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DOVER PLANNING BOARD  
MINUTES OF MEETING

Meeting Held: February 4, 1986, Municipal Building, Dover, New Hampshire.

Members present: George Maglaras-Chairman, Harold Preston, Robert Seaver, Craig Williams, Les Elder, Pierre Bouchard, Thomas Scharff

Alternates present: Nancy Sousane

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

Mr. Maglaras opened the meeting at 7:10 P.M., explained the Planning Board's procedure, and stated that Nancy Sousane would be sitting in as an alternate for Bob Weisner.

Item #1: Public hearing on minor subdivision of land owned by Ethan Pearson, Assessor's Map L, lot 112, zoned R-20 on Dover Point Road.

Ethan Pearson explained the minor subdivision, and stated that he received a variance from the ZBA for relief of frontage on a public right of way.

Public hearing opened: no comment  
Public hearing closed.

Mr. Bouchard questioned the setback of the shed from the property line on lot 1.

Mr. Selleck stated that a variance is not needed, that they are not expanding the non-conformity of the lot.

Mr. Preston motioned to approve the application for the Pearson minor subdivision as submitted. Mr. Scharff seconded.

Vote: U/A

Item #2: Request for waiver of parking lot setback requirements on land owned by Scotti Piano and Organ Sales, Assessor's Map 38, lots 5A, 5B, 5C, zoned B-3 at 863 Central Avenue.

Jay Stephens, engineer for Civil Consultants and representing Scotti Organ, explained the need for a larger parking lot and the fact that they want to pave to the property line. He noted that he has worked out the widening of the entrance, and has worked with Shaw's regarding the property line paving.

Mr. Maglaras read a letter from Shaw's stating no objection.

Public hearing opened: no comment  
Public hearing closed.

Mr. Williams questioned whether access could be via Shaw's, to which Mr. Stephens replied that they are working with Shaw's on that point.

Mr. Preston motioned to grant the waiver of the paving setback. Mr. Elder seconded.

Vote: U/A

Item #3: Public hearing on minor subdivision of land owned by John F. Kepics, Assessor's Map A, lot47, zoned R-40 on Sixth Street.

John Kepics explained that the subdivision removes the lot with the house on it from the larger subdivision.

Mr. Maglaras noted that the larger lot is the one the Site Review Screening Committee has seen for a major subdivision proposal.

Public hearing opened: no comment  
Public hearing closed.

Mr. Seaver stated that the Conservation District should be outlined along the brook.

Mr. Williams motioned to approve the Kepics minor subdivision subject to WSPCC approval, Driveway Permit and that the CD be outlined on the plan. Mr. Elder seconded.

Vote: U/A

Item #4: Public hearing on minor subdivision of land owned by George R. Parsons, Sr., Assessor's Map A, lot 36, zoned R-40 on Varney Road.

George Parsons explained the minor subdivision, and noted that frontage to the back lot was worked out at a previous Planning Board Meeting when he brought in a revised plan where the previous lot #3 is now the frontage and access to the back lot.

Public hearing opened: no comment  
Public hearing closed.

Mr. Bouchard inquired as to the site distance on lot C, to which Mr. Parsons explained that he has moved the right of way down so the site distance is no problem.

Mr. Bouchard stated that he does not want the City libel for water across the road and questioned the culvert situation.

Mr. Parsons stated that there is a swail between the road and the lots, and that the culverts are being directed toward the right of way which will be addressed in the future at the time the back land is developed.

Mr. Seaver motioned to approve the Parsons minor subdivision subject to WSPCC approval, Driveway Permit, and that the City not be libel for drainage from the culvert. Mr. Elder seconded.

Vote: U/A

Item #5: Old Business.

a. Approval of minutes.

A list of corrections on the October 8, 1985 and October 29, 1985 minutes was issued to Planning Board members.

Mr. Scharff motioned to approve the minutes of October 8, 1985 and October 29, 1985 as amended. Mr. Elder seconded.

Vote: 6-0 (Williams abstained)

Mr. Elder motioned to approve the minutes of November 26, 1985, amending them to read that Dick Selleck was not present at the

meeting. Mr. Preston seconded.

Vote: U/A

Mr. Williams motioned to approve the minutes of December 10, 1985 and December 17, 1985 as amended. Mr. Elder seconded.

1. December 17, 1986 amended to read "Les Elder arrived beginning of Item #2.
2. December 17, 1986: page 3, Jim Verscheuren (spelled wrong).

Vote: U/A

Mr. Seaver motioned to approve the minutes of January 7, 1986 as amended. Mr. Elder seconded.

1. Amended to read that Les Elder arrived in the middle of Item #3.

Vote: U/A

b. Mr. Maglaras stated that he would be meeting with the City Attorney regarding the pending court cases. (Elliott Rose vs. City of Dover; Demosthenes vs. City of Dover)

Item #6: Old Business.

- a. Postponed to be considered after Item b.
- b. Peter Widmark, minor subdivision, Hartswood Drive.

Mr. Seaver expressed concern that the thirty day time period to act on this subdivision will expire next week and no action has been taken by the Planning Board.

Mr. Maglaras stated that the Planning Board took action by telling Mr. Widmark that certain conditions had to be met.

Mr. Preston motioned to approve the Widmark minor subdivision subject to their obtaining Driveway Permits, providing a suitable turnaround on Hartswood Drive, WSPCC approval, and that the plan be properly stamped by a New Hampshire Licensed Land Surveyor. Mr. Williams seconded.

Vote: U/A

a. Request for waiver of underground utilities on approved major subdivision plan of Charles Mutrie, located on Henry Law Avenue and Back Road.

Mr. Mutrie explained that WSPCC approval has been granted. He stated that extensive blasting will have to be done in order to install the underground utilities required in the subdivision ordinance, and that many of the remaining trees on the lots will be destroyed. He noted that the above-ground utilities are not detrimental to property values, and will not take away from the aesthetics of the subdivision.

Mr. Elder inquired as to whether Mr. Mutrie had any indication during the preliminary planning stages of the amount of ledge involved, to which Mr. Mutrie replied that ledge is not always predictable, in fact only predictable 40% to 50% of the time.

Mr. Elder questioned when Mr. Mutrie discovered that the over-head utilities would have less impact, before or after Planning Board approval of the application.

Mr. Mutrie replied that he did not know.

Mr. Williams noted that the land will have to be blasted for sewer and water pipes, that so many trees have been cleared already, why the concern for damaging more?

Mr. Mutrie stated that utilities would go along the sides of the road, that he had wanted to use an alternative design system but the ZBA turned him down, and in order to set up a conventional subdivision, the destruction of the trees was necessary. He noted that he would go willingly with whatever the Board decided, but was just trying to save some trees.

Mr. Preston noted that the more digging done the more the root systems of the trees is disturbed.

Mr. Bouchard motioned to grant the waiver; Mr. Preston seconded.

Mr. Seaver noted that they need two trenches for water and sewer, a third should not be that much more.

Vote: 3-4 (Scharff, Seaver, Sousane, Williams)

Mr. Mutrie asked if the mylar could be signed this evening.

Mr. Maglaras noted that the Homeowner's Association has not yet been approved by the Planning Board.

Mr. Mutrie noted that a problem exists between his lawyer, the City Lawyer and the Planning Board, that communication is poor.

Mr. Scharff noted that he preferred that the City Manager direct the City Attorney to resolve the differences in the language of the Homeowner's Association with Mr. Mutrie's attorney and that no discussion take place now.

Mr. Maglaras noted that the City Attorney has stated that the directive was that the Planning Board wanted to deal with the language, therefore he does not want to deal with Mr. Mutrie's lawyer...the Planning Board should.

Mr. Mutrie noted that the language in the homeowner's association will be changed to allow for the City to accept the retention pond after twenty years.

Mr. Williams asked how much it would cost to maintain the retention pond, to which Mr. Mutrie stated that there is no indication it has been maintained.

Mr. Bouchard stated that the cost would depend on how the homeowner's wanted the pond to look.

Mr. Maglaras questioned whether the deeds should have covenants.

Mr. Mutrie stated that the covenants are recorded and run with the property, that the plan and page numbers are in the deeds.

Mr. Bouchard stated that the Peter Rousseau is not yet in place, that we should go to the City Attorney with the corrections and revisions and come back to the Board with a letter from Scott.

Mr. Maglaras stated that he would meet with the City Manager and City Attorney within the next two days.

Mr. Elder stated that when this is brought up for final approval he would like the City Attorney to be present.

Mr. Maglaras stated that this issue will come under Old Business on the Planning Board agenda next week.

Mr. Elder motioned to adjourn the meeting. Mr. Preston

seconded.

Vote: U/A

Mr. Maglaras adjourned the meeting at 9:00 P.M.