plan. Silver St. is going to be a very confusing area. She said that she hopes that the School Department puts a tremendous amount of effort into closing that gate at night and locking it because if they don't, herself, or other people will find that it will be a great bypass to avoid the traffic on Silver St.

Peg Stevenson said that she is not opposed to the safety that this plan would provide for the children. Basically, it's a very good idea. She questions the Silver St. area. As Pete mentioned, if we were not to go along with the striping, he would be in support of the plan. She is questioning what we are going to do with all that snow if we are not widening the street and adding these lanes. How are people going to remain in those narrow lanes. If it were possible to eliminate the left hand turn eastbound into the gas station area, and retain only the one lane that is in the center that would serve as a left hand turn for westbound traffic, and also for people to turn onto Arch St. at the traffic light. That would really simplify that whole area. She doesn't see how they can fit that many cars side by side without widening that street. The curb cut for a right hand turn eastbound into the new drive would be fine, because vehicles that will utilize that curb cut would actually be getting out of the way, but creating two lanes next to it will just cause even more confusion for the people who are coming westbound. It is just too complex for an area like that. She would like to see the rest of the plan go into action. As far as separating the busses from the cars she said that that is something that needs to be done, but Silver St. is her area of concern. She said that Preston Samuels' comments when the Board was looking at a project across the street, spoke very clearly about a possibility of having those left turning lanes being a problem and he would like to see only one left turn lane. If it's a matter of who is going to get that lane she would like to see it with the School Dept. and not with the business across the street. Three lanes at the max, one being utilized for the center, that being a left hand turn into the school, and the other going on to Arch St. She would like to see the project go forth that way and she would support it if that were the case.

Beth Thompson stated that she would like to reiterate some of the comments that she made at the last meeting. She still continues to support this plan. As Planning Board members, we are charged with upholding the ordinances and if our traffic engineer says that this is the best plan that they have come up with then she is going to agree with them. She said that she is not a traffic engineer and she doesn't profess to understand all the regulations but she does know that as a driver, it is incumbent upon her to be able to make the decisions to understand the rules of the road to see oncoming traffic to see traffic coming out driveways and side roads and to see children. If she is not able to do

that, perhaps she shouldn't be driving. If this is said to be the best plan they have come up with in 4 years of many iterations of that plan, she is going to support it. She said that she understands that there may be a couple minor changes that they would accept. She said that she wanted to remind everyone that a plan for Brooks Pharmacy that added lanes for the same issues was approved. She said that we all want to make Dover a safe and desirable place to live and if this is something that our traffic engineers say will make the entryway to our City a safer place, we should accept that.

Frank Torr wanted to restate that child safety is our number One issue. His concern is the competing left turns, and that is the left turn that you would be approaching the Arch/Towle St. area. To make a left turn onto Arch St, you would be competing to that left to go into Woodman Park School. He reiterated what both Beth and Mr. Quigley indicated. When you are a driver you have to be defensive and if you are defensive, you can take that right hand turn in the existing parking lot now, as well as, the right hand turn that you could make into the proposed driveway. He said that he doesn't see the need for that new driveway. In addition, you would have to look at that area of 7 Towle Ave. He believes that they have come too close to that property. When you go parallel to the property, they're 14 feet, but when you make the turn, you are somewhat less than that. He said that the plan is not measured off in degrees where you can tell the actual distance. Unless they come forth with a new plan, as far as Silver St. is concerned, he will be voting opposed to it. He said that he would be asking for a division of the question. He will be supporting the aspect of the safety along Towle Ave and that area. Hopefully they will make some improvements, as suggested this evening by the public and the Planning Board, to Silver St.

Chuck Maglaras asked if the Board wanted to divide the question and take the bus loop as one part and the second part would be Silver Street.

Frank Torr said they are supposed to be making recommendations. Do we do that in a formal approval, or do we do it as general terms.

Chuck Maglaras said that if we divide the question and then vote on the specific issue of the bus loop on the property itself. He would then ask the members for a list of their concerns.

Tony McManus said that he understood Mr. Quigley to say that they have withdrawn their plan to do it in phases and they are going to do it all at once

Frank Torr said that one of the confusing issues is the fact that they presented the same plan and it has two phases.

Kevin Quigley said at the last workshop they had offered a suggestion that they could do this in two phases. Phase one is keeping the existing curb cut going into the parking lot and changing everything else without putting in the new curb cut. Not doing Silver St. is phase 2. Since that workshop, they were told that it would be wrong to make any changes keeping the existing entrance to the school and they should do the curb cut. So

they came back with a plan to do it all. The plan passed the different areas at TRC, some suggestions were made and they came back with a plan. If Pete wants no arrows on the road, he has no problem with that. He said that we need to do something here. He said that he has heard some good suggestions, but he can't write them all down. He asked the Board to put their suggestions in writing and he'll bring them before the School Board. He said they are here to listen to the Boards' suggestions and concerns. He pointed to the area where they are steadfast against putting cars in there because of the site distance coming around the corner. As for Mr. Duffy's question, as to why there is no left turn coming out of there, Kevin said it is because his driveway is up farther, and he has a better site line.

Frank Torr said that he is still going to make the motion to separate the Silver St. aspect of the plan. He said that the dividing line would be where the Towle Ave. property is. This would provide access to their parking lot but would eliminate the new entrance on Silver St.

Chuck Maglaras said if that is what you want to recommend. You should make the motion to divide it first, and if it is approved we will ask for the recommendations.

Frank Torr said that he would make that motion to divide the plan in two.

David Landry wanted a point of clarification on Frank's motion. Without having the road on Silver St., does it change where the proposed bus drop off is? Can you still have the newly proposed bus drop off area if you don't have the road coming in from Silver St. He said that it seems to him that it couldn't possibly be in the same place.

Steve Stancel stated that you couldn't.

Frank Torr said that he disagrees with that. The indication to us was that the busses don't all arrive there at the same time. If in the morning when they arrive singularly and are separated by some period of time, that space that they are talking about utilizing could still be utilized.

David Landry said that when you get to end of Towle, which is the way people would be coming in with the busses, it doesn't seem like you can stop and pull in at the same place that you would if you had the access road.

Frank Torr said that if you can visualize where the gate is at present and the north side of the school, that area would be the area where it's proposed for the busses to drop the students off. That expands that area, it eliminates where the guardrail is, the bike rack, in addition to the fact that they would stop piling any snow to create a safety hazard.

Tony McManus seconded.

Beth Thompson stated that if we're taking Silver St. as a separate issue, are we then suggesting that busses come in the regular way and then take a turn into the new section

and the children have to cross in front of the busses to get into the school? Is that what we are looking at now?

Frank said that that is what he is suggesting. There are also other alternatives, you're going to expand the parking area. Those busses could pull into the parking area, then turn around and come back out. There also could be a drop off in the parking area because the faculty arrives prior to the students so there would be no vehicle competition. He said that the same could occur in the afternoon. The busses in the afternoon would probably arrive at the same time, generating probably a backup of 5 or 6 busses. He said that we need to think outside of the box. We need to take a look at the big picture. We've been given a snapshot of what the School Department would like to look at, but he thinks that there are another alternatives still open, and that was suggested by some of the public this evening.

VOTE of dividing the question.

**VOTE 3 – 4 Opposed – Beth Thompson, Pete Lavoie, Brenda Whitmore,
David Landry**

MOTION FAILED

Chuck Maglaras said that he would entertain a motion to approve the entire application with each Planning Board member's concerns as part of the record so it can be forwarded to the School Department. He said that once we have a motion made and have a second then he will ask every member what recommendations they want to make.

David Landry said that he's ok with doing that, but he fails to see why this is a vote issue and we can't just make our recommendations. He said that he disagrees with us taking a vote. He appreciates the consideration given to us by the school people but he thinks that we should just make recommendations.

Steve Stancel agrees that there doesn't have to be a vote. The only reason to vote might be to see if there is a consensus on a particular portion of the plan. He recommends moving forward with specific recommendations.

Frank Torr said that we are crossing into a legal territory. For the lack of an opinion relative to the entrance on Silver St., an area that he believes that the Planning Department has final jurisdiction vs. the area that is school property.

Tony McManus said if the plan was turned down the first time and the School Board didn't want to accept the recommendations that were made, they were free to go forward and do what they wanted to do. He thought that a number of excellent suggestions were made. What we have tonight is the entire plan, which means to him that they have made the decision to ignore every thing anyone had to say at the workshop. He said that he is willing to make suggestions but he doesn't have the time to do it individually and he is not convinced that it's not spitting in the wind. His suggestion is that those of us who

have suggestions and concerns should give them to the School Department in writing and have Mr. Quigley bring them to the School Board at their next meeting.

Tony McManus made the motion that any member of the Board who wishes to make comments do so within the next 10 days. Tony said that David suggested that they be submitted to the Planning Department so they would go into a packet.

Brenda Whitmore stated that this plan represents pretty much the original plan that was voted down by the Planning Board with the conditions that included the sidewalk and some landscaping. Since that time we've had a site walk with the School Dept and the Planning Dept. and put a lot of these issues on the table and now to ask to put those back into writing again. She said that she is having a hard time following the logic of the process. She said that she has made out her recommendations and she feels that many of them were either not brought forward to the engineer or not considered. She would put the motion on the table that we vote this plan up or down. If they chose not to go with our vote, they can go ahead with their plan anyway.

Tony McManus said he withdraws his motion and seconds this one.

Chuck said that the motion on the floor is that we either vote this plan up or down the way it stands right now and passing on the recommendations that have been made to the School Board.

Brenda Whitmore said that we have made recommendation in a public forum. She had the understanding that they would be considered. She said that in talking to Mr. Quigley this evening, asking if he brought the suggestions to Rist Frost, clearly his answer was no, so she wondered how seriously any of those recommendations considered.

David said that the motion has been seconded. Are we voting strictly what is on that piece of paper or is it that plus a maryade of comments that 5 different people have made. He wanted to know what he is voting for.

Frank Torr said what if we laid this issue on the table for a week and have their engineer come back with the incorporated suggestions that have been made. A week will not change this issue at all. Their first meeting is in the middle of May, therefore, there won't be any contracts let out. Let's find out what they really have come up with as a final proposal. Mr. Quigley can go back to the School Board to see how the suggestions are received. He said he would refer to the workshop of the 17th, and believes that a lot of the suggestions are contained in that. He said that he has proposed interim solutions that could have been done and that haven't been adhered to because he talked about the teachers parking in a different area and moving them from Towle Avenue to Woodman Park Drive. He said they were still parked there last week. He said that he thinks it's a lack of communication or implementation of some good common sense. Going back to the snow issue, that could have been moved to a different area. We need to come to a solution that is satisfactory, not only to the parents, but to the citizens who live and travel on Silver St.

David Landry wants to know what he is voting on.

Tony McManus said that there is a motion to table.

Frank Torr said that he is looking to see if they will come back to us with a new set of plans. He said that it costs money but a lot of money and time has been spent already and we are not in agreement with what has been put forth and we don't know what they are going to incorporate in that plan.

Frank Torr made the motion to table the issue.

Chuck said that that motion takes precedence over all the other motions.
Tony McManus seconded.

VOTE 5 – 2 Opposed – Beth Thompson, Pete Lavoie

Chuck Maglaras called for a 5-minute recess.

Chuck Maglaras called the meeting back to order at 9:25 PM

Chuck asked if anyone was there to represent Item #2. No one was there.

ITEM #6: Public hearing on the following gravel permits:

- a. **Public hearing and consideration of a request for an extraction permit by Dowaliby Trucking, Assessor's Map H, Lot 56, zoned R-40, located on Mast Road and Cold Springs Road.**

George Dowaliby stated that this is his routine extraction permit and would like to extend his lot line. He said that he has gravel pits on three side and he would to dig back to the lines. He said that he would like to close the pit this year. He would rather dig now rather than wait until they get to the same position.

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.

Bruce Woodruff stated that Steve Bird, Tom Fargo and himself visited the gravel pit. He said that the staff recommends approval subject to the following conditions:

1. Add a stamp of a licensed land surveyor or engineer to the plan submitted, within 30 days of approval.

2. Submit a letter to the Planning Department providing an estimate of the amount of materials (in cubic yards) to be removed during 2001, within 30 days of approval.
3. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board. Any on-site refueling operations approved shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6
4. The hours of operation be from 7AM – 5PM weekdays and 7 AM – 2 PM on Saturday, with gates opening no sooner that 6:30 AM.
5. The applicant obtains the annual license renewal from the Dover City Council for permission to cross City property to access this pit.
6. The provisions contained in the letter to the Planning Board be considered part of the application and serve as requirements thereof.
7. That it is understood that the applicant wishes to conclude excavation this permit year and begin reclamation in 2002. Recommend that the Planning Board grant request to “daylight” to Mast Road and Severino pits.
8. The importation of off-site construction-site soils into the pit for storage or for use in reclamation shall be prohibited unless the applicant provides documentation that demonstrates that the material is not contaminated. The City’s Environmental Projects Director shall be responsible for making such a determination.

Frank Torr made the motion to approve.

Beth Thompson seconded.

VOTE U/A

a. Public hearing and consideration of a request for an extraction permit by Brox Industries, Inc., Assessor’s Map C, Lots 12-A, 13, 14, zoned R-40, located on Glen Hill Road.

David Cluff, Manager of Brox Industries stated that he is here for his routine permit application.

Brenda Whitmore made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

Dan Gabriel, 151 County Farm Cross Road. He said that he is across the river from the pit and is not here to speak against the proposal. He knows Steven Brox is a true gentleman. He said he is here to make a comment as a public record. He said for a long period of time they have not adhered to the timeframes that were on the plan when this was first approved in 1998. On the specific plan it says that the hours of operation is 6:30 AM – 7:30 PM. He said that he is not a light sleeper and he can tell you that in the summer months. It is 4:00, 4:30 or 5:00 AM when their machinery cranks up and it

jumps you right out of bed. He said that when he asked Mr. Woodruff what the applicants say about the time of operation, he said that Mr. Cluff said that they do open the plant about 4:45 AM. Dan said that 4:45 AM is too early in the morning to start up when abutting an R-40 zone and the 6:30 timeframe is reasonable. He wanted to make a point that the timeframe should be enforced.

John Murphy, 207 County Farm Cross Road, he lives closest to pit, across the river and echoes everything that Mr. Gabriel has said. He said that he has no problem with the business itself, but it is very loud. One of the noises is the trucks backing up and the other is the extracting machine itself. He would like them to adhere to the hours put forth on the plan.

The public hearing was closed.

Bruce Woodruff stated that it is a well-run operation. The erosion control is probably the best in the city. He said that the lots are located in a corner of the City where it meets with Barrington and Rochester. The abutting lot in Rochester to this pit is run by Pike Industries and runs a batch plant also and we don't have any jurisdiction over that. He said that this is very tough for Code Enforcement. He said that the plan does have the hours of operation on it. The Department does recommend approval of this permit subject to the following conditions:

1. Add a stamp of a licensed land surveyor or engineer to the plan submitted, within 30 days of approval.
2. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board. Any on-site refueling operations approved shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
3. The importation of off-site construction-site soils into the pit for storage or for use in reclamation shall be prohibited unless the applicant can demonstrate that the material is not contaminated. The City's Environmental Projects Director shall be responsible for making such a determination.

Chuck said the reason for the time limits were put on was for the trucks coming up and down the road and trucks idling, not for the operation of the pit itself.

David Cluff stated that the asphalt plant is fired up around 6:15 and they batch at 6:30 AM. These three parcels that you are talking about have no extraction going on until 6:00 AM, that is when his men start. If you want to come out at 4:45, one of his people would be there, but he's reading the paper in the office because that is the only time that it's quiet. They don't own Brox Concrete any longer, it has been sold and it's in Rochester and they operate their concrete plant at the hours that Dan is talking about. He said that Otis Perry was complaining because they were screening gravel at 3:00 – 4:00 AM with a loader with back up alarms. He said that they can't turn back up alarms off. He said that that is the only complaints we get is the back up alarms. If he is hearing any

noise that is coming from our properties it would be possibly once a month for a 5 day period for a drill operating on the Barrington Quarry. They load from 6:00 – 4:00. He said that the noise is not theirs.

Dan Gabriel stated that he drove over on Friday at about 5:18 AM and there was a machine that was started up.

David Cluff said that the asphalt plant was running because they have to do the black light test to check their back house for dust emissions and the only way you can do that is for it to be dark. They have to start the plant and run some air and then they put some black lights in there. If that plant was running it was for a test. It doesn't batch any asphalt until 6:30 AM.

Dan Gabriel stated that when he gets his plans approved and there are conditions on the plans he has to adhere to them. He said either take the timeframe off the plan or enforce it.

Dave Cluff said that they are here is for 3 gravel extractions and the times are on the plans and they are enforcing it. He said, don't take this wrong, but they don't have to be here because they are grandfathered and they fall under Section 5. We chose to be here because Dover has always been fair and they chose to be that type of neighbor. These actions are not taking place under extraction, this is an asphalt plant which has not been limited to hours.

Steve Stancel explained that the time limits are for the operation of trucks coming and going in the pit. That's what is on the plan. This has nothing to do with the batch plant. For the approval of the batch plant doesn't have any hours of operation. Steve said that the hours of operation do not have to be in the conditions, because they are on the plan.

Frank Torr made the motion to approve with the above referenced conditions.
Beth Thompson seconded.

VOTE U/A

b. Public hearing and consideration of a request for an extraction permit by James P. Griffin and Tyra, Inc., Assessor's Map H, Lot 60, zoned R-40, located off Mast Road.

Paul Griffin representing Tyra. He said that recently, they have entered into an agreement with Dick Proulx. He is buying the Tyra pit and has been operating it since January.

Dave Landry said that this area is in worst condition than it was last year and asked what it is going to take to straighten this out. He referred to Tom Fargo's letter.

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

The public hearing was opened.

Dick Proulx stated that he is President of Pruven Aggregates. He said that Tom Fargo's letter could not be more inaccurate. He said that he runs a substantial operation that abuts Mr. Griffin and has been there since 1954. He said that materials up and down the street have come in and gone since forever. The materials that have been brought in, he admits that he does not know the rules on this pit and he will take that responsibility. He said that when he got this letter, he went to see Bruce Woodruff to discuss it with him and he suggested that he get in touch with Dean Peschel. He said that the material in question has been hauled in to stockpile. It will probably all be gone by the end of the summer. That is material that had been the basis for the concrete slabs for Flextronics, at Pease and not out of a hazardous waste dump. This is material, when they enclosed the building it was frozen. In an enclosed building this material will not thaw out in this kind of weather. Flextronics was in a rush, they asked the excavation contractor to remove the frozen material and replace it with unfrozen so that they could get on with poring the concrete slab. That is the reason that it is there. A comment was made to his son who is the "unidentified representative", he's the Vice President of Pruven A. A comment was made to him that there was some trace amounts of asphalt, brick. There is also some plastic pipe. He brought some pictures and along with the plastic pipe is an old port-a-potty that was there that enterprising youth decided to lasso and pull until it was totally destroyed. It shows in the picture, but this material came in frozen and is thawing as we speak but when it comes in it is all frozen chunks. He said that it is more economical to dump it over the side than to dump it on the level area on land that he currently owns which he doesn't need a permit for. He said he can assure you that the first 3 or 4 taps off that well for drinking water comes under his property and he drinks it. The last thing that he's going to do is put something into water that he's going to taste first. That material is not as it is represented. Do you think that he's going to hold onto a piece of property that has been dug out and not put it to it's highest or best use, that's insane. This material was brought in because they couldn't use it right now because it is frozen.

Tom Fargo, Chairman of the Conservation Commission, stated that he stands behind everything that is in his letter. His concern was the fact that the operation had extended below the water table. This resulted in standing water in the bottom of the pit. They were instructed to bring that level up and a follow up on April 18, he found that the materials imported to the site were undesirable. His tone in the letter perhaps is overstated, but when he sees polyethylene sheeting associated with soils, where there are usually contamination problems. That may not be the case here, but it is a possibility. The requirement that was imposed on them said that they should use acceptable materials to bring the bottom of the pit up. You need a buffer zone. It is not reasonable to think that you can extract that material easily until the water table drops at the end of the season. So now we have questionable soils in contact with the groundwater within a secondary protection zone. It's a water quality impact issue. He said that he doesn't feel that there is an immediate concern that the water supply is going to be poisoned. But this practice of allowing the pit operators to go that close to the water table is imprudent.

Dick Davis, 2 Garrison Lane, Madbury, across the street to the entrance to the Griffin Pit. His concern is with conditions and hours of operations. He thinks that the trucks are not leaving much before 7:00 but they seem to be arriving around 6:00 and are idling outside of his home from a little after 6:00 until the gate opens. That is too early for a residential neighborhood. The other item is dust. Dust and dirt falls off and accumulates on the pavements and the trucks kick it up. Their house is completely dirty. He would like the dirt swept up and watered several times a day. The locking of the gate should bother some of you for the liability because kids go in there with cars and are racing around that pit after hours. There should be a way to lock that gate but 2 or 3 people have keys so it's a mixed responsibility.

Dick Proulx, said that he spoke to Pete several times. He said that they were told to raise it up to 92 feet. It is well above 92 feet right now. They were currently digging and went 5 feet and no water. The polyethylene is probably the poly, he can't address it 100 percent, but when you do a concrete floor, you have gravel, then a layer of poly, then 6 – 8" gravel before you pour concrete. He has no intention of leaving that material there. His operation has no hours, they are non-conforming, grandfathered, etc. Customers dictate what they do. He said that they take water out of the river, their yard is wet because of that, they take materials out of their bins, it goes into a dump truck off to a stockpile and it's dripping all the way. That dust is because there is no vegetation from Madbury Metals to the houses on 108. There is nothing to slow it down. When they were the only ones there, there was a half a mile of woods and there is nothing there now. The gates are shared by many.

The public hearing was closed.

Bruce Woodruff stated that the Planning Department recommends approval of the extraction permit, subject to the following conditions:

1. No off-site materials, fuels lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Planning Board.
2. Cease the importation of off-site construction-site soils into the pit for storage or for use in reclamation. Such importation shall be prohibited unless the applicant can demonstrate that the material is not contaminated. The City's Environmental Projects Director shall be responsible for making such a determination (in this case they recommend a memo report be submitted to this board within 30 days)
3. Minimum setbacks from property lines and the Conservation District adjacent to the Bellamy River be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is completed for inspection of that portion.(within 30 days)
4. Submit a letter to the Planning Department and the Assessor's providing an estimate of the amount of materials (in cubic yards) to be removed during 2001, within 30 days of approval.

5. Submit a copy to the Planning Department of the recorded lot line adjustment plan that was ordered by the court that was dated July 1st, 2000, within 30 days of approval.
6. Operational hours shall be 7:00 am to 5:00 pm on weekdays and 7:00 am to 2:00 pm on Saturdays, with gates to the site opening no earlier than 6:30 am. The gate shall be locked at all other times. A sign listing the hours of operation shall be posted at the driveway.
7. All on-site refueling operations shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
8. Provide the Environmental Projects Director with information on the off-site material brought to the site and conduct testing on the material to determine if it contains any toxic or hazardous material, within 60 days of approval.

David Landry said that there are the same issues as last year. He asked if the pit bottom has been brought up to the level that was required at approval last year.

Pete Lavoie said that it had. Pete said with regard to the gate, his staff leaves at 3:00 PM and the other pit operators are thinking that the other operators are going to lock the gate.

Brenda Whitmore asked if something came back testing positive what action would the City take at that point.

Steve Stancel stated that it would have to be immediately be removed and the operation of the pit itself would cease.

Frank Torr made the motion to approve with the 8 conditions.

Beth Thompson seconded

VOTE 5 – 1 Opposed – David Landry

He would recommend that the gentleman from Madbury call the Police Department and ask them to help enforce the hours.

c. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53, zoned R-40, located on Mast Road.

Paul Martel, owner of Mast Road Sand & Gravel, stated that he is here for his annual permit renewal.

Brenda Whitmore made the motion to accept.

Peg Stevenson seconded.

VOTE 5 – 1 Opposed – David Landry

The public hearing was opened.

There were no comments.

The public hearing was closed

Bruce Wooruff stated that the staff recommends approval. They noticed that there was debris in the pit of bricks, concrete and some asphalt.

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board. Any on-site refueling operations approved shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
2. The 2001 reclamation and operational plan documents shall be considered as part of the permit and the hours of operation hours are as follows: 7:00 AM – 5:00 PM on weekdays with the gates opening at 6:30 AM, and 7:00 AM - 2:00 PM on Saturday.
3. Limit excavation at the property lines of disapproving abutters to no closer than 50 ft.
4. Add a note to the plan providing an estimate of the amount of material in cubic yards to be removed during 2001 and show the areas to be excavated during 2001.
5. Continue the previous condition from the lot line adjustment plat that states no excavation shall take place beyond Cold Springs Road (So-called).
6. Revise plan to show the large piles of material located adjacent to Mast Road. Insure that the material piles are properly stabilized to prevent erosion and control dust within 30 days.
7. Provide the Planning Department with an updated reclamation bond in the amount of \$10,000, within 30 days of approval.
8. Cease the importation of off-site construction-site soils into the pit for storage or for use in reclamation. Such importation shall be prohibited unless the applicant can demonstrate that the material is not contaminated. The City's Environmental Projects Director shall be responsible for making such a determination. Mr. Peschel shall provide a memo to the Planning Board within 30 days.
9. Identify the areas of the pit that have been undercut and have a grade of 1:1, and install a fence or other suitable barricade as is provided for in Section 155 E., within 30 days.
10. Provide the Environmental Projects Director with information on the off-site material brought to the site and conduct testing on the material to determine if it contains any toxic or hazardous material, within 30 days of approval.

David Landry said that we don't know if the materials are hazardous or not. He can't imagine why it would take somebody 60 days to find out whether something is hazardous or not that is within our well protection zone. Why do we give that kind of leeway.

Bruce said that there are no suspect soils in Mr. Martel's pit. It's construction material. Woody said that the 60 days are suggested timeframes and the Board can change those at their discretion.

Steve Stancel stated that we change the 60 days to 30 days.

Frank Torr made the motion to approve subject to the 10 recommended conditions.
Beth Thompson seconded.

VOTE 5 -1

Opposed – David Landry

d. Public hearing and consideration of a request for an extraction permit by Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road.

Pete Lavoie represented Severino. He said that part of the approval was to have two monitoring wells installed. They did complete that with cooperation between Severino and the City. Aires Engineering oversaw the installation of the wells. Aires has made other recommendations. There will be other monitoring wells installed as the excavation goes on.

Dave Landry asked about bituminous asphalt. He said when we say that such importation shall be prohibited unless the applicant can demonstrated that the material is not contaminated. Do we mean in advance of them bringing it in? Do we require that the bituminous asphalt to be tested?

Brenda Whimore made the motion to accept the application.

Beth Thompson seconded.

VOTE 5 - 1

Opposed – David Landry

The public hearing was opened.

Tom Fargo said that Pete needs to be mindful about the conflict of interest kind of thing. With regard to David's question about importation of materials. All of his issues that he brought up in his letter are primarily aimed at making the existing groundwater protection ordinance more familiar to the people. Tom read the following groundwater uses 170-28.3d. in the Groundwater Protection Ordinance. He said that we really don't know what types of materials are being imported and there seems to be a difference of opinion whether the recycled asphalt paving fits that category or not. His opinion about asphalt paving is that he knows what types of materials go into that because many places use contaminated soils to make it. Some use gasoline soaked soils and as they go through the process of becoming asphalt, the Benzine and the toxic constituents that are in the organic side are heated and destroyed in the process. Some of this asphalt has also been contaminated with old gasoline that has lead in it. That's the issue.

Tom Fargo said they have to come to a consensus as to what is endangering the water quality with these materials coming in. The best way to do that is to keep them from coming in unless someone is looking at them. If there is some concern then we segregate them in areas that are removed from close proximity to the well. That's his recommendation. You can't stop them from bringing in stuff because some of it is useful and we are suppose to be recycling. He said that he did the inspection of the installations of the wells last week. He didn't see anything remarkable. The wells have not been sampled yet. But he doesn't see a problem.

Tom Fargo pointed out that RSA 155E has requirements for reclamation. This is supposed to be seeded and grassed over so that the dust is not a problem. There are vast areas that are open for erosion. The dust is horrendous. Severino said that they are going to maintain a 50' buffer along Mast Road – that's gone. We need to think about more enforcement.

The public hearing was closed.

Bruce Woodruff gave the staff recommendations as follows:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.
2. Minimum setbacks from property lines be flagged in the field to facilitate inspections. The pit operator shall contact the Planning Department when flagging is completed for inspection.
3. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM on Saturdays, with gates to the site opening no earlier than 6:30 AM.
4. Provide the Planning Department with a signed version of the surety bond previously submitted, within 30 days of approval.
5. Add Engineer's stamp and signature to plan within 30 days.
6. Revise the plan to show locations of the groundwater monitoring wells within 30 days.
7. An engineer, to be selected by the City, shall review the asphalt paving materials for bituminous content and determine whether it needs to be removed from the site, within 30 days of approval.
8. Submit the water quality-testing plan, within 30 days of approval. (That was a condition of approval of the original site plan)
9. All on-site refueling operations shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
10. Cease the importation of off-site construction-site soils into the pit for storage or for use in reclamation. Such importation shall be prohibited unless the applicant can demonstrate that the material is not contaminated. The City's Environmental Projects Director shall be responsible for making such a determination. Recommend a memo report come within 30 days.
11. Identify the areas of the pit that have a grade of less than 2:1, and install a fence or other suitable barricade as provided for in 155E within 30 days.

Bruce said that he underscores what Tom Fargo has said.

David Landry stated that they are the biggest offender of all and it's the City's property.

Beth Thompson made the motion to approve with the above stated conditions.

Frank Torr seconded.

VOTE 5 – 1

Opposed – David Landry.

ITEM #7: Old Business

a. Discussion and possible vote for Tuttle Subdivision (Little John's Creek) located on Dover Point Road.

Frank Torr recused himself because he is an abutter to this proposal.

Peg Stevenson made the motion to take this item off the table.

Beth Thompson seconded.

VOTE U/A

Pete Lavoie stepped down.

Bob Stowell stated that since the site walk, they have submitted new sets of plans. He went over the things that were added to the plan from the TRC Comments.

The public hearing was reopened.

There were no comments.

The public hearing was closed.

Steve Stancel gave the staff recommended conditions.

1. Add the owner's signature to the plat.
2. Add the surveyor's and engineer's stamp and signature to the plat.
3. Provide the Planning Department with a copy of the NHDOT Driveway permit and add the permit number to the plat.
4. Revise sheets S-1 and S-2 to correct the abutter's name for Map M, Lot 51-A
5. Provision for recreational facility contribution of \$2,400.00, which is \$200 per lot.
6. Provision of Community Services Capital Project fee totaling \$2,500. (Based on a computation that we've been using consistently)
7. Include in each appropriate deed a notification that the parcel contains wetlands and/or is in a Shoreland Protection District in reference to the plan.
8. Developer's agreement shall be entered into with the City.

Steve said that conditions from the Engineering Memo dated April 24, 2001 as follows:

9. Revise the draft utility master plan layout for the site and provide the Engineering Department with the final version.
10. The access easement for lots 52-12 and 52-1 should also reference utility easements.
11. The drainage easement along Dover Point Road should extend into lot 52-12 also.
12. Address the runoff problem on Dover Point Road near the subdivision road and proposed sidewalk.

13. Provide PE stamp.

14. No parking signs be placed on north side of the road.

Beth Thompson made the motion to approve with the 14 staff recommended conditions.
Dave Landry seconded.

VOTE U/A

ITEM #8: New Business

Steve Stancel said that he has spoken with the Office of State Planning in regard to smart growth, and they are suggesting that we coordinate with a number of communities and they would come down and do a regional seminar. He said if the Board doesn't have any problem with that he'll go forward with this.

Steve Stancel said in reference to rezoning that parcel off of Cataract Avenue from I-1 to R-12, that they took another look and there are two single family structures on Cataract that are adjacent to that parcel and zoned I-1. He said that they have sent a letter to both property owners and they are suggesting that they be included because they would be left as islands. Bob DeColfmacker is having a neighborhood meeting within the next two weeks. He said that will have taken place prior to the public hearing.

Tom Fargo stated with regard to his memo. It dovetails with the smart growth. He said that smart growth is one of their initiatives and shore land protection is another. He said this is an invitation for the Planning Board members to join with them in this program.

Steve Stancel stated that Brenda provided them with a copy of a seminar that's being put on through the UNH History Department. Also the 3rd Annual Bike Walk if anyone is interested in going.

Frank Torr said that he spoke to a School Board Member during the break. He said that the Board is bucking the tide and we may need to put our recommendations in writing and give them to the Planning Department and let them forward them to the School Department. He said that he is not sure that the tabling action was appropriate, but we need to take and get our two cents in. He would like to see a legal opinion as far as the curb cut on Silver St., which might be helpful to us to see if we have any jurisdiction or if we run ourselves into the same situation that we did at the Middle School where they go and generate a traffic problem that has to be corrected.

Frank said that he thinks that the School Board members feel that the Board did not have the right to table, and maybe they're right. He is suggesting that if we have suggestions, that we put them in writing. The School Board indicated that the clock is ticking. There is a 30 days limit.

Steve Stancel stated that technically, according to the RSAs they have 30 days from tonight to respond. The question is whether we think any of our recommendations are on

record, are they going to make it to the School Board and back here in the 30 days, or whether it's better just to send our recommendations this evening.

Brenda Whitmore said that she would be happy to stay here and put her recommendations and get it done tonight.

Steve Stancel stated that we have the minutes. He said what if we try, administratively, to pull together your comments and somehow distribute them to you. You make changes and give them back to us.

Frank Torr said that that makes sense. He said that it has become an awkward situation and will become more awkward as it progresses along and he doesn't want to see the Board being portrayed as anti-safety children. He said that we all have that concern but we all have different opinions on what is the best way to address the problem. There has to be a meeting of mind somewhere along the line. Maybe they don't agree to what we might suggest, but hopefully whatever they do is correct and works out for the best.

Frank Torr made the motion to take it off the table.

Beth Thompson seconded.

VOTE U/A

Chuck said why don't we make a motion to send our recommendations to the School Department.

Frank made the motion to send our recommendations to the School Department.

Beth Thompson seconded.

VOTE U/A

ITEM #9: Adjournment

Frank Torr made the motion to adjourn.

Beth Thompson seconded.

VOTE U/A