

**DOVER PLANNING BOARD
MINUTES OF MEETING
MAY 25, 1999**

MEMBERS PRESENT: Jeff Peasley, Jerry Reese, Jeff Mason, Reuben Hull, Margaret Stevenson, Charles Maglaras, Anthony McManus, Mike Bobinsky, Frank Torr and Ron Cole, late

MEMBERS ABSENT: Paul Beecher, Karin Crittenden

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

Vice Chair Reuben Hull brought the meeting to order at 7:03 PM.

ITEM #1: Approval of the minutes of May 11, 1999.

Jerry Reese made the motion to approve.

Tony McManus seconded.

VOTE U/A

Approval of the minutes of the Planning Board Workshop of May 18, 1999.

Tony McManus made the motion to approve.

Mike Bobinsky seconded.

VOTE U/A

ITEM #2: Old Business

a. Discussion and possible vote on major subdivision of land for Chadwick Farm, located on Mast Road. (13 lots)

Mike Bobinsky made the motion to take this item off the table.

Jerry Reese seconded.

VOT U/A

Steve Stancel explained the issues that concerned this project in relation to Mathes Hill Phase III. He said that Murray McKay, head of the NH Pesticide Board, indicated that he went through his records and he could not find any irregularities or improprieties noted during inspections through the years. He said the review showed no violations or problems. Steve asked Mr. McKay if the use of the pesticides on the property would create a problem with developing the property and Mr. McKay answered that it would not. Steve said that given that information, we do not have any concerns regarding the pesticide issues. Steve said that he also spoke with Jeff Pratt, who is the City's Solid Waste Coordinator, regarding a container of pesticides on the property. He indicated that he is in the process of working with Mrs. Chadwick with the removal of that material. In

his memo Jeff recommends that she transfer the material into smaller 5 gallon containers with secure sealed tops, label the containers and save them for the next hazardous waste collection in October. Steve said that that met with Mr. McKay's approval. Steve stated in regard to possible stumps being buried on the site, that it was determined that the NH Solid Waste rules do not pertain to stumps generated from clearing land and being buried on the same land that they came from. State law exempts the activity from regulation under the Solid Waste Rules, so given that fact, we are not concerned about the stumps.

Bob Stowell, Trittech Engineering, stated that he worked out the drainage issues with Paul Vlasich. He said that they discussed the possible extension of the road to the Mathes Hill Phase III subdivision. He said their major issues is their concerns with topography. He said there is a significant grade change, approximately a 30 foot drop from the cul-de-sac to Mathes Hill. He said that the plan prepared by Kevin McEneaney can be accomplished by constructing an extra 500 feet of road at a cost of \$100,000. He said that this is not appropriate for this applicant to bear the entire burden. He said they could provide a pedestrian access and sidewalk at the end of the cul-de-sac so that pedestrians can get through even if cars can't. Bob Stowell stated that because cul-de-sacs are more difficult to maintain, they spoke with Mike Bobinsky regarding providing a possible contribution toward additional equipment for the City.

Tony McManus stated that he can't see where we have the ability to ask the applicant to extend the roadway beyond his boundary line.

Bob Stowell stated that his discussions with staff indicated that it would be their responsibility because they are the ones that want the cul-de-sac.

Steve Stancel stated that they looked at both scenarios . He said that the problem with attempting to force Mathes Hill Phase III into building that section of the road, is that they are already going to be connecting their project to Spruce Lane. He said that he is not sure that they would legally have grounds to force them to spend \$40,000 or \$50,000 which was our cost estimate to construct a road. He added that this is the kind of dilemma that we ran into. He said that we looked at the reasonableness of acquiring it and the financial sense and the benefits just didn't seem to outweigh the negatives.

Bob Stowell indicated on the plan where the sidewalk will be located along the common lot line.

Steve Stancel stated that the recommendation for approval includes that this developer work with the developer to Mathes Hill Phase III in regards to the design and engineering of the sidewalk. He said this developer will be responsible for constructing the sidewalk to the end of his property line and when Mathes Hill Phase III comes in, we will talk to them about continuing that sidewalk. He said they will also be working with the developer of Mathes Hill for a recreational site for that entire corridor. Therefore, the sidewalk would not only provide access from Mast Road to Spruce Lane, but to the recreational facility.

Discussion ensued regarding reserving the right to a sidewalk within a 50 foot right-of-way.

Bob Stowell stated that leaving a 50 foot right-of-way for a road at the cul-de-sac has the connotation that someday a road will go through. The lots would still be buildable but the marketability and value would be greatly diminished.

Steve Stancel stated that a 50 foot ROW would not result in loosing any lots but the loss in the size of the house that could go on the lots would be significant. Also, are we reasonably sure there will ever be a road go though there? What would be the need for a road there given the fact that Mathes Hill will connect to Spruce Lane.

Mike Bobinsky, stated that given the circumstances and the developer's willingness to make a contribution for their equipment needs, he feels that this is a positive step and a step in the right direction. He said that many of the residents will be looking for safe pedestrian passage between the subdivisions. Mike indicated that the contribution was \$2,500.00.

Discussion ensued regarding the use of waivers for road widths.

Steven Stancel explained that with 13 lots it makes sense to waive the width of the road but the next subdivision may have 50 lots and we may want the 28 foot width.

Frank Torr stated that we need to establish a policy when it comes to a cul-de-sacs that, Maybe, there should be a contribution. He added that he is not sure that \$2,500.00 is the right amount but we should be consistent with everyone.

Steve Stancel stated that we have pretty much left it up to the developers on whether there is an island in the cul-de-sac. He added that if there is an island we require that the maintenance be assigned to one of the lots.

Steve Stancel stated that the applicant has requested a waiver for a 24 foot road where 28 feet is required and the Planning Staff is recommends approval.

Mike Bobinsky made the motion to approve the waiver for the 24 foot road where 28 feet is required and the plan with the following conditions:

1. Add the owner's signature to the plat.
2. Revise plan to add Engineers stamp and signature to all sheets.
3. Submission of a written agreement, signed by the property owner, providing for the proper disposal of the unknown material in the barrel, as recommended by Jeff Pratt, solid Waste Coordinator.
4. Submission of a \$2,600 contribution for recreation facilities, due at the time of bonding.
5. Developer to loop the water line to the Mathes Hill project at their cost.

6. Developer to work with Mathes Hill project to design a sidewalk connecting this project to Mathes Hill. Developer to install sidewalk to the end of his property line.
7. The following Engineering comments from Dave White's memo dated 5-21-99:
 1. It is the preference of the Engineering Department to have the detention basin loamed and seeded instead of having the bottom sides rip-rapped – Steve said that is a preference so it is up to the developer if the Board approves as is.
 2. The pond outlet detail on sheet C-3 should be updated to reflect the drainage updates.
 3. The existing sewer pipe downstream of the proposed subdivision is 8 inches. The proposed sewer extension is 10 inches. We do not allow an increase in pip size going upstream. It is our recommendation that the existing downstream sewer line be relayed to facilitate an 8 inch sewer main extension to the proposed subdivision.
 4. An outstanding drainage issue on Mast Road by Spruce Drive is still to be addressed between the proposed subdivision owner/developer, the City of Dover, and a down stream abutter. The engineering Department and the developer has agreed that the developer's contribution shall not exceed \$2,000.00 for the solution of this.
8. The developer agrees to contribute \$2,500 toward capital cost the Community Services equipment.

Tony McManus seconded.

Jeff Peasley stated that he has some concerns with the pesticide issues. He said that we do not know how they applied the pesticides, or how much they applied. He said that Mr. McKay is saying that they did it correctly and that should be OK, but that is something we don't know. He said that we should add a requirement that they do some comprehensive testing for pesticides to see if they meet the level set by the State. He is concerned with families coming in contact with it. He said that he doesn't know the health effects of pesticides, but in his view, it would seem as something that should require testing. He said that he felt there may be some liability if something in the future came up.

Jeff Peasley made an amendment to the motion that the developer be required to do comprehensive testing for the pesticides listed in Mr. Chadwick's letter of April 26, 1999 to the Board.

Jeff Mason seconded.

Bob Stowell stated that this is not the first piece of agricultural land that has been developed. He stated that it would cost approximately \$1,500 for a study. It has already been determined that the pesticides were used properly.

VOTE 1 – 7
Motion failed.

Jeff Peasley– Favor 7 – Opposed

Reuben asked for the vote on the original motion.

VOTE 5 – 2 **Opposed – Reese and Peasley** **Abstained – Mason**

Chairman Cole arrived and took over the meeting at 7:40 PM.

Reuben took his regular seat.

Jeff Peasley left the meeting.

ITEM #2

(b) Discussion and possible vote on an application for a driveway waiver for Hope Community Church, located on Sixth Street.

Jerry Reese made the motion to take this item off the table.

Jeff Mason seconded.

VOTE U/A

Steve Stancel stated that the applicant submitted new plans with a perpendicular connection off the city street. The Engineering Department has reviewed the above plan and they recommend approval in their memo of 5-24-99, with four conditions and the Planning staff's condition that they create one way in and one way out.

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

1. The driveway should remain perpendicular to Sixth St. for the first 50 ft from the edge of Sixth St.
2. The location of the septic system was not apparent. The septic system should be located to avoid any possible conflict with grading for the driveway.
3. A culvert and flared end section is required under the proposed driveway and grading the swale to the turnpike area.
4. The driveway should avoid the existing utility pole.
5. They create a one way in and one way out traffic pattern.

Jerry seconded.

VOTE U/A

ITEM #2:

c. Discussion and possible vote on proposed amendments to Site Review Regulations.

Steve Stancel read the memo listing the latest revisions to the amendments.

Reuben Hull stated that in Amendment #10, he would like to change "standards" to "guidelines".

He said that in regard to Amendment #10, he has heard many good points on both sides of the issue. Steve said that the Planning office tends to agree with much of what Tony and Reuben have been saying. He said that across the country communities are striving to upgrade the quality and aesthetic value of commercial projects. He said that developers are being coerced into rethinking their plans. He said that this is the only way that developers will ever begin to think outside the "box". However, we also agree with several of the comments made by the developers and realtors regarding their specific parcels.

Tony McManus asked where the B-3 and B-5 zones are located.

Steve Stated that the B-3 zones primarily are located on the Miracle Mile, a small area on Portland Avenue, a small area on Broadway and a small B-3 on Dover Point Road. He said that the only B-5 zone is at Weeks Crossing. Steve stated that we created B-5 to stimulate commercial retail. Steve that the original concept for the stricter site review regulations was aimed at Route 155, Route 108, Sixth Street and at that time, the potential Littleworth Road.

Chuck Maglaras, asked about cities in our areas that have adopted the parking on the side and in the rear.

Steve Stancel stated that he is not aware of any local community but is aware of efforts nation wide to establish these regulations. He said that he's seen areas around Ossippi.

Tony McManus said if you go down Woodbury Avenue there is a road in the back where there is a Star Market that is not visible from the street. He said that the other areas that he was thinking about is Bethesda, MD and Pesacola, FL, and he described the development there. He said that his feeling is that we have had a lot of response during the rezoning from people who objected to continuing the strip mall type of development in the City of Dover. He said that in response to that the sub committee has spent a lot of time going over this at numerous meetings. Developers were invited to come to the meetings and now we have the final product and suddenly there is opposition. He said that he hates to see the City roll over the first time we are confronted with this opposition to what the public and this committee felt was appropriate. He said that some corporate entity, who has no real commitment to the planning process, is telling us that "this is the way it has to be, take it or leave it". He said what he is looking for in a commercial developer is one that would say that they would like to come to Dover and find out what is appropriate development in the community. He said that they have put a lot of time into these amendments and he feels it is a good product. He said that even if we keep B-3 and B-5, there is language to show that under unique circumstances the standards won't apply. He said that the City ought to have the ability to do its own planning. Other communities are beginning to say "No", and Dover ought to take that position as well.

Jerry Reese stated that taking out the B-3 and B-5 is a reasonable thing to do. He said that if it was not for the State, this project would have been done and built and we wouldn't even be talking about it. He said that he will vote in favor of it.

Jeff Mason stated that the way he is looking at it is that it is either the right thing to do or it's the wrong thing to do. He said that whether it is B-3, B-5, what have you. Tony said that the developer has the option, to come before the Planning Board.

Frank Torr stated that he has to go along the same vein that Jerry does. He said that the Miracle Mile is pretty much all built up and the Foster's parcel is unique in that it straddles two cities and the other city has much lesser standards. He said that we just had Hannaford and Shaw's before us and there was no mention of an upgrade. He said when we start addressing Rte. 108, we can start with our new standards and be consistent.

Reuben Hull stated that his biggest disappointment is the proposal to get rid of Amendment #10 altogether. He suggested leaving it in but changing "Standards" to "Guidelines". He said that he would like to hear what the rest of the Board thinks about that alternative. The other suggestion is to look at our landscaping requirements and maybe making some our landscaping more strict and then having architectural incentives. He said that he finds it ironic that the ugliest buildings in Newington are the two home improvement centers. He said if one of those came in on that corner, looking like they do in Newington, he would be very upset. Those are the kind of things that we don't want to see. He said that we need something in our ordinance that will give us some teeth to allow up to decide what is going in and still be flexible to allow the developers to put in what they need. He said that as you drive north from downtown on Central Avenue, you do not see the sign for Shop & Save until you are practically on it, he said Shop & Save is a successful store in his opinion, he shops there. They are not drawing him in by the big sign or their building, because you can't see it. He said that just because that area is already built up the way it is, there is not necessarily a need to put more of the same out there. He said that he won't vote in opposition of this as presented. He thinks that it is a far cry of what we have in place. He said that he would like to hear what the rest of the Board thinks about the architectural or architectural landscaping suggestions that are put forward. He said that he would like to see the B-3 and the B-5 districts in there, but taking these out won't change his vote. He said he will support it because it is better than what we had.

Tony suggested taking the amendments one by one.

Ron Cole congratulated the sub committee for doing a terrific job.

Anthony McManus made the motion to adopt Amendment #1.

Jerry Reese seconded.

VOTE U/A

Margaret Stevenson made the motion to adopt Amendment #3.

Reuben Hull seconded.

VOTE U/A

Frank Torr made the motion to adopt Amendment #5.

Mike Bobinsky seconded.

VOTE 6 – 2

Opposed – Margaret Stevenson, Anthony McManus

Ron Cole read amendment #10

Steve Stancel read Amendment #10 as follows:

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by adding a new Section 149-14L, entitled Architectural Design Standards, to read as follows. Steve said that Standards would be replaced by "Guidelines".

"L. Architectural Design Standards. Steve said that Standards would be changed to "Guidelines".

Steve said that he would recommend changing the paragraph a little because we are changing standards to guidelines. He said that he suggests adding reasonable to the following sentence: The Planning Board in reviewing the proposed architectural plans shall insure reasonable compatibility of design, materials and colors with adjacent buildings and the surrounding neighborhood.

Jeff Mason made the motion to approve Amendment #10 as read by Steve Stancel.

Reuben Hull seconded.

VOTE 6 – 2

Opposed - Chuck Maglaras, Frank Torr

Jerry Reese made the motion to approve the entire Proposed Amendments to Site Review Regulations.

Reuben Hull seconded.

VOTE U/A

ITEM #3: New Business

Reuben Hull said that since we give out waivers, it may be a good idea to look at a couple of different widths for cul-de-sacs and islands. He said that he strongly promotes islands that would be landscaped and we can just put it into the regulations as to who would be responsible for maintaining them and attaching it to a single lot or any lot adjacent to the cul-de-sac.

Anthony McManus asked Mike Bobinsky if putting an island in a cul-de-sac is more difficult to plow.

Mike Bobinsky stated that there are some aesthetic value to it but it does make it more difficult to plow. Mike said that for the most part, the Community Service Public Works deals with it more than Police and Fire. He said that size would be a concern for a 60' ladder truck. He thought that contributions toward equipment may be a good idea.

Reuben stated that the cul-de-sacs makes the lots more valuable to the developer but it also costs the City more to maintain and we should look at them from all angles.

Frank Torr reiterated that we need to develop a formula and be more consistent in regard to cul-de-sacs. He said it could probably be determined by the foot.

Jerry Reese thanked Mike Bobinsky for all his efforts since this was the last meeting that Mike would be attending.

Ron Cole congratulated Mike Bobinsky for doing a wonderful job for the community.

Mike Bobinsky stated that he was happy to share with the Board the things that affect the community. He added Pete Lavoie will be acting director until a permanent replacement is made.

Steve Stancel stated that we have received two proposals from our Requests for Proposals for our Open Space and Recreation section and Community Facilities and Utilities section. He said that they are very good and he feels confident that either one will do the job. He said that we do have monies available to do the Facilities and Utilities section. He said that we were attempting to use money from the sale of the gravel pit to fund the Open Space and Recreation section of the Master Plan. He said that that fell through on the Council level, so we are in the process of attempting to look for alternative funds. He said that as a Board we'll have subcommittees to sit on the various sections of the Master Plan to help formulate it. He said that on June 2, 1999 there will be a public hearing with the Council for the Budget and we are trying to get \$25,000 for that section of the Master Plan. He said we can move forward with the changes if we get funded.

ITEM: #4: Adjournment

Jerry Reese made the motion to adjourn.

Reuben Hull seconded.

VOTE U/A