

DECEMBER 19, 1984 Regular Meeting
Referred back to planning
Board.

12B

DOVER PLANNING BOARD
MINUTES OF MEETING

Held: November 29, 1984
City Hall Auditorium
Municipal Building
Dover, New Hampshire

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

Alternate Member Present: Robert Seaver.

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

The Chair called the meeting to order at 7:20 p.m.

Review of the waiver of the Driveway Ordinance for land owned by Irene Christophel, Assessor's Map 17, Lot 44, zoned R-12, on Stark Avenue.

Moved by Mr. Galt, seconded by Mr. Bouchard to suspend the rules to permit Board consideration of this item.

U.A.

Mr. Maglaras noted that the Board had held an on-site review of the property earlier in the day.

Moved by Mr. Galt, seconded by Mr. Bouchard to deny the application.

Mr. Galt stated that he believed that the parking problem on the site could be addressed without the creation of a second egress from the property.

Vote on motion: 3-4 (Preston, Steele, Faria, Weisner). Mr. Williams abstained. The motion failed.

Mr. Preston stated that the lot in question actually contained two houses and therefore, the applicant should be granted her request.

Ms. Faria agreed with Mr. Preston and moved that the item be



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approved with the condition that the driveway shall meet all setback requirements. Mr. Preston seconded the motion.

Mr. Williams suggested that the parking problem could be addressed by the installation of a separate driveway, rather than a circular-type.

Mrs. Christophel stated that she would be agreeable to Mr. Williams suggestion.

Mr. Steele explained that the Board was voting only to permit a second curb-cut onto the property, and does not have jurisdiction regarding the type of driveway installed.

Vote on motion: 5-3 (Galt, Elder, Bouchard).

ITEM #1: Public Hearing on the site review of land owned by Shaw's Realty Corp., (applicant Friendly Ice Cream), Assessor's Map 38, Lot 6A-1, zoned B-3, on Central Avenue.

Richard Mayer, a representative of Friendly Ice Cream, explained the proposal to the Board and presented them with a brochure outlining the corporation's operation.

Ms. Brown read the report from the Site Review Screening Committee.

Mr. Mayer noted that his company agrees to comply with all the recommendations suggested by the Committee and requested that the Board approve the application contingent upon those conditions.

Public Hearing Opened.

Roger Boisse, 869 Central Avenue, spoke in opposition to the proposal and cited concerns regarding potential traffic problems along Central Avenue.

Bill Bickford, 6 Richardson Drive, directed questions to the Board regarding the proposed location of the building and the problem of existing underground storage tanks on the site.

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Mr. Maglaras explained that the applicant will be required to remove the tanks and fill the site with crushed gravel.

Public Hearing Closed.

Mr. Sheldon stated that he believed that overall it was "a good looking site plan," however he questioned the applicant's intentions regarding the gas and sewer services for the parcel.

Mr. Mayer noted that the company was considering two options for gas service: 1) connecting directly into the lines which now service Shaw's or 2) providing bottled gas for the restaurant. As far as the sewer is concerned, Mr. Mayer stated that the two options were: 1) to tie into the existing Shaw's pumping station or 2) to obtain a permit which would allow them to bore Central Avenue and connect into the City sewer. He noted that the engineer working on the project preferred the later of the two possibilities.

In response to a question from Mr. Sheldon, Mr. Mayer stated that they hoped to obtain a building permit as soon as possible and intended to begin construction in January, weather permitting. With regard to the sewer, he stated that they hoped to bore the road as soon as was convenient with the City.

Mr. Bouchard stated that, as of now, he is opposed to permitting the boring of Central Avenue because of the potential need for excavation.

Mr. Mayer reiterated the other option for sewer service.

With the unanimous consent of the Board, Mr. Boisse was permitted to speak again. He suggested that the Shaw's pumping station may not have the capacity to accommodate the new restaurant.

In response to a question from Mr. Galt, Mr. Bouchard stated that City sewer capacity on Central Avenue was not a problem at this time.

Mr. Sheldon again noted that the plan was a "good, functional plan", and could be approved with the few changes previously

suggested.

Mr. Preston added the following addendum to condition #8 of the Site Review Screening Committee's report: "The proposal for sewer, water and gas service must meet with the approval of the Director of Public Works and the City Engineer."

Mr. Sheldon, in response to a question from Mr. Elder, stated that the entrance radii will be changed to prevent congestion at the ingress/egress on Central Avenue.

In response to Mr. Galt, Mr. Sheldon stated that the removal of the gas tanks on the site was required by State law.

Mr. Maglaras suggested that this item be placed as a condition of approval.

Moved by Mr. Preston, seconded by Mr. Steele, to approve the application contingent on the following conditions:

1) The entryway widths are too small to permit safe ingress/egress for delivery vehicles (tractor-trailer trucks). Therefore, the two entrances located on the Shaw's connector roadway (westerly side) shall be increased to 32'. The one-way -in entrance shall also be reconfigured by increasing the inside radius.

2) All curbing shall be similar to that existing within the same site. The slope-edged granite shall be installed along the entire service roadway.

3) The four (4) parking spaces at the site's northerly corner shall be removed, as they conflict with three (3) other vehicular queing (merging) lanes. The parking space at the southwesterly corner shall also be removed. In addition, the westerly and southerly parking isles shall be realigned from 90 degrees to 60 degrees. This will increase the number of spaces and would compliment one-way traffic flow.

4) The dumpster shall be landscaped with tall (6' minimum) evergreen plantings.

- 5) Street trees shall be placed 30' o.c. and shall have a minimum caliper of 3".
- 6) A fire hydrant shall be installed at the northeasterly corner of the site.
- 7) The minimum drainline size allowed is 12" (excepting roof and foundation drains). The line from the trench drain shall be increased to 12".
- 8) The water, sewer and gas services are shown to be connecting to mains in Central Avenue (Miracle Mile). No utility lines shall be connected directly onto Central Avenue. In addition the sewer, water and gas services must meet with the approval of the Director of Public Works and the City Engineer.
- 9) Granite or concrete markers shall be placed at all property points along street rights-of-way. Pins shall be used at all other points.
- 10) The removal of the underground gasoline storage tanks shall be verified by the Planning Director.

Vote on motion: U.A.

ITEM #2: Public Hearing on the site review of land owned by William Hopkins, (applicant David K. Bamford), Assessor's Map 9, Lot 48A, zoned O , on Nelson Street.

Mr. Bamford explained the proposal.

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

Public Hearing Opened.

In response to a request from Mayor Robert Whiting, Ms. Brown produced the receipt from a certified letter to John and Beverly Gale.

Malcolm McNeill, 627 Central Avenue, spoke as the attorney

representing an abuttor, Peter H. Russell. Mr. McNeill requested that the Board place a condition on its approval which would permit access to the site only as is shown on the plan submitted. He noted that without this condition Mr. Bamford could, at a future date, choose to access the site using a right-of-way to Locust Street which runs across his client's property.

Mr. Bamford responded to Mr. McNeill's remarks and stated that while it was not his intention to use the right-of-way at the present time, he did not wish to lose that option for the future.

Ron Gregoire, 16 Nelson Street, raised concerns regarding the existing parking and traffic problem on Nelson Street and suggested that the proposal may aggravate the situation.

Mr. Maglaras noted that parking is now prohibited on the southerly side of Nelson Street during the winter months. He suggested that this item be forwarded to the City Council's Parking and Traffic Committee for possible additional action.

Mr. Maglaras then responded to further concerns raised by Mr. Gregoire.

Mr. McNeill again requested that the Board permit access to the site only as is shown on the plan.

Mr. Maglaras noted that the applicant would need to secure a driveway permit should he desire to utilize the access onto Locust Street.

Public Hearing Closed.

Mr. Williams suggested that perhaps the plan should be revised to meet the recommendations of the Site Review Screening Committee, and then resubmitted to the Board for their consideration.

The Board expressed sentiments against this request.

Moved by Mr. Preston, seconded by Ms. Faria to approve the application, contingent upon the following conditions:
1) A locus shall be placed on the plan.

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- 2) A waiver of the parking setback requirement of the Site Review Ordinance is granted.
- 3) A new landscape plan shall be submitted to the Planning Director for his approval.
- 4) Curbing shall be extended into the City right-of-way to define the site's entryway and frontage.
- 5) 600 square feet of recreation area shall be identified.

Mr. Preston and Mr. Galt spoke to the motion.

U.A.

ITEM #3: Public Hearing on the waiver of the Driveway Ordinance for land owned by William Hopkins, (applicant David K. Bamford), Assessor's Map 9, Lot 48A, zoned O, on Nelson Street.

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

Public Hearing Closed.

In response to a question from Mr. Galt, Mr. Sheldon stated that the waiver of the parking setback requirement of the Site Review Ordinance, was inherent in the second recommendation of the Site Review Screening Committee which the Board just voted to approve.

Vote on motion: U.A.

ITEM #4: Public Hearing on the Littleworth Road Rezoning Proposal.

Due to a potential conflict of interest, Mr. Weisner stepped down from his place on the Board for this item and was replaced by Mr. Seaver.

George Garrett, Economic Development Director, explained the proposal and noted that it was intended to promote orderly growth and development within the City. He stated that the land under consideration was buildable as it is exactly the same type of land as exists in the Crosby Road Industrial Park. In addition, he noted that from January through October, the value for the

building permits issued by the City totaled \$23,484,000, thus indicating that the investment of capital presently taking place will definitely increase Dover's tax base (assessed value) by at least 30 million dollars.

Mr. Maglaras stated that this is the third time that this rezoning proposal has come before the Board and that he believes that the plan being presented at this time is the best of all of them.

Public Hearing Opened.

Bill Bickford, 6 Richardson Drive, raised concerns regarding the traffic conditions along Littleworth Road and the potential impact of any further development in the area.

Robert Matchett, a property owner on Crosby Road and an officer of the Greater Dover Chamber of Commerce, stated that the Chamber's Board of Directors endorses the concept of high-tech industry coming into Dover, as well as planned, orderly growth within the City.

John Sowerby, Littleworth Road, stated that he wishes to maintain his land as open space and reiterated concerns regarding traffic. He took exception to the argument that this will help to broaden the tax base, as he feels that this theory has been used for many years without any result.

Mr. Maglaras noted that the land owned by Mr. Sowerby is not being considered for the rezoning. He further stated that Littleworth Road is a State road which the City has no control over.

Robert Haley, a member of the Dover Industrial Development Authority, stated that DIDA endorses the proposal as a way to provide for future industrial development.

Earle Goodwin, Littleworth Road, directed a question to the Board regarding sewer capacity in the area.

Duane Kay, Littleworth Road, questioned the Board concerning the

status of existing industrial land on the other side of Littleworth Road. Mr. Maglaras noted that the area Mr. Kay was referring to is Progress Drive.

Mr. Sheldon stated that a 400-1000 foot buffer zone along Columbus Avenue would be maintained as an R-20 zone.

In response to Mr. Kay, Mr. Sheldon stated that the proposal before the Board would affect 200+ acres.

Arnold Peters, City Council Member, stated that he did not believe it is necessary at this time to worry about future growth in Dover. He explained that he believes that enough land is currently available for industry. He noted that this proposal does not at this time have the support of the City Council.

In response to Thomas Duffy, City Council Member; Mr. Sheldon explained that the zone for restricted industry would apply only to the land under consideration. All lands presently zoned I-1 would remain unaffected.

Mr. Maglaras explained to Mr. Duffy that access to these parcels would be at the discretion of the Planning Board and would be considered only upon a submittal of an application.

Richard Kay, Littleworth Road, stated that he believes that enough industrial land exists in Dover at the present time. He directed questions to the Board regarding access, drainage conditions and sewer capacity.

Mr. Maglaras stated that the developer will bear the cost of the installation of City water and sewer at the site.

In response to a question from Fred Riley, Columbus Avenue, Mr. Maglaras stated that the existing industrial land in the area (running along the Spaulding Turnpike) cannot be developed because it is landlocked.

Mr. Garrett, in response to Mr. Riley, explained that the drainage and soil conditions at the site in question are similar to those at Crosby Road.

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Mr. Sheldon noted that the developers have installed the drainage system on Crosby Road, and not the City.

Mr. Maglaras pointed out that this discussion was not relevant to the zoning issue.

Mr. Steele explained that with reference to potential costs to the taxpayer because of the rezoning, "Crosby Road has not cost the City one dime." He stated that no budgeted City money has gone into the development of the industrial park.

Jim Sousane, Littleworth Road, noted that the area is within one (1) mile of an elementary school, the high school, and a high density residential zone. He reiterated the concerns regarding the traffic. He stated that a Metcalf and Eddy study completed in 1972 suggested that Littleworth Road be expanded to four (4) lanes if further development should occur in the area.

Joanne Fairchild, 77 Littleworth Road, reiterated traffic concerns and cited the potential for school bus accidents in the area.

In response to a question from Edward George, Tolend Road, Mr. Sheldon stated all but a few parcels of the 875-900 acres zoned industrial within the City have been developed.

Pat Riley, Columbus Avenue, raised concerns regarding the potential for Columbus Avenue to be used as a bypass by the traffic on Tolend Road.

Mr. Maglaras stated that he had received two (2) petitions from Nancy Sowerby, which contained signatures of residents opposed to the rezoning. One list was signed exclusively by abutters and the other was a list of persons opposed to industrial expansion in general.

Mr. Maglaras noted that the petition from the abutters contained the signatures of 20% of the residents in the area and therefore, if presented to the City Council, the proposal must receive a 2/3 majority to be approved.

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Nancy Sowerby, Littleworth Road, spoke to the petition and questioned the benefit of the rezoning to the individual citizen of the City.

Mr. Steele responded to Ms. Sowerby's comments regarding the projected tax rate within the City and noted that because the issue has no bearing on the public hearing at hand, he will be glad to discuss the issue with her personally at some later time.

John Hutchins, Littleworth Road, inquired how the rezoning will affect the value of his property. Mr. Maglaras responded by saying that he did not know.

In response to further questioning by Mr. Hutchins, Mr. Maglaras stated that the properties abutting the industrial land would be protected by a 300 foot buffer zone, as well as landscaping along the parcel. He reminded the public that should the property owner not wish to sell or change his/her land, it will remain as it is. Mr. Maglaras further added that this proposal permits agricultural uses on the land in question.

Wilma Sowerby, 59 Littleworth Road, spoke in opposition to the proposal and suggested that landscaping will not be enough to offset the proposed industrial use. She stated that she was in favor of preserving open space.

Dr. Silverman, Littleworth Road, spoke in opposition to the proposal for many of the reasons previously mentioned by the public. He suggested that the City inform potential developers that the supply of industrial land in Dover has just about been depleted; rather than attempt to find it where he believes it does not exist.

Mr. Maglaras stated that he did not intend to give the public the impression that landscaping will provide an "invisible curtain" against the industrial use of the land, rather he merely meant to suggest that it could be used to maintain the aesthetics of the area.

Mr. Maglaras once again reviewed the history of the proposal.

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Bill Bickford restated his opposition to the proposal and suggested that the Board should consider the sentiments of most of the individuals present at the public hearing.

In response to Jim Sousane, Mr. Maglaras stated that it was premature to speculate on the proposed rezoning's impact on Littleworth Road as there are no plans at present to develop the land.

Earle Goodwin directed a question to the Board regarding the action of the City Council regarding the purchase of property in the area. Mr. Maglaras responded.

In response to further questioning from Mr. Goodwin, Mr. Sheldon stated that there have been a number of studies done to determine those land areas within the City which could potentially be used for industrial purposes. He stated that the properties under consideration at the present time proved to be the best suited, and the #1 priority for industrial land in all the studies.

Mr. Peters further responded to the question from Mr. Goodwin regarding the Council's action on the matter of purchasing property in the area.

Bill McQuade, Dover, spoke in support of the proposal and stated that he believed that the City should attempt to prepare itself to attract large users of industrial space to the area.

Joe Twardus, Tolend Road, spoke in opposition to the proposal.

John Sowerby stated that his opposition to the industrial encroachment was an effort to maintain the quality of life.

Maglaras responded to Mr. Sowerby by explaining that the Planning Board is trying to maintain a balance in the community.

In response to a question from Edward George, Mr. Maglaras restated the history of the proposal and noted that the most recent time it came before the Planning Board, in December of 1982, it was approved.

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John Hutchins questioned the desirability of further growth in the City.

In response to Fred Riley, Mr. Maglaras stated that the proposal is an attempt to provide industrial land for the future.

In response to a question from Council Member Duffy, Mr. Sheldon stated that he believed the City Council and not the Planning Board would be required to approve/disapprove the proposal by a 2/3 majority, because of the residents' petition. Mr. Sheldon stated that he would seek the ruling of the City Attorney on the matter.

Mr. Maglaras explained the procedure regarding a rezoning proposal.

Public Hearing Closed.

Mr. Preston questioned Mr. Garrett regarding the potential for City ownership of land in the subject area.

Mr. Willams expressed his concern for the property owners in the area who may wish to maintain the agricultural character of their property. He stated that the proposal will have a substantial impact on the surrounding neighborhood.

Mr. Galt expressed his concern over the possible expense to the taxpayers. He stated that, while he agrees that high tech industry is desirable in Dover, he is opposed to this particular proposal.

In response to a question from Mr. Williams, Mr. Sheldon stated that of 900 acres currently zoned industrial, only about 355 acres remain undeveloped. Of those 355 acres, Mr. Sheldon continued, almost half of the land cannot be developed for one reason or another (ie. landlocked, no utilities in close proximity, etc).

In response to a question from Mr. Maglaras, Mr. Preston stated that he would strongly consider supporting this proposal if he had some indication that the landowners in the area were

supportive.

Mr. Sheldon reminded the Board that the rezoning should be judged on its technical merits alone, and the ownership of the land should not be an issue.

Ms. Faria agreed with Mr. Sheldon's comments and moved that the item be approved and forwarded to the City Council for their consideration. Mr. Seaver seconded the motion.

In response to a comment made by Mr. Galt, Mr. Maglaras assured the Board that access to the subject property was provided for in the second item outlined in the proposal.

In response to a further question from Mr. Williams, Mr. Sheldon noted that any developer requesting access onto Littleworth Road would be required to obtain State approval.

Moved by Mr. Bouchard, seconded by Ms. Faria to limit debate.

U.A.

Vote on motion: 5-4 (Williams, Elder, Preston, and Galt.) Mr. Maglaras cast an affirmative vote.

ITEM #5: Old Business

1) Review of the site review application of James McGoldrick (applicant John Peterman).

Mr. Sheldon reviewed the history of the application and read the most recent report of the Site Review Screening Committee.

Mr. Peterman agreed to comply with the Committee's recommendations.

Moved by Mr. Bouchard, seconded by Mr. Steele to approve the application, contingent upon the following conditions:

- 1) The proposed water line shall be 8" to the fire hydrant.
- 2) The proposed drainline must be 12".
- 3) The drainline may not have bend in it. A structure is needed

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to make the change in direction.

- 4) There shall be a headwall and endwall on the drainline and something at the outfall to reduce the velocity of discharge.
- 5) Receipt of a State driveway permit, when necessary.

Vote on motion: U.A.

- 2) Review of the site review application of LoMay Development Associates.

The application has been withdrawn by the applicant.

- 3) Review of Criteria for the Design and Construction of Private Driveways.

After a brief discussion, the Board opted to postpone this item until the next regularly scheduled meeting.

- 4) Well Site Protection: Review of the proposal to extend the Conservation District to a 1000 foot radius around City Wells

This item was postponed until the next regularly scheduled meeting.

- 5) Approval of the minutes of the workshop session of October 2, 1984.

Moved by Ms. Faria, seconded by Mr. Galt to approve the minutes.

U.A.

ITEM #6: New Business

- 1) Approval of the minutes of the regularly scheduled meeting held on November 13, 1984.

Mr. Bouchard offered an amendment to page 3 of the minutes. The second condition of the approval granted to Mr. Valliere should read "... until such time as the water and sewer line has been installed in accordance to the plans submitted."

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

Vote on motion: U.A.

Moved by Ms. Faria, seconded by Mr. Bouchard to adjourn the meeting at 10:25 p.m.

U.A.