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MINUTES  
TUESDAY, June 12, 2001

**MEMBERS PRESENT:** Chair, Ron Cole, David Landry, Anthony McManus, Beth Thompson, Charles Maglaras, Frank Torr, John Sullivan, Pete Lavoie, Dennis Ciotti, Jerry Reese

**MEMBERS ABSENT:** Margaret Stevenson, Brenda Whitmore

**STAFF PRESENT:** Steve Stancel, Steve Bird, Jamie Nye

Cole stated that Dennis Ciotti would not be a voting member this evening; however, if someone had to step down from a particular issue, he could sit in and vote.

**ITEM #1 Approval of the minutes**

**Motion:** Torr made the motion to approve the minutes. Thompson seconded the motion. Vote 7-0. McManus abstained.

Cole stated that item 8A would not be addressed this evening.

**ITEM #2 Consideration and acceptance of an application for a minor subdivision of land for Herman Gitschier, Assessor's Map 15, Lot 15, zoned R-12, located on Cataract Avenue.**

Attorney Bob Fisher was present to represent the applicant. He stated that Mr. Gitschier is an elderly man who is looking to subdivide his property into two lots. He stated that the owner would like to leave one lot to one child and the other lot to another child. He stated that they have gone before the ZBA and the zoning process and after a meeting with Tom Clark, Building Official, and Bruce Woodruff, City Planner, the plan is satisfactory to them as well as to Steve Stancel, Planning Director. He stated that they were present to seek the Board's approval.

**Motion:** Torr made the motion to accept the application. McManus seconded the motion. Vote U/A.

**PUBLIC HEARING OPENED**

No one was present to speak for or against the application.

**PUBLIC HEARING CLOSED**

Staff recommendations: Stancel stated that the Planning Department recommends approval with the following condition:

1. Provide the Planning Department with a copy of the revised deed for each lot that includes the provision for a cross access easement for the common driveway, within thirty days of recording of the plat.

**Motion:** Reese made the motion to approve the application with staff recommendations. McManus seconded the motion. Vote U/A.

**ITEM #3 Public Hearing to consider an amendment to Chapter 170, entitled "Zoning of the Code of the City of Dover, by rezoning three parcels (Map 15, Lots 65, 66, & 66A) on Rutland Street and portions of two parcels on Fisher Street (Map 15, 53 & 54) from Restricted Industrial District (I-1) to Medium-Density Residential District (R-12); and rezoning seven parcels on Locust Street (Map 15, Lots 35-39, & Lots 41 & 42) and portions of three parcels (Map 15, Lots 40A, 43 & 51) from Restricted Industrial District (I-1) to Medium-Density Multi-residential District (RM-10).**

Cole stepped down. Landry stepped down as an abutter also. Vice Chair Chuck Maglaras took over the meeting. Ciotti is now considered a voting member.

Bob DeColfmacker, former president of McIntosh College, and current president of McIntosh Properties was present to speak on the application. He stated that they have recently acquired the Dover Bingo property and are looking to have the property rezoned to allow for McIntosh College to use it as a school. He stated that they held a neighborhood meeting and there were no oppositions. He stated that there would be six classrooms, one kitchen, four offices, and one small conference room. Bob Sayes, president of McIntosh College, stated that the property would house a new academy of design and technology.

He stated that they would house daytime and evening programs. He stated that they anticipate about 300-500 students within 5 years, adding that about  $\frac{1}{2}$  of the students will be from out of town. He stated that there will periodically be classes on weekends but there will be no big buses going to and from the property. He stated that there is a sidewalk to the main campus from the property. He stated that McIntosh has been in Dover for 105 years and have been responsible neighbors and partners to the City. Steve Bird, City Planner, went over the map of the proposed rezoning with the Board and a discussion ensued.

**PUBLIC HEARING OPENED**

Dean Trefethen, 9 Danielle Lane, Chair of the ZBA, stated that while he did not oppose McIntosh's plan, sometime ago the City went through a process of rezoning which was strongly opposed. He stated that taking Industrial property and rezoning it residential with a substantial number of units is not in the best interest of the City. He suggested amending the Table of Uses to rezone the property something other than residential.

Melissa Glidden, 26 Fisher Street, asked Stancel to explain the difference between a R-12 and a RM-10 zone. Stancel stated that R-12 is for single-family homes and RM-10 is for multi-families. Mike Lapointe, 96 Rutland Street, stated he was in favor of the rezoning.

Dennis Burns, 260-262 Locust Street & 100 Central Avenue, stated that he has concerns with the increases in the budget and the that there is an unbalanced tax base in Dover. He stated that he has lived in Dover all his life and he has watched the traffic increase over time. He stated that through the years he has seen many properties change zones. He has seen the additions of lights, and the progression in businesses on the Miracle Mile. He stated that he is in favor of McIntosh growing but he feels it is a shame to take Industrial and rezone it to Residential.

#### **PUBLIC HEARING CLOSED**

Maglaras asked how many vacant lots there were in the proposed RM-10 zone. Bird stated that there are no vacant lots, however, there are a few vacant areas owned by Moore Business Forms but they are part of a larger piece, adding that there are two different zones on one of the lots (I-1 and RM-10). Torr asked what the reaction was from Moore Business Forms.

Thompson stated that on May 26<sup>th</sup> 2001, she and Bird brought the proposal to Moore and there were no initial feelings that this was a bad idea. She stated that Moore did want to look at their land's potential if they chose to expand. She stated that the exchange of information between Bird and Moore did not occur. She stated that Moore would like to say that they cannot support this project at this time, and they would hope that the Planning Board could have one more meeting before making their decision.

There was some discussion on the zoning changes.

**Motion:** McManus made the motion to endorse the proposal and refer it to the City Council. Seconded by Reese. **Discussion:** Thompson stated that staff needs to discuss this further with Moore, adding that they are a major taxpayer, who has not made a decision on the project, and it would not be fair to vote without their input.

**Motion:** Thompson made the motion to table the request to the next meeting.

Torr stated that we need to be fair to both parties who have been good citizens for years. He suggested a special meeting, or maybe giving Moore a deadline to respond. McManus stated that if the approved project is referred to the City Council, that would allow Moore Business Forms enough time to respond to the City Council.

**Second:** Sullivan seconded the motion to table the request to the next meeting. Vote 2-4 fails.

**Amendment:** Torr made the motion to amend the original motion to divide the question and approve the rezoning west of the railroad tracks and forward the amendment to the City Council, and retain the second portion on the East side of the railroad tracks. Reese seconded the motion. Vote 7-0. Amendment to the main motion approved. Maglaras then called for a vote on the amended motion. Vote 6-1. McManus opposed.

Cole resumed the Chair and Landry rejoined the Board.

Reese left the meeting at 7:56 PM.

**ITEM #4** Consideration and acceptance of an application for a Conditional Use for West Environmental Inc. (Owners Jason & Barbara Theodore), Assessor's Map 8, Lot 18, zoned R-20, located at 16 Leighton Road.

Mark West, President of West Environmental Inc., was present to speak on behalf of the application. He stated that the property is a non-conforming lot that is 50 X 125. He stated that there is an existing house with a deck, which was built in 1929, and a garage and shed on the lot at this time. He stated that they would like to do substantial renovations and create a new larger home with a garage.

He stated that, since the property is within 100 feet of a tide line, they got a permit from the New Hampshire Wetlands Bureau, as well a Department of Environmental Services Shore Land permit. He stated that they have gone before the ZBA for a

variance also. Stancel asked what the current square footage of the structure was. West stated that the home is 35 by 30 feet with a deck, the shed is 10 by 12 feet and the garage is 15 by 25 feet. He stated that the proposed building would be about 1,800 square feet. Stancel stated that it sounds like there is a large difference in the total living space between the existing and the proposed dwelling. He stated that at this time there is a 1,000 square foot camp on a 6,000 square foot lot, and they are proposing a two-story, almost 2,000 square foot dwelling. Landry was concerned about environmental issues down the line. He wondered about the possibility of severe flooding and the homeowner coming back on the City. Stancel stated that the ordinance was created to insure there would be no environmental issues, and also for aesthetic purposes.

West stated that there are other homes that are of significant size and there is no indication of sea wall damage. He stated that the house has been there since 1929 and there have not been any major flooding issues. He stated that, due to the slightly higher elevation, the owners do not feel there is a major risk.

There was some discussion on an alternative design.

**Motion:** McManus made the motion to accept the application. Maglaras seconded the motion. Vote 4-2. (Landry & Sullivan opposed).

#### **PUBLIC HEARING OPENED**

No one was present to speak for or against the application.

#### **PUBLIC HEARING CLOSED**

**Staff Recommendations:** Stancel stated that the staff recommends a site walk of the property. He stated that the staff is not definitely against the project but the City does set these setbacks for a reason.

**Motion:** Maglaras made the motion to table the application. Torr seconded the motion. Vote U/A. Cole set the site walk of the property up for the following Monday at 5:30.

**ITEM #5** Consideration and acceptance of an application for a site plan of land for Wentworth Home, Assessor's Map 38, Lot 1A, zoned O, located at 795 Central Avenue.

Torr stepped down. Ciotti was now considered a voting member.

Dana Lynch was present to speak on behalf of the owners. He stated that they are looking to expand the parking available. He stated that they would like to create a 16-space parking lot, and while they are losing three spaces in the front of the building, they would have a net gain of 13 spaces. He stated that there would be eight spaces on either side of the parking lot that will be 9-feet wide. He stated that the parking lot will have a 24 foot wide isle and will be a total of 72 feet long. He stated that they would be planting a hedgerow along Central Avenue. He stated that all of the comments from the TRC have been addressed.

Maglaras asked if the traffic would enter and exit from the same entrance. Lynch stated that one of the entrances to the site will be an exit only and there will be signs posted. McManus asked why there was a need for more spaces. Lynch stated that when the residents have visitors there is not enough parking available. Maglaras asked how many people were on staff at one time. It was stated that there are about 10. It was also stated that in the past, the residents were not allowed to have vehicles and now they are. It was stated that there are about 34 residents when the home is full.

**Motion:** Thompson made the motion to accept the application. Maglaras seconded the motion. Vote U/A.

#### **PUBLIC HEARING OPENED**

No one was present to speak for or against the application.

#### **PUBLIC HEARING CLOSED**

Stancel stated that a waiver from the Site Review Regulations has been requested for the requirement to provide exact locations and dimensions of property lines. Given the location of the improvements in the lot and the small scale of the parking lot, the Planning Department recommends the approval of the waiver.

**Staff Recommendations:** Stancel stated that staff recommends the application with the following conditions:

1. Add the owner's signature to the plan.
2. Add the engineer's signature to the engineer's stamp on all plans.
3. Approval includes the granting of the requested waiver.

**Motion:** Sullivan made the motion to approve the application with staff recommendations. Landry seconded the motion. Vote 6-1. McManus was opposed.

Torr returned to the Board.

**ITEM #6** Consideration and acceptance of an application for a site plan of land for Dover Alternative School, Assessor's Map H, Lot 12, zoned R-20, located on Alumni Drive.

Cole stated that the School Department is before us for only non-binding recommendations.

Nick Skaltsis, Joint Building Committee Member was present to speak on the application. Skaltsis stated that a Joint Building Committee (JBC) must be formed to take the funds necessary to build the facility and then turn it over to the School Department. He stated that the City owns the property where the building would be built. He stated that the JBC consists of himself, Superintendent Armand LeSalva, Marge Fisher, and City Councilors Alex Nossiff and Jason Hindle. He stated that the modular building that was being used on the edge of the campus has no water and the schools accreditation was being threatened because of its condition. He stated that they have about 30 kids that are in need of using the facility but they can only house about 10-13 at this time with the current building. He stated that the total cost of construction is \$990,000. He stated that they had a neighborhood meeting and one of the main concerns was the fencing. He stated that they planned on putting in 300-feet of fencing, 6-feet high, and the neighbors want to continue another 600-feet to run along behind their properties, which they plan to do.

Sullivan asked if the TRC concerns have been met. Stancel stated yes.

**Motion:** Torr made the motion to accept the application. Thompson seconded the motion. Vote U/A.

**PUBLIC HEARING OPENED**

No one was present to speak for or against the application.

**PUBLIC HEARING CLOSED.**

**Staff Recommendations:** Stancel stated that staff would recommend the application with the following conditions:

1. The chain-link fence be extended an additional 600-feet.
2. Add signature to engineer's stamps.
3. The approval of this plan makes the conditionally approved site plan for athletic fields null and void.

McManus stated that the plan for the athletic fields should not be declared null and void since there are no problems with it at this point. Stancel stated that staff does not like to have two conditionally approved plans. On the athletic fields plan, home plate is in the parking lot of the proposed school building. He stated that the two plans conflict one another. McManus stated that the staff should just tell the applicant to come back with a revised plan for the previously approved site plan for the ball fields.

Stancel stated that he wanted the board members to know that the previous plan does not work if this current plan is approved.

**Motion:** Torr made the motion to approve the application with the staff recommendations. Maglaras seconded the motion. Vote 7-0.

**ITEM #7** Consideration and acceptance of an application for a minor lot line adjustment of land for Jamie Paolini, Assessor's Map 10, Lots 52, 54, 55 zoned B-2, located on Washington Street.

Attorney James Schulte was present to speak on the application. He stated that there are three lots presently, and what the owners want to do is to consolidate them into two lots. He stated that the smaller lot is 10,365 square feet with 76 feet of frontage on Washington Street, and the larger lot is 18,614 square feet with 142-feet of frontage. He stated that the lots meet all of the requirements as far as size. The lots are in the B-2 zone primarily, but a small portion is in the RM-10 zone, and they would like to adjust the lot lines.

Landry stated that if they consolidate the lots from three to two, would the items under old business have an effect on this project. Schulte stated that that is possible in any event.

**Motion:** Torr made the motion to accept the application. Thompson seconded the motion. Vote U/A.

#### **PUBLIC HEARING OPENED**

No one was present to speak for or against the application.

#### **PUBLIC HEARING CLOSED**

Staff Recommendations: Stancel stated that the staff would recommend approval with the following conditions:

1. Add the owner's signature to the plat.
2. Revise the plat to label the dashed line along the western property line.

**Motion:** Sullivan made the motion to approve the application with the staff recommendations. Torr seconded the motion. Vote U/A.

**ITEM #8 OLD BUSINESS**

a. Discussion and possible vote for Stabile Homes of Dover, located on Tuttle Lane. (28 lots)

This item remained on the table and was not discussed.

b. Discussion and possible vote for Jamie Paolini, located at 192-204 Washington Street. (31 elderly units)

c. Discussion and possible vote for Jamie Paolini, located at 192-194 Washington Street. (6 townhouse units)

Cole asked if the Board wanted to discuss the projects further, adding that there is now a parking report that was completed. He asked the Board what direction they wanted to see this request go. He stated that he would like to have comments and discussion about the project, not recommendations for approvals.

Attorney James Schulte, who was representing the applicant, stated that 8C, the townhouse portion, is much easier to deal with. He stated that the only shared feature is a common driveway. He stated that there are some drainage issues where there are some shared drainage structures. He stated that the townhouse project complies with the ordinance with regards to setbacks, parking, etc. He stated that he hoped the Board would refer the townhouse project for approval.

**Motion:** Torr made the motion to take item 8B off of the table. Landry seconded the motion. Vote U/A.

McManus stated that he took issue that the two projects were not one big package. He stated that they should be looked at the same time, adding that he is opposed to approving one and not the other. Torr stated that they came before the Board as two projects and each one stands by itself. Sullivan agreed with Torr. Torr asked Stancel if there were any outstanding issues with these projects. Stancel stated there are some drainage issues that have not been reviewed by the Engineering Division yet.

He stated that he would not recommend approving the projects this evening as the 31 unit elderly housing project might have an affect on this project. Cole asked Stancel with regard to the drainage issue, if the 31 unit elderly housing project did not exist, would the 6-unit townhouse project be all set. Stancel read the memo from the Engineering Division with regard to the 31 unit elderly housing to the Board. See file for memo. Schulte stated that some of the issues referenced in the Engineering memo do not impact the townhouse project. He stated that with regard to the Engineering memo, the only shared utility is the sewer. He stated that his client would like to proceed with the townhouse project even if the 31-unit elderly housing project is denied. Stancel stated that that is the direct opposite of what he has been told by the developer up to this point. He stated that he has been told that if the 31 units are not approved, they will not develop the townhouses.

**Motion:** McManus made the motion to table Item 8B. Thompson seconded the motion. Vote 4-3.

Cole stated that there would be no further discussion about 8B or 8C for 2 weeks, and requested that the applicant meet with the Planning Department to discuss the projects so that are both on the same page.

**d. Discussion of proposed ball fields located on Garrison Road.**

Lavoie stepped down to speak about the ball fields. He stated that they had a public/neighborhood the night before at the Middle School to address peoples concerns. He stated that the people that were at the meeting were a great group to work with. He stated that some of the main concerns were parking, noise and the visibility of the fields. He stated that the people requested vegetation surrounding the area and they were assured that this would be taken care of.

Gary Bannon, Recreation Superintendent was present, along with John Wagner and Peter Goodwin of Weston & Sampson, the firm that is designing the ball fields. Bannon updated the Board on some design changes that have occurred, such as a family recreation area and a walking trail.

There was some discussion on the ball fields.

Torr asked how many parking spaces were on the site. Bannon stated about 120 in the main parking area and about 20 in the family recreation area, adding that other areas of the property could be used for parking several cars if necessary. McManus asked the cost of the project.

Bannon stated that they are getting closer to a figure, guessing about \$40,000 to \$50,000 per field plus additional costs for site prep changes that may occur. Cole asked a time frame when Lavoie thought the ball fields would be completed. Lavoie stated hopefully they would be done this year. Stancel asked Bannon if he thought only 140 spaces for four fields would create problems. Bannon stated that it is very rare that all four fields will be used at the same time unless there is a tournament going on or something. Stancel stated that one entrance into a 120-car parking lot is an issue. He mentioned the steep grade for a walkway from the family recreation area down to the other fields and questioned if that area was needed. Bannon stated that the family recreation area is more of a play area with a picnic shelter which can be used by area neighbors also. Wagner stated that it would be too much of an investment to put in a walkway from the family recreation area to the other fields, adding that with the 40-50 foot grade you cannot put stairs in. Wagner stated that they would meet with Stancel early next week to work with him on his concerns with the ball fields. Bannon stated that there would be no lighting on the fields as they will be day fields only.

Stancel stated that Berry Surveying & Engineering, who is working on a lot line adjustment off of Folsom Street for KAB Realty (File # P01-05) would like to request a 60-day extension. He stated that they are working with staff on a satisfactory location for the municipal trail easement and they would like to request a 60-day extension to the requirement of submitting plans within 60-days from approval for signature.

**Motion:** Torr made the motion to approve the extension. Thompson seconded.  
Vote U/A.

Stancel asked the Board to approve a 60-day extension for Ray Bardwell, Sixth Street Station.

**Motion:** Torr made the motion to approve the extension. Thompson seconded.  
Vote U/A.

**ITEM # 9 Adjournment**

**Motion:** Sullivan made the motion to adjourn at 9:39. Seconded by Landry.  
Vote U/A.

These minutes were typed by referencing notes only. The recording mechanism was not working property.

Respectfully submitted.