

DOVER PLANNING BOARD  
MINUTES OF MEETING

Meeting Held: June 24, 1986, Municipal Building, Dover, New Hampshire.

Members Present: George Maglaras-Chairman, Harold Preston, Reynold Perry, Craig Williams, Thomas Scharff, Otis Perry.

Alternates Present: Patricia Torr

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

Mr. Maglaras called the meeting to order at 7:10 P.M.

Ms. Torr sat in as an alternate.

**Item #1: Consideration of acceptance of an application for site review of land owned by Spinelli Corporation (applicant: Ernest Carrier), Assessor's Map 6, lot 54E, zoned B-2 on Fourth Street.**

Peter Loughlin, Attorney representing the applicant, explained the site review and introduced Dana Lynch, Engineer representing the applicant, who explained further.

Mr. Scharff motioned to accept the application for review; Ms. Torr seconded.

Vote: U/A to accept for discussion.

Public hearing opened:

Peter Mantos, representing his Father who owns a shop on Fourth Street, spoke of the parking problem downtown and how this project will eliminate even more available parking spaces.

Mr. Collins stated that the Site Review Screening Committee (SRSC) has addressed the curb which will be granite, and that the rear setback is in accordance with zoning regulations.

Louis Mroz, 51 Toftree Lane, issued a blanket statement noting the lack of foresight by the Planning Board and spoke against uncontrolled growth.

Peter Loughlin stated that the applicant is asking for a waiver of the requirement that no paving is allowed within ten feet of the front property line, and noted that it is currently paved.

Peter Mantos requested that the correct setback be placed on the plan and noted that the lot is not now paved.

Public hearing closed.

Dana Lynch displayed an artist's rendition of the building.

Mr. Maglaras stated that it is the intention that more parking will be created along Fourth Street (diagonal parking), and that a discussion in the SRSC centered around making Fourth Street one-way.

A site review was scheduled for 4:00 P.M. on Thursday, June 26, 1986. Mr. Maglaras requested that the entryway be staked.

**Item #2: Consideration of acceptance of an application for site review of land owned by Bryan Goodwin, Assessor's Map G, lot 3D-2, zoned I-1 on Littleworth Road.**

Dana Lynch, Engineer from Civilworks representing the applicant, explained the site review, and noted that a variance has been granted for the rear setback. He noted that the building would have two floors; the front of the building would be single story, the rear two stories.

Mr. O. Perry motioned to accept for consideration; Mr. Scharff seconded.

Vote U/A

Mr. Collins noted that the SRSC had required an outdoor lighting plan and landscaping plan, and that the plan appears complete.

Public hearing opened: no comment.  
Public hearing closed.

Mr. Preston noted that the name should be changed on the Robbins/Kay abutter.

Mr. Lynch stated that the applicant is requesting a waiver of the requirement which prohibits paving within ten feet of the front property line.

Mr. Scharff motioned to grant the waiver; Mr. Otis Perry seconded.

Vote: U/A

Mr. Otis Perry motioned to accept as presented with the waiver granted, and that driveway access be granted by the State off of Route 9. Mr. Scharff seconded.

Vote: U/A

**Item #3: Consideration of acceptance of an application for site review of land owned by Charles H. Miller and Richard C. Tourtellot, Assessor's Map I, lot 4A, zoned RM-12 on Mast Road Extension.**

Glen Graper, Attorney representing Mr. Miller, explained the site review and introduced Bob Durgin, engineer for the project, who further explained the site review. He noted that there would be 20 buildings with six units in each, and that Shaw's Lane is to be upgraded to City specs.

Mr. Collins noted that the SRSC has reviewed this project many times and that a traffic impact study has been reviewed by Strafford Regional Planning. He read the list of concerns the SRSC had.

Mr. Durgin presented a plan showing the widening of the road at Back River Road.

Mr. Scharff motioned to accept for consideration; Mr. O. Perry seconded.

Vote: U/A

Public hearing opened:

Frank Munez, 89 Spruce Lane and a School Committee member, stated that growth in the area is out of hand and expressed a concern for safety of the children.

Mr. Durgin noted that sidewalks would be provided within the project from the Garrison School.

Mr. Munez suggested sidewalks the length of Garrison Road.

Mr. Maglaras explained that \$50,000 has been approved for sidewalks to Garrison School.

Arthur Gasses, Garrison Road, spoke against stating winter problems with snow drifts and cars slipping.

Barry Hager, Garrison Road, spoke of traffice problems and the impact on the school system.

Paul Gasses, Garrison Road, noted that Shaw's Lane would be widened, but Garrison Road would remain narrow creating a problem.

Nancy Hager, Garrison Road, noted that stop signs have been requested many times, but never received.

Ron Weeden, Garrison Road, noted that he had not received an abutter's notice and spoke against the project.

Bill Baber, Mast Road, noted that the safety issue is of prime concern, and that water pressure for fire protection would be an issue.

Jim Buckley, 13 Austin Drive, spoke against.

Chuck Scwalik, Morningside Drive, spoke against.

Richard Lord, Mast Road, questioned the status of Shaw's Lane, and the frontage requirement for the project..

Mr. Maglaras stated that the City of Dover owns the property, but it is not an accepted City street. He noted that the City will own the cul-de-sac, and the frontage is on that.

Sam Arnold, Garrison Road, urged the Board to listen to the citizens, and noted that the number of units in the area is steadily increasing.

Paul Gasses noted that the people of Dover are being stuck with the new sewage treatment plant because of new development, and suggested developers pay for part of it.

Mr. R. Perry noted that the plant is at 80% capacity now, and that State rules will apply to future projects as well as this one. He noted that even if the City approves this plan, the State may come in with a different set of rules.

Mr. Bouchard noted that all dead end water lines would be connected.

Jack McLaughlin, Garrison Road, suggested that all the developers get together to address the problems existing before building.

Mr. Baber noted that the City Council should act first to approve the street (Shaw's Lane) because if the Board passes this project, the City Council will have to approve. He suggested that the cul-de-sac be completed before construction begins on the condo units.

Mr. Maglaras stated that the developer must post a bond which assures that the street will be built to City specs.

Bill Colbath, Garrison Road, noted traffic problems in the area.

Mr. Collins noted that there will be an increase of 1,044 cars per day with all the new development in the area.

Tom Segorek, Bellamy Woods, questioned whether the traffic study was done prior to knowledge of the present proposals in the area, and spoke of the impact of this development on the area schools.

Mr. Collins noted that growth projections were taken into account through 1996.

Mr. Durgin noted that other studies done in the area were reviewed as well.

Public hearing closed.

An on-site review will be scheduled when the surveyor is able to stake the center line of the cul-de-sac.

Mr. R. Perry noted that further regulations may be imposed by the State because of the 80% sewer capacity in the City, and because the Board will vote to send to public hearing, changes in the RM-12 zone.

Mr. Scharff requested that the proper delineation of the school boundaries be set for the on-site review.

Mr. Maglaras declared a two-minute recess.

**Item #4: Consideration of acceptance of an application for minor subdivision of land owned by Grant L. Davis (applicant: Kerry Forbes), Assessor's Map I, lot 4A, zoned RM-12 on Mast Road Extension.**

Mr. O. Perry abstained from this item.

Kerry Forbes explained that the only reason for this minor subdivision is for financing, that the Davis Farm project has not changed.

Mr. Scharff motioned to accept the application; Ms. Torr seconded.

Vote: U/A to accept for discussion.

Public hearing opened:

Richard Lord, Mast Road, questioned the number of times an applicant can apply, to which Mr. Collins responded that an applicant can continue to make changes but must meet regulations.

Barry Hager, Garrison Road, inquired as to how many units are in phase I and II, to which Mr. Forbes responded that there are 40 units.

Bill Baber, Mast Road, spoke about the traffice problem in the area and requested that some on-site turning space be provided for construction vehicles.

Mr. Forbes noted that the utililties for phase I and II are freestanding.

Public hearing closed.

Mr. Bouchard expressed concern over open end water running.

Mr. Forbes stated that the water line will end at lot #1, nothing has changed from the approved site plan, and will be gridded.

Concern was expressed by Board members of the possibility of Mr. Forbes losing the boundary dispute in court and the effect of that decision on the approved site plan for Davis Farm.

Mr. Maglaras stated that if Mr. Forbes is unsuccessful in court, he will have to come back to the Board with a new plan.

Ms. Torr motioned to approve the minor subdivision; Mr. Preston seconded.

Vote: U/A

Mr. Otis Perry assumed his seat on the Board once again.

Item #5: Consideration of acceptance of an application for site review (mobile home park; 86 units) of land owned by Irene York (applicant: Kimball Chase Co., Inc.), Assessor's Map J, lot 2, zoned R-40 on Garrison Road. (If accepted and then approved, approval would be preliminary for concept only. The proposal must then go to the Zoning Board of Adjustment for a special exception, and if granted, back to the Planning Board for final approval.)

Mr. Maglaras explained the procedure involved in the site review of a mobile home park...preliminary approval by the Planning Board, special exception granted by the Zoning Board of Adjustment, and finally, back to the Planning Board for final site review approval.

Bill Tanguay, attorney representing Jensen's, Inc., stated that the applicant is before the Board for conceptual approval.

Chris Jensen, Jr., President of Jensen's, Inc., explained the site review. He noted that it would be an adult community on City water and sewer, underground utilities, HUD code homes, and well landscaped.

Gene Webber, engineer from Kimball Chase representing the applicant, presented pictures of the homes. He stated that a 12 inch water line will be brought in to the project, and that they have submitted an application to the State for drainage.

Mr. Preston noted that the land <sup>of the present Jensen's Park on Durham Rd.</sup> was owned by his mother, that he has not benefitted from it and feels there is no conflict of interest if he remains on the Board through this proposal.

Mr. Scharff motioned to accept the application for consideration for the purpose of a free and open discussion; Mr. O. Perry seconded.

Vote: U/A to accept for discussion.

Mr. Webber stated that the impact on the schools is negligible and that the project will provide a larger tax base for the City. He also noted that a traffic analysis has been completed and covers the Spruce Lane/Back River Road and Garrison/Back River Road intersections.

Mr. Collins briefed the Board on the recommendations of the SRSC, including the recommendation that the road be widened and that the 12 inch water main be extended down Spruce Lane into the project.

Public hearing opened.

Ron Weeden, 41 Bellamy Lane, stated that he never received notification of this meeting, and offered several questions for consideration: will this project obstruct his view of the bay, what is the sewer capacity in the area, consider the road width (Garrison), and consider an overview of the area with regard to development over the next four years.

Mr. Jensen noted that he would consider a sidewalk along Garrison Road.

Anthony McManus, representing an informal association of residents in the Back River Road community, noted the following: the traffic study does not include Tideview and other potential developments in the area, that the Board does have discretion in denying projects that meet the code, and that according to RSA 126:13 a higher standard shall prevail, therefore the square footage per lot should be 30,000.

Arthur Gasses, Garrison Road, spoke for sidewalks along Garrison Road.

Barry Hager, Garrison Road, spoke against the projected roadway and the grade.

Peggy McLoughlin, abutter, spoke against the application citing the traffic problems and setting a precedent for mobile homes in the area.

Bill Gowen, abutter, spoke against.

Mr. Bouchard answered concerns over the water system by stating that the Capital Improvement Program will address the water line from the Griffin Well to Back River Road, and all new projects will tie in together.

Bill Colbath, Garrison Road, spoke against citing the traffic, width of Garrison Road, and the fact that the cart may be before the horse regarding the 12 inch water main.

Attorney Tanquay explained that the water line is tapped from Spruce Lane and Backwater Road.

Mr. Bouchard stated that the line feeds Morningside Drive and is not an independent line.

Bill Baber, Mast Road, stated that the project abuts the Great Bay saltwater marsh and that the salt and runoff would be detrimental to the marsh. He also cited the traffic problem.

Mr. Webber stated that they have met State approval for this.

Mr. Baber stated that the State has been overloaded with work and the reviews are not always as thorough as they should be for this reason.

Sam Arnold, Garrison Road, stated that there will be an increase of a minimum of 440 cars, and spoke against the proposal. He inquired as to whether it would be discrimination to sell only to that group of people 40 and over.

Mr. Jensen responded by stating that the law allows it.

Dana Bald, abutter, spoke for the proposal.

Ron Weeden stated that if these are not "mobile homes" the density should be that of single family homes.

Janet Mason, abutter, stated that the prices as stated by Mr. Jensen for the mobile homes is not moderately priced housing.

Mr. R. Perry noted that a mobile home park is like a village unto itself and that is the reason for grouping this way.

Mr. Hager requested the Board to accept only one third the number of mobile homes the applicant is requesting.

Public hearing closed.

A site review was scheduled for July 10, 1986 at 4:00 P.M.

Mr. Maglaras requested that the center of the road be staked, that the cul-de-sac be delineated.

Mr. Maglaras declared a two-minute recess.

**Item #6: New Business.**

a. Discussion of rezoning proposal for site review of land owned by Elizabeth Darcy (applicant: Richard Malloy), Assessor's Map M, lot 56, zoned R-40 on Middle Road. (Applicant proposes to build condos in a single family residential zone.)

Richard Malloy, representing Elizabeth Darcy, explained that the zone for this area is now R-20 and R-40, abuts the proposed sewage treatment plant and the hazardous waste site owned by Public Service Company of New Hampshire. He proposes 250 units, which he stated should be acceptable in light of the proposal for the surrounding land and the toxic area. He noted that single family homes would not be suitable or safe for the area.

Mr. Maglaras stated that the City is reviewing the master plan and when adopted, may address this type of situation. He also suggested that the applicant request a variance if there is a hardship in the land.

Mr. R. Perry stated that the proximity to the treatment plan is not

good, that this may even be a form of spot zoning, there is already too much multifamily development and that he is against the proposal.

Mr. O. Perry stated that the proposal is inappropriate.

Mr. Malloy stated that condos have a low impact on schools and will bring in tax revenues.

Mr. Collins stated that work on the master plan will continue into the fall, that there is an uncertainty with the 80% sewer capacity level in the treatment plant and this project would definitely use much of the remaining capacity.

Mr. Scharff noted that the proposal is inappropriate.

Mr. Maglaras also stated that an alternative design subdivision may be appropriate for the area.

Mr. R. Perry stated that because of the hazardous waste site (Public Service land) the proposal would be discouraged.

**Item #7: Old Business.**

**a. Discussion of the Kepic major subdivision on Sixth Street.**

Mr. Williams left the meeting at this point.

Mr. Maglaras stated that homeowner's documents are needed for the City Attorney's review before this application is approved.

Attorney Schulte, representing the applicant, stated that a waiver of the length of the road is necessary, and again requested that the developer be reimbursed for tie-ins along the proposed water line extension.

Mr. Collins stated that the WSPCC stipulated that treatment swale #2 be relocated.

Mr. Preston noted that upon inspection of the land, he discovered a brook that is not noted on the plan. He also stated that he would like a copy of the results of the test pits as there is a lot of standing water on the lot.

It was determined that Mr. Preston, members of Quadrant Development and the Conservation Commission would get together to walk the land.

Mr. Maglaras stated that the flare of the road and the protection of

the vegetation on Sixth Street are issues needing to be addressed by the applicant.

Mr. Schulte noted that he would be willing to put covenants in the deed preventing the cutting of this vegetation.

**b. Discussion on the revisions to the RM-12 zone.**

Mr. Preston motioned to send the revisions as discussed by the Board to a public hearing; Mr. Scharff seconded.

Vote: U/A

Mr. Preston motioned to adjourn; Mr. R. Perry seconded.

Vote: U/A to adjourn

Mr. Maglaras adjourned the meeting at 11:30 P.M.

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