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DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting Held: February 10, 1987 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

Members Present: Harold Preston-Chair, H. Les Elder, Pierre Bouchard, Patricia Torr, Otis Perry, Thomas Scharff, Reynold Perry, Nancy Sousane (arrived late as noted below)

Alternates Present: Joseph Etelman, Michael McDonald

Also Present: Bill Collins-Planning Director, Berrie Donovan-Recording Secretary.

Mr. Preston opened the meeting at 7:10 P.M. and explained that Mr. Etelman would sit for Mr. Maglaras' vacated seat, and that Mr. McDonnell would sit for Ms. Sousane.

Item #1: Public hearing on the creation of "Hazardous Landfill Site" zone which would in effect rezone Map C, lots 16, 18 and 24 (Tolend Landfill).

Mr. Collins explained that this is a follow-up on the City Council's resolution to alert prospective landowners and developers of the "close proximity" of the toxic Tolend landfill. He noted that the Planning Board has voted to send this to the public hearing and that they will vote at a later date on whether to pass it to the City Council which would vote to approve or disapprove.

Public hearing opened: no comment from the public.

Public hearing closed.

Item #2: Public hearing on the removal of the Conservation District depicted on the zoning map between Sixth Street and the Spaulding Turnpike.

Mr. Collins explained that the Conservation should be an overlay district as it is in the rest of the City, and not indicated on the zoning map.

Public hearing opened:

Jack McLaughlin, Old Garrison Road, spoke against implying that this may be rezoned strictly to enable Liberty Mutual to build on the land.

Peggy McLaughlin, Old Garrison Road, spoke against and suggested sending applicants to the Zoning Board of Adjustment on a case by case basis as noted in the code; she spoke also as a member of a Project 1990 group as to the concern of using all open land in Dover.

Harold Preston spoke of a court case proving it illegal to take land by rezoning the map.

(Ms. Sousane assumed her seat on the Board; Mr. McDonnell withdrew)

George Niles, member of the Conservation Commission, believed it necessary to remove the district from the map but wants care taken to preserve the site.

Bill McQuade, City Councilman, spoke of the proposal to extend the Conservation District from 75' to 100', and now the Planning Board wants to remove this area from the map.

Bill Baber, Mast Road and 1990 Committee Member, spoke of the need to preserve the water resources in the City, and this area is in a water recharge area.

Mr. Collins explained that there is a need to clean up past mistakes, and that if scrutinized in a legal sense the current Conservation District noted on the map would not stand. He further noted that they are not diminishing the degree in which the Conservation District overlay applies, and that this change has come in-house, not from the outside as has been implied.

Public hearing closed.

Mr. Preston noted that the Board would vote on this issue at a later date, the precedent having been set not to vote on the same evening of the public hearing.

Item #3: Consideration of acceptance of an application for site review of land owned by Katherine Towle/Raymond C. & Mary C. Brown (applicant: Land Buy Unlimited of N.H., Inc.), Assessor's Map I, lots 52 and 54, zone RM-12 on Mast Road. (142 condo units, 56 buildings)

Mr. Collins explained that the developer is participating in the infrastructure upgrading for the area, and is looking for conceptual approval before spending more money on the plans for the area. He pointed out on a plan the various proposals for upgrading the infrastructure including sewer and water lines, rebuilding of intersections, sidewalks, widening of roads (see attached).

Mr. Elder questioned the water supply from the Griffin well and Mr. Bouchard responded that there has been enough so far and the Ireland well supplies the area also.

Mr. Collins further explained that a lawyer and engineer have been hired by the consortium participating in the plans, and that Jack MacLeod, developer of the Brown property, is heading up the consortium.

Pete Silberman, Engineer hired by the group, noted that the proposals are under investigation by the group and no firm commitments have been made to the proposals.

Mr. Collins explained that a public hearing will be held tonite to review the concept only on the MacLeod and Redden proposals, and that if the Board grants approval of the concept it will allow the developers to continue in the planning of off-site development.

Mr. Scharff noted that if the application is accepted, the 90 day clock starts.

Mr. Collins explained that the Board could have six months to decide, and at that time could vote to approve or disapprove. He noted that the Technical Review Committee (TRC) believes the application is complete and ready for review.

Mr. O. Perry motioned to accept for discussion, Mr. Elder seconded.

Vote: U/A to accept for discussion.

Jack MacLeod, Land Buy Unlimited, Inc. and applicant, explained that there would be 40 two-unit, and 15 four-unit buildings, and the starting price would be in the mid \$90,000 to \$144,000 range.

Paul Killian of Green International, the project engineer, further explained the engineering on the property, the retention pond and that it is all sewerred.

Public hearing opened:

Mrs. Don Cheney, Mast Road, spoke against.

Kerry Forbes, developer, questioned the setback for the RM-12 and noted that it seems to change.

Mr. Collins noted that the setback is the distance of the taller of the two buildings.

Don Cheney, abutter, stated that the projects should not be approved if the developers will not participate in the infrastructure plans.

Steve Schultman, Mast Road, questioned the timing of the project.

Mr. Collins stated that all engineering is done prior to final approval, that prior to issuing a certificate of occupancy, all of the infrastructure must be completed.

Mr. Schultman further questioned where the City's land and his begin and end.

Mr. Bouchard stated that he did not know at this point.

Mr. Collins further explained to the public that there will be another public hearing.

Bill Baber, Mast Road, stated that Mr. Schultman lives practically on the street at a very bad intersection which should be improved before the actual project and trucks and machinery start to use Mast Road. He questioned whether 20% slopes are being created.

Mr. MacLeod stated that they are not building on, nor creating, 20% slopes.

Gene Angers, Spruce Lane, stated a concern for the traffic in the area.

Dale Goodwin, Mast Road, asked why the developer is redesigning the intersection and not the State, and why traffic studies are not being done.

Mr. Collins explained that the engineering will be approved by the City, and that the construction will be done concurrently, that the existing traffic flow will be taken into account.

Jack McLoughlin, Old Garrison Road, suggested the City do the engineering and charge the developer.

Christine Baber, Mast Road, questioned whether any long range studies have been done on the impact of these projects, something for the public to view.

Mr. Collins stated that there are estimates of impact on schools, water, etc., and that standards exist which are incorporated into the studies. He noted that there is a need for long range planning although the Planning Department does not have the time to complete it.

Mrs. Baber noted that there is too much residential development and not enough commercial.

Peggy McLaughlin suggested the Board consider a growth ordinance to allow the long range planning.

Mr. Cheney inquired as to why a growth ordinance could not be implemented and requested that bonding be required for all the infrastructure improvements.

Mr. Schultman stated that the Garrison School is already overcrowded.

Mr. Baber stated that some serious long range planning needs to be done, that it is up to the Planning Board to do it, that there are three additional planners in the Planning Department and that these proposals for development in the Mast Road area are premature.

Mr. McQuade expanded on his proposal to contract out the master plan.

Public hearing closed.

Mr. Preston declared a five minute recess.

Item #4: Consideration of acceptance of an application for major subdivision of land owned by Redden Family Trust (applicant: RFT Development Corp., Inc.), Assessor's Map I, lot 20, zoned RM-12, RM-20, and R-20 on Mast Road. (239 condo units, 56 buildings)

Charles Beno, with Arlene Brown, represented the Redden Family. He stated that Al Lilly-land planner, and Pete Silberman-engineer, would explain the project.

Mr. Silberman explained the engineering noting that the greatest slope is 12% although no building would be on any slope greater than 8%; all sewer pipes would be 8", and that treatment swales would purify water before it drained into the brook.

Mr. Lilly explained that phasing would be likely depending on the market, and that the infrastructure improvements would be done concurrently with the construction of the project.

Mr. Scharff motioned to approve for discussion; Ms. Torr seconded.

Vote: U/A to approve for discussion.

Public hearing opened:

Craig Seymour, attorney representing the Gottschneiders on Mast Road who are abutters, noted the intensive use of the land and asked the Board to consider the impact on existing homes.

Mike Panelian, owner of the six previously subdivided lots (Redden) on Mast Road, noted that he was told the area behind his lots would be for single family development only, and that a ball field is noted on the plan to be built in the single family zone.

Mr. Collins noted that a recreation area is required by code, and that the code also allows a zone to extend 50' into another zone.

Mr. Panelian requested that a buffer be built between his

single family homes and the multifamily development.

Mr. Lilly noted that a butter of 80 to 90 " is proposed and that he would be happy to discuss with Mr. Panelian the recreation area.

Mr. Baber questioned the other two subdivided parcels.

Mr. Beno explained that Anne Goodwin plans to refurbish the farm and live in it herself, and that there was an opportunity to subdivide the other lot out.

Ruth Harris, Mast Road, suggested having one exit onto Route 108 and one onto Mast Road instead of having both on Mast Road, and questioned where the sidewalks would go.

Mr. Silberman noted that the road could be moved rather than having to take land for the sidewalk, and that the developers had requested an exit onto Route 108, but were denied.

Gerald Juneau, 81 Bellamy Road, noted that the traffic at the Bellamy Road/Durham Road intersection should be addressed.

Steve Schultman, Mast Road, stated that he has lost land due to survey of the eastern boundary of his land, and he is now afraid of losing land on the western boundary.

Lucille Huppe, Durham Road, requested a sidewalk be built on Durham Road as they have been waiting for one for years.

Mr. Collins noted that there is provision for that in the CIP.

Faye Estes, Durham Road, noted that the developers had not given the abutters an honest answer on what was to be done with this land at the time of the first subdivision of six lots on Durham Road.

Mr. Beno noted that at that time the Redden family did not know what would be financially feasible.

Public hearing closed.

Item #5: New Business.

A. Approval of minutes.

Mr. Elder motioned to approve the minutes of January 13, 1987; Mr. Scharff seconded.

Vote: U/A

Item #6: Old Business.

a. Discussion on the proposed alternative design subdivision by Free Trade, Inc., Middle Road.

Mr. Preston abstained; Mr. Elder entered as Chair.

Mr. Collins noted that the Board has 30 days in which to approve or disapprove the request for an ADS, and two weeks are up. He noted that the comments of the Conservation Commission and Parks and Rec Department have been supplied and recommend that the open space be used as a City park. He further noted that a vote to approve only allows the developer to proceed with the development approval process as an ADS.

Mr. Scharff motioned to grant the request for an ADS with the condition that the Planning Office, Conservation Commission and Parks and Rec Department consult on the combining of the open space. Mr. O. Perry seconded.

Vote: U/A to grant.

b. Discussion on the proposed alternative design subdivision for Dennis Zibolis, Sixth Street.

Mr. Preston noted that Mr. Zibolis has withdrawn his request pending the revised ADS regulations.

c. Discussion on Pike's Mill Landing major subdivision, Sixth Street.

Ken Berry, Berry Surveying, explained that all conditions have been met, that the original request for 56 lots has been scaled down to 44, that the homeowners' association document is now before the Board and preliminary approval is requested.

Mr. Collins noted that preliminary condition could be granted with the conditions, or table the proposal.

Mr. Otis Perry motioned to grant conditional approval based on the following:

1. That the water be looped down the street, and across a couple of lots to the drainage easement.
2. That the "t's" be anchored to the fire hydrant.
3. That the homeowner's association document be approved by the City Attorney.
4. That State subdivision approval be obtained.
5. The the intersection be approved by the City Engineer and Public Works Director.
6. That the notes include the utility easement.

Mr. Elder seconded.

Vote: U/A to grant preliminary approval.

d. RM-10 rezoning.

Mr. Scharff motioned to recommend to the City Council that the proposed revisions be made to the RM-10 zone.

Mr. McDonnell abstained as did Mr. O. Perry.

Mr. R. Perry stated that he should not be disqualified as there is no legal precedent saying he cannot vote if he did not attend the public hearing.

Ms. Torr seconded.

Vote: 5-1 (Elder; Ms. Torr abstained; Mr. Preston as Chair did not vote)

e. Kerry Forbes' request for site review on Hanson Street.

Mr. Forbes noted that he has obtained the back piece of land, proposes 20-24 additional parking spaces, and would like to make the building about 6' bigger. Could he amend the plan or would he have to start over?

Consensus of Board: amend plan.

f. Master Plan

Mr. Collins noted that he has appointments with three people to discuss this item on Friday.

Mr. Collins further noted to the Board that the Office has been served with three lawsuits: Fisher, Haggemiller, and Jensen's.

Mr. Scharff motioned to adjourn; Mr. O. Perry seconded.

Vote: U/A to adjourn

Meeting adjourned at 11:10 P.M.