

OK

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

**MEETING HELD:** September 8, 1987 in the Council Chambers of the Municipal Building in Dover, New Hampshire.

**MEMBERS PRESENT:** Harold Preston-Chairman, Otis Perry, Thomas Scharff, Patricia Torr, Les Elder, Reynold Perry, Michael McDonnell, Pierre Bouchard

**ALTERNATES PRESENT:** James Caliendo for Joseph Etelman

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

The meeting was called to order by Chairman Preston at 7:03. The public was welcomed to the meeting and the Chairman introduced the Planning Board and Panel.

**ITEM #1: Public Hearing on proposed amendment to Chapter 155, Subdivision Regulations. Said Amendment would revise Article III, Section 155-15 to allow one parcel of land to be subdivided into a maximum of 3 lots within a four year time period and remain classified as a minor subdivision, and further amending Section 155-40D and Section 155-43E pertaining to street paving and waterline materials.**

Bill Collins commented on the amendment to Chapter 155, Article III, Section 155-15 and amendment to Section 155-40D and Section 155-43E. He described three changes:

1) The first change speaks to the number of times one parcel of land can be subdivided as a minor subdivision. Mr. Collins went on to say that one year ago a policy was adopted that 3 lots could be created in a 4 year time period and be classified a minor subdivision; anything over three lots is considered a major subdivision.

2) A technical change proposed by the Public Works Department (Section 5 - Street Paving) Presently there is no paving from November 15 through April 15 because of cold temperatures. This amendment specifies that the temperature must be 40 degrees farenheit or higher when paving for parking to occur, and the asphalt has to be 250 degrees farenheit or hotter.

Mr. Collins suggested a couple of minor work changes to allow the Public Works Director to waive this requirement in an emergency situation.

3) The third change dealt with pipe and fitting material. All pipe shall be cement-lined ductile iron pipe, Class 52. Fittings shall be ductile iron. All line gates shall be 12" and the above be of the butterfly style.

Tom Scharff asked Pete Bouchard for an example of an emergency situation.'

Pete Bouchard replied and stated that a major break on an avenue or street, or possibly a major water break at an intersection could be an emergency.

Tom Scharff amended the proposed change to require the Board be notified when waivers are granted.

Public Hearing Opened

Bill Collins states that if you create one lot, it is a minor subdivision. You can create up to three lots in a four year period and still have a minor subdivision.

Public Hearing Closed.

Tom Scharff moves to recommend to accept the Planning Director's recommendation.

Tom Scharff motions to approve as amended.  
Les Elder seconded.

VOTE U/A

**ITEM #2: Consideration of application of minor subdivision of land owned by the trustees of Ashton Rollins (Applicant - Edward Rollins Jr.) Assessor's Map N, Lot 2, Zoned R-40 on Three Rivers Farm Road.**

Bill Collins stated that the application was submitted one year ago and was tabled because of the condition and status of Three Rivers Farm Road.

Legally it is not required to have a Public Hearing, but so much time has elapsed it was agreed to hold another one.

Les Elder stated that based on the just passed amendment, when was the last subdivision approved for this property.

Bill Collins answered that the last subdivision was in 1977.

Les Elder brought up the fact that the Planning Board included this road as an unacceptable city street. Since then there has been no formal action by the City Council.

Renny Perry feels that the Council wants to establish criteria for accepting unaccepted city streets; but is still in process.

Pete Bouchard asked if anyone had been done this road lately.

Ashton Hallett, representing the applicant stated that he had met with Bill Collins to discuss the matter. During the discussion it was said that ten years ago the Rollins family negotiated an agreement with the City of Dover and it seems the agreement does not limit the subdivisions. He went on to state that this is family owned property, of which approximately ten family members may want to build over the next ten years. They want to see some control over the country road. He explained that 1) paving the road would be very expensive and 2) straightening the road would make it very hazardous because of the high rate of speed people may use.

Les Elder, expressed concern as to who actually owns the road, the Rollins family or the City of Dover.

Harold Preston said there was no question that the Rollin's family owns the road.

Renny Perry then stated that if this is so, the city should not provide city services. There are already 6 lots which have been sub-divided, there should be no further subdivisions. Mr. Perry also stated that if the road is considered a public way, circumstances are different.

Renny Perry stated that the agreement implies that this is in fact a public way but privately owned.

Bill Collins noted that the agreement of ten years ago defines this as a public way and not an accepted city street, on which the city is delivering limited services. Mr. Collins went on to say that the agreement does state that the city agreed to waiver Section 5.3 which was at the time the subdivision regulation that defined street requirements. Ten years later, after at least one more lot was created, we are looking at a second application. There is some concern over how many lots may result along the street.

Tom Scharff said that if this road is designated as a scenic road, would this Board treat the application any differently than the Old Garrison Road.

Bill Collins stated the answer has not been clearly answered. One application was submitted prior to tonight for land along Old Garrison Road. The subdivision was approved without

requiring the road to be improved. The issue has not received the attention it deserves.

Harold Preston stated that there is no city water and there is a cluster of buildings that are particularly close making it difficult in the winter for services.

Pete Bouchard suggested that it would be a good idea to go to the property and take a look. He also asked if they were all relatives living on the property. Mr. Bouchard also stated that if this does become a scenic road, it would have to be deeded to the City.

Ashton Hallet wants to see the road left as a private road but as a public way. He went on to say that all the buildings were owned by the family, but some of these buildings have been rented.

Harold Preston asked if there were nine families living on the property.

Ashton Hallett answered "yes".

Otis Perry stated that we cannot plan on basis of ownership of the property.

Bill Collins suggested that the Public Hearing either be adjourned or recessed and a site visit be scheduled.

Ashton Hallet agreed, he felt that there is a need for a scenic road and this may be a chance to resolve.

Otis Perry wants to know more about scenic roads. He questioned what is a scenic road legally.

Bill Collins answered that legally the local ordinance simply repeats the RSA. The objective behind a scenic road is to legally and officially designate a road scenic for its aesthetic value.

Les Elder shows concern that the overall size of 300 acres with only one entrance and exit.

Otis Perry motions to accept application.  
Michael McDonnell seconded.

VOTE: 7 FAVOR  
1 OPPOSED Les Elder

Public Hearing Opened

Peggy McLaughlin, Chairperson for the Conservation Commission stated the City Council adopted a resolution on October 16, 1973 that all scenic roads need to be requested by the Conservation Committee through the City Council. To date, there are only three scenic roads,

- Old Garrison Road
- David Tuttle Lane
- Rochester Neck Road

A scenic road must be a Class 5 or Class 6 Road.

Public Hearing Closed

Otis Perry motions to table for site review.  
Pete Bouchard seconded.

VOTE: U/A

Site Review scheduled for Thursday, September 10, 1987 at 5:00 P.M.

Tom Scharff motions he wants the Planning Board to ask the Conservation Commission to make a recommendation on the Three Rivers Farm Road.

Les Elder seconded.

VOTE: 6 FAVOR  
2 OPPOSED Jim Caliendo  
Pete Bouchard

**ITEM #3: Consideration of acceptance of an application for site review of land owned by Ernest Carrier, Assessor's Map 27, Lot 291-C, Zoned R-12, and B-3, located on Broadway Street.**

Paul Connolley of Civil works (representing Ernest Carrier) explained the project. He said that the plans called for the removal of a one (1) story yellow concrete block building on 122 Broadway. This would be rebuilt as general office space with 22 parking spaces. The new building would consist of two (2) floors each 3200 square feet. He explained that there would be a 10x20' loading berth adjacent to the building. Drainage would be handled through conduit into City drainage on Broadway. He also explained that the water and sewer would be tied into existing mains.

Pete Bouchard explained that a three (3) inch water main was going into the building. He went on to say that three (3) inches is obsolete and the City does not even have any three (3) inch fittings. A four (4) inch or six (6) inch would be okay to use.

Paul Connolley said they would use four (4) inch and put it on the plan.

Bill Collins asked about granite curbing.

Paul Connolley stated that granite curbing would be used, sloped on access ways and sides. The back of the building will not receive any curbing. He stated that the plans are clear on the curbing.

Bill Collins asked how close the abutting building to the property line.

Paul Connolley stated the Skaltsis property was fifteen (15) feet off the northeast boundary line. The Huff property was ten (10) feet off the southwest boundary line and there is twenty-two (22) feet of open land between both properties.

Bill Collins asked if there was a ten (10) foot passageway between the Huff building and the passageway.

Mr. Connolley answered "yes".

Mike McDonnell motioned to accept the application.

Tom Scharff seconded.

Vote U/A

Public Hearing Opened

Ernie Carrier stated that he has had many experiences with the City and has completed many projects in a quality manner. He said presently this building was a detriment to the neighborhood, and if allowed to proceed with his plans, it would enhance the property.

Tom Duffy stated that he felt allowing the use of granite curbing was great. He felt that no curbing in the back would be okay as long as drainage did not flow onto abutting lots. He also expressed his concern about a back light, to make sure it is shielded so as not to affect abutting properties. He would like to see the dumpster moved because it is too close to the Huff properties.

Nick Skaltsis an abutter to the northeast side of Mr. Carrier's property stated that he was looking forward to the Board approving this plan, and he would like to commend Mr. Carrier for wanting to demolish the building and upgrading the area.

Public Hearing Closed

Mr. Collins states that any motion to approve should include a condition that TRC comments to complied with.

Tom Scharff motions for approval subject to TRC and Engineering comments.

Mike McDonnell seconded.

Approval with the following conditions:

- exterior lighting is to be a boxed fixture;
- single pavement cut in Broadway for all utility connections
- water service is to be tapped into 12", not the 6" line;
- the asphalt sidewalk section shall consist of:
  - 1" finish coat
  - 1 1/2" binder
  - 6" bank run
- vertical face granite curb shall have an 8" reveal;
- sloped granite curbing shall be 4"x12" min. with a 6" reveal
- sewer service to be SDR; a 10' minimum distance between sewer and water services shall be maintained, and;
- the dumpster is to be moved to line up with the building by shifting it five (5) feet further from the property line.

Vote: U/A

**ITEM #4: Consideration of acceptance of an application of land owned by James Nadeau, Assessor's Map G, Lot 14, Zoned R-12, located on Washington Street. (2 lots)\***

Bill Collins stated that in the future there would be the desire to cross the brook with driveways and utilities.

Harold Preston stated that Mr. Nadeau would have to go to the Zoning Board of Adjustments for a special exception.

Otis Perry motioned to accept application.  
Tom Scharff seconded.

Vote U/A

Public Hearing Opened

Thomas Masse spoke for the subdivision.

Public Hearing Closed

Otis Perry motioned to approve with the following conditions.

- driveway permit
- dredge and fill permit

Jim Caliendo seconded

Vote U/A

**ITEM #5: Consideration of acceptance of an application for minor subdivision of land owned by Paul and Karen O'Brien Assessor's Map H, Lot 8, Zoned R-20, located on Durham Road.**

Mike McDonnell motioned to accept.  
Tom Scharff seconded.

Public Hearing Opened  
Public Hearing Closed

Otis Perry motioned to approve subject to obtaining a driveway permit.

Tom Scharff seconded

Vote U/A

**ITEM #6: Consideration of acceptance of an application for minor subdivision of land owned by Robert Boulanger, Assessor's Map J, Lot 10-A-1. Zoned R-40, located on Old Garrison Road.**

Mark Vanderhaden explained the project.

Mike McDonnell motioned to accept the application.  
Tom Scharff seconded.

Vote U/A

Public Hearing Opened

Dave Hills, abutter to Mr. Boulanger's property, asked if this will be another business. He went on to say that this was an agricultural and residential area and was also on a Class 6 road. Mr. Hills said that Mr. Boulanger already had a construction company, and a beauty parlor and a stump dump, what next he asked? Why have a residential area if treated like this area?

Peggy McLaughlin, chairperson of the Conservation Commission, stated this is a very sensitive area and is also impassable for several months of the year.

Mrs. McLaughlin went on to say that on November 29, 1983 the following deed restrictions were proposed when the property was first subdivided:

- driveway permit required to Lot B be located within that portion of Old Garrison Road that is maintained by the City of Dover (to the hill entryway).
- the applicant be advised that Old Garrison Road is a Class 6 highway, and as such, the City will not provide and additional services from those that are now provided. This condition shall be placed in the deed of subject properties
- the applicant be advised that Old Garrison Road is classified as a "Scenic Highway" and as such, any changes to the roadway proper, abutting stone walls, and vegetation are prohibited. The Planning Board is the review agent for any development activities within said roadway. This condition shall be placed in the deeds of the subject property.
- receipt of WSPCC and City Septic approvals.

Mr. Boulanger stated that his wife had a part-time beauty shop in their home. This is entitled in an R-40 zone.

Mr. Boulanger also expressed that he owns a construction company and only parks 2 truck at home for a short while. He stated that he runs his construction company out of an office at 65 Belknap Street in Dover.

Public Hearing Closed

Harold Preston said that the building was on a city maintained driveway.

Pete Bouchard said that a building permit may be required.

Harold Preston stated that the Class 6 Road is open to the public although the town does not maintain.

Bill Collins stated that as far as a building permit being needed, Pete Bouchard is correct.

Mr. Boulanger said a building permit was obtained years ago.

Harold Preston said the existing driveway should be used.

Bill Collins said that this should be a condition of the approval.

Jim Caliendo motioned to approve with conditions on mylar and plans.

Otis Perry seconded.

Vote: U/A

**ITEM: #7: Consideration of acceptance of a major subdivision**

of land owned by Joseph and Virginia Noel (Applicants: John and Alexandra Powers) Assessor's Map A, Lot 32, Zoned R-40, located on Varney and Blackwater Roads. (Applicant asserts that proposal is for minor subdivision with two (2) lots in City of Somersworth. Staff asserts that application is for major subdivision and therefore prohibited by Growth Management Ordinance).

Bill Collins stated that this was clearly a minor subdivision, and procedurally this was no problem. It was posted as such because of earlier conversations.

Kevin McEaneany, Engineer, explained the project. He went on to state that all zoning requirements have been met. Individual wells and septic systems. He said that they were presently waiting for the Water & Pollution Control Permit. The Somersworth Planning Board was also meeting tonight and they were awaiting approval from them.

Mr. McEaneany went on to say that the shed and barn would be removed.

Otis Perry motioned to accept as minor subdivision. Mike McDonnell seconded.

Vote: U/A

Public Hearing Opened

Public Hearing Closed

Pete Bouchard asked about a high intensity soil survey.

Kevin McEaneany said not yet because this is a minor subdivision.

Pete Bouchard would still like to see one done.

Kevin McEaneany said that the soil class was 1 and 2 in these areas.

Otis Perry motions to approve with conditions that the mylar show the location of the leach field, septic system, and well. Approval from the Water Supply and Pollution Commission and the deed restrictions which were proposed when the property was first subdivided in 1983.

Tom Scharff seconded.

Vote: U/A

**ITEM #8: New Business**

- a) Discussion on Kerry Forbes request for rezoning area occupied by the former B & M Engine House.

Kerry Forbes explained why he wanted to have this area rezoned.

Bill Collins explained that if the Board agrees to consider rezoning this area, an ordinance would be drafted and a public hearing would be posted.

Tom Scharff motioned to move to public hearing.  
Mike McDonnell seconded.

Vote: 5 FAVOR  
2 OPPOSE Otis Perry, Renny Perry

- b) Discussion of Master Plan Public opinion Survey

Bill Collins explained that the survey will be going to Foster's Daily Democrat for formatting in the very near future. A couple of minor changes have been made. The survey has been 'pre-tested' on 24 Dover residents, and out of the 24, 20 were returned.

The Board discussed a few minor changes that should possibly be looked into, and it was agreed that all Dover residents should be encouraged to fill out the questionnaire.

Mr. Collins explained that a cover letter would accompany the questionnaire, and it is expected to reach 93 to 94% of households in the community.

- c) Discussion of Sand and Gravel Operations

The Board discussed the matter to some length, and resulting from everyone's comments, it was decided to hold a workshop on September 15.

- d) Discussion of Loam Extraction Permits - George Parsons

George Parsons explained that he had a permit which expired, he went to the Building Inspector's Office to apply for a renewal. He discussed his Letter of Intent.

After lengthy discussions;  
Tom Scharff motioned to table this request until after the

workshop of September 15.

Les Elder seconded.

Vote: U/A

Tom Scharff motioned that there should be enforcement of the ordinance to full extent. (Arthur Sweat's site)

Otis Perry seconded.

Mr. Collins stated that Mr. Sweat did come in for an application.

Tom Scharff motioned that he would like to see this go further to cease and desist until this permit is assumed.

Otis Perry seconded.

Vote: U/A

**ITEM #9: Old Business**

a) Discussion of Aquifer Recharge Growth Management Ordinance

The City Council decided that the parcel (Map D, Lot 2, owned by Tamposi and Nash) originally excluded by the Planning Board should go back to the Planning Board to add back into the Aquifer Recharge Growth Management Ordinance.

Renny Perry explained that another public hearing should be held.

Les Elder motioned to accept.

Otis Perry seconded.

Vote: 7 FAVOR  
2 OPPOSED Harold Preston, Pattie Torr

Meeting adjourned at 10:50 P.M.