

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

**MEMBERS PRESENT:** Brian Preston, Karin Crittenden, Frank Torr, Margaret Stevenson, Jerry Reese, Ron Cole, Reuben Hull, Charles Maglaras, Mike Bobinsky

**MEMBERS ABSENT:** Paul Beecher, Anthony McManus

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

Chairman Cole brought 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.

**VOTE U/A**

**ITEM #2: Consideration and acceptance of an application for a minor lot line adjustment of land for Peter & Joyce Forsythe and Phyllis Carabelas Holt, Assessor's Map L, Lots 97A & 99, zoned R-20, located on Dover Point Road.**

Brian Berlin represented the applicants. He explained the lot line adjustment and stated that the Forsythe are purchasing 40,000 sq. ft. with 100 ft. frontage on the Piscataqua River from Mrs. Carabelas Holt. He said there is no change in road frontage. He stated that Lot 99 is a lot of record, it has no road frontage, and none is proposed.

Jerry Reese made the motion to accept the application.

Reuben Hull seconded.

**VOTE U/A**

The public hearing was opened.

Mike Garafano, an abutter, stated that he wants to ensure that the lot that Mrs. Carabelas Holt has left will be accessed from the Forsythes' driveway.

Brian Berlin stated that the land that is being added to the Forsythes' lot is not a separate building lot. He said there is no intention of accessing lot 99 via the Forsythes' driveway. He stated that when Mrs. Carabellas Holt purchased four lots, the previous owner of lot 99 did have a 12 ft. right-of-way from this driveway to lot 99. He said since she owns both sides of the lot line she doesn't need a ROW to get to her land. Historically, there has been a deeded ROW to lot 99 when there were two different owners.

Steve Stancel stated that an agreed upon access way will be required even though it is owned by the same person, because down the road, there may be a problem.

Public hearing was closed.

Margaret made the motion to approve with the following conditions:

1. Revise the plat to delete Note #6.
2. Revise the plat to add either a note or a plan indicating access to Map L, Lot 99 through lot 100.
3. Label tie lines in the rear of the property.

Frank Torr seconded.

**VOTE U/A**

**ITEM #3: Old Business**

- a. **Discussion and possible vote on a major subdivision of land for John Iafolla, Garrison Woods, located on Littleworth Road. (22 Lots)**

Steve Stancel stated he has spoken to an attorney to receive a legal opinion as to what the City's rights may be for requiring public access and we should have it prior to the next meeting. He said that the Madbury Planning Board has indicated that they are not opposed to the public access being located in Madbury, but the issue of police liability is a concern. He said that the eastern entrance to the property, because of the speed of the traffic, and its proximity to Westwood Circle, is another concern. He said that the applicant submitted a traffic analysis but he hasn't reviewed it yet. He said that the Conservation Commission will give us their opinion next Monday.

Reuben Hull made the motion to take this item from the table.

Karin Crittenden seconded.

**VOTE U/A**

Steve Stancel stated that he thought the City or NH Fish & Game might be able to obtain a public access on a 1 ½ acre lot across the pond.

Chad Kageleiry stated that one of the issues is the timeliness of that transfer. The 1 1/2 acre parcel and subject parcel are owned by two entirely different corporations. He said that leasing, licensing, gifting, sale, or whatever of that parcel across the pond can in no way be related to this project. Chad said they are looking for a long-term solution to make that land available to NH Fish & Game but it cannot be tied to this project in any way. He said they have a legal opinion from their attorney who speaks strongly that the public use of that land over the past many years has been a permitted use by the owner and it has gone on with his knowledge. He said he has allowed it to occur and because of

that, there can be no adverse rights taken against that property. He said that the City cannot claim any rights to that roadway across the land to the water. He said that the Fish & Game recognizes the private property owner's rights and it was only through his generosity that they were allowed to use that access way to occasionally stock the pond.

Steve stated that he thinks it is important that we cover all of our bases. He said that one issue is whether or not the City has a right by prescription to require some type of public access over the parcel and the other is that the subdivision regulations do allow for the Planning Board to require open space on subdivisions. He said there are really two legal questions that have to be answered.

Chairman Cole re-opened the public hearing.

Mike Hearlihy stated that he hoped that the traffic study was done on a weekday, during regular hours and not on a holiday. He said that people do go over the 40 mph speed limit. He said he finds it interesting that Mr. Kageleiry's tone has changed from the fact that everybody has been trespassing on this land and Iafolla did not want anybody on the property.

Michelle DeYoung, 155 Littleworth Road, asked whether Lots 19 & 21 were going to have private driveways because they are located directly across from her driveway.

Steve Stancel stated they were shared.

Ron Cole suspended the public hearing.

Jerry Reese made the motion to table.

Frank Torr seconded.

**VOTE U/A**

**b. Discussion and possible vote on Capital Improvements Program.**

Ron Cole stated that almost all of this is the second phase of the CIP that the Board recommended last year.

Brian Preston asked for a worksheet on the difference from last year's projections.

Mike Joyal stated that he received that request, but has been swamped and has not gotten to it. He said he is prepared to go over the differences tonight. Mike went over the items on page 19. He said that some of the dollar amounts have changed. He said that under General Government, prices change, cost estimates change, and that is reflected in this year's CIP based on the most current estimates that the departments were able to generate for certain projects.

City Hall Improvements – the dollar amount has been reduced. This was moved up into the General Government from Community Services. The accounting director feels that it

is more appropriate that this expense should be reflected under General Government and not Community Services. Mike stated that the projected YR 2000 amount was \$250,000 and we are now projecting \$175,000. He explained the maintenance needs at City Hall. He said that the second change is that Cemetery Office and Garage Facility has been added under General Government. He said they are looking to upgrade and add to the existing facility at the cemetery and keeping those facilities centralized.

Police Vehicle Replacement. Mike Joyal said that last year it was proposed at 100,000 and this year it is for an additional two vehicles.

Chuck Maglaras asked if they were going to be on line vehicles and Mike Joyal answered that they were.

Facility Design and Construction for the Police Department. The dollar amount has gone up \$50,000.

Fire Pumper Replacement has been increased by \$60,000 to \$310,000. He said that the Fire Dept. has had an opportunity to review a new vehicle called the Quint which is a fire pumper and also has limited aerial capabilities.

Mike Bobinsky stated that it should be about \$300,000 a year that we should be investing in our sidewalks as compared to \$100,000 and the streets should be around \$500,000 as compared to \$200,000.

Mike Joyal stated that the Cocheco River Dredging is a new project that is being added into YR 1. It appears that the Federal government will be moving ahead with the dredging of the Cocheco River and we are expected to make a match toward the funds.

Mike Joyal said the Tolend Landfill project has some changes in dollar amounts. He said this is because of the testing program. It will determine if we have to proceed with a full blown cap or if using this alternative treatment process will work.

Mike Bobinsky stated that the original super fund landfill closure was around 26 million, this alternative will be around 9 to 11 million total and possibly less.

Culture and Recreation. – Athletic Field Development – Mike Joyal explained the sale of the gravel and the investing of the revenue into the ballfields. He said it is a cost neutral project.

The Fitness Center Upgrade – Mike Joyal said that we are seeing quite a bit of use of the City's Butterfield Gymnasium and there is a need to invest in some of the fitness equipment.

Pool Filtration System Improvements – Mike said this is an update of cost estimates by about \$10,000. He said there are two factors that are affecting that increase, one is the

increase in the cost estimate and the other is the change in scope. The chlorine is doing a number on the lockers in there.

Bellamy Hut Construction for \$250,000, and Thompson Pool Enclosure for \$400,000. are projects that are being added in YR6.

Library Carpet Replacement for \$13,000 just barely squeaks into our definition of CIP. It will show up as a proposal in the Operating Budget.

Mike Joyal stated that he will leave the school projects alone. He said that they included the School Department staff's recommendations for the CIP but the School Department was not able to bring those recommendations to the School Board for their final review and approval. The School Board felt they would like to reprioritize their project and are expected to take a vote on next Monday. He said that the School Board will have a different alignment of projects for you to consider which will be their final recommendations.

Mike Joyal stated that there are three new projects that are in the Water Fund. He said the SCADA is a project where we are installing remote metering and remote monitoring capabilities within the water system. It is an issue that has to do with efficiency and helps us with reducing our staff time allocated to monitoring and reading the metering system.

Mike Bobinsky stated that the SCADA will help us to do more control functions of our pumps and our motors of our wells. He added that there is a similar amount in the sewer fund.

Mike Joyal stated that Heavy Equipment Replacement for \$60,000 is to replace a dump truck which is used in the water fund and snow plowing.

Inflow/Infiltration Study/Mitigation project. Mike Bobinsky stated that when we have heavy rains and runoffs there is discharge right into rivers and streams. Mike stated that 75,000 does the analysis and identifies exactly where the problems are and then is the actual investment to fix those.

Mill Street Main Replacement – Mike Joyal said this was originally proposed to be done in 2002 but during heavy rains and even in not so heavy rains, the Mill Street area is having some difficulty accommodating the wastewater flows through that area. He said that three years is too long a time to wait to address the problem.

Karin Crittenden asked about the Columbus Avenue replacement and the sewer. If that area does not get rezoned, does that change the priority.

Mike Joyal stated that that system handles the industrial park off Littleworth Road and that needs to be addressed. If the zoning were not to happen in that area, a piece of that project may go away and the cost would be less. He said that the expectation is that some additional development is likely to occur out there.

Heavy Equipment – Sewer Jet is a new item because the sewer jet truck needs to be replaced

Arena Improvements. Mike Joyal said there was a marketing study done by Community Services recreation staff in conjunction with a consultant to determine the need for a second sheet of ice. The study came back favorable. He said they are in the process of doing some upgrades to the compressor units.

Mike Bobinsky stated that the marketing study is showing generally favorable results that we can support another sheet of ice. This project would involve quite a bit of private sector involvement in leasing space, concessions, pro shop etc. This would probably help us with greater return.

Preston stated that he had a question with the \$900,000 with the athletic fields.

Jerry Reese stated that the Council has not made a decision that those fields are going out at the gravel pit. He said the fields will have to be built and then only part of the revenue is going towards athletic fields and part is going in the general fund. He said in his mind, the whole \$900,000 needs to go in the CIP, because we are not going to get enough money out of the gravel to get the fields started.

Karin Crittenden asked why there are three places in the TIP where there are new sidewalks to be constructed.

Steve Stancel explained the TIP process. One of the priorities of the Government is congestion and mitigation and the attempt is to alleviate some of the vehicular trips that are out on the road by creating or promoting better sidewalks for pedestrian access. If you look at the areas that are proposed they are areas that tend to link population centers with work centers and shopping centers. It's a long term planning strategy to alleviate traffic and air pollution.

Karin Crittenden stated that it is disconcerting when you see sidewalks in the middle of nowhere that look wonderful, yet the sidewalks that children have to walk to school are almost nonexistent at places.

Brian Preston stated that he realizes that we have to upkeep our roofs and foundations but as far as the expansion of the Arena, he really doesn't see the need. He said if there is a larger need he is sure that private enterprise will move in.

Councilor Landry stated that the \$750,000 is the figure that Community Services generates from the GIS to meet our annual needs for streets and sidewalks. He said that the 300,000 does not even come close to maintaining what we have, never mind catching up. He said that we have to make a serious commitment.

Jerry Reese made the motion to increase the General Streets and Sidewalks per year to a total of \$750,000 in YR 1 through YR 6.

Karin Crittenden seconded.

**VOTE U/A**

Brian Preston, regarding the Arena made the motion that to strike YR 2000, 2001. \$225,000 YR 2 – 250,000 YR 3 and 520,000 YR 4. He asked Mike Bobinsky if the repairs need to be made sooner than that.

Mike Bobinsky stated that they do. He said he would move them up to YR 2000. He said if we don't expand the Arena, there are roof concerns and other problems associated with that that are impacting the quality of that rink. He said he would recommend that the Planning Board hold off on any action on that item. He said the Phase II Marketing work is near complete and it will give them better data on user income and ability to pay back the debt. He said he is not advocating that it be moved along without consideration of cost. He advises taking no action on this but there is a structural problem that should be addressed.

Brian Preston rescinded his motion and added that he won't support the CIP with a new Arena in it. He said that Dover teams should have priority as far as ice times goes.

Mike Joyal stated there are pieces of this CIP that are missing right now. He suggested the Board continue any final vote on the Six year plan at the next meeting December 22, 1998. He said that the Council will more than likely go ahead to authorize and move ahead some of the projects that were already proposed last year and are still included in this year's CIP tomorrow night. The Planning Board's support for more funding for streets and roads over the course of the next six years may be helpful for the Council tomorrow night where they are going to focus on just a few project that are showing up in YR 1. He suggested the Board look at YR 1 items and finish up their review and recommendations at their following meeting once we have the complete school picture.

Ron Cole stated that he concurs with Mike and he thinks the way to do it is to go along with the YR1 at this point.

Brian Preston stated that he will vote for the YR 2000, but he wants it to be known that the \$475,000 in the Arena improvements is for the upkeep of the existing facility.

Karin Crittenden stated that she agrees with Mike Bobinsky. She said if the Arena is a self-sufficient enterprise, she sees no reason for not allowing it to go forward. She said she would not go for frills over needs of streets and sidewalks.

Jerry made the motion that approve the YR 2000 as presented, plus the \$350,000 additional for sidewalks less \$575,000 the school for a total of \$7,065,037.00.

Charles Maglaras seconded.

**VOTE U/A**

Steve Stancel stated that he has three requests for extensions as follows:

1. Mark Philips for Wingate Condominiums, Back River Road, Map I, Lots 5, 5A, 63, 63A
2. Country Home Estates Ismalia Perry, Varney Road, Map A, Lot 36-1
3. Captains Landing., Dover Neck Road, Map M, Lot 76

Brian Preston asked if all these projects meet our new zoning regulations if they were to be brought to us today. He asked if we were to go and approve the extensions would we be setting a precedence.

Steve Stancel stated that they don't, but there is a difference between a project that has been sitting out there four years and didn't get developed.

Frank Torr made the motion to grant the three request for extensions.

Margaret Stevenson seconded.

**VOTE U/A**

Reuben Hull stated that in view of the extensions that we just granted, it takes 6 months easy for the wetlands bureau right now.

Steve Stancel said he thinks there is a way they can word the conditions of approval so that they won't have to come back because they are waiting for the Wetlands Board. That 60 day period always changes every few years and one of the reasons it was dropped down to 60 days was to push the applicant along but there is a real problem with the Wetlands Board right now.

Steve Stancel stated the, the applicant for the communication tower off Spur Road has submitted additional information to verify the need for that tower. He said that he has hired a consultant to review this and he is anticipating having his response prior to December 22<sup>nd</sup> meeting.

Jerry Reese made the motion to adjourn.

Karin Crittenden seconded.

**VOTE U/A**