

**DOVER PLANNING BOARD
MINUTES OF MEETING
NOVEMBER 28, 2000**

MEMBERS PRESENT: Ronald Cole, Jeff Mason, Anthony McManus, Pete Lavoie, Charles Maglaras, Jerry Reese, Beth Thompson, Frank Torr

MEMBERS ABSENT: Margaret Stevenson, David Landry, Reuben Hull, Jeff Peasley

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

Meeting brought to order at 7:05 PM.

ITEM #1: Approval of minutes.

Frank Torr made the motion to approve the minutes.

Beth Thompson seconded.

VOTE U/A

Ron Cole announced that, R & E Jespersen Realty LLC/ Dover Auto World has withdrawn their application at this time. Ron said that if they come back on the agenda the abutters will be re-notified.

ITEM #2: Consideration and acceptance of an application for a site plan of land and Conditional Use Permit for Dr. Joann Young, Assessor's Map E, Lot 32-2, zoned ETP, located on Watson Road.

Dana Lynch, Civil Works, represented Dr. Joann Young. The parcel is located in the ETP zone and is one of the 3 lots that were created in the late 1980's just prior to the creation of the ETP zone. He said that Civil Works is located to the south and to the north is a single family home. He said there will be a 1,400 sq. ft. wetlands impact for a driveway. The proposed driveway will be 16 ft. wide with 3 ft. shoulders. He said that the narrower driveway is in keeping with the lots on either side of it. He said that they are going with a wider shoulder to be certain that the snow is safely removed from the driveway. The driveway accesses a parking area for 15 vehicles. The parking area is slightly oversized because there is a potential in the future for the building to be expanded. There is a service entrance to the north that will not be heavily used. There will be no dumpster outdoors. Office trash will be picked up through the bag and tag program. There will be an arrangement made with a local medical facility, most likely Wentworth-Douglass Hospital, to remove the medical waste. There will be City water with a 2" main to the building. The property will be served by a septic system which is in the approval process and will be forwarded to NHDES for their approval. All the utilities will be underground. There will be a modest amount of lighting on the grounds in keeping with the somewhat residential nature of the area. There will be lights going up the driveway to delineate the driveway more than anything else. There will be soffit mounted lights around the building to light up the exterior of the building and there will be

lights in the ceiling in the porch to illuminate the front of the building. There is a motion sensor activated light to be located at the service entrance, that will be downward directed and boxed in so it does not glare onto the adjacent property. He said there is a landscaping plan and at the request of the TRC they have added some evergreens along the boundaries to the north and to the south in keeping with the reduced building setback allowed in the ETP zone. He said that the building setback allows for 35 ft. as long as there is a vegetative buffer. He said they are allowing for about 38 pine trees. He said that this is a cat hospital and all the animals will be kept indoors.

Dr. Young stated that her hours will probably be 8:00 AM to 6:00 PM and she will probably make arrangements for someone else to do the emergency care since she is the sole practitioner.

Frank Torr made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

Abstained – Tony McManus

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated that because of the wetland crossing, this does require a Conditional Use Permit. The applicant has gone before the Conservation Commission and received approval. Steve Stancel gave the staff recommendations for approval.

Jerry Reese made the motion to approve with the following conditions:

1. Add the owner's signature to the plan.
2. Add the engineer's signature to the plan.
3. Includes the approval of the Conditional Use Permit with the condition that all medical waste and x-ray film developing solution be transported off-site for proper disposal.
4. Provide the Planning Department with a copy of the NH Wetlands Permit and add permit number to the plan.
5. Provide the Planning Department with a copy of the NH Department of Environmental Services Septic System Design Permit and add permit number to the plan.

Jeff Mason seconded.

VOTE U/A

Abstained – Tony McManus

ITEM #3: Old Business

a. Discussion and possible vote on amendment to Article VII, Overriding Districts, by adding a new Chapter 170-28.4, Scenic Road Overlay District.

Ron Cole stated that he doesn't feel ready to vote and doesn't feel comfortable with this. He said that he would like to sit down with staff. He said if the Board feels that they want to take action on this tonight they are more than welcome to. He said that he felt that he needed more

education. Ron said he would like to revisit the Old Rochester Neck Road issue because he still isn't sure whether it is or whether it isn't a Scenic Road. He asked when the City Council approved these Scenic Roads. He said that he would like to know if people are grandfathered if they lived there prior to the designation of the Scenic Roads.

Steve Stancel stated that if their 25 foot setback is cleared, then it is grandfathered. He said that anything that exists today would be grandfathered. If somebody has a front lawn right up to the property line, they would be able to keep that lawn. They would not, however, be allowed to cut down any additional trees that may be on that front lawn.

Chuck Maglaras asked how many vacant lots are on these Scenic Roads.

Steve Stancel stated that there are a few vacant lots on Old Garrison Road, and there is a significant area along David Tuttle Road that is vacant. He said to bear in mind, even if a parcel is built on today, this ordinance does kick in in terms of what they can or cannot do in the first 25 feet from the road. He said that someone could have a house on their lot that is fully wooded adjacent to the road, this ordinance would prohibit the cutting within that 25 foot area. Steve stated that there was an incidence where someone bought and clear cut a lot on Old Garrison Road. They were supposed to have a shared drive with the abutter but instead cut into a stone wall. He said that the whole objective of designating a road a Scenic Road is to maintain the scenic and natural character of that road. He said when the site walk was held, you could see where some people just cut out a narrow drive to get back to a clearing to build their houses leaving the front forested and others who clear cut their lots. He said that the concept is, if you want that type of lot, you do not buy a lot on a Scenic Road. He said that there was quite an uproar by the neighborhood because of this house and as a response to that, this zoning change was drafted.

Steve Stancel stated that he was not at the meeting when the public hearing was held, but for the most part there were no negative comments. He said that everybody who owns property along these 3 scenic roads received notification.

Bruce Woodruff stated that David Tuttle Road is a class 6 public highway. He said that it intersects with Old Garrison Road and abuts the LCIP State land. Bruce said that the State has laws that say that trees and stone walls cannot be disturbed along the road right-of-way without having to go before the Planning Board. Bruce said that this overlay district would add a restriction to an additional 25' beyond that. Bruce said that the City Council approved the Scenic Road Ordinance in 1977.

Ron Cole ask if anyone knew why the Scenic Ordinance was originally put into place.

Bruce Woodruff said that he didn't know.

Tony McManus said that he thinks that there is a State statute that allows each community to designate certain roads as a scenic road, and under the authority, to his knowledge, Old Garrison Road has been a scenic road for a long time. He said that the City has a right to designate any road as a scenic road except for Class 1 & 2.

Bruce Woodruff said that Class 1 & 2 roads are primary State highways. He said that any Class 3, 4, 5, and 6 roads can be designated as a Scenic Road. He said that Class 6 roads are not City streets. It's still a public highway and the public can pass and repass but the City has bowed out on all maintenance issues and you pass and repass at your own risk. The City takes no responsibility for what happens to you on the Class 6 roads.

Anthony McManus made the motion to recommend the Scenic Overlay District to the City Council.

Jerry Reese second.

Ron Cole stated that he would like to research the history of the Council approving the three Scenic Roads. He said that he would like to wait on this item, and feels that he doesn't have enough information. Ron asked if the State is being held to the same rules as everyone else when it comes to a Scenic Road. He said that there is an issue that occurred recently where the State did clear cutting on a Dover Scenic Road.

Bruce Woodruff stated that zoning is a limited police power. Bruce said that there were two things that happened on that parcel, one of which is selective cutting, another was clear cutting of an area for parking so that hunters would have a place to park.

Tony McManus stated that we could have prevented them from doing this if this overlay would have been in place.

Jeff Mason asked how the State would have been notified that they were not allowed to cut beyond a certain point. He feels that this is a problem.

Tony McManus stated that an easy answer would be to put a sign up at either end of the road saying that it is a Scenic Road. Tony said he is pretty sure that the realtors in Dover know that Old Garrison Road is a Scenic Road. He added that we don't have to notify every single person that you don't ride your bicycle on the sidewalk.

Steve Stancel stated that he agrees with Tony. He said that all zoning is like that, people don't know what all the rules are but if they want to do something, such as putting up a fence, they call or come in to find out the limits.

Pete Lavoie stated that he is concerned that there may be a farmer who owns up to Old Garrison Road and would be prevented from cutting brush from his land. He said that we are getting into people rights.

Ron Cole stated that is more or less where he is coming from.

Frank Torr made the motion to table.

Chuck seconded.

VOTE U/A

c. Discussion and possible vote on Capital Improvements Program (CIP)

Steve Stancel stated that Chief Bibber is here because there were some questions regarding the pumper.

Pete Lavoie stated in regard to the Thompson Pool Enclosure that there are many groups that are willing to contribute toward this and start a fund of some kind. He feels if the City doesn't put some kind of fund in there to show people that this should be done in the future, we are not doing things in good faith. He said that he feels that we should keep something in there to keep this project moving. He said that there is a demand for it for the future.

Tony McManus made the motion to recommend the proposed CIP, with the suggested amendments that are before us, to the City Council.

Jeff Mason seconded.

Chuck said that the enclosure has to be done eventually, but he doesn't feel that the City can afford it right now. He said that the people who are interested in helping the City pay for that should all go to the Council and they are having a workshop session on this subject tomorrow night. He said that as a planner, he is more interested in making sure the water & sewer and every thing in the City is working properly.

Tony McManus stated that from a Planning Board prospective, in terms of the amount of money we are committing towards recreation already, that project is an extremely low priority.

Chief Bibber stated that the figure of \$400,000 for pumper replacement is the gross purchase price. He said that they have a pumper that they would be able to trade in but they are not sure what the value would be or if the City would benefit more by putting it out for auction. He said it is a 1980 Mack and has 101,921 miles on it, and 10,784 hours of run time. He said when you use the formula which is a national formula for run time, it is equivalent to 431,360 miles and it is getting tired and needs to be replaced. In regard to the North End Fire Station he will be asking for another pumper when it gets built. That will make a total of 5 pumpers, 3 first line and 2 reserves for when there are multiple alarms or work being done on some of the 1st line equipment. He said with this Engine 4, what they are going to replace it with is what they call a Quint. If they get rid of Engine 4 and get this Quint, he also plans to get rid of Truck 2 which is a 1975 Maxim. He said if they can get this Quint which has got a shorter ladder, it can take some of the load off the 102 ft. ladder. He said they are trying to get rid of two vehicles for one because of the new technology out there makes it more versatile. In terms of regionalization, Chief Bibber said that he is a proponent of it and thinks it is the way to go. He said that down the road it will happen, but doesn't see it happening it right now.

VOTE U/A

Ron Cole stated that he will go to the Council meeting tomorrow night and give them the Board's recommendations.

Steve Stancel wanted to let the entire Board know that in regard to the growth that is currently occurring in the City, he has talked to Ron Cole and the City Councilors about holding a Growth Summit in early January so he can present some statistics on the latest Building Permit data and the direction that he thinks things are headed. He said that some of the local developers and attorneys, as well as, the general public could come in and express their views. He asked if the sub-committee that is looking at zoning changes might be interested in meeting before the regular Planning Board meeting on December 12th . at 5:30 PM.

Ron Cole stated that the subcommittee is comprised of Frank Torr, Tony McManus, Peg Stevenson, Steve Bird, Steve Stancel and himself. He said that we may also think of doing meeting in different areas of the community.

ITEM #5: Adjournment

Jerry Reese made the motion to adjourn.

Tony McManus seconded.

VOTE U/A