

MINUTES
DOVER PLANNING BOARD

Tuesday, June 16, 1987 7:00 p.m.
Dover City Hall, Dover, New Hampshire

THOSE PRESENT: Chairman Harold Preston, Pierre Bouchard, Otis E. Perry, Michael McDonnell, Bill Collins, Pattie Torr, Les Elder, Joe Etelman, Steve Stancel, Renny Perry, Tom Scharff, Paula Pendleton of Manpower (Recording Secretary) and the public. Scott Woodman, City Attorney, and Claire Howe and Philip Rinaldi, alternates, were also present.

OPENING OF MEETING

The meeting was called to order by Chairman Preston. The public was welcomed to the meeting and the Chairman introduced the Planning Board and panel.

ITEM #1 Consideration of acceptance of an application for minor lot line adjustment of land owned by Grace-Anne Pilotte (Applicant: Ronald Pilotte) Assessor's Map J, Lot 13K, Zoned R-40, Piscataqua Road.

The Chairman read the item and asked if anyone was here to speak on behalf of the applicant. Ronald Pilotte stood and was recognized by the chair. Maps were referenced showing the requested adjustment. The purpose of the request is to create enough footage on Lot #1 so Pilotte can subdivide the property.

Questions were solicited from the Chairman. Pete Bouchard noted that signatures were missing from his map.

Otis Perry moved to accept the application subject to signatures by both the applicant and his neighbors, the Whites, be on the map. The motion was seconded by Mike McDonnell and was unanimously approved.

ITEM #2 Consideration of acceptance of an application for minor subdivision of land owned by Grace-Anne Pilotte (Applicant: Ronald Pilotte), Assessor's Map J, Lot 13K, Zoned R-40, Piscataqua Road (2 lots).

The Chairman opened the item to public for comment. No comments were made and the item was closed for public debate. Mike McDonnell questioned the disposition of the existing garage; was it to be torn down or moved.

Otis Perry moved to accept the application for minor subdivision. the motion was seconded by Mike McDonnell and the item was opened again for public comment. There were no comments and the public hearing was then closed.

The item was then offered to the board for comment. Otis Perry noted that the lot needs water and sewer approval.

Mr. Pilotte stated that the application for approval of water supply and pollution control has been applied for. The person who makes approvals is taking a course and will return in two weeks.

The Board asked where the existing well and septic system are on the house that presently exists.

Mr. Pilotte stated that the well is approximately 12 feet in front of the center of the house and the septic system is approximately 50-75 feet behind the house.

Pierre Bouchard noted that a driveway permit is needed.

Otis Perry moved to approve the application for a minor subdivision subject to the approval of water supply and pollution control permit, city driveway permit, and a plan for the removal of the existing garage and notation on the subdivision map of the existing well and septic system. The motion was seconded by Councilman Scharff and approved unanimously by the Board.

ITEM #3 Consideration of acceptance of an application for minor subdivision of land owned by Arthur Grimes, Assessor's Map L, Lot 96A, Zoned R-20, Dover Point Road (2 lots).

The item was read by the Chairman. Joe Etelman and Les Elder stepped down from the Board for this item and were replaced by Claire Howe and Philip Rinaldi, respectively.

Chairman Preston asked if there was any public comment on this item.

Don McCarthy appeared for Mr. and Mrs. Grimes stepped forward and explained the application. Noting Parcels 1 and 2, Mr. McCarthy asked the Board to note on Parcel 2 a conveyance from Grimes to Dube in 1984. At that time, a minor subdivision was granted by the Board to allow the lot to go in along with the right of way and driveway. There is construction on the lot and a driveway is already connected to Dover Point Road. On March 19, 1987, the Zoning Board of Adjustments granted Grimes a variance with respect to Parcel 2 because of the lack of frontage on Dover Point Road. Mr. Dube has since appealed this decision to the Superior Court and the appeal has not been heard yet. Notice of this appeal has been served upon the Grimes and the City of Dover but there is no restraining order barring further proceeding.

Mr. McCarthy wanted to point out that Parcel 2 is noted on the map as being .9 acres and that it runs through the right of way. Mr. Grimes has retained that right of way and has given a right of way to Mr. Dube. In conjunction with others, he plans to do the same thing. In other words, the lot he will convey will stop at the right of way, and Mr. Grimes will pay taxes on the right of way.

The Chairman asked for questions from the Board; none were given. The motion to accept the application was made by Otis Perry and seconded by Mike McDonnell and unanimously accepted.

The Chairman opened the item to the public for comment. Mr. Jack McClatchy, a next door neighbor, stated he had no objection to the application.

Mr. Stephen Dibble, a Dover attorney representing the Dube's, stood and was recognized. He wanted to remind the Board that the variance has been appealed to the Superior Court and suggested the Board table the application until the appeal is resolved stating that there may be reversals of approval if the appeal is granted, thereby negating the minor subdivision granted by the Board. Mr. Dibble wanted to go on record that the Dube's are opposed to the application.

City Attorney Scott Woodman stated he felt the pending appeal should not concern the Board in this decision. He also stated the no restraining order has been issued and that the Board may be more at risk if they tabled this application. Attorney Woodman did say that approval would amend the city map.

The Chairman asked for additional public comments. None were given and the item was closed to public comment.

Otis Perry noted that the boundary line is incorrect and its correction would be a condition of approval.

Pierre Bouchard moved that the application with the condition that the boundaries be corrected be accepted. The motion was seconded by Mike McDonnell and was accepted unanimously.

ITEM #5 Old Business

The Chairman asked if there were no objections that the agenda be revised to review Old Business before New Business. Since there were no objections, the meeting proceeded with Old Business.

The alternate Board members stepped down and Messrs. Elder and Etelman returned to the panel.

ITEM #5a Discussion of major subdivision of land owned by Larry Williams, (Applicant: Chris Jacobs), Assessor's Map B, Lot 8, Zoned R-40, County Farm Cross Road (12 lots).

The Chairman read the item and opened it to the public for discussion.

Chris Jacobs of Seacoast Engineering noted that changes requested by the Board at the last meeting have been made. He stated that underground water lines have been accommodated if city water ever comes down County Farm Cross Road and due to the location of the project, on the outskirts of Dover, he felt sidewalks were not needed.

Tom Scharff asked if all other Technical Review Committee requests had been addressed and was informed that they were. The homeowners association would be established and there has been high intensity

soils analysis completed.

Pierre Bouchard feels that due to the growth of Dover, all new developments be required to put in sidewalks.

Renny Perry also felt strongly that all new developments be required to put in sidewalks on both sides of the street.

The motion to approve the subdivision with the conditions of an approved homeowners association plan was made by Otis Perry and seconded by Tom Scharff. The motion was approved unanimously.

A motion to honor a request for a waiver of sidewalks was made by Tom Scharff and seconded by Pattie Torr. The Board unanimously opposed the request and stated that sidewalks on both sides of the street would be put in.

Mr. Jacobs requested that the sidewalks be asphalt. The Board gave its approval to asphalt sidewalks.

ITEM #5b Discussion of an application for Site Review of land owned by Robert Weisner, (Applicant: Holden Engineering), Assessor's Map 6, Lot 1-I and 1-K, Zoned I-1, on Crosby Road. (Robbins Auto Parts - 100,000 sq. ft.).

The motion was read by the Chairman and opened to the floor for discussion.

Art Bourbeau rose and was recognized by the Board. The Planning Board's site visit of a few weeks ago was noted.

Tom Scharff asked if the culverts were installed and if they could access the property. Mr. Bourbeau responded that they have not been installed yet.

Mike McDonnell moved for final approval subject to the Technical Review Committee concerns be addressed. The motion was seconded by Tom Scharff and approved unanimously.

ITEM #5c Discussion of an application for Major Subdivision of land owned by David and Joyce Sanderson (Applicant: Armand DiMambro), Assessor's Map L, Lot 49, Zoned R-20, on Dover Point Road, Twin Rivers (12 lots).

The item was read by the Chairman and opened for public comment.

Jay Stevens stood and was recognized to speak on behalf of DiMambro.

Pierre Bouchard and Bill Collins took exception to the site distance facing South on Route 16 and suggested removal of the hedges.

Tom Scharff mentioned the location of the utilities poles along Route 16 impeded the site distance, and the noise and lights from the turnpike should be mitigated with screening.

Bill Collins asks about Turnpike Authority approval.

Jay Stevens said that to save time they would be contacting the Turnpike Authority after the application was approved. He also stated that there would be a screen of pines along the turnpike and the hedges would be taken out to improve site distance along Route 16.

Renny Perry stated that the site distance South on Route 16 was his only concern.

Chairman Preston mentioned that in general the Board needs to set time limits on completion of roads when applications are approved.

City Attorney Woodman said he has drafted a letter of credit with a completion date as part of the condition of the letter and has forwarded the draft to Bill Janell.

A motion to preliminarily approve the application with the condition of Turnpike Authority approval, Division 6 approval, utility and right of way concerns be addressed, a screen along the turnpike, sidewalks on both sides of street and present evidence that the site distance on Route 16 be improved was made by Les Elder and seconded by Tom Scharff and unanimously approved.

ITEM #5d Discussion of major subdivision of land owned by Developmental Services of Strafford County, Inc. (Applicant: Dean Fournier), Assessor's Map C, Lot 12D, Zoned R-40, on Tolend Road (19 lots).

Chairman Preston said he received a call from Mr. Fournier at 6:00 p.m. this evening. He has not received his soil scientist report on the leach field and the surrounding areas and asked to be rescheduled. Due to the calendar for next week's meeting the Board decided to hear him next week if the calendar does not run too long.

Otis Perry said the report should be received by Friday of this week and be reviewed by a city-selected soil scientist.

Bill Collins said the report should be submitted to Jim Hayden for review.

ITEM #4 New Business

INTERIM GROWTH MANAGEMENT RESOLUTION

The chairman said that several people who would be affected by the growth ordinance did not get an opportunity to speak last night and requested that they be allowed to do so. If there were no objections to this, they would be allowed to speak tonight.

Les Elder stated for the record that the report in Foster's Daily Democrat that he did not make last night's motion on behalf of City Councilman Duffy but rather he referred his bringing up the

question of enactment at a previous meeting himself.

The Chairman recognized Mr. George Maglaras, who spoke on behalf of himself and other land owners in the waterfront area of Dover. Mr. Maglaras is a former member of the Planning Board. His comments were directed at the Enactment Section B6 of the Interim Growth Management Resolution. He felt that urban core studies of the downtown area have been sufficient and show that the area is 95% developed. He also felt that the waterfront issue has been studied to death. Mr. Maglaras has been pursuing plans for over two months with other waterfront property owners to put together a proposal for the Site Review Committee within the next 4-6 weeks. The proposal would encourage industrial and commercial growth in the waterfront area, as well as additional residential space. Mr. Maglaras feels that Dover's problems lie in the outskirts of town, not downtown.

Les Elder questioned Mr. Maglaras on the mix of use of the land he owns and abuts. Mr. Maglaras said he felt the waterfront could support a parking garage, commercial and residential use.

Bob Meyers was recognized and spoke. He said he has been buying property over the last 4-5 years to get enough land to develop with a mixed use. Mr. Meyers said he would be ready to start this summer.

Chairman Preston asked for questions or comments from the public.

Estelle McGlars said she would also be affected by the ordinance and backed Mr. Maglaras.

Steve White, a new owner of waterfront property, felt the ordinance would close off downtown to new businesses wanting to move in.

Ed O'Brien backed up what Mr. White had said.

Nick Skaltsis echoed George Maglaras' view of the situation and thanked the Chairman for the opportunity to speak at tonight's meeting.

The Chairman called for a break to allow the Board to confer on this matter.

The meeting was called back to order by the Chairman and asked for a motion to amend the Interim Growth Management Resolution.

Councilman Tom Scharff motioned to rescind the amendment passed at last night's meeting and return the ordinance to its original form.

Renny Perry stated the original form will encourage growth where it is needed and discourage growth where it is not needed.

Bill Collins reiterated last night's point of why the original Enactment Section B6 of the ordinance was incorporated into the plan in the first place.

The motion was seconded by Otis Perry and passed unanimously by the Board.

Councilman Tom Scharff then moved to accept the Interim Growth Management Resolution as it now stands.

Prior to recognizing Councilman Scharff's motion, Chairman Preston made mention of the Tamposi dump and the need to address that situation.

Otis Perry moved that we accept the Findings of Fact and was seconded by Tom Scharff. The motion passed but was opposed by Joe Etelman and Harold Preston.

Bill Collins referenced the state statute as of 1/1/87 as it pertains to zoning commitments.

Renny Perry said the Tamposi dump is ugly and any change would be an improvement. He asked would there be a legally defensible cut off date.

Otis Perry agreed with Renny Perry.

Mike McDonnell said he felt the masterplan will be a handful of work.

Pierre Bouchard asked for an opinion from City Attorney Woodman. Mr. Woodman said the city has adopted state statute and should go by it and that Section 6B of the ordinance is redundant to the state statute. He stated the Board should continue to process building permits until the ordinance is adopted.

Chairman Preston stated the situation that any application not accepted by the Board by May 30, 1987, would be affected by the ordinance.

Joe Etelman asked about the permit monies and was told the monies would be refunded.

Bill Collins stated that the Board has 90 days to act on projects which they have already accepted.

Joe Etelman asked what the situation would be if the City Council repeals the ordinance.

Bill Collins stated that business would return to normal if it is repealed.

Tom Scharff moved that the Planning Board recommend to the City Council adoption of the proposed Interim Growth Management Resolution. The motion was seconded by Otis Perry and Les Elder. The motion passed with Joe Etelman and Harold Preston opposed.

Bill Collins spoke to Otis Perry's concern on concept approvals of

ADS's. They can proceed with their final application and the Board should honor and act on the ADS concept.

ITEM #5 Old Business

Chairman Preston asked for any other Old Business.

Bill Collins spoke on George Parsons' proposed minor subdivision. The tract of land was part of a major subdivision originally.

Pierre Bouchard moved to approve the application for a minor subdivision subject to the removal of an existing house, the existing well be inactive, (both to be noted on the mylar), the driveway permit be approved, that WSPC permits be approved and any further subdivision would be a major subdivision. The motion was seconded by Otis Perry and approved unanimously.

Bill Collins then passed out a report on the Tamposi/Nash site plan.

ADJOURNMENT AND NEXT MEETING

Tom Scharff moved to adjourn the meeting. The motion was seconded by Les Elder and passed unanimously. The next meeting is scheduled for Tuesday, June 23, 1987, at 7:00 p.m.