

**DOVER PLANNING BOARD
MINUTES OF MEETING
MARCH 26, 1996**

MEMBERS PRESENT: Charles Maglaras, Reuben Hull, Martin Smith, Brian Preston, Scott Rawding, Lionel Martel, Bob Belmore, Jerry Reese, Ron Cole.

MEMBERS ABSENT: Mike Bobinsky, Paul Beecher, Dennis Cioti

STAFF PRESENT: Steve Stancel, Planning Director, Rick Jones, CD Coordinator and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:05 PM.

ITEM #1: Approval of minutes

Jerry Reese made the motion to approve the minutes as presented.
Charlie Maglaras seconded.

VOTE U/A

Lee Martel stepped down.

ITEM #2: Public hearing on the following extraction pit renewals:

- a. Public hearing and consideration of a request for an extraction permit by Dowaliby Trucking, Assessor's Map H, Lot 56, zoned R-40, located on Mast Road and Cold Springs Road.**

George Dowaliby said he was here for a routine renewal and that no changes were made.

Bob Belmore made the motion to accept the application.
Jerry Reese 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. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.

2. Minimum setbacks from property lines be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is completed for inspection.
3. Provide the elevation of the highest annual groundwater table within or next to the excavation site on the permit application.
4. The applicant obtain the annual license renewal from the Dover City Council for permission to cross City property to access this pit. (Current license is good until November, 1996.)
5. The provisions contained in the letter to the Planning Board be considered part of the application and serve as requirements thereof.
6. Provide the estimated duration of project on the permit application. This may be marked "indefinite".
7. Update existing conditions contours on the plan to reflect current extent of excavation.

b. Request for an extraction permit by Brox Paving Materials, Inc., Assessor's Map C, Lots 12A, 13 and 14-2, located on Glen Hill Road.

David Cluff, Manager of Brox, said he is looking for another year of approval.

Jerry Reece made the motion to accept the application.

Bob Belmore seconded.

VOTE U/A

Steve Stancel said the Planning Department has received letters from the Chapmans, Chalmers and Boulangers requesting that the trucks not travel on Tolend Rd. before 6:30 AM; the trucks not leave Brox at the same time creating convoys; and, the 30 MPH speed limit be enforced.

Dave Cluff said last year they had a big job for Pease Air Force Base and the job is now complete. He said they sold Brox Concrete. The trucks are no longer owned by them. He said they always opened up at 6:00 AM and their normal hours are 6:30 AM to whatever. David said that they are now forced to use Tolend Road because French Cross Road is closed to trucks.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bob Belmore requested a copy of the fax from the Chapmans, Chalmers and Boulangers be sent to the Dover Police Department.

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

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.
 2. Minimum setbacks from property lines be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is completed for inspection.
 3. No siltation runoff shall be allowed onto and over Glen Hill Road from Map C, Lot 12A.
 4. Update existing conditions contours on the plan to reflect current extent of excavation.
- c. Public hearing and consideration of a request for an extraction permit by Grifco, and Tyra Inc., Assessor's Map H, Lots 60 and 62, zoned R-40, located on Mast Road.**

Paul Griffin said that no changes have been made.

Jerry Reese made the motion to accept the application.

Charles Maglaras seconded.

VOTE U/A

The public hearing was opened.

Richard Proulx, an abutter to the Griffin pit, stated he is the owner of a right-of-way on which the gravel trucks travel. He said he is objecting and has litigation pending between Paul Griffin and himself concerning the right-of-way. He said nowhere does it mention that the City can give the right for others to travel on his property. He added that a thoroughfare has been created. He said there is a truck going by every 90 seconds and he receives the complaints from the neighbors. He said he gets no compensation for the trucks that are using the right-of-way over his property.

The public hearing was closed.

Jerry Reese made the motion to table the application until the next meeting.

Bob Belmore seconded.

VOTE 6 - 1 Opposed - Marty Smith

Paul Griffin said the City Council grants a license to use the right-of-way. He said that the City Attorney says that the City has the right to issue a license for the use of the right-of-way.

d. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lots 53, 54 and 57, zoned R-40, located on Mast Road.

Kevin McEneaney represented the applicants. He said 50,000 yds of material is anticipated to be removed this year. He said there is no extraction taking place on Lot 57 so they are removing that lot from the application.

Steve Stancel said John & Robert Torr are requesting the 50' setback.

Jerry Reese made the motion to accept the application with the deletion of Lot #57.

Bob Belmore 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 amendment that Lot 57 is deleted and with the following conditions:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.
2. Minimum setbacks from property lines be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is completed for inspections.
3. Limit excavation at the property lines of disapproving abutters (John & Robert Toor) to no closer than 50 ft.
5. The pit owner shall provide notice to the Planning Department should the continuous surety bond for reclamation lapse.

e. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map I, Lot 47, zoned R-12, located on Back River Road and Mast Road.

Kevin McEneaney represented the applicants. He said the pit is known as the McKenna lot and they are estimating that they will remove 5,000 to 10,000 yds. of material this year.

Charles Maglaras asked why this pit has set hours of operation when the others do not.

Steve Stancel stated that in past years several abutters came in to complain. He said this condition was a compromise between the pit owners and the abutters.

Paul Martel said that he agreed to this condition last year and continues to agree with it this year.

Bob Belmore made the motion to accept the application.

Jerry Reese seconded.

VOTE U/A

There were no comments.
The public hearing was closed.

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

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board.
2. Minimum setbacks from property lines be flagged in the field to facilitate inspections. The pit owner shall contact the Planning Department when flagging is completed for inspection.
3. Limit excavation at the property lines of disapproving abutters to not closer than 50 ft. (Chadwick and Morse)
4. Hours of operation shall be restricted to 7 AM to 5 PM weekdays and 8 AM to 1 PM on Saturdays.
5. The paved entrance road shall be cleaned and maintained so as to not allow dust and dirt to migrate.
6. The ingress and egress to the pit be restricted to Back River Road on Saturdays between 8 AM and 1 PM.
7. Sow all denuded areas in the adjacent closed Mathes pit (Map I, Lot 49) with a suitable cover crop.

Brian Preston seconded.

VOTE U/A

Lionel Martel took his seat on the Board.

ITEM #3: Consideration and acceptance of an application for a site plan of land for Heidelberg Harris, Inc., Assessor's Map 26, Lots 6 & 7, zoned I-1, located at 121 Broadway.

Brad Mezquita represented the applicants. He said this is a plan for a limited building expansion. He said they are adding three additional parking spaces. He said they have addressed all the TRC comments satisfactorily. He stated that the building looks like a factory. They want to upgrade the entrance and promote equality between the office and factory employees. He said this will result in a better looking site.

Dave Stewart, Project Manager, stated that the large dirt pile on the site is not contaminated and will be reused on the site.

Brad Mezquita stated that he has reviewed the exit on Oak street with Rollingsford. He said the City of Dover has the right to allow the curb cut. He added that Heidelberg Harris does not have any plans to widen Oak Street.

Steve Stancel stated that the entrance and exit on Oak Street with the right turn in and right turn out will relieve some pressure on the intersection. He added that Rollinsford does not agree with this. He said that 2/3 of the intersection is in Rollinsford. Steve said that Rollinsford wanted to extract money from Heidelberg to fix that section of Oak Street. Steve said it will not change the amount of traffic in his opinion.

Jerry Reese made the motion to accept the application.

Bob Belmore seconded.

VOTE U/A

The public hearing was opened.

Bill Gatzoulis, Rogers Street, introduced Mike Veziris, 4 Eric Drive. He said they own property to the north side of Oak Street. He said their property is in Rollinsford. Mr. Gatzoulis stated that they are concerned because it is hard getting in or out of their driveway.

Mike Veziris stated that Oak Street will get backed up with 250 cars going out at the same time.

Steve Stancel stated that this will not add additional traffic because the number of employees will not increase.

The public hearing was closed.

Bob Belmore made the motion to approve with the following conditions:

1. The owners' signatures be added to the plans.
2. Change sidewalk cross section to show 2 1/2 inches of asphalt and 9 inches of crushed gravel.
3. Detail sheets from the architect showing retaining wall details shall be provided prior to the issuance of a building permit.
4. Continued discussions between the City, Heidelberg Harris, and the town of Rollinsford regarding the entrance and exit on Oak Street.

Jerry Reese seconded.

VOTE U/A

ITEM #4: Public hearing to amend Chapter 170, entitled Zoning of the Code of the City of Dover, by rewording section 170-53.(3) as follows:

"170-52.D.(3). Final adoption by the City Council of any proposed amendment to this Chapter shall require at least a majority vote of its membership present and voting."

The public hearing was opened.

Steve Stancel stated the staff concerns. He said this amendment will upset the checks and balances. He said that the Planning Board is appointed to make decisions that are best for the City as a whole. He said it should not be easy to override the Planning Board. Steve said that there are RSAs that protect the public.

Lee Martel said that maybe we need to give everyone five minutes to speak because he doesn't want to be here all night. He said he couldn't agree with Steve more. He said it looks like the City Council would in effect make the Board the potted plant syndrome and decide what they want after all the Boards deliberation and then a simple majority overrules us. He said he is only talking one vote if everybody shows up. He said he thinks the excellent point is that oftentimes, these people for one reason or another don't show up, so we wouldn't necessarily even need a majority of the Council. They would need a majority on the night of the meeting. He said if he's counting right, there is only one vote difference between a simple majority and a 2/3 majority with 9 members. But he said, if 7 people show up, four people on the Council can overrule what we do. We just recommend it.

Lee said his second question he has is let's put the shoe on the other foot. Let's say if the Planning Board is not responding here, if the Council is in the mood to rezone without us. What is the procedure there? If we vote them down, what do they do? Lee said, in other words, these rezonings are always close and controversial, we know that, but if we should vote it down what does the Council do? He said he does not know Parliamentary Procedure, and maybe someone can enlighten him.

Steve Stancel said the recommendation from this Board would be not to approve it and the Council has the option to overrule that recommendation by a 2/3 vote.

Scott Rawding said he has been on both sides of the scale and he would have to vote in favor of a simple majority. He said he would not look upon the Planning Board decision in any capacity as being shallow in any way. On the other hand, he would look upon the Planning Board decision through all that goes on having been on the Planning Board and seen all the hard work that is put into it. He said he can say as one Councilor, that he feels that he speaks for the majority, that 99 times out of 100, the Council is going to go with the Planning Board and he just feels that even when all things as equal, the Council is going to go with the experience of the Planning Board. He said he feels just speaking for one Councilman that a simple majority is fine.

Bob Belmore said he speaks in opposition of the proposal and is against recommending its passage. He said if the Council feels the Board is doing its job in 99 out of 100 times they are going to vote with us, then 2/3 should be OK. He said he doesn't see why we are changing it. He said he hasn't heard any sound reason why we should move to make this type of change. He said he would like to hear from the Council or from somebody why it should be changed; what is wrong with the system

now; what's broken; and where is the problem. He said he know the Chairman has expressed probably the full Board's support to work with the Council. He said we will continue to do that but he said he just hasn't heard any reason to change it other than that is what some of the Council wants.

Jerry Reese said he too has been on both sides of the issue and is adamantly opposed to the whole issue. It is stripping away the Planning Board's deliberative process and putting it into the political arena. He said lets be honest about it. He said Mr. Martel was absolutely correct. He said you could have 7 members of the City Council show up and 4 people could overturn a zoning decision either pro or against. He said he is totally opposed to this. He said the Planning Board is appointed and we don't have a political agenda. He said we get input from all of the citizens who want to participate in the process. He said he doesn't think we should give that up. He said it is very difficult to get six votes. He said he's been there and he knows. He said the issue if that important. He said you will have a coalition form who thinks that is in the best interest of the City and, if it is not, it won't happen. He said it is much easier to get 5 votes. He said "believe me, I've been there." Jerry added he was totally opposed to this.

Ron Cole said if something is not broken, don't fix it. He said that he didn't see any reason why this needs to be done. He said it is unfortunate that Howard Williams did not see fit to come this evening and explain to us prior to the Council meeting his feelings regarding this Ordinance. He added that he won't say any more about this.

Scot Rawding said the Council and the Board work well together and will continue to work well together, regardless on how this Ordinance comes out. He said he feels we have a good working relationship and when he hears words like "politically motivated" and people swayed by a couple votes, he takes exception to that. He said he votes for what is good for Dover first and he doesn't let a few people yelling and screaming at the podium try to pull or tug at his heartstrings one way or another. He said he thinks the Council has a good relationship and he thinks this is not politically motivated. He added that he'd like to just leave that just as it is.

Chairman asked if anyone else wished to speak.

No one responded.

The public hearing was closed.

Jerry Reese made the motion to not approve the Ordinance.

Bob Belmore seconded.

VOTE 8 - 1

Opposed - Scott Rawding

Ron Cole stated he will represent the Board at the Council Meeting regarding this item.

ITEM #5: Old Business

b. Discussion and vote on Community Development Grant applications.

Steve Stancel said that some of the funds were shifted. \$4,500 was shifted from Strafford Guidance to Amethyst Crossing and \$100,000 from Dover Day Care was shifted to the Low-Mod housing

Project. In addition, \$51,634 is to be reprogrammed from funds allocated to Dover Daycare Learning Center to the Low-Mod housing Project, bringing the total of the LMHP up to \$197,700.

**COMMUNITY DEVELOPMENT APPLICATIONS AND OTHER
PLANNING DEPARTMENT ACTIVITIES**

PUBLIC SERVICE AGENCIES	Amount Requested	Planning Board RECOMMENDATION
Friendship Express	5,000	5,000
Victims Inc.	5,000	5,000
American Red Cross	5,000	5,000
Dover Police Department	15,453	15,453
A Safe Place	9,000	9,000
Ready to Learn Task Force	8,250	8,250
Strafford Guidance Center	12,500	8,000
AIDS Response	11,621	11,621
Strafford County Family Violence Council	3,000	3,000
Strafford Hospice	5,000	5,000
Dover Welfare	8,000	8,000
TOTAL	87,824	83,324
ADMINISTRATION, REHABILITATION, PUBLIC FACILITIES, AND ECONOMIC DEVELOPMENT		
Dover Adult Learning Center	8,000	8,000
Dover Day Care Learning Center	100,000	0
My Friend's Place	2,500	2,500
Strafford CAP	25,000	25,000
Amethyst Crossing - 18 Old Rochester Rd.	10,000	14,500
Housing Revolving Loan Fund Income returned to fund for future lending.	44,450	44,450
Housing Rehabilitation Loan Pool	50,000	50,000
Housing Rehabilitation Administration	14,179	14,179
Economic Development Income returned to fund for future lending.	76,980	76,980
Economic Loan Program Administration	12,779	12,779
Low-Mod housing project	46,066	146,066
Reprogramming funds granted to Dover Daycare Learning Center for lead paint abatement that will not be completed to the Low- Mod Housing proj.	51,634	51,634
Program Administration	102,732	102,732
Planning - Master Plan Update	18,000	18,000
GRAND TOTAL	650,144	650,144

Bob Belmore made the motion to go with the recommendations as listed.

Jerry Reese seconded.

VOTE U/A

CDBG Goal Statement

1. To provide increased opportunities to residents of the City who require education, health, recreation, housing and related human services.
2. To rehabilitate and improve the housing stock of the City, especially for persons of low and very low income.
3. To plan and construct public improvements in areas populated by or used predominantly by low and very low income persons.
4. To provide increased employment opportunities for low and very low income persons.
5. Removal of architectural barriers to allow increased handicapped accessibility.

Bob Belmore made the motion to approve the CDBG Goal Statement.

Jerry Reese seconded.

VOTE U/A

b. Extension of approval of Dover North Side Little League

Steve said that the Dover North Side Little League plan was approved on Dec. 19, 1995 and is over the 60 day approval period. He said they are requesting an extension.

Jerry Reese made the motion to extend the approval until 5:00 PM, March 27, 1996

Lee Martel Seconded.

VOTE U/A

ITEM #6: New Business

Steve spoke on the applications for workshops that were included in the packets and told the Board if they were interested to fill out the application and Planning will pay the registration fee.

ITEM #7: Adjournment

Jerry Reese made the motion to adjourn

Lee Martel seconded.

VOTE U/A