

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting Held: March 27, 1987 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

Members Present: Harold Preston-Chairman, Thomas Scharff, Otis Perry, Pierre Bouchard, Les Elder, Patricia Torr, Reynold Perry, Mike McDonnell

Alternates Present: Joseph Etelman.

Also Present: William Collins-Planning Director, Steve Stancel-Planner.

Harold Preston called the meeting to order at 7:06PM

Item #1: Consideration of acceptance of an application for minor subdivison of land owned by Dover Assembly of God, Assessor's Map 27 Lot 153 Zoned R-12 on Pearl Street.

Attorney Wayne Murray discussed the plan. He stated that the organization had an opportunity to sell the church to another religious group. Mr. Murray explained that the Dover Assembly of God had received a variance for the lots and infact, were decreasing the non-conformity of the two lots.

Pete Bouchard received confirmation that the church would remain for religious purposes. Mr Bouchard inquired about the number of off street parking spaces.

Wayne Murray felt that there were enough parking spaces. He went on to state that there would actually be a reduction in the number of cars with the smaller congregation using the church.

Thomas Scharff asked if the Fire Department had established a fire capacity for the Church.

Mr. Murray responded no, but felt that there would be a reduction in the total number of people attending the new congagation.

Mr. Scharff motioned to accept the application,

Les Elder seconded.

Vote: U/A

Public Hearing opened.

No comments

Public Hearing closed.

Les Elder motioned to approve the project.

Otis Perry seconded.

Vote: U/A to approve the application for minor subdivision.

Thomas Scharff directed the Planning Director to establish the maximum building capacity at the church.

Item #2: New Business.

Otis Perry stepped down, Joseph Etelman sits in.

Karl and Susan Krecklow, 1981 application for minor subdivision, Assessor's Map J, lots 13A and 13Q on Rabbit Road.

Harold Preston explained the project which was approved in 1981 with special conditions. The three special conditions included: Delineation of 50' conservation district around the brook; receipt of City septic approval, receipt of driveway permit.

Attorney James Koromilas explained that the special conditions were never met until recently and thus the plan had been submitted for board review.

Public Hearing opened.

Stuart Cummings, Piscataqua Rd, disagreed with the set-up of the lots. He felt that the lots could be designed in such a way as to provide better road frontage.

Public Hearing closed.

Pete Bouchard requested that a note be put on the mylar requiring the land owners in the subdivision to bring their rubbish to the corner of Rabbit Road and Old Garrison Road.

Les Elder motioned to approve the subdivision subject to the three previous conditions and the note on the mylar requiring rubbish to be brought to the Rabbit Road, Old Garrison Road intersection.

Tom Scharff seconded.

Vote: U/A to confirm approval of the subdivision.

Harold Preston brought up an old subdivision (Otis Perry submitted) which had been approved by the Planning Board in the past but was never signed.

Pete Bouchard asked if a gas tank which existed on the property remained active.

Otis Perry replied that the tank was no longer on the property.

Les Elder motioned to approve.

Thomas Scharff seconded.

Vote: U/A to confirm approval of the subdivision.

Otis Perry resumed chair.

Harold Preston discussed a Harold Clifford subdivision which was previously approved by the Planning Board. Mr. Preston explained that the State was requiring an additional 17,000 square feet to be added to the lot for septic purposes. He explained that he was planning on signing the plans and just wanted to make the Board aware of it.

Item #3: Old Business

Discussion for final approval on proposed Site Review of land owned by the Cabral Group, Assessor's Map H, Lots 35D, 35E, 40A.

Malcom McNeil attorney for the project discussed the final plans. He explained the new agreement being drawn up between the Developer, the State, and the City, the agreement will be signed upon approval.

Mr. McNeill noted that the proposed cross country trail will be 20 feet wide, located by the City Recreation Department, and set back at least 150 feet from the Bellamy Road.

Malcom McNeill stated that he knew there was concern among Board Members about there not being a traffic light located at the entrance of the project across from Sumner Drive. He went on to say that if the City requested a traffic light, and the State

agrees, the developer has no problem honoring the request.

Bill Collins discussed the City's concerns on certificate of occupancies.

Otis Perry asked what the State was going to use for leverage as far as the driveway permits were concerned.

Mr. McNeill responded that the State controlled the plans for the roadway and intersection.

Pete Bouchard asked who would do the actual construction of the intersection.

Don Rhodes, engineer stated that the developer would be responsible for the construction.

A discussion ensued concerning the timeframe for the construction of intersection. Would the developer submit plans in time for State approval in order to start construction in 1987.

Yes. Stated Richard Cabral himself.

Nancy Sousane expressed concern over the intersection and the amount of traffic.

Les Elder stated that the Planning Board should send a letter to the State requesting a traffic light at the entrance across from Sumner Drive.

Tom Scharff motioned to grant approval subject to conditions in the memorandum of agreement between the State, City, and developer; and also the conditions in the hiking trail agreement.

Patricia Torr seconded.

Nancy Sousane again expressed concerns over the intersection.

Bill Collins stated that the Board could make additional recommendations to the State concerning the intersection if the majority of the Board agrees.

Harold Preston called for a vote.

Vote: 6-2 to approve the project, Nancy Sousane and Mike McDonnell opposed.

Les Elder motioned for the Planning Board to send a letter to the Department of Transportation recommending the immediate installation of a light located at the entrance to the project and Sumner Drive.

Tom Scharff seconded.

Otis Perry disagreed, stating that he didn't feel qualified to make a decision as to the advantages or disadvantages of the intersection.

Reynold Perry feels that a traffic light was a good idea even if it sits there in an off position. Mr Perry commented that sooner or later there will be a need for the light.

Vote: U/A to send a recommendation to the Department of Transportation.

Discussion on proposed alternative design subdivision on land owned by Developmental Services of Strafford County, Assessor's Map F, Lot 12D on Tolend Road.

Attorney Malcom McNeill explained that the plans complied with the existing ADS ordinance. He expressed concern over the Boards hesitance to approve the concept.

Les Elder expressed concern about the worst part of the land being set aside for open space. Mr Elder felt that the plan did not necessarily meet with the intent of the ordinance.

Otis Perry motioned to approve the concept.

Les Elder seconded.

Vote: 5-3 in favor of approving the concept, Pete Bouchard, Tom Scharff, and Nancy Sousane opposed.

Les Elder cautioned the developer concerning future approval without additional engineering.

Peter Silberman explained the proposed infrastructure improvements for the five projects.

The Board decided to have all five projects present their plans and then vote to give preliminary approval or not on an individual basis.

Preliminary review of land owned by Katherine Towle/Raymond and Mary Brown, Assessor's Map I, Lots 52 and 54, Zoned RM-12 on Mast Road.

Jack MacLeod explained the project.

Mr. MacLeod stated that there probably would be three phases. Phase I would be site work completed in 1987; Phase II would be construction starting in 1988; and Phase III would be undertaken in 1989 determined by the market conditions.

Preliminary review of land owned by Redden Family Trust, Assessor's Map I, Lot 20, Zoned RM-12, RM-20, and R-20 on Mast Road.

Peter Wolfe from Lilly Planning explained the project. Their plans are slightly different than the other projects in that they are building three bedroom units in addition to the usual two bedroom units.

Tom Scharff noted that the developers had plans to spill over into the R-20 zone by 50 feet.

Mr. Wolfe confirmed.

Bill Collins asked for the Phasing Plans.

Mr. Wolfe explained that each cluster in the project was actually a development in itself. There will be 7 or so clusters per phase dependent on the building season. He projected that there would be two phases this year. It will take more than 3 years to complete the project even with the proper market conditions.

Reynold Perry asked where the snow would go.

Mr. Wolfe stated that there were areas set aside for placement of snow.

Thomas Scharff brought to light, the plight of four single family abutters who will be surrounded by the multi-unit and mobile home projects. The four units do not have City sewer service. Mr Scharff suggested that the developers consider the possibilities for connecting the 4 abutters to City sewer service. He felt that this would be some consolation to the mass development surrounding their homes.

Preliminary review of land owned by Charles White, Assessor's Map

I, Lot 30B, Zoned R-40 on Mast Road. (mobile home units).

Douglas Mellon explained the project. He stated that the project would probably be single phased beginning in 1987 to be completed in 1988.

Preliminary review of land owned by Charles White, Assessor's Map I, Lots 32 and 51A, Zoned RM-12 on Mast Rd. (41 condo units)

Doug Mellon reviewed the project. He explained that project engineers were looking into a possible connector road with John Gavins , Dunns Bridge project.

Mr. Mellon thought that the project would begin in 1987 and be completed in 1988.

Preliminary review of land owned by Dunn's Bridge Townhouse, Inc. Assessor's Map I, Lots 19 and 20A, Zoned RM-12 and RM-20 on Rt. 108.

Attorney Peter Loughlin explained the proposal. He projected the completion of the project by 1990.

Harold Preston opened the meeting for Public comments.

Peggy McLaughlin expressed concerns about the impact of all of the Development on Johnson Brook and Creek.

Engineer John Silberman stated that there would be no additional flow of water from any of the projects and thus there would be little or no impact.

Thomas Scharff asked the Planning Director how he intened to oversee offsite improvements so that disruption of the community would remain at a low.

Bill Collins explained that there would be a bonding process and all work would be phased. He further stated that the Public Works and Engineering Department would make sure that all infrastructure work be completed as approved.

Tom Scharff expressed concern over the impact of the developments on schools. He also felt that the density in the Redden Farms Project was too high and perhaps the developer should not encroach into the R-20 area by 50 feet. Mr. Scharff asked why the road would be widened to just 24 feet instead of 32 feet.

Bill Collins stated that the developers should not have to carry all of the burden, that 24 feet was a width commonly settled on in past projects Mr. Collins felt that a 24 foot width was good enough from a safety standpoint.

A discussion ensued concerning the next step in the approval process for the projects.

It was decided to vote on the projects' individually for preliminary approval subject to the following four conditions:

1. The density in the final plan shall not exceed the numbers presented for preliminary approval.
2. Final approval shall take place only after the final infrastructure and engineering plans have been completed and engineering plans have been completed and approved by the Technical Review Committee and the Planning Board.
3. No building permits will be allowed prior to final approval.
4. Preliminary approval does not imply final approval.

Preliminary review of land owned by Katherine Towle/Raymond C. and Mary C. Brown, (applicant: Land Buy Unlimited of N.H. Inc.), Assessor's Map I, Lots 52 and 54, Zoned RM-12 on Mast Road (142 condo units, 56 buildings).

Les Elder motioned for preliminary approval subject to the aforementioned four conditions.

Otis Perry seconded.

Vote: U/A for preliminary approval.

Preliminary review of land owned by Redden Family Trust, (Applicant: RFT Development Corp., Inc.) , Assessor's Map I, Lot 20, Zoned RM-12, RM-20 and R-20 on Mast Road (234 condo units, 56 buildings).

Otis Perry motioned for preliminary approval subject to the aforementioned four conditions.

Les Elder seconded.

Vote: U/A for preliminary approval.

Preliminary review of land owned by Charles White, (Applicant: White Enterprises, Inc.), Assessor's Map I, Lot 30B, Zone R-40 on Mast Road, (38 single family mobile home units).

Patricia Torr motioned for Preliminary Approval subject to the aforementioned four conditions.

Les Elder seconded.

Vote: U/A for preliminary approval.

Preliminary review of land owned by Charles White, (Applicant: White Enterprises, Inc.), Assessor's Map I, Lots 32 and 51A, Zoned RM-12 on Mast Road. (41 condo units).

Les Elder motioned for preliminary approval subject to the aforementioned four conditions.

Mike McDonnell seconded.

Vote: U/A for preliminary approval.

Preliminary review of land owned by Dunn's Bridge Townhouse, Inc. (Applicant: Richard P. Millette and Associates). Assessor's Map I, Lots 19 and 20A, Zoned RM-10, and RM-20 on Route 108. (82 condo units, 17 buildings).

Patricia Torr motioned for Preliminary approval subject to the aforementioned four conditions.

Mike McDonnell seconded.

Vote: 7-1 for preliminary approval. Thomas Scharff against.

Consideration of final approval for major subdivision of land owned by Paolini Development, Assessor's Map 14 and 18A, Zoned R-12 on Hawthorne and Middle Roads.

Harold Preston brought the project up for final approval due to existing purchase and sales agreement deadlines. He explained that all conditions had been met.

Bill Collins explained that there was a restrictive covenant on lot 27 making the owners of that lot responsible for the retention pond. This had been the case for the preliminary approval.

Pete Bouchard expressed concerns over that arrangement. He suggested that the development use a Homeowners Association for the maintenance of the retention pond.

Otis Perry motioned to rescind the restrictive covenant concerning lot 27 that was placed for preliminary approval.

Tom Scharff seconded.

Vote: U/A to rescind restrictive covenant on lot 27.

Otis Perry motioned for final approval of the project subject to a Homeowners Association covering the retention pond; and that the developer receive proper driveway permits.

Vote: U/A for final approval.

Consideration of approval of an application for minor subdivision of land owned by Arnold Rigby (Applicant : Donald Purdy).

Attorney Richard Krans explained the proposal. He stated that the deed was signed and transferred subject to Planning Board approval of the subdivision.

Board members expressed their concern over the process used by the applicant for approval of the subdivision.

Attorney Krans stated that the Board should look at the case on two separate levels:

1. The Board should approve or disapprove the subdivision based on its merits.
2. The Board should take action towards procedure for penalties.

Thomas Scharff expressed concern over approving a project that was done illegally.

Mr. McAdams explained that Mr. Rigby mistakenly thought that he had submitted the paperwork to the Planning Department sooner.

Pete Bouchard motioned to approve the project.

Patricia Torr seconded.

Vote: U/A for approval of minor subdivision.

Pete Bouchard motioned to send the violation to City Council for their decision and possible fines.

Patricia Torr seconded.

Vote: U/A

Pete Bouchard motioned to approve the minutes for February 17, 1987.

Patricia Torr seconded.

Vote: U/A

Otis Perry motioned to approve the minutes for March 10, 1987.
Tom Scharff seconded.

Vote: U/A

Otis Perry motioned to adjourn the meeting.

Mike McDonnell seconded.

Vote: U/A

Meeting adjourned 10:32 PM.