

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
APRIL 25, 2000**

**MEMBERS PRESENT:** Frank Torr, Margaret Stevenson, Jeff Peasley, Pete Lavoie, Anthony McManus, David Landry, Reuben Hull, Charles Maglaras, Ron Cole (late)

**MEMBERS ABSENT:** Paul Beecher, Jerry Reese, Jeff Mason

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

Alternates David Landry and Jeff Peasley sat on the Board.

Vice Chair Reuben Hull brought the meeting to order at 7:00 PM.

**ITEM #1: Approval of minutes.**

Frank Torr made the motion to approve the minutes of the last meeting.  
Chuck Maglaras seconded.

Tony McManus stated that on Page 9 it should be Terry Dunn not Kerry Dunn.  
David Landry stated that on page 17 to strike out the not in the last sentence of the first paragraph.

**VOTE U/A**

**ITEM #2: Consideration and acceptance of an application for a Conditional Use Permit for Robert C. Gilbert, (Owner Richard Goulet, Jr.) Assessor's Map B, Lot 14-E, zoned R-40, located at 132 county Farm Cross Road.**

Bob Gilbert stated he is looking for a Conditional Use Permit to cross a minor wetland of 300 sq. ft. to get to higher ground for a small barn. He said that he received a Variance.

Chuck Maglaras made the motion to accept.

Jeff Peasley seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff gave the staff recommendations.

Tony McManus made the motion to approve with the condition that they provide the Planning Department with a copy of the NH Wetlands Board permit and comply with any general and specific conditions of approval.

Margaret Stevenson seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of a minor subdivision of land for Kevin Goodwin, Assessor's Map I, Lot 40, zoned R-212, located on Back River Road.**

Kevin Goodwin stated that he is looking to subdivide and create another lot. He explained the Variance that he received on March 16, 2000.

Margaret Stevenson made the motion to accept.

Anthony McManus seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff gave the staff recommendations.

Frank Torr made the motion to approve with the condition that the owner's signature be added to the plat.

Jeff Peasley seconded.

**VOTE U/A**

**ITEM #4: Consideration and acceptance of an application for a site plan of land for New Redden Development co. Limited Partnership, Assessor's Map I, Lot 20A-5, zoned RM-20, located on Adelle Drive.**

Brian Poulin represented New Redden Development. He said that they are under contract to purchase Redden Gardens, a 150 unit complex on Route 108. They plan major renovations in excess of four million dollars which includes new kitchens, bathrooms, floors, roofs, doors, windows and siding. They are renovating an existing rental office into a combined community building. Besides housing a new rental office it will have a community room, community kitchen, exercise facility along with a computer center for use by the residents of Redden Gardens.

Jeff Peasley made the motion to accept.

Margaret Stevenson seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.  
The public hearing was closed.

Bruce Woodruff stated that this application received a Variance on 3/16/00 to construct an accessory building within 25' of a front property line as it abuts a street and gave the staff recommendations.

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

1. Add the owner's signature to the plan.
2. Revise plan to add exterior light to the northeast side of the proposed building.
3. Revise plan to add standard subdivision notes #8, 9, 14, 15, 20 and 21.
4. Submit an as-built plan of the entire parcel in digital DXF format on disk to the City Engineer

Frank Torr seconded.  
**VOTE U/A**

Chairman Cole arrived and took over the Chair and Reuben Hull took his seat on the Board.

**ITEM #5: Consideration and acceptance of an application for a site plan of land for Motiva Enterprises LLC, (Owner Bill Dube, Inc.) Assessor's Map A, Lot 1, zoned B-3, located on Old Dover-Rochester Road/Longhill Road/Route 108.**

Malcolm McNeill represented the applicant for a proposal for a new Shell gasoline station with convenience store and car wash. He introduced Don Rhodes of Norway Plains who has done a traffic study and John Keegan who is the Site Engineer. He said that this property is owned by Bill Dube Inc., and has been for sale for a long time. It is 3.1 acres of land and is located in two communities. He said that there are commercial uses on three sides. He explained what components of the plan were in Dover and which ones were in Somersworth.

He said that the lot on which the gas station, car wash and store is located will consist of 2.2 acres or 97,000 sq. ft. approximately, which significantly exceeds the minimum requirement in the zone which is 20,000 sq. ft. He said that Lot B, is 55,000 sq. ft., which is approximately 1.2 acres which also exceeds the zoning requirement. He said that there are no pending plans for the other lot and will be retained by the developer. He said that there will be a modern canopy with 5 fueling stations with the primary access off Route 108. There will be a convenience store, with some office space, restaurant space, food mart space, and a drive up window to the rear. He said that there is no present fast food tenant for the location. The design has been planned to accommodate the fast food sit-down facility in the corner of the building. If it is not used for that use it will be used for further convenience store type of use. There will be a car wash to the rear of the site. They moved as far as possible from the intersection between 108 and Longhill Road in terms of considering the abutter, establishing significant buffering and supplying

convenient access into the site. He said that they have aligned the driveway from the existing strip mall across the street at considerable expense because of the moving of the utility pole. He said that parking requirement for the total site is for 26 spaces and 29 are being provided. He said that there will be probably be 2 employees on the site. He said that the Planning Department asked that they consider an appropriate payment with regard to the projected traffic signal at the intersection of 108 and Longhill Road. He said that as part of the ZBA approval there was a condition of approval that they would consult with Planning with regard to a fair share contribution, as well as, any consideration with regard to sewer adjustments in that area.

John Keegan, of Ayoub Engineering, explained the parking and traffic pattern. In regard to storm water management on the site, he said they are proposing 3 retention infiltration fields and pointed out the locations. He said that the car wash will be equipped with a recycling facility which will consist of two 1000 gallon tanks. He said that the car wash will use 10 gallons of fresh water per car which will then go into the rinse.

Don Rhodes, Norway Plains, stated that the primary driveway to the site, Route 108, is within the NHDOT jurisdiction. He said that they did a traffic study and gave the trip generation numbers. He said that roughly 25% will be new trips and will be spread out in different directions. He said that the traffic they are generating does not warrant traffic signals but there will be a fair share contribution.

John Keenan explained that the storage tanks are double walled glass tanks which is a tank within a tank. The piping is also double walled and also have alarms and sensors and pressure regulators that would trip if there was a loss of pressure within the line which would indicate a leak. He said that he will submit the lighting plan tomorrow. He said that it is a nice lighting package and explained the lumens. He explained the drainage and stated that there is plenty of storage on the site where you won't have runoff.

Malcolm McNeill stated that they are not asking for approval, they concur with a site walk. He said that they propose to supply a maintenance plan that the Planning Department could have a chance to look at and then the Planning Department could set a period of time for periodic reports to municipal authorities.

Don Rhodes explained that the applicant has taken into account the future upgrade alternative of the Exit 10 study. The applicant designed the site taking into account the amount of land that they needed.

Reuben Hull made the motion to accept the application.

Frank Torr seconded.

**VOTE U/A**

The public hearing was opened.

Brian Whitworth, Tri City Carwash, Central Avenue, asked if there was a sewer discharge and a drier system for this project. He also asked about the trench drain.

John Keegan stated that he isn't sure, but if it is required, they will install it. In regard to the drier, he said that he is pretty sure there is a drier. He explained the location of the trench drain.

The public hearing was closed.

Bruce Woodruff clarified the future improvement to the New Rochester/Old Rochester Road/Longhill Road intersections. He said that in 1996, the Planning Department applied for a surface transportation program grant to secure federal monies to upgrade this double intersection knowing that the Weeks intersection was going to be completed. That application was from the MPO level and on up to the State and is currently in the State's Ten Year Transportation Improvement Program for implementation in 2005. He said we know that the project is going to happen and that is one reason why the right-of-way and the design is the way it is. Incrementally, we know that any development along here will add traffic volumes through trip generation and that is why we are asking for a fair share contribution of just the local match portion of this project, which is currently slated to cost ½ million dollars. This is not part of any Exit 10. This is a separate project that will happen regardless of the decision on Exit 10. He said that staff recommends that this be tabled and a site walk be scheduled.

Tony McManus made the motion to table this to a site walk.

Frank Torr seconded.

**VOTE U/A**

Ron Cole set the site walk for next Monday at 5:30 at the site.

**ITEM #6: Consideration and acceptance of an application for a minor subdivision of land for Motive Enterprises LLC, Assessor's Map A, Lot 1, zoned B-3, located on Old Dover-Rochester Rd./Longhill/Route 108.**

Malcolm McNeill stated that this is the smaller lot of previous site plan. He said that there is a connection point between the two lots which will facilitate access between the lots if that facilitation is helpful. Both of the lots comply with the subdivision regulations.

Margaret Stevenson made the motion to accept the application.

Pete Lavoie seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Reuben Hull made the motion to table for a site walk on Monday, May 1, 2000 at 5:30 PM.

Frank Torr seconded.

**VOTE U/A**

**ITEM #7: Public hearing on the following gravel pit renewals.**

**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.**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Chairman Cole allowed Mr. Huml to speak since he didn't hear the announcement of the opening of the public hearing.

Ron Huml, 199 Mast Road, stated that on three occasions he called the City because the sand pollution was so bad you could not see the red light because of blowing sand. He said that the problem is the mountains of dirt. He said that when the wind comes out of the northwest, it pollutes the whole area. He said that he called the State and they said if he didn't get any results from the City, they would come out. He said that he doesn't know the regulations on how high the piles can be.

Pete Lavoie explained that his staff met with Mr. Huml and the pit owners. Pete said that he was assured that the loam piles that were causing the problem would be seeded. He said that two of the piles at the Severino pit were hydro seeded. He said that he knows they are trying their best but in high winds it is very difficult. There are no regulations on the height of the piles.

Bruce Woodruff gave the staff recommendations.

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

1. The applicant is put on notice that a new plan with updated contours and water table information, prepared by a licensed land surveyor or engineer, shall be required to be submitted with the permit renewal application for 2001.
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. Minimum setbacks from property line be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is complete for inspection.

4. The applicant obtain the annual license renewal from the Dover City Council for permission to cross City property to access this pit.
5. The provisions contained in the letter to the Planning Board be considered part of the application and serve as requirements thereof.
6. Add a note to the plan providing an estimate of the amount of materials (in cubic yards) to be removed during 2000.

Tony McManus seconded.

**VOTE U/A**

**b. 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/Tolend Road.**

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

Frank Torr made the motion to approve with the following staff recommended conditions.

1. The applicant is put on notice that a new plan with updated contours and water table information, prepared by a licensed land surveyor or engineer, shall be required to be submitted with the permit renewal application for 2001.
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. Minimum setbacks from property lines be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is complete for inspection.
4. The applicant shall take steps necessary to stabilize the crushed stone pile along Rochester Neck Road.

Pete Lavoie seconded.

**VOTE U/A**

**c. 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.**

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

Bruce Woodruff stated that staff visited the pit and observed standing water. He said that Dean Peschel, of Community Services, also inspected the pit and has some photos that show water in the pit which were passed around. He said that they estimated the depth

of the pit, at that point somewhere around 90 feet elevation. In speaking with Dean Peschel today, he also estimated by measuring from the stand pipe of the well which is around 100 feet down to the pit bottom and also estimated that pit bottom currently stands at 90 feet. He went over some data from the well dating back to April of 1996 through April of 2000 which shows the progression of groundwater elevation that ranges from 91.7 feet on up to 101.9 feet. The average is around 95 feet. The pit bottom is currently below the water table on average. When the Griffin Well pumps, that's when the groundwater elevation goes down and that can go down by 8 or 9 feet. As of April 3, 2000, the groundwater elevation with the Griffin Well pumping is 91.7 feet which appears to be a couple feet higher than the current pit bottom. Bruce said that there are regulations with regard to not going down into the water table and we recommend that Mr. Griffin put some material back so he is not in the water table

Paul Griffin stated that originally they had a plan done by Appledore Engineering and they gave them a pit bottom elevation of 88 and based on the Camp Dresser work that was done in the 1960's, this is where they thought the water table was. He said that he is aware of all the conditions. He said that he can get it done in 30 days. He said that the existing site plan was done on April 8 of this year so it is very accurate. He said with the pumps running today, 88 is probably ok. He said that we had a lot of rain so they did have some standing water. But he personally feels that it should be over 90 somewhere.

Tony McManus stated that he is abstaining on this application.

Bruce Woodruff explained that the groundwater elevations change there and it depends on whether the Griffin Well is pumping, the amount of rainfall, etc. Over the past 4 years the water table has fluctuated between 91.7 and 101.6. He said that he would suggest that we go with an average but you may want to have the pit owner get a licensed engineer go out there and determine what the groundwater elevation is on average and make it so that he can't excavate below some level that you as a board set.

Jeff Peasley said that he would like that added as a condition. He said that he recommends that the water levels be determined throughout the site and the excavation not proceed below that level.

Frank Torr stated that we need to be consistent. If we make this requirement of him, we haven't made it of the other people. He said that it is understood that they shouldn't be getting into the water table.

Bruce Woodruff stated that we are asking all the pit owners in the area of the Bellamy River to come in with a new plan that determines a fixed seasonal water table.

Jeff Peasley worded the condition as follows: That engineers, employed by the owner, to determine the water levels throughout the site, and excavation should not proceed below that level.

Frank Torr made the motion to approve with the 11 conditions as follows:

1. The applicant is put on notice that a new plan with updated contours and water table information, prepared by a licensed land surveyor or engineer, shall be required to be submitted with the permit renewal application for 2001.
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 Planning Board.
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.
4. Update existing conditions contours on the plan to reflect current extent of excavation.
5. Add a note to the plan providing an estimate of the amount of material in cubic yards to be removed during the current year.
6. Submit a copy to the Planning Department of the recorded lot line adjustment plan that was ordered by the court, that was dated July 1<sup>st</sup>, 2000.
7. Identify the areas of the pit that have a grade of 1:1 and install a fence or other suitable barricade to warn of danger or limit access to the site, as required by RSA 155-E:4-a, VI.
8. 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.
9. All on-site refueling operations shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
10. The applicant has 30 days to add material to the pit bottom to get out of the water table in areas currently below elevation 91.7' (as of 4-3-00).
11. That engineers employed by the owner, determine the water levels throughout the site and excavation should not proceed below that level.

Margaret Stevenson seconded.

VOTE U/A

Abstained – Tony McManus

- d. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 52, 53, 54, 57, zoned R-40, located on Mast Road.**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff gave the staff recommendations

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

1. The applicant is put on notice that a new plan with updated contours and water table information, prepared by a licensed land surveyor or engineer, shall be required to be submitted with the permit renewal application for 2001.
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. Minimum setbacks from property lines be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is completed for inspection.
4. The 2000 reclamation and operational plan documents shall be considered as part of the permit and 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.
5. Limit excavation at the property lines of disapproving abutters to no closer than 50 ft.
6. Add a note to the plan providing an estimate of the amount of material in cubic yards to be removed during 2000 and show the areas to be excavated during 2000.
7. Continue the condition from the lot line adjustment plat that states no excavation shall take place beyond Cold Springs Road (So-called).
8. Revise plan to show the large piles of material located adjacent to Mast Road. Insure that the material piles are properly stabilize to prevent erosion and control dust.
9. Construct stabilized construction entrance and revise plan to show same.

Pete Lavoie seconded.

**VOTE U/A**

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

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff gave a brief history of the pit. He said there were several of the original conditions of site plan approval, and some conditions from the first excavation permit that were not complied with.

Bruce Woodruff went over the proposed conditions of approval.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Tom Severino stated that this Spring they have been doing a large amount of cleaning in the pit, restoring areas that were previously disrupted, not by them, but by previous

excavations and they started to construct the berm and the relocation of the new access road. He said that they were working with the City for the relocation for the public works facility. He said that Pete Lavoie will provide them with a site plan and they are currently working with him to come up with a location of that building and they did not want to put anything in the way and then have to move it twice. He said that that was the main reason that they stopped construction of the berms.

Jeff Peasley stated that he was concerned with the status of the monitoring wells and the construction entrance and asked why they were never done.

Tom Severino stated that the construction entrance is an ongoing thing. He said that they have used 1 ½ inch stone in the past in that entrance and it's a constant daily with the loader scraping back the sultry material. He said it's a constant ongoing monitoring of that entrance. He said that it is the same thing with the monitoring wells. He said that they have been in contact with Pete Lavoie for the locations of the monitoring wells. He said that they want to get them in place as quickly as possible because it only pushes the liability away from them if there was a problem. They don't want to be the ones that the finger is pointed at. He said that they are 40 – 50 feet from anywhere near the bottom of the excavation at this point. He said they are in the initial stage of the pit and only 100,000 yards into it at this point in time and it was too early to decide a key placement of a monitoring well.

Jeff Peasley stated that the monitoring wells were shown on the plan and they were a condition of the operating of the pit. He said that he is concerned.

Pete Lavoie stated that over a year ago they decided to move the public works facility and the recycling plant to Mast Road and that triggered discussion between the city and Severino as far as putting in the monitoring wells and where they would be best located. Part of their plan also was to rebuild the recharge area from the Bellamy River and to make that larger. He said that they have monitoring wells next to Pruven Concrete that have been excavated around and once they are excavated around, they are no good after that. He said that they were planning on having them getting down to elevation which would work both for us and for them as far as the monitoring wells around the recharge area. He said that that was one of the reasons that they held off, the other was the recycling center. This is a very sensitive site and he is very concerned as far as putting a new public works facility there. He said that they have an engineering firm that is looking at all ways of solving any potential problem that could happen. The City is going to hire another firm to help oversee that and discuss those things with Tom Fargo, Chairman of the Conservation Commission. He said that he spoke with Tom Severino today about getting one monitoring well in as soon as we can. We will hire a firm from Concord to help oversee this. He said that the City has put a cog in their wheels on the site because of the public works facility that will be built here. He said that he can put a beautiful shrubbery berm as Mr. Martel has, but if the City is going to wipe it out in three months from now, he doesn't see the need of it. Pete said that some of the blame is on him because he has tried not to duplicate efforts and not put monitoring wells in that would have to be abandoned. He said that he thinks that they have a decent relationship

in trying to work this piece of property and make it both suitable for the City to continue with our plans of building a facility and having the recycling center there and making the whole place environmentally safe and he said that by them being out there we can oversee the neighbors operations and work together to protect our wells.

Jeff Peasley said that the conditions were imposed for a condition and they should be in place.

Tom Severino said that the intents were there and were good. Common sense resculptured it after the original intent and he thinks that they have been proactive with the City. It appears that it sounds like things weren't done. He said that they have tried to clean the pit up in other areas and restore other areas and seed piles. He said that they are restoring areas of the pit that they are going to dig in. He said that they can't turn it all around in one year but they are working to reclaim as much area as they can that they know isn't physically active by coating it with loam and getting some turf established. It doesn't happen over night. he said that he was not aware that there was a concern with the recycled asphalt. He said that he doesn't think that he could move that pile in 30 days. He said that they have been recycling the concrete which they plan on working in to the public works parking lot and other areas on site. He said that the amount of asphalt was minimal, the majority of the pile was stone, gravel, ledge and the majority is concrete. The asphalt is a minor portion. He said that the recycled asphalt was stockpiled on top of the existing concrete. He said that knowing some day that they were going to recycle that, as they came in from certain jobs they stockpiled on top of that so the crushing operation could happen and blend those materials homogeneously. He said that they have since started that crushing operation to get that material and the concrete out of the way of the future public works garage.

Jeff Peasley stated that he saw a waste stream coming out of the pile as you come in to the right. He said that it was a metallic oily sheen, that drained down into bottom.

Tom Severino stated that there is no asphalt any where near that. He said that that is where the original stump dump was from the pit before them. That's just clay and surplus materials from jobs.

David Landry asked if there are any of the things that are not attributed to the City because it seems to him that there is a reasonable explanation for most of them.

Bruce Woodruff stated he believes that they all fall under that category except for possibly to submit the water quality testing plan. He went over the conditions again. He stated they are in a groundwater protection zone and asphalt is just not a good thing to be there. He said that the last condition was submit the water quality testing plan. He said that he doesn't know if that can happen at this time.

Pete Lavoie stated that they will be able to generate that with the firm that they will be hiring. He said that 90 days is enough time for the monitoring program. He said that they should be able to put in the wells by June 15<sup>th</sup>.

Reuben Hull said that he thinks that the conditions should still be there but rephrased in such a way as being done in concert with public works and if we can get a status report from Pete in two months. He said that this is the first year of a long process and from what he hears it is better today than what it was a year ago.

Pete Lavoie said that the building committee will be bringing plans of the public works facility to the Board within 30 days. These plan will incorporate the monitoring wells, all the drainage, and all those issues will be addressed. He said that they want to install a monitoring well close to their detention pond. The applicant will pay for the ones that he is suppose to put in.

Reuben Hull made the motion to approve with staff recommendations 1 – 12 where Items 6 through 11 as previously stipulated will be performed by the applicant in concert with Public Works Department and the Public Works Department provide a status report to this Board within 60 days:

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 that 6:30 AM.
4. Submit a renewed surety bond in the amount of \$20,000 for reclamation to the Planning Department by May 12, 2000.
5. Add Engineer's stamp and signature to plan.
6. Construct stabilized construction entrance and revise plan to show same.
7. Revise plan to show 6 foot high landscaped earthen berm and modify berm to raise it's height to 6 feet and add landscaping
8. Revise plan to show 12' X 32' vehicle maintenance pad and construct pad on site.
9. Revise the plan to show locations of three proposed groundwater monitoring wells and install the wells on the site by June 15, 2000.
10. Remove all recycled asphalt paving materials from the site within 30 days. (**SEE BELOW**)
11. Submit the water quality testing plan. (that was a condition of approval of the original site plan)
12. All on-site refueling operations shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.

David Landry seconded.

Frank Torr asked if the recycling of the asphalt is that one of the 6 – 12?

Reuben Hull stated that it was number 10 and was for 30 days.

Tom Severino stated that they couldn't accomplish it in 30 days and he thinks that it is for the future intent of the facility going there that they are ultimately going to recycle the city's asphalt also. He said that he isn't an engineer, but he believes that there is no harm with the asphalt.

Bruce Woodruff stated that asphalt is a material that you are not supposed to store in a secondary groundwater zone. He said it would be his recommendation to change the condition to state that an engineer should determine whether asphalt storage is appropriate on the site or not.

Reuben Hull amended number 10 to remove the 30 day stipulation from the original and add the requirement for the engineer, to be selected by the City, to review the asphalt paving materials for bituminous content and to determine whether they need to be removed from the site.

**VOTE 7 - 1**

**Opposed - Jeff Peasley**

**ITEM #8: Old Business**

- a. Possible discussion regarding rezoning of an area of city-owned land and two adjacent parcels located in the Riverfront area of Paul Street.**

Chairman Cole explained that the Board had a workshop with the City Council and DEDC.

Jeff Peasley asked that the public hearing be continued.

Ron Cole stated that although the public hearing was closed, he is going to open a public hearing.

The public hearing was opened.

Bob Long, stated that he is available to answer any question. He said that Nick Skaltsis and Scott Myers from DEDC, Beth Thompson, the City's Economic Development Director and Dana Lynch, from Civil Works are here to answer any questions.

Mr. Leo Lavoie, stated that he lives on the corner of Paul & Wallinford St. and gave a history of the area. He said that if you develop Paul Street with housing, there goes the neighborhood.

Jackie Taylor, said that there two problems with the City, downtown parking and the schools. She said that the ledge on River Street could be blasted to make a two story parking lot. She said that this project will load the school with kids.

Art Corte, 81 Glenhill Road, moved from Reston, VA. He said that Reston is very famous and delightful place to live. He stated that Dover has a lot to offer and listed the

amenities. He said that Dover only has one chance to do this right. He thinks that building housing is a mistake and this property should remain undeveloped because he doesn't think we can foresee what a world class developer can see there. He agrees that it probably will be residential but he doesn't know what the access will be like. He said that we ought to wait for a person who has made his millions and wants to build a monument to himself. He urged the Board to turn this down.

Gill Allen, 7 Wallingford Street, echoes Mr. Lavoie. He said that with this rezoning the quality of life will go down – it will be gone.

Eric Sweetser, 2 Wallingford St. stated that it is a beautiful site as it stands. He said that it is difficult to exit off on Henry Law Ave. He said that it will cost the Police and Fire in responding to accidents that will occur. He said that the development should not happen until we get a firm commitment to move the public barns and get the rest of the Riverfront developed. We should rezone to something in the line of conservation land. He said that it is the last green space in the center of Dover. Condos are nothing pretty to look at.

Nick Skaltsis, 6 Erik Drive, stated that had an appraisal been done on this property, the appraisal would more than likely be in the hands of the City Manager, and probably not be distributed until such time as the sale was pending. When an appraiser comes to look at a piece of raw land he would ask for two things, a copy of the deed and what zone it is in. He said that there is no reasonable way to determine it's current value until such time as this Board acts. If it is determined that appraisal is required it will be the City Council that will be making that determination and it would not be the Dover Industrial Development Authority. The coverage of this 7 acre parcel will remain 70% green, only 30% of this lot is being developed. He said that this type of development in the Seacoast area is in demand. The value of this type of condominium units tend not to be affected by the fluctuation of the marketplace. This type of housing will bring people to the urban core that have a disposable income. This type of development will be cash positive to the City. He said that he believes that a \$100,000 is a net figure after expenses. It is an estimation and it is only his estimation. He said that the average sale of a house on Wallingford St. was \$120,000 over the last 18 months, and these particular housing units will sell for above \$150,000 ea. All of Paul St. will be rebuilt at no cost to the City. He said that as a City we will have full control of all the covenants over the public and any private area to be developed within this plan. It will control the landscaping and it will control the exterior architecture of these buildings. This may be the largest dollar amount of private investment in the urban core that he can remember. The total construction cost here would range about 6 million dollars of construction. He said that if you zone this RM-8 we would be allowed to put in 48 or 49 units on the site and we are considering 32. He said that he would appreciate an affirmative vote.

Wayne Taylor, 10 Wallingford St., stated that he would like to see the garage gone first and that area developed first, otherwise, he said that the lot is being given away for \$100,000 and that is not much money. He said that there is only 1 way in and 1 way out of this site. He said that RM-8 is too dense. If this has to change, don't crowd them in.

Patricia Taylor, 10 Wallingford St., stated that she doesn't want the zoning to change. Paul St. can't handle the extra traffic. The quality of life will be gone.

Leo Lavoie, stated that their problem is Wallinford Heights which is different than the waterfront.

Jackie Taylor, 16 Samuel Hanson Ave., gave a history of the land over 70 years. Wants to see Henry Law Park fixed up with a gazebo with band concerts. Spoke about the deer, moose, rabbits, foxes that were there but since the baseball fields, they have been chased away. She doesn't want to see it change.

Gill Allen, 7 Wallingford St., stated that they have heard many numbers regarding property values going up but would like to have the proponent of this project address the quality of life issue for the folks who live on Paul St., Wallingford St. and Nile St.

Nick Skaltsis, stated that when there is a calculation of density including Nile St., Wallingford St., Paul St. and that portion of Henry Law Ave. down to close to Hanson St., there are 71 units in the area on 365,000 sq. ft. of land. He said this averages 5,146 sq. ft. per dwelling unit in the established neighborhood. We are proposing 32 units on 196,000 sq. ft. He said that they are not significantly diminishing what is already there. The density already exists and we are proposing a less dense neighborhood than what already exists. He said that they took all the slopes and wetlands out of their calculations and they left all the slopes and the wetlands in the neighborhood calculations. The neighborhood is probably under 5,000 sq. ft. per dwelling unit and the condo development is 10,000 sq. ft. per dwelling unit if the slopes and wetlands were left in.

Steve Hetu, 4 Wallingford, stated that right now it is a booming economy. He said that in the 80's in Portsmouth, condos went \$110,000 to \$115,000 down to \$30,000 or \$40,000. He said that condos are the first thing to go in a housing market.

Jackie Taylor, asked if the condos can be rented as low housing.

Nick Skaltsis stated that covenants will accompany the site plan.

The public hearing was closed.

Margaret Stevenson stated that she agrees that it does need to be rezoned, but was concerned with the access.

Jeff Peasley stated that he does not support this at this time. He said that he was offered all kinds of information and has done all kinds of research to get himself up to speed. He said that he doesn't think that the citizens know much about the plans for the waterfront. He said in the City of Dover Committee Planning Survey done by the UNH Survey Center in 1995, one question asked if people had heard about the City's waterfront property and 66% knew little or nothing about the plan. His suspicion is that it is the

same now. He said that 15% knew a great deal. He thinks that 66% or more should know a great deal about the plans. He referenced the NH Main St. Resource Team Report for Dover done in November. Some folks came and reviewed Dover and how Dover fits into that sort of plan. He said that one observation was that most City staff members seem to feel that the City's primary downtown focus should be on the long term development of the 35 acre city owned parcel currently housing the public works facility. He said that it stated that downtown Dover is not well maintained, it is average at best. This applies to public and a fair amount of private property. He said that the downtown area should be shored up first and only then, once that work is done, should the improvements on the 35 acre property be supported and implemented. He said that we must also acknowledge that such a development could be devastating to the downtown. He said that this is not the right time. He said that this is piecemeal and he doesn't see how this project fits into the whole redevelopment scheme. He quoted an article that Bob McCrone wrote in Letters to the Editor in Foster's. Wants to see a whole design that is coordinated with itself, not develop one section at a time. He said that he doesn't think the time is right and he won't vote for the rezoning.

Chuck Maglaras made the motion to approve the zoning changes.  
Reuben Hull seconded.

David Landry stated that financially this proposal is a net gain to the City. The development of this property does not in any way improve the marketability of the remainder of the property. He said that the City Council supports DIDA, because they created DIDA. He said that he feels that DIDA has done a good job. He would prefer that the City Council step up to the plate for the cost of marketing the remainder of the property, but they have not done that. He said that if we say no - we are handcuffing DIDA who was created to do what they are doing. They aren't outlandish or out of whack, it is economic development. If we turn this down we are handcuffing DIDA. He said that it bothers him to be voting on this when there is an ability to finance DIDA going forward with the job that they have been charged to do without taking this route. He says that he can't figure out how this is project will improve the waterfront development.

Tony McManus stated that he has given this a lot of thought. He said that the presentation has been made that it is going to be a net financial benefit to the City, but he doesn't expect that DEDC or anyone is going to have solid and hard figures on how that determination is made. He said that this is a poor sales job. His concern is a hodgepodge development on the Riverfront. These condos are part of the 34 acres. The City has dedicated 3 or 4 acres to an Aquarium somewhere in the middle, and now 7 more acres taken out for this. He feels that the appropriate use of this property is residential or to leave it as open land. In that sense he agrees with Art Cote. He said that he feels sorry for the people in the neighborhood, but something will have to go there and this project is probably the best of a bad job. He said that he doesn't think it has been well thought out but he is willing to vote in favor. He said that we will have an overview when the site review comes. He said that he is going to push to move up the CIP on Henry Law and get that into YR 2002. He said that the ideal would be for the whole

parcel to be rezoned to Riverfront District, but he doesn't see where it will happen. He said that he will be reluctantly in favor.

Jeff Peasley, asked why redo Henry Law Ave. until we know what the riverfront will be. If it is redone, it will be fine for this situation but will it be sufficient for when the Aquarium is in.

Pete Lavoie stated that one consideration that was brought up was to realign River St. with the River Bend Market which would add sight distance.

Tony McManus stated that there is another access which is Wallingford St. He said that you need to deal with the people who live on Wallingford St. also.

**VOTE 7-1**

**Opposed - Jeff Peasley.**

**b. Discussion and possible vote on the Alternative Design Subdivision (ADS) regulations.**

Anthony McManus made the motion to approve.  
Margaret Stevenson seconded.

Tony McManus stated that this may not be perfect but he thinks that we need to get something on the books and this is a good first step.

**VOTE U/A**

**Abstained - David Landry**

**ITEM #9: New Business**

Steve Stancel stated that the Steering Committee for the master plan would like to have a workshop with the Planning Board to go over the completed sections prior to the Planning Board holding a public hearing.

Chairman Cole set up the workshop for next Monday, May 1, 2000 at 6:30 PM in the Library of the Old Middle School.

David Landry asked if we can make it a workshop without input from anybody except the people on the Steering Committee and the Planning Board.

Bob Long wanted to thank the Board and said that the comments and the criticisms are duly noted.

**ITEM #10: Adjournment**

Anthony McManus made the motion to adjourn.  
Frank Torr seconded .

**VOTE U/A**