

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting Held: September 30, 1986 in the Council Chambers of the Municipal Building in Dover, New Hampshire

Members Present: George Maglaras-Chairman, Harold Preston, H. Les Elder, Patricia Torr, Pierre Bouchard, Thomas Scharff, Otis Perry

Also Present: Bill Collins-Planning Director, Berrie Donovan-Recording Secretary

Mr. Maglaras called the meeting to order at 7:05 and explained the proceedings.

Item #1: Consideration of minor subdivision of land owned by Arthur G. Thomits, Assessor's Map M, lot 92, zoned R-40 on Back Road. (2 lots)

Skip Thomits explained the minor subdivision briefly.

Mr. Preston motioned to accept the application for discussion; Mr. Elder seconded.

Vote: U/A to accept for discussion

Public hearing opened: no comment
Public hearing closed.

Mr. Bouchard motioned to approve the application for minor subdivision subject to WSPCC approval, City septic approval and that a Driveway Permit be obtained.

Item #2: Consideration of minor subdivision of lane owned by Muriel McDuffee, Assessor's Map B, lot 23C, zoned R-40 on County Farm Road. (2 lots)

Don Sirois who held an option on the land, explained the minor subdivision was for him to build a house on one parcel.

Mr. Scharff concern with the Conservation District as noted on the plan.

Mr. Sirois explained that the area was actually a beaver dam causing seasonal wetness.

Mr. Scharff motioned to accept the application for discussion; Mr. O. Perry seconded.

Vote: U/A to accept for discussion

Mr. Collins explained that a variance has been obtained from the ZBA for relief of frontage on the proposed new lot.

Public hearing opened: no comment
Public hearing closed.

Mr. Maglaras questioned whether the water table around the dam is subject to change, to which Mr. Sirois responded that it is and that the high water mark is what is noted on the plan.

Mr. Preston recommended that the mylar be corrected to remove the right of way over the land. He noted that the right of way was ownership, not a right of way.

Mr. Preston motioned to approve the application for minor subdivision subject to noting the Conservation District correctly on the brook, removing the right of way notation on the plan, that a Driveway Permit be obtained, WSPCC approval, and that the word "pondage" be removed from the plan.

Vote: U/A to approve

Item #3: Consideration of acceptance of minor subdivision of land owned by Donald & Marjorie Kimball, Stanley & Miriam Allen, Edmond Daigle, and Ann Shine, Assessor's Map 8, lot 8, zoned R-20 on Dover Point Road.

Jim Noucas, Attorney representing the Kimballs, explained the history of the subdivision.

Mr. Preston questioned note #4 on the plan and stated that the Planning Board requires a survey of the perimeter, that a precedent will be set if an illegal subdivision is approved, and that the distances on the plan do not agree with the deeds.

Mr. Maglaras noted that this is definitely a minor subdivision, not a minor lot line adjustment.

Mr. Collins noted that the line between the Davis & Daigle/Shine lot needs to be certified.

Mr. Maglaras noted that lot #1 can be combined with the front lot

without a variance and that the lot line needs certification.

Mr. Scharff motioned not to accept the application for discussion based on the conflict between the warranty deed and the plat; Mr. Preston seconded.

Vote: U/A not to accept the application for discussion

Mr. Maglaras instructed the applicant to get a perimeter survey completed on the property and explained again that note #4 on the plan states that the lot lines are estimated.

Item #4: Lot line adjustment of land owned by William McQuade, Assessor's Map 28, lots 17, 18A, 19, & 19A, zoned RM-20, B-3, and R-12 on Oak Street.

Mr. McQuade explained the minor lot line adjustment.

Public hearing opened:

Roland Hemond, 10 Oak Street, opposed the lot line adjustment if it applies to the next item on the agenda, the site review.

Mr. Maglaras noted that the law protects the developer in the sense that this application is to be acted on completely independent of the next item.

Mr. Collins further explained that if this application is not approved, it does not mean the site review will not be approved. He noted that the B-3 lot is independent, and may be sold later as a result of this lot line adjustment.

Public hearing closed.

Mr. Preston motioned to approve the minor lot line adjustment; Mr. O. Perry seconded.

Vote: U/A to approve

Item #5: Consideration of site review of land owned by Rowe Leasing Corp. (lot 19A) and Rowe Chevrolet Co. (lot 17) (applicant: McQuade Realty, Inc.), Assessor's map 28, lots 17, 19A, zoned RM-20 and R-12 on Oak Street. (24 condo units)

Mr. McQuade explained the 24 townhouse units.

Mr. Elder stated that the new plan was received late by Board members and he for one has not had a chance to review it, and requested that Mr. McQuade explain the differences in the two plans.

Mr. McQuade stated that the changes are technical and that the City Engineering Dept. was late in reviewing his plan, therefore the changes they recommended were not received in time for him to incorporate the changes in his plan and present it to the Board any earlier than they received it.

Mr. Collins stated that a traffic study was not required by the Technical Review Committee because there are two points of access and a study has never been required of a project as small as this. He noted that the Committee discussions centered around the access/egress and site distance at those points.

Mr. Scharff motioned to accept for discussion; Ms. Torr seconded.

Vote: U/A to accept for discussion.

Mr. Collins explained the comments from the Technical Review Committee:

1. A request for a waiver of the 12 inch water line; the existing water lines on both ends are six and eight inches.
2. The entrance should be curbed.
3. The fire hydrants must be relocated.
4. Several technical comments from Engineering must be addressed.

Public hearing opened:

George Moges spoke against and expressed concern with the traffic and noted that the growth within 200 yards of the proposed project is incredible.

Linda Robeck, Oak Street, spoke against citing traffic congestion.

Roland Hemond, 10 Oak Street, spoke against citing traffic congestion and problems with the sewer line.

Public hearing closed.

Mr. McQuade stated that the project does not exceed the minimum zoning requirements, that this is a small project of 24 units and

will have a small impact on the traffic and sewer.

Mr. Bouchard noted that the current widening of Central Avenue will improve the Oak Street intersection.

Mr. Scharff noted that the City Council is favorable to the widening as well as the installation of a traffic light.

Mr. Maglaras noted to the public that the Technical Review Committee has addressed the concerns mentioned before the project even reaches the Planning Board stage.

In response to a question from Mr. Scharff regarding the number of school age children the project will house, Mr. McQuade stated that the School Committee's Long Range Planning Committee concludes that a 24, 2-bedroom project will produce a fraction of a student.

A site review was scheduled for October 2, 1986 at 4:30 P.M. It was requested that the centerline of the entry way be staked as well as the entrances from Oak and Varney Streets.

Mr. Elder asked if the pavement to the left of Yield House is to be removed to which Mr. McQuade responded that it will.

Item #6: Consideration of minor subdivision of land owned by Nickolas C. Skaltsis, Assessor's Map 27, lot 286, zoned B-3 and R-12 at the corner of Broadway and Rose Streets. (2 lots)

Dana Lynch, engineer from Civilworks and representing the applicant explained the minor subdivision and explained that a variance has been granted by the ZBA to build a structure closer than 100 feet to a public right of way because of the various zones involved in the parcel.

Mr. Elder motioned to accept for discussion; Mr. Scharff seconded.

Vote: U/A to accept.

Public hearing opened: no comment

Public hearing closed.

Mr. Preston motioned to approve the application as submitted; Ms. Torr seconded.

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

Item #7: Consideration of acceptance of site review of land owned by Nickolas C. Skaltsis, Assessor's Map 27, lot 286, zoned B-3 and R-12 at the norner of Broadway and Rose Streets. (1,000 sq. feet office space; 5,000 sq. feet retail)

Mr. Skaltsis explained his intention to move Hampshire Aluminum from its present location to this proposed location. He noted that a previous attempt to use the land as residential property was shot down by the ZBA.

Mr. Collins explained that the variance for this project was obtained because the code states that a 50 foot extension is allowed into another zone, but is not to be within 100 feet of a public right of way in the less restricted zone.

Mr. Scharff requested that the ZBA minutes be placed in the file.

Mr. O. Perry motioned to accept for discussion; Mr. Elder seconded.

Vote: U/A to accept

Mr. Collins read the Technical Review Comments dated September 23, 1986 and stated that the engineering comments on the current site plan should be included in the approval.

A site review was scheduled for October 2, 1986 at 5:15 P.M. The developer was requested to stake the four corners of the commercial building and the driveway entrance.

Item #8: New Business.

a. Selection of three members as Dover representatives to the Strafford Regional Planning Commission.

Mr. Collins explained that the number of slots for each City is based on the last Federal census (1980) and that Dover is eligible for three. The Committee meets every other month on the third Tuesday of the month, the Executive Committee meets Tuesday mornings at Weeks once a month, the terms are for four years, that it is customary for one of Dover's members to be on the Executive

Committee and that normally one staff member, one Planning Board member and one citizen are appointed.

Mr. Otis Perry and Mr. Scharff expressed interest in the positions.

The Chair cast a ballot for Mr. O. Perry and Mr. Scharff and requested a memo be sent to Mr. McQuade of the City Council Appointments Committee notifying him of the new appointments.

b. Policy Manual (see attached)

Mr. Collins noted that the list of items to be discussed are areas in which he would like guidance from the Planning Board in interpreting the code.

1. If garages are attached they are part of the principle structure.
2. If the square footage is increased, the non-conformity is increased.
3. Give discretion to the Planning Director, but accountability to the Planning Board.
4. Fees should be charged for review of accessory buildings, but revise the fee structure to incorporate them.
5. There should be a general definition of "petition" indicating the number of signatures required, a reasonable fee, the merits of the request should be articulated, and the Planning Board should be allowed to discuss the petition and decide whether to accept it or not.
6. Stairways, eaves, decks and porches should be allowed to encroach three feet into the setback. This provision should be incorporated into the revision of the zoning code.
7. Abutter: Abide by State definition which states "direct" only.
8. Special Exceptions: the ZBA now requires that a special exception application have a site plan with Technical Review Approval. Joint meetings should be more frequent.

Item #9: Old Business.

a. Discussion on draft of revisions to the Conservation District.

Add the language "a boat dock or mooring" to the proposed ordinance, as well as "will be no negative environmental impact".

Stipulate that the diameter of trees shall be five feet at the basal area of the tree.

The Board recommended the proposed Conservation District Ordinance be moved to a public hearing.

b. Discussion on the status of Lancaster Street.

Mr. Preston explained again that the City Attorney has proposed a resolution to abandon Lancaster Street, and that the line needs to be established. He indicated that Mr. Colbath in the Assessor's Office remembers the Council abandonment of the street sometime around 1937. Further research needs to be done.

c. Approval of minutes.

Mr. Elder motioned to approve the minutes of March 11, March 25, April 8, and April 22, 1986; Ms. Torr seconded.

Vote: U/A to approve.

d. Discussion on Cocheco Street setback requirements.

Mr. Maglaras removed himself from the Board for this discussion; Mr. Preston assumed position as Chair.

Mr. Elder motioned to set the front setbacks in the CWD to 0 feet; Mr. Bouchard seconded.

Mr. Collins stated his opinion that a new public hearing should be held on the issue.

Mr. Elder and Mr. Bouchard withdrew the motion.

Mr. Elder motioned to send the issue to a new public hearing; Mr. Bouchard seconded.

Vote: U/A to approve the motion

e. Mr. Collins introduced new City Planner/Community Development Coordinator, Jim Chaput.

Mr. Elder motioned to adjourn the meeting; Mr. O. Perry seconded.

Vote: U/A to adjourn

Mr. Maglaras adjourned the meeting at 10:40 P.M.