

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting Held: September 16, 1986

Members Present: Harold Preston, Reynold Perry, Thomas Scharff, Pierre Bouchard, H. Les Elder, Nancy Sousane, Patricia Torr

Also Present: William Collins-Planning Director, Steven Stancel-Planner, Berrie Donovan-Recording Secretary

In Chairman George Maglaras' absence, Vice Chairman Harold Preston assumed the Chairman's position and called the meeting to order at 7:00 P.M.

Item #1: Public hearing on the rezoning of the area within the bounds of Silver Street, Spaulding Turnpike, B&M Railroad track, and Cushing Street from currently zoned RM-10 (medium-density, multi-residential), to R-12 (medium-density, single-family residential).

Mr. Preston opened the public hearing.

Joe Schiro, 35 Cushing Street, noted that his home is surrounded by conversions and that there are only seven single family homes left on Cushing Street; that there is a re-routed truck route through the street. He spoke against stating that the west side of Cushing at least, should be exempt from any zoning change.

Braxton Carr, 103 Silver Street spoke against. He noted that his efforts to sell his home as a single family have been fruitless because of the traffic flow.

Don Bryant, 7 Arch Street, stated that the area is primarily one and two family homes. He spoke for the original proposal to rezone to an R-12 zone, and that a street frontage requirement is lacking in this proposal.

David Dopp, 120 Silver Street, stated his opinion that rezoning to the R-12 is the most desirable plan until a master plan is established.

Joe Vitko, Lexington Street, stated that the current zoning has worked for 18 years and he bought his property with that in mind.

Michael McDonald, 133 Silver Street, spoke for the change.

Earl Goodwin, Arch Street, spoke for.

Maureen Marshall, 282 Washington Street spoke against.

Iris Valley, 129 Silver Street spoke for.

Eleanor Bryant, 7 Arch Street, showed before and after pictures of the Dwight Hall house and spoke for the change.

Mr. Plummer, 33 Lexington St. stated that he has lived there for 46 years surrounded by apartments, why change now?

John Guy, 5 Lexington Street, spoke for.

Carolyn Foley, 129 Silver Street, spoke for the change as a compromise.

William Duncan Gillis, 20 Lexington Street, spoke against.

James McAdams, Dover Councilman, spoke for the change using the ZBA for hardship cases.

Mark Edmunds, 7 Cushing Street, spoke against, noting that Cushing Street is different from Silver and Lexington Streets and that his property value would be affected by this change; exempt the west side of Cushing Street.

Peter Taylor, Attorney representing the Friendship Inn, asked that the ten acres owned by his client not be zoned R-12. He noted that the property was purchased six months ago at enormous cost because of its present zoning classification, and noted that the ZBA does not easily grant variances based on economic hardship.

Roger White Cotton, Washington Street, spoke against.

Sally Dopp, 120 Silver Street, spoke for.

Myrtle Allen, Silver Street, spoke for.

Theresa Foley, Silver Street, spoke for.

Earl Cheney, 260 Washington Street, spoke against.

Public hearing closed.

Mr. Preston explained that there would not be a vote taken

tonight, but probably the first meeting in October.

Mr. Collins noted that no Building Permits would be issued for structures not complying with the proposed change.

Five minute recess.

Mr. Maglaras arrived and assumed the Chair; Mr. Preston assumed his seat as Vice Chair. (8:40 P.M.)

Item #2: Public hearing on major subdivision of land owned by Guido Haggemiller (applicant: Holden Engineering & Surveying), Assessor's Map A, lot 39, zoned R-40 on Long Hill Road. (43 lots)

Eric Rogers, developer, noted that the subdivision is now 40 lots ranging from one to 10 acres, that all homes will be sprinklered, that Longhill Road will be widened 2,800 feet to 24 feet, that all homes are on wells. He requested a waiver of the two sidewalk provision requesting that only one side of the new street be sidewalked. He noted that underground utilities are proposed, that all possible trees will be spared, and that permits have been submitted for Wetlands, Dredge and Fill permits.

Mr. Maglaras noted that the application has been accepted by the Board for discussion and that there is a problem with possible well contamination by the septic systems, and that is the reason for continued discussion of this project by the Board.

Public hearing opened:

George Tsimikles, Longhill Road, spoke against. He noted that prior to all the trees being cut, the excess water was being absorbed by the trees. He read the comments from the Conservation Commission.

Chris Calivas, Attorney representing several abutters and Mark and Nancy Whitney, asked if spec houses are being proposed.

Mr. Rogers stated that that is yet to be determined.

Attorney Calivas noted that the Fire Chief originally requested that the water line be brought in rather than using wells. He questioned how the sprinklering will be controlled, and if there is a power failure, how will the sprinklers work? He noted that the traffic study does not cover traffic safety...is the site

distance adequate on the entrance? No sidewalks are proposed for Longhill road. He requested a traffic study and pedestrian safety study. He read a letter from Tom Lauher (7.29.86) noting that 10 lots contain information on the septic systems. He requested that action by the Board be deferred until WSPCC approval is obtained. He noted that the centerline of the road is within 85 feet of the Whitney's well and that the salt on the road may contaminate the well. He requested the the application be denied as premature, or at least tabled until all problems can be addressed.

Paul Karas, representing the abutters, noted that some existing wells go down 600 feet and sometimes run out of water. What would be the effect of 40 more wells on the existing water supply? He requested that data be supplied to show that the existing wells would not be contaminated by the new septic systems.

Kerry Forbes, Longhill Road, spoke for Joe Parks. He noted that this would be an ideal project for cluster; that there is no plan for abutters to review; that widening the road will destroy the beautiful maples; that wetlands exist on 14 lots.

Public hearing closed.

Mr. Maglaras explained that the Board could grant preliminary approval to allow the developer to apply for State permits; that when those permits are approved the applicant may come back to the Board for a final decision.

Otis Perry requested that more information be obtained on the Sixth Street/Longhill Road intersection.

Harold Preston requested more information on the retention pond.

Pete Bouchard noted that a flowage easement must be obtained from the property owner at the intersection for drainage.

Mr. Maglaras explained that the developer must present convincing information to the Board that the existing and proposed wells will not be contaminated by the proposed new septic systems due to the amount of wetlands in the subdivision. He noted that this item will be moved to Old Business at a subsequent meeting to allow the applicant to work on these concerns.

Item #3: Consideration of acceptance of an application for site review of land owned by Wolmanch Corporation (United Parcel

Service), Assessor's Map G, lot 4E, zoned I-1 on Industrial Park Road. (2,650 square feet of office space).

Richard Brown, New England Project Manager for UPS, explained the expansion of the existing building. He noted that five to ten vehicles may be added because of the expansion.

Mr. Collins noted that the applicant has been before the Technical Review Committee twice and has addressed all the concerns.

Mr. Scharff motioned to accept for discussion; Ms. Torr seconded. Vote: U/A to accept.

Public hearing opened: no comment
Public hearing closed.

Mr. Scharff motioned to approve as presented; Mr. Elder seconded. Vote: U/A to approve application as presented.

Item #4: Consideration of acceptance of an application for minor subdivision of land owned by George and Heanette Day (applicant: Larry Williams), Assessor's Map B, lot 8, zoned R-40 at the corner of Sixth Street and County Farm Cross Road. (3 lots)

Chris Jacobs of Seacoast Engineering explained the three lot subdivision of 65 acres. He noted that the farmhouse and 20.6 acres are being sold to Larry Williams for future development.

Mr. Scharff noted that there is no right of way noted on the plan to the cemetery.

Mr. Jacobs explained that no specific right of way is necessary and anyone can access a cemetery by NH Law.

Mr. Maglaras noted that he is not comfortable with that and that the question will be addressed when lot # 2 is subdivided in the future.

Mr. Collins noted that future subdivision will be considered major when it comes in for review.

Mr. Scharff motioned to accept for discussion; Mr. Preston seconded. Vote: U/A to accept for discussion.

Public hearing opened: no comment
Public hearing closed.

Mr. Maglaras requested that the language regarding the cemetery be stricken from the plan.

Mr. Preston motioned to approve subject to striking the language dealing with the cemetery from the plan and subject to the fact that any future subdivision will be a major one. Mr. Scharff seconded.

Vote: U/A to approve.

Item #5: Consideration of acceptance of an application for minor subdivision of land owned by James B. Towle, Sr. (applicant: Jonathan P. Towle), Assessor's Map I, lot 67, zoned RM-12 on Back River Road. (2 lots)*

Jonathan Towle explained the subdivision to create a 3/4 acre house lot, and that a variance has been granted by the ZBA for relief of frontage.

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

Vote: U/A to accept for discussion.

Public hearing opened: no comment
Public hearing closed.

Mr. Preston motioned to approve subject to WSPCC approval; Mr. Elder seconded.

Vote: 8-1 (Bouchard)

Item #6: New Business.

a. Discussion on status of the Nossif subdivision on First Street.

Mr. Nossif explained that the land on First Street has two separate houses and two separate deeds, though there is no record of subdivision. He noted that the tax map indicates two separate lots, that there are two owners but no registered mylar at the Registry of Deeds. He is looking for verification of subdivision.

Ray Ouillette, Attorney representing Mr. Nossif, explained that

the lots have existed this way for sixteen years.

Mr. Collins explained that the Board can approve the lots as they exist, or require a minor subdivision.

Mr. Preston motioned to recognize as a proper subdivision; Mr. Elder seconded.

Vote: U/A to approve.

b. Discussion on previously approved minor subdivision of Ronald and Grace-Ann Pilotte, Piscataqua road.

Ron Pilotte explained that the subdivision was never recorded.

Mr. Maglaras explained that the Board could not approve the subdivision as submitted because it does not conform to current subdivision regulations; that a new subdivision application must be submitted.

c. Discussion on the Murray Subdivision.

Mr. Murray explained that the same situation has occurred for him as did Mr. Pilotte.

Mr. Maglaras explained that the same applied to him as to Mr. Pilotte; a new application must be filed with the Board.

d. Policy on future subdivision of same land.

The Board established the policy that if the same piece of land comes in for further subdivision, it will be considered a major subdivision if any subdivision has occurred within the previous four years.

Item #7: Old Business.

a. Discussion on site review of tideview Estates, 120 condo units off Garrison Road.

Mr. Collins explained that with regard to the talks on the infrastructure in the area, Tideview is not of concern; that the plan for site review was accepted by the Board on June 24, 1986, that the hearing for the RM-12 revision was posted on July 29, 1986 affecting the density of this plan, and that the City Council is due to have a public hearing on the rezoning proposal on September 24, 1986. A resolution by the City Council

prohibits any building permit being issued that would be affected by the proposed rezoning issue. He explained that the Board could: deny, based on the rule change; approve based on technical merit; or, request a 90 day extension from the City Council.

Mr. R. Perry stated that under current rules, this project meets all requirements and should be passed.

Mr. Maglaras noted that a new State Law effective January 1, 1987 will exempt all projects in the works from any rezoning proposals.

Mr. Scharff noted that this is not grandfathered and a 90 day extension should be requested.

Mr. Bouchard requested preliminary approval be granted.

Mr. O. Perry noted that all information is contradictory, a vote should not be taken.

Ms. Torr noted that only the timing is wrong, he has met all requirements.

Mr. Elder suggested granting preliminary approval.

Mr. Preston noted that the City engineering review has held up the project. If this had not been so, approval would have been granted before the rezoning proposal.

Ms. Sousane noted that the project would be non-conforming if approved.

The general consensus of the Board was that this project is grandfathered.

Mr. Collins noted that the resolution regarding the building permits must be followed.

Glen Graper, Attorney representing Mr. Miller, stated that if the Planning Board approves the project a building permit must be issued, the City Council resolution applies to the Building Permit, not Planning Board approval.

Mr. R. Perry noted concern over approving something that will become a non-conformance.

Mr. Elder motioned to grant preliminary approval and to consider

the application grandfathered prior to the action of the City Council on the rezoning proposal; Mr. Preston seconded.

Vote: 5-3 (Sousane, O. Perry, Scharff)

b. Discussion on Dumont site review on Cocheco Street, Waterview Terrace.

Mr. Maglaras stepped down; Mr. Preston assumed the Chair.

Mr. Preston noted that the plan will not be signed until an erosion control is presented, and one has not been presented yet.

Mr. R. Perry noted that it is not fair to require the developer to put the drain in place before a building permit is issued. He noted that a temporary erosion plan will be submitted, that arrangements will be made with the Maglaras' for temporary drainage, and that a \$45,000 letter of credit has been posted by the developer.

Mr. Maglaras, speaking as a member of the public, stated that a temporary line to relocate drainage may not work, that the Corps of Engineers has issued a cease and desist because of erosion into the river caused by temporary drainage.

Mr. Bouchard noted that an acceptable plan with State approval is necessary.

c. Roberta Drive discussion.

Mr. Collins read a letter from Charlie White noting that the developer does not want to make drainage changes noted on the approved plan.

The Board reaffirmed that all conditions of the approved plan must be met.

d. CIP discussion.

Mr. Scharff motioned to approve the CIP; Ms. Torr seconded.

Vote: 8-1 (Elder)

Meeting adjourned at 10:35 P.M.