

**DOVER PLANNING BOARD
MINUTES OF MEETING
NOVEMBER 14, 2000**

MEMBERS PRESENT: Jeff Mason, Chuck Maglaras, Ronald Cole, Margaret Stevenson, Pete Lavoie, Beth Thompson, Ron Cole, David Landry, Frank Torr, Tony McManus

MEMBERS ABSENT: Reuben Hull, Jerry Reese, Jeff Peasley

STAFF PRESENT: Bruce Woodruff, City Planner and Jacqueline Freeman, Recording Secretary

ITEM #1: Approval of minutes

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

VOTE U/A

ITEM #2: Public hearing on the City's 2000-2007 Capital Improvements Program (CIP)

Chairman Cole opened the public hearing.

Ray Bardwell, Spur Road, stated that the people in Dover need something given back to them other than a building. He said that he has been riding around the City and the roads are bumps and pot holes. It is not a reflection on the Community Services Dept., it's a reflection on what they have to work with. He said that we need to put some money back in our streets. He feels that the Police Station and the Fire Station should probably be put off. He said that the quality of the streets also reflect on the community. It's a matter of priorities. He said that the City of Dover gave away all of its old schools and now we have the old middle school sitting here. He said that we have got to stop giving away all these schools. If private industry can take all these throw away buildings that Dover couldn't use, fix them up and keep or put in mothballs, then shame on us. He said that we have to stop building and fix our streets and sidewalks and check out where we are going to go.

The public hearing was closed.

ITEM #3: Public hearing to consider amending Article VII, Overriding Districts, by adding a new Chapter 170-28.4, Scenic Road Overlay District, which includes land within 25 feet of the right-of-way of all Scenic Roads (Old Garrison Road, David Tuttle Road & Rochester Neck road). The amendment requires the preservation of the natural vegetative buffer, except for the removal of damaged, diseased or unsafe vegetation, with approval of the City Arborist and for driveway construction.

Bruce Woodruff explained that we have made this more strict. He said that Pete Lavoie has a concern about Rochester Neck Road being included. He said that Rochester Neck Road is not a Class 6 road, there may be a portion that is, but he is not certain.

Pete Lavoie stated that several years ago they made some changes to that road. He said that they cut all the trees, widened it and Mr. Bennett who was a long time resident up there was happy to see it done. He said that there is nothing that he can find that gave them the right to do that.

Bruce Woodruff stated that there is a portion of the old road that is not paved and goes up by the City gravel pits and Brock's gravel pit, some of which was sold to the Brock's company and some is still city land. That probably is the only portion of Class 6 road that is left. Bruce recommended that "Old" is added to Rochester Neck Road if the Board decides to leave it in there.

David Landry stated that he is in favor of this amendment and suggested that we should address the "fine" section for noncompliance. He eluded to the contractor that said for \$50.00 he would just go ahead and pay the fine.

The public hearing was opened.

Jack McLaughlin, Old Garrison Road, stated that he was here to support protection of scenic roads and stated that he is in favor of the overlay. He said that he would like some way of insuring notification of new buyers of properties along scenic roads so they will be aware of what the restrictions and safeguards are along these very valuable pieces of property.

Bruce Woodruff stated that a note can be added to the plat of new subdivisions.

Paul Hass, Old Garrison Road, said that he bought his property two years ago and found out it was a Scenic Road through neighbor input. He said when they had the most recent incidence of a neighbor clear cutting, he was told that the reaction of the Board would echo the reaction of the neighbors. He felt that that was pitting neighbor against neighbor. He said that that made the people in the community take a stand on an issue that was already black and white as far as the City guidelines. He asked that once these guidelines are established that action by the City is taken before the neighbors have to come in.

The public hearing was closed.

ITEM #4: Consideration and acceptance of an application for a driveway waiver for Bill Ballaro, Assessor's Map 24, Lot 74, zoned RM-10, located on Portland Avenue.

Bill Ballaro stated that the house is a duplex and he has a business in his home. He said that he already has a mud issue. He said that the neighbor's only concern was run-off.

He said that he will be adamant with the contractor that the runoff won't be an issue.

Jeff Mason made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

Marty Smith, Page Lane, and owner of the abutting property, stated that he doesn't have a problem with this on the condition that they take care of the drainage. He said that there is a difference with the grade. He said that if it was totally paved it would create a real problem. With a swale or a drainage ditch of some sort to take care of the drainage, he wouldn't have any problem with this proposal.

The public hearing was closed.

Bruce Woodruff said because the Smith property is lower, there is a concern that they would not be able to direct drainage to the rear of the property, it would be directed towards the street. In consultation with Alan Dews of the engineering division, we recommend approval with the condition that the paving plan be designed to prevent runoff onto the abutter's property by preserving a 3 foot wide minimum grass strip.

Bill Ballero stated that the sidewalk will have to be done at the same time. He said that he wants to eliminate any grass. He asked if he could have it pitched in the center as opposed to having to leave a grass area at all.

Bruce Woodruff stated that the Planning recommendation does need to say that a drainage plan be submitted to the Engineering Department that is acceptable to them. He said that it should be up to the City Engineer.

Margaret Stevenson made the motion to approve with the condition that the paving plan shall preserve a 3' wide grass strip between the driveway and the abutter's or an approved drainage plan by the City Engineer.

Frank Torr seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of an application for a Minor Lot Line Adjustment of land for Elizabeth Foster, Assessor's Map E, Lots 27C & 27, zoned ETP, located at 408 Sixth Street.

Elizabeth Foster stated that that lot line adjustment is to add a small portion of land to include the driveway with the house.

Frank Torr made the motion to accept the application.

Jeff Mason seconded.

VOTE U/A

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

Discussion ensued with regard to the recommendation that there be a continuous visual buffer of vegetation in order for the reduced setback of 35 feet to be permitted or to go with the ETP setback of 50' and construct the proposed garage farther into the lot.

Ms. Foster stated that there are no plans to put in a garage.

Woody stated that the Planning staff recommends that the minor lot line be approved with the following conditions:

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

1. Add the owner's signature to the plat.
2. Add the surveyor's signature to the plat.
3. Revise the plat to add the minimum building setback lines to both lots.
4. Revise the plat to correct the dimensional requirements for the ETP District in note #3.
5. Revise the plat to add the names and addresses of all abutters.
6. Surveyor shall remove 24' X 24' garage and 35' setback dimension from the plat.

Tony McManus seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of an application for a Minor Subdivision of land for Douglas Dodd General Contractor (Owners: Ann Morison, elizabeth Warnke, Patricia Kasna, Judith Morrison), Assessor's Map G, Lot 7, zoned R-12, located on Washington Street. * 1 lot

Doug Dodd stated that dividing the back land from the front is the next step to do for the ADS subdivision.

Margaret Stevenson made the motion to accept the application.

Chuck Maglaras seconded.

VOTE U/A

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

Anthony McManus made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Revise the plat to add the title reference for the parcel to note #1.
3. Revise the plat to add the proposed map and lot numbers as assigned by the Tax

- Assessor.
4. Add a utility easement to the plat or the applicant will submit proof of water and sewer line location to indicate that the easement is not necessary.
 5. Revise the plat to add the Dover GIS bearings.
 6. Revise the plat to add a note indicating that a digital version of the survey will be provided to the City Engineer.

Margaret Stevenson seconded.

VOTE U/A

ITEM #7: Consideration and acceptance of an application for a Minor Subdivision of land for Stephen Wood (Owner Acorn Associates, XIX, LTD) Assessor's Map N, Lot 8, zoned R-40, located on Gulf Road.

Bill Ducett represented Acorn Associates for a subdivision of Tidewater Farm. The parcel is approximately 94 acres and it is proposed to divide a 16 acre lot off the main lot. He said that the primary lot closely resembles the current use delineation for this parcel and that they wanted to try to maintain that line. He said they wanted to make sure that they left adequate frontage on Gulf Road because they did not want to limit themselves as far as potential access for a driveway on the remaining 80 acres. He said that to the west of the lot line there is a proposed driveway easement. He said that the owner would like a horse farm and the entrance to the horse farm is being worked out with DOT to be a safe location. He said that they are providing for a septic easement for Lot 8-1. He pointed out the areas that are in current use.

Beth Thompson made the motion to accept the application.

Chuck Maglaras seconded.

VOTE U/A

The public hearing was opened.

Charlie Reed, 262 Gulf Road, was interested in knowing if they are proposing another driveway because it is a busy road.

Mr. Ducett stated that they are just relocating the existing driveway.

The public hearing was closed.

Bruce Woodruff gave the Planning staff recommendations.

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

1. Add the owners' signatures to the plat.
2. Revise the plat to add the proposed map and lot numbers as assigned by the Tax Assessor.
3. Revise the plat by amending the Overriding Districts listed in note #4 to add the 20%

- slope Conservation District and show these areas on the plat.
4. Revise the plat to add the standard subdivision plan notes #1, 5, 12 & 22.
 5. Revise the plat to show the small pump house located south of the pond to be removed.

Jeff Mason seconded.

VOTE 7 – 1

Opposed – Anthony McManus

ITEM 8: Consideration and acceptance of an application for a Site Plan of land for R & E Jespersen Realty LLC/Dover Auto World, Assessor's Map K, Lot 40, located at 5 Dover Point Road.

Ron Cole stepped down and asked Anthony McManus to chair the meeting.

Anthony McManus read the application.

Bob Stowell, Tritech Engineering, stated that this is one of the many lots that makes up the Dover Auto World complex. He said that the most westerly part of this lot is currently being used as a car storage area. This proposal is to extend that gravel storage up towards Stark Avenue. He said this area is for cars that are in transition and not a display area and vehicles will not be sold from this location. This lot is not intended to be used by the public. The access is located about 2/3 of the way down the lot where they currently have access to the gravel storage area. He said they are removing the access from Stark Ave. and are proposing landscaping along that frontage. He said that they have added a light for security purposes in front of the site which was one of the issues raised at TRC. Another issue related to security is the landscaping in the front. He said that low lying scrubs would provide screening that would possibly hinder Police from securing the area properly. He said the landscaping is made up of trees as opposed to scrubs which is also preferable to the owner. He submitted some pictures of the granite curb and said about half of the frontage has granite curbing to the previous access to one of the residences. He said that staff has asked to extend that granite curb along the frontage and down to the entrance to Capers. He said that they feel that there isn't any curbing there now and it really isn't relevant to their project. He said that you can see from the photo that it eliminates an area that is currently used as a turning lane into the Capers Drive-thru.

Bob Stowell explained that the light is a 400 watt light typical for parking lots and will be directed away from the people in the north. He said that the trees will be back from the sidewalk about 15'. He said that the lot will be graded with gravel and they have added drainage that will flow toward the turnpike.

Pete Lavoie said that the water is following that curb and going in that driveway cut. If we don't continue the curb down to the next pole and let the water go between Capers, there will be a water problem. He said that his staff wants the curb.

Jeff Mason made the motion to accept the application.

Margaret Stevenson seconded.

VOTE U/A

The public hearing was opened.

Tom Conway, an abutter, stated that he has several concerns. He explained that Ed Byrnes made the area into a parking area and built the berm that supposedly had drainage in it. He said that two years ago during the heavy rains, he had 6" of water in his cellar. He said that the site of the berm was a natural drain down towards the highway, when the berm went in the water started to collect in the back yards. He said that Mrs. Parnell, who couldn't be here tonight, has a pond in her yard, beginning at the berm and last spring, came within 3" of her foundation. He said that he has put in a sump pump and a French drain in the cellar, hopefully, to correct his water problem. He is concerned with the drainage and the lights shining into their homes. He said if they should elect to build a berm, or continue the existing one toward Stark Avenue, he would recommend that any foliage that they use be thick enough to act as a noise and visual barrier for the houses. He was concerned about the use of a loudspeaker system and would like to see a curfew on the trucks so they will not be making deliveries at night or early morning.

Gene Threfethen, 6 Eliot Park, stated that he has been trying to get a barrier in the back of his house and they don't seem to want to do it. He spoke of seeing a man urinating out in the parking area last summer and said that he should not have to put up with that. He said that he looks out on the cars when sitting at his kitchen table. He doesn't approve of the application.

Ken Robbins said he is speaking for Karen and Ken Folly at 1 Eliot Park. He said that the light is a concern. The area is very wet and drainage is very important. Snow removal, loud speaker and paging are issues. He said that the lot should be paved so the runoff can be contained.

Bob Stowell said that the setback of the gravel area from the pavement is approximately 20 feet and the set back required by Site Review is only 5 feet. He said they were not aware of any drainage problems. He said that berms are designed to deaden noise but one of the by-products is that it can create drainage problems. They have not proposed an extended berm, but they have proposed larger abbreviates along that stretch. He said that should provide a good barrier for the neighbors. He said that they have intentionally left out the berm to not create any drainage problems for the neighbors. He said that the berm now starts about 160 feet back from the right-of-way of Stark Ave. and pointed out where it ended. Bob stated that the abbreviates stop short of Mr. Trefethen's property and they were not aware of any problems so they have not discussed it.

Tom Conway, gave a history of the property and said with the present berm the water just sits there and backs up into the house. He said that unless they do something with that drainage, it will just continue to build.

Ken Robbins, stated that all the cars leak and put out liquids and fluids and on a gravel

base it will eventually leak into the groundwater. He said that this should be looked at from an environmental standpoint, and by paving the parking lot this can be controlled.

The public hearing was closed.

Bruce Woodruff read the recommended conditions of approval

1. Add the owner's signature to the plan.
2. Add the engineer's stamp and signature to the plan.
3. Includes the granting of the waiver for not paving the parking area
4. Provide additional landscaping along Stark Avenue and along the property line abutting Map 17, Lots 12 & 13 as part of the landscaping plan to be approved by the Planning Dept.
5. Revise the plan to show the extension of the granite curbing and sidewalk, with proper tip-down and radii, along Stark Ave. to blend in with the island.
6. Security light shall be directionally hooded to eliminate adverse lighting on abutting residential properties.
7. Submit the drainage plan acceptable to the City Engineer that addresses ponding problems to the abutting residences.
8. That the area used only for storage of vehicles and not for the display and sales of the vehicles.

Margaret Stevenson stated that her concerns are that these conditions do not cover snow removal, deliveries and times the trucks can come in, and limitation of phones and intercoms.

Frank Torr said that he would like to have a site walk to review the issues that were raised.

Bob Stowell stated that gravel will maintain the status quo on the drainage. He said paving would create more water that would have to be dealt with. Given the fact that the existing area is already gravel they didn't see any reason to change that.

Frank Torr made the motion to table this to a site walk.

Jeff Mason seconded.

VOTE U/A

Tony McManus set the site walk for Saturday, November 18th, at 9:00 AM at the site. He explained to the abutters they were welcome to join the Board. He said this would be continued at the meeting of November 28th.

Tony McManus stated that there is a letter in the file from Frances and Frank Fioto that should be considered to be part of the record of the public hearing.

Ron Cole resumed his seat on the Board.

ITEM #9: Old Business

- a. Request for a 120 day extension of approval for McIntosh Properties, LLC; Map 11, lot 2, Silver Street.

Frank Torr made the motion to approve.

Margaret Stevenson seconded.

VOTE U/A

- b. Request for and 30 day extension of approval for R & M Paving, Map G, Lot 31-1, Crosby Road.

Chuck Maglaras made the motion to approve a 60 day extension of approval.

Frank Torr seconded.

VOTE U/A

- c. Request for a 90 day extension of approval for Al Estes, subdivision on Long Hill Road Extension.

Tony McManus made the motion to approve the 90 day extension.

Chuck Maglaras seconded.

VOTE U/A

ITEM #10: New Business

Ron Cole stated that they are planning on having a summit meeting on the growth of the community and ways to manage the growth wisely and legally. He said that there is a lot of concern about this. He said that they are putting together a group of people and looking at January, to start. He said that he is appointing a subcommittee of the Planning Board to review the zoning in the City as it pertains to balanced growth. He said that he would like Frank Torr, Tony McManus and Peg Stevenson to sit on that sub-committee with Steve Stancel and himself.

ITEM #11: Adjournment

Tony McManus made the motion to adjourn.

Jeff Mason seconded.

VOTE U/A