

DOVER PLANNING BOARD
MINUTES OF MEETING

MEETING HELD: May 24, 1988 in the Council Chambers of the Municipal Building in Dover, New Hampshire

MEMBERS PRESENT: Harold Preston-Chairman, Les Elder, Mike McDonnell, Otis Perry, Pete Bouchard, Reynold Perry, Kevin Mone

Patti Torr arrived at 7:12 while discussing Item #2.

ALTERNATES PRESENT: Jim Caliendo

OTHERS: Bill Collins-Planning Director, Steve Stancel-Planner, Mike Casino-Planner, Gayle Labrie-Recording Secretary

Chairman Preston called the meeting to order at 7:07.

ITEM #1: Public hearing on proposed amendment to Chapter 149, Site Review. Proposed amendments would revise Article I, Section 149-4, Applicability. Said revisions will require Site Review for Change of Use. The following criteria will require Site Review consideration; Proposals to create five or more new dwelling units in a structure or on a site; Proposals for duplex or larger, to double or more the existing residential density; Proposals to change use in 3000 square feet of floor space - measured around the inside perimeter of the space to be changed, including each floor or multi floor spaces. NOTE: Where a larger space is to be subdivided and the new use of only a part of the new spaces are known; the entire original space will be considered in this calculation; Proposals that would create a change which would increase by 100% of the current use any of the demands upon the following city services: parking, sewer and water service, or traffic.

The full text of the proposed amendment is available at the Planning Office, Municipal Building, weekdays from 8:00 A.M. to 4:00 P.M.

Bill Collins gave a summation of the amendment.

Public Hearing Opened

Public Hearing Closed

Otis Perry stated that some of the wording needed to be worked out.

Bill Collins stated that the period would be eliminated in the sentence and replaced with a comma.

The Board ~~ensued~~ the discussion. ↓

Otis Perry motioned to adopt the regulation with the change.

Les Elder, Kevin Mone and Reynold Perry seconded.

VOTE: U/A

ITEM #2: Consideration of acceptance of an application for minor lot line adjustment of land owned by McQuade and McQuade Investments, Inc., Assessor's Map G, Lots I and K, Zoned I-1 on Crosby Road.*

Bill McQuade explained the lot line adjustment.

Otis Perry motion to accept the application.

Mike McDonnell seconded.

VOTE: U/A

Public Hearing Opened

Public Hearing Closed

Mike McDonnell motioned to approve.

Otis Perry seconded.

VOTE: U/A

ITEM #3: Consideration of acceptance of an application for site review of land owned by McQuade and McQuade Investments, Inc., Assessor's Map G, Lots I and K, Zoned I-1 on Crosby Road.* (86,800 sq. ft.)

Bill McQuade explained that this project would be done in three phases.

Bill Collins gave a summation of the TRC comments which were reviewed in April. He stated that the biggest problem was stormwater runoff.

Mike McDonnell motioned to accept the application.

Otis Perry seconded.

VOTE: U/A

Public Hearing Opened

Public Hearing Closed
The Board ensued the discussion.

Mike McDonnell motioned to approve the application subject to a driveway permit.

Otis Perry seconded.

VOTE: U/A

ITEM #4: Consideration of acceptance of an application for minor subdivision of land owned by Kevin D. Kelley Assessor's Map E, Lot 32, Zoned ETP on Sixth Street and County Farm Road. (2 lots)*

LES ELDER STEPS DOWN FOR ITEM #4

Kevin McEneaney explains the project. Mr. McEneaney explained that the first subdivision was approved by the Board however, Mr. Kelley withdrew. He further explained what was being proposed now; 12 acres with the house, and a 13.9 acre lot with frontage on County Farm and Watson Road.

Otis Perry motioned to accept the application.

Mike McDonnell seconded.

VOTE: U/A

Public Hearing Opened

Rick Pike of County Farm Road, an abutter, expressed his concerns about plans for the subdivision.

Harold Preston stated that this is a request for a minor subdivision only, before any building could be done they would have to come before the Board for site review. He further stated that we did not have the authority to ask at this time.

Public Hearing Closed

Otis Perry asked a question regarding access to the cemetery.

Harold Preston stated it was a NH State law and cannot be restricted.

Otis Perry motioned to approve.

Jim Caliendo seconded.

Kevin Mone wanted to know what had been happening with the property.

Bill Collins explained the ETP Zone.
Board discussion ensued.

VOTE: U/A

ITEM #5: Consideration of acceptance of an application for minor lot line adjustment of land owned by Lucien and Jacqueline Robidas and Raymond L. and Ellen Janelle, Assessors Map I, Lots 53 and 53A, Zoned RM-12 on Mast Road.*

LES ELDER SITS BACK IN

Raymond Janelle explained the project. He stated that he was going to sell his house with 48,000 square feet and purchase the Robidas house.

Mike McDonnell motioned to accept the application.

Otis Perry seconded.

VOTE: U/A

Public Hearing Opened

Public Hearing Closed

Harold Preston stated that it looked like 191,000 square feet with the Robidas property and Mr. Janelle would sell his house with 48,000 square feet.

Mr. Janelle stated that this was correct.

Pete Bouchard asked if both houses had city water.

Mr. Janelle answered, "yes".

Otis Perry motioned to approve.

Patti Torr and Les Elder seconded.

VOTE: U/A

ITEM #6: Consideration of acceptance of an application for minor subdivision of land owned by Jay C. Edwards (d/b/a/ Underwood Enterprises) Assessor's Map I, Lot 6C, Zoned RM-12 on Back River Road. (2 lots)*

Judy Hotham, an Attorney with McNeil, Taylor and Dolan explained that she had corrected plans because of some information missing.

Bill Collins explained that the new plans included the surveyor stamp, deed, book and page number, showed the 100

foot setback from the river, the 50 foot setback and the accessory structure.

Attorney Hotham explained that this was a request for a 2 lot subdivision and a variance had already been received by the Zoning Board of Adjustment.

Otis Perry motioned to accept the revised plans.
Les Elder seconded.

Bill Collins stated that the revised plans could be distributed, or accept the plan with conditions.

VOTE: FAVOR ?

OPPOSED Pete Bouchard
Jim Caliendo

Public Hearing Opened

Public Hearing Closed

Kevin Mone noted that there were no topographical lines on the plans.

Harold Preston stated none were needed because this was a minor subdivision.

Kevin Mone asked what type of terrain.

Attorney Hotham answered "slopes down to the river".

Pete Bouchard stated that the revised plan was not signed by the owner.

Attorney Hotham stated that she was authorized to sign for the owner.

Board discussion ensued.

Kevin Mone motioned to approve with the conditions;
-existing driveway serving Lot 2 be removed,
-curb, sidewalk be replaced
-driveway permit be obtained
-owner's signature on the plan

VOTE: FAVOR ?

OPPOSED Pete Bouchard

ITEM #7: Consideration of acceptance for site review of land owned by Edward George (Applicant: Charles George) Assessor's Map 3, Lots 23, 24, 25, 40, 41, Zoned B-2 on corner of Main and School Streets.* (2737 sq. ft.)

Attorney Steve Nales, gave a brief history of the whole project. He stated that he had with him Jay Stephens, Engineer and Roomet Airing, Architect who would be available for any questions.

Attorney Nales, stated that since day (1) Mr. George's intent was to put a bank on the lot. He stated that the agreement was entered on 7/23/87 and the transfer took place on 11/23/87. He further explained that entrance would be from School Street and exit on Main Street.

Jay Stephens, Engineer, explained the design of the building and reviewed the schemes.

Roomet Airing explained the architect of the building. He stated that Mr. George has been working with the City, and that Immigrants Park would remain green space.

Bill Collins read the Technical Review Committee comments. He stated that the TRC favored entrance on Main Street and exit on School St. They were in favor of seeing something happen with this property, however, they were not in favor of a bank with a drive-up window, although they were in favor of a bank with no drive-up window.

Otis Perry stated that they were no signatures on the plan.

Pete Bouchard motioned to accept the application.

Les Elder and Kevin Mone seconded.

VOTE: U/A

Public Hearing Opened

Charles George, representing his father, Edward George stated that from the very beginning a bank was it. He expressed that they have shown good faith and were asking for justice from the City. Mr. George stated that parking, access, traffic and other concerns have all been addressed. They were trying to upgrade the area. He expressed that they were willing to work but needed more latitude.

Delek
Counselor Tom Duffy stated that he attended the TRC meetings but was unable to speak. Counselor Duffy expressed his disappointment with the administration because of the way they handled the whole set up.

Counselor Duffy agreed with the TRC regarding no drive-thru on this property. Other concerns of Mr. Duffy were:

- no-one explained these problems to the Council
- lead off traffic going though Janetos parking lot
- not well thought out

Public Hearing Closed

Reynold Perry responded to Mr. Duffy's comments in disagreement. Mr. Perry was concerned about access to drive-up window blocking access to Municipal parking.

SITE REVIEW SCHEDULED FOR TUESDAY, MAY 31, 1988 AT 6:00 P.M.

ITEM #8: Consideration of acceptance of an application for minor subdivision of land owned by Wayne and Gail Stiles, Assessor's Map 40, Lot 32, Zoned R-12 on Old Rochester Road. (2 lots)*

David Berry of Berry Engineering representing Wayne and Gail Stiles explained the project. He stated that the size of the lot was 26,100 square feet because of the Aquifer (10%).

Pete Bouchard stated that it did not look like good planning.

Bill Collins agreed with Mr. Bouchard.

Kevin Mone asked if non-conforming lots were being created because of existing frontage.

Bill Collins answered "no".

The Board discussion ensued.

Otis Perry motioned to accept the application.

Pete Bouchard and Les Elder seconded.

VOTE: U/A

Public Hearing Opened

Raymond Sandock, abutter, stated that he had the same questions as the Board. He asked what Mr. and Mrs. Stiles' intent was with this property.

Harold Preston stated that this was a minor subdivision and they did not have to explain any use.

Wayne Stiles stated that the south side of the property was all wooded. He wanted to build a house on the back side with driveway on the north side and sell his house, keep the land to satisfy frontage.

Public Hearing Closed

Otis Perry questioned the Aquifer Protection. He stated if someone wanted to enlarge the house they could not do it.

Bill Collins agreed.

Jim Caliendo motioned to approve with the condition that;
-driveway permit be obtained
Mike McDonnell seconded

VOTE: U/A

ITEM #9: Consideration of acceptance for a minor lot line adjustment of land owned by Wayne and Dierdre Estes, Paul and Penny Seaver, Muriel and Marshman Edgecomb, Assessor's Map H, Lot 6-4, 6-3 and 6, Zoned R-20 on Durham Road.*

Raymond Estes explained the lot line adjustment. He stated that it was just to get the necessary setbacks for the house which is built to close to the lot line.

Otis Perry motioned to accept the application.

Mike McDonnell seconded.


VOTE: U/A

Public hearing opened

Public hearing closed

Mike McDonnell motioned to approve.

Otis Perry seconded.

VOTE: FAVOR 

OPPOSE Kevin Mone

ITEM #10: Consideration of acceptance for minor subdivision of land owned by Iordanou Athanasios, Assessor's Map I, Lot 93, Zoned R-40 on Piscataqua/Drew Road. (2 lots)*

Mrs. Iordanou explained the project.

Bill Collins asked about test pit data, and high intensity soil survey.

Mike Casino explained that none of the soils in that area were poorly or very poorly drained.

Les Elder motioned to accept the application.

Mike McDonnell seconded.

VOTE: U/A

Public Hearing Opened

Public Hearing Closed

Mike McDonnell motioned to approve with the following conditions:

- Site distance
- driveway Lot #1 onto Drew Rd. with bushes clear
- WSPCC
- lot setback lines depicted on plan
- driveway permits be obtained

Otis Perry seconded

VOTE: U/A

ITEM #11: Consideration of acceptance of an application for minor lot line adjustment of land owned by William St. Laurent and Raymond Martineau, Assessor's Map 37, Lots 13 and 13B, Zoned Office on Hall and Gilman Streets.*

Bill St. Laurent explained the lot line adjustment.

Otis Perry motioned to accept the application.

Mike McDonnell seconded.

VOTE: U/A

Public Hearing Opened

Public Hearing Closed

Otis Perry motioned to approve.

Mike McDonnell seconded.

VOTE: FAVOR 

OPPOSED Kevin Mone

ITEM #12: Consideration of acceptance of an application for site review of land owned by James and Linda Rossetti (Applicant: C.M.H. Associates), Assessor's Map A, Lots 45, 46A, and 47A, Zoned R-40 on Sixth Street. (30,000 sq. ft)*

Scott Lucas, representing CMH Associates explained the project.

Bill Collins stated that they had appeared before the Technical Review Committee on two occasions. Mr. Collins reviewed the TRC comments and expressed that all concerns of the Technical Review Committee had been completed.

Pete Bouchard asked if this was going to be a one unit nursing home and no part of it to be sold off.

Scott Lucas stated that it was to protect the people. All residents would be owners and pay a fee. He explained this would be owned jointly and individuals could not sell their units.

Bill Collins stated that this was being treated as a nursing home.

Otis Perry asked if there was a long term contract with Wentworth Douglass Hospital.

Scott Lucas answered "yes".

Mr. Lucas also explained that age restrictions were covered by the covenants. It was not intended to be anything except for people (55 or older) who need service.

Otis Perry motioned to accept the application.

Patti Torr seconded.

VOTE: U/A

Bill Collins explained that this did not meet the medical standards of a nursing home, rather for people who need minimal care.

Public Hearing Opened

Public Hearing Closed

SITE REVIEW SCHEDULED FOR TUESDAY, JUNE 7, 1988 AT 6:00 P.M.

ITEM #13: NEW BUSINESS

- A. Discussion and review for the purposes of a special exception, expansion of the number of boat slips by Bradgate Properties at Benn's Marina, Assessor's Map 8, Lot Numbers 9, 9A, 12.

Attorney John Ryan representing Bradgate Associates explained the project. Attorney Ryan stated that they had obtained a variance to reconstruct the marina and to add additional boat slips. He also stated that this area was in a conservation zone and because of this they needed a special exception.

Attorney Ryan requested that the Board forward a letter to the Zoning Board of Adjustment a letter of recommendation if they were in agreement with the letter that the Conservation Commission wrote that a special exception be granted. He further stated that they were not before the Board for a complete site plan because they were not ready.

David Choate explained that the main area needed work.

Otis Perry expressed concern over the gas tanks in the area.

David Choate explained they would obtain a disposal plan from the State before anything happened.

Otis Perry asked what was their intent with the barge.

David Choate answered "to cut up and throw away".

Harold Preston suggested that the Board go along with the Conservation Commission's recommendation.

Joe Caliendo expressed concerns over contaminated soils.

Otis Perry specified that attention to the soils and gas tanks be listed in the letter.

Joe Caliendo motioned to send a favorable letter to the Zoning Board of Adjustment contingent upon the Conservation Commission's recommendation and a disposal plan from the State regarding the contaminated soils.

Otis Perry seconded.

VOTE: U/A

ITEM #14: OLD BUSINESS

- A. Discussion and final decision for an extraction permit, Dover Sand and Gravel.

Harold Preston stated that he had spoken with Dover Sand and Gravel and they agreed to hot top the road leading into their building to alleviate mud and dust. They agreed that business hours would be 7:00 A.M. - 5:00 P.M. on weekdays, and they would start on 7:30 A.M. on the few Saturdays they do work.

Pete Bouchard felt that they should hot top to Back River Road and put in a apron 25 to 30 feet.

Otis Perry felt that Saturday operations should not be allowed. He further expressed that the permit would be issued for one year, and if no Saturday work was a hardship it could be brought up at that time.

Kevin Mone disagreed with Otis Perry. Mr. Mone stated that Saturdays were dedicated to reclamation.

Bill Collins brought up the issue of setback requirements. He explained that in 1979 the Master overturned a rule of no excavation within 20' of property line or road. Mr. Collins stated that an abutter may go on record to specify that they would be no digging 50 feet from their property lines.

The following people went on record for the 50 foot buffer:

William & Elaine Crawford
119 Back River Rd.

Robert & Elizabeth Canada
123 Back River Rd.

Harlan & Marjorie Chadwick
Map I, Lot 50

Harold Preston stated that Dover Sand & Gravel would challenge digging within 20 feet, by 1994 the gravel would be leveled.

Kevin Mone motioned to approve with the condition that any new digging must be 50' from property lines.

The Planning Board voted to issued the excavation permit contingent on the following conditions:

- no new excavation closer than 50' to property lines of non-approving abutters

-Work Hours - 7:00 A.M. to 5:00 P.M. on weekdays
8:00 A.M. to 1:00 P.M. on Saturday

-on-site driveway be paved from Spruce Lane to on-site building

Renny Perry expressed that they should stay away from working on Saturday, and rather they use Back River Road.

50' non-consenting abutters	VOTE: U/A
7 - 5 weekdays	VOTE: U/A
8 - 1 Saturday	OPPOSED: Mike McDonnell Otis Perry Renny Perry

Les Elder motioned to adjourn

Main Motion
Mike McDonnell seconded

VOTE: U/A

Meeting adjourned 11:05

+ { Pete Bouchard motioned that meetings should last no later than 10:00 P.M.

{ Joe Etelman seconded.