

DOVER PLANNING BOARD
MINUTES OF MEETING

Held: October 23, 1984
Council Chambers
Municipal Building
Dover, New Hampshire

Members Present: Chair George Maglaras, Vice-Chair Stephanie Faria, J. Andrew Galt, H. Les Elder, Robert Steele, Robert Weisner, Pierre Bouchard and Harold Preston.

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon.

Mr. Maglaras called the meeting to order at 7:05 p.m.

ITEM #1: Public Hearing on the proposed amendment to the Zoning Ordinance, Section 170-27 entitled Conservation Districts. This amendment will establish a conservation district on that land area situated within a four hundred (400) foot radius of the City's wells.

Mr. Steele explained the proposal.

In response to a question from Mr. Elder, Mr. Steele stated that the four hundred foot radius was an initial step and that, after further study, the radius could be expanded to include properties within one thousand feet of the City's wells.

Mr. Steele and Mr. Sheldon, in response to Mr. Elder, stated that the proposed amendment would restrict development within the four hundred foot radius, except by special exception.

Public Hearing Opened.

Dennis McCann, 15-A Wentworth Terrace, spoke as a representative of the Dover Conservation Commission. Mr. McCann proposed two amendments to the proposal: 1) The reference to RSA 483B in part A of Section 170-27, should be corrected to read RSA 438A. 2) The radius should be extended to one thousand feet, as it would ensure protection of the wells against chemical contamination. Mr. McCann noted case law had determined that this radius would not be considered a taking of land, as

development would be permitted provided it meets certain conditions. Mr. McCann further stated that the Planning Board and the Conservation Commission should develop reasonable scientific standards with which to judge the merits of an application for a special exception.

Paul Vatcher, Richardson Drive, directed a series of questions to the Board. Mr. Steele responded by stating that a number of homes currently exist within the four hundred foot radius of the Hughes Well. He then stated that the liability of homeowners within the proposed Conservation District was difficult to determine at this point, however he did note that should the well become contaminated and the City has proof of the source of the contamination, the homeowner may be held responsible. Mr. Steele stated that only one septic system was located within a four hundred foot radius of the wells. Finally, Mr. Steele noted that if a one thousand foot radius were implemented around the wells, all homes on Richardson Drive would be affected. He suggested that it may be possible to include an item in the Capital Improvements Program which would allow for the provision of City sewer services in that area.

Mr. Steele stated that the Conservation District would not be prohibiting the development rights of property owners, however it would require a prior review of the development to determine its impact on the area.

Mr. Sheldon noted that review would be required for the principle use only and that all existing development was unaltered by the proposal.

Mr. Vatcher raised a question regarding the possibility of providing provision for the protection of Willand Pond.

Mr. Sheldon explained that the Board was considering the protection of only the City's groundwater/aquifer sources at this time. He noted that surface water sources will be examined and a policy will be developed at a later time. He suggested that the Conservation Committee look into this matter and present a policy regarding this source as well as other Citywide water sources.

Skip Thomits, Back Road, Chair of the Dover Conservation Commission, noted that the Willand Pond aquifer was considerably larger than the pond itself. He also stated that the pond was classified as a Class A water body.

In response to a question from Mr. Vatcher, Mr. Bouchard stated that the City did not have the water rights to the pond.

Mr. Steele noted that the City does have rights to the Isinglass River, as the result of a purchase of a parcel of land in Rochester. He then stated that a study completed by Camp, Dresser and McGee in 1978-79 discussed the possibility of the use of Willand Pond as a City water source. The study projected a cost of \$2.5 million to use the pond as a source because of the necessity of an expensive water treatment facility. He concluded that it was determined that the City would prefer to continue using groundwater as its primary source.

Public Hearing Closed.

Mr. Galt stated that as far back as November 1977, the Strafford Regional Planning Commission had recommended the limiting of structural development within a one thousand foot radius of the City's wells. He stated that he would like to be provided with additional information regarding the extension of the Conservation District the extra six hundred feet. However, he did request that the Board accept the current proposal while a more comprehensive plan is being studied and developed.

Mr. Maglaras noted that the four hundred foot radius was a proper initial step for the protection of the well site areas. He requested that the Dover Conservation Commission develop a recommendation to provide for the extension of the Conservation District another six hundred feet.

Mr. Seaver inquired if the matter of development within the additional six hundred foot radius of the wells could be addressed, on an interim basis, through the site review process.

Mr. Maglaras differentiated between handling the matter administratively and legislatively.

DOVER PLANNING BOARD
October 23, 1984
Page 4 ...

In response to a question from Mr. Elder, Mr. Steele stated that an amendment to the proposal which would extend the conservation district to the one thousand foot radius would affect many property owners who had not been notified of the action.

Mr. Maglaras stated that the Board should accept the proposal implementing the four hundred foot radius immediately and discuss the implementation of the one thousand foot radius under old business at the next Board meeting.

Mr. Sheldon requested that the Conservation Commission present the recommendations submitted at this meeting in the form of an amendment.

Mr. Maglaras noted that the Zoning Board of Adjustment is the body which has the power to grant/deny special exceptions.

Moved by Mr. Galt, seconded by Mr. Elder and Mr. Bouchard to forward the item to the City Council.

U.A.

Mr. Sheldon noted that Mr. Galt is the usual sponsor for items forwarded to the Council from the Planning Board.

ITEM #2: Old Business

- 1) Nominations of Representatives to the Strafford Regional Planning Commission

Mr. Maglaras stated that Council Member Crocco had declined the nomination to the Board.

Moved by Ms. Faria, seconded by Mr. Elder to forward the remaining three nominations, Richard Cerilli, Dennis McCann and Kathleen Brown, to the Council for consideration.

U.A.

Mr. Maglaras thanked the three individuals for their attendance at the meeting and stated that a letter will be sent to the Chair

of the Council Appointments Committee.

- 2) Acceptance of the minutes of the workshop session held September 25, 1984.

Correspondence from the City Engineer, dated October 1, 1984, stating his exception to item 6c of the minutes was read.

Mr. Sheldon provided some background for the matter and noted that Mr. Stephens is more than willing to work with any agency should particular circumstances warrant it.

Mr. Maglaras noted that Mr. Stephens would like his sentiments to be reflected in the minutes.

Moved by Mr. Bouchard, seconded By Ms. Faria and Mr. Weisner to accept the minutes as amended.

U.A.

- 3) Correspondence from The Dover Conservation Commisiion

Correspondence from the Dover Conservation Commission regarding the proposed Tamposi-Nash development behind Funspot, dated October 1, 1984, was read.

The letter was placed on file and will be part of the Board's consideration should the applicant resubmit the proposal.

In reponse to a question from Mr. Elder, Mr. Steele stated that the City has very little control over the State salt sheds located in that area.

Mr. Bouchard stated that the State operated the salt shed with caution.

- 4) Status of the Pending Ninety-Day Extensions Granted by the City Council

Mr. Galt questioned the status of the ninety-day extension granted to LoMay Development Associates by the City Council.

Mr. Sheldon stated that this item will most probably require Board action at the next regularly scheduled meeting.

ITEM #3: New Business

1) Charles Seachrist - Review of Development Proposal

Mr. Sheldon explained that the applicant had submitted an application to the Zoning Board of Adjustment for a special exception to construct a house within the Conservation District. The Planning Board is required to determine if the proposal would have an adverse impact on the environment.

Charles Seachrist presented his plan and photographs of the site to the Board.

It was determined by the Board that the property does not lie within the Flood Hazard Zone, determined by US Dept-HUD.

Mr. Maglaras, upon suggestion from Mr. Bouchard, stated that at the time of application for subdivision, a flowage easement across the property should be granted to the City.

The Board discussed the location of the property and the width of Spur Road.

Mr. Maglaras reminded the Board that it was required to determine the environmental impact of the project.

Mr. Seachrist stated that he has submitted a plan to the Conservation Committee, through Judy Mettee, and has requested their comments on the proposal.

In response to a question from Mr. Galt regarding the topography of the land, Mr. Sheldon described its characteristics and noted that it was not in the Flood Hazard Zone.

Mr. Sheldon stated that previous decisions regarding environmental impact had been handled administratively by the Building Inspector. As the result of the decision to implement stricter standards for development, this is the first time that

this type of application has come before the Planning Board.

Moved by Mr. Galt, seconded by Mr. Preston that the Board has determined a finding of no adverse environmental impact as the result of this proposal.

Mr. Galt concurred with Mr. Sheldon's opinion that any application which proposes development within the Conservation District should receive review by the Planning Board.

Mr. Seachrist stated that the placement of septic systems within the Conservation District should be of prime concern to the Board.

Vote on motion: U.A.

Mr. Maglaras stated that the next agenda of the Planning Board will include a workshop session on the development of guidelines for the Board's consideration of said proposals.

Mr. Sheldon noted that a distinction should be made between applications made for development in rural areas, from applications made for development in urban areas.

4) Workshop Session: Littleworth Road Rezoning

Mr. Sheldon explained the proposal and the history of its appearance before the Board.

George Garrett, Dover Industrial Development Authority Secretary, elaborated on the proposal and noted the additional land being included in the rezoning.

The Board discussed the proposal in some depth.

Mr. Sheldon explained that the proposal raised a number of concerns including: stormwater disposal, open space protection, the prospect for industrial encroachment, vehicular access to the rezoned properties and sewer service in the area.

Mr. Maglaras and Mr. Sheldon, in response to comments made by Mr.

Preston, stated that the area in question was the most logical area in which the City could provide for industrial growth.

Mr. Maglaras noted that this item was not forwarded to the City Council after the public hearing in December of 1982 because of the implementation of a growth management policy in the area.

Mr. Sheldon explained the error made sixteen years ago when the zoning in the area was implemented.

Mr. Maglaras noted that at the time of the Board's original consideration of this proposal, landscaped buffers were discussed for the abutting properties.

In response to a question from Mr. Galt, Mr. Sheldon suggested that access to the area could be achieved by the development of a new road.

Mr. Garrett suggested that it may be possible to permit only a special type of industry in the area, for example high-tech type businesses.

Mr. Maglaras noted that a proposal to zone the B-3 zone for high-tech industries had been postponed because of the growth management policy implemented.

Mr. Preston stated that the area in question was a "natural piece for industrial land."

Mr. Sheldon, in response to a question from Mr. Steele, stated that a new public hearing would be required because of the additional land under consideration and the intended change in the permitted uses.

In response to Mr. Preston, Mr. Sheldon stated that floricultural, agricultural and horticultural uses would be permitted in the industrial zone. He reemphasized the fact that buffers would be provided for the neighboring properties.

Mr. Garrett stated that the City needs to be prepared to accomodate large industries wishing to locate in Dover.

DOVER PLANNING BOARD
October 23, 1984
Page 9 ...

The Board discussed the elements which attracted Apollo Computers to the Stratham/Exeter area.

The Board decided to hold a public hearing on the item as soon as the notification requirements permit.

Mr. Garrett stated that over two hundred acres are affected by the proposal.

Mr. Bouchard noted the location of City property in the area.

Mr. Sheldon stated that the new proposal to be presented at the public hearing will include landscaping buffers of abutting properties, limitation of permitted uses to businesses of a high-tech nature, and a five hundred (500) foot buffer strip along Tolend Road.

5) Criteria for the Design and Construction of Private Driveways

Mr. Sheldon requested that the Board consider developing zone specific, or zone and the number of units proposed specific, criteria for the design and construction of private driveways servicing more than five parcels. He suggested that perhaps the Board consider a 28 foot minimum road width in the R-20 and R-12 zones, because of the potential for higher density along private driveways.

Moved by Mr. Elder, seconded by Ms. Faria to adjourn at 8:35 p.m.

U.A.