

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

MEMBERS PRESENT: Reuben Hull, Martin Smith, Otis Perry, Mike Bobinsky, Dennis Ciotti, Ron Cole, Jerry Reese, Brian Preston, Charles Maglaras

MEMBERS ABSENT: Paul Beecher and Lionel Martel

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

The meeting was brought to order at 7:05.

ITEM #1: Approval of minutes.

Jerry Reese made the motion to approve the minutes.

Otis Perry seconded.

Jerry Reese stated that if on the first page should be changed to is.

VOTE U/A

ITEM #2: Consideration and acceptance of a minor subdivision of land for Nancy Towle, Assessor's Map F, Lot 11, zoned R-40, located on Tolend Road.

Bruce Pohopek represented the applicant. He said this lot is 33.5 acres in size and has a gently rolling landscape with hard and soft wood.

Jerry Reese made the motion to accept.

Mike Bobinsky seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated there were nine outstanding items on this application, six of which Mr. Pohopek has taken care of. The three remaining conditions are 1) add the City GIS coordinates to the plat 2) The plan needs to be reviewed by the Conservation Commission, and 3) obtain and submit the NH Wetlands Board permit. Steve said the staff recommends tabling until Bruce goes to the Conservation Commission. He said this project will be back on the December 10th meeting for approval.

Jerry Reese made the motion to table until the December 10th meeting.

Mike Bobinsky seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of a minor lot line adjustment of land for Jeremy Towle, (Owner Mary Bickford) Assessor's Map F, Lots 24 & 24A, zoned R-40, located on Columbus Avenue.

Jeremy Towle stated it is a lot line adjustment to increase the size of his property.

Otis 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.

Steve Stancel stated the staff recommends approval.

Otis Perry made the motion to approve.

Jerry Reese seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of a minor subdivision of land for Roger Rivers Living Trust, Assessor's Map 6, Lot 21, zoned B-2, located on Central Avenue.

Malcolm McNeill represented Mr. Rivers. He stated it is a simple three-lot subdivision. He stated this property is known as the National Block which is approximately 90-100 years old. He stated there is a clear separation of roofs and the subdivision will follow the demarcation line. He stated they will provide easement for the different accesses to the lots. Mr. McNeill stated that this is located in the B-2 zone which is the least restrictive in the terms of parking. He stated they received a variance from the lot coverage and the setbacks at the ZBA meeting of November 21, 1996. Malcolm said there is access in the back for limited parking. He stated that approval of this project will enhance the opportunity to develop this property. He stated that fire safety codes will come into play before the C.O.'s are issued for the second floors.

Otis Perry made the motion to accept the application.

Reuben Hull 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. Add a reference to the rear setback and lot coverage requirement variance from the Zoning Board of Adjustment onto the plat.
2. Add the owner's signature to the plat.
3. Add the cross easements onto the plat and provide copies of same to the Planning Department.

Mike Bobinsky seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a minor lot line adjustment of land for Lawrence R. Raiche, (Owner Norman J. Raiche and Peter D. Sullivan) Assessor's Map 29, Lots 1 & 2, zoned O & R-12, located at 680 Central Avenue and 81 Mount Vernon Street.

Bob Stowell, Tritech Engineering, stated this lot line adjustment is to provide additional parking. He stated it is adjacent to the Hancock Plaza. He stated they are asking for a waiver of the 5' setback regulation for the parking area.

Jerry Reese made the motion to accept the application.

Dennis Ciotti seconded.

A man who did not identify himself stated there are 22 parking spaces and this project will make it 5 spaces over the needed number.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel handed out plans which showed the parking.

Dennis Ciotti stated he would like to include in the motion that there should be "no parking" signs on both sides of Ash Street.

Otis Perry made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Correct the abutter's list on the plat to reflect the list submitted with the application.
3. Add a reference to ZBA case Z94-21 to the plat with an explanation of the approved variance.
4. Submit copies of the executed access, drainage and sewer easements to the Planning Department.
5. Have the Planning staff to investigate the possibility of "No Parking" signs for the first 20 feet of Ash Street, on the Central Avenue end.

Dennis Ciotti seconded.
VOTE U/A

ITEM #6: Old Business

a. Discussion and possible vote on a site review of land for Charles Kageleiry, Woodland Crossing, located on Fourth/Fifth Street.

Ron Cole stated he received a petition from 22 residents stating their opposition to this project.

Otis Perry and Martin Smith stepped down.

Scott Rawding sat in Otis' place.

Ron Cole stated they received the Cricenti Fire Study on Friday, November 22, 1996.

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

VOTE U/A

Atty. Ryan stated that in spite of this project meeting the City fire codes, it was determined that a study should be done for a safety point of view. He said the conclusion of the study is that the Fire Department can adequately take care of any problem. He said the only thing that would satisfy the Federal guidelines is to build a huge wall. He said it is up to the Planning Board to consider the application and to give it approval.

Scott Rawding stated the report is ambiguous. He said he worked in a chemical plant for many years and understands tanks and how they rupture and how they explode as well as implode. He said he is not in agreement with the sentence in the report that states if the tank does not have a weak roof to shell seam, it is then required to be equipped with a pressure release device to prevent an overpressure rupture. He said the tank doesn't have that valve and if for some reason it should rupture, it would rupture inside the double metal wall and therefore create a hazardous situation.

Atty. Ryan stated Scott was taking things out of context and is misreading the report.

Nick Cricenti stated they do not have the design on the old tanks. He stated that they have to determine whether the tank has the weak roof to shell seam or whether it has a pressure release device. He stated that he did not find a pressure release valve so it has to have the seam. He stated there is a valve on top of the tank in case someone tries to put oil in there too fast, but it is not a pressure release valve. Nick Cricenti stated that he does not know the exact design of that tank but it has to be one design or the other.

Mike Bobinsky said the report states that the best way to meet the HUD requirements is not to accept HUD funding for the project. He asked if this is what is going to happen here.

Atty. Ryan stated he does not know what the plans are at the moment. He said if it turns out that HUD funds are involved, then the HUD regulations will come into play.

Mr. Cricenti stated that the tank standards came into play in the 30's or 40's and the tanks were constructed in the 60's. So they were built to meet the standards of that time. Mr. Cricenti stated that the HUD regulations are not realistic. He said that HUD doesn't consider things like early warnings, all they are saying is that all of a sudden things are on fire and these buildings are exposed. He said HUD assumes that every oil tank out there is suddenly burning. He said if the tank ruptures and the oil is on the ground and someone lit it, it would take several minutes for it to reach the project and only a small portion would be exposed. He stated if the tank broke open from the top and caught fire, there would be less heat and less exposure. He said building a wall would buy the residents some time.

Brian Preston asked about the location playground area.

Steve Stancel stated it has been moved to the north end of Building 1.

Scott Rawding stated that Code 149-5, Interpretation, states that compliance with the minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis and only after the Planning Board is fully satisfied that a proposed application is in the best interest of the City will the application be approved.

Jerry Reese made the motion to approve the application.

Mike Bobinsky seconded.

Chairman Cole asked Planning Director Steve Stancel to discuss the department's position.

Steve Stancel indicated that the application had undergone a very exhaustive review process. He did not believe that the proposal was a good project nor a well planned project. The lot is irregularly shaped and the placement of 26 large townhouses with the proposed layout and configuration overburdens the property. In some areas, townhouses are as close as 15 feet from an abutting cinderblock building. In regard to the need of affordable housing, Mr. Stancel agreed that the City's Consolidated Plan does indicate the need for additional affordable housing. The plan does not outline if the housing should be new construction or rehabilitation of existing housing stock.

Despite the department's concerns over the quality of the proposal, Steve stated that the project appears to meet all the requirements of the regulations as well as addressing the concerns of the neighborhood. He recommended approval of the project with the following conditions:

1. The proposed fair share cost allocation for the impact of the development to Fourth Street has been set at \$33,300.00 or \$1,280.77 per unit for 26 residential units.

2. Add a note to the plan indicating that the existing chain link fence shall be repaired and extended to the end of the western property line. If the abutter does not allow this, a new fence on the applicant's property shall be constructed.
3. Add the owner's signatures to the plan and plat.
4. All Federal and State regulations and requirements be met prior to the issuance of a building permit.
5. Remove the northern-most speed bump, and move the speed bump in front of the building to the north approximately 70 ft.
6. Extend the site plan to the end of the property line showing the walking trail.
7. Depict a future access easement on the plat and site plan over the gravel walking trail. Said easement shall be provided to the City at no cost upon request. Maintenance of the walking trail shall continue to be the responsibility of the property owner.

Dennis Ciotti asked if they can ask for waivers from HUD.

Steve Stancel stated that it is a possibility.

Ron Cole stated that an additional item should be added stating if a request for a waiver is requested that the City of Dover be notified.

Mike Bobinsky made the motion to add the following condition to the motion: If there is HUD financing, all HUD regulation requirements be met prior to issuance of a Building Permit and if requests for waivers are made, the City receive notification.

Jerry Reese seconded.

VOTE 5 - 2

Opposed - Rawding, Ciotti

Ron called for the vote on the main motion

VOTE 1 - 6

**Opposed - Maglaras, Reese, Ciotti,
Preston, Hull, Rawding**

Scott Rawding reminded the Board that only after the Board is fully satisfied that a proposed application is in the best interest of the City, that the application be approved. He said a large majority of the Board feels the application is not in the best interest of the community and that this fact in itself, should stand. He said he has serious safety questions. He said you can take this HUD situation and put it up in the sky and you can still vote this down because the application has serious problems. He said the community does not want this project, they've come here time in and time out. Scott stated this project will add to congestion up the street. He said the Planning Board has stated they are trying to put a square block into a round hole. He said it is just not the right fit for the City.

b. Discussion and possible vote on a major subdivision of land for CJ Court Development Corp. (Courtney's Way) located on Back River Road. (11 lots)

Otis Perry and Martin Smith took their seats

Jerry Reese made the motion to remove this item from the table.
Charles Maglaras seconded.

VOTE U/A

Kevin McEneaney represented the application. He said everything has been taken care of except for the situation with the intersection and the water line.

Steve Stancel stated it will take \$17,000 to \$20,000 to upgrade Back River Road. He said they have come up with a formula based on the increase in traffic.

Otis asked why we are not requiring the full amount from the applicant?

Steve Stancel stated there is a current safety concern. Steve stated the amount of \$5,000 was the amount arrived at by the City Engineer. The City Engineer felt that was an ample share. Steve said the City Engineer took into account the moving of the catch basin and the fire hydrant.

Dennis Ciotti asked if they are looking at an underground walkway.

Steve stated he can't see the cost of an underground walkway or an overpass being borne by the developer.

Reuben Hull asked why there are no provisions to hook into an other subdivision.

Steve Stancel stated it is because of the difference of elevations. He said it is 60 to 70 feet vertically and more horizontally.

Brian Preston asked if Mathes Hill Phase III will have access to Back River Road.

Steve Stancel stated it will probably be connected to Spruce Lane.

Jerry Reese asked about looping the water line.

Steve Stancel stated the City Engineer is recommending that the water line be looped into the Mathes Hill Subdivision.

Mike Bobinsky stated the looping of a water line is for the purposes of maintenance and quality of the water and is endorsed by the Water Works Association. He said the maintenance of the steep water line is not a concern. He said Penny Lane has a line that is very steep and it has worked out fine.

Kevin McEneaney stated the line would be 450 to 500 feet long and the cost is \$35.00 per linear foot. He said it would take a minimum of \$17,500 to build. Kevin stated there will

be an erosion problem on the slope and wants a waiver of the looping requirements. He said there have been many such waivers granted.

Reuben Hull asked if a 50' easement between lots 4 and 5 or within lot 5 in lieu of looping and a stub put in the easement would offer a solution.

Ron Cole stated it is the Board's responsibility that it does the best for City that it can. Ron said the developer wants to develop in our community and it is our bat and our ball.

Jerry Reese stated he would like a much more definitive estimate on the cost of the road and water line.

Jerry Reese made the motion to table.

Otis Perry seconded.

VOTE U/A

c. Discussion and possible vote on a major subdivision of land for John Farrell, Owner John E. Maclatchy, (Apple Crest) located on Dover Point Road. (22 lots)

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

Brian Preston seconded.

VOTE U/A

Steve Stancel said the Planning Department received a list of concerns from the City Engineer today, at 3:30 PM, and the staff feel these concerns need to be addressed. Steve suggested that this item be tabled until the meeting of December 10.

Ron Cole stated the connecting road could be addressed tonight.

Otis Perry agreed.

Ron Cole stated he received letters from the Pipins and the Caddles stating their opposition.

Otis Perry stated he is in favor of the plan as it stands but not the cul-de-sac.

Brian Preston asked if there is any way the money can be found to build a sidewalk on Roberta Drive.

Mike Bobinsky stated that 800' of sidewalk would probably cost \$10,000.

Jerry Reese stated he lives on a cul-de-sac and thinks it works just fine. He said he will vote in opposition to this plan.

Martin Smith asked how many lots the developer would lose if there is a cul-de-sac.

Steve Stancel stated he believes 3 lots would be lost.

Marty Smith stated we are taking land away from the developer.

Charles Maglaras asked if a cul-de-sac could be put in lot 22. He said the developer would lose only 1 lot instead of 3.

Bob Stowell stated the cul-de-sac would then exceed the 1,000 foot length allowed.

Ron Cole stated this is not about how much the developer will make.

Reuben Hull stated he had friends who enjoyed their life on a cul-de-sac until an ambulance couldn't get through. He said they also make it difficult for school busses, which leads him to prefer connecting the roads.

Otis Perry made the motion to connect Lillian Lane to Roberta Drive.

Mike Bobinsky seconded.

VOTE 6-2

Opposed - Maglaras, Reese

Brian Preston stated he would like to find out if there is any cost sharing available for a sidewalk for Roberta Drive.

Jerry Reese made the motion to table.

Otis Perry seconded.

VOTE U/A

ITEM #7: New Business

Dana Lynch handed out Charette Reports to the Board. He gave an overview of the ideas that came out of the charette. He stated he would like to make the waterfront part of the downtown area and make sure people have access to the waterfront. Dana introduced Matt Cox, who will be taking over the Riverfront Committee.

Ron Cole asked if there is a need to rezone the waterfront.

Dana Lynch stated it is zoned I-2 now and he doesn't see that it's critical at the moment.

Steve Stancel said waterfront rezoning materials were included in the Board packets.

Jerry Reese stated the Board should start thinking of the rezoning and not leave it to the end.

Steve Stancel stated that Mike Joyal will go over the CIP at the meeting of December 10, 1996.

Jerry Reese made the motion to adjourn.

Dennis Ciotti seconded.

VOTE U/A