

**DOVER PLANNING BOARD
MINUTES OF MEETING
AUGUST 27, 1996**

MEMBERS PRESENT: Lionel Martel, Ron Cole, Reuben Hull, Otis Perry, Dennis Ciotti,
Charles Maglaras

MEMBERS ABSENT: Martin Smith, Paul Beecher, Bob Belmore, Brian Preston, Mike
Bobinsky, Jerry Reese

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

Chairman Cole brought the meeting to order at 7:10 PM.

ITEM #1: Approval of minutes

Dennis Ciotti made the motion to approve the minutes.

Lee Martel seconded.

Charles Maglaras stated that Reuben abstained on the vote at the top of page 7 of the last minutes.

Ron Cole called for a vote on the minutes as amended.

VOTE U/A

**ITEM #2: Consideration and acceptance of a site review of land for Sprint Spectrum,
(Owners George & Nancy Parsons) Assessor's Map A, Lot 36, zoned R-40,
located off Parsons Lane.**

Steve Stancel stated that the project has been withdrawn. He said all the abutters will be notified again prior to the September 24th meeting.

**ITEM #3: Consideration and acceptance of a conditional use application for Michael
Clark, Assessor's Map L, Lot 96J, zoned R-20, located at 246 Dover Point Road.**

Bob Prokop stated he is Mr. Clark's agent. He said they will be constructing a series of retaining walls within the Conservation District. He said the useability of the land is difficult because of the slope. He said the Conservation Commission had a number of concerns. Mr. Prokop said he has submitted a landscaping plan showing the retaining walls and vegetative matter. He added that the retaining wall will be made of field stone.

Steve Stancel stated that the Planning Department has reviewed the plans and recommends approval with the condition that any conditions put forth by the NH Wetland Council be observed.

Otis Perry made the motion to accept the plan.

Lee Martel seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Reuben Hull made the motion to approve the plan with the condition that any conditions put forth by the NH Wetland Council be observed.

Dennis Ciotti seconded.

VOTE U/A

Lee Martel stepped down.

ITEM #4: Consideration and acceptance of a major subdivision of land for Paul & Michael Martel, Assessor's Map I, Lot 49, zoned R-12, located on Mast Road. (23 lots)

Kevin McEneaney stated that he and Paul Connolly are representing the applicant. He said this is an application for Mathes Hill, Phase II and consists of 23 lots. He stated this will be a three phase subdivision and phase 3 will come up sometime in the future. He stated that the lots range in the area of 13,000 to 54,000 sq. ft. He stated there is sewer and water, gas and underground utilities. Kevin stated the road will be 28' wide and there will be curbing and sidewalks on one side.

Paul Connolly stated the site was an extraction pit. He said they will tap into an existing 12" water main in Mast Road with an 8" line. He stated the water line will be looped. Paul said the engineering department looked at the flows and found there are 750 gallons per minute which is plenty for domestic and fire fighting use. He said they tapped into the sewer and stopped in front of lot 20. He said it will be gravity sewer for Phase II. Paul explained the drainage north of the ridge flows to Mast Road. He said south of the ridge the drainage will flow to an existing low spot on the Martel property.

Kevin McEneaney said they are asking for three waivers.

1. Waiver from the required water main of 12" to 8" based on looping the water.
2. Waiver from the required sidewalk on both sides of the road to a sidewalk on one side.
3. Waiver from curbing on both sides of the road to curbing on one side.

Kevin said most of the TRC items have been taken care of. He said they are looking for input tonight and would like to schedule a site walk.

Otis Perry asked who is responsible for the catch basin.

Kevin said one of the lot owners will be responsible.

Paul Connolly stated that Lot 13 in phase II will be responsible for the catch basin and in Phase III it will be the Martels or the McKenna Lot.

Kevin McEneaney stated that there will be a total of 41 lots when all the phases are done.

Charles Maglaras asked if they are providing any recreation space for the kids.

Kevin McEneaney stated there is none because it is not an ADS Subdivision.

Dennis Ciotti asked if Phase III will go to Spruce Lane.

Kevin stated he is not sure.

Steve Stancel read through the outstanding TRC notes as follows:

1. Layout of future road has poor radius
2. Make sure no conflicts of utilities
3. Try to get utilities off of private properties
4. May need drainage easements on some of the properties
5. Some lack of cover on drain at entrance
6. Appears to be adequate fire flow in the area
7. Name of street, addresses
8. Note 19 on cover sheet should read "shall" not "may"
9. Identify slope conservation easements on the plan
10. Areas outside of conservation districts must equal minimum lot sizes
11. Add existing Strafford County Registry of Deeds plan numbers to the plat
12. Indicate proposed tree sizes and types on the plan
13. Show detail of detention pond and identify rip-rap material
14. Note 5 on temporary erosion control (Sheet 7 of 11) is inconsistent with Note 31 on cover page
15. See attached list of Engineering comments

Kevin spoke on the radius of the road and stated that a stop sign at lot 27 and in front of lot 16 may be a solution until phase III is built.

Otis Perry made the motion to accept the application.

Charles Maglaras seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Otis Perry made the motion to table for a site walk.

Reuben Hull seconded.

VOTE U/A

Ron set the site walk for next Tuesday, September 3, 1996, at 6:00 PM.

Lee Martel took his seat.

ITEM #5: Application for a site review of land for Charles Kageleiry, (Owner Boston & Maine Corp.) Assessor's Map 31, Lots 4 and 4A, zoned RM-8, located on Fourth/Fifth Street.

Otis Perry stepped down.

Steve Stancel gave an overview of the application. He said that the applicant came in in July for a lot line adjustment adding B&M Railroad property to the existing land the applicant owned to create a larger lot. He stated that the lot line adjustment was tabled for review because of the conflict with the ownership of "Fifth Street extension". He stated that since August 15, the applicant revised the plan to show the right of way between Fourth and Fifth Street. The Planning Department recommends that the Board accept the plan but it must be noted that any acceptance doesn't mean the City is giving up their rights between Fourth and Fifth Street.

Bob Stowell brought several copies of the full site plan for the Board to share. He stated they have gone from 32 units to 28 units. He said there is a more flowing building design, a 24 ft. travel way, lighting and a sidewalk. He stated he is hoping to have the project accepted and have the public give their comments.

Bob Stowell gave a breakdown on the number of bedrooms. He said that Building #1 has 23 1-bedroom units and Building #2 has 9 2-bedroom units.

Steve Stancel stated that the Police Department had a traffic counter set up on Fifth Street extension. He said there are 349 vehicle trips weekly, which breaks down to an average of 70 vehicle trips per day.

Steve Stancel gave the TRC Comments and said the Planning staff recommends acceptance, receiving public comments and tabling for a site walk. He said a street going through a parking area needs review in terms of safety. Steve said the Fire Department reviewed the plan and did not have any concerns but he will have the Fire Department look further into the proximity of the fuel tanks.

Ron Cole stated he is looking for a motion to accept but said that in no way does it mean the City is giving up any rights to the access to Fifth Street.

Lee Martel made the motion to accept.

Reuben Hull seconded.

VOTE U/A

The public hearing was opened.

Peter Schmidt, 53 Fourth Street, stated he had objections. He said this is a heavily residential area and an additional 28 units pose a burden in terms of traffic and the school system. He said

the close proximity to fuel tanks is clearly a potential hazard. He stated that Lord & Keenan transport fuel all times of the night and they will be right under the windows of the project. He said that parking is very congested when Temple Israel and the Catholic Church are having services. He feels there will be a lot of concentrated morning and evening traffic passing through a private parking lot. He said it is an admirable project, it is just at the wrong location.

Phil Morrisette, 3 Columbus Ave., stated he is here to represent his aunt, Laurie Brunelle, 59 Fourth Street. He said her garage is on Fifth St. Extension. He said the City has plowed the street for a good many years and it is shown on the City map and is recognized by the City. He said the oil company and the tanks could create a fire hazard and the City could have a major problem. He said his aunt is totally opposed to the project. He said she has lived there for 64 years and the street has been there since that time.

Everet Byrd, 20 Grove Street, owns property at the corner of Fourth and Fifth Streets. He stated he is opposed to this project. He said the traffic survey should encompass Grove, Fourth, Fifth and Chestnut Streets. He said the City should retain legal council.

Robert Fox, 6 Fifth Street, was concerned with snow removal and children wandering into the Cochecho River.

Ron Ford, 54 - 57 Fifth Street, stated he has lived there nine years. He stressed the serenity of the neighborhood will be gone forever.

Alan Avery, 49 Fifth Street, stated it will have a detrimental impact on the City of Dover. He said the schools are bursting at the walls. It will cause a general deterioration of the neighborhood. He said the project is not going to improve the salability of the neighboring properties.

Carol Hariman, 48 Fifth Street, said she has lived with her mother for 41 years and the extension was there 41 years ago. She said the project is OK but she doesn't want it that close.

Ray Bardwell, 199 Spur Road, stated that the project is a good use of an urban piece of land. He said it will bring in tax dollars but has a down side of children and traffic. He said that being a professional engineer, the project looks adequate. He said this area is zoned for this use and the property owner has a right to develop the land.

Wendy McManus, Oxbow Lane, stated she manages property for her parents who live in the area. She said the taxes won't make up for 50 children.

Christine Fox, 6 Fifth Street, stressed the devaluation of their properties.

Chad Kageleiry, stated the existing vehicle access is used as a thoroughfare, it is substandard and something has to bring it to a safer standard. He said his plan will greatly improve the pavement. The project provides a sidewalk and lights which will be paid for by the apartment complex. Chad said that the traffic study done shows that 29 units generate 290 trips per day. He said it is

an insignificant amount of traffic for Grove, Fourth and Fifth Streets. He said he has proposed a safe and efficient way to solve the problem. He said that in an RM-8 zone the requirement is 1000 sq. ft. per unit and he is allowing 4,000 sq. ft. per unit. He stated that the CDBG Action Plan indicates that rental assistance housing is a priority in the City. He said that Lord & Keenan is a non-conforming use in the area and his project is a conforming use. He stated this is a classic example of not-in-my-backyard. He stated that he lives across from a big subdivision, and added that he is not happy about it but it conforms to the rules.

Everet Byrd, stated that the extension is plowed by the City.

Peter Schmidt, 53 Fourth Street, stated he is concerned with the construction inconvenience and the rental units that already exist. He said it is a good place for a City Park.

Charlie Reynolds, 84 Fourth Street, stated this project is built on a street that the City has used for years. He asked how come there are utilities under the street and no easement. He asked how we can proceed and who owns the street. He said this will put a lot of traffic through a private parking lot.

Atty. Wattendorf, said the City's position is that this is a public street. He said there is a statute that allows the City to claim ownership if owned for 20 years prior 1968. He said that by no means is the City giving up ownership.

Bob Stowell stated that he did the boundary survey and the City does not have ownership of the property. He said this plan offers a compromise.

The public hearing was closed.

Charles Maglaras made the motion to table and do a site walk.

Reuben Hull seconded.

VOTE U/A

Ron Cole set the site walk for Tuesday, September 3, 1996 at 7:00 PM.

Chairman Cole called for a 5 minute recess.

Otis Perry took his seat.

Lionel Martel left for the evening.

ITEM #6: Old Business

a. Discussion on parking regulations.

Steve stated that there needs to be a 15 day notice before the public hearing so it can not be heard before the September 24th meeting. He said this amendment will allow for some flexibility to the Board for parking. He said it will allow for uses that are compatible to share parking which

cannot be done at this time. Steve said that Scott Woodman's opinion is that a city wide mailing is not needed unless it directly affects someone's property and this is not the case.

Ron Cole asked for a motion to send the parking regulations to a public hearing. Ron added that he would be voting on this item in order to make a quorum.

Charles Maglaras made the motion to send this to a public hearing on September 24, 1996.
Dennis Ciotti seconded.

VOTE U/A

b. Discussion and possible vote on a lot line adjustment of land for Chad Kageleiry, located on Fourth Street.

Otis Perry abstained from the discussion.

There was no quorum to act on this.

c. Discussion and possible vote on a subdivision of land for Clara R. Fisher, located on Stark Avenue and Keating Avenue.

Steve Stancel stated that this item came up at the last Planning Board meeting and there were concerns on the drainage and tree cutting. He said the applicant met with the City Engineer to address these concerns. The driveway was changed from 16 ft. wide to 12 feet to preserve as much screening as possible. He said the driveway was also cut to the contour of the property. Steve said that Engineering suggested they provide a 2' wide drainage swale off Hayes Lane.

Atty. Hartnett, stated that 90 to 95% of the trees are deciduous with high canopies 50+ feet to the foliage. He said they will be leaving a 17' strip on both sides of the driveway. He said there is 40 to 50' to the turnpike and that area is very wooded.

Otis Perry made the motion to take this item from the table.

Reuben Hull seconded.

VOTE U/A

Otis made the motion to approve with the following conditions:

1. Add a note to the plat referencing the frontage variance granted by the Zoning Board of Adjustment on July 18, 1996.
2. Add the owner's signature to the plat.
3. Indicate front yard setback from Keating Avenue on the plan.
4. Only vegetation needed for the construction of the proposed driveway and drainage shall be cut in the Keating right-of-way. Screening shall be maintained to the satisfaction of the Planning Director.

Dennis Ciotti seconded.

VOTE U/A

d. Bardwell/Christie lot line approval on December 19, 1996

Steve Stancel stated that Kevin McEaney is asking for an extension of approval of 24 hours. Steve said that all the conditions have been met.

Dennis Ciotti made the motion to grant the extension.

Reuben Hull seconded.

VOTE U/A

e. Country Kitchen Bakeries.

Steve Stancel stated that Country Kitchen Bakeries feel they do not have to meet the current protective covenants at Enterprise Park. Steve said the owner has given us a list of abutters to provide notification so another public hearing can be held so they can change this condition. Steve said they are erecting a corrugated metal building and an ugly sign and we are requiring facades. Steve said that we may request more landscaping but the DEDC will not accept this plan and the applicant won't abide by their rules.

Steve stated that Atty. Wattendorf is reviewing if we have any rights.

ITEM #7: New Business

There was no new business.

ITEM #8: Adjournment

Otis Perry made the motion to adjourn.

Reuben Hull seconded.

VOTE U/A