

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting held: April 7, 1987 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

Members Present: Harold Preston-Chairman, H. Les Elder, Patricia Torr, Pierre Bouchard, Otis Perry, Michael McDonald, Thomas Scharff, Renold Perry.

Alternates Present; James Caliendo

Also Present: Steven Stancel-Planner, Linda Barbeau-Recording Secretary.

Mr. Preston called meeting to order at 7:08 PM

Mr. Caliendo was asked to sit in.

Item #1: Consideration of acceptance of an application for minor subdivision of land owned by Christopher & Karen Williams, Assessor's Map F, Lot 1, Zoned R-40 on the corner of Columbus Ave. and Tolend Road (3 Lots).

Mr. Kevin McEneaney of McEneaney & O'Neil Survey Assoc. explained the plan for subdivision and stated that on Sept. 16, 1986 a right of way varience was obtained.

Mr. Bouchard asked how blvd. was owned? 1 house on Lot F-1D has right of way by owners. F2 needs a utility easement over 50' right of way.

Mr. Elder made a motion to accept.

Mr. O. Perry seconded.

Vote: U/A to accept.

Public hearing opened: No comment

Public hearing closed.

Mr. Scharff is applicant aware of land fill on Tolend Road.

Mr. McEneaney replied yes.

Mr. Preston commented that Fire Department and Police Department

are wanting street signs where more than one resident lives. Applicant should check with Police department about a street name. It should also state private way.

Mr. O. Perry wants noted on mylar if one more lot is added it would then be a major subdivision.

Mr. O. Perry made a motion to accept with the following conditions:

- a. Street sign stating private way.
- b. Mylar stating any addition to lots would be major.
- c. Utility easement.

Mr. Scharff seconded.

Vote: U/A to approve.

Item #2: Consideration of acceptance of an application for minor subdivision of land owned by Allen Arkwell, Assessor's Map D, Lot 17B, Zoned R-40 on Sixth Street.

Mr. J. Stevens of Civil Consultants explained plans for Mr. Arkwell. There would be a private right of way not city street. The city would run water line to center lot. Would also be willing to check with Police Department about a name for the street stating private way. And they were waiting for WSPCC approval.

Mr. Scharff questioned the subdivision of land and previous nursery school.

Mr. J. Stevens replied same lot as nursery school.

Mr. Scharff made a motion to accept.

Mr. O. Perry seconded

Vote: U/A to accept.

Public hearing opened: No Comments

Public hearing closed.

Mr. Caliendo asked if an easement was necessary.

Mr. Bouchard replied no.

Mr. O. Perry motioned to accept with the following conditions:
a. WSPCC control received.
b. Street sign

Ms. Torr seconded.

Vote: U/A to approve.

Item #3: Consideration of acceptance of an application for minor subdivision of land owned by Martin Hegarty, Assessor's Map 9, Lot 53, Zoned O (office), on Locust St. (2 Lots).

Mr. J. Stevens from Civil Consultants presented the plan for Hegarty. Stated owner has no proposed use at this time. The new lot would have to provide on site parking.

Mr. Bouchard asked current zoning.

Mr. Stancel replied office (O).

Mr. Bouchard asked what the frontage was required for office zone.

Mr. Stancel answered - 100'

Mr. Bouchard questioned frontage on Locust Street and set backs for Office zone. Noted that may be creating a sub-standard lot. He would not go along if there was not enough frontage.

Mr. O. Perry questioned why parking was being done away with.

Mr. R. Perry asked does corner lot have frontage on both streets.

Mr. Scharff moved to table for further clarification of frontage issue.

Ms. Torr seconded.

Vote: U/A to table

Item #4: Consideration of acceptance of an application for minor subdivision of land owned by Glen Haskins, Assessor's Map G, Lots 24 & 24K, Zoned R-20, on Tolend Road (3 Lots).

Mr. Haskin's presented the proposed subdivision of lots zoned R-20 all the lots are approximately 1 acre each.

Mr. Bouchard questioned if land next to highway is State or City owned.

Mr. Haskins stated his attorney had checked this and is found it is State owned.

Mr. Preston referred to Stackland map that this land is City land not State.

Mr. Haskins again said had checked with his attorney P. Calahand and is State owned.

Mr. Scharff asked if lot 2 has proper frontage.

Mr. Haskins said had checked with Planning Department.

Mr. Stancel stated Mr. Collins, Planning Director had looked at frontage 125' is alright.

Mr. Haskins stated that he had spoken with City Engineer about running water line to the end of Tolend Road Extension.

Mr Bouchard said water line will have to be extended and that a utility easement might be needed by City on all the lots.

Mr. Preston motioned to accept.

Mr. O. Perry seconded.

Vote: U/A to accept.

Public hearing opened. No comments.

Public hearing closed.

Mr. Bouchard asked if any of the Board had seen this area.

Mr. McDonald answered he had seen it and that lot #3 has a steep access.

Mr. Preston asked Board for site review and asked if state septic approval had been obtained.

Mr. Bouchard feels a condition be made for a 30' utility easement.

Mr. Haskins had no objection to the utility easement.

Mr. Elder made motion to accept with the following conditions:

- a. WSPCC be obtained.
- b. City drive way
- c. 30' utility easement

Mr. McDonald seconded.

Vote: U/A to approve.

Item #5; Consideration of acceptance of an application for minor subdivision of land owned by Chris Sheridan, Assessor's Map E, Lot 72, Zoned R-12 on Smith Road (2 Lots).

Mr. Sheridan explained the 2 lot subdivision containing 1.9 acres existing lot has single home with barn. Lot 1 has 172' of frontage on Whittier and lot 2 has 100' of frontage on Whittier St.

Mr. Preston asked on plan there is a note stating certificate of title wants clarification.

Mr. Sheridan said it had no legal aspect to plans.

Mr. McDonald motioned to accept.

Mr. O. Perry seconded.

Vote: U/A to accept.

Public Hearing opened.

Mr. White - 26 Whittier St. questions drainage. A field adjoining lots floods in the Spring and has an underground spring. The second proposed lot is where drainage now runs.

Mr D. Eighmey - 25 whittier St. addressed the Board with the same drainage issue. He is concerned it would affect his property. Asked if the plan could be reversed.

Public hearing closed.

Mr. R. Perry thinks Board should look at the site.

Mr Bouchard is concerned with the water being diverted on some one elses property.

Mr. Preston requested a site review.

Mr. McDonald made a motion for site review.

Mr. Elder seconded.

Vote : U/A for site review.

Site review was scheduled for Monday, April 13th at 4:00 PM

Item #6: Consideration of acceptance of an application for minor subdivision of land owned by Gordon Tibbetts, Assessor's Map E, Lot 72F, Zoned R-12 on Sixth St. (3 Lots).

Mr. J. Stevens of Civil Consultants presented the plans for Mr. Tibbetts. A zoning variance has been received for less than frontage on public way. Also stated there would not be any further subdivision of lots. The water and sewer easements are being obtained from City and an easement has been given from abutters.

Mr. Bouchard stated that a 20' easement has not been sufficient. He can not go along with plans if only 20' easement is given.

Mr. Stevens stated it would be totally private way.

Mr. O. Perry asked if a Homeowners agreement should be discussed.

Mr. Stevens asked if it could be reviewed by the City Attorney. The road itself is part of the lot and association could handle snow removal.

Mr. Preston feels mylar should be clearly marked private road.

Mr. Bouchard would like site review.

Mr. Scharff wants as a condition that on mylar it be stated that no more lots would be added later.

Mr. O. Perry made a motion to accept.

Mr. Caliendo seconded.

Vote: U/A to accept.

Public hearing opened.

Mr. Jack Burrington lot 72E asked how he would be affected by Homeowners Association.

Mr. Stancel stated that if he has a deeded right of way he is alright.

Mr. Burrington stated he was in favor.

Mr. Bouchard wants site review of this property too.

Mr. O. Perry asked if lot lines be defined on cul-de-sac for reference for site review.

Mr. Preston motioned for site review.

Mr. O. Perry seconded.

Vote: U/A for site review.

Site review set for Monday, April 13th at 4:30 PM.

Item #7: Consideration of acceptance of an application for minor subdivision of land owned by Sidney Fagelmanetal, (applicant; Enviromental Housing) Assessor's Map I, Lot 20A, Zoned R-20 on Rt. 108.

Ms. Irene York agent for Mr. Fagelmanetal presented the plans. The two large lots would be made into three. City sewer and water is available. Two lots would be on Sylvane and one lot on Adelle.

Mr. Bouchard stated that lots 2 and 3 the sewer would have to be extended the full length of frontage.

Ms. York felt this would be no problem.

Mr. O. Perry asked if they were City Streets.

Mr. Bouchard answered yes.

Mr. O. Perry motioned to accept

Mr. R. Perry seconded.

Vote: U/A to accept.

Public hearing opened. No comments

Public hearing closed.

Mr. Scharff questioned a memorandum in 1974 concerning Redden Gardens and buffer zone.

Mr. Stancel replied that after checking original Redden Gardens file could not find anything in writing about a buffer zone.

Mr. R. Perry would like research on legal aspect.

Mr. Elder motioned to table for more information.

Mr. Scharff seconded.

Vote: U/A to table for further information.

Public hearing closed.

Mr. Scharff questioned a memorandum in 1974 concerning Redden Gardens and a buffer zone.

Mr. Stancel replied that after checking original Redden Gardens file could not find anything in writing about a buffer zone.

Mr. R. Perry would like research on legal aspect.

Mr. Elder motioned to table for more information.

Mr. Scharff seconded.

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Vote: U/A to table for more information.

Item #8: Consideration of acceptance of an application for major subdivision of land Phase One owned by Robert Callan, Assessor's Map A, Lot 45A, Zoned R-40 on Sixth Street (4 Lots).

Mr. Callan presented plans for approval of a 3 lot subdivision on 6th St. Zoned R-40. Lots 1 & 2 have 48,000 sq. ft. with Lots 3 & 4 having 43,500 sq. ft. serviced by wells. When city water is available to site will connect. Lots 1 & 4 will front on 6th St. with Lot 3 having a new road cut in. WSPCC approval #23858 has been given. An additional 13 lots are being planned.

Ms. Torr motioned to accept.

Mr. Caliendo seconded.

Vote : U/A to accept.

Public hearing opened. No comment.

Public hearing closed.

Mr. Preston asked the Board if there were any questions.

Ms. Torr motioned to approve.

Mr. O. Perry seconded.

Vote: U/A to approve on the condition that all approvals needed have been met. With a reference to a letter to William Collins, Planning Director dated February of 1987.

Item #9: Preliminary public hearing on request for Alternative Design Subdivision on land owned by Nancy Berkowitz, (Applicant: Bradgate Associates), Assessor's Map F, Lot 3 and 3E, Zoned R-40, on Tolend Road (31 Lots).

Mr. Preston questioned the fact that there were different sets of plans presented to the Board. A question was raised about abutters with some of the Board members receiving plans with new abutters names and others had previous owners names. This needs to be clarified at the Public hearing.

At this point Thomas Welch attorney for Bradgate Assoc. presented the plans for the 31 lot major subdivision on Tolend Rd. Explained that the names of abutters were correct as far as the Assessor's Office.

Mr. David Chote, Land Acquisition Manager for Bradgate Assoc. gave a brief presentation about Bradgate and PR packets were distributed to the Board members. The project will be named High Meadow Estates. Bradgate owns the land containing 54 acres. The alternate design subdivision will contain 30 to 33 lots. One-half of the project will remain open space. To date all surveying, topography and hazardous waste information has been completed. Bradgate had also had meeting with all current abutters in February at the Friendship Inn in Dover at this time they explained the project. Currently Bradgate is working with City Engineer concerning the project.

Paul Connolly representing Civilworks engineering and survey firm working with Bradgate made a presentation of project with layouts of proposed ADS design. Pointing out that one quarter to one

third of meadow area was dry, 19 1/2 acres contains wetland which is in wooded area on the South East corner, there is also a stream with the drainage on adjoining land, they will keep with natural drainage. Soil type and boundry was taken off 1973 soil maps. Test pits have been done and soil is suitable for septic designs. Would also provide if needed test pit and other available material found to the Board.

Attorney Welch again spoke about proposal and that it seeks to preserve open space with easement on deeds. The Association of owners would have deeds to open space. He stated Bradgate had made most appropriate and efficient use of land and none of the slopes were more than 20%.

Mr. Bouchard asked about the private road.

Mr. Scharff asked if owners were aware of land fill site presently on Tolend Road.

Mr. Chote answered yes and that tests for hazardous waste had been done and that copies can be given to the Board. At this time one was given to Mr. Scharff.

Public hearing opened.

Mr. Tom Forbes an abutter to the project spoke about the design and feels it is not well thought out. Questioned about use of buffer zone. Thinks Bradgate is packing lots in on the good land.

Mr. Paul Bryere an abutter who had not been notified spoke concerning traffic on Tolend Road and that on proposed driveway it was shown at the bottom of the hill and would be very hazardous. Wetlands in back would present a drainage problem and could be an environmental problem.

Mrs. Linda Hamscom an abutter spoke about the pond which is approximately 1 acre in size having a natural drainage and is afraid will be hampered. Also the issue of wildlife presently in area would be at risk.

Mr. Bruce Spencer who lives across the street expressed concern about the dangerous driveway on Tolend Road.

Ms. Linda Carr another abutter who had not been notified asked if Board was aware of the traffic problem now and that children had been hit with cars on Tolend Rd. The hill is very dangerous

especially in the winter months. At present there are not enough school buses and this would add to the crowded school bus problem.

Attorney Welch replied that intersection issue danger is being thought of. As far as the packing in this could be addressed if grid design is used. Drainage would be addressed by the Planning Board and engineers of Bradgate.

Mr. Duffy addressed the Board concerning Sec. 155-28 asked if this would go into effect now or later addressing approval procedure for public hearing.

Mr. Preston explained that the procedure was to look over first ADS, have public hearing evaluate over 30 day period and then determine if this ADS is what Board wants or if another ADS or Grid should be presented.

Mr. O. Perry explained nothing is being accepted at this point. Just reviewing ADS proposal.

Mr. Duffy again addressed Board if impact reports on schools , environment etc. had been presented.

Mr. Scharff stated that after acceptance of final ADS concept these concerns would be addressed.

Mr. Preston once again explained they had 30 days to accept first plan then a formal ADS with another public hearing.

Mr. Duffy then asked if after the 30 day period is an extension given.

Mr. Preston replied no.

Attorney Welch commented that they had submitted plans on Jan. 28 and has the 2 step process stretched out to long now.

Mr. Preston quoted RSA laws and stressed that the 30 day period was after acceptance of final ADS proposal not after submitting date.

Mr. Tom Forbes once again asked if this meeting is giving any final decisions, and what about the abutters that were not notified.

Mr. O. Perry replied that another hearing will be scheduled and

all the abutters will be given notice.

Mr. Chote noted abutters given to Planning Board Dept. were within 200'. The ADS plans could be changed, 1st of June studies would be addressed.

Mr. Duffy asked if impact studies are not ready for 60 days how could people attending final public hearing have the information necessary for rebuttal.

Mr. Scharff replied that when appropriate, the ADS impact statements would then be given before public hearing.

Mr. Preston again made reference to the fact that this was only a preliminary approval.

Mr. R. Perry processing an ADS is the same as subdivision but this has one extra step at the beginning.

Mr. Tom Forbes asked if Board will be having a site review.

Mr. R. Perry remarked that a site review might be helpful in providing more information.

Mrs. Linda Hanscom made reference to impact statements giving the Board information for a more educated answer.

Mr. Scharff motioned to end public hearing.

Mr. O. Perry seconded.

Mr. Scharff made a motion to have a site review.

Mr. Elder seconded.

Vote: U/A for site review.

Site review scheduled for Tuesday, April 14th at 5:00 PM

Item #10 : Preliminary public hearing on request for Alternative Design Subdivision on land owned by Donald Purdy and Terri Flanagan, Assessor's Map 20, Lot 114 and Map 21, Lot 1A, Zoned R-12, Court Street (18 Lots).

Mr. Jay Stevens of Civil Consultants presented the ADS plans. 10 acres of project are on Port Street. Proposing city street off of Elmview Circle. Cul-de-sac at end with 18 lots added with existing house totals 19. 25% of site opposite of stream is open field. Not densely wooded. Has spoken with Public Works concerning water and sewage. A retention pond would be provided.

Mr. Bouchard questioned retention pond concept.

Mr. Stevens did not have answer about length of retention time.

Mr. Duffy again brought up point concerning Section 155-28 concerning approval procedure.

Mr. Scharff ADS regulations are to avoid being unfair to applicant. Also holds down dollar figure for applicant.

Mr. Preston closed public hearing.

Mr. Preston motioned for a site review

Mr. O. Perry seconded

Vote: U/A for site review

Site review scheduled for Monday, April 20th at 4:00 PM

Item #11: Preliminary public hearing on request for Alternative Design Subdivision on land owned by George Parsons (applicant: Parson's Land Development), Assessor's Map A, Lot 36, Zoned R-40 on Varney Road (25 Lots).

Mr. Jay Stevens of Civilworks explained the plan for Mr. Parsons. The project is split between Dover and Somersworth. Next week

will be meeting with the Somersworth Planning Board. A water line would be run 1 mile from Grossman's. A representative of the Wetlands Board has given limits of wetlands on project. Total open land area of site is 31%. They still need septic approval. Soil should support individual septic systems.

Mr. Elder asked if there was only one entrance.

Mr. Stevens replied entrance would be on Dover side and exit would be on Somersworth side.

Mr. Elder asked who was responsible for water lines Dover or Somersworth.

Mr. Stevens replied would be split between Dover and Somersworth.

Mr. Bouchard raised the question about snow plowing and the difficulty with two cul-de-sacs.

Public hearing opened.

Mr. Paul Long raised comments, Mr. Duffy had made earlier concerning impact statements for ADS.

Public hearing closed.

Mr. R. Perry made comments concerning ADS plans and the concept not being what he had in mind for an ADS. Maybe a problem with how it is writren up for the developers. Maybe regulations should be changed.

Mr. O. Perry also voiced opinion that changes to regulations need to be made.

Mr. Parsons feels he has tried to conform to ADS regulations and has spent many hours and thousands of dollars in engineering costs. He also feels the open space concept he is using lends itself to an athletic field for future use. His feelings are that the current ADS procedures are a just way of dealing with developers.

Mr. R. Perry made it clear that developers were not at fault it was the Boards concept that was confusing.

Mr. Parsons commented that cluster concept is a major maintenance especially in Winter. This is why they went with another look. The intent was to deed open area to city for function of

recreational use.

Mr. Scharff asked for an on site review of project.

Mr. Preston seconded.

Vote: U/A for site review.

Site review scheduled for Tuesday, April 21st at 5:00 PM

Item #12: New Business

a. Mr. Preston explained that a Pauline McKone of Angle St. needs to extend pavement for parking. A waiver is needed for setback requirements.

Mr. Elder made motion to approve

Mr. Scharff seconded.

Mr. Bouchard did not vote.

Vote: U/A

b. Mr. O. Perry commented that he has been approached about Planning Board matters other than at meetings would like something specific set up to avoid this happening.

Mr. Scharff feels this does not need to be put in rules.

Mr. O. Perry thinks that a rule is needed.

Mr. Scharff suggested that Mr. Preston as chairman, Mr. Collins and Mr. Stancel of the Planning Department should discuss the problem and come up with an answer.

c. Mr. Preston made recommendation for special exception concerning 7 Lakeview Ave. The Conservation Commission has already been approached.

Mr. Scharff suggested that they make a formal presentation at next Planning meeting.

Mr. Preston agreed that this will be addressed April 14th.

Item #13: Old Business

a. Mr. Bouchard commented on bond issue. Made reference to the fact that January is the time this should be discussed not at this late date. Also feels that no more building permits should be issued until bond is paid.

Mr. O. Perry replied that must complete before date or letter of credit is lost.

Mr. Preston will follow up with Mr. Janelle on this issue.

b. The following minutes are to be approved.

Sept. 16, 1986

Mr. O. Perry commented that would approve with amendment of his name being added to members present.

U/A to approve as amended.

Dec. 9, 1986

U/A to approve

Meeting adjourned at 10:55 PM.