

DOVER PLANNING BOARD
MINUTES OF MEETING

Preliminary
not approved
yet.

MEETING HELD: August 11, 1987 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

MEMBERS PRESENT: Harold Preston - Chairman, Thomas Scharff, Patricia Torr, Michael McDonnell, Reynold Perry, Pierre Bouchard, Joseph Etelman

ALSO PRESENT: William Collins - Planning Director, Steve Stancel - Planner, Michael Casino, Gayle Labrie - Recording Secretary, Pat Unish

Chairman Preston called the meeting to order at 7:06 p.m.

ITEM #1: Consideration of acceptance of an application for minor subdivision of land owned by Shaws Realty Co., Assesspr's Map 38, Lot 6-A-2, Zoned B-3, located on Central Avenue. (3 lots)*

John McEachern, Attorney speaking on behalf of Shaw's Realty in respectto this subdivision. He stated that lots 1 & 2 are both 0.69 acres of land. Lot 6A2 is being subdivided.

Lots 1 & 2 abut Central Avenue and the present proposal by Shaw's Realty meets all requirements and there is no planned access on to Central Avenue rather, access will be in the rear from the supermarket.

Michael McDonnell motioned to accept.
Thomas Scharff seconded.

VOTE: U/A to accept application.

PUBLIC HEARING OPENED
PUBLIC HEARING CLOSED

Bill Collins stated that Shaw's Realty mentioned that there would be no planned access to Central Ave. Mr. Collins wants to make it clear that future access from Central Ave. should be prohibited.

Attorney John McEachern, stated that there would be no access of lots 1 & 2 on Central Avenue in the future. Shaw's is agreeable to this restriction.

Bill Collins explained that cross easements would be required for future owners.

Attorney McEachern, agreed that this was part of the arrangement.

Mr. Collins mentioned a connection between this property and abutting property. He stated that this emergency exit is getting more traffic.

Attorney John McEachern explained that Shaw's has been involved in a study for possible access between Rollinsford and Wentworth Douglas Hospital. (A proposed cost of 2.5 million dollars.)

Mr. Collins referred to a simple driveway connection between Shaw's and Shop N' Save to avoid confusion of Central Ave.

Attorney John McEachern, expressed that he was not authorized to make any commitments at this point, because this parcel was not before the board.

Tom Scharff expressed the applicant's willingness to pursue a connection between the two (2) parking lots.

Attorney John McEachern will look into connection - but felt that the connection would be best discussed during the Site Review process.

Tom Scharff felt that future site plans should not be considered unless the other situation is looked at. The Board should be encouraged to hold to this position (access from Shaw's to Shop N' Save.)

Bill Collins stated that this would be a relatively inexpensive improvement and expenses should be shared between Shaw's and Shop N' Save.

He also said that notice should be provided to future buyers because this issue is more than likely to come up again.

Pete Bouchard was concerned where water and sewer will come from.

Bill Collins commented on the right of way.

Pete Bouchard wants to make sure this is noted.

Chairman Preston inquired is a site review required? He stated that the simple subdivision that 10% of lots are in the temporary Aquifer Protection. On 30,000 feet you can only build on 3,000 square feet until the temporary ordinance is lifted. No signature on plans

Bill Collins showed concern about the company's position on driveway.

Attorney John McEachern, stated that Shaw's feels that their duty is for their own tenants.

Reynold Perry explained that when items come for review the City will be looking for the public's best interest. He stated that connecting parking lots is in the best interest of the city and we should push hard for the connector road. He has never seen anything like this before.

Pete Bouchard motions to except with conditions:

Owner's signature

Utilities or curb cust on Central Ave.

Attorney John McEachern not sure that this is proper place for this type of condition. Position taken there are vested rights.

Tom Scharff motions to accept with conditions.

Mike McDonnell seconded.

VOTE: U/A to approve minor subdivision.

ITEM #2: Consideration of acceptance of an application for lot line adjustment of land owned by Rosalita and Robert Smith, Herman and Catherine Gitschier, and Moore Business Forms, Inc., Assessor's Map 15, Lot 38, 39, and 43, Zoned I-1, located on Locust Street. *

Chris Keenan stood up and requested that 2 issues be approved.

1) 2 non-conforming lots that are grandfathered Moore Business Forms who would like to sell land to Lots 38 & 39, Tax Map 15. Reason is mainly to square off two lots to line up with lots 35, 36, 37.

2) Boundary line adjustment Lots 38 & 39. There is now a 20' right of way shared by property. None of the buildings are conforming with right of way.

Propose new boundary line be approved in center of two lots.

Bill Collins asked for clarification of Lot No. 38, are there porches on both buildings. Mr. Gitschier has roof on his porch, while Mr. Smith does not.

Tom Scharff asked for explanation.

Chris Keenan stated that Mr. Gitschier and Mr. Smith want to purchase land from lot 24A on Tax Map 15, to square off Lots 34, 35, 36, 38.

Discussion ensued as to who owned Lot 24A Moore Business Forms or Leonard and Casey. It was determined that a mistake was made on the plan, Moore Business Forms should have been noted as owner of Lot 24A not Leonard and Casey.

Tom Scharff motioned to accept.

Mike McDonnell seconded.

VOTE: U/A to accept application for minor subdivision.

PUBLIC HEARING OPENED
PUBLIC HEARING CLOSED

Mike McDonnell questioned were abutters notified?
There were no signatures on drawings, although mylar has signature.

Chairman Preston stated that there must be signatures on plans.

Tom Scharff explained that the new boundary lines between the two (2) properties is closer to Mr. Gitschier's home and should probably be closer to Mr. Smith's home.

Chris Keenan said the reason for this is to accommodate the Gitschier's existing driveway.

Bill Collins stated that the lot line is under the Gitschier's home.

Mike McDonnell motions to accept with the conditions that

- 1) mylar and four (4) blueprints show appropriate signatures
- 2) correct abutters

Motion seconded by Patricia Torr.

VOTE: U/A to approve minor lot line adjustment.

ITEM #3: Consideration of acceptance of an application for minor lot line adjustment of land owned by the City of Dover and Edward George, Assessor's Map 3, Lots 23, 24, 25, 40 and 41, Zoned B-2, located on School Street.

George Garrett for the City of Dover, stated that the final settlement of properties on School Street from Mechanic Street to Main Street. Land will be divided for parking.

The City is giving up their 1/2 of the building and will wind up with the corner of School and Main Street for parking.

Part of Mr. George's lot will be used to expand parking lot for and additional 16 spaces.

Tom Scharff stated that the mylar was loaded with markings, and not sure who's they are.

George Garrett stated that an incorrect plan has been submitted to the Planning Office. The new plan will be submitted prior to signing of the mylar.

PUBLIC HEARING OPENED
PUBLIC HEARING CLOSED

Mike McDonnell motion to accept with conditions subject to correct plan and owner's signature.

Motion seconded by Patricia Torr.

Renny Perry explained to the Board that the closing date is dependant on approval by the Planning Board.

VOTE U/A approval

ITEM #4: Consideration of acceptance of a minor subdivision of land owned by John Sowerby, Assessor's Map 6, Lot 30, Zoned R-20, located on Columbus Avenue and Littleworth Road. (3 lots)

Kevin McEneaney, surveyor representing Mr. Sowerby passed out information on the 12.8 A parcel on the corner of Columbus Ave., and Littleworth Road.

Mr. Sowerby wants to subdivide 4 acre parcel for himself and another 7.8 acres.

Patricia Torr motions to accept minor subdivision Mike McDonnell seconded

VOTE: U/A

PUBLIC HEARING OPENED
PUBLIC HEARING CLOSED

Mike McDonnell questioned do Lots 2 and 3 do not have city water. Kevin - Lots 2 and 3 are on septic system and wells.

Pete Bouchard asked where the existing septic system was

Bill Collins - ready for approval

VOTE: U/A to approve minor subdivision

ITEM #5: Consideration of acceptance of site review of land owned by the Flatley Company (Applicant: Leclerc - Stowell Associates). Assessor's Map 6, Lot 31, Zoned I-1, located on Crosby Road.

Tom Murphy of the Flatley Company stated that the first building of a 50 acre site is being presented tonight.

Bill Collins wants surveyor's stamp on drainage, lighting, landscaping, and hydrants.

Bill Collins asks is this going to be a private road vs. a public road.

Tom Murphy stated this will be a private road and that the Flatley Co. will be responsible for such road.

Pete Bouchard concerned about culvert lines in the future.

Mike McDonnell motions to accept application for minor subdivision.

Tom Schraff seconded.

VOTE: U/A to accept minor subdivision.

PUBLIC HEARING OPENED
PUBLIC HEARING CLOSED

Bill Collins pertaining to cul-de-sac should be connected to Faraday Drive. When future phases come in new road to meet cul-de-sac.

Tom Murphy agrees.

Bill Collins agrees all will be simplified if the Flatley Co. owns all.

Mike McDonnell motions to accept with the conditions that part of the proposal be put on the plan and that The Flatley Co. owns (private road and private utilities).

Tom Scharff seconded.

VOTE: U/A approve

ITEM #6: a) Discussion of previously approved subdivision plan for Ernestine Bayer. Plan was approved but never recorded.

Bill Collins has frontage variance for Lot B dated August, 1982.

Ernestine Bayer stated approved plot has been lost in the past.

Bill Collins stated that this case is similar to 2-3 other cases brought back to Planning Board for signing.

Chairman Preston stated that there is a thirty day period to sign plans after Board approval - only okaying what was done in 1982.

Mike McDonnell motions to approve
Tom Scharff seconded

VOTE: U/A

b) Request to use Bituminous paved sidewalks in the Hagenmiller subdivision where concrete was approved.

Malcolm McNeil, attorney spoke on behalf of developer, Philip Crosier. Attorney stated that Mr. Crosier had presumed that this issue would go back to TRC. They are requesting a motion to amend, and not asking for anything that would not be done for anyone else.

He also stated that Mr. Crosier could not get financing until project was technically approved.

Attorney McNeil specifically stated that the plans were court approved and the court never saw sidewalks. He stated: not one (1) building permit issued
No Certificate of Occupancy
The developer is Hard Pressed - \$50,000 mistake
Sidewalks always worked out in Technical Review Committee

Harold Preston strongly expressed taht the plan he signed listed concrete - which the court has ordered.

Attorney McNeil said that the word concrete has never come up at Planning Board Meetings or at the Court House. He feels that sidewalks were never considered and that the court was being relied upon as an out if so, Atty. McNeil will file his position with the court.

Harold Preston stated the people making the plans should be more accurate - possibly a mistake but when something is put down in black and white, live with it.

Bill Collins states that this subject has never been an issue to debate until tonight - No one disagrees with proposal.

He also stated that sidewalks were never an issue in the largest project approved by the city. What regulation, pratice does he violate, what public services does it serve to stick it to the developer.

Tom Scharff motions to amend plan to allow asphalt sidewalks.

Patricia Torr seconded.

VOTE: 4 Approve
2 Oppose Harold Preston - No Vote

Dean Fournier request for wavier for front setback - wants to pave existing gravel parking lot. He has agreed to maintain himself. Owns all abutting property except (1).

Bill Collins explained that the Technical Review Committee does not have the authority to waiver. We are being asked to waiver site review.

Renny Perry sees no problem.

Bill Collins states waiver 149-15C to allow paving within 10 feet of a public right of way.

Mike McDonnell motioned to approve.
Patricia Torr seconded.

VOTE: U/A

Robert & Gail Newton of 65 Atkinson St. request access to come in off Nelson Street. and go out on Atkinson St. in order to save a tree.

Tom Scharff asks if there are any comments from Bill Collins.

Bill Collins saw no problem with this proposal.

Mike McDonnell moves to grant motion.
Renny Perry seconded.

VOTE: U/A Pete Bouchard no vote - Public Works Director.

ITEM #7: OLD BUSINESS

Discussion of Katherine Towle subdivision , Harold Preston Preston reviewed the application

Bill Collins states the Planning Board by policy says a minor subdivision shall be no more than 3 lots in a 4 year period. This is a matter of policy not regulation. Contacted the city attorney and he has not written, but expressed a verbal opinion that a policy would not pass a legal test.

Tom Scharff motioned to take the application off the table.
Pete Bouchard seconded.

VOTE: U/A

In a related manner Bill Collins explained the amendment of Chapter 155 which the Board received. He requested that the Board send the amendment to a public hearing.

Renny motioned to sent the amendment to public hearing.
Patricia Torr seconded.

VOTE: U/A

b) Discussion of minor subdivision of land owned by Wedgewood Builders Corp.

Scott Reynolds, Consultant for Wedgewood stood up to answer any questions which were asked.

A discussion arose concerning the accuracy of the site plans.

Pete Bouchard explained that contrary to the plans, there were no wet areas near the roads.

Bill Collins wants map revised to show accuracy.

Bill Collins stated that the proposed private road needs to be named.

Scott Reynolds stated that the road has been named - Peacham Road.

Bill Collins asks if the street name has been approved and does it have a surveyor's seal. He also asked if a state driveway permit has been issued.

Scott Reynolds answered yes.

Mike McDonnell stated that there is no control over the traffic.

Harold Preston mentioned that the house discontinues existing driveway to a new one with access to the private road.

Scott Reynolds said the state made this a condition.

Mike McDonnell motioned to approve application subject to conditions:

- state approvals
 - street name approved
 - mylar signed
- Tom Scharff seconded.

VOTE: U/A

c) Discussion of a minor subdivision of land owned by Armand DiMambro.

Harold Preston explained the project. He stated that part of the condition is to clear all vegetation for sight distance.

Renny Perry stated wells to be located on front portion of lot.

Armand DiMambro stood up and explained that he has no objection to put wells in front of the lots.

Tom Scharff stated that this will also be a condition.

Joe Etelman motion to approve with conditions;
-clearing of trees and brush on roads, stonewall total
length of property for sight
-locate septic system as per Jim Hayden's recommendation.
(on file)
-driveways to be as shown on plan
-water supply and pollution permit.

Armand DiMambro spoke and stated that he already had state approval (No. 24526 approved 8/5) is only waiting for written confirmation.

Tom Scharff seconded.

VOTE: U/A

d) MARINA LANDING

Daniel McGeary stated that all items will be complied with and they will be completed by the 30th, except possibly Public Service. He stated that Tilcon said they would be out the 18th. Grifco promised to be out by the 18th.

The dock issue will go before the Zoning Board on August 20.

Pete Bouchard wants to set a deadline on September 3, - if this project is not completed the City of Dover will pull the letter of credit.

Daniel McGeary agreed to this.

Bill Collins stated that this will be a hard deadline to meet.

Daniel McGeary - asked does this give him until Sept. 3, for the roadway permit.

Pete Bouchard recommends that the project be completed by Sept. 3.

Bill Collins stated letter of credit should be pulled before expiration date, so that the City may go to the bank and draw out the money.

Patricia Torr motions to extend completion date to 9/3/.

Pete Bouchard seconded.

VOTE U/A

Harold Preston explained that on 3/24/87 the Ridby-Purdy was approved and sent to the City Council (Illegal sub-division)

He felt that the Planning Board should send a letter to Mayor and Council to take some action.

Harold Preston introduced Gravel Pits - has no permits

Renny - Planning Board responsibility to issue permits.

Bill Collins needs to get this gravel pit operator in front of the Planning Board, he has not had a permit since at least 1979.

Need to address this issue over a broader aspect.

Harold Preston suggested workshop next Tuesday, before we bring pit operators in.

Pete Bouchard no one doing anything about restotation - now its a disaster.

Renny questioned can the staff prepare anything before next Tuesday?

Harold Preston wants to look as pits first, then decide.

Site Review Friday, August 14, at 1:30 for gravel pits.

Renny - what about enforcement? getting a permit he should have already had, or taking him to court.

Tom Scharff suggests that this is explored first.

Bill Collins said that it is the Council who decides if legalization to be incurred because of legal fees.

Bill Collins wants to put energy into getting detailed application with immediate action rather than levy a fine.

REFUND APPLICATIONS

Bill Collins discussed the effect of the Growth Management.

Bill Collins stated people should have some sort of standing before applications are accepted again.

Renny, we will not hold place in line if they are not complete and ready to go.

Renny Perry motions to adjourn
Tom Scharff seconded.

Meeting adjourned at 10:30.