

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

Held: February 5, 1985  
Council Chambers  
Municipal Building  
Dover, NH

Members Present: Chair George Maglaras, Vice-Chair Harold Preston, Robert Weisner, Pierre Bouchard, H. Les Elder, J. Andrew Galt, R. Craig Williams.

Alternate Member Present: Robert Seaver.

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

The Chair called the meeting to order at 7:04 p.m.

Moved by Mr. Preston, seconded by Mr. Weisner to suspend the rules and consider the first item under Old Business: the review of the Fire Department's and the Police Department's Capital Improvement Program requests for 1985-86 through 1990-91.

U.A.

Police Chief Reynolds presented his Department's request and stated that the two priorities for fiscal year 1985-86 are the completion of the renovations to the police station and the replacement of the computer system.

Fire Chief David Bibber presented his department's request and stated that the two priorities for fiscal year 1985-86 are the study for the expansion of the South End Station and the initiation of a Para-medical Cardiac Care Ambulance Service.

Mr. Maglaras noted that the Planning Board will be formally reviewing the proposed Capital Improvement Program at its next regularly scheduled meeting.

ITEM #1: Public Hearing on an amendment to the Zoning Ordinance, that being the creation of a new section entitled "Well Site Protection District". This amendment will have the affect of managing land use activities within a one thousand (1000) foot radius of the City-owned wells.

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Samuel Tamposi, of Nashua, stated that the potential problems from salt runoff from the Spaulding Turnpike may force the City to look for a new well site.

Mr. Galt stated that with respect to the lot coverage issue, the best engineered driveways crack after only 3-5 years and that the potential contamination should not be discounted. He further explained that slope is negligible when determining the rate of percolation through sand and gravel.

Mr. Maglaras again suggested that the prohibition of more than 30% lot coverage may be amended to provide a provision for a waiver.

Public Hearing Closed.

Mr. Sheldon noted that the figure of 30% lot coverage deals effectively with large scale development but does not address the possibility of the development of many small lots. Because of this, Mr. Sheldon recommended the Board take action to amend this section or the section which requires documentation from a professional geologist, hydrologist, or soils scientist, to provide for some flexibility.

Mr. Galt, in referring to sections 1C and 2C, stated that he was concerned about the possibility of chemical contamination from the application of pesticides, fertilizers, and herbicides within the one thousand foot radius of the wells.

Mr. Williams suggested that the potential threat to the groundwater is probably greater from fuels than from fertilizers.

Mr. Maglaras noted that it had not been the intention of the Board to prohibit the use of fertilizers, rather to regulate the storage of such materials.

Mr. Tamposi again suggested that the City consider relocating the well near his property to a less densely developed location.

Mr. Bouchard stated that a 1979 study by Camp, Dresser and McGee determined that no new well sites exist within the City limits.

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He explained that the utilization of surface waters may be a future possibility, however at this point, all of Dover's water is supplied by groundwater sources.

Mr. Sheldon noted that if the Board chooses to amend the section dealing with permitted lot coverage, Camp, Dresser and McGee would be hired to determine the impact of any proposal on the water supply.

Mr. Williams stated that he would like to see section 3C amended to provide for review on a case by case basis.

Mr. Galt requested that the language used to allow for the waiver be as "strong as possible".

Moved by Mr. Galt, seconded by Mr. Bouchard to approve the Well Site Protection District.

Moved by Mr. Williams, seconded by Mr. Preston to amend section 3C to include:

"This standard may be modified by the Planning Board if it can be documented that the proposed development will not create an adverse environmental impact."

Vote on amendment: 5-2 (Galt, Elder)

In response to a question from Mr. Galt, Mr. Sheldon explained that the minimum buffer outlined in the extraction operations restriction is the minimum buffer between the seasonal high water table and the finish floor elevation of the pit. The actual buffer may be more, if so required by the Public Works Director after his review.

In response to a question from Mr. Maglaras, Mr. Sheldon clarified the term "process waters" used in section 3D.

In response to comments made by Mr. Maglaras, Mr. Sheldon stated that he had checked with the City Attorney, the City Assessor and the State Board of Land and Tax Appeals and was informed that RSA 79A, relative to Current Use Assessment, cannot be applied to land within the Well Site Protection District. However, Mr.

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Sheldon did explain that a discretionary type easement may be applied for, a process which may be initiated by the property owner. Mr. Sheldon noted that the Planning Office is in the process of drafting an amendment which will delete the section dealing with Current Use Assessment from the Conservation District.

Vote on motion: U.A.

ITEM #2: Public Hearing on the major subdivision of land owned by Rohe V. Pennington, Assessor's Map N, Lot 14, zoned RM-12, on Gulf Road.

Rohe Pennington explained the major subdivision.

Mr. Sheldon explained the history of the application and suggested that the Board hold the Public Hearing and then schedule an on-site review of the parcel on Thursday, February 7. He noted that the parcel has been staked to show roadway and lot locations.

Public Hearing Opened.

Joan Noyes, Gulf Road, raised concerns regarding the negative impact on drainage that may result from the installation of septic systems in the area. Mr. Maglaras and Mr. Pennington assured Ms. Noyes that approval relative to the septic design had been received from WSPCC.

Mr. Pennington added that the plan had been revised slightly in an effort to incorporate suggestions from WSPCC.

Ms. Noyes directed a question to the Board regarding the recourse of abutting property owners should the development cause flooding on their property. Mr. Maglaras noted that the Planning Board will take note of the drainage situation at the on-site review and attempt to avert any potential problems.

Mr. Pennington stated that he intends to install culverts along natural swales in an effort to correct any existing drainage problems.

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Mr. Maglaras stated that the applicant will not be permitted to allow any additional water to flow onto adjacent properties.

Public Hearing Closed.

Discussion ensued regarding the location of the treatment swale relative to the Conservation District. Mr. Sheldon stated that a determination regarding the status of the brook must be made before any improvements can be made in the area. If indeed the water flows twelve months during the year, the applicant must adhere to the Conservation District guidelines.

Mr. Pennington stated that the grass swale depicted on the plan currently exists on the site.

Mr. Galt suggested that no action be taken on the site because of the lengthy list of recommendations provided by the Site Review Screening Committee.

Mr. Sheldon noted that while many of the items on the SRSC list have been addressed by the applicant, the corrections have not been reviewed by the City Engineer and the Public Works Director.

The Board agreed to withhold action on this item until the next regularly scheduled meeting.

A formal on-site review of the property will be held on Thursday, February 7, at 3:30 p.m.

ITEM #3: Public Hearing on the major subdivision of land owned by Matt R. and Helen R. Williams, Jr., Assessor's Map L, Lots 94B and 95, zoned R-20, on Dover Point Road.

Mr. Williams removed himself from the Board for this item.

Williard Barton, an attorney representing the Williams, addressed the Board regarding the recommendations of the Site Review Screening Committee. Confusion arose over the date of the most recent letter of the Committee: Mr. Barton stated that the applicant had received a letter dated January 16, 1985; Mr. Sheldon stated that he had hand delivered the more recent letter

of January 28, 1985 to the applicant.

Raymond Taylor, the engineer for the project, addressed the issue of the location of the Conservation District. Mr. Taylor stated that the prior plan which had been submitted to the Board, and which depicted the mean high water line as following the eight (8) foot elevation, was in error.

Ed Hoginski, Dover Point Road, directed questions to the Board regarding the location of the Conservation District depicted on the plan. He then requested that the Board delay granting preliminary approval of the application until such time as the issue of the location of the CD can be determined and a waiver is received relative to the configuration of the cul-de-sac.

Dick Krans, an attorney representing Rene and Babian Plante, stated that in accordance with section 149-05 of the Code of the City of Dover, the subdivision should only be approved if it is in the best interest of the City. He reviewed the history of the parcel in question and stated that when it was originally subdivided in 1979, the owner intended all the deeds to include the restriction of one house per lot. He explained that of the five lots created all but the lot in question contain the deed restriction. In summary, Mr. Krans stated that his clients object to further subdivision of the parcel.

Bred Whigger, the architect for the project, stated that the phrase "the best interest of the City" was rather nebulous.

Cathy White, representing her father Joe Zammitt of Roberts Road, raised concerns about the proposed roadway not being in line with the existing ROW. Mr. Maglaras noted that the SRSC had recommended that the cul-de-sac be moved so as to line up with the ROW.

Mr. Maglaras read a letter from Frank and Patricia Manha, 227 Dover Point Road, which stated their concern relative to the impact of the development on the drainage on Dover Point Road. The letter was placed on file.

Mr. Seaver stated that as a new alternate to the Board, he has

not had an opportunity to walk the site. He explained that he would like to view the area and noted that the dispute over the location of the Conservation District was of special concern.

An informal poll by the Chair determined that the majority of the members of the the Board did not feel that an on-site review of the property was necessary.

Upon a request from Mr. Maglaras, Mr. Taylor again explained why he had revised the location of the Conservation District and stated that he had used the best available data to make his determination of the mean high water table.

Dan McGeary, County Farm Cross Road, directed a question to the Board regarding the determination of the Conservation District for other properties in the area.

Mr. Sheldon explained that the location of the mean high tide had been determined by two different engineers for two different subdivisions in the area (MacCausland and Hoginski) and both times it was indicated at the eight foot elevation. Mr. Sheldon explained that because the applicant's engineer is offering testimony which conflicts with that which was presented previously to the Board by Mr. Davis and Mr. Towle, the Board should view the site to determine if an error has been made.

Mr. Hoginski stated that the high water mark was pinned on both his parcel and the one owned by Mr. Williams.

In response to a question from Mr. Preston, Mr. Barton stated that the applicant would be willing to lay the water and sewer lines up to the property lines but would not loop the line off of the property.

Mr. Hoginski stated that his deed permitted an easement for any activity relative to street construction.

Mr. Barton restated that the applicant would not loop the line off of the property.

Mr. Sheldon explained that the Board has the right to waive the

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specifications for the grade of the street and the configuration of the cul-de-sac. However, he noted that it has never exercised this right so as not to encumber the City Council with acceptance of a street which is not built to City standards.

Mr. Barton stated that the applicant is assuming that the street will be public.

Mr. Bouchard stated that, as Director of Public Works, he would like to see the water line looped so as to create a grid system.

Mr. Barton stated that his client believed this to be a good idea and would be willing to provide the necessary easements to make this possible.

Mr. Maglaras explained that the Planning Board policy has been to forward the request for a waiver from City street specifications to the City Council.

Mr. Bouchard, Mr. Maglaras and Mr. Galt all agreed that the City Council should have the opportunity to be involved in the decision-making process, as it is that group who will be ultimately responsible for the ownership, maintenance, liability and administration of the roadway.

At the request of the applicant, Mr. Maglaras took an informal poll of the Board members to ascertain if this sentiment was unanimous. The Board did agree that the issue should be addressed by the City Council.

The Board discussed the scheduling of an on-site review of the property.

Mr. Barton requested that all members attempt to be present at the review so as to be fair to his client. He then requested a listing of the issues which might be discussed at the site.

The Board will hold a formal on-site review of the property on Saturday, February 9, at 7:30 a.m.

In response to a question from Mr. Barton, Mr. Maglaras stated

that the Planning Board does not have a policy relative to the participation of members in the decision-making process who do not attend the site review.

Mr. Barton requested that the Board grant the applicant preliminary approval contingent upon any conditions outstanding.

Mr. Maglaras explained that it is the policy of the Board to withhold decision on preliminary approval until after the formal on-site review.

Mr. Barton stated that because the Board was concerned only with the verification of the Conservation District, the site review was somewhat different than most performed by the Board.

Mr. Sheldon explained that the past policy of the Board has been to withhold preliminary action on an application which is requesting waivers from City street specifications, until after it has been acted upon by the City Council.

In response to Mr. Barton's concerns, Mr. Maglaras suggested that the Board be polled relative to preliminary approval.

Mr. Galt noted that a motion would be required to grant/deny preliminary approval.

Movbed by Mr. Bouchard, seconded by Mr. Weisner to take no action on the application for major subdivision until the City Council has reviewed the requests for waiver of the street specifications.

U.A.

Mr. Barton requested a clarification of the time of the on-site review and suggested that anyone wishing to view the site should contact him before doing so. He then stated that the Planning Board was forcing the applicant to spend time and money on engineering for the proposal without the benefit of a preliminary approval.

Mr. Galt addressed Mr. Barton's concerns and stated that because

the City Council is the body which must accept the street, it is they who should decide if it should be permitted to be substandard.

In response to a question from Mr. Barton, Mr. Bouchard stated that all items outlined by the Site Review Screening Committee may be considered at the on-site review.

Mr. Sheldon stated that should a member have additional concerns relative to the proposal, s/he may request the additional information from the applicant at the on-site review.

Mr. Barton restated that he wishes to be notified should any Board member intend to view the property.

Mr. Hoginski stated that he wished to commend the Board for not taking preliminary action on this item until it has resolved the issues of the Conservation District location and the configuration of the cul-de-sac.

ITEM #4: Old Business

Mr. Williams returned to his seat on the Board for the remainder of the meeting.

No additional Old Business was brought before the Board.

ITEM #5: New Business

- 1) Discussion regarding growth management - Back River, Garrison, Knox Marsh and Crosby Roads.

Mr. Sheldon gave a brief explanation of the situation and stated that action on the matter would be taken as soon as direction from the City Council was received.

- 2) Approval of the minutes of the workshop session held on January 15, 1985.

Moved by Mr. Galt, seconded by Mr. Williams to accept the minutes.

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U.A.

- 3) Approval of the minutes of the regularly scheduled meeting held on January 22, 1985.

Moved by Mr. Williams, seconded by Mr. Weisner to accept the minutes.

U.A.

Moved by Mr. Weisner, seconded by Mr. Williams to adjourn at 9:50 p.m.

City Engineer Jay Stephens gave a presentation regarding the growth management issue for the Back River, Garrison, Knox Marsh and Crosby Roads immediately following the meeting.