

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 28, 1998**

MEMBERS PRESENT: Reuben Hull, Brian Preston, Margaret Stevenson, Anthony McManus, Jerry Reese, Frank Torr, Charles Maglaras, Mike Bobinsky, Karin Crittenden (late)

MEMBERS ABSENT: Ron Cole, Paul Beecher

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

Vice Chairman Reuben Hull called the meeting to order at 7:04 PM.

ITEM #1: Approval of minutes.

Frank Torr made the motion to approve the minutes.
Jerry Reese seconded.

Jerry Reese stated that on page 2, the name should be Rosemary Reese, not Rose Marie Reese.

Reuben Hull stated that John Merkle is an architect, not an engineer.

VOTE U/A

Karin Crittenden arrived at 7:10 PM.

ITEM #2: Consideration and acceptance of an application for a Change of Use for St. Mary's Academy (Owner, Roman Catholic Bishop of Manchester), Assessor's Map 9, Lot 89, zoned Office, located at 110 Locust Street.

Jerry Reese stepped down.

Atty. Malcolm McNeill represented the applicant. He gave a history of the building and the area, pointing out that it is in the vicinity of My School, and the Greek Church. Malcolm stated that the use is an allowed use and they are not requesting any waivers. He said they would revise the building to create 4 classrooms. The kindergarten will operate from approximately 8:30 to 11:00 AM each morning with approximately 25 students in each class. The other two classrooms will be used for pre-kindergarten children. There will be kindergarten and pre-kindergarten classes in the afternoon. During the summer months there will be daycare services for about 30 children. He said the primary entrance would be the entryway on Church Street. He stated that on the City Hall side of the building there is a proposed playground with a retaining wall.

Atty. McNeill stated that the primary concern with this use is the impact of the use on the existing conditions and also the safety of the children. He said there will be no increased

number of students, only the relocation of the students. Malcolm stated that they believe the appropriate fix with the least impact, is the widening of Church St. on the south side of the street (My School side). He said that school busses utilize that street on a daily basis and it will provide an increased area for turning. That widening would be approximately for a distance of 150'. No permanent parking would be permitted on that side of the roadway contiguous to the entryway of the school, it would be a loading, no parking zone. He said that would be limited to week days and not on the weekends. He stated that there would be no net loss of parking. He said there will be a proposal before the City Council on August 12, to appropriate the funds for the widening of the roadway. He said they would anticipate that any approval of this project would be conditioned upon the funds becoming available as a result of that resolution. He stated that there is a proposal by the Planning staff to recommend that the Parking and Safety Subcommittee review the recommendation of the applicant's traffic consultant for possible traffic flow changes. He said they have looked at those changes and believe that they would cause an unreasonable and unnecessary disruption in this neighborhood. They would not be in the best interest of the abutters or the users of this section of the City, and would not provide reasonable safety to the children. He stated that any approval should delete that provision as being unnecessary.

Anthony McManus made the motion to accept the application.

Margaret Stevenson seconded.

VOTE U/A

Don Rhodes, Norway Plains Associates stated the key factor is how to get a loading zone close to the building because they will be dropping off small children. He said they looked at different solutions and it appears that widening Church Street to provide two-way traffic and parking on both sides of the street would be best. He said they would widen Church Street for the first 150 to 175 feet east of Locust Street, on the southerly side. There would be six parking spaces striped on the southerly side, the same 6 spaces that exist on that section of the street today. The loading zone could then be created adjacent to the proposed day care building. The remainder of the north side of Church Street could then be used for parking for a total of 6 cars. He said that the center section of Church Street now has about 4 parking spaces. He said there would not be parking allowed on the southerly side of the street because of the big trees and the driveway that exist on that side. He said the widening would be limited to the westerly end. The net effect would be the gain of one or two parking spaces and the creation of the loading zone. He added that the widening would include the reconstruction of the sidewalk.

Sister Monica stated that the children would have the option to take the busses, but she does not know how many parents would put their kindergarten children on busses. She said the busses come in through Central Avenue. Sister Monica said that there are 23 pre-kindergarten students registered for next year. She said a teacher would be out on the sidewalk so the parents won't have to get out of the car.

The public hearing was opened.

David Slater, one of the Pastors of First Parish Church, and lives at 102 Silver Street, stated that they do support St. Mary Academy. He said they were distressed to hear of the one-way traffic patterns because that would have a negative impact on the Church and are relieved that it is no longer a part of the proposal. He said they are concerned that the proposed loading zone and widened area will be available to the Church on Sundays for parking, as is the case as present.

Earl Case, 1 Cross Street, with the First Parish Church, stated he is concerned with the price of the renovations of Church St. He feels that the taxpayers should not have to foot the bill. He said the kindergarten is a business and it should be part of the cost of St. Mary.

Jim Jalbert, Ward 2 City Councilor, stated that he attended Catholic School in Dover. He stated that Dover is one of a very few communities to enjoy two private educational institutions. He stated that collectively, they save the taxpayers in excess of \$3,000,000. per year. He said there are abutters who run home businesses and create some of the traffic flow themselves. He said the traffic flow only occurs at two time periods and there is another educational institution that has similar traffic problems on Locust St. He said with the construction of the new Middle School some of the traffic will be relieved. Jim said he is going to sponsor the Resolution and to his knowledge, it is not going to come out of the CIP. He stated that this is a good investment because we are doing something to preserve another form of education in Dover that actually helps the bottom line for the taxpayers of Dover. He urged everyone to support it and vote in favor of it.

Norm Champagne, 13 Church Street, stated that the traffic on Church St. has always been a problem and the people that come there to drop their children off feel they can stop in the middle of the street or they can park in your driveway. He was concerned that there is going to be a line of traffic waiting to drop their children off or cars circulating the area. He had problems with the parking and the manner of the drop off of the children. He was concerned with the noise as the playground is 35 feet from his bedroom window. He said there needs to be a stockade fence to help make it less noisy. He felt the hours of operation should be restricted to not include the weekends and later into the evening. He said on weekends the Churches use the parking and with Advanced Systems, all of the parking on Locust and Church St. is totally utilized. He said he feels that the parking and traffic Committee should have a chance to deal with this before the permit is approved.

Leonard Silver, runs a business at 105 Locust St., stated that he represents 17 tenants that need parking. He said he never asked the City to provide parking for his tenants, he has 2 spaces. He said he agrees with Norm Champagne.

Steve Hall, 113 Court Street, stated he is a past custodian of St. Mary Academy, active member of First Parish Church, and an observer of what is going on here. He said that one point that has not been brought up is the fact that St. Mary Academy has a lot of very good neighbors. He stated that some who are very concerned with the parking issues, but utilize the City streets as their parking areas rather than their own driveways, thereby adding to the problem they are bringing to you as a concern. He said he thinks it is a bit

ludicrous to parks your cars on the street and then turn around and complain about somebody who is going to utilize parking very minimally.

Carol Ayers, 8 Academy Street, doesn't have a problem with the kindergarten but wanted to say that they have a major traffic problem in that area.

Richard Young, 141 Katie Lane, stated that St. Mary's is a great school, but there is no guarantee that the space they are presently using wont be used for more students.

Norm Champagne, stated he has comments he would like to make regarding parking on Church St, such as taking his two cars out of his driveway and putting them out onto Church St. He said his wife has operated a beauty shop in the basement of their home and there is no parking, so in order to provide parking for his wife's customers, he does park his cars on Church St. He said he shudders to think of the amount of time that the Dover Police Dept. is going to spend writing tickets on Church St. He said the signs on Church St. have been removed as an attempt to widen the street.

David Landry, Ward 5 City Council, and also the Chairman of the Parking & Traffic Committee said the neighbors know the parking and traffic issues and it's clear that there are problems. He said he thinks this has to be studied further and should be referred to the Committee.

Jim Jalbert, stated that we have a very capable and competent Planning staff. He urged the Board to make a decision tonight.

Malcolm McNeill stated that where the money comes from is not an issue. He said the debate is whether the improvement is necessary. He said if the improvement is not made, the CO will not be permitted. He said they would cooperate with the Police and the City with regard to crosswalks, etc. We agree there will be no operation on weekends and evenings without contacting Planning and if that means that we would have to come to the Planning Board that would be OK. He said they would commit that they will not add students without reporting it to the City. He said that given the neighborhood concerns, he doubts that you would expect anything other than being told if this space was being filled for uses other than computer and locker rooms. He said they can provide their parking off site. He said they are trying to make a difficult situation better by providing an additional education to children in this City at what appears to be a cost saving to this community. Malcolm ended by stating that all of the conditions of approval except #8 are acceptable.

The public hearing was closed.

Steven Stancel stated that it is hard to imagine a use for the building that would not impact the neighborhood in some way. This is not an increase in the number of students.

Mike Bobinsky stated that there are no stop signs or cross walks on Church Street due to the City Ordinance, the traffic code doesn't call for it.

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

1. Add the owner's signature to the plan.
2. Complete the striping of the existing Church Street parking lot to provide thirty spaces.
3. Show location of existing water and sewer lines on the plan.
4. Revise plan to add note regarding the number of parking spaces required by the proposed use.
5. Add additional landscaping along retaining wall to provide screening to abutters.
6. Add note to plan indicating trash disposal plan.
7. Design and construct a widened Church Street adjacent to the new school that includes a pick-up/drop-off zone, two travel lanes, and parallel parking spaces on the north and south side of Church Street prior to C/O.
8. Recommend that in addition to the design and construction of Church Street that in the future periodic review by the Parking and Traffic Committee, along with the property owners in the area take place for the best possible traffic flow. Additionally we recommend that the Parking and Traffic Committee do review the plan in terms of the best location for cross walks and signage improvements.
9. Prohibit Academy staff from using on-street parking spaces.
10. There shall be an attempt to coordinate scheduled kindergarten and pre-school classes so that arrivals and departures at the same time as at "My School" are minimized.
11. Enforce the agreed upon loading zone restrictions for the parents.
12. City to approach PSNH regarding possible relocation of the utility pole that sits in Church St.
13. There shall be no use on the weekends of the building unless it is reviewed by the Planning Board.
14. Any increase in the future number of student in the school shall be reviewed by the administration and this Board prior to approval.

Margaret Stevenson seconded.

VOTE U/A

Jerry Reese took his seat.

ITEM #3: Consideration and acceptance of an application for a Minor Lot Line Adjustment of land for Megan Martineau (Owners, Megan Martineau and Davidson Rubber Co., Inc.), Assessor's Map G, Lots 4G & 3B, zoned I-1, located on Industrial Park Road and Littleworth Road.

Paul Connolly, of Civil Works, stated that Shaw's Ridge Equipment is adding 4 ½ acres to their parcel for a total of 6 acres, and leaving the Davidson Rubber parcel with 25 acres. He added that there is no issue with the setbacks.

Jerry Reese 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.

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

1. Add the owners' signatures to the plat.
2. Revise plat to include building setback lines.

Chuck Maglaras seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a Major Subdivision of land for MJS Engineering (Owner Ismalia Perry), Assessor's Map A, Lot 36-1, zoned R-40, located on Varney Road.

Mike Sievert, of MJS Engineering, represented the applicant. He stated it is a 19 lot subdivision, on Varney Road, totaling 58 acres. He said they are proposing three phases. The thousand foot road straight in will be the first phase, the spur road which is 600 feet will be phase 2, and at the northerly entrance another 600 foot road with a cul-de-sac phase 3. He stated that the owner has agreed to make the beaver pond and most of the wetlands a full conservation easement. The smallest lot is just under 50,000 sq. ft. and the largest are 5 acres. He went over the drainage and stated it is all sloping towards the easterly part of the property. Mike stated that all the treatment swales would be done along the roadway and around the cul-de-sacs, it is all very flat so there will be adequate treatment prior to discharge. He stated that the cul-de-sacs will have landscaping and lighting and will be maintained by one of the adjacent lots.

Jerry Reese made the motion to accept the application.

Karin Crittenden seconded.

VOTE U/A

Terry Picard stated that she owns land on the opposite side of the development. She pointed out that the Reyners Brook Watershed is a significant watershed. She stated that she finds the drainage plan unacceptable. There are springs that may eventually become a water source for the City of Dover. She stated that she feels that nothing should be developed in this area until the City is ready to come in with water and sewer.

Elizabeth Curthbertson, 161 Varney Road, stated that she agrees with Terry. She said there are beavers that are backing up drainage that goes underneath Varney Road. She stated that as the water level has risen, so has the odor. She stated that there is a possibility of e-coli buildup in that area. She is concerned with their well water and the drainage that comes from the Indian Village development. She feels the City should put in a sewerage system.

Dan Binder, 77 Varney Road, stated he has no objection to the development but he has spent thousands of dollars to divert water from his land and wants to be assured that he doesn't end up with a swimming pool instead of a front yard.

Terry Picard stated that the City is aware of the septic failures in the Indian Village area and would like them to investigate the problem.

The public hearing was closed.

Mike Sievert stated that all the test pits meet regulations and the lots are large because of the wetlands and conservation easement.

Steve Stancel stated there are several outstanding issues and he is recommending tabling for a site walk. He stated for the site walk he would like to get the City's Environmental Projects Manager, City Engineer and the Chairman of the Conservation Commission out on the walk at the same time so the abutters can ask some of the questions that they have brought up. He stated that the Conservation Commission has review this and given their approval.

Jerry Reese made the motion to table to a site walk.

Mike Bobinsky seconded.

VOTE U/A

Reuben set the site walk for Monday, August 3 at 5:30 at the site.

ITEM #5: Consideration and acceptance of an application for a Major Subdivision of land for Park Avenue Development Corp. (Owner Robert Moreau), Assessor's Map M, Lot 76, Zoned R-40, located on Dover Neck Road.

Bob Stowell, Trittech Engineering represented the applicant. He stated that the project is called Captain's Landing. Bob stated they originally planned to have a pump station but they were able to negotiate a sewer easement into Brickyard Estates. He added that there will be a pedestrian access so all residents will have access to a boat dock.

Steve Stancel stated that he has received a legal opinion from Donahue, Tucker and Ciandella regarding the new zoning change proposal. He stated that Atty. Tucker feels that the Planning Board can accept the plan and that the posted changes have no affect on it. He said the plan was first brought to his office in February and the staff had encouraged the delay of the submission of the formal application until all details were completed. Steve read parts of the letter and stated that he believes that the better solution is for the Planning Board to accept the plan under the old ordinance. He stated that what occurred was that the developer did have the plan primarily engineered and designed back in March or April. He stated that he and the City Engineer requested that they attempt to go out and receive easements onto abutting parcels so that the sewer could be connected to an existing sewer pump in Briarwood. He said that delayed the project for two months while that occurred.

Jerry Reese made the motion to accept the plan under the old ordinances.
Margaret Stevenson seconded.

VOTE U/A

The public hearing was opened.

Carol Crasner, 36 Isaac Lucas Circle, stated she has two concerns one is that she does not feel that the pumping station located in Brickyard Estates is sufficient to handle another development. Her second concern is the drainage, she stated that her backyard after a normal rain is saturated and she has a stream going through her front yard. She is concerned that she will get more water runoff.

Bill Ollar, 40 Isacc Lucas Circle, stated that Brickyard is much lower than this development and is concerned that they will get a lot of drainage from the development.

Edward Blier, 28 Isaac Lucas Circle, stated that Brickyard has a drainage problem. He stated that he wants some guarantee that he won't have sewerage in his basement. He stated that Brickyard Estates should not be paying for his free pumping station.

The public hearing was closed.

Bob Stowell stated that they intended to go forward with a pump station but they were encouraged to pursue the possibility of tying into the existing city sewerage system. He said the City felt that there was less liability in having just one pump station. He said the general lay of the land drains directly to the river but there are certain portions of the property that drain toward Brickyard. He stated the drainage situation at Brickyard is caused by the slashing that was done by Brickyards' construction. He stated that he is sure the Crasners have seen it get worse over the years as more and more residences have been built at Brickyard Estates. He said they are victims of their own development. Bob said they are taking those issues into consideration and elaborated on the drainage system that would eliminate any drainage onto Brickyard Estates.

Reuben Hull re-opened the public hearing.

Bruce Crasner, 36 Isaac Lucas Circle, stated the drainage is a terrible situation and wants the Planning Board to come out and look at his property to see the drainage.

Mr. Bliler, 28 Isaac Lucas Circle, stated that the sewerage pumping station on Isaac Lucas Circle cost \$500,000. He said he just bought a generator for his house and it costs \$17,000. He stated he was in the contracting business for 43 years.

Chris Demogenes, developer of Park Avenue Development Corp., and lives 255 North Road, Chelmsford, MA, stated that he just bought a pump to handle 29 units, the same as Brickyard Estates', and it cost \$23,500 and he has the invoice to show that. He said it is not to town specifications so we need to factor 2 - 2 ½ to 1. The pump station that this project would need would be no more than 50 to \$55,000. He stated he would be happy to present the invoices to him. He said their existing drainage problem if not a problem of our creation. He said this subdivision may very well mitigate that problem and there is no question in his mind that less flow will come down to where they are than before.

The public hearing was closed.

Steve Stancel stated that there are some outstanding issues and he recommended tabling to a site walk. He said the pump station and the sewer lines in Brickyard Estates are public and public maintained. He stated that it makes sense to the City to tie into an existing pump station. He said they will look at the capacity of the pump station and it will be the developer's responsibility to upgrade that capacity if it is not large enough.

Jerry Reese made the motion to table pending a site walk.

Mike Bobinsky seconded.

VOTE U/A

Reuben Hull set the site walk for Wednesday, August 5, at 5:30 PM. Reuben stated that it is open to the public and the meeting place is at the site.

ITEM #6: Old Business

a. Discussion and possible vote on a major subdivision for BAK Land, Inc., (Dan Gabriel), located on Sixth Street.

Jerry Reese made the motion to remove this from the table.

Frank Torr seconded.

VOTE U/A

Anthony McManus left the meeting.

Dan Gabriel stated that he is willing to accept the approval subject to the conditions of Engineering and Planning being met. He said they are willing to accept all the conditions

on the basis that if there is one or two out of 73 that is a conflict, they are willing to come back in front of the Board.

Paul Connolly stated that the City Engineering Dept. is user friendly and customer oriented. Paul said it is a list can be addressed in a short period of time.

Mike Bobinsky asked what would occur if there was a dispute with the 73 conditions?

Steve Stancel stated that it actually puts the City in a stronger position to be approved with the condition that all these items be met. What they are saying is that they will continue to work with the Engineering Department. He said that should they not be able to come to a mutual agreement to the satisfaction of the Engineering Department, then they would end up having to come back. If you did approve it tonight you are giving them conditional approval with 60 days to finalize the plans or they have to come in for an extension.

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

1. Add the owners' signatures to the subdivision plan.
2. Provide NH Wetlands Board Permit and NH WSPCC Site Specific Permit.
3. Approval of Conditional Use Permit.
4. Approval of a waiver of 12" water line requirement in some of the new roads.
5. Approval of waiver for 24' pavement width.
6. Applicant has agreed to provide \$15,000 for recreational amenities for tot lot.
7. Need engineers stamp on plan sheets 10-24.
8. Need to add proposed lot numbers for the new lots, as assigned by Tax Assessor, to the final plat submittal.
9. The applicant shall address all the Engineering comments on the Memo dated July 27, 1998.
10. Reporting back to the Planning staff on status of the project within 60 days.

Jerry Reese seconded.

VOTE U/A

b. Discussion and possible vote for posting additional zoning changes.

Steve Stancel stated they are housekeeping items as well as changes to the Flood Hazard Ordinance. We would like to get them posted for the same public hearing of September 22, 1998, so we can do one City wide mailing.

Frank Torr made the motion to post the changes.

Margaret Stevenson seconded.

VOTE U/A

Steve Stancel stated that the area meetings on the rezoning were broken down by wards and made sure that each individual ward Councilor was available for the meetings.

Steve Stancel stated they have received a letter from Middleton Building Supply. They have gone through the process with the City Council to get approval to purchase a portion of Long Hill Park to expand their operation. He said that a zoning change needs to take place before they can expand. He said he would like to get this to a public hearing in August, so the applicant can go forward.

Mike Bobinsky gave the history of the property. He said they held 3 or 4 neighborhood meetings for comments and opinions. The Council received the proposal and approved it with conditions and among those conditions are that they satisfy Planning Board requirements for the development, zoning issues, and any State and Federal issues. Long Hill Park was purchase with Federal funds back in the late 70's. He said that his staff is in the process of finalizing all those issues.

Margaret Stevenson stepped down on this item.

Charles Maglaras recommended sending this to a public hearing.

Frank Torr seconded.

VOTE U/A

Steve Stancel stated that because of the 15 day public hearing notice, the rezoning will go on the August 28, Planning Board Meeting.

c. Extension of approval for Varney Cleaners.

Jerry Reese made the motion to grant the extension until August 30, 1998.

Chuck Maglaras seconded.

VOTE U/A

ITEM #7: New Business

Frank Torr stated that the Board should be looking into cul-de-sacs and drainage issues. He said there should be a punch list when the developers come in so they can go through it and address all the problems. He said he finds it ridiculous when there are up to 25 conditions that they have to fulfilled. He said he feels they should be able to fulfill those issues with their original proposals.

Steven Stancel stated that they do give them a punch list but it is like pulling teeth.

Reuben Hull explained when retention and detention ponds are used.

ITEM #8: Adjournment

Jerry Reese made the motion to adjourn.

Chuck Maglaras seconded.

VOTE U/A