

DOVER PLANNING BOARD  
MINUTES OF MEETING

Meeting Held: January 21, 1986, Council Chambers, Municipal Building,  
Dover, New Hampshire.

Members Present: George Maglaras-Chairman, Harold Preston, Robert Seaver,  
Reynold Perry, Les Elder, Pierre Bouchard, Thomas Scharff.

Alternates Present: Otis Perry, Nancy Sousane

Also Present: Richard Selleck-Acting Planning Director, Berrie  
Donovan-Recording Secretary.

Mr. Maglaras called the meeting to order at 7:10 P.M. and explained that  
both alternates would be sitting in for Craig Williams and Robert Weisner.

(See attached Amendment Procedure)

Mr. Maglaras read the Amendment Procedure and gave a brief explanation.

Mr. R. Perry stated that it is not the intent of the Ordinance to get away  
from notifying abutters by mail, but only to decrease the cost from a  
certified mailing at \$1.67 per letter, to \$.22 per letter. He noted that  
the State statute only requires that notice be published in the paper and  
posted in three public places.

Public Hearing opened:

Mark Blumenthall, Bayview Road, spoke for a certified mailing and suggested  
that whoever supports the change in zoning would cover the cost.

Jim Verscheuren, Sixth Street, spoke in favor of eliminating the certified  
mailings, but was concerned with the waiver section of the proposed  
amendment stating that in the past when posted only in the paper, neighbors  
never knew. If the waiver is passed, multiple issues of the news ad should  
be considered.

Mark Blumenthall reiterated that first class mailings should be the least  
the Council should consider.

Public Hearing closed.

Mr. R. Perry explained that the Planning Board is considering switching the  
parking requirements in Zoning to the Site Review Ordinance, which would at  
this point, cost the City approximately \$20,000. This would be more a

procedural change, and a first class mailing should be sufficient.

In response to a question from Mr. Bouchard as to why the waiver is in the proposed amendment, Mr. Maglaras stated that several changes are being contemplated by the Planning Board that are comprehensive in nature...Growth Management Ordinance, parking now in Zoning, etc., and each time a change is made to bring the Zoning Ordinance in line with increased development in the City, the whole City must be notified by certified mail, at a cost of \$20,000.

Mr. Preston added that the Planning Board want to take Extraction out of Zoning, another City wide mailing.

Mr. Maglaras noted that if such changes are to be made, the City and the press would be arguing for some time, and through continuous articles in the newspaper and on the radio, most of the City should be aware of the changes.

Mr. R. Perry noted that the steps to change zoning are purposely slow to enable people to be aware. Even if a first class mailing is required, it is still costly and the Planning Board and City Council would think hard before making changes.

Mr. R. Perry noted that waivers would be in classes of zones, very large cases.

Mr. Seaver suggested removing "particular class" from the wording in paragraph 5.

Mr. R. Perry stated that the wording is that way to allow a waiver with a vast number of people involved.

Mr. Seaver suggested a footnote indicating that all "R" zones are a class, all "B" zones are a class, etc.

Mr. Maglaras noted that when he first discussed the subject with the Mayor, the wording was "if it affects two or more zoning districts within the City".

Mr. R. Perry stated that the City Council probably would not pass that wording as it would be too easy to waive.

Mr. Preston noted that the Zoning Map breaks the City into three "Districts"...Residential, Multi-Residential, and Commercial. He noted that even if the Planning Board waives a mailing, the City Council gets it after that.

Mr. Scharff motioned to accept the Amendment Change as it is. Mr. Seaver seconded.

Mr. Elder suggested a footnote to describe the three classes.

Mr. Scharff suggested sending additional information along, but not to footnote it.

Mr. Seaver noted that the public has some concerns voiced here tonight, and "particular class" is insufficient.

Mr. R. Perry suggested sending the amendment to the City Council as it stands, with a note that some definition should be considered of "particular class"...as it goes through the process it can be amended.

Mr. Maglaras noted that he would bring the Public's concerns to the Ordinance Committee, and that Mr. Scharff could present the concerns under the Standing Committee Reports at the City Council meeting.

Vote on motion: U/A

Item #2: Old Business.

a. Burger King.

Steve Moeser, Architect for the Burger King Site Review, explained that he is in for final approval, has presented a revised plan to the Board, as well as the surveyed plan they requested.

Mr. Maglaras noted that the Site Review Screening Committee has reviewed the 32 foot aisle width and is satisfied.

Mr. Seaver indicated that more of a traffic study/analysis should be required, and that only a traffic count was done.

Mr. Scharff expressed a concern regarding pedestrian traffic, and that it is practically impossible to cross the street from Locust Street to Burger King.

Mr. Maglaras noted that he checked the record and a trip generation is all that was asked of the applicant, and that is what was provided.

Mr. Bouchard noted that new demands are made of the applicant each time they come before the Board.

Mr. Bouchard motioned to approve the application for site review as presented, with sidewalks on one side of the building acceptable to the

City Council. Mr. Elder and Mr. Preston seconded.

Mr. Seaver noted that a stamped plan has been requested of the applicant many times, and that tonight is the first time a plan with a stamp has been presented. He stated that he felt the Planning Board has been acting in good faith.

Mr. Preston noted that the two surveys agree (that of Lord and of Burger King) with regard to the twelve foot mutual right of way and the boundary line. He noted that increased traffic could be blamed as well on the increase of development down the street.

Mr. Maglaras stated that the applicant would never have had to come before the Board if they had not added a greenhouse to the side of the building, that to delay would serve no purpose.

Mr. Elder moved the question; Mr. Preston seconded.

Vote U/A

Vote on motion: 7-1 (Seaver)

Item #3: New Business.

a. Planning Board By-Laws.

Mr. Maglaras noted that parts of the By-Laws have been lost and that the Board will discuss them next week as they just received a copy of them tonight.

b. Sewer Commission Resolution.

Mr. Maglaras noted that he met with the Sewer Commission to discuss community septic systems, and that the result is a resolution to require 150 percent capacity. He indicated he would ask the City Attorney regarding the Commission's role in requesting the Planning Board to pass a resolution such as this.

Mr. O. Perry suggested that the Commission's resolution is not enough to use for guidelines for community septic systems (CSS).

Mr. Maglaras stated that the WSPCC will set standards for the City to issue permits.

Mr. Bouchard spoke for back-up leachfields.

Mr. Maglaras stated he would get in touch with the WSPCC to see how other communities handle the CSS.

Mr. Seaver noted that criteria for review is necessary on the CSS, that they would not be allowed as a matter of right but should be handled on a site by site basis, and that a homeowner's association would sign a waiver establishing responsibility.

Mr. Maglaras noted that the City can require service contracts.

Mr. O. Perry suggested staying away from waivers; if a health problem develops, courts would mandate that the problem belongs to the City.

Mr. R. Perry noted that if the CSS were to be turned over to the City, an individual fee would be assessed just as if it were a sewer line, and the City would be responsible if anything were to go wrong.

Mr. Seaver suggested setting up a workshop to discuss the CSS.

c. Ordinance Calendar.

Mr. Maglaras suggested setting up a calendar regarding the proposed changes in the ordinances: parking, Conservation District, extraction industries, etc.

d. Tolend Associates subdivision on Tolend Road.

Mr. Seaver inquired as to the status of the subdivision, and whether the applicant has brought in language to place on the mylar indicating the proximity of the Tolend Landfill.

Mr. Scharff noted that the matter was to be referred to the City Attorney.

e. Butler/Foster subdivision on Dover Point Road.

Mr. Seaver motioned to approve the subdivision, Mr. O. Perry seconded.

Vote: U/A

Mr. Seaver motioned to adjourn; Mr. Preston seconded.

Vote: U/A

Mr. Maglaras adjourned the meeting at 9:10 P.M.

