

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting Held: Tuesday, August 12, 1986 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

Members Present: George Maglaras-Chairman, Harold Preston, H. Les Elder, Pierre Bouchard, Thomas Scharff, Otis Perry, Nancy Sousane.

Alternates Present: Patricia Torr

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

Mr. Maglaras called the meeting to order at 7:05 P.M. and stated that Ms. Torr would be sitting on the Board.

Craig Williams was seated on the Board.

Mr. Maglaras stated that he was illegally seated and asked him to step down.

Mr. Williams stepped down under protest.

Item #1: Approval of minutes of May 13, May 27, and June 10, 1986.

Mr. Scharff motioned to approve the minutes, Ms. Torr seconded.

Amendments:

1. Minutes of May 27, 1986 shall indicate that Nancy Sousane sat as an alternate.

2. Minutes of May 13, 1986 shall indicate that Patricia Torr sat as an alternate.

3. Minutes of May 27, 1986 (pg. 3) shall indicate that the motion to table the Martel application carried on a vote of 5-3 (Preston, Elder, Bouchard).

Vote to approve the minutes as amended: U/A

Item #2: Public hearing on Growth Management III.

Mr. Collins explained that this is the same item on which public testimony was heard July 1, 1986, and that it will give the City one year to address the Charles Street sewer pumping station capacity, with the option to pick up an additional two years after public hearings. He noted that the City Council will hold a public hearing on the same item tomorrow night (August 13, 1986).

Public hearing opened:

Malcolm McNeill, representing Free Trade, Inc. (Peter Widmark), noted that his client is proposing a development on land noted as Map K, lots 18 and 18A of the Assessor's maps. He indicated that the public notice states that all lots on map K will be affected by this ordinance and wanted clarification.

Mr. Collins noted that only a dozen or so lots from Map K are included in the sewer shed, and after checking with the Assessor's Office, Atty. McNeill's clients lots are not included in the Charles Street pumping station.

Public hearing closed.

Mr. Otis Perry motioned to adopt the Growth Management III; Mr. Scharff seconded.

Vote: U/A to adopt.

Mr. Maglaras requested that Mr. Scharff make a report on this vote to the City Council at tomorrow night's meeting.

Item #3: Consideration of acceptance of an application for site review of land owned by Hampstead Outlook, Inc., Assessor's Map L, lot 49A, zoned RM-12 on Spur Road (74 units).

Malcolm McNeill, representing Hampstead Outlook, Inc. noted that this proposal is in conformity with current zoning, and that he spoke recently at the public hearing for proposed changes in the RM-12 zone which would affect this proposal. He stated that this proposal has been in the works for one year and should be exempt from zoning changes.

Donna Lee Woods, Architect for the development, displayed renderings of the building layout and building facade noting that they are trying to create vistas of the river for the individual units as well as create a feeling of community.

Steve Towne, engineer from Kimball Chase explained the utilities and explained that the units would be sprinklered.

Atty. McNeill stated that the developer will preserve as much of the vegetation as possible.

Mr. Collins noted that the concerns of the Site Review Screening Committee (SRSC) centered around the utilities, and that these concerns have been addressed and the plan is complete from their standpoint. He noted that the Conservation Commission is concerned that the proposed pump station is below grade and below flood plain level and concerned with the filling of the flood plain. He further noted that the below grade pumping station cannot be avoided, and that the concerns of the Engineering Department have been addressed through notations on the plan.

Mr. Preston noted that a book and page is necessary on the reference to the F.C. Holiday property noted on the plan.

Mr. Scharff noted that there is citizen concern regarding environmental impact and asked that the public hearing be continued.

Mr. Otis Perry motioned to accept the application for discussion; Mr. Elder seconded.

Vote: U/A to accept the application for discussion.

Public hearing opened:

Arthur J. Dubois, expressed a concern over drainage onto his property and noted that there is an illegal drain on his property.

Steve Towne explained that this project will utilize the same drain the State is now using and that there is a drain on Mr. Dubois' property that has been there for about 20 years.

Atty. McNeill stated that legally the developer cannot drain any more water onto Mr. Dubois' property than already exists.

Mark Blumenthall, Bayview Road, expressed concern for the natural environment and requested that the Board not grant preliminary approval until the Conservation District has been redefined.

Dr. Frederick Short, from the Adams Point Lab, gave a brief talk on the necessity of retaining the breeding areas for fish and birds and spoke of the fragile ecosystems that would be affected by this proposal.

Mark Blumenthall again requested that the public hearing be extended to allow further testimony from experts in Maine and New Hampshire.

Bill Baber, Mast Road, spoke of the storm surge which is 7.5 feet and stated that environmental sensitivity is necessary in this area.

Atty. McNeill noted that this property was purchased for \$450,000 because of the zoning and since the purchase the zoning has been changed once and is in the process of being changed again without benefit of a master plan. He noted that the Board is bending to public appeal and that developers will have second thoughts about working with Dover if continued changes are made without planning. He stated that a balance has to be made for both sides, and that he is concerned with the ecology as well.

Christine Baber, Mast Road, stated that since the developers purchased this property many changes have taken place, some disastrous, that have led to the proposed zoning changes. She urged that the public hearing be continued.

Mark Blumenthal used the analogy of tax reform vs. investments in Dover by developers and the static nature of investments in general and urged the Board to plan first, develop later.

Mr. Baber inquired as to whether Wetlands Permits were obtained.

Mr. Towne stated that he walked the site with the Wetlands Board members and that they determined there are no wetlands on the site and no need to apply for a dredge and fill permit.

Mr. Maglaras polled the Board Members to indicate a possible

recess of the public hearing: 5-2 (Elder, Bouchard) to continue.

Mr. Maglaras asked the engineer to stake out the center lines of the roads, the drainage areas, the corners of the buildings closest to the Conservation District, and the pump station.

An on-site review is scheduled for 4:30 P.M. on Thursday, August 21, 1986.

Mr. Towne stated that an erosion plan is included in the site specific approval from the State.

Mr. Maglaras declared a two minute recess.

Item #4: Consideration of acceptance of an application for site review of land owned by Elliott Rose Company of Dover, Inc., Assessor's Map K, lot 19, zoned R-40 at 32 Dover Point Road (Greenhouse #4).

(A court stenographer recorded the Elliott Rose proceedings.)

Linda Peck, Attorney representing Elliott Rose, explained the three applications for site review and asked Mr. Preston and Mr. Bouchard to remove themselves from the Board on the basis of prior discussions and personal animosity.

Mr. Preston stepped down under protest.

Mr. Bouchard stated that without specifics he would remain on the Board.

Mr. Maglaras stated that he is aware of the litigation involving the driveway but that Mr. Bouchard was acting in an official capacity.

Atty. Peck noted her objection to Mr. Bouchard's sitting.

Mr. Maglaras requested the attorney to address the items one at a time.

Atty. Peck explained the greenhouse proposal, and presented three letters from WSPCC (Lynn Woodard 8/4/86; James G. Falicon 8/4/86 and 8/8/86) stating that they are aware that

the applicant is undergoing communication with the EPA region I in Boston to determine whether they fall under the auspices of the Clean Water Act, and that a groundwater permit is not required. She noted that the EPA is still following up.

Mr. Maglaras explained to the Board that this application had been referred to the Board by the SRSC to determine whether it is an accessory use. The Board determined that it is not and required a site review on the proposal, and the applicant is now before the Board with that proposal.

Mr. Collins noted that the SRSC reviewed the application on June 12, 1986 and recommended that 1) the storage barn and equipment shed be noted on the plan, 2) the water lines and hydrants be shown on the plan, 3) there is no cross contamination between the private water supply and City water, 4) that a discharge permit be obtained from the State or a letter stating that one is not required. Mr. Collins further stated that all these requirements appear to have been met.

Atty. Peck presented a boundary survey of the entire property as an addendum to the plan.

Mr. Elder motioned to accept the application for discussion; Mr. Scharff seconded.

Vote: U/A to accept for discussion.

Public hearing opened: no comment.
Public hearing closed.

Mr. Collins noted that the application and plan for the greenhouse shows all the buildings in the next two items on the agenda, and therefore this plan should be treated as one for all buildings. He noted that he had advised the applicant to treat all three buildings as one application, but the applicant insisted on filing three separate applications.

Mr. Elder motioned to approve the application for site review subject to obtaining the necessary State permits or a letter from the State stating approval is not necessary; Mr. Scharff seconded.

Vote: U/A

Discussion followed on past policy of having the SRSC determine the status of the equipment shed and storage shed, and the City Attorney's opinion that in this case these items should be treated in this manner to inform the Board of the developers full plan for the property. Mr. Collins reiterated that it is only at the request of the applicant that the three buildings are being treated separately.

Mr. Collins noted that a building permit may be obtained now that the plan has been approved for the storage building and equipment shed, but the greenhouse must wait for State input.

Atty. Peck requested withdrawal of Items #5 & 6.

Mr. Maglaras stated that items #5 & 6 are withdrawn.

Mr. Preston once again assumed his seat on the Board.

Item #7: New Business.

a. Mr. O. Perry noted that the School Board has requested an ex-officio position on the Planning Board.

Mr. Preston noted that the State only allows a certain number of members on the Board.

Mr. Scharff stated that when the petition reaches the City Council these issues will be discussed.

Item #8: Old Business.

a. Vote on Site Review Fee Schedule.

Mr. Collins stated that as two points of reference, the City Attorney has given an opinion that all plans not yet accepted by the Planning Board will be subject to the new fees if approved; and as of January 1, 1987, new State law specifies that a rule change cannot apply to projects in the works.

Mr. O. Perry stated that he would like to exempt all proposals which have already paid a fee.

Discussion followed on when payment should be applied.

Mr. Collins stated that payment at the point of Planning

Board acceptance is clear and concise, and the decision is made by a group rather than by an individual.

Mr. Elder motioned to approve the revised site review fee schedule; Mr. O. Perry seconded.

Vote: U/A to approve.

b. Vote on revisions to the RM-12 zoning district.

Mr. Otis Perry stated that he felt single family should be provided for in a condo situation.

Mr. Scharff motioned to send to the City Council the adoption of the RM-12 as submitted; Mr. Preston seconded.

Mr. Maglaras stated that the intent of the RM-12 has changed over the years, and that the Board needs to make a conscious decision to provide for multi-family housing, and if these proposed changes are approved by the Board, immediate attention should be directed toward extending the Conservation District and adjusting the density for the Alternative Design Subdivision to allow this type of development in the R-12 zone as well as proceeding with development of the master plan.

Mr. Scharff thanked the Board for consideration of these changes and for working with the area residents.

Vote: 4-3 (Preston, Torr, Elder)

c. Lancaster Street.

Mr. Preston explained that Harold Brownell (now deceased) and Bill Colbath (Assessor's Office) have seen a resolution passed by the City Council accepting Lancaster Street.

Mr. Maglaras suggested a homeowner's association to maintain the road and the utilities within.

Mr. Scharff stated that there is no hurry to resolve this issue, and that proper research on the subject should be completed before he brings back the Planning Board recommendation to the City Council.

Mr. O. Perry suggested checking with UNH to find a student to research some of these streets.

d. Scenic Roads.

Mr. Scharff brought up the issue of scenic roads and questioned when the Board would discuss the issue.

Mr. Bouchard stated that he has several pieces of information on this issue.

Mr. Maglaras noted that there is still a list of concerns that the Board has established and that they will be addressed as soon as time allows.

Mr. Elder motioned to adjourn; Mr. Scharff seconded.

Mr. Maglaras adjourned the meeting at 10:00 P.M.