

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

Held: January 8, 1985  
Council Chambers  
Municipal Building  
Dover, New Hampshire

Members Present: Chair George Maglaras, Vice-Chair Stephanie Faria, Harold Preston, H. Les Elder, R. Craig Williams, Robert Steele, Robert Weisner.

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon, Recording Secretary Kathleen Brown.

Council Representative J. Andrew Galt was not present because he was away on business. His alternate to the Board, Council Member James McAdams could not attend due to a previous committment.

The Chair called the meeting to order at 7:07 p.m.

ITEM #1: Public Hearing on an amendment to the Zoning Ordinance, Section 170-27 entitled Conservation Districts. This amendment will establish a Conservation District on that area of land situated within a one thousand (1000) foot radius of the City's wells.

Mr. Maglaras offered an intitial explanation of the proposal.

Dennis McCann, a member of the Dover Conservation Commission, raised concerns regarding the form of the proposal before the Board. He offered amendments to the Conservation District which would place less restrictions on the parcels being affected by the rezoning, including a list of prohibited/permitted uses.

Bill Bickford, 6 Richardson Drive, directed a number of questions to the Board regarding the definition of the Conservation District. Mr. Bickford raised concerns regarding the installation of fences to depict the one thousand (1000) foot radius.

Mr. Maglaras and Mr. Sheldon explained the Conservation District and noted that many uses are permitted by right in the zone but only upon receipt of a special exception from the Zoning Board of

Adjustment.

Jim Fox, Glenhill Road, directed a question to the Board regarding the criteria an applicant must meet when seeking a special exception.

Mr. Sheldon answered Mr. Fox's question and distinguished a special exception from the criteria for a variance.

In response to further questions from Mr. Fox, Mr. McCann attempted to justify the necessity of the one thousand (1000) foot protective radius.

Kerry Forbes, Central Avenue, spoke in opposition to the proposal after learning that the Conservation District would be identical to the one which currently exists in the Zoning Ordinance.

Bob Lapointe read a letter from his son, Jeffrey Lapointe, 27 Old Stage Road, which expressed opposition to the "severe" restrictions which would be placed on individual property owners in the areas of the wells.

Walter Fischer, Hull Street, spoke in opposition to the proposal and suggested that the choice of the one thousand (1000) foot radius was arbitrary.

Al MacLean, owner of property in the Mast Road area, inquired if the Board has undertaken studies to determine problems with the City wells. Mr. McCann responded by noting that many professionals, including representatives from the WSPCC, USGS, UNH Hydrology Department and the N.H. Municipal Association have all examined the sites and suggested a one thousand (1000) foot radius. He noted that a problem with contamination of one of the City's wells has already become a reality.

Mr. Bouchard stated that traces of benzene had been found in the Cummings well.

After further questioning, Mr. MacLean suggested that a four hundred (400) foot radius is sufficient to protect the well sites. He then reiterated his opposition to the proposal.

Mr. McCann responded to Mr. MacLean's concerns by stating that the four hundred (400) foot radius was sufficient only as protection against bacterial contamination.

Jim O'Donnell, Richardson Drive, asked for a listing of the prohibited uses within a Conservation District.

Ralph Woodman, 82 Court Street in Portsmouth, an attorney representing the John Iofola Co., raised concerns regarding the types of analyses which have been done to warrant the implementation of the one thousand (1000) foot radius. He explained that his client was concerned about the possibility of losing the use of his land.

Jeannette Redden, 13 Morin Street, raised concerns regarding the fate of a vacant house lot which she owns on Smith Well Road. She inquired about the possibility of receiving an exemption for her property from the restrictions of the Conservation District.

Mr. Maglaras and Mr. Sheldon explained that the Planning Board is unable to grant any exceptions to the proposal, and that a special exception must be obtained from the Zoning Board of Adjustment.

Gregory Koutrelakos, 5 Fairfield Drive, stated that, in his opinion, the one thousand (1000) foot radius was excessive without a study which provided conclusive evidence of potential contamination.

Paul Thorpe, 898 Central Avenue, stated that the conditions proposed are too restrictive and penalize homeowners within the one thousand (1000) foot radius of the wells. He suggested that a different set of restrictions be drafted with regard to the conditions existing around each of the well sites.

David Plot, speaking as a representative for Brox Paving Materials, Inc., stated his objections to the arbitrary radius of 1000 feet, as well as his objections to the lengthy process involved in seeking a special exception.

James Bennett, 20 Richardson Drive, questioned Mr. Bouchard

regarding the age of the two wells which currently exist near his home.

Ken Meadows, Glenhill Road, asked for further clarification of the definition of the Conservation District.

Mr. Sheldon responded to Mr. Meadows questions by paraphrasing the Zoning Ordinance. Mr. Sheldon explained that no use is permitted in the Conservation District without receipt of a special exception from the Zoning Board of Adjustment.

Jim O'Donnell, in reaction to the comments made by Mr. Sheldon, stated his opposition to the proposal. He suggested that the public may not be aware of the restrictions involved, as he himself did not fully understand the issue until this evening.

Jim Fox reiterated his opposition to the proposal and stated that he believed that the proposal was a covert taking of land. He did explain however, that if most of the parcels affected by the rezoning are single family residences, he would not object to the amendments proposed by the Conservation Commission.

Dennis McCann stated that short of adding the amendments proposed earlier in the evening by the Conservation Commission, he and the Commission were opposed to the proposal.

In an attempt to clarify the situation, Mr. Maglaras asked Mr. McCann to repeat his statements. Mr. McCann stated that the Conservation Commission was opposed to the current proposal.

Mr. Maglaras expressed his concerns regarding the lack of the Conservation Commission's support of this proposal at this time, as the rezoning, according to Mr. Maglaras, was suggested as the result of the Commission's recommendations at the last Planning Board meeting. Mr. McCann responded.

Ken Meadows questioned the Board about the proposal's impact on the property values of affected parcels.

Mr. Sheldon again differentiated between the criteria for granting a special exception and the criteria for granting a

variance. He stressed that no property rights would be taken away by the implementation of this proposal, however, he noted that the intended use must meet certain performance standards.

Jeannette Redden suggested that the Board rewrite the proposal to permit single family homes within the thousand (1000) foot radius.

Mr. Maglaras explained that, what many residents perceive as an unnecessary burden, was voiced by himself and Mr. Sheldon at the previous Planning Board meeting. He then stated that Mr. Sheldon had prepared a response to those concerns in the form of a Well Site Protection Ordinance, and requested that the Board postpone action on the proposal before them until this new item could be discussed.

Tom DuBois, Glenhill Road, stated that while he believed that a plan should be developed to protect the well sites, he was opposed to this proposal as presented.

Roscoe Palmer, 10 Old Stage Road, raised concerns regarding the potential for pollution of particular well sites from the Madbury side.

Ralph Woodman suggested that the Board adopt a proposal which would prohibit certain uses of the land near the wells on a case by case basis.

Public Hearing Closed.

After a two (2) minute recess, the Chair called the meeting back to order at 8:07 p.m.

Mr. Sheldon introduced his plan for a Well Site Protection District.

Moved by Mr. Elder, seconded by Ms. Faria and Mr. Weisner to move this item to a workshop session.

U.A.

The Board will hold a workshop item on Mr. Sheldon's proposal, the Conservation Commission's proposed amendments and any other suggestions relative to this subject which are submitted to the Planning Department, on Tuesday, January 15, at 7:00 p.m., in the City Council Chambers.

ITEM #2: Public Hearing on the site review of land owned by Robert and James Mairs, (applicant Dover Diversified Services), Assessor's Map 24, Lot 1, zoned B-3, on Broadway.

Christopher Wyskiel, an attorney representing the applicant, explained the proposal. He stated that D.F. Richard had been contacted regarding the direction of the drainage and had agreed to the proposal.

Public Hearing Opened - No one spoke in favor or in opposition to the proposal.

Public Hearing Closed.

In response to a question raised by Mr. Preston, Mr. Bouchard and Mr. Sheldon explained that the trees which are depicted in the street are existing. Mr. Sheldon noted that this was part of a previous site plan which was not required to be brought before the Planning Board.

Moved by Mr. Williams, seconded by Mr. Weisner to approve the site review application.

U.A.

ITEM #3: Public Hearing on the minor subdivision of land owned by Douglas A. Ferrigno, Assessor's Map 6, Lot 54D, zoned B-2, on Fourth Street.

Mr. Sheldon explained the minor subdivision.

Mr. Maglaras read the report of the Site Review Screening Committee.

Public Hearing Opened - No one spoke in favor or in opposition to

the proposal.

Public Hearing Closed.

In response to a question from Mr. Elder, Mr. Sheldon noted that there are no sideyard setback requirements in the B-1 zone.

In response to a question from Mr. Williams, Mr. Maglaras stated that it was possible to approve an application without a presentation from the applicant.

Moved by Mr. Bouchard, seconded by Mr. Elder and Mr. Williams to approve the minor subdivision.

U.A.

ITEM #4: Review of the preliminary plat for the major subdivision of land owned by Rohe V. Pennington, Assessor's Map N, Lot 14, on Gulf Road.

Mr. Maglaras and Mr. Sheldon explained that, because of concerns raised by Planning Board members about the intake and processing procedure of applications for major subdivisions, each applicant is required to make a preliminary application of their proposal to the Planning Board. The Planning Board will then determine the completeness of said application and the routing and timing of further technical review and Public Hearings.

Rohe Pennington offered a brief explanation of his proposal.

Mr. Pennington responded to a question from Mr. Elder regarding the location of the water line.

In response to a question from Mr. Williams, Mr. Maglaras explained that the Site Review Screening Committee has not given this project a final technical review yet.

The Board discussed the location of the Conservation District on the property in question, as well as the applicability of the Conservation District to small streams.

Moved by Mr. Elder, seconded by Ms. Faria to schedule this item for a Public Hearing on February 5, 1985. Mr. Elder requested that the Site Review Screening Committee offer a technical review of this application in time for that meeting.

U.A.

ITEM #5: Review of the preliminary plat for the major subdivision of land owned by Matt R. and Helen Williams Jr., Assessor's Map L, Lots 94B and 95, zoned R-20, on Dover Point Road.

Mr. Williams abstained from this item and was replaced by Mr. Seaver.

Willard Barton, an attorney representing the applicant, explained the proposal and responded to a list of concerns raised in a preliminary review by the Site Review Screening Committee.

Mr. Barton explained that the applicant wished to maintain the fifty foot right-of-way for the road at the entrance and therefore, was interested in combining the twenty foot strip of land with lot 15. He further suggested that the cul-de-sac abutting lots 4 and 5 be moved in a northerly direction, away from the adjacent property line. Mr. Barton requested that the Board give him some guidance relative to these matters. Discussion among the Board members ensued. The Board generally concurred with the first suggestion by Mr. Barton and offered little support for the second.

Moved by Mr. Elder and seconded by Ms. Faria, to accept the application and schedule it for a Public Hearing on February 5, 1985. The Site Review Screening Committee is requested to provide a technical review of the proposal in time for the meeting.

U.A.

ITEM #6: Old Business

- 1) Review of the application for the major subdivision of land owned by Charles F. Ouimette, (applicant E. Richard Rowell),

on the corner of Middle Road and Dover Neck Road.

Mr. Sheldon explained that because of changes requested by the State, the applicant is not ready to present a revised plan at this time. He suggested that the item be considered under Old Business at the meeting of January 22, 1985.

Moved by Mr. Elder, seconded by Mr. Williams to direct Mr. Steele to request a ninety-day extension from the City Council for consideration of the application.

U.A.

- 2) Review of the criteria for the design and construction of private driveways.

Mr. Williams suggested that the middle column of the proposal be eliminated, thus providing two categories for the design and construction of the driveways.

The Board agreed with this suggestion and requested that this item be placed on the agenda of January 22, 1985, as a Public Hearing.

The Board discussed whether or not to forward to the Council the previous proposal to implement the Conservation District within a four hundred (400) foot radius of the City's wells. It was decided that action on this is contingent upon the outcome of the workshop session scheduled for January 15, 1985.

- 3) Approval of the minutes of the regularly scheduled meeting held on November 29, 1984.

Mr. Preston noted that on pages 9 and 10, the woman referred to as Nancy Sowerby should be corrected to read Nancy Sousane.

Moved by Mr. Preston and seconded by Mr. Weisner to approve the minutes as amended.

U.A.

ITEM #7: New Business

- 1) Approval of the minutes of the regularly scheduled meeting held on December 18, 1984.

Mr. Elder requested that the minutes reflect that Mr. Steele and Ms. Faria left the meeting prior to item number two (2) under Old Business (page 10).

Moved by Ms. Faria, seconded by Mr. Elder, to approve the minutes as amended.

U.A.

- 2) Review of Outstanding Road Bonds

Mr. Sheldon explained the bonds currently outstanding, namely the letter of credit posted by Mr. Matchett for Faraday Drive and the letter of credit from Mr. Coughlin for Martha's way.

- 3) Election of Officers

Mr. Maglaras opened the floor for nominations for Chair.

Moved by Mr. Elder, seconded by Mr. Williams, to nominate Harold Preston for the position of Chair.

Moved by Ms. Faria, seconded by Mr. Steele, to nominate George Maglaras for the position of Chair.

After a secret ballot, Mr. Maglaras was reelected as Chair of the Planning Board.

Mr. Maglaras opened the floor for nominations for Vice-Chair.

Mr. Steele nominated Ms. Faria for the position of Vice-Chair. Ms. Faria declined.

Moved by Ms. Faria, seconded by Mr. Weisner to nominate Harold Preston for the position of Vice-Chair.

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After closing nominations, Mr. Maglaras declared Mr. Preston the new Vice-Chair.

Mr. Maglaras noted that the Vice-Chair will serve on the Site Review Screening Committee in the absence of the Chair.

Moved by Ms. Faria, seconded by Mr. Weisner to adjourn at 9:37 p.m.

U.A.