

**DOVER PLANNING BOARD
MINUTES OF MEETING
AUGUST 13, 2002**

MEMBERS PRESENT: Beth Thompson, Ron Cole, Chuck Maglaras, David Landry,
Tony McManus, Frank Torr, Joyce El Kouarti, Dennis Ciotti

MEMBERS ABSENT: Peg Stevenson, Peter Lavoie, Parks Christenbury

STAFF PRESENT: Steven Stancel, Planning Director; Steven Bird, City Planner; Chris
Parker, City Planner and Kate Pelletier, Recording Secretary

Chairman Cole brought the meeting to order.

ITEM #1: Citizen's Forum

No one spoke.

ITEM # 2: Approval of minutes.

Frank Torr made the motion to approve.

Beth Thompson seconded.

VOTE U/A

**ITEM #3: Consideration and acceptance of an application for a minor subdivision
of land for Raymond & Ellen Janelle, Assessor's Map I, Lot 53, zoned
RM-12, located on Mast Road. (P02-44) 1 lot.**

Paul Connolly represented the applicant and explained the location and size of the lot.
He stated that both parcels were sized so that they are larger than the requirements.

Joyce El Kouarti made the motion to accept the application.

Tony McManus seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signatures to the plat.
2. Revise the plat by adding the standard flood hazard note

Beth Thompson seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a minor lot line adjustment of land for Elaine Needham, Trustee; Hugh Adams, Kevin McEneaney, Assessor's Map 40, Lots 34, 34A & 46, zoned R-12, located on Old Rochester Road/Willard Road

Paul Connolly explained the application and how this lot line adjustment decreases the non-conformity.

Steve Stancel stated that when decreasing a non-conformity, a situation like this is ok.

Chuck Maglaras asked if the shed on the property would be moved.

Paul Connolly stated that it would not be moved because it would not be practical.

Chuck Maglaras made the motion to accept.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve with the condition that the owners signatures be added to the plat.

Dennis Ciotti seconded.

VOTE 6 - 1

Opposed - Tony McManus

ITEM #5: Consideration and acceptance of an application for a subdivision of land for Elliott Rose Company of Dover, Inc., Assessor's Map K, Lots 19, 19A and 19B, zoned B-3 and R-40, located on Dover Point Road. (P02-34) 1 Lot

Bob Stowell represented the owner, Elliot Rose of Dover, and introduced Doug LaRosa, Chip Williams and Bernie Pelech. He said that lot 19B is the lot that has Thornwood Marketplace on it. Mr. Stowell said that there is an existing driveway that goes into Thornwood Marketplace. Bob said they are creating a new road, Thornwood Lane, off of Dover Point and reconfiguring the parking lot. They are reconfiguring the lot to be able to sell Thornwood Marketplace. They have gone to TRC and all the issues have been addressed.

Atty. Bernie Pelech said that he was contacted because two of the existing buildings have been encroaching on the existing roadway. He said that they are requesting that no permits for construction of roadways be issued until the buildings are demolished. He said that they are not in the position to demolish them now but they would like the mylar signed and recorded. Both properties are now rented and they don't anticipate that the

road construction would not begin until the spring. He said that demolishing the buildings at this time would place them in a position where they would have to get rid of their two tenants even though construction of the roadway would not take place for at least 8 to 10 months. He said that he would like it as a condition of approval that the construction of the roadway would not occur until the buildings have been demolished.

Ron Cole asked Steve if he has a problem with the mylar being signed.

Steve Stancel stated that this would be creating a non-conforming lot. We would be creating a lot that would be recorded and it would become a lot at that point. In the past the Board has required people to move something as small as a shed from their setbacks prior to signing the mylar. He said that the ZBA is the only Board in the City that can waive a setback.

Tony McManus had a concern that they are saying that they will not be in a position to proceed until spring and this is an area for rezoning. He felt that this should be tabled until we have some idea of what the zoning will be. He stated that he didn't want the lot to be developed piecemeal. He said we've got a subdivision plan that creates an illegal lot, and he would be inclined to postpone the whole thing.

Atty. Pelech stated that as far as the proposed zoning, nothing has been posted and the application did come before the Board and it was accepted. He said that this application would be exempt from any future zoning change. The acceptance of the plan prior to the posting of the public hearing keeps this out of any future zoning. He added that the statute is quite clear on that.

Frank Torr asked Bob Stowell about the parking.

Bob Stowell stated that the requirements have been met at 1 space for every 250 sq. ft. This would not meet the requirements of a restaurant but would cover about any other scenario.

Beth Thompson asked why the lot line was extended into the R-40 zone.

Bob Stowell stated that it has to do with the extension of the cul-de-sac in the future. He added that it is the most logical placement for the roadway and the cul-de-sac.

David Landry said that we would be creating a non-conforming use and if the road did not go in, the property in back would be cut off from its access.

Steve Stancel stated that we would be creating a non-conforming lot because his buildings don't meet the setback requirements. He said that without the cul-de-sac, you cannot subdivide the parcel because there is no road frontage. Steve said that this is a timing issue.

Ron Cole stated that this plan should this go to ZBA.

Steve Stancel stated that his point is that the only Board in the City that can create a non-conforming lot is the ZBA, via a Variance. He said that the Board can approve this tonight, but it has to be on the condition that the building is torn down.

Chip Williams stated that there is a florist renting space on a month to month basis on one of the buildings extending into the proposed roadway. He said that they need the revenue, as the greenhouses are not producing any revenue to help with the taxes.

Tony McManus said that the proposed subdivision plan includes adding land to 19C and 19B that would be within the R-40 district. He asked why they did not stop the line at the district boundary. He said that he is concerned with extending a commercial district into a residential district.

Bob Stowell said that they stopped at Varney Brook and explained that it is only a matter of 50 feet and then there is land that may be used for stormwater detention or might fit better with the business use.

Tony McManus asked if the Planning Department has looked at the proposal to determine whether or not the roadway access is going to be sufficient to handle the projected development of the back land in the future.

Steve Stancel said that the Department did and it would be satisfactory.

Steve Stancel explained that a 28 or 32 foot wide road in a 50 ft. wide right-of-way width is adequate.

Bob Stowell said that they can't predict what the future use will be on that piece at the present time. When a residential use or an office use comes in, they would be required to supply a traffic report and it would be determined if the width of the roadway is adequate.

Frank Torr stated that when the future use of the land comes forward, we will address the road and if it doesn't meet the standards we will make that a condition of approval.

Frank Torr made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

Tony McManus stated that this plan is setting the property lines on either side of the roadway and determining the width of the roadway. The only way that it can be changed is if the property owners are willing to dedicate some additional width, or the City ends up taking it. If we approve a subdivision plan at this width, that's where the road will be.

Steve Stancel said that 50 feet is wide enough for any size road that you would need no matter what goes where. He said that he is concerned with the 28 foot pavement instead of the 32 foot pavement. He said that he recommends that the public hearing is held and

then tabled so the road widths can be discussed in the next few weeks. He said that Engineering has not has the time to comment.

VOTE 5 – 2

Opposed – Dennis Ciotti, David Landry

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road, said that she recommends widening the road and is concerned with the safety of Dover Point Road.

Herbert Follansbeen, 25 Dover Point Road, was concerned about them putting in two roads.

Bob Stowell explained where the roadway would be going through, which is, basically, where the existing parking for Thornwood is now.

Doug LaRosa said that the existing drive to the Greenhouses would be removed and explained again where the new road would be.

Chuck Maglaras said that since the City Engineer hadn't looked at the final plan and there were some changes made, he felt that the public hearing should be recessed.

Bob Stowell said that they did have a chance to speak to David White and he indicated that he tried to get in touch with the Planning Department after he spoke with them and he couldn't reach them.

Chris Parker stated that David did call after 5:00 PM and said that he would accept it.

Steve Stancel said that he still was not satisfied with the 28 foot pavement and would like two more weeks to review it.

Chuck Maglaras made the motion to recess the public hearing
Tony McManus seconded.

VOTE U/A

Chuck Maglaras made the motion to table the application.
Joyce El Kouarti seconded.

VOTE U/A

Ron Cole asked if the Board felt that a site walk would be appropriate with respect to both this and the additional application coming before us.

The consensus was that it would make no difference.

**ITEM #6: Consideration and acceptance of an application for a site plan of land for
Massage for Health at Thornwood Martkplace (Owner Elliott Roas**

Company of Dover, Inc.) Assessor's Map K, Lot 19B, zoned B-3, located on Dover Point road. (P02-35)

Ron Cole stated that the local newspaper had referred to this project as a massage parlor by its description which has a very negative connotation. He wants the folks that are present and those that may be watching that Massage for Health is not your headline massage parlor.

Tony McManus recused himself from this item.

Bob Stowell said that the first application was to facilitate this site plan review. He said that they have added 6 parking spaces for a total of 74 spaces. He said that Massage for Health would account for about 50% of the building. He said that they went to TRC and all the issues were addressed.

Beth Thompson asked if this plan could be approved without approving the previous plan.

Steve Stancel stated that you could with the condition that the previous plan be approved.

Dennis Ciotti asked why they were sharing access and why the 2nd curb cut.

Bob Stowell said that eventually there would be an exit.

Beth Thompson said that she thought that on the previous plan the northeasterly access was going to be abandoned.

Bob Stowell stated that it was discussed at TRC that it may be abandoned because of sight distance, but it was worked through and they were allowed to keep it.

Steve Stancel stated that the secondary access is needed for the truck traffic.

Beth Thompson made the motion to accept.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

Herbert Follansbee, 25 Dover Point Road, stated that the application for the Change of Use should be approved. He said that the only thing that he could object to is the location of the new road. He said that it is a good use of the property.

Tom Fargo, Chairman of the Conservation Commission, stated that he did not sit on the TRC on this one and said that he wanted to explore the storm water management.

Bob Stowell explained how they would be using the same collection system that was already there.

Tom Fargo said that he saw nothing that was protecting Varney Brook from excess runoff.

The public hearing was closed.

Steve Stancel gave the recommended conditions of approval and said that he would have the City Engineer look at the drainage and runoff issues.

Beth Thompson made the motion the approve with the following conditions:

1. Add the owner's signature to the plan.
2. Add engineer's stamp and signature to all sheets.
3. Revise landscaping plan by adding landscaping to the parking lot island that is located at the northwest corner of the building.
4. Remove the obsolete signs on the property prior to the issuance of a building permit.
5. Any additional conditions required by the City Engineer.
6. Approval of the subdivision plan.

Frank Torr seconded.

VOTE U/A

ITEM #7: Old Business

- 1. Discussion and possible vote for a lot line adjustment of land for Evelyn Bryson and Michael Rosholt, Assessor's Map C, lots C-50A & C-50D, located on Watson Road.**

David Landry made the motion to take off the table.

Joyce El Kouarti seconded.

VOTE U/A

Bruce Pohopeck stated that he has added the lot line from a 1990 plan. Bruce explained the nature of this plan.

The public hearing was reopened.

There were no comments.

The public hearing was closed.

Joyce made the motion to approve with the following conditions:

1. Add the owners signatures to the plat.
2. Revise the plat to add the minimum building setback lines to both lots.
3. Revise the plat to add two GIS points.
4. Revise the plat to add a note that a digital version of the survey will be provided to the City upon approval.

Dennis Ciotti seconded.

VOTE U/A

Abstained – Tony McManus

- 3. Public comment on proposed regulation changes. Discussion and possible posting of proposed changes including residential changes to manage growth, changes aimed at promoting increased Commercial/Industrial base; changes that promote open space; and changes that protect and improve the quality of life. The full text of the proposed changes is available online at we.ci.dover.nh.us or in the Planning Office during normal business hours.**

Chuck Maglaras left at 8:40 PM

Ron Cole explained that there would be numerous opportunity for public comment. He said that this is was not a public hearing but would offer an opportunity for comments. He asked anyone who had any comments to come up to the mike and identify themselves.

John Scruton, 99 Sixth St., stated that he was concerned with the taxes going up. He said that commercial development has never lowered taxes. He stated that buying development rights has worked across the county.

Jan Janetos, stated that he owns the land across from the Cochecho Country Club and he would like to preserve the land with no zoning changes.

Joan Dodge, 17 Harmony Lane, gave a history of the other proposed zoning changes in that area and said that she would appreciate being kept informed.

Rick Hebbard, 97 Spruce Lane, concerned about the City's drainage that runs through his property. He said that he has 10 acres and only 7 of which can be used. The Scenic Road ordinance will have a huge impact on him and wants more thought put into it.

Mary Hebbard, said that they are lucky to live on that road. She asked how a potential land buyer on a scenic road would know that the ordinance exists. She said that if you require all vegetation be maintained, it preserves the scenic road in one way, but diminishes it in another way. This ordinance doesn't fit for everybody. She wants to be exempted from this ordinance.

Public comments period was closed.

Discussion of the various amendments were discussed by the Board.

Chris Parker explained the TDR and the ADS and discussion followed.

Wetlands setbacks in Portsmouth were discussed with relation to what Dover is proposing. Beth Thompson expressed her reluctance to impose the 50 foot setback from wetlands in the industrial zones.

Chris Parker went over the Sign Ordinance and said that it is more "user friendly".

The CWD changes were discussed.

David Landry asked that the Board be provided with a new revised package of final proposals for the next meeting.

Chairman Cole set the next meeting on the proposed changes for 6:30 PM on Tuesday, August 20th.

ITEM #8: New Business

The letter from Kevin McEaney would be discussed at the next Planning Board meeting.

ITEM #9: Adjournment

Frank Torr made the motion to adjourn.

Beth Thompson seconded.

VOTE U/A