

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 9, 1996**

MEMBERS PRESENT: Ron Cole, Martin Smith, Jerry Reese, Otis Perry, Lionel Martel, Brian Preston, Charles Maglaras, Reuben Hull

MEMBERS ABSENT: Bob Belmore, Mike Bobinsky, Paul Beecher

STAFF PRESENT: Bruce Woodruff, City Planner and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:00 PM.

ITEM #1: Approval of minutes.

Otis Perry made the motion to approve the minutes of the last meeting.
Jerry Reese seconded.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a Conditional Use of land for Jeffrey and Caroline Londres, Assessor's Map L, Lot 98C, zoned R-20, located a 262 1/2 Dover Point Road.

Bob Prokop, Wetlands Scientist, represented the Londres. He stated they are proposing to build a pool within the Conservation District, 50 feet from the salt marsh. He said the house is 90 ft. from the salt marsh and the pool will be built between the marsh and the house. He said he expects to get Frank Richardson's written approval this week and the Conservation Commission has already given approval.

Charles Maglaras said he was concerned that the discharge of the pool water into the sewer system would adversely affect the system at the wastewater treatment plant.

Bob Procop stated that a representative of Custom Pool was at the Conservation Commission meeting. He stated that the pool will utilize an Ozinator, reducing the use of chemicals by 75%. He said it is a closed system requiring no backwash so there is no concern for contamination of the salt marsh. Bob said that when closing the pool in the fall, the level of the pool water is dropped approximately 18" to prepare the pool for winter storage. He said by this time, there are virtually no chemicals in the water. He said they would be willing to pump the water into a truck if need be.

Jerry Reese made the motion to accept.

Otis Perry 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. The NH Wetlands Board Permit be received and filed with the Planning Department and the general and specific condition of said dredge and fill permit be adhered to.
2. An Ozinator system be used, reducing the use of chemicals and a closed system be used, requiring no backwash.

Brian Preston seconded.

Otis Perry stated that if water came from a business, they would need a permit based on chemical content. He said he thinks it should be researched as he did not feel qualified to make a decision.

Bruce Woodruff said he did not believe that clean water would hurt the system. He said asking an opinion from Water & Sewer could be added as a third condition of approval.

Jerry Reese agreed to add this condition to his motion as follows:

3. The Water and Sewer department be notified, and an opinion be received regarding the affects of the draining of the pool into the sewer system.

Lee Martel said he would not second guess the Conservation Commission.

VOTE 6 - 1

Opposed - Lee Martel

ITEM #3: Consideration and acceptance of an application for a site plan of land for Advanced Systems in Measurement and Evaluation, Inc., Assessor's Map E, Lot 33 & 33A, zoned ETP, located at 171 Watson Road.*

Dana Lynch, of Civil Works, spoke on behalf of Advanced Systems. He handed out an updated copy of the site plan. He said there is a minor change regarding the dumpster. Dana said that the building has undergone several expansions over the years. This one is 3,132 sq. ft. of office space. There will be an 8' x 36' addition to the front of the building and the other is a 2,844 sq. ft. addition to the second and third floor. He said they are expanding the parking spaces and they are adding 4 spaces as required by the ADA Regulations. He stated that the sidewalk and dumpster site are the additions for tonight. He said one dumpster would be for household trash and one for recyclables. He stated that they would be screened with something architecturally pleasing. He added that the signatures will added on the final mylar.

Otis Perry made the motion to accept.
Jerry Reese seconded.

VOTE U/A

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

Bruce Woodruff noted that the engineer did a thorough job with this plan.

Jerry Reese made the motion to approve with the condition that the signatures be added to the plat.

Brian Preston seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a minor lot line adjustment of land for Charles P. Kageleiry (Owner - Boston & Maine Corporation) Assessor's Map 31, Lots 4 & 4A, zoned RM-8, located on Fourth Street. *

Otis Perry stepped down.

Chad Kageleiry, owner of the property, said he is combining two pieces of land to make one piece. He said that Fifth Street technically ends at the boundary of the property. He said that the neighbors started using it, but through research, no agreement for an easement or passage from the City and B&M was found. He added that it is private property, the City has no ownership of that property. He said it can be approved subject to an opinion of the City Attorney, his attorney and B&M Railroad.

Brian Preston asked if this lot was for multi-family development.

Chad stated that tonight he is just asking for a Lot Line Adjustment.

Jerry Reese asked about the ownership of the property in question on Note 14 of the plan.

Chad said that he owns it. He said that originally, Mr. Bardwell thought he owned it, but looking at his deed, he owns it.

Brian Preston said he wants to table this item until ownership is resolved.

Chad Kageleiry said there is no question as to the ownership. He said he has gone to the Registry of Deeds.

Brian Preston said he is not willing to give up the extension of Fifth Street until we get ownership. He asked if this application must be accepted before it can be tabled.

Ron Cole stated that we should finish speaking to the applicant, then we can accept or table.

Chad Kageleiry said that a condition of approval can be that a legal determination is made.

Jerry Reese was concerned with the ownership of the building that is on the line.

Bruce Woodruff said that a condition of approval can be that the building be demolished or moved to meet the setbacks.

Martin Smith stated the issue before the Board is a lot line adjustment, not an encroachment.

Bruce Woodruff stated that if the Board takes action to deny this, many people can sue the City. The notes are on the plan because it is up to the surveyor to present true facts as he researches and surveys.

Chad Kageleiry stated that if the City kept some kind of right, it would take away from the buildable square footage he would have on the lot.

Woody stated the staff recommendations as follows:

1. Add the owners' signatures to the plat.
2. Add the GIS coordinates to the plat.
3. Show a public access easement for the paved area from Fifth Street on the parcel, if it is determined by the City Attorney to be considered a public way. The City must be granted a utility easement in that area.
4. The building be moved or demolished if that is the pleasure of the Board.

Chad Kageleiry said that he cannot agree with the way #3 is worded. He said he can't leave it up to the City Attorney for final determination, it should be open at both sides. Chad said that the utility easement is not an issue but the right of passage is.

Brian Preston made the motion to **table** this application so it can be further reviewed.

Jerry Reese seconded.

VOTE 4 - 2

Opposed - Martin Smith and Charles Maglaras

TABLED

Otis Perry took his seat.

ITEM #5: Old Business

a. Discussion on Rivers Edge II

Bruce Woodruff went over the figures for the off-site improvements. He said he is recommending a Fair Share of \$50,000, which is \$1,000 per unit.

John Chagnon, representing Mr. Sawtelle, stated that Mr. Sawtelle is on vacation but will be here at the next meeting. John said he would like to schedule a site walk for next Tuesday, July 16, 1996, at 6:00 PM, at Thompson Road.

Ron Cole set the site walk for Tuesday, July 16, 1996, at 6:00 PM.

ITEM #6: New Business

Lee Martel stated that the time has come to look at our density. He said we ought to look at multi-family zones. He said we have no choice, we must address this issue.

Ron Cole appointed a subcommittee for researching this issue. He chose Marty Smith, Brian Preston and Lee Martel.

Brian Preston asked for input and options from the Planning staff.

Otis said the staff can make an inventory of vacant land so we can see the impact.

Bruce Woodruff said he believes the land for this type of development is very limited and that is why the old railroad right-of-way is being used. He added that the problem may be going away.

Reuben Hull pointed out that the sub-committee should take a whole picture of the area. He also stated that the railroad line in Dover is going into private ownership. He said he was concerned that there could be a possible revival of the railroad line.

Otis said it is unlikely that this line will be revived in the foreseeable future.

Bruce Woodruff stated there are a couple of issues he would like to bring up. He said that Keith Cota, the DOT Project Manager for Exit 10, has stated the consultant is going to be late with the Exit 10 Scoping Report because of a problem with the Strafford Regional Planning Commission's traffic model, and September is the new date.

Bruce Woodruff stated that back in 1994, we applied for 80% federal funds from gasoline tax dollars from CMAQ to do the following:

1. Reconstruct Oak/Broadway intersection
2. Signalize Portland/Oak intersection
3. Park n' Ride parking behind the Dover Arena

Bruce said that the State's cost estimates are 40% higher than the City's estimates on all the projects. He said the Planning Department has asked the State to transfer the money from the other two projects to the signalization of Portland/Oak intersection, while ceasing engineering work on the other two.

Bruce said his final issue is the truck route. He said the gravel trucks are using Tolend, Columbus and Littleworth Roads and are hauling to Pease from 5:30 AM to 11:30 PM. He said that Madbury closed French Cross Road, and refuses to negotiate. He said the next Truck Route Meeting is on July 25, 1996, at 9:00 AM, at the Madbury Town Office. Bruce said that something will be coming to Planning Board first and then to the City Council with regard to recommendations on truck route actions.

ITEM #7: Adjournment

Jerry Reese made the motion to adjourn.

Martin Smith seconded.

VOTE U/A