

**DOVER PLANNING BOARD
MINUTES OF MEETING
SEPTEMBER 8, 1998**

MEMBERS PRESENT: Brian Preston, Frank Torr, Margaret Stevenson, Jerry Reese,
Karin Crittenden, Anthony McManus, Mike Bobinsky

MEMBERS ABSENT: Paul Beecher, Charles Maglaras

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

Vice Chairman Reuben Hull stated that Chairman Cole would be late and he brought the meeting to order at 7:04 PM.

ITEM #1: Approval of minutes.

Frank Torr made a motion to approve the minutes.

Jerry Reese seconded.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a minor subdivision of land for Joseph Laferriere, Assessor's Map C-3, Lot 36, zoned R-40, located on French Cross Road.

Joseph Laferriere, 18 French Cross Road, stated that only a small portion of his land is in Dover, the majority is in Madbury.

Mike Bobinsky made the motion to accept the application.

Karin Crittenden seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

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

1. Add the owners' signatures to the plat.
2. Submit the plat to the Town of Madbury Planning Board for their review and approval.

Margaret Stevenson seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a Minor Lot Line Adjustment of land for Michael & Donna Wentworth and Raymond &

Lisa Beaudette, Assessor's Map 30, Lots 48 & 49A, zoned RM-10, located at 49 Sixth Street.

Mike Wentworth stated that this lot line adjustment would alleviate a parking problem.

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. Add a note to the plat referencing the Zoning Board of Adjustment variance, case number and pertinent information.
3. Depict all minimum building setback lines on the plat.
4. Add the names of abutting property owners across Sixth Street to the plat.
5. Tie the plat into the City's GIS system and add the coordinates to the plat.

Mike Bobinsky seconded.

VOTE U/A

ITEM #4: 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.

Atty. Malcolm McNeill represented the applicant. He gave a brief history of the project.

Chris Jacobs stated that Denise Frappier, an engineer for the State of NH, found 3,800 sq. ft. of wooded wetlands. He said they would have asked for Conditional Use approval when they were before the Board the first time if it had been mapped as wetlands at that time. Chris explained the drainage for the road.

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. Planning Department receipt of the NH Wetlands Board Dredge and Fill permit.
2. Planning Department receipt of the US Army Corp of Engineers permit if determined necessary.
3. Adhere to all general and specific conditions included in state and federal permits.
4. Provide the City Engineer with a maintenance schedule for the retention pond and drainage basin sumps as recommended by the Conservation Commission.

Margaret Stevenson seconded.

VOTE U/A

ITEM #5: Application for a Minor Lot Line Adjustment of land for John Murphy and Winning Ways Stable, Inc., Assessor's Map B, Lots 17B & 17C, zoned R-40, located on County Farm Cross Road.

John Murphy stated he is here for a lot line adjustment because the bulkhead on his house encroaches in the 25 ft. setback.

Mike Bobinsky made the motion to accept the application.

Anthony McManus 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 and the waiver:

1. Add the owners' signatures for both parcels to the plat.
2. Add the GIS coordinates to the plat.
3. Add a note indicating the before and after boundary revision lot sizes.
4. The waiver was approved for not showing the entire parcel affected by the boundary revision on the plat.

Brian Preston seconded.

VOTE U/A

Item #6: Application for a Minor Lot Line Adjustment of land for Northeast Credit Union, (Owners New Homes, Inc. and Mrs. Walter Ham) Assessor's Map D, Lots 17 & 18, zoned B-4, located on Sixth Street and Sixth Street Connector.

Steve Stancel stated that this item was withdrawn so they could finalize their submittals for the Transfer of Development Rights Ordinance.

ITEM #7: Old Business

a. Discussion and possible vote on a major subdivision for MJS Engineering, located on Varney Road. (19 lots)

Steve Stancel suggested that it remain on the table. He said the applicant is going before the ZBA next week.

b. Discussion and possible vote on a major subdivision for Park Avenue Development Corp., located on Dover Neck Road. (25 lots).

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

Brian Preston seconded.

VOTE U/A

Bob Stowell, Trittech Engineering, represented the applicant. He stated they have addressed the majority of the staff comments. He said one issue was dealing with erosion control in the northwesterly corner. He said they have submitted a drainage analysis to Engineering for their review and the Strafford County Soil Conservation Service opinion is pending at this point. Bob stated that the pump station computations are still outstanding because Engineering has not had the chance to review that information. He said if it shows that an upgrade is needed because of their 26 lots, they will do what is necessary to upgrade the station. Bob said they did receive a favorable response from the Conservation Commission. He said there was a condition that they provide a conservation easement along the Piscataqua River in some sort of perpetual easement. He said that there was some sort of discussion that it could be a covenant in place of a conservation easement. Bob said that a covenant is their preference but they would be willing to work out some sort language that is agreeable to the Planning Department and Conservation Commission. He stated that they want to get something in the deeds to put the homeowners on guard that this ordinance is in place and needs to be adhered to.

Jerry Reese stated that a berm was an issue at the site walk regarding lots 2, 3, 4, and 5. He asked Bob what his position was regarding the drainage towards the road vs. a berm.

Bob Stowell stated that instead of placing a berm, the lots would be graded so they would drain towards the road. He said the computations proved out that this is a good idea. He said they met with the abutters and they were all in agreement with this drainage.

Mike Bobinsky stated that he agrees with this drainage plan. He stated that this is going to be a City Street so the City has a stake here. Mike said that the street will have to be accepted and maintained and the developer will be required to post performance bonds.

Chris Demogenes, Park Avenue Development Corp., stated that the berm would work but the Conservation Commission was worried about erosion control. He said this drainage plan would not solve the problem 100% but it will cure 80% of the drainage that now runs into Brickyard Estates. He stated that he will guarantee that they will have less water coming down the side of the slope than they had before. Mr. Demogenes stated that if there is a serious problem that they created, it is their responsibility to fix it.

Reuben Hull stated that this plan is going to site specific and will be looked at with lots of scrutiny from the State of NH.

Mike Bobinsky went over the bonding process and the guarantees that the work is done properly. He said that in the unlikely event that the developer goes bankrupt then the City has some capital to finish the improvement.

Steve Stancel stated that according to Bob Stowell there was some discussion at the Conservation Commission meeting in regards to an easement versus protective covenants. He said he was unable to reach Chairman of the Conservation Commission to verify what the intent of the Board was. He said by approving condition 5, the intent of the CC will be preserved, and it will have to appear on the deeds.

Steve Stancel stated that within 100 feet of the river 50% of the basal area can be cut within a 10 year period. He said that it is not clear in the minutes whether they want an easement that doesn't allow cutting, or whether they just want to come up with a process to alert the property owners so they are aware that they can cut only 50% of the basal area.

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

1. Add the owners' signatures to the plat.
2. Need Engineer and Surveyor stamps added to the plat.
3. The applicant has agreed to contribute \$5,000 to be used toward an existing recreational area or for the development of a new recreational area.
4. Developer is required to make a \$15,500.00 cash contribution for future upgrade of Dover Neck Road.
5. A condition Use Permit from the Board is required because of roadway wetland crossings. The conservation Commission has reviewed and recommended granting this permit with the condition that a conservation easement for land located within 100 ft. of the Piscataqua River be granted to either the City or a conservation group. We're recommending that a document be developed to the satisfaction of both the CC and the Planning Department that sufficiently protects the area located within 100 feet of the Piscataqua River.
6. Submit the NH Wetland Board dredge and fill permit to the Planning Department when it is approved and the Site Specific Permit, as well
7. Planning staff recommends granting the waiver for 24' wide road.
8. Drainage easements need to be in favor of the City.
9. Show underground electric, telephone and cable on the plans.
10. Locate sewer manholes inside the curb line.
11. Add a note to the plans indicating that front areas of lots 2-5 shall be graded to drain towards the road.
12. The City Engineer supports the request for a waiver of the required 12" water main to an 8" main.

13. Revise the plans to tie force main sewer services from lots 11 & 12 into sewer manhole 11A.
14. Add a note to the plan directing the contractor to evaluate the grades on lots 7-9 for either gravity or force main sewer service.
15. The pump station report dated September 2, 1998 is in the review process as of the date of this memo. The City Engineer has yet to review that memo. Staff recommends that any pump station upgrades be completed to the satisfaction of the City Engineer.
16. The Environmental Projects Manager is currently evaluating run-off velocities of 9 ft/sec in the existing channels for erosion considerations. Dean Peschel has referred the plan to the Natural Resource Conservation Service which is the combination of Rockingham Soils and Strafford Soil Conservation Service for their recommendation and the applicant has agreed to abide with any of their findings.
17. The applicant warrants for a period of 1 year after completion of the project that there will be no increase of drainage onto the properties in Brickyard Estates from this project.

Margaret Stevenson seconded.

VOTE U/A

Steve Stancel stated that he did write a letter to the property owner on Glenwood Ave. giving him until September 18, 1998 to clean up his lot. Steve said if they don't conform, he will bring it back to the Board and suggest that the Board take the necessary steps to revoke the approval.

b. Alden Woods Subdivision – Sixth Street (69 lots.)

Dan Gabriel stated he is requesting a 60 day extension and due to an oversight of ownership issues (there are 2 separate owners), he would like to add 7 parcels to Phase 2 of the plan. He said that the intent of the phase change is to keep the ownership separate. He said that he met with the City Engineer and his only concern with the new phase lines is that there is a temporary turn around or cul-de-sac. He said that he got State Wetland approval last week and Conservation Commission approval. Dan said they are now completing the application for site specific. He said if he can get a timely response from Engineering and get this plan finalized in the next 2 weeks, he is going to try to get the water & sewer out to Sixth Street before the November 15th deadline.

Anthony McManus made the motion to give a 60 day extension.

Mike Bobinsky seconded.

Ron Cole arrived at 8:25PM.

Dan Gabriel stated that he will bring in a lot line adjustment for the affected lots in the new phase line if it is requested. He said that phase 1 & 2 will probably take 2 years and phase 3 would start in year 3.

Jerry Reese stated that he would prefer a formal application for a lot line adjustment.

Steve Stancel stated he will need a legal opinion as to the transfer of land without a lot line adjustment.

Dan Gabriel stated that he is just looking for the Phase line tonight. He will come back for a Lot Line Adjustment if he has to.

Reuben Hull call for the motion for the 60 day extension.

VOTE U/A

Abstained – Ron Cole

Steve Stancel explained that he feels more comfortable with the Planning Board approving the phase lines because they approved the original phase lines. He said that he suggested to Dan that he brings this up tonight. Steve stated that he has not problems with the Phase lines.

Frank Torr made the motion to add 7 lots to phase 2.

Anthony McManus seconded.

VOTE U/A

Abstained – Ron Cole

c. Rezoning of lots 20, 18, 19 and portion of 53 located on Central Avenue.

Steve Stancel stated that he received two letters requesting zoning changes. He stated that Ken May and Trudy May requested that 46 Central Avenue (Ken's Exon) be rezoned from Industrial to B-3, and Ben Hazen and Chad Kageleiry requested that Lots 18, and part of 53 and 19 be rezoned from Industrial to B-3 and from R-12 to B-3. Steve said that it makes sense to add lot 20 which is currently zoned industrial but has a dentist office and housing in it which is allowed in a B-3 zone. He added that it would make lot 20 conforming. Steve stated that the Planning staff recommends posting and moving to a public hearing the request to change lots 18, 19, 20 and a portion of 53 up to the northern boundary of 20 to the B-3 zone. He stated that as we go through the process we may hear from some of these abutting parcels whether they want to be included or not. He stated that this will not occur in time for the meeting of Sept. 22, 1998, but will go to a meeting shortly thereafter and will probably end up going to the Council at the same time as the others.

Ron Cole made the motion to post and send this zoning proposal to a public hearing.

Jerry Reese seconded.

VOTE 7 – 1

Opposed – Anthony McManus

ITEM #8: New Business

- a. Anthony McManus stated that the newspaper stated that there will be a meeting between the City Council and the Dover Economic Development Commission on the

waterfront development. He felt that the Planning Department and Planning Board members should be invited to attend.

Brian Preston asked if the Chair would write a letter to the Council requesting that the Planning Board be invited.

Steve Stancel stated that he is aware of the meeting because he goes to the DEDC meetings.

Steve Stancel asked that anyone wanting to go to the Municipal Law Lecture Series to fill out the application and return them to the Planning Dept.

Steve Stancel stated that the meeting of the 22nd may be very well attended and we should probably not have any other agenda items on that night. He asked if the Board was in favor of holding an other meeting on September 29, 1998.

The Board agreed to hold a meeting on September 29, 1998.

Ron Cole made the motion to adjourn.

Anthony McManus seconded.

VOTE U/A