

DOVER PLANNING BOARD
MINUTES OF MEETING

Held: January 14, 1986
Council Chambers
Dover, NH

Members Present: George Maglaras-Chairman, Harold Preston, Robert Seaver, Les Elder, Reynold Perry, Craig Williams, Thomas Scharff, Pierre Bouchard.

Alternates Present: Otis Perry, Nancy Sousane

Also Present: Richard Selleck-Acting Planning Director, Berrie Donovan-Recording Secretary.

Mr. Maglaras called the meeting to order at 7:10 P.M., and explained the procedures to members of the Public.

He also noted that Mr. O. Perry, Alternate, would sit in for Mr. Robert Weisner this evening.

Item #1: Public hearing on minor subdivision of land owned by William A. Grimes (applicant: Spinelli Corporation), Assessor's Map 24, lot 60A, zoned RM-8, at 60 Portland Avenue.

Michael Spinelli explained the minor subdivision.

Mr. Maglaras stated that the applicant has been to the Site Review Screening Committee (SRSC).

Ed MacArthur, engineer representing Spinelli Corp., explained that the area of encroachment is not a question of boundary and would not affect the subdivision; that Judge Grimes should resolve it soon.

Mr. MacArthur stated that the easement is owned by Judge Grimes, and that the Street name on the plan should be Portland Avenue, not Central as it states.

Public Hearing opened: no comment
Public Hearing closed.

In response to a question regarding sewer easement from Mr.

Maglaras, Mr. MacArthur stated that the deed calls for each easement to be 20 feet wide.

Mr. Williams suggested putting the easement as a match line together, to which Mr. MacArthur stated that the easements are centered over the pipes as they exist in the field.

Mr. Bouchard noted that they could never excavate so he is not concerned.

Mr. Williams motioned to approve subject to changing "Central Avenue" to "Portland Avenue" on the plan. Mr. Otis Perry seconded.

Mr. Seaver amended to eliminate encroachment on the plan, and note 6. Mr. Scharff seconded.

Mr. Preston stated he would rather leave it on, noting a conflict for those doing deed research in the future.

Mr. Seaver explained his contention that future owners may say they own it.

Mr. MacArthur stated that he spoke with Mr. Martineau, and could not finalize the encroachment before presenting the plan.

Mr. O. Perry agreed with Mr. Preston, stating that the matter is not a Planning Board concern.

Vote on amendment: 1-7 (Seaver, for)

Vote on main motion: 7-1 (Seaver)

Item #2: Public hearing on site review of land owned by William A. Grimes (applicant: Spinelli Corporation), Assessor's Map 24, lot 60A, zoned RM-8, at 60 Portland Avenue to construct one, six-unit, residential building.

Michael Spinelli explained the site review and stated that a chain link fence would be placed on the border on top of the slope to the rear of the property.

Ed MacArthur, engineer for the project, noted that all the SRSC recommendations have been satisfied.

Mr. Maglaras stated that the SRSC has no objection to the plan.

Mr. Bouchard noted that a six foot fence is required by the Site Review Ordinance, and asked if the seven foot stockade fence on the plan is existing.

Mr. Spinelli stated that it is not existing.

In response to a question from Mr. Seaver regarding lighting, Mr. Spinelli explained that the lighting is noted on the legend of the plan and will be limited to the scope of the property.

Public Hearing opened: no comment
Public Hearing closed.

Mr. Seaver noted that 600 feet of open space should be noted on the plan for the recreation area, and expressed concern that the cliff should be included in the useable space. He also offered that either the 600 feet of open space, or three parking spaces should be provided.

Mr. MacArthur explained that additional parking would be difficult.

Mr. Spinelli stated that they would delineate the open space.

Mr. Williams suggested the gully be filled in.

Mr. Bouchard suggested leaving it as is.

Mr. MacArthur explained that it is the intent of the plan to stay away from the gully.

Mr. Williams motioned to approve the application for site review contingent upon a lighting plan. Mr. Bouchard seconded.

Vote: 8-0.

Item #3: Old Business.

a. Status of Charlie Mutrie's application for major subdivision on Henry Law Avenue.

Mr. Maglaras stated that State permits are forthcoming. He noted that the City Attorney's comments on the Homeowner's Association would be mailed to Planning Board members.

A right of way agreement with Mr. Rousseau has yet to be produced.

b. Burger King application for Site Review.

Mr. Maglaras noted that a new plan presented for final approval still has no reference to a deed or surveyed plan, and that the applicant will be notified as such.

c. Removing parking requirements from the Zoning Ordinance.

Mr. Seaver asked when the parking requirements currently housed in the Zoning Ordinance could be removed and placed in the Site Review Ordinance to enable the Planning Board to require the number of spaces stipulated in the Site Review Ordinance.

Mr. Maglaras stated that that change requires a mass mailing of all property owners in the City now, and that the City Council must now have a Public Hearing to change the notification requirements before the necessary changes to the Zoning Ordinance can be made.

Mr. Maglaras asked Planning Board members if there would be any objection to acting on Old Business after New Business has been discussed.

No objection.

Item #4: New Business.

a. Discussion of School Department's long range planning program with regard to the impact of development on the school population.

Tim Sheldon, representing the subcommittee, explained the group's function to determine where, what type, number of units, bedrooms, etc., with regard to all new development. He also noted a concern with how the Planning Board will proceed with the Capital Improvement Program.

Mr. Maglaras noted that most of the new growth is in the southern part of the City.

Mr. R. Perry noted that all the specifics could not be presented tonite, but given some time the Planning Board could come up

with some pertinent information.

Off the top of their heads, the Planning Board members came up with the following, as the School subcommittee members placed the numbers on a map:

Calderwood: 85 units
Williams (Stark Avenue): 13 single family houses.
Roberta Drive: 12 single family houses.
Jensen's: 84 units
Gavin: Mast Road, 35 units by the end of 1986; 65 total.
Davis Farm: Mast Road, 110 units.
Van Hertel: 34 units
Redden Phase II: ?
Proposed in the RM-20 zone: 800 units in five years.
Frank Torr: 80 trailers
Widmark: 56 units
Dumont: Cocheco Street, 34 units
Spinelli: 35 units
Fisher: 110 units
Forbes: 28 units
Allgeyer: Fifth Street, 24 units
Day property: Sixth Street, 56 single family units
Quadrant: 45 units
Parsons: 100-200 units
Rodrigue: 15-17 units
Crosier: 34 single family homes

Mr. Maglaras noted that Durham Road sewer capacity is loaded.

Mr. Sheldon inquired as to the status of Capital Improvements for sewer or water.

Mr. Maglaras stated that the Capital Improvements Program has not yet been set up due to the lack of personnel.

As to future "hot spots", Mr. Maglaras noted that Middle Road would be one. He also stated that the Planning Board is working on Alternative Design Subdivisions on community septic systems.

Mr. Maglaras suggested setting up a Planning Board Subcommittee on Education to act as a liason between the School Board and Planning Board.

Item #3: Old Business (revisited)

d. Review of Tolend Associates' major subdivision plan on Tolend Road.

Mr. Preston noted that a drainage ditch plan and site easement are necessary, and that the City right of way runs back 10-15 feet. He also noted that the Tolend landfill is in the vicinity.

Mr. Seaver stated that a note on the mylar referring to the landfill and its listing with the EPA as a toxic waste site is all that is necessary.

Alex Nossif, one of the Tolend Associates, explained his contention that the City Council's resolution contains no stipulation for stamping a mylar with this notice, that there is no definition of proximity, and that the question is one of disclosure, and they will disclose to the potential buyer.

Mr. Seaver insisted that the goals are similar, and that if the statement is on the mylar, future buyers can determine proximity themselves.

Mr. Nossif explained that this would be coming close to the point of condemnation, and that the Planning Board is setting a precedent here. No one has been harmed and buyers and sellers will be libel.

Mr. Maglaras stated that the Planning Board is trying to prevent a mistake.

Mr. Nossif stated that no determination has been made of potential danger from the landfill, and that it is more damaging to let speculation run wild. He stated that the City has a well that is closer to the landfill than this development, and does the City plan to put a notation on the water bills?

Terry Rodrigue, Tolend Associate, stated that the State is doing studies on the landfill and if the studies are positive, they will be stuck with a notation on the mylar.

Mr. Elder asked the people representing Tolend Associates how they would notify prospective buyers of the landfill.

Mr. Nossif explained that they would drive potential buyers by the landfill, explain the situation, and probably put something in writing to protect their liability.

Mr. R. Perry read the City Council resolution. He stated that he interprets close proximity as being more than just adjacent properties, and that the warning should be in writing someplace.

Mr. Seaver expressed concern over warning successive buyers of the proximity of the landfill.

In response to a question from Kevin McEneaney, Tolend Associate, Mr. Selleck indicated that currently people are informed when they apply for a Building Permit.

Mr. Seaver suggested that the applicants come up with the wording they would like to be used.

Mr. Bouchard noted that if all the studies are clear, an amendment to the notation on the mylar could be made then.

Mr. Seaver stated that the Planning Board could grant preliminary approval with the condition that they come back with a statement to put on the deeds and mylar regarding the proximity of the landfill.

Mr. Williams suggested referring the matter to the City Attorney and tabling the application.

Mr. Scharff stated his opinion that the developer should not determine the language, and that it is the City's position to protect all of the City.

Mr. Williams motioned to table the application. Mr. Elder seconded.

Vote: 1-7 (Williams voted yes)

Mr. Bouchard noted that preliminary approval indicates the Planning Board's agreement with the concept, and enables the applicant to apply for State Permits.

Mr. R. Perry said he would ask the City Attorney to draw up the language for the mylar.

Mr. Maglaras noted that no final action will be taken until the Planning Board receives a statement from the City Attorney on the language for the landfill's proximity to the development in question.

Mr. Nossif explained that when Tolend Associates entered in

agreement to purchase this property, they were unaware of the City Council's resolution. He stated that they would like to be afforded the opportunity to come up with their own language and be exempt from any directive the Planning Board may get from the City Attorney.

Mr. Maglaras stated that the Planning Board will get language from the City Attorney, and that Tolend Associates will get language from their attorney, and the Planning Board will make the decision.

Mr. Seaver motioned to grant preliminary approval to Tolend Associates for their major subdivision subject to the recommendations of the SRSC, and that the developers provide the Planning Board with a note to be placed on the mylar describing to the Planning Board's satisfaction the subject property's location to the Tolend landfill. Mr. Elder seconded.

Mr. Seaver listed the recommendations of the SRSC:

1. Developer must present a drainage plan.
2. Visibility easement must be noted on the plan.
3. City septic permit must be obtained.
4. Driveway permits must be obtained.
5. WSPCC approval is necessary.

Item 4: New Business (revisited).

b. Review of all outstanding bonds.

Mr. Maglaras stated that this item of new business will be delayed until all the facts and figures are in.

c. Letter from Jennie Leathers regarding Gavin's construction on Mast Road Extension.

Mr. Scharff had distributed a letter from Miss Leathers to be placed in the Gavin file (Ford's Landing), concerning construction in the area and its affect on her property and rights.

Mr. R. Perry noted that he has spoken with Miss Leathers and everything seemed to be resolved at that time.

Mr. Preston and Mr. Maglaras both noted that they have made several trips to the area, once making a request of Mr. Gavin to

fill a low area which he did while they were there. They noted that Mr. Gavin seemed willing to accommodate most requests immediately.

Mr. Scharff expressed the hope that the Planning Board will remain open to the concerns of the neighbors of development in that area.

e. Jim Hicks regarding the revised intake process of applications for site review.

Mr. Hicks passed out an explanation and schematic of the revised intake process and asked for comments and then approval of a revised process.

It was decided that Planning Board members would take the information home to study and discuss it again at a later meeting.

f. Discussion of the CWD.

Mr. Seaver expressed concern that the Planning Board is raising issues that need to be addressed and is not following through to a successful finish with them. He took as an example, the CWD changes in setback that the Planning Board dealt with during a recent public hearing, and that nothing further has been done with.

Mr. Seaver motioned to pass the 0-15 foot setbacks in the Coheco Waterfront District, along with the footnote as proposed. Mr. Bouchard seconded.

Mr. Maglaras removed himself from the Planning Board at this point, due to a conflict of interest, and Mr. Preston assumed the Chairman's position.

Mr. Preston noted that he has been researching the position of Coheco Street on the Maglaras' property.

Mr. Seaver stated that the road's encroachment on private property would be a civil matter.

Mr. Maglaras, from the public sector, stated that he met with the Purchasing Agent, Dan Kelly, to discuss the \$7,500 survey of Coheco/Portland Streets, and requested that the City include in that study, research on the City's right of way on Coheco Street.

Mr. R. Perry stated that a set of criteria should be included in the CWD changes.

Mr. Seaver felt that the more items involved, the more room for interpretation.

Mr. O. Perry stated that some backup basis, or criteria is necessary.

Mr. Maglaras explained that the City has to make up its mind what kind of development they want on Cocheco Street, and pass ordinances accordingly, that currently the property can be developed in strip fashion, three stories high, not as aesthetically as is possible.

Vote on motion: 2-5 (Seaver, Bouchard for)

Mr. Elder motioned to adjourn. Mr. Seaver seconded.

Vote: U/A!

Mr. Preston adjourned the meeting at 10:35 P.M.