

MEETING MINUTES
DOVER PLANNING BOARD
FEBRUARY 12, 1991

MEMBERS PRESENT: Thom Forbes, Joe Etelman, Jim Jalbert,
Lionel Martel, Kathy Wentworth, Dan Markey,
Jim Richards, Patti Torr, Mike McDonnell,
David Wright arrived 7:10 PM.

MEMBERS ABSENT: Mike Hoffman, Jim Caliendo

OTHERS PRESENT: Bill Collins, Steve Stancel, Bruce Woodruff
Joanna Pritzker - Recording Secretary

Meeting called to order at 7:05 PM

ITEM #1: Approval of minutes

Mike McDonnell motioned to approve.

Jim Jalbert seconded.

VOTE U/A

ITEM #2: Consideration of acceptance of an application for a
minor lot line adjustment of land owned by Twin
River Farm Trust, Assessor's Map L, Lots 49-2 and
49-3, zoned R-20, located off of Dover Point Road.

Peter Whitman represented the application.

Mike McDonnell motioned to accept the application.

Jim Jalbert seconded.

VOTE U/A

Public hearing opened.

No comment.

Public hearing closed.

Mike McDonnell motioned to approve with the condition that
the owner's signature appear on the plan.

Patti Torr seconded.

VOTE U/A

ITEM #3: Consideration of acceptance of an application for a site review of land owned by St. Mary Academy, Assessor's Map 9, Lot 98, zoned B-2, located on Central Avenue.

Kevin McEneaney represented the application.

Jim Richards questioned the storm drains.

Kevin McEneaney stated that with the existing building, the roof drains into the sanitary system, this will be redirected into the stub of the storm drain system.

Mike McDonnell motioned to accept the application.

David Wright seconded.

VOTE U/A

Public hearing opened.

Donna Lee Curtis - will the playground area still be on Angle Street? (parking area)

Kevin McEneaney replied that the parking/playground area will remain the same.

Public hearing closed.

Steve Stancel stated that an owner's signature is required on the plan.

Patti Torr motioned to approve with the condition of an owner's signature on the plan.

David Wright seconded.

VOTE U/A

ITEM #4: Consideration of acceptance of an application for a Change of Use of land owned by the Knights of Columbus, Inc., (Applicant: Steve and Marybeth Celona) Assessor's Map 9, Lot 75, zoned RM-10, located on Nelson Street.

Joe Etelman excused himself from participation due to a conflict of interest.

Steve Celona represented the application.

David Wright asked about the status of the sidewalk.

Steve Celona stated the originally he had planned on extending the driveway to include an apron (approx. 40 ft.).

The City recommended tearing up the whole sidewalk and replacing it with concrete rather than asphalt. At this time financially he could not afford to rip up the sidewalk and have it replaced with concrete.

Mike McDonnell motioned to accept the application.

David Wright seconded.

VOTE U/A

Public hearing opened.

Nancy Ellis - concerned with the sidewalk condition in front of the Knights of Columbus. She felt that it would need to be upgraded due to its condition.

Public hearing closed.

Patti Torr asked if the City had agreed to the 22 foot wide driveway.

Bill Collins replied yes, but a waiver would be required.

Jim Richards stated that he has a problem with the sidewalk. He feels that because a day care center is going in and the use that will be given to the sidewalk, he feels that there needs to be a good concrete sidewalk.

Mike McDonnell stated that the required width on driveways is 24 feet, does the staff agree with 22 feet?

Bill Collins stated yes. He further stated that he felt it was important to have a sidewalk in front of the building due to the pedestrian traffic.

Lionel Martel questioned if a sidewalk was still called for to Atkinson?

Thom Forbes stated that it would only be in front of the building.

David Wright motioned to grant a waiver to reduce the driveway with to 22 feet when 24 feet is required.

Patti Torr seconded.

VOTE U/A

David Wright questioned what the cost difference would be between asphalt and concrete for the sidewalk?

Jim Richards stated that it is about 2/3 more for concrete.

Steve Celona stated that he had obtained an estimate from K.C. Paving to repair the sidewalk only complete with 4" of gravel and the asphalt. He was quoted a price of \$420.

Jim Richards stated that the cost of replacing the sidewalk (to split the cost) Mr. Celona would have to pay approx. \$600.00.

Steve Celona stated that he was agreeable to \$600.00

Jim Jalbert motioned to approve the application with the following conditions:

1. A sidewalk improvement fee of \$600 be paid to the City of Dover;
2. An owner's signature be added to the application and plan, and;
3. The drainage of the parking lot shall sheetflow to the rear of the property.

Patti Torr seconded.

VOTE 7-1 Jim Richards opposed.

ITEM #5: Consideration of acceptance of an application for a Change of Use of land owned by M.H. Parsons & Sons, Assessor's Map 15, Lot 113, zoned B-1, located on Central Avenue.

John Parsons represented the application.

David Wright motioned to accept the application.

Mike McDonnell seconded.

VOTE U/A

Public hearing opened.

Leo Langlois - 6 Monroe Street - questioned if the restaurant would be open to 1:00 AM? He was also concerned with the trash on the property. Who would be responsible for the clean up of the property?

John Parsons stated that Prescott Farms is responsible for the clean up of the parking area at this point, since they are the tenants. He stated that he would speak to the owner of Prescott Farms to ensure that the parking area is cleaned up.

Ray Proux - Monroe Street - stated that there had been problems with snow removal in the past, he feels that the

property has not been kept clean enough in the past or present. Questioned if the Health Inspector could be involved with this by checking into it? What will the actual hours of business be? Will alcoholic beverages be served? Delivery Service?

John Buzzell - 5 Monroe Street - concerned with the vandalism in the neighborhood and with the safety of the children.

David Skole - 8 Monroe Street - concerned with the trash problem. He further stated that the application stated the hours of business being from 10:00 AM to 1:00 AM, he is opposed to the establishment being open until 1:00 AM. Will this be a carry out or eat in restaurant or both? Will there be a liquor license? He was also concerned about the increase in traffic. He was further concerned about parking requirements.

Marybeth Anderson - Monroe Street - would like to see the hours of business restricted to 9:00 PM, and who would be responsible for trash clean-up?

Thom Forbes read a letter from Mr. & Mrs. Mitchner of Monroe Street stating that they were opposed to the hours of business.

Public hearing closed.

Paul Korotis - owner of the pizza restaurant - stated that he would like to close the restaurant by 11:00. He further stated that he wasn't going to serve liquor, but may consider just beer and wine. He further stated that he would keep the place clean.

John Parsons stated that the intent of the restaurant is not to establish a "beer joint", and there is no intent to stay open late. He further stated that they were not trying to create a hazard or a criminal zone.

Thom Forbes stated that there were two major concerns, those being hours of operation and clean up.

Bill Collins stated that the hours of operation would be until 11:00 PM, and that there would be a tripling in traffic from 118 to 475.

John Parson spoke to the question of parking. He stated that there is parking along the side of where the drug store used to be, approximately 12 spaces, and in the parking lot itself, there are approximately 160+/- spaces. There is no designated parking, there is more than adequate parking.

Bill Collins stated that only 21 spaces would be required for the restaurant. With regard to the trash situation, there is

a Health Officer in Dover, however, the position of the officer is more toward the insides of buildings rather than out.

David Wright stated that the City has received complaints regarding the trash. We have control over dumpsters, but feel that the real problem is with Prescott Farms.

Jim Jalbert stated that it would behoove the restaurant owner to keep the area clean. As for crime, having activity in the area with some later hours should deter crime rather than increase it.

Mike McDonnell felt that the traffic increase needed to be taken into consideration. Cars are crossing through the parking lot from Central to Locust and vice-versa, is there a possibility of speed bumps?

David Wright stated that speed bumps do not work properly.

Dan Markey stated that his concern was with the corner of where Brooks Drug was in the parking lot. The corner is a blind one, and feels that it should be looked at.

David Wright motioned to amend the application by changing the hours of operation to be until 11:00 PM.

Dan Markey seconded.

VOTE 7-1 Joe Etelman opposed.

David Wright questioned if a condition could be made for a once a year clean-up?

Bill Collins stated that it was not conventional to the land use regulations. The best way to deal with it was to create an ordinance (City Wide) regarding clean-up of parking lots.

Jim Richards motioned to approve with the following conditions:

1. The maximum area devoted to customer seating shall not exceed 735 square feet. This represents the maximum number of 49 customers at 15 square feet per person to meet 1988 Life Safety code and 1984 BOCA Building Code for restaurants without sprinklers, and;
2. The hours of operation shall be from 10:00 AM to 11:00 PM.

David Wright seconded.

Thom Forbes questioned if a number of parking spaces needed

to be allocated for the restaurant?

Bill Collins stated that the number of spaces exceeds what is required.

Mike McDonnell questioned the beer & wine, is it permissible?

Bill Collins stated that it is permissible with relation to the restaurant.

David Wright replied that the State Liquor Commission would be in charge of licensing anyway.

VOTE 7-2 Joe Etelman and Mike McDonnell opposed.

ITEM #6: Consideration of acceptance of an application for a Change of Use of land owned by Cochecho Land Management (Applicant: Jalbert Leasing), Assessor's Map G, Lot 1E, zoned I-1, located on Faraday Drive.

Jim McAdams sat in for Jim Jalbert.

Dana Lynch and Jim Jalbert represented the application. He stated that the applicant was requesting a waiver of the application fee and that a discharge permit was required from the State.

Dan Markey motioned to accept the application .

David Wright seconded.

VOTE U/A

Public hearing opened.

Ray Proux questioned if the property was a wetland area, as he was under the impression that it was. With fuel storage as proposed, he felt that it might be a concern.

Thom Forbes stated that it was in a Secondary Groundwater Protection Zone, and that fuel storage was permitted with special conditions.

Public hearing closed.

David Wright questioned why this was a change of use? He felt that it was primarily the same to what was there.

Bill Collins stated that the Planning Department saw it as a change of use, which was determined by square footage.

Patti Torr felt that the Board needed to be consistent with the fee schedule.

Mike McDonnell stated that the Board should consider the waiver of the application fee as we have done in the past.

Bill Collins stated that it would be difficult to estimate the number of actual hours and what to charge for each employee. He felt that we would get into trouble in the future by waiving fees.

Dan Markey stated that the situation is similar to that of the Mason's, why should it be different this time?

Mike McDonnell asked to have a workshop regarding the fee schedule, and why not reimburse the people after the schedule is changed? He then motioned to deny the waiver based on the provision that a workshop be scheduled to review the Change of Use fee schedule.

David Wright seconded.

VOTE 5-2-2 Patti Torr & Dan Markey opposed, Jim McAdams and Joe Etelman abstained.

Jim McAdams stated that there was nothing on the agenda stating the request for a fee waiver.

Bill Collins replied that there was a memorandum within the Board packets.

David Wright motioned to approve with the condition of an owner's signature on the plan.

Mike McDonnell seconded.

VOTE U/A

Five minute recess.

ITEM #7: Old Business

- (a) Reconvene public hearing and discussion of a site review by Hannaford Brothers.

Jim Jalbert, Mike McDonnell, and Lionel Martel all stepped down due to conflicts of interest.

Reconvene public hearing.

Councilor Howard Williams - Lisa Beth Circle - passed out copies of court documentation and reviewed. He requested that the Board consider a workshop for the mechanisms for infrastructure.

Malcolm McNeill stated that he appreciated Mr. Williams references with regard to the court documents. When

Hannaford came to Dover with the proposed supermarket, they complied with the law and established procedures, this has been part of public scrutiny for years, and the process has been validated. The project has been through Technical Review twice.

Doug Ferino - Lisa Beth Circle - questioned if there was \$1.5 million allocated to upgrade the roads?

Bill Collins replied that the City Council and the Planning Board have anticipated improvements on Bellamy, Littleworth and Knox Marsh Road prior to this. There are no specific plans at this point. The money has been programmed into the CIP. The City is looking at 450-750 acres for potential future rezonings.

Doug Ferino - if the Hannaford site plan is approved, and with the existing traffic on Bellamy, will it be upgraded? He further stated that he was concerned with the safety of the road.

Howard Williams - stated that he testified before the executive council regarding the intersection of 9 and 155. The added traffic on Bellamy Road was brought to the attention of the committee. There is \$400,000 slated for the improvements toward Bellamy Road. The State has appropriated \$2.4 million dollars for improvements to 9/155, anything over that the City will have to pay for.

Ray Proux - stated that he felt that there has been a lot of secrecy. He questioned if the State had been notified of the rezoning on Knox Marsh Road from residential to commercial?

Dennis Costas - stated that he was concerned with the safety issue and felt that it needed to be addressed.

Bill Pecoraro - 50 Bellamy Road - concerned with the traffic on Bellamy Road, he felt that in the future with the increase in the traffic that there will eventually be a tragedy.

Doug Ferino - stated he was concerned with safety. He felt that there needed to be either an over or underpass for the kids to go between the ballfields. Sidewalks are necessary, possible widening of Bellamy, and adequate drainage is necessary.

George Maglaras - stated that there was a lot in inaccurate information presented tonight. He stated that he appeared before the Senate Committee on Transportation. He stated that once the project goes out to bid, the cost may be less than the \$2.4 million dollars, there will be no local concern then. If it is more than the \$2.4 million, the City can petition the legislature to appropriate more money, and there are other avenues also. One option is a betterment district,

not to only include industrial growth, but residential also.

He further stated that there is a resolution to go before the City Council regarding no left hand turn out of Bellamy Road.

Thom Forbes stated that he received a phone call from Jeanne Shaheen, to which she stated that the build out on the intersection, has not taken into consideration any community development based on what is there now.

Bill Collins read a memorandum from Capt. Gary DeColfmacher. Andy Hagen - questioned if the store on Central Avenue will continue once the one on 155 opens.

Lisa Miller - Hannaford Representative - stated that the store on Central will continue to operate.

Public hearing closed.

Malcolm McNeill stated that the matters that had been brought up tonight had been discussed before.

Thom Forbes asked where the applicant was with the State Permit to enter onto 155.

Bill Roache stated that the Traffic Section of the State has approved the request, it is now passed onto the Design Section for approval.

Thom Forbes asked if sidewalks along the State's R.O.W. were part of the application?

Bill Roache stated that they were part of the design process.

Bill Collins stated that there were a number of conditions that were still in draft form. They dealt with the following:

1. Participation in improvements
2. Letter of Credit for erosion control
3. Proposed ordinance regarding prohibiting a left hand turn out of Bellamy Road.
4. Driveway access permit
5. Sidewalks.
6. Easements.
7. Easement with C & J Trailways.

This item will be brought up under old business at the

February 26, 1991 meeting.

(b) Discussion and vote on the proposed rezoning of three (3) I-2 Industrial Zoning Districts.

Steve Griffin - Economic Development Director - stated for the record that Bill Collins did not make any promises for or against this proposal, only a public decision.

Bill Collins stated that Harris Graphics had submitted language with regard to the definition of Light Industry. The proposed definition is what we are trying to accomplish, however, the word industrial needs to be taken out of the text.

David Wright motioned to remove the word "industrial"

Mike McDonnell seconded.

Howard Williams - stated that he was opposed to tampering with permitted uses. He felt that there needed to be special language for outside storage.

Jim Jalbert stated that the outside storage issue was not the issue here.

David Wright motioned to approve with the amendment to the ordinance and that "industrial" be taken out of the text with regard to Light Industry.

Lionel Martel seconded.

VOTE U/A

David Wright motioned to approve the ordinance and recommend to the City Council.

Mike McDonnell seconded.

VOTE U/A

ITEM #8: New Business

(a) Request for a one year extension of approval for Stevens Run located on Back River Road.

John Gillespe represented the request.

David Wright motioned to approve the one year extension.

Mike McDonnell seconded.

VOTE U/A

A workshop meeting was scheduled for March 5, 1991, to discuss fee schedules.

Jim Jalbert motioned to adjourn.

Jim Richards seconded.

Meeting adjourned at 10:45 PM.