

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting held: May 5, 1987 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

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

Alternates Present: Claire Howe, James Caliendo, Joseph Etelman.

Also Present: Bill Collins-Planning Director, Steve Stancel-Planner, James Chaput-Planner, Linda Barbeau-Recording Secretary.

Mr. Preston called the meeting to order at 7:04 PM. After introduction of the Board members present, Mr. Etelman and Ms. Howe, alternates were asked to sit in.

Item #1: Consideration of acceptance of an application for minor subdivision of land owned by Dover Place Limited Partnership, Assessors Map 2, Lot 40, Zoned B-2 on the corner of Washington Street and Central Avenue. (2 lots).

Attorney William Tanquary representing Dover Place Limited Partnership explained the proposed subdivision of Strafford Bank & Strafford National Bank. Reference to letter concerning variances from City Attorney Scott Goodman, see attachment.

Mr. Scharff asked if buildings are being enlarged.

Atty. Tanquary replied no.

Mr. McDonnell motioned to accept

Mr. Scharff seconded.

Note: U/A to accept.

Public hearing opened. No Comments

Public hearing closed.

Mr. Scharff motioned to approve

Mr. McDonnell seconded.

Note: U/A to approve.

Item #2 New Business

. Discussion on Interim Aquifer Protection Ordinance.

Mr. Collins explained that Aquifer ordinance draft, if adopted will restrict type of building that will be allowed in these areas to protect

the ground water supply and stated that they are waiting for improved maps which are scheduled to be finished in July from engineering study. Would like to wait on proposing a permanent ordinance until these maps are ready, but very uncomfortable with the amount of development within the areas of the city wells. What is being proposed is an interim growth management ordinance which will be in effect until the engineering studies are complete in July. At workshop the interim growth ordinance draft was given. Now has a more polished form of this ordinance (see attached).

At this point Ms. P. Torr arrived.

Mr. Elder asked if a current map is available.

Mr. Collins showed map and pointed out areas of aquifer recharge. It was also shown that the largest area was located in the northern part close to the Miracle Mile. He also noted that all the areas border on neighboring communities.

Mr. McDonnell expressed concern that he hopes all have been located.

Mr. Collins replied that based on current information this is what we have.

Mr. Bouchard stated there are seven wells.

Mr. Scharff asked if engineering studies might show more recharge areas.

Mr. Collins said yes, and if so they will have another public hearing so they can add additional areas, if any, after engineering study.

Mr. Scharff asked if neighboring communities are being contacted.

Mr. Collins feels this might be something for Strafford Regional Planning Commission to address.

Mr. O. Perry commented that there might be state funding available for such a project.

Mr. Scharff motioned for public hearing.

Mr. O. Perry seconded.

Vote: U/A to take to public hearing.

Mr. Preston asked if Board had any other new business.

Mr. Elder asked about newspaper article on moratorium.

Mr. Collins stated that he was investigating interim growth ordinance. Before we would launch any effort such as a moratorium, there would be full discussion before Planning Board and City Council with public hearings.

Item #3: Old Business

a. Discussion on proposed minor subdivision of land owned by Martin Hegarty, Assessor's Map 9, Lot 53, Zoned O-office, on Locust Street. (2 lots).

Mr. Preston stated that it was held over waiting an opinion by City Attorney Scott Woodman.

Mr. Malcolm McNeill representing Mr. Hegarty explained that at the April, 7th Planning Board meeting the issue appeared to be frontage. Applicants listed address was on Locust Street with the conclusion that this was the front of building. 95% of tenants park on Nelson St. because there is no other place. The tenants use entrance on Nelson St. Would suggest to Attorney Woodman that Locust Street door have a sign stating not an entrance and alter door not for use and a sign on Nelson Street door this is entrance. Mr Hegarty would agree with all changes and would even change address. Asked Board to make own observations and ask Atty. Woodman for new opinion.

Mr. McDonnell questioned sidewalk on Locust Street side being boundary.

Mr. Bouchard asked about parking requirements.

Atty. McNeill answered that parking was not being increased at this time and nonconforming use was not being increased.

Mr. Collins quoted zoning (parking in O zone) was 5 spaces per professional plus 1 space for support staff.

Mr. Bouchard stated can't handle on street parking now. Could lot 2 be parking lot.

Mr. O. Perry asked if they were to add to staff, would they have to add parking.

Mr. Collins stated off site parking is allowed on abutting lot. Subdividing parcel would decrease on site parking.

Atty. McNeill stated that no change in use or non-conformity if building is not being expanded.

Mr. Preston commented that there was no parking now. New parcel will have to have parking.

Mr. Scharff asked if address could be changed first then come back.

Atty. McNeill stated that if Board isn't going to move why change address. Question is where is frontage.

Mr. Elder motioned to table until opinion is received from Atty. Woodman.

Mr. McDonnell seconded.

Vote: 4 yes to table - 3 no

b. Discussion on proposed minor subdivision of land owned by Sidney Fagelmanetal, (applicant: Environmental Housing), Assessor's Map I, Lot 20A, Zoned R-20 on Rt. 108 (3 lots).

Mr. Stancel brought Board up to date on the question concerning land in front of Redden Gardens and research made in original file pertaining to Redden Garden. The Board was given copies of minutes when Redden Gardens was approved. This was also given to Atty. Woodman. The finding was that nothing was in writing in file about lots being built on; therefore, nothing is binding.

Mr. Elder was bothered that nothing was in writing.

Mr. Preston stated that neighbors were of the opinion that lots were to be left open space.

Mr. Scharff asked if there were any conditions to approval of Redden Gardens in file.

Mr. Stancel replied there were no conditions found.

Mr. Scharff stated that people seem to remember a buffer zone being asked for.

Mr. Stancel again stated that there was nothing found in file in writing.

Ms. Howe referred to statement in minutes about trees being a buffer zone.

Mr. Bouchard stated that he was not wanting to vote on this issue, needs more evidence. Questioned why after all these years wanting to build on these lots.

Mr. Scharff asked if Atty. Woodman had read all of the file.

Mr. Stancel replied yes.

Mr. Scharff motioned to table for more research by City Attorney.

Mr. McDonnell seconded.

Vote: U/A to table.

c. Continuance of Public Hearing and discussion on proposed Alternative Design Subdivision on land owned by Bradgate Associates, Assessor's Map F, Lots 3 and 3E, Zoned R-40, on Tolend Road (31 Lots).

Mr. Mike Franco representing Bradgate stressed that they believe that all points were made previously.

Mr. Connolly also representing Bradgate stated that he will answer any questions of the Board or abutters.

Public Hearing opened.

Mr. Berlind an abutter addressed the Board with concerns and read a statement to Board. (Statement is attached to minutes).

Mr. Malacha, an abutter, addressed the Board with concerns and read a statement to Board. (Statement is attached to minutes).

At this point Mr. R. Perry arrived (8:05 PM)

Mr. Connolly stated that they want a response from the Board.

Mr. Tom Forbes, another abutter, stated that the issue was ADS concept. Rural area will be destroyed. If approved will see a flood of development on Tolend Road. Dover is not benefiting from ADS. Zoning thought to protect citizens. Wants ADS trashed.

Ms. Linda Hanscom, another abutter, wants report of site review of Board.

Mr. Preston stated that after public hearing was closed would report.

Public hearing closed.

Mr. Connolly addressed abutters questions. First that 37 lots are planned. Density calculations including wetlands and soil types were from soil maps. Soil studies results were that soils were very good. As far as Mr. Malecha statement about open space not being accessible since they were able to cross by a trail, it is accessible. On the question concerning a buffer zone, a revised site development is being worked on to address this issue.

Mr. Collins asked if number of lots were the same for ADS or Grid design.

Mr. Connolly answered yes.

Mr. Scharff asked if this was the beginning of 30 day clock decision period.

Mr. Collins answered yes, today is beginning.

Mr. Bouchard commented on the 2 cul-de-sacs being a problem in winter. He would not go along with this plan.

Mr. R. Perry agreed with Mr. Bouchard that cul-de-sacs would be a maintenance problem and maybe a loop road would be better. Not pleased with this ADS. Buffer zone should be between current residence and new project. Also Tolend Road is still an issue concerning safety.

Mr. O. Perry commented on integration of open space. ADS regulations need to be changed.

Mr. Scharff also commented on ADS regulations being wrong. Not pleased with arrangement of lots, not appropriate use of topography. ADS is not right for this area.

Mr. Collins stated that conventional design subdivision looks better than ADS for this site.

Mr. Scharff questioned number of Board members seated for voting.

Mr. Preston answered that Ms. Claire Howe would be only alternate voting.

Mr. Collins stated that Mr. Preston would only vote if needed to break a tie.

Mr. Scharff motioned to move to old business and table for next meeting.

Ms. Howe seconded.

Mr. R. Perry asked if denying are we saying they can come back with another ADS plan.

Mr. Scharff replied we are dealing with this particular ADS.

Mr. Collins stated that developers can come back with another plan.

Vote: U/A to deny.

Mr. Collins reasons for denial will state can submit new ADS or conventional subdivision.

Mr. Francos asked to clarify number of different proposals or what.

Mr. Collins stated open space needs to be integrated more. Looking for buffers and better treatment of wetlands.

Mr. Connolly commented he thought consideration of Board was suitability of land for ADS. Needs thoughts of Board. Grid or ADS as to land suitability.

Mr. R. Perry commented that assuming a subdivision is going to be there the land is suited for ADS, but this particular ADS is not what is wanted. A better integration of open space is needed.

Mr. Scharff agreed that it is better suited for ADS development also.

Mr. Francos asked if they could get a better interpretation from the Board.

Mr. Collins replied it was better suited for conventional subdivision.

d. Discussion on proposed Alternate 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 representing Purdy and Flanagan spoke briefly asking for concept or design concerning this ADS. Stated that the Board had walked the site.

Mr. Collins commented that this was the same as the previous ADS

(Bradgate) very little difference; needs more intregation of open space.

Mr. O. Perry stated he felt that conventional subdivision design was a better use of this property.

Mr. Collins also agreed that conventional was better.

Mr. R. Perry stated that this could be ADS but intregation of open space needs to better. Road would be better in loop instead of cul-de-sac.

Mr. Scharff stated he felt would be more suitable for conventional subdivision.

Mr. O. Perry motioned to deny in concept for ADS, recommending conventional subdivision.

Mr. Elder seconded.

Vote: U/A to deny for ADS.

e. Discussion on proposed Alternate Design Subdivision on land owned by George Parsons (Applicant: Parsons Land Development), Assessor's Map A, Lot 36, Zoned R-40 on Varney Rd. (45 Lots).

Mr. Jay Stevens, representing Mr. Parsons again stated he would answer any questions the Board may have after the site walk.

Mr. Parsons after, hearing the other ADS plans being denied and what the Board commented on ADS sites, feels he hired engineers to examine ADS regulations and proceeded with what is necessary to meet requirements. He has spent time and money and feels he is caught in the middle of a stream.

Issue seems to be intregated open area. Needs to be addressed as to the exact needs of Board. Integration would mean losing several lots.

Mr. Bouchard asked how large the open field was.

Mr. Parsons answered 3/4 acre. Field area will be cut back to create recreation area.

Mr. Collins commented that during site visit Mr. Parsons had mentioned no Homeowners Association was wanted.

Mr. Parsons stated that in several cases dealing with Homeowner Assoc. they seem to lose interest and do not maintain areas. He thought Parks and Rec. Dept. would like this and it would be maintained by the City.

Mr. Collins stated 2 cul-de-sacs is far from ideal.

Mr. Elder also commented that the 2 cul-de-sacs would add to City costs for maintenance and winter snow removal.

Mr. Collins asked Mr. Stevens about the number of houses if a conventional subdivision would be used.

Mr. Stevens stated same number on Dover side as ADS.

Mr. R. Perry stated that wetlands would be open space in this case even if you went with a conventional subdivision design.

Mr. Collins stated he doesn't think the City would want to take it over as recreation area. Feels this would be better if proposed as a conventional subdivision design.

Mr. Elder motioned to deny. Does not encourage flexibility or reduce city costs. Maybe another ADS or conventional subdivision.

Mr. McDonnell seconded.

Vote: U/A to deny ADS.

f. Discussion on proposed major subdivision of land owned by The Development Group. (Applicant: Barbara Richard), Assessor's Map 36, Lots 16 and 15, Zoned R-12 on Glenwood Ave. (Northham Heights 12 lots.)

Mr. Jay Stevens stated this was a conventional subdivision and the Board had walked the site.

Mr. R. Perry asked about grade of road.

Mr. Stevens replied 6 1/2 % is steepest.

Mr. R. Perry asked when does it level out.

Mr. Stevens replied it levels out to 3% around the cul-de-sac.

Mr. R. Perry questioned the steepness of the grade coming in.

Mr. Stevens commented that it was about the same grade as Barlett Ave.

Mr. Collins stated waivers on slope, grade of road in general, sidewalks they wanted 1 instead of 2 and were looping water lines.

Mr. Bouchard stated that sewer analysis on Whittier St. shows section of lines on 6th. is problem area.

Mr. Stevens stated he talked with City Eng. Mr. Janelle concerning this issue.

Mr. Bouchard reference was made to a letter from residents concerning sewer problems.

Mr. Collins also made statement concerning subdivision regulations stating that streets are to be 400 feet apart and what they are looking at is about 1/2 that.

Mr. R. Perry asked if there was another way to access the property.

Mr. Stevens answered wider than 200 ft. would deny meeting requirements.

Mr. Scharff gave a parallal example being McQuade.

Mr. Bouchard was concerned with drop off at end of cul-de-sac at lots 7 and 14.

Mr. Stevens stated builder would fill up to street level 6' fill.

Mr. Bouchard has similar problem now with Marina Landing and guard rails have to be installed.

Ms. Richard stated they do not want garages at ground level.

Mr. R. Perry asked if there was an answer to the sewerage problem.

Mr. Bouchard replied problem on Whittier Street backs up to Wedgewood line has to be checked each week.

Mr. Stevens stated that city has always had this problem. At TRC meeting was told to connect on Wedgewood instead of Glenwood.

Mr. R. Perry asked what is outstanding for compliance. Sewer, road connect at Glenwood: does it or does it not meet with ordinance.

Mr. Collins answered intersection of streets to be 400 ft., asking for waivers for sidewalk on one side instead of two and the slope.

Mr. Stevens stated that the Board is denying applicant the right to subdivide and develop own land.

Mr. Bouchard asked who will own lift station.

Mr. Stevens replied it will be privately owned.

Mr. Bouchard asked if this was land locked.

Ms. Richard replied no.

Mr. Bouchard asked that in the 20' water easement the word "utility" should be added. Also asked if during site review if a 30' easement was not asked for. Thinks 30' is what is now required.

Mr. Stevens answered that 30' is on new plan.

Mr. R. Perry asked if issue concerning sewerage was answered.

Mr. Elder motioned to table until sewer issue is answered and ordinance of street regulation.

Mr. O. Perry comments that he wants to hear from city engineer on sewer and get Atty. Woodman's input on street waiver.

Mr. Dejour spoke. As an abutter he feels will create problem with sewer. If city thinks will handle o.k. but is concerned.

Mr. Bouchard answered pipes are the problem it starts at Glenwood Ave. to

the intersection of Dowilaby Ct. has had the problem for 2 or 3 years.

Mr. Scharff asked if capital improvements would make replacement.

Mr. Bouchard answered that if it hasn't it will.

Mr. McDonnell motioned to table for city engineer report.

Vote : U/A to table.

Mr. Preston stated would be on old business at next meeting.

Mr. Collins explained ETP ordinance. Stated that the only zone in city where residential is not allowed. He said to see the insert in the new draft of #6 for an addition. He went on to say that another question to be addressed is the assessment on this property. He said that the tax assessor says that existing residents will be assessed at the residential rate, and that any lots which are vacant will be assessed at the residential rate also. He said that if the city proceeds with revaluation, they might question this again at that time. He said that the assessor and the City Attorney have agreed to attend a public hearing regarding this zoning.

Mr. O. Perry then asked what was regarded as 20% with respect to paragraph #6, and Mr. Collins replied that it referred to the gross floor area of habitable space.

Mr. O. Perry said that the allowed addition is not to allow new dwellings. Mr. Collins agreed that this was a good point.

Mr. Scharff said that paragraph #5 refers to a plan, and he questioned how approval would be given.

Mr. Collins said that there are local, state and federal regulations, in addition to EPA regulations, which govern this issue and that paragraph #5 will ensure that all be brought to bear.

Mr. Scharff asked if there was some way of cross-referencing these regulations so that all of them would apply.

Mr. Collins replied that paragraph #5 could say that all regulations be met: EPA, state, sewer, etc., and they can require expertise if necessary.

Mr. Scharff said that he doesn't want this to be left too vague.

Mr. R. Perry mentioned that with regulations of the EPA, etc., reference is general, and Mr. O. Perry said that he wanted them put on notice that it is being watched.

Mr. Collins agreed that this would be acceptable for language.

Mr. O. Perry then made a motion that this be taken to public hearing.

The motion was seconded by Mr. Scharff.

Vote: U/A to take to public hearing.

Mr. Collins then mentioned that the soil type ordinance will be brought back before a public hearing.

Mr. Preston said that there were 526 units as of today, and that he has approved 1,941 that haven't been built yet.

Mr. Bouchard then brought up the issue of outside storage on E.T.P., and Mr. Collins said that they could add something to prohibit outside storage.

A correction was noted regarding the spelling of "McDonnell" to the minutes of the April 7, 1987, meeting.

Mr. Scharff made a motion to accept this correction, and the motion was seconded by Mr. McDonnell.

The meeting was adjourned at 10:15 P.M.