

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting Held: April 22, 1986, Municipal Building, Dover, New Hampshire.

Members Present: George Maglaras-Chairman, Harold Preston, Robert Seaver, H. Les Elder, Thomas Scharff, Pierre Bouchard, Reynold Perry, and Otis Perry (arrived late)..

Alternates: Nancy Sousane, Patricia Torr

Also: Richard Selleck-Building Inspector, William Collins-Planning Director, Berrie Donovan-Recording Secretary

Mr. Maglaras called the meeting to order at 7:10 P.M. and stated that Ms. Torr would be sitting in for Craig Williams.

Item #1: Public hearing on site review of land owned by Dover Industrial Development Association (applicant: Forum Development), Assessor's Map G, lot 1, zoned I-1 on Crosby Road.

Mr. Maglaras explained that this item should have been advertised as a site review and that an addendum to the notice was published in Foster's stating so.

Mr. Otis Perry assumed his seat on the Board.

Mr. Maglaras stated that the applicant has met with the Site Review Screening Committee (SRSC), and has met all concerns of the members of that committee.

Mike Guilfooy, engineer from Richard P. Millette Associates, representing the applicant, noted that this is a simple site review for a multi-use industrial building. He noted that they are moving the water line to the back of the building and have been working with the Public Works Department on that. He stated that there would be possible employment of 378 people, and that the 13,000 gpd is based on that possibility. He noted that there are three drainage swales, one on each side of the building and one in the middle.

Public hearing opened: no comment
Public hearing closed.

Mr. Guilfooy noted that they are waiting on a discharge permit

and that all other permits have been received.

Mr. Seaver motioned to approve as accepted. Ms. Torr seconded.

Mr. Maglaras asked the mover and seconder to amend the motion by approving subject to conditions set forth by the SRSC. Both agreed.

Vote: U/A

Item #2: Public hearing on site review of land owned by Dan and Polly Webber (Polly's Fashions), Assessor's Map 40, lot 25, zoned B-3 at 52 Old Rochester Road.

Dan Webber explained the site review.

Mr. Maglaras stated that Dan has met with the SRSC several times and has met all concerns.

Mr. Elder inquired if all abutters are in the B-3 zone; Dan stated that they were not.

Mr. Otis Perry motioned to accept the application; Mr. Preston seconded.

Vote to accept: U/A, motion passed.

Dan explained that an addition would include more retail space and a home for his family. He noted that he had received a variance from the Zoning Board of Adjustment to expand the existing retail area and add one apartment on the second floor in a B-3 zone.

Ms. Torr inquired as to whether he would require a dumpster, to which Dan responded that he would not.

Public hearing opened: no comment
Public hearing closed.

Mr. Scharff asked for a point of clarification and stated that the applicant may need a waiver of the requirement stating that where a non-residential district abuts a residential district the minimum sideyard requirements shall be twenty feet. Mr. Webber only has 14 feet.

Alternate Nancy Sousane arrived at this point, but did not take

part in the proceedings as an alternate.

Mr. Maglaras stated that "district" means zoning district.

Mr. Selleck responded that fencing would be required if a commercial abuts a residential property.

Mr. Maglaras stated that this precedent has been set in the past.

Mr. Bouchard noted that the right of way is 66 feet wide and the City will have problems with it in the winter. Therefore he wants to go over it with him.

Mr. Preston motioned to approve subject to SRSC comments; Mr. Elder seconded.

Vote: U/A motion approved.

Item #3: Public hearing on site review of land owned by Davidson Rubber Company, Inc., Assessor's Map G, lot 3B, zoned I-1 in the Industrial Park.

No one was present to explain the proposal.

Mr. Maglaras stated the Board would move on to the next item in hopes that someone would appear to explain the Davidson proposal later in the proceedings.

Item #4: Public hearing on minor subdivision of land owned by Charles E. and Goldie E. Day (applicant: Tomasian & Attalla Realty, Nashua), Assessor's Map E, lot 22E on Sixth Street.

Brian Berlin of Berry Surveying represented the applicant and explained the minor subdivision of two lots. One lot would be 52.25 acres, the other 3 acres containing an existing house. He noted that State approval for subdivision has been applied for. He stated that an easement would be given to the owner of the cemetery.

Public hearing opened: no comment.

Public hearing closed.

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

Vote: U/A to approve

Item #5: Public hearing on site review of land owned by John Newick (applicant: Newick's Lobster House), Assessor's Map 8, lot 13A-1, zoned B-1 at 431 Dover Point Road.

Mr. Maglaras stated that several waivers are involved in this issue and that the SRSC has concerns over all requested waivers.

Mr. Seaver motioned to accept the application; Mr. Scharff seconded.

Vote: U/A to accept the application.

Jack Newick explained the 30'x40' addition to Newick's restaurant.

Public hearing opened: no comment.
Public hearing closed.

Mr. Maglaras noted that the Board would act on each waiver individually if the Board voted to approve the application as a whole.

Ms. Torr motioned to approve the site review subject to conditions; Mr. O. Perry seconded.

Mr. Maglaras explained the first waiver for screening of the dumpster.

Mr. Newick stated that the dumpster is screened by the restaurant and is only visible from his house.

Mr. O. Perry motioned to grant the waiver; Mr. Bouchard seconded.

Vote: 5-3 to grant the waiver (Elder, Torr, Preston voted against)

Mr. Maglaras explained the request for waiver of paving the parking lot.

Mr. Elder motioned to approve; Ms. Torr and Mr. Preston seconded.

Mr. Maglaras stated that no site review was involved when the restaurant was rebuilt after the fire, and that there were

several concerns on the part of the Planning Board and City Council when it was doubled in size from the original building. He noted that this was administratively approved by the Planning Director at the time and as such was lumped in with several other site reviews administratively approved, and presented to the City Council for bulk approval, after it was determined that it was illegal to approve a site review without a public hearing.

Mr. Scharff stated that he understood the concerns not to pave this particular lot, but would it be setting a precedent?

Mr. Preston stated that the property is situated on a dead end road and has been unpaved for four years.

Mr. Maglaras noted that the Board must have some concern as to how it will deal with future requests of this sort.

Mr. Newick stated that paving would ruin the atmosphere, and the lot is partially paved now.

Vote on request to waiver paving the parking lot: 1-6, waiver denied (Preston voted for the waiver).

Mr. Newick stated that this vote would negate his request for the addition as the cost would be prohibitive to pave the lot.

Mr. Maglaras asked the Board for some indication as to alternate plans for the paving of the lot.

Mr. R. Perry stated that he would be agreeable to some paving of the aisles leaving the remainder unpaved, but would have to see a plan for such a proposal.

Mr. Maglaras stated that paving cannot take place in the Conservation District and would need a special exception.

Mr. Elder noted that there are 50 extra spaces and no paving would be necessary.

Mr. Maglaras explained the request for a waiver of boxed lighting of the parking lot.

Mr. Newick explained that the flood lights in the lot were new three years ago, that the restaurant closes at 8:00 P.M. when the lights are turned off.

Mr. Otis Perry motioned to grant the request for waiver of the boxed lighting in the parking lot; Mr. Seaver, Mr. Preston and Ms. Torr seconded.

Vote to grant waiver of boxed lighting in parking lot: U/A to approve.

Vote on main motion to approve the site review: U/A to approve

Mr. Maglaras explained the request to waiver the entryway curbing.

Mr. Seaver motioned to grant; Mr. Bouchard seconded.

Mr. O. Perry suggested it be considered as part of the paving issue.

Vote on waiver of paving entryway curbing: 0-8 waiver denied.

Mr. Preston stated that an on site review is in order.

Mr. Maglaras set up an on site review for April 24, 1986 at 5:00 P.M. to review the issues, and stated that the project will be under Old Business on the next Planning Board agenda.

Item #6: Public hearing on minor subdivision of land owned by James E. Beckingham, Jr., Assessor's Map E, lot 57G, zoned RM-20 at 345 Littleworth Road.

Jay Beckingham explained the request to divide the existing lot into two lots.

Public hearing opened: no comment
Public hearing closed.

Mr. Seaver motioned to approve subject to the notation on the plan that the remaining parcel be noted "lot #1", that the abutters across the street be noted on the plan, and that WSPCC, City Septic and Driveway permits be obtained. Seconded by Mr. Elder.

Vote: U/A to approve application for minor subdivision.

Item #7: Public hearing on rezoning proposal as presented by petition of residents of the Silver/Lexington Street area. Mr.

Maglaras stated that the Board must hold a public hearing on a petition presented by the City Council within 31 days of its referral by the Council to the Board, and in this case the Board has not had time to research the request. Mr. Maglaras apologized for calling Attorney Donald Bryant a "hired hand" at a previous meeting.

Public hearing opened: Donald Bryant, 7 Arch Street, explained that the residents of the area want to preserve and protect the aesthetics of the neighborhood. He noted that present zoning has allowed deterioration of the area, and that lately there have been two separate proposals involving subdivision placing four units on each lot which involve 16 parking spaces. He noted that this is detrimental to the area. He noted that the impact on the sewer, schools and traffic flow has increased. He noted that it was apparent that the Chairman of the Planning Board was against the rezoning proposal and therefore the Board would not approve the request. He requested that the Board recommend the rezoning to the City Council.

Richard Monticello noted his opposition to the proposal and noted that the area has improved in appearance over the past years as can be seen in the East Concord Street area.

Tom Dunnington, 230 Washington Street, stated he would be for an historical district, that he would be willing to tie his hands financially and is more concerned with the quality of life in the area.

Mark Adams, 15 Cushing Street, spoke for a change to maintain the character of the area.

Mike MacDonald, 136 Silver Street, noted that 80% of the houses in the area are single family or duplexes.

William Gilles, 20 Lexington Street, noted that there has been a change for the worse in the character of the neighborhood.

Eleanor Bryant, 7 Arch Street, noted that there has been an increase in the Woodman Park School population.

David Dopp, 120 Silver Street, noted that 49% are single family homes, and 31.4% are two family homes. He noted that the area may be better suited for an R-12 district.

Theresa Foley, 129 Silver Street, read a letter from a neighbor supporting the requested change in zone.

Tessa MacDonald, 136 Silver Street, noted that funds are available to preserve the color, character and beauty of the area from the New Hampshire Council on Humanities and Dover Community Foundation .

Dr. Galt, Central Avenue, spoke for the proposal.

Jim Swain, 24 Lexington Street, noted that he has put \$100,000 into improvements in the home he purchased six months ago and spoke for the rezoning.

Bernard Duffy, 163 Silver Street, and Bill Head, 8 Arch Street spoke for the rezoning.

Jim McAdams, spoke of the history and maintaining the character of the neighborhood. He also stated he attended the meeting because he had read this issue would be turned down by the Board.

Earl Cheney, 260 Washington Street, noted that the Board would be setting a precedent in rezoning here, and not to lose sight of the rest of the city.

Franklin Torr, 1 Old Littleworth Road, urged that the City continue on with the master plan and urged development of the 1990 proposal.

Caroline Foley, 129 Silver Street, spoke for the rezoning.

Public hearing closed.

Mr. Maglaras asked the public to disregard the news articles regarding this proposal, and noted that this district does need attention. He urged Councilman Scharff to request a 90 day extension for this issue, and noted that not building permits could be issued which would be affected by the proposed change suggested by this petition. He noted that the staff shortage is hampering any work on this petition and urged members of the public to drop off any info pertaining to the rezoning in the Planning Office.

Mr. Preston noted that the current RM-10 zone has 60 lots with the required 80 foot frontage, and that the proposed RM-12 zone would create only 9 lots with the required 125 foot frontage required in that zone.

Mr. Maglaras noted that we are not tied to the existing zones and that a new zone could be created. He noted that a workshop would be scheduled for May 6.

Mr. McAdams inquired as to whether subdivisions could be considered by the Board during the 90 day extension period.

Mr. Maglaras stated that he would consult the City Attorney on this matter.

Item #3: Site review of Davidson Rubber.

Mr. Maglaras noted that still no one has appeared to present this proposal and entertained a motion to accept the application.

Mr. Elder motioned to accept the application; Mr. Seaver seconded.

Vote: U/A to accept

Public hearing opened: no comment
Public hearing closed.

Mr. Maglaras asked members if they wanted to consider the application without a representative of the proposal present.

A vote was taken, 2-6, to postpone action until the applicant is present.

Item #8: Old Business.

a. Review of application for site review of land owned by Ernest Carrier, Assessor's Map 30, lots 139, and 140, zoned O at 672-674 Central Avenue.

Mr. Maglaras explained that a site review had been held on the property.

Ms. Torr motioned to approve the application subject to snow being removed off the site. Mr. Elder seconded.

Vote: U/A to approve.

Item #8: Old Business.

- a. Mr. Scharff spoke on the workshop for April 29, 1986. Topics of consideration would be: discussion on historic districts, expansion of the Conservation District, RM-12 zoning regulations, and scenic roads.
- b. Mr. Maglaras stated that he was working on a three month calendar of events.
- c. Discussion on the CWD: criteria should be established for the setback requirement, and the City should establish the right of way through the area.
- d. The last minutes approved were those of March 11, 1986.

Mr. R. Perry motioned to adjourn; Mr. Scharff seconded.

Meeting adjourned at 10:05 P.M.