

E. L. Elder

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting Held: March 11, 1986, Municipal Building, Dover, New Hampshire.

Members Present: George Maglaras-Chairman, Harold Preston-Vice Chairman, H. Les Elder, Robert Seaver, Craig Williams, Otis Perry, Reynold Perry-City Manager, Pierre Bouchard, Thomas Scharff.

Alternates Present: Nancy Sousane, Patricia Torr.

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 the Alternates would be sitting in for experience, but not voting or debating.

Item #1: Election of Planning Board Officers.

Mr. Maglaras explained that the election of officers is normally done in January, but this year the Planning Board voted to postpone them until all positions on the Board were filled.

Mr. Seaver motioned to suspend the rules and postpone the election to the end of the meeting. Mr. Elder seconded the motion.

Vote: 3-5, motion failed.

Mr. Preston motioned to nominate George Maglaras as Chairman; seconded by Mr. Scharff.

No other nominations were offered.

Mr. Maglaras instructed the secretary to cast one ballot for himself.

Mr. Seaver motioned to nominate Mr. Preston as Vice-Chairman; seconded by Mr. Elder.

No other nominations were offered.

the applicant.

Mr. Seaver agreed that it would not be fair for the applicant to walk out of the meeting without a decision.

Mr. Otis Perry motioned to approve the minor subdivision as submitted. Mr. Bouchard seconded.

Mr. Williams suggested that the subdivision is a porkchop shaped lot, and that in the future a variance may be required to build on the remaining lot.

Mr. Seaver suggested the motion to approve be expanded to include "subject to WSPCC approval, City Septic approval, Driveway Permit, and that a chord be shown across the front of the property.

The mover and seconder agreed.

Mr. Scharff noted that the Board is determining "close proximity" to some extent by not including a notation on the mylar to the proximity of the Tolend Landfill.

Vote on motion: 6-2 (Elder, Scharff) motion carries.

Mr. Maglaras instructed the applicants to meet the conditions of approval and he would stamp the mylar.

Mr. Kerry Forbes asked Mr. Maglaras if the Planning Board is obliged to follow policy of the City Council.

Mr. Maglaras stated that the Planning Board is not obliged to do so.

Item #3: Old Business.

a. Minor subdivision of land owned by Paolini Trust Development, corner of Lexington and Silver Streets.

In response to a question from Mr. Maglaras, Mr. Preston stated that the public hearing has been closed on this item.

Kevin McEneaney, engineer for the project, noted that at a site review of the property by the Planning Board, it was determined that the front porch and steps be shown on the plan with setbacks, and that some sort of parking and access easement

Mr. Bryant stated that there is sound reason for a zoning change in the area and noted that the applicants had not purchased the property as of the last meeting; that they proceeded to obtain a Building Permit for four units. He noted that the applicants are in this for profit and have taken their own chances. He asked the Board to postpone action until the rezoning is considered, and he would like to be able to speak to the Board at the next meeting.

Mr. Nossif stated that there are economic motives involved, but they did not expect opposition to the proposed subdivision. He noted that they would have forfeited \$10,000 if they had not closed last Monday.

Mr. Preston added that he wants to see the full porch on the plan.

Mr. Maglaras declared a two minute recess.

b. Amendment to Zoning to change the notification procedure to amend the Zoning Ordinance.

Mr. Scharff noted that the City Council made three changes in the amendment:

1. Paragraph one: 5 "working" days.
2. Paragraph five: delete Planning Board from waiver process.
3. Paragraph five: change in definition of "comprehensive in nature".

Mr. Scharff noted that he disagreed with the changes but the Planning Board should see if it works as approved.

Mr. Seaver asked if the Council was aware that the waiver was in there for administrative purposes.

Mr. Scharff stated that the Council is aware and that the change came as a result of the comments of the same people who had spoken at the Planning Board hearing.

Mr. Preston stated that extra help would be necessary to complete all the mailings.

Mr. R. Perry stated that help would be provided when necessary.

the comments of the Planning Board and Conservation Commission in order to grant the right to build in the District.

Mr. Maglaras read the letter from the Conservation Commission.

Mr. Bardwell stated that he is six feet above high water.

Mr. Williams stated that if Mr. Bardwell combined the two lots on the plan it would be in the City's best interest.

Mr. Williams motioned to approve the request subject to WSPCC approval, City Septic approval, and a Driveway Permit. Mr. Scharff and Mr. O. Perry seconded.

In response to a question from Mr. O. Perry as to why the conditions must be set in this case, Mr. Maglaras stated that the Planning Board will be passing contingent upon creating a buildable lot; that if no approvals are granted, they have not created a substandard lot. Also, the ZBA's decision is nullified if the lot does not perc.

Vote: U/A

Mr. Maglaras stated that a letter will be sent to Mr. Joy, Chairman of the ZBA stating that the Planning Board has no objection to the encroachment of the CD.

Other Business As Presented:

a. Mr. Maglaras noted that he will sign Charlie Mutrie's mylar for the Henry Law subdivision as soon as the above-ground utilities in the covenants of the homeowner's association is struck. He noted that there were seven changes to the covenants, the only one of concern to the Planning Board was the above-ground utilities.

Mr. Williams asked to step down from the Board to discuss the Elliott Greenhouse site review.

Mr. Maglaras noted that he did not want to jeopardize the City's position, and that he wanted no further discussion of the project. He noted that any further discussion would be called out of order.

Mr. Maglaras stated that the Board would go into Executive

Mr. Forbes stated that it is not fair to pass a policy and make it an ordinance. He stated that there has been no problem with the test pits in the area to justify wording on the mylar and deeds as to its close proximity, and that the City has not offered to reduce taxes or take the land involved. He stated that there is no evidence for measures debated by the Planning Board.

Mr. Maglaras stated that the Tapscott case must be reviewed on the March 25, 1986 agenda, as per order of the Court.

Mr. Seaver motioned to adjourn. Mr. Williams seconded.
Vote: U/A

Mr. Maglaras adjourned the meeting at 9:15 P.M.