

**DOVER PLANNING BOARD
MINUTES OF MEETING
MARCH 24, 1998**

MEMBERS PRESENT: Frank Torr, Charles Maglaras, Anthony McManus, Ronald Cole,
Brian Preston, Margaret Stevenson, Jerry Reese, Mike Bobinsky

MEMBER ABSENT: Karin Crittenden, Paul Beecher, Reuben Hull

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

Chairman Cole brought the meeting to order at 7:10 PM.

ITEM #1: Approval of minutes.

Jerry Reese made the motion to approve the minutes of the last meeting.
Anthony McManus seconded.

VOTE U/A

ITEM #2: 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.**

There was no one present to represent the application.

Mike Bobinsky made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

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

Jerry Reese made the motion to table because there was no one present to speak for the application.

Anthony McManus seconded.

VOTE 3 - 4

OPPOSED - Torr, Maglaras, Preston, Stevenson

MOTION FAILED

Bruce Woodruff stated that there was minimal materials taken out of the pit this past year and the staff recommends approval with the following recommendations:

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, 1998 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1998 to schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
3. The applicant shall obtain the annual license renewal from the Dover City Council for permission to cross City property to access this pit.
4. The provisions contained in the letter to the Planning Board be considered part of the application and serve as requirements thereof.
5. Complete the Professional Sign-off portion of the application by May 1, 1998.

Brian Preston asked if we can put this item on the end of the gravel pits to give Mr. Dowaliby a chance to come in.

Chairman Cole agreed.

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

David Cluff, Manager of Brox Industries, represented the applicant and stated he would answer any questions anyone might have.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff stated that they performed a visit to the three Brox parcels. He said lot 13, didn't show existing conditions. Bruce said because of siltation running across the road, the City of Rochester has required that Brox construct a catch basin and a sedimentation basin. Bruce stated that he received a couple of phone calls from citizens who have a problem with the height of the stored materials. He said he checked the regulations and there is nothing dealing with height. He said they were citizens who can see the mound from a distance.

Chuck Maglaras asked regarding Map C, Lot 12 A, if that section of the road is in Dover or Rochester. He said he just does not want to tell Brox to keep the gate clear if it is in Rochester.

Bruce stated that the front entrance of the pit is in Dover, however, the runoff runs out the front gate and heads towards Rochester.

David Cluff stated that the runoff out the front gate has been cleaned up and is running into a basin.

Jerry Reese made the motion to approve the application 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. No siltation runoff shall be allowed onto and over Glen Hill Road from Map C, Lot 12A.

Mike Bobinsky seconded.

VOTE U/A

Ron Cole introduced and welcomed Frank Torr, the new Planning Board member.

c. Request for an extraction permit by James P. Griffin, Assessor's Map H, Lot 60 and Lot 62, zoned R-40, located on Mast Road.

Paul Griffin stated he was here to renew his permit.

The public hearing was opened.

Rick Proulx, of Pruven Aggregates, handed out a letter from his attorney which stated they are still in litigation with Griffin over a parcel of land.

Ron Cole explained that this is an ongoing civil action and the letter will be added to the file but it does not affect Mr. Griffin's rights at this point.

The public hearing was closed.

Bruce Woodruff stated that monumentation that was there the previous year doesn't appear to be there any more. He said he is not certain that the excavation that is taking place has a direct bearing on the lines that are seen on the plan. Bruce said that for that reason, it is important the conditions that are recommended be adhered to. He said that a judge has moved the lines of the pit and we do not have a lot line adjustment plan or a deed. Bruce stated that we do not have a surety bond and there is no monumentation.

Paul Griffin stated that Ken Moore was hired to put in the monumentation and it will be in long before May 1.

Chuck Maglaras asked what legislation has given the Planning Board authority to force someone to pay their property taxes when the State law says you have three years in which to pay. He said he has a real problem with that. He added that if the City and the State laws differ, he would assume that we would go with the State law. He said he would like someone to look into this.

Steve Stancel stated that it is our own regulations that state the taxes have to be paid. Steve said it is in the Zoning Ordinance and this Board does not have the power to waive a zoning regulation. He added that the ordinance can be changed going through the proper public hearing process. He said he will look into changing it.

Jerry Reese stated that condition #7 should have the date of May 1, 1998, attached.

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

1. The contours on the plans submitted with the application has not been revised since 1992. 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, 1998. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
2. Submit a surveyed lot line adjustment plan and application to the Planning Board by May 1, 1998, to show the new property lines approved by the court.
3. 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.
4. Minimum setbacks from property lines and the conservation District adjacent to the Bellamy River be flagged in the field by May 1, 1998 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1998 to schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
5. Ensure that the stored loam be clean and free from contaminates and hazardous materials.
6. Provide proof to the Planning Department that property tax due for tax years 1995 and 1996 on Map H, Lot 62 have been paid.
7. Provide the Planning Department with a new surety bond to replace the \$14,000 bond that expired on February 28, 1998, by May 1, 1998.
8. Complete the Professional Sign-off portion of the application.

Jerry Reese seconded.

Ron Cole said he would like staff to researched if the State regulations supersede local regulations in a case such as this.

VOTE U/A

d. Request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53, zoned R-40, located on Mast Road.

Kevin McEneaney, represented Mast Road Sand and Gravel. He said this is a 45 acre parcel, it is the main operation of Mast Road Sand and Gravel and is a grandfathered gravel pit. He said all the materials that were requested have been submitted.

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

Bruce Woodruff gave the staff recommendations and stated that it appears that they are staying 50' away from the disapproving abutters.

Mike Bobinsky 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, 1998 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1998 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.
4. Limit excavation at the property lines of disapproving abutters to no closer than 50 feet. 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.

Jerry Reese seconded.

VOTE U/A

e. Request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map I, Lot 47, zoned R-12, located on Back River Road and Mast Road.

Kevin McEneaney stated it is a grandfathered pit known as the McKenna Pit, with access on Spruce Lane. He stated that this gravel pit had only 500 yards of material removed this year and they anticipate only 1000 to 2000 yards to be removed in the coming year. Kevin asked that the 1997 plan be accepted as the topo since it is the same as it was last year. Kevin stated that the applicant has no problems with the hours of operation being limited. He said this abuts Mathes Hill Subdivision and the anticipation is that this will be part of Phase III of that subdivision

The public hearing was opened.

There were no comments
The public hearing was closed.

Bruce Woodruff stated that all of the trees along the property line on Spruce Lane were cut down. He said in the regulations it says that a buffer has to be maintained. Bruce said these trees were not on the land of the pit but of the abutter, Map I, Lot 35 and 35-A, and the owner chose to cut all his trees down.

Kevin McEneaney stated that the pit starts 200 ft. back from Spruce Lane.

Tony McManus 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, 1998 to facilitate inspections. The pit owner shall contact the Planning Department prior to May 1, 1998 to schedule an inspection. Failure to comply with this condition shall be grounds for revocation of the extraction permit.
3. Limit excavation at the property lines of disapproving abutters to no closer than 50 feet. A list of disapproving abutters is on file with the excavation permit.
4. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 8:00 AM to 1:00 PM on Saturdays.
5. The paved entrance road shall be cleaned and maintained so as to not allow dust and dirt to migrate off the lot.
6. The ingress and egress to the pit be restricted to Back River Road on Saturdays between 8:00 AM and 1:00 PM.
7. 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.
8. The operational plan submitted with this application and its provisions be considered as part of the permit.

Jerry Reese seconded.

VOTE U/A

Ron Cole stated we are back to Dowaliby.

Brian Preston stated that the other applicants all showed up. He made the motion to table the Dowaliby application.

Jerry Reese seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of a revision to an application for a minor subdivision and minor lot line adjustment of land for James Smith & Lenore Ekwurzel, Assessor's Map B, Lot 17 & 17A, zoned R-40, located on County Farm Cross Road.*

Chairman Cole stated that he was just advised by Steve Stancel that ITEM #3 has been withdrawn.

ITEM #4: Old Business

a. Discussion of Capital Improvement Program.

Steve Stancel stated that the Police Department has only a couple of requests and they can be covered either by Mike Joyal or himself.

Mike Joyal stated he would address the Police items and he would have the Assistant Chief Ron Clymer go through the Fire Department items. Mike said on page 18 of the CIP, under the heading of Police, is the continuation of the Police Vehicle Replacement program. They are proposing to replace 4 police cruisers during the next year. Mike said it is an item they would like to have built into the Operating Budget. Mike said the next item is Police Data and Radio Communication System, which is an ongoing project that was initiated this past year and involves a complete upgrade of the City's communication system. He said it consists of the main dispatch consoles and the radio transceivers. Mike said it is a complete upgrade of the equipment to make it compatible with the new digital technology. It involves upgrades with the phone systems which interfaces with the State E-911 system and the recording equipment that goes along with that. Mike said that the impetus for the Facility Design and Construction item is the relocation of the District Court and an opportunity to address future needs for a new Police facility along with some other office space needs. There is a sum of money proposed to complete the renovations in both buildings to allow the movement of the Police Department to the back portion of the Middle School. Also, it is for moving DALC into an upstairs portion of the Middle School and possibly moving the Fire Department Administration into the Middle School.

Anthony McManus asked if they have talked to the Court people about moving the Police Department over there.

Mike said that it has not been confirmed, but they don't think it is an issue because one of the conditions is that the District Court be its own autonomous facility, separate from the back portion of the building. Mike stated there would be a proximity to the court but there would not necessarily be access between the two facilities. He said an outstanding issue is that the State wants to make sure that they can have some say into what compatible uses go into the back

portion of that building. He said that he does not expect that to be a problem based on the discussions that have gone on.

Mike Bobinsky stated that the community depends on the gym at the Middle School for general recreational activity and he would like to preserve it.

Chuck Maglaras stated he would also like to see the City keep the gym.

Mike Joyal stated that the only real concept that they have is the Police Dept. and the Dover Adult Learning Center. Mike said they need to see how the building is going to be cut up by the Court and what uses the Court finds compatible.

Brian Preston stated that the gym is a good asset and we should keep it.

Mike Bobinsky explained that City Hall Improvements is a series of upgrades to City Hall that were packaged under one item.

Assistant Fire Chief Ron Clymer stated he is here for Chief Bibber, who is on vacation. He said there is a focus on upgrading and maintaining the two fire stations and the building of the North End Fire Station. He said the other issues deal with the replacement of existing vehicles that have outlived their useful life. He said in FY 99 there is the addition of a bay at the South End Fire Station, which was built in 1967. He said at that time, the Fire Dept. did basically one thing, responded to fires. Since that time, they have taken over the ambulance service, added an additional ladder truck, and they have rescue capabilities which is the purpose of the squad that was bought this past year. Ron said there is a serious space need. He said in order to check the vehicles they have to pull them out outside, which creates a very serious issue in the winter. Ron said the single most important issue in the CIP is an addition of a bay and a half to the South End Fire Station. He said in the year 2000 we slated to replace Rescue 2. He explained that the current rescue I, becomes Rescue II and the new vehicle becomes Rescue I. He said it also calls for the replacement of Engine 4. Ron said that in the year 2002, it calls for the design of the North End Fire Station, followed by the year after of the 1.5 million dollars for the building of the North End Fire Station. He said also in the year 2002, the Central Fire Station is called to be renovated. That station will be 100 years old next year and was last renovate in 1980. He said that 2002 also calls for a design study for an addition to the South End Fire Station to add a call department using college students from UNH. The students would live at the station and would be required to put in certain amounts of time riding on apparatus as part of their room and board. Ron said this would cut down on the need for additional paid personnel. He said the year 2003 calls for the building of the North End Fire Station. The year 2004 calls for the replacement of the Engine I, it would be put into reserve status and the new pumper would be purchased in its place.

Chuck Maglaras asked about Hazardous Material Equipment for \$24,000 and the fire pumper and comprehensive lighting project.

Ron Clymer stated that under Title III, and the need for response, they have not had a hazardous materials team. He said the current contract calls for the formation of a hazardous materials team. Ron said in the past they have called in contractors to handle the situation. He said anytime they respond to an incident the materials that are used will be reimbursable, but they don't have these things on hand. Ron said monitoring devices and suits and different things have to be purchased up front.

Ron Clymer said you can eliminate the \$33,000 to repower Engine III from the budget because it caught on fire and the insurance is paying for it. He said they currently have one vehicle, Engine I, that has a light that allows a large area to be lit up and it is their goal to do the same to the squad. Ron stated that the Fire Squad will be delivered next week.

Ron Cole let the Board know that the Fire & Police Departments were addressing the Council on the 25th and the Planning Board was welcome to attend.

Steve Stancel stated that the CIP will be voted on by the Council between mid April and the end of April, and the Planning Board needs to vote on this April 14th. He asked if the Board wished to have a Workshop between now and April 14th.

Jerry Reese stated he would like a workshop for more discussion before voting.

After some discussion, Ron Cole set the workshop on April 7, 1998 at 7:00 PM to work on the CIP.

ITEM #5: New Business

Steve Stancel stated that the second meeting of the rezoning of the ETP will be on Monday, March 30, 1998, at 6:30 PM. He said the first meeting was held two or three weeks ago. He said it went well and there were about 30 people in attendance. He said that they have met with a number of property owners and have drafted a proposal that he feels they can build a consensus around. He said the Board is invited to attend. Bruce Woodruff said there will be a public information meeting on April 21, 1998 to discuss the increase in vehicle volume and excess speed on Tolend Road. He said they will be discussing traffic calming methods with the residents along Tolend Road.

ITEM #6: Adjournment

Jerry Reese made the motion to adjourn.

Tony McManus seconded.

VOTE U/A