

**DOVER PLANNING BOARD
MINUTES OF MEETING
SEPTEMBER 28, 1999**

MEMBERS PRESENT: Jeff Peasley, Jerry Reese, Margaret Stevenson, Reuben Hull,
Tony McManus, Pete Lavoie, Frank Torr, Ron Cole, Jeff Mason

MEMBERS ABSENT: Paul Beecher, Karin Crittenden, Chuck Maglaras

STAFF PRESENT: Steven Stancel, Planning Director and Jamie McCulloch, Recording Secretary

Chairman Cole made a motion to suspend the rules and allow Tom Fargo, the Chair of the Conservation Commission to address the Board. He referenced the proposal to the City Council for Re-Allocation of the Change of Use Fees to a Conservation Fund that was submitted to the Board members. Mr. Fargo asked that the Board members to review the proposal and make a recommendation to the City Council for their October 15th Public Hearing. McManus asked Fargo on average, how much money they were talking about and Fargo stated that the long term accounting is about \$300,000 over 10 years. Fargo added that the figure fluctuates. Cole stated that Mr. Fargo would be put on the agenda for the first meeting in October.

ITEM #1: Approval of minutes

Torr made the motion to accept the minutes.

Reese seconded the motion.

VOTE U/A

Discussion: Reese stated that Chuck Maglaras' name was not listed in the September 14th Minutes as having been absent.

ITEM #2: Consideration and acceptance of an application for a minor subdivision of land for Brian T. Stern, Assessor's Map E, Lot 47, zoned R-40, located on Tolend Road. (1 lot)

Brian T. Stern was present to speak on his behalf.

Stern stated that he previously had approval from the Board to subdivide 2 lots, and at this time he wishes to delete one of those lots. He stated that he was o.k. with Stancel's recommendations of revising the plan to show the revised acreage on the lot since there is only one now. He also stated that he agreed that if the road was put in, the 50 foot lot line setback would apply. He did however, question the exact wording for the 50 foot lot line setback, stating that the deed should read "if" a road is built, the setback would apply, so that it is not imposing the 50 foot setback at this point.

Stancel stated that the deed is defined and very specific as far as the location on the plan, and if someone was to build a house closer than fifty feet on the Easterly property line then they would not meet the zoning requirements, since they are supposed to be 50 feet from the property line. Stern stated that for example, if a house is built 45 feet from the lot line, who is to say that the roadway boundary can't go 5 feet off of the lot line to accommodate the house. Stancel stated that the 50 foot setback has to begin at the property right of way, adding that the plan shows a very defined right of way. Stern stated that he was agreeing with Stancel in the fact that if the roadway is built, there shall be a 50 foot setback from the public road. Stancel stated that Stern needs to keep in mind that he may not be able to fit a roadway in if the house is built within 25 feet of the property line.

Hull wanted to clarify with Stern that the lot line showing between what would be the future right of way and the new lot 2, that the bearings shown now on the plan would not necessarily be the right of way when the right of way is established and that particular line could be moved to the East. Hall also wanted to clarify that wherever the house goes, as long as the 50 foot lot right of way could be equipped within the 100 foot slot that exists now, locate that 50 feet from the house. Stern stated exactly. Stancel stated that for all members' clarification, the plan is showing a potential future 50 foot wide right of way for a public road, in anticipation of future development. Stancel added that what the owners are doing is counting that right of way as part of the frontage for lot 2, but when the new public road goes in, they are taking some of that frontage, and at that time the frontage of lot 2 will then become the new public road, and because of that you need the 50 foot setback from any house from this Easterly property line instead of 25 feet in anticipation of this 50 foot right of way being there.

Stern stated that Dover has the likelihood of building public roads pretty slim, adding that he does not anticipate that, but he is conserving his options. McManus asked if it was possible that the lot could end up with less than 150 feet frontage. Stancel stated that McManus jogged his memory, and he explained to Stern that if they do shift the right of way over, then it will not be able to act as frontage for this lot. Stern stated that he would deed additional land over to accommodate the frontage.

McManus asked why Stern didn't use a rectangular lot with 150 feet frontage on Tolend Road rather than go this route. Stern stated that since there is 350 feet to the West, that allows for 2 lots and a 50 foot right of way, and it also conserves the land for potential use without breaking the roadway in half. He added that another consideration with the plan is the design layout for a future lot, which is not my overall intent, but this plan does keep that in mind and it also keeps the frontage continuously there to allow for 2 lots and a 50 foot right of way.

Reese made the motion to accept the application.

Peasley seconded.

VOTE 7-0

McManus abstained.

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

Stancel stated that the staff recommends approval with the following conditions:

1. Add signatures of all owners to the plan
2. Revise plat to correct note #1 to indicate 2 lots instead of 3 lots.
3. Revise plat to change notation near cemetery to indicate note no. 5 instead of note no. 6.
4. Revise plat to add a note listing the State Subdivision Permit number.
5. Revise plat to correct the note located just below the north arrow by revising the square footage to be 43,604.
6. Place language in the deeds to put prospective lot owners on notice that the reversion area may become a City right-of-way in the future.
7. Prior to issuance of a driveway permit for lot#2, adequate sight distance shall be achieved through the cutting of brush along the eastern side of the parcel.
8. Note on the plan indicating any potential building on lot 2 shall remain 50 feet from a future public right-of-way.

Stern commented that the way Stancel worded it, that would lead someone to anticipate where the right of way would be located. He offered the wording that the roadway would have to be built in consideration of where a house might go.

Stancel reworded his condition # 8:

8. Note on plan that any future right-of-way shall remain 50 feet from a primary structure located on lot # 2.

Hull made the motion to approve the application with the staff recommendations.

Stevenson seconded.

VOTE 7-0

McManus abstained.

ITEM #3: Old Business

- a. **Discussion and possible vote on application for a site plan of land and Conditional Use Permit, for Eric Chinburg (Owner Cocheco Overlook Limited Partnership), located on Main Street. (30 units)**

Cole stated that at the last meeting the public hearing was recessed.

Stevenson made the motion to take the item off the table.

Reese seconded the motion.

Vote U/A

Cole reiterated that fact that the Board members went on a site walk of the property last week.

Jeff Clifford and Eric Chinburg were present to speak on behalf of the application.

Clifford referenced the plan of the Fisher Building with the Board members. He stated some of the changes that have been made since the last meeting. He stated that they are keeping the brick enclosure with the stairs, and they are adding some windows to dress it up a bit. They have reconfigured the entrance of the lot making it narrower and they have moved the dumpster so the access to the dumpster would be straight in and then the truck will be able to back up and enter Main Street head on as opposed to the concern with the truck backing out on to Main Street.

Referencing the plan, he explained to the Board members that they still had the 3 parallel spaces and the other 20 spaces. He explained that they have added an easement for future access to lot 63A for the parking garage for Cocheco Mills. He added that the retaining wall has been made smaller and it now extends to the back of the lot behind the parking to allow the lower units privacy. The City sidewalk has been widened and they have added a new catch basin and they have increased the 6" PVC pipe to 8" PVC pipe. He added that they do plan on tying in with the City's GIS (Geographical Information System). He stated that they have also added a center island and 3 new lights, (one is located in the center island, one is near the dumpster, and one is over by the entrance) within the parking lot.

The public hearing was opened.

There were no comments.

The public was closed.

Reese mentioned to Clifford that Tim Sheldon mentioned removing the center island to ease the traffic turning as well as the plowing in the parking lot. Clifford stated that they would like to keep the center island just for the aesthetics standpoint, but if after one season it becomes a problem they will take it out.

Stancel stated that the staff recommends approved for the 3 waivers and the Conditional Use Permit for shared parking with the following conditions:

1. Add owner's signature to the plan.
2. Add engineer's signature to the engineer stamps on all sheets.
3. Revise plan by changing note #1 on sheet C-2 to delete the reference to three bedroom units.
4. Revise plan to add the Strafford County Registry of Deeds plan and file numbers to the reference plans.
5. Provide a copy of the proposed parking cross-easements to the satisfaction of the Planning Department.
6. Tie the plan into the City's GIS system.
7. Per the requirements of Chapter 170-44, I (3), the applicant shall submit a formal agreement for the Conditional Use Permit to be recorded at the Registry of Deeds.
8. Add future easement for parking deck to the south on the plan.
9. Include Engineering comments in their 9/28/99 memo which include:
 1. The plan must be tied into the GIS coordinate system.

2. Increase the 6" pipe to 8" sdr35 PVC.
3. Place a min-max retaining wall height on the detail.

Torr made the motion to approve the 3 waivers and the Conditional Use Permit with the staff recommendations.

Reese seconded the motion.

Discussion: Torr wanted to comment relative to going back to the urban renewal days, one of the prime premises of the urban renewal was to get housing in the downtown area, adding that this certainly conforms quite well to get people living downtown. Hall stated that he wanted to commend the applicant and the City for their implementation of the shared use of the parking since he had been looking for it for years, adding that it was nice to see it finally happening. He added that it is nice to have it be recognized that you do not need 3 parking spaces for every person that lives in the City.

Vote U/A

b. Discussion and possible vote on site plan for Megan Martineau, located on Littleworth Road and Industrial park Road.

Cole stated that the item was tabled at the last meeting.

Mason made the motion to take the item off the of the table.

Torr seconded the motion.

Vote U/A

Paul Connolly was present to speak on behalf of the application.

Connolly recapped the revisions that have been made since the last Technical Review Committee meeting and the site walk.

He stated that they have added some new illuminated sites with the now required minimum even lighting of 0.3 foot candles, as well as some stringing that was requested by the Planning Department and by DIDA along the Westerly side of the property.

He also wanted to remind the Board that the applicant has a waiver request before the Board to allow for crushed stone over 75-80% of the self-storage facility, where the remaining 6 parking spaces and up to the front of the building area on Littleworth Road will be covered with pavement. He added that also they are requesting that the Board extend the previous subdivision approval forward to this point in time whereas they have just received the permit that was the final condition after that subdivision approval, which was receipt of the Department of Transportation driveway permit into the premises from Littleworth Road. He added that they were in receipt of the Planning Department's suggested conditions of approval and they take no exception to any of those approvals.

The public hearing was opened.

There were no comments.
The public hearing was closed.

Peasley asked Connolly what type of fence was adjacent to the private property, and Connolly stated that it is to be a 7 foot stockade wood fence. Connolly also mentioned that the trees on the plan will be red maples. Reese stated that he recalled on the site walk they discussed people hooking up to the sewer system, and there was going to be some conditions of approval about certain times and he does not see those under staff comments. Torr stated that there was a suggestion to have it put in as part of the conditions that they be granted the ability to tie in.

There was some discussion as far as if the adjacent properties would be required to tie into the sewer system. It was noted that if there is sewer within 100 feet of a property that the Dover Utilities Commission will require the owner to tie into the sewer. It was recognized that Shaw's Ridge would not incur any cost of tying in since they are a tenant of Martineau's, however, Tucker would have to pay to tie in. It was agreed that it should be worded that the sewer is available, and that the City cannot require someone to tie into a private line.

Stancel stated that the staff recommends approval of the site plan including the waiver for the crushed stone and a Conditional Use for wetland crossing with the following conditions.

Stancel reminded the members that at the last meeting the Board approved the extension already, so that is all taken care of. He reiterated that what the Board would be approving is the site plan and the Conditional Use for wetland crossing and the waiver for the crushed stone this evening.

1. Add owner's signature to the plan.
2. Add engineer's signature and stamps on all sheets.
3. Revise plan to add the Wetlands Board Permit number and submit copy to the Planning Department.
4. Submission of a detailed drainage analysis prepared to the satisfaction of the City Engineer.
5. Provide a sewer utility easement for Map G, Lot 4G and Map G, Lot 3.

Reese made the motion to approve the site plan, waiver and Conditional Use permit.
Torr seconded the motion.

Vote 7-0.

McManus abstained, because he did not attend the sitewalk.

ITEM #4: New Business

Stancel stated that there will be a Train Station meeting on October 6th at 5:00 PM in the Conference Room to discuss the design and review process. Cole asked Stancel if the train was really coming to town? Stancel stated that the train should be here by the end of next

summer and it will be running from Boston to Portland, adding that the rail is being replaced at this time.

Stancel stated that there has been a meeting scheduled to discuss signalization and safety improvements at the intersection of Broadway and Oak Street at October 4th at 7:00 PM at City Hall in the Auditorium.

Cole stated that the Conservation Recreation Sub Committee Steering Committee met tonight and that the ball is rolling. Stancel stated that his office would get all info out to the board members with regards to the Steering Committee. It was suggested that the Planning Department distribute information to the Board members via e-mail since it is a quick and reliable source. The members who had e-mail addresses were requested to give them to the Planning Department.

Torr stated that Mr. Beecher (for the past 3 years) has requested him to start legislation to repeal the requirement that the City Manager sit on the Planning Board. He added that this would allow the alternates a chance to sit in on every meeting. McManus stated that it should be the Council that should say yeah or nay. Reese stated that he would look into the matter with the Council.

ITEM #5: Adjournment

Reese made the motion to adjourn.

Hull seconded the motion.

VOTE U/A