

**DOVER PLANNING BOARD
MINUTES OF MEETING
JUNE 9, 1998**

MEMBERS PRESENT: Margaret Stevenson, Anthony McManus, Charles Maglaras, Reuben Hull, Ron Cole, Mike Bobinsky, David Landry, Frank Torr (late)

MEMBERS ABSENT: Brian Preston, Paul Beecher, Karin Crittenden, Jerry Reese

STAFF PRESENT: Steven Stancel, Planning Director and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:03 PM.

ITEM #1: Approval of minutes.

Charles Maglaras made the motion to approve the minutes.
Mike Bobinsky seconded.
Ron Cole stated that Erik Drive was misspelled.
VOTE U/A

ITEM #2: Consideration and acceptance of an application for a site plan revision for Cramer Fabrics, Assessor's Map D, Lot 13-1, zoned I-4, located at 20 Venture Drive.

Dana Lynch represented the applicants. He stated they have reconsidered and are proposing a less aggressive addition. Dana explained the landscaping and screening for the loading dock on the new section. He added that there would be a berm with vegetation to hide the dock. He said that Phase I is scheduled for August 1. He said regarding the land acquisition, that they have gotten the approval from the DEDC to go ahead.

Mike Bobinsky made the motion to accept.
Margaret Stevenson seconded.
VOTE U/A

The public hearing was opened.
Beth Thompson stated that they will go before the DEDC again and she feels it will be approved.
The public hearing was closed.

Reuben Hull made the motion to approve with the following conditions:

1. Add the owner's signature and engineer's stamp to the plan.
2. Obtain review and approval from DEDC.

Mike Bobinsky seconded.
VOTE U/A

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for Donald & Karen King and Richard & Arlene Thomas, Assessor's Map 30, Lots 45 & 46, zoned RM-10, located at 59 & 63 Sixth Street.

Frank Torr arrived at 7:16 PM.

Donald King, 59 Sixth Street, stated that the reason for the lot line adjustment is that he is selling the house.

Mike Bobinsky made the motion to accept the application.
Charles Maglaras seconded.
VOTE U/A

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

Reuben Hull made the motion to approve with the following conditions:

1. Add the owners' signatures to the plan.
2. Correct the three abutters located on Sixth Street across from the subject properties on the plat.
3. Correct the brook name from Burr to Berry Brook and add the 50-ft. Conservation District setback boundary for the brook to the plat.
4. Move the shed on lot 30-45 10' from the side property line.

Frank Torr seconded.
VOTE U/A

ITEM #4: Consideration and acceptance of an application for a minor subdivision of land for William Z. Leavitt, Assessor's Map J, Lot 19E, zoned R-40, located on Bayview Road.

Rick Drew, of Orvis/Drew LLC, represented the applicant. He stated that they have received NH subdivision approval and the lot conforms to all City regulations.

Tony McManus made the motion to accept the application.
Mike Bobinsky seconded.
VOTE U/A

The public hearing was opened.
Margaret McLaughlin, 409 Old Garrison Road, stated that this would make 6 lots on 10 acres and asked if this would become a major subdivision. She stated that she is concerned with the past performance of the developer. She is also concerned with the

rock walls being removed and the impact this is having on the neighborhood. She stated that the developer runs a backhoe every day from dawn to dusk and has no respect for the neighbors. She said that it causes excess noise. She said Mr. Leavitt has not complied with the conditions of his first subdivision.

Steve Stancel stated that he has talked with Pete Bouchard, former Public Works Director, and Paul Vlasich and both verified that the work was done.

Peggy McLaughlin read Chapter 155-24 B. of the Subdivision Regulations. She said she wants the Board to discern if this subdivision is in the public interest.

Connie Hutchins, of 24 Bayview Road, stated that she totally agrees with Peggy, it has been very noisy. She stated her well is 450' deep and is concerned with another well so close and would like an expert to say that this project will not affect her well. She said that the well protection district takes in part of the road. She asked how this could be a protected area when the road is salted in the winter. She was also concerned with the septic system because of the brook that runs in the area of the septic system. She said she also wants the gravesite on the property protected. She spoke of the trees being removed near a 5' stone wall.

Joe Flavin, stated he would purchase the property. He said it is quiet there and there will be no noise coming from his area. He said he would follow all the guidelines. He said that he is developing the property, not Mr. Leavitt. He said that the neighbors just do not want to have anything built on Bay View Road.

Bill Leavitt stated that he has only put 400 hours on the Bobcat over the last 10 years. He said that he worked closely in the past with Pete Bouchard. He said he tries to keep the neighbors happy, but there is only so much he can do.

Jack McLaughlin, Old Garrison Road, stated that he has never seen a property that has been a continuous construction site. He spoke about the constant tractor noise that has gone on forever. He asked if there is an existing driveway permit, if that is the proposed access to the property, and if the driveway impacts the well protection area.

Steve Stancel stated that they will require a driveway permit from Engineering and there is no distance requirement for the driveways.

Barbara Lavin, stated they are very respectful of the rules and regulations. She stated that they should not be the victims of the neighbors' dispute.

Tom McShetra, an abutter, stated that he has a lot of problems with this subdivision. He said he will personally ask Pete Bouchard if the work was done. He was concerned that Mr. Lavin would not be a good neighbor.

The public hearing was closed.

Steve Stancel stated that any time you create 4 lots or more within a four-year period it becomes a major subdivision. The previous subdivision was approved December 21, 1988.

Anthony McManus stated that there is no 75' protective radius of the well and it ought to be marked on the plan.

Mr. Lavin stated that the well has a shed over it. It is an artesian well that goes down 250 feet. He said that it would be tested to see if it can be used and if it can, he would like to use it.

Mike Bobinsky made the motion to approved with the following conditions:

1. Add Flood Hazard note to the plat.
2. Add dimensional requirements note to the plat.
3. Add the required 25-ft. setback line to the gravesite.
4. Verify septic disposal area will be located 75' from the Hutchins well.
5. Add an access easement to the gravesite.

Anthony McManus seconded.

VOTE U/A

Abstained – David Landry

ITEM #5: Consideration and acceptance of an application for a site review of land for Patrick Cragin, Assessor's Map H, Lot 37B, zoned RM-20, located on Knox Marsh Road. (3 buildings, 12 units.)

Paul Connolly represented the applicant. He said that a gravel non-used road called Hanson Way borders the lot. He said they are going before the Council to discontinue Hanson Way. He said they discontinued a part of it with the development of the Crosby Road Industrial Park and this will finish the discontinuance. Paul said the site is served with water and sewer. He said the driveways will be 24' wide and there will be outside lighting mounted on the buildings.

Paul said the traffic generation is minimal and the project will generate 2 or 3 school children. He said the Conservation Commission gave him approval for the 34% coverage of the lot for this soil type. He said the project would be called Hanson Apartments for the benefit of the E911 system. Paul stated that once Hanson Way is discontinued, this project would need a lot line adjustment to add the land that Pat Cragin owns on the other side of Hanson Way. He said this is scheduled to go before the City Council on June 24, 1998. Paul stated that the buildings would be sprinklered so a hydrant is not needed.

Reuben Hull made the motion to accept.

Mike Bobinsky seconded.

VOTE U/A

Ron Cole stated that the Planning staff recommends accepting the application and then tabling to a site walk.

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

Anthony McManus made the motion to table the application.
Frank Torr second
VOTE U/A

Ron Cole set the site walk for Monday, June 15, 1998, at 5:30 PM, at the site.

ITEM #6: Consideration and acceptance of an application for a Conditional Use Permit for Mark Phillips, Assessor's Map I, Lots 5, 5A, 63 & 63A, zoned RM-12, located on Back River Road.

Malcolm McNeill stated that this plan was accepted and there has been a site walk. The lot is very well buffered and most of the landscaping will be retained. Malcolm stated that less than 10% of the lot is covered.

Chris Jacobs said they met with the Conservation Commission and they were approved with the conditions that a maintenance schedule should be a part of final approved project. And the conservation easement along the shoreline be widened to 200 feet. He said there would be a condo document where all the owners will share in the costs for snow plowing, etc. Chris said the trail will be put in place but will not be built with heavy equipment, it will be a natural path. He pointed out the sewer manhole and stated that there will be a 6" sewer line that will go to the Austin line. Discussion ensued on the grade of the road and Chris stated that it would be pitched gently.

Mike Bobinsky made the motion to accept.
Frank Torr seconded.
VOTE U/A

The public hearing was opened.

Don Cheney, 53 Back River Road, stated that he is concerned with safety. He said the road is dangerous and finds this plan ludicrous. He said the Planning Board is voting for a tragedy in the making.

John Towle, said that he shares a property line with the project. He said that you have to cross his property to get to the Austin's property with the sewer line. He said that he owns the driveway and Austin has a right of way. He said he does not have a problem with the City running the sewer line but there are two water lines that also go through that driveway. He said he would like the problem of the headlights shining into his aunt's property and the issue of a construction fence be addressed.

Chris Jacobs said he can look at the headlight issue, but he can't see that it is aligned. He said probably some landscaping at headlight height will help to mitigate the problem, if

there is a problem. Chris stated they will not be clear cutting and most of the vegetation will be staying except for a tree that may be ready to fall down. He added that putting up a construction fence is not a problem.

Mrs. Cheney, 53 Back River Road, was concerned with the increasing traffic on the road.

The public hearing was closed.

Mike Bobinsky made the motion to approve with the following conditions from the Conservation Commission:

1. Maintenance schedule on retention pond and sumps in drainage basin should be a part of the final approved project.
2. The conservation easement along the shoreline be widened to 200 feet.

Margaret Stevenson seconded.

VOTE U/A

ITEM #7: OLD Business

a. Discussion and possible vote on driveway waiver for Dennis Munson, located at 125 Tolend Road.

Steve Stancel stated that the Planning staff recommends that the driveway waiver remain on the table until the Department can review and resolve any outstanding environmental and zoning issues with the applicant.

b. Discussion and possible vote on site plan for Mark Phillips, located on Back River Road.

Charles Maglaras made the motion to remove from the table.

Margaret Stevenson seconded.

VOTE U/A

Malcolm McNeill stated that Mr. Towles's concerns could be made conditions of approval. He stated that they would get the sewer line to the Austin property line. Malcolm said this project has been through TRC and the roadway was reviewed at that time. He said that the Planning staff's conditions are acceptable. He said that the condo documents are not available, but they will have them and they will address maintenance as requested by the Conservation Commission. He said that the City would not acquire any infrastructure obligations with regard to this project because it is private.

Frank Torr asked if it would be possible to add that a construction fence be erected to keep the construction equipment out of the undisturbed area and that the undisturbed area remains undisturbed in perpetuity.

Atty. McNeill stated that the appropriate landscaping would be installed if there is any adverse affect from exiting headlights to the Towle residence. He said that the expense for landscaping for headlights should be reasonable and not exceed \$1,000.

Steve Stancel gave the staff recommendations.

A discussion ensued regarding the open-ended definition of the words "reasonable" and "perpetuity".

Mike Bobinsky made the motion to approve the site plan with the following conditions:

1. Add GIS coordinates to the site plan.
2. Provide a detailed lighting, telephone, electric, and cable plan to the City Engineer.
3. This project requires a fair share off-site improvement fee of \$50.00 per unit for the traffic signal at the intersection of Back River Road and Route 108. The calculations were based on the increased peak hour traffic that will be generated from this project.
4. Conservation easement previously granted needs to be shown on the plan and the Conservation Commission recommended it be increased to 200 ft.
5. Provide a maintenance schedule for the retention pond and sumps in the drain basin per Conservation Commission.
6. Note needs to be added to the plan indicating the density calculations.
7. Grant sewer line easement for sewer line extended to Map I, lot 64 at 68 Back River Road, owned by Nancy Austin.
8. Provide copy of proposed condominium documents.
9. Need to add legends to the plans
10. Add street sign to plan.
11. Applicant and City agree on recreational amenities.
12. Appropriate landscaping be placed across the street on Towel property if determined to be an issue not to exceed \$1,000.
13. Placement of construction fence along tree line adjacent to the Towle property.
14. Applicant will work with the Planning staff on agreed upon buffer

Tony McManus seconded.

VOTE U/A

c. Discussion and possible vote on a major subdivision for BAK Land, Inc.,

Dan Gabriel stated he is not looking for any action tonight. He said they have made many changes over the last 2 weeks. He said some were requests from the City and some were requests of the abutters. He stated that this plan is so large that any changes are very costly. He said he wanted to make the changes and get them back to the Planning Department by the end of the week. He said they received Conservation Commission approval. He said that he purchased an easement from Mr. Rockey and that eliminated some wetlands. He said they shifted the road 10' and that dropped off about 3,000 sq. ft. of wetland. He said the State would review the wetlands next.

Dan explained how they re-engineered an intersection by changing the angles. He said they provided a second means of access for the Ferren property should they want to develop. The Ferrens have also retained a utilities access to Eric Drive. He said that Mr. Ferren communicated to him that his over all plans for his property would be horse barns and stables. He said that when the development is in place people would probably want some horses. Dan said that they agreed to run the sewer line 250 ft. so the Quimby's can tie in. He said they provided for a hydrant on Sixth Street for the Fire Dept. He said they have agreed to put language in the deeds that there is a wetland delineation on the plan and they must go through proper channels. He said that SRPC ran traffic counts and they were within 5% of what they had projected. Dan pointed out where they would be running the utilities so if the Ferrens ever want to develop their land there is potential.

Mike Bobinsky stated that he is concerned with the overall layout of the cul-de-sacs in terms of a maintenance perspective. He said he thinks this is a first class development and has great potential in terms of utilities. He said that from a departmental budget perspective, that if this were built today, their department would not be able to meet these needs. He said if they had their druthers, they would prefer to not have that many cul-de-sacs and said that he would like further discussions with the developer. He said he would like some assistance by the developer in meeting that need.

Dan Gabriel stated that Lot #1 is 42 feet wide and 75 feet deep. He said a cape would go there. He said he asked the Willards if they wanted to trade some land, but they did not.

Reuben Hull asked why they did a traditional subdivision instead of an ADS.

Dan Gabriel stated that in terms of a marketing perspective, a lot depends on supply and demand. He mentioned the recent failure of an ADS. Dan said the people who want 2,000 sq. ft. homes don't want to be 30 ft away from each other. He said people who want ADS are those who don't want yards or don't have kids.

ITEM #8: New Business

Steve Stancel handed out the draft copy of the Economic Section of the Master Plan. He said there will be a joint workshop with the City Council and DEDC next Wednesday, June 17, at 7:00 PM in the Council Chambers. Steve said that he wants to have the Public Hearing on this on June 23, 1998.

ITEM #9: Adjournment

Tony McManus made the motion to adjourn.

Reuben Hull seconded.

VOTE U/A