

DOVER PLANNING BOARD
MINUTES OF MEETING
APRIL 8, 1997

MEMBERS PRESENT: Martin Smith, Brian Preston, Otis Perry, Paul Beecher, Anthony McManus, Ronald Cole, Mike Bobinsky, Charles Maglaras

MEMBERS ABSENT: Reuben Hull, Dennis Ciotti

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

Chairman Cole brought the meeting to order at 7:05 PM.

ITEM #1: Approval of minutes.

Otis Perry made the motion to approve the minutes.

Marty Smith seconded.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a site review and subdivision of land for Chad Kageleiry, (Owners Paul Rinden & The Margaret Kanost Revocable Living Real Estate Trust) Assessor's Map D, Lot 14, zoned I-4, zoned I-4, located on Venture Drive.

Bob Stowell, of Tritech Engineering, represented the application. He said the site is 14 acres in size. The parcel will be separated into 2 pieces. The Churchill piece will be 6.7 acres for the construction of a 25,000 sq. ft. building. It will have City water and underground electric, telephone and cable TV.

Brian Preston made the motion to accept the application.

Mike Bobinsky seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Paul Beecher made the motion to approve with the following staff recommendations:

1. Owners' signatures be placed on the subdivision and site plan.
2. Provide the Planning Department with lighting specifications.
3. Approval of sign design by DEDC prior to any Certificate of Occupancy.
4. Add two 2 1/2" caliper trees along the front of the building and 3, 2 1/2" caliper trees along the northern side of the building.
5. Note added to the site plan stating the following:

Owner shall pay a proportional share of any new road constructed adjacent to the site at the time the project connects to the road. Said proportional share shall be determined as follows:

Total cost of road and utilities divided by total upland acres adjacent to the road, (32.92 acres) times total upland acres for the parcel (4.8 acres)

Mike Bobinsky seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a conditional use of land for Linda Struble, Assessor's Map L, Lot 113, located at 316 C Old Dover Point Road.

Atty. Malcolm McNeill represented the Strubles. Malcolm stated that the addition is to the rear and away from the sensitive areas. He said the reason for the conditional use is because it is in the Conservation District. He stated that the Conservation Commission has approved the project and the NH Wetlands Permit is pending. He said this has no adverse affect on the surrounding properties.

Charles Maglaras made the motion to accept the application.

Paul Beecher seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Paul Beecher made the motion to approve with the following conditions:

1. Owner's signatures be added to the plan.
2. Receive NH Wetland Board approval.

Charles Maglaras seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an amendment to a subdivision plan for Ronald & Jane Flitter, Assessor's Map A, Lot 26-4, zoned R-40, located on Blackwater Road.

Kerry Forbes represented the Flitters. He said when the Gilmer subdivision was approved, one of the requirements was shared driveways because of site distance. Mr. Flitter wants to move his driveway 30 feet east to where his house will be and to avoid a mound of ledge. He said the sight distance is really no different at that point than at the shared driveway site.

Otis Perry made the motion to accept.

Mike Bobinsky seconded.

VOTE U/A

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

Paul Beecher made the motion to approve with the condition that the owners' signatures be placed on the plan.

Charles Maglaras seconded.

VOTE U/A

ITEM #5: Public hearing on gravel pit renewals.

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

David Cluff, Manager of Brox, stated he is reapplying for 3 gravel pit permits.

The public hearing was opened.

Kyle Standall, 437 Tolend Road, was against granting the permit. He read Section 170:31 Standards A. Prohibited Projects - The Planning Board shall not grant a permit when the issuance of a permit would be unduly hazardous or injurious to the public welfare. He stated the truck traffic is injurious to the public welfare. He said he was almost hit when walking on Tolend Road and that Tolend Road is not fit for truck traffic.

Paula Forbes, 254 Tolend Road, stated she wants the hours of operation to be restricted to 8:00 AM - 5:00 PM on weekdays and 8:00 AM - 1:00 PM on Saturdays.

Chip Chapman, 212 Tolend Road, requested that there be some reexamination in 6 months to give the residents a chance to see if there is a reduction in the number of truck traffic. He said there were over a hundred trucks today and they are putting the public welfare at risk.

Public hearing was closed.

David Cluff stated that the pits that he is asking to be permitted predate RSA 155-E. He said the paragraph that was referred to is if you are asking to open a new pit. He said a 24 ft. wide road is the same as a state highway travel way to travel way.

Steve Stancel said the staff recommendations are as follows:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.
2. Minimum setbacks from property lines be flagged in the field by May 1, 1997 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1997 to

schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.

3. No siltation runoff shall be allowed onto and over Glen Hill Road from Map C, Lot 12A.
4. The contours on the plans submitted with the application have not been revised since 1988. Update existing conditions contours on the plans to reflect the current extent of the excavations. Submit the revised plans to the Planning Department by May 1, 1997. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
5. Hours of operation shall be limited to 7:00 AM - 5:00 PM weekdays, and from 8:00 AM - 1:00 PM Saturdays.
6. Access to Map C, Lot 13 shall be through Map C, Lot 14. No access shall be allowed on the Class VI Old Rochester Neck Road.

Steve Stancel stated that the pits were operating prior to 1979 and therefore, they are grandfathered to a certain extent. He said his interpretation is that the Board can ask for reasonable operational and reclamation standards.

Otis Perry stated he would like to see a time of operation set for 8:00 AM. He asked if a pile of material is a structure and does it exceed or zoning ordinance if it is higher than the tree line? Otis Perry stated he would like to see a 6th condition that the pile of material be lowered so it not be visible off the site.

Steve Stancel stated that the definition of the structure is a framework of support. He said he is concerned with the hours of operation noted on the plans of 6:30 AM to 7:30 PM six days a week for one pit and the other pit from 6:30 AM - 5:30 PM six days a week. He added that those hours are quite extensive.

Charles Maglaras stated that the only reason Mast Road Sand and Gravel has pit hours is because the owners agreed to the times of operation.

David Cluff asked if this is a trucking or a pit issue. He said the RSA's do not regulate natural resources.

Chuck Maglaras made the motion to table this item so people from the City and Mr. Cluff can get together to decide what they want to do.

Marty Smith seconded.

VOTE 5 - 2

Opposed - McManus and Beecher

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

George Dowaliby stated this is a routine renewal and there are no changes to the pit.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Paul Beecher made the motion to approve with the following conditions:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be store 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 by May 1, 1997 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1997 to schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
3. Provide the elevation of the highest annual groundwater table within or next to the excavation site on the permit application.
4. The applicant shall 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. Complete the Professional Sign-off portion of the application.
7. Update existing conditions contours on the plan to reflect current extent of excavation.
8. The plan submitted with the application has not been revised since 1984. Update existing conditions contours on the plan to reflect the current extent of the excavation. Submit the revised plan to the Planning Department by May 1, 1997. Failure to comply with this condition shall be grounds for revocation of the extraction permit.

Otis Perry seconded.

VOTE U/A

c. Request for an extraction permit by James P. Griffin, Assessor's Map H, Lot 62 and Tyra Inc., Map H, Lot 60, located on Mast Road.

Paul Griffin stated there are no changes from the previous year.

The public hearing was opened.

Dick Proulx, President of Proulx Aggregates, stated he owns the land on which Griffin travels without his permission or compensation. He said there is a dispute over the ownership and the use of this land.

Anthony McManus asked if they are just waiting for the decision.

Griffin stated the hearing was held on March 15, and they are now waiting the Judge's decision.

Dick Proulx stated that no matter who wins it will be appealed.

The public hearing was closed.

Paul Beecher made the motion to approve with the following conditions:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be store 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 and the conservation District adjacent to the Bellamy River be flagged in the field by May 1, 1997 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1997 to schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
3. The contours on the plans submitted with the application have not been revised since 1992. Update existing conditions contours on the plans to reflect the current extent of the excavations. Submit the revised plans to the Planning Department by May 1, 1996. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
4. Ensure that the stored loam be clean and free from contaminates and hazardous materials.
5. Provide proof to the Planning Department that property tax due to tax year 1996 on Map H, Lot 60 & 62 have been paid.
6. Complete the Professional Sign-off portion of the application.

Mike Bobinsky seconded.

VOTE U/A

d. Request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53, located on Mast Road.

Kevin McEneaney represented Mast Road Sand and Gravel. He said it is a 45 acre parcel and an existing sand and gravel operation. He said this plan includes portions of a plan that was approved at the last Planning Board Meeting.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Otis Perry made the motion to approve with the following conditions:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.
2. Minimum setbacks from property lines be flagged in the field by May 1, 1997 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1997 to schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
3. The reclamation plan and operational plan submitted with this application and their provisions be considered as part of the permit.
3. The reclamation plan and operational plan submitted with this application and their provisions be considered as part of the permit.
4. Limit excavation at the property lines of disapproving abutters to no closer than 50 ft. A list of disapproving abutters is on file with the excavation permit.
5. The pit owner shall provide notice to the Planning Department should the continuous surety bond for reclamation lapse.
6. Excavation shall be limited to the south side of Cold Springs Road on those portions of the lot crossed by said private drive.

Mike Bobinsky seconded.

VOTE U/A

e. Request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map I, Lot 47, located on Back River Road and Mast Road.

Kevin McEneaney stated this is a 24 acre site called the McKenna lot and is a grandfathered pit. He said there was very little activity in this pit last year. He added that this pit has restricted hours of operation.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Otis Perry made the motion to approve with the following conditions:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.
2. Minimum setbacks from property lines be flagged in the field by May 1, 1997 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1997 to schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.

3. The reclamation plan submitted in 1994 and the operational plan submitted with this application and their provisions be considered as part of the permit, with the exception of Saturday hours of operation. Refer to condition #5 below.
4. Limit excavation at the property lines of disapproving abutters to no closer than 50 ft. A list of disapproving abutters is on file with the excavation permit.
5. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays 8:00 AM to 1:00 PM on Saturdays.
6. The paved entrance road shall be cleaned and maintained so as to not allow dust and dirt to migrate off the lot.
7. The ingress and egress to the pit be restricted to Back River road on Saturdays between 8:00 AM and 1:00 PM.
8. Sow all denuded areas in the adjacent closed Mathes pit (Map I, Lot 49) with a suitable cover crop. Contact the Planning Department for inspection when the crop has stabilized.

Mike Bobinsky seconded.

VOTE U/A

ITEM #6: Old Business

a. Discussion and possible vote on site plan for NH Catholic Charities (St. Ann Home), located on Dover Point Road.

Otis Perry made the motion to take this item off the table.

Mike Bobinsky seconded.

VOTE U/A

Steve Stancel said the one thing that should be discussed is if, as a Board, we feel this site should be treated as two separate entities or whether we feel the site should be master planned. He stated that there are some existing problems with traffic and parking with St. Thomas. Steve said that we also know that there is an expansion planned in the future for St. Thomas. Steve gave the staff recommendations as follows:

1. Owners' signature be placed on the lot line adjustment and site plan.
2. The City contract with a traffic engineer to be paid by the applicant. The engineer is to review the existing and projected traffic generation of St. Thomas Aquinas and St. Ann, as well as internal parking and flow issues and make recommendations for corrective measures. Said corrective measures shall be incorporated as part of the approval.
3. Extend the outfall of the detention basin beyond the soccer field and relocate the end of the stone apron of the emergency spillway.
4. GIS coordinates be tied into the plan.
5. Copies of the NH Site Specific approvals and dam permits be received by the City.
6. NH DOT driveway permits be received.

Otis Perry stated he heard a rumor that there was a possibility to relocate the detention basin beyond the soccer field.

David Breitrack, Appledore Engineering, stated he did not pursue that location for the detention basin for a number of reasons. He said it would place the detention basin off the property which would be under the control of Catholic Charities, and secondly, it would be in a wetland area and very difficult, if at all, possible to get a wetlands permit. Mr. Breitrack stated that location would be closer to where students would be and therefore, a safety concern. He added that placing the detention basin closer to the nursing home is an area where students should not be.

Ray Mailloux stated that his attorney drafted a letter which speaks of the two distinct ownerships of the school and home. He handed out the letter to the Board members.

Paul Beecher stated he would like to see the drainage issue addressed. He stated it is obvious that the diocese is not taking into consideration the long term needs of the school. He stated if that is the case he would be reluctant to put them to the task of a traffic study. He feels the appropriate time for the traffic study is when St. Thomas comes in for their addition. He stated he would not go along with the staff recommendations subsequent to the traffic analysis and add that the drainage be turned into a closed system.

Otis Perry stated he has to disagree with the City Manager. He said that parking and traffic has been a problem with St. Thomas for the last 10 years. He said this is an opportunity to solve this problem. Otis said he has trouble even with the letter from Atty. Donovan, thinking of this as two separate organizations. One thing that would convince him is if St. Ann paid property taxes as the other nursing homes do. He said there is an opportunity here to make it better for everyone who lives out on Dover Point Road.

Ray Mailloux said the detention pond has been moved 50 feet to give more usable space to St. Thomas in the future.

Steve Stancel stated we need to look at all the issues together and the traffic analysis plays into that.

Mr. Beecher stated that the school knows it will need to acquire more land because of what is happening here. He said Dover Point Road is a bad road whether St. Thomas or St. Ann is there or not. He added that he cannot see holding up this project.

Anthony McManus stated he agrees with the City Manager that the traffic problem is generated by St. Thomas and not by this project. He said when St. Thomas comes in for an expansion, the Board will have to deal with it on the basis of that proposal at that time. Anthony stated he would not put the burden on the nursing home for what may be a possibility some years down the road.

Otis Perry stated he is not talking about traffic on Dover Point Road, he is talking about the inability of St. Thomas to find parking space for all the people who wish to park. He suggested

shared parking with St. Ann to alleviate parking on the street and on the grass. He said he is thinking of master planning the site to maximize the use of the asphalt for both uses.

Paul Beecher stated that he knows that people will park on Dover Point Road whether there are 50 empty parking spaces down below the school. He said they want to park as close as they can to the front door.

Anthony McManus made a motion to strike number 2 from the list of conditions.

Charles Maglaras seconded.

**VOTE 5 - 3 For - McManus, Bobinsky, Beecher, Maglaras, Cole
Opposed - Perry, Smith, Preston**

Paul Beecher made the motion to approve with the staff recommendations as outlined with the exception of #2 which was stricken as follows:

1. Owner's signature be placed on the lot line adjustment and site plan.
2. Extend the outfall of the detention basin beyond the soccer field and relocate the end of the stone apron of the emergency spillway.
3. GIS coordinates be tied into the plan.
4. Copies of the NH Site Specific approvals and dam permits be received by the City.
5. NH DOT driveway permits be received.

Chuck Maglaras seconded.

VOTE 6 - 1

Opposed - Otis Perry

ITEM #7: New Business

ITEM #8: Adjournment

Paul Beecher made the motion to adjourn.

Otis Perry seconded.

VOTE U/A