

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

**MEETING HELD:** April 12, 1988 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

**MEMBERS PRESENT:** Harold Preston-Chairman, Michael McDonnell-Vice Chairman, Patricia Torr, Otis Perry, Les Elder, Reynold Perry, Pierre Bouchard

**OTHERS:** William Collins-Planning Director, Steve Stancel-Planner, Michael Casino-Planner, Gayle Labrie-Recording Secretary

Mr. Preston called the meeting to order at 7:02 P.M., welcomed the public and introduced the Board.

**ITEM #1:** Public Hearing and Consideration by the Planning Board of a request for an excavation permit by Dover Sand and Gravel, Inc., (Applicant: J.B.T. Trust). Said land is located on Mast Road and Back River Road, Tax Map I, Lots 47 and 49.

Tim Pybus stood up and explained that he would act as spokesman for J.B.T. Trust (3 brothers, Jeff, Timm and Bob)

Mr. Pybus went on to explain the project. He explained that there were two pits, the Sullivan Pit and the Mathes Lot. Mr. Pybus stated that over the next few years they would be excavating the Mathes Pit, and the Sullivan Pit.

Mr. Pybus explained the weekly operations to the Board and Public.

Harold Preston asked if there were any questions from the Board.

Otis Perry asked about the time limit on the Mathes Lot.

Mr. Pybus stated that all gravel would be out and the lot would be regraded by 1994.

Otis Perry asked using the current rate of extraction, how long will this process take?

Mr. Pybus stated that he could not commit himself, however, he felt maybe 7 or 8 years.

The Board ensued the discussion.

Mike McDonnell motioned to accept the application.

Otis Perry seconded.

VOTE: U/A

#### Public Hearing Opened

Jay Stephens of 33 Spruce Lane stated he was not thrilled about the application. Mr. Stephens stated that he was not out of line, they were talking about Dover Sand and Gravel and not Mast Road. He felt that the problem with them was their location. Other concerns expressed were burying stumps in slopes while reclaiming, Solid Waste Permit, Special Permit for open space. Mr. Stephens also expressed that Chapter 149-8A deals with drainage, main plant on Mast Road is stationary, City Code Section 170-31 D-4 applies to all operations. He further expressed that the Soil Conservation Service should be checked out.

Mr. Stephens explained that the City did have options to declare closed, the pit cannot be opened if zoning prohibits. He was concerned also about why access was on Spruce Lane. He suggested using Back River Road, it was a better road.

He also stated that the reclamation plan did not really explain anything.

Mr. Stephens stated his personal opinion that he would like to see the pit closed.

Other concerns he had was the dust, buffer zone and the daily business hours, traffic flow. He disagreed with the pits being opened on Saturdays.

Mike Cormier of Mast Road expressed concerns about what happens to surrounding area during this process, he was worried about his property. Mr. Cormier expressed that he did not like the pit and it did not belong there.

Harlan Chadwick, nursery owner asked what the difference was between an approving abutter than non approving abutter.

Harold Preston explained.

Mr. Chadwick asked if this should be in writing.

Mr. Preston answered his opinion would be 'yes'.

Harlan Chadwick asked to go on the record as being a non-approving abutter and would forward this in writing.

Mr. Preston explained that the Master decided 15 years ago to do so. We should get a legal opinion from the City Attorney as to what happened then or now and if the new ordinance applied.

Richard Talbot, corner of Back River and Mast Rd. explained that he has called the Police Department because 18 wheel tractor trailer trucks are hauling down Back River Road past his house at excessive speed. He has also contacted the Public Works Department, and they consider Back River Road unsafe for any tractor trailers. Other concerns were the dust, reclamation of the pit, fence less than suitable for keeping children out, not sufficient fill to reach 2-1 taper. Mr. Talbot agreed strongly with the first speaker, Mr. Stephens. He stated that this was a residential area not industrial.

Dede Charmin of 6 Partridge Lane stated this was directly in here back yard and she wanted to reinforce Mr. Stephen's opinions. The dust and bulldozers were going through her back yard and her whole house shakes. She suggested maybe bulldozing should be restricted.

Ruth Harris who lives across from the Redden property asked how long does the permit last.

Harold Preston answered that the permit is renewable every year.

Ruth Harris also expressed her concerns about the trucks on Mast Road on Saturdays, the dust, noise and speed. She stated that she could not open her windows in the summer, she could not hear her radio or television. She expressed concern over the safety of the children.

Harold Preston stated that the Board may put conditions on the permit, this was the purpose of the public hearing. He expressed that the Board would probably look at the pit before any decision was made.

Ruth Harris again asked about 2 city ordinances, signs that state no heavy trucking, why was this not being applied.

Pete Bouchard explained that he believed those signs were not legal.

Don Morse of 20 Partridge Lane stated that they work from 6:30 A.M. to 5:00 P.M. Monday through Saturday. He felt that 7:00 A.M. to 5:00 P.M. was not a bad time. He was totally against this because of the residential area. He expressed that a good look be taken at Partridge Lane, and suggested

sidewalks on Spruce Lane in the future.

Judy Santin of 16 Partridge Lane stated her major concern was reclamation. She was very concerned because she cannot use her back yard on windy days because of sand flying all over the place.

Mrs. Santin asked two questions, 1) how often was the sandpit checked by the City or State and 2) what about permits?

Harold Preston explained that presently a permit is applied for at the Building Inspector's office for a fee of \$25.00.

Judy Santin also discussed:

- stagnant water in the pond
- request the City get involved with reclamation
- the process was not left up to these people

Rudy Fanaras of 109 Back River Road wanted to be put on the record as stating great concerns on erosion.

Harold Preston stated that someone would watch the reclamation process.

Joyce Stephens of 33 Spruce Lane stated she had lots of complaints. Some of which were, speeding trucks, uncovered loads, noise, vibrations, dust, mud, squeaking breaks. She expressed that some kind of recourse was needed.

Harold Preston stated that he talked to Police Chief Reynolds and was told that unmarked cruisers patrol the areas, and they have never caught any speeders. Mr. Preston stated that all trucks don't belong there, if there was a problem, take the name of the truck and report it.

Tom Scharff, Member of the City Council stated that he was representing the people who were unable to attend. After all that had already been said, he stated that there was not much more for him to add. His concerns were as everyone else's were, particularly Mr. Stephens. Mr. Scharff stated that children were going into the pit unsupervised and that Partridge Lane was not just sound but a visual concern. This was an impact on the whole residential area.

Public Hearing Closed

Harold Preston explained that the Board has 20 days to make a decision. He stated that the applicants were agreeable to an extension of this time.

Kevin Mone moved to refer this to site review.

Otis Perry seconded.

SITE REVIEW SCHEDULED FOR TUESDAY, 4/19/88 AT 5:00 P.M. AT THE ENTRANCE OF SPRUCE LANE.

Bill Collins asked Mr. Pybus if it was official that he would waiver the 20 day requirement.

Mr. Pybus answered 'yes'.

Reynold Perry stated some of his concerns:

- Trucks on Spruce Lane
- Hours of Operation

- 1) from the City's prospective, what will this do to Spruce Lane
- 2) traffic on Back River Road - more substantially built than Spruce Lane
- 3) dust control and truck covers

Mr. Perry stated that it should not be a surprise to everyone that this is difficult because the pits were there before the homes were, but now they are in the middle of a residential area.

Otis Perry asked how the water table at the bottom of the pit related to the Aquifer Ordinance.

Board ensued discussion.

VOTE: U/A FOR SITE REVIEW

Public Hearing Closed

ITEM #2: Consideration of acceptance of an application for minor subdivision of land owned by L.E.R. Trust (Applicant Linda E. Rossetti) Assessor's Map A, Lots 45 and 46A, Zoned R-40 on Sixth Street. (2 lots)\*

Scott Lucas explained the project. He stated that basically they were only moving lot lines on their own property.

Otis Perry stated that the plan showed 3 lots.

Bill Collins stated that Lot 1 stood alone and Lots 2 and 3 would be combined.

Scott Lucas answered that Mr. Collins statement was correct.

Mrs. Rossetti explained the project to the Board.

Kevin Mone stated that shouldn't the application be a minor lot line adjustment in lieu of a subdivision.

Bill Collins answered that by definition it was a minor lot line procedure.

Board ensued discussion.

Les Elder motioned to accept application  
Patti Torr and Kevin Mone seconded

VOTE: U/A

Public Hearing Opened

Bob Callan of Bayview Road, a direct abutter had no objections.

Public Hearing Closed

Otis Perry motioned to approve with the conditions:  
-mylar show only lot lines  
-mylar show location of driveway

Patti Torr and Les Elder seconded

VOTE: U/A

ITEM #3: Consideration of acceptance of an application for minor lot line adjustment of land owned by Les Butler, Scott Perry, Robert and Gail Ammon, Assessor's Map 17, Lot 161, Zoned R-12, on Governor Sawyer Lane.\*

Les Butler showed the plan to the Board and explained the project.

Les Elder motioned to accept application.

Mike McDonnell seconded.

VOTE: U/A

Public Hearing Opened

Bob Ammon explained that this agreement was amicable between all parties involved.

Public Hearing Closed.

Otis Perry stated that the plan lacked the owner's signatures.

Les Elder motioned to approve the application with the owner's signatures on the plans.

Otis Perry seconded.

VOTE: U/A

ITEM #4: Consideration of acceptance of an application for minor subdivision of land owned by Thomas and Evelyn Backowies (Applicant: Terrascan, Inc.) Assessor's Map A, Lot 39B, Zoned R-40, on Long Hill Road. (3 lots)\*

Andy Stowell of Terrascon, Inc. explained that what was being proposed was a 4 acre parcel into three lots. He explained that a variance was received in 7/87 for no road frontage. The Board ensued the discussion.

Otis Perry motioned to accept the application.

Mike McDonnell seconded.

VOTE: U/A

Public Hearing Opened

Public Hearing Closed

Otis Perry stated that he wanted to hear the owner of Fieldstone Drive confirm what the Planning Director said.

The Board ensued the discussion.

Otis Perry motioned to approve with the following conditions:  
-applicant get an easement agreement from the owners of Fieldstone Drive  
-access onto Fieldstone meet the City Code  
-State Subdivision Approval  
-WSPCC  
-Driveway Permit

Pete Bouchard explained his concern over a high intensity soil survey not being done.

Kevin Mone and Patti Torr seconded.

VOTE: FAVOR

OPPOSED - Mike McDonnell  
Pete Bouchard

USE PLAN THAT SHOWS FIELDSTONE DRIVE

ITEM #5: Consideration of acceptance of an application for minor lot line adjustment of land owned by Dennis Chalmers, Elinor Murphy, and Blanche Ward, Assessor's Map 17, lots 51 and 52, Zoned R-12 on Stark Ave.\*

Chris Jacobs of Seacoast Engineering explained the plan and described the lot.

Otis Perry asked about the frontage for Tax Lot 52.

Mr. Jacobs explained that was where it changed from Shamrock Lane to Birchwood Place.

Board ensued discussion

Mr. Collins stated that a reasonable condition would be a signature from Mr. Zappone.

Otis Perry motioned to accept the application.

Mike McDonnell seconded.

VOTE: U/A

Public Hearing Opened

Public Hearing Closed

Otis Perry motioned to approve the application with the following conditions:

- application for driveway permit be obtained from the City
- signature on deed be obtained from Mr. Don Zappone

Les Elder seconded.

VOTE: U/A

ITEM #6: Consideration of acceptance of an application for site review of land owned by the City of Dover, (Applicant: Doer School District) Assessor's Map H, Lot 12, Zoned R-20, located at Dover High School.\* (21240 square feet)

Dr. Gerald Daley explained the project, and introduced Barbara Chalmers who was available to answer any questions.

of this addition, actually there would be twenty new spaces,  
- no new students  
-renovating and upgrading programs

Otis Perry stated he had no idea of what the programs would be.

Dr. Daley stated expanding the Automotive to Auto Body and Special Education expanded.

Otis Perry asked would the students be coming from Dover and surrounding areas.

Dr. Daley answered, Rochester, Somersworth, Oyster River, Milton, Farmington, Maine, Northwood.

Harold Preston stated that this was a courtesy of the School Department to appear before the Board, the City is exempt from zoning.

Les Elder motioned to accept the application.

Kevin Mone and Pattie Torr seconded

VOTE: U/A

Public Hearing Opened

Counselor Tom Scharff stated that on behalf of Mayor O'Neil and Counselor Duffy he encouraged support.

Public Hearing Closed

Otis Perry asked if this had been before the TRC.

Bill Collins answered 'yes'.

Otis Perry motioned to approve

Kevin Mone and Patti Torr seconded

VOTE: U/A

ITEM #7: Consideration of acceptance of an application for minor subdivision of land owned by Roland and Helen Gagnon, Assessor's Map C, Lot 39, Zoned R-40 on Tolend Rd. (2 lots)\*

Roland Gagnon explained his application for minor subdivision.

Otis Perry motioned to accept the application

Mike McDonnell seconded

VOTE: U/A

Kevin Mone stated that by French Cross Road there was a lot of building, someone would have to fix the intersection. Everyone who was doing developing should have to pitch in, since a cluster development was going in.

Reynold Perry stated that there was a hazardous waste site one mile from then. This was an official warning.

Les Elder motioned to approve

Kevin Mone seconded

VOTE: U/A

ITEM #8: Consideration of acceptance of an application for minor lot line adjustment of land owned by Dan Philbrick and Rohe Pennington, Assessor's Map N, Lots 14F and 14L, on Fairway Drive.\*

Bill Collins explained the project for the applicants. He stated that the house was constructed to close to the property line and that it was discovered by the Building Inspector.

Patti Torr motioned to accept the application

Mike McDonnell seconded

VOTE: FAVOR

OPPOSED Les Elder  
Harold Preston

Harold Preston stated that he was not impressed that the owners were not there to speak for themselves.

Public Hearing Opened

Public Hearing Closed

Patti Torr motioned to approve

Mike McDonnell seconded

VOTE: FAVOR

OPPOSED Les Elder  
Harold Preston

ITEM #8A: Consideration of acceptance of an application got site review of land owned by Clifford and Barbara Leighton, Assessor's Map 14, Lot 35C-3B Zoned I-1 on Sumner Drive. (9000 square feet)\*

Bruce Bond of BSI, representing the Leighton's explained the site review project.

The Board ensued the discussion. (TRC concerns, city sewer, lighting, shrubs, location of dumpster etc.)

Les Elder motioned to accept the application

Patti Torr seconded

VOTE: U/A

Public Hearing Opened

Public Hearing Closed

Otis Perry motioned to approve with the following conditions:

- approval from state for discharge permit
- location of dumpster be on plat and approved by Planning Director
- supply landscaping plan
- driveway access be obtained

Les Elder seconded

VOTE: U/A

ITEM #9: NEW BUSINESS

- a. Consideration of a request for waiver of Chapter 92-6A Driveway Standards for Ernest Clark, Map 39, Lot 11B, Willand Pond Road.

Pete Bouchard and Otis Perry step down.

Kevin Mone asked Mr. Clark if he wanted dual access on his lot?

Mr. Clark answered 'yes', access from front entrance of home and want to keep previous driveway that leads to storage

shed.

Kevin Mone motioned to grant the waiver

Les Elder seconded

VOTE: U/A

**ITEM #10: OLD BUSINESS**

Pete Bouchard and Les Elder back

- a. Discussion of a public hearing date for change of use criteria.

Sent to public hearing

- b. General discussion of proposed environmental ordinances.

To be discussed at next week's meeting.

Meeting adjourned at 10:15