

**DOVER PLANNING BOARD
MINUTES OF MEETING**

Held: January 22, 1985
Council Chambers
Municipal Building
Dover, NH

Members Present: Chair George Maglaras, Vice-Chair Harold Preston, Stephanie Faria, R. Craig Williams, H. Les Elder, Robert Steele, Pierre Bouchard, J. Andrew Galt.

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon, Recording Secretary Kathleen Brown.

The Chair called the meeting to order at 7:07 p.m.

ITEM #1: Public Hearing on an amendment to the Subdivision Ordinance, section 155-51 entitled Driveways. This amendment will establish criteria for the design and construction of private driveways.

Mr. Sheldon reviewed the proposal.

Public Hearing Opened - No one spoke in favor or in opposition to the proposal.

Public Hearing Closed.

Moved by Mr. Williams, seconded by Mr. Galt to approve the proposal and to forward it to the City Council for consideration.

In response to a question from Mr. Galt, Mr. Sheldon stated that the City Council must accept a roadway as a City street if City services are to be provided to those residents along the corridor. Mr. Maglaras noted that this was necessary even if the road has been upgraded to City street specifications.

Vote on motion: U.A.

ITEM #2: Public Hearing on the minor subdivision of land owned by William W. and C. Sue Mautz, Assessor's Map 27, Lots 128 & 129, zoned RM-8, on the corner of Ham and Park Streets.

William Mautz explained the minor subdivision.

In response to a question from Mr. Maglaras, Mr. Mautz stated that he had received a variance from the Zoning Board of Adjustment for bulk and dimensional requirements.

Mr. Sheldon read the report of the Site Review Screening Committee.

Mr. Sheldon, in response to Mr. Williams, noted that the variances received from the ZBA included relief from setback and on-site parking requirements.

Mr. Williams raised concerns regarding the lack of parking for the property. Mr. Sheldon agreed that it was a concern and noted that should the applicant ever decide to pave the driveway, he would be unable to meet the five (5) foot setback requirement specified in the Driveway Ordinance.

In response to comments made by Mr. Preston regarding the lack of conformity to Section 170-15 of the Zoning Ordinance (Open Space Requirements), Mr. Maglaras noted that because the ZBA granted relief from bulk and dimensional requirements, this may be interpreted to include recreational space.

Mr. Preston expressed his concerns regarding the creation of three (3) non-conforming lots. Mr. Williams reiterated those concerns.

Mr. Mautz explained that, in his opinion, he is not seeking to do anything different than what currently exists on the site. He noted that presently the property is two non-conforming lots and that a lack of parking currently exists on the site.

Mr. Galt raised questions regarding the location of water and sewer utilities. Mr. Mautz stated that, to the best of his knowledge, no easements were being crossed as the result of this subdivision.

Public Hearing Opened - No one spoke in favor or in opposition to this proposal.

Public Hearing Closed.

Mr. Galt expressed his concerns regarding the location of the utilities, most specifically those servicing 8 Ham Street.

Mr. Bouchard stated that he does not know where the utility lines in the area are located, and because of that, he also agreed that there could be a potential problem with the property lines.

Mr. Steele suggested that, should a problem arise, the line could be shut off using the valve in the right-of-way.

Mr. Mautz stated that he was reasonably sure of the utility locations but requested that the Board outline his options should there be a problem.

Mr. Maglaras noted that Mr. Mautz could have easements drawn up or he could bring the utilities into the property along the proper frontage.

Mr. Mautz responded to a question from Mr. Seaver regarding the lot line between 23 and 25 Park Street.

Mr. Bouchard's motion to move the question was not recognized by the Chair.

In response to a question from Mr. Maglaras, Mr. Mautz stated that he had no objections to the Board approving the application contingent upon receipt of a utility plan and the appropriate easements if necessary.

Mr. Maglaras and Mr. Sheldon responded to the concerns raised by Mr. Williams regarding the lack of parking on the site. Mr. Williams suggested that he considered the matter to be a safety issue.

Moved by Mr. Williams, seconded by Mr. Elder to deny the application for minor subdivision because of the following reasons:

- 1) The lack of adequate parking on-site raises a number of safety considerations, and

- 2) The location of the utilities has not been depicted on the plan.

Mr. Preston suggested that the applicant place a restriction in the deeds which which prohibit the erection of a fence between parcels 1 and 3.

Mr. Maglaras stated that he was concerned that the Board may require the applicant to implement a civil action which was not outlined by ordinance.

Mr. Sheldon, while stating that he agreed with many of the concerns raised by the Board, noted that the ZBA had granted the applicant a waiver of the parking requirements.

Mr. Preston restated his concerns.

Moved by Ms. Faria, seconded by Mr. Steele to move the question.

U.A.

Vote on original motion: 3-5 (Steele, Faria, Seaver, Galt, Bouchard). The motion failed.

Moved by Mr. Galt, seconded by Mr. Seaver to approve the minor subdivision, contingent upon the following condition:

- 1) A utility plan shall be generated and appropriate easements shall be shown.

In response to further comments from Mr. Williams, Mr. Steele stated that the issue of the easement for the utilities will be between the property owners and the City will not be involved.

Mr. Bouchard stated that in other areas of the City, such as First and Second Streets, easements pass through buildings

Upon suggestion by Mr. Bouchard, Mr. Galt and Mr. Seaver added the following statement to their original motion:
The plan shall be approved by the Public Works Director.

Vote on motion, as amended: 5-3 (Elder, Williams, Preston)

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ITEM #3: Public Hearing on the minor subdivision of land owned by Hugh C. Tuttle, Assessor's Map M, Lot 54, zoned R-20, on Middle Road.

Richard Cerilli spoke as a representative for Mr. Tuttle and explained the minor subdivision.

Mr. Maglaras read the report of the Site Review Screening Committee.

In response to a question from Mr. Williams, Mr. Maglaras noted that receipt of WSPCC approval would be required.

Public Hearing Opened - No one spoke in favor or in opposition to the proposal.

Public Hearing Closed.

Moved by Mr. Williams and seconded by Mr. Bouchard to approve the application for minor subdivision, contingent upon the following conditions:

- 1) Receipt of WSPCC and City Septic approval.
- 2) Receipt of a driveway permit, when necessary.

Vote on motion: U.A.

ITEM #4: Public Hearing on the site review of land owned by the Dover Lodge of Elks # 184, (applicant Leoca Construction Inc.), Assessor's Map I, Lot 122, zoned R-40, on Durham Road.

Phil Casey, a representative from Leoca Construction Inc., explained the proposal.

In response to a question from Mr. Maglaras, Mr. Casey noted that the plan was based on an actual survey done by Grant Davis.

Mr. Sheldon read the report of the Site Review Screening Committee.

Mr. Bouchard explained that the water meter was necessary to determine the amount of sewer use.

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A representative of the Elks Lodge agreed to this condition and noted the good working relationship that his organization has with the City.

Public Hearing Opened - No one spoke in favor or in opposition to the proposal.

Public Hearing Closed.

Moved by Mr. Galt, seconded by Mr. Steele to approve the application for site review, contingent upon the following conditions:

- 1) A water meter shall be installed at the new toilet facility.
- 2) The survey used to determine the boundaries of the property shall be referenced on the plan.
- 3) A waiver of the requirement relative to topography shall be granted.

Vote on motion: U.A.

ITEM #5: Public Hearing on the waiver of the Driveway Ordinance for land owned by Dover-McCoy Co., (applicant Fredrick J. Hopwood), Assessor's Map 38, Lot 22, zoned B-3, on Central Avenue.

Mr. Maglaras explained that this item is directly connected with ITEM #6.

Public Hearing Opened - No one spoke in favor or in opposition to the proposal.

Public Hearing Closed.

In response to a question from Mr. Preston, Mr. Hopwood stated that the boundaries depicted on the map were taken from the City tax map.

Mr. Preston noted that State law requires that a licensed land surveyor determine the correct boundaries of the property. Mr. Maglaras noted that a waiver of this item could be considered by the Board.

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Mr. Sheldon, in response to a question from Mr. Williams, explained that the applicant was seeking relief from the five foot setback requirement.

Moved by Ms. Faria, seconded by Mr. Steele to approve the waiver of the Driveway Ordinance.

Vote on motion: U.A.

ITEM #6: Public Hearing on the site review of land owned by Dover-McCoy Co., (applicant Frederick J. Hopwood Jr.), Assessor's Map 38, Lot 22, zoned B-3, on Central Avenue.

Mr. Hopwood explained the request and directed the Board to disregard the "Scheme B" which was included in the agenda package.

Mr. Sheldon read the report of the Site Review Screening Committee.

Public Hearing Opened.

Paul Thorpe, 898 Central Avenue, raised concerns reagrding growth management in the area relative to sewer and water capacity, as well as certain details of the plan before the Board. Mr. Maglaras and Mr. Sheldon responded to his questions.

Mr. Sheldon explained that the moratorium on growth in the area was limited only to those parcels of land deriving direct access from the Weeks Traffic Circle, those lots being listed in the Zoning Ordinance. He further noted that the growth management policy was directed toward sewer use only, and that the upgrading of the Maple Street line would make the ordinance unnecessary.

Public Hearing Closed.

Mr. Williams moved to table the item until the Board has been provided with further information, including an actual survey of the property.

In response to a question from Mr. Williams, Mr. Sheldon stated

that the driveway servicing the parcel need only be twenty-two (22) feet wide.

Mr. Williams expressed his concerns regarding the quality of the plan before the Board.

Mr. Sheldon read the report of the Site Review Screening Committee and explained that the recommendations could be dealt with by the City staff.

In response to further comments from Mr. Williams, Mr. Maglaras explained that the applicant was only required to apply for site review because of the proposed addition to the building. Because the applicant has withdrawn that plan, technically he is not required to appear before the Board.

Mr. Sheldon responded to the additional concerns raised by Mr. Williams and noted that the property would need to be surveyed before final approval could be granted.

Moved by Mr. Galt, seconded by Mr. Seaver to approve the application for site review, contingent upon the following conditions:

- 1) Drainage facilities shall be included on-site to tie into the Central Avenue system.
- 2) Topography shall be depicted on the plan.
- 3) A survey reference shall be placed on the plan.
- 4) A landscape plan shall be submitted to and approved by the Planning Director.
- 5) A locus shall be depicted on the plan.
- 6) The plan shall indicate that the parking area shall be asphalt.

Mr. Preston reiterated the fact that it is in the applicant's best interest to have the land properly surveyed.

Mr. Sheldon, in response to a question from Mr. Williams, stated that should an engineering problem arise as the result of additional information available because of the survey, the plan would reappear before the Planning Board.

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Mr. Sheldon explained that the requirements set forth in the motion by Mr. Galt and Mr. Seaver can be reviewed and enforced by the City staff.

In response to a question from Mr. Seaver, Mr. Sheldon stated that, in compliance with the Driveway Ordinance, granite curbing will be installed on the site.

Vote on motion: U.A.

ITEM #7: Public Hearing on the minor subdivision of land owned by John Myles and Diane Morrow, Assessor's Map C, Lot 3, zoned R-40, on County Farm Road.

Jack Myles explained the minor subdivision.

Mr. Sheldon read the report of the Site Review Screening Committee and added that the lot may need to receive WSPCC approval because it is depicted as less than five (5) acres. He suggested that the applicant may wish to adjust the lot lines to enlarge the parcel supporting the house.

Public Hearing Opened - No one spoke in favor or in opposition to the proposal.

Public Hearing Closed.

Mr. Maglaras noted that the Conservation District must be delineated on the plan.

Moved by Mr. Williams, seconded by Mr. Elder to approve the minor subdivision, contingent upon the following conditions:

- 1) Receipt of WSPCC and City septic approval or adjustment of the lot lines to provide for a five (5) acre lot.
- 2) The Conservation District shall be delineated on the plan.

In response to Mr. Galt, Mr. Steele noted that City septic approval is not required for a lot which is over five acres.

Mr. Maglaras clarified the situation for Mr. Williams by noting that any subdivision which is five acres or less, even the

creation of a lot with an existing house, is required to receive approval from WSPCC.

Vote on motion: U.A.

ITEM #8: Public Hearing on the site review of land owned by Dover Place Limited Partnership, (applicant Karim Zahedi), Assessor's Map 2, Lot 40, zoned B-2, on Washington Street.

Mr. Sheldon, in response to a question from Mr. Williams, explained that only a subdivision which entails giving a portion of land to an abuttor which is less than the legal lot size, does not require Planning Board approval. He stressed that this does not apply to site review applications.

Karim Zahedi gave a brief explanation of the proposal.

Mr. Sheldon explained that the applicant has received the necessary variances from the Zoning Board of Adjustment.

Fernando Domeyko, architect for the project, used a detailed model of the planned renovation to describe the applicants' plans to the Board.

Public Hearing Opened.

John Earle, 27 Glenwood Avenue, spoke as a representative for Strafford Bank. He spoke favorably of the project and noted that he felt the proposal is an improvement to the area.

Public Hearing Closed.

Mr. Maglaras read the Site Review Screening Committee Report.

Mr. Sheldon noted that the addition proposed for the building would be constructed over an existing drainage system. Although it has been depicted on the plan in a new location, Mr. Sheldon explained that this item, including approval of the system by the Public Works Director, should be made a condition of approval.

In response to a question from Mr. Galt regarding sprinkler

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systems for the building, Mr. Sheldon stated that the applicant would be required to meet all Life Safety Codes.

Mr. Zahedi stated that he would do everything requested by the Building Inspector and the Fire Department, in an effort to meet all safety codes.

In response to an inquiry from Mr. Sheldon, Mr. Zahedi stated that the total square footage of the building is 34,000 square feet. He also explained that the top two floors of the building will be used as office space. Finally, he noted that because the elevator will be operated by hydraulics, no space at the top is required in its design.

Mr. Domeyko and Mr. Zahedi responded to questions raised by the Board regarding the metal skin which will be placed on the addition.

David Gompers, a real estate agent working with the applicant, stated that the building is being developed with the intention of being an entrance way into Dover and that the architectural panels will play a role in this scenario.

Mr. Galt stated that the point made by Mr. Gompers was well taken, and that it needed to be made because of prevailing public perceptions of metal-type buildings.

In response to a question from Mr. Seaver, Mr. Zahedi noted that roof drains are existing on the building.

In response to a question from Mr. Sheldon, Mr. Zahedi explained that that a future tenant hopes to occupy the building by May 1 and that delivery of the elevator is expected on April 15.

Moved by Mr. Bouchard, seconded by Ms. Faria and Mr. Preston to approve the application for site review, contingent upon the following condition:

- 1) The replacement of the existing drainage system shall be reviewed and approved by the Public Works Director.

Vote on motion: U.A.

After a one (1) minute recess, Mr. Maglaras called the meeting back to order at 8:52 p.m.

ITEM #9: Old Business

- 1) Review of the application for major subdivision of land owned by Charles F. Ouimette, (applicant E. Richard Rowell) < on the corner of Middle Road and Dover Neck Road.

Mr. Rowell explained the revised plans and requested preliminary approval from the Board.

Mr. Sheldon read the report of the Site Review Screening Committee.

In response to the report, Mr. Rowell stated that he and his engineer, Grant Davis, had meet with the SRSCCommittee and that Mr. Davis had verbally agreed to take action on those items listed.

Mr. Maglaras reviewed the history of the application.

Mr. Galt raised concerns about granting preliminary approval of the project without the benefit of the Sewer Commission's comments on the proposed common leach field.

Mr. Rowell stated that after he receives WSPCC approval he will submit his application to the Sewer Commission.

In response to further comments by Mr. Galt, Mr. Bouchard noted that approval from the Sewer Commission was already a condition of approval recommended by the Site Review Screening Committee.

In response to a question from Mr. Williams, Mr. Rowell stated that he has not received approval from WSPCC as of yet. He stated that he and his engineer are now actively pursuing the possibility of the installation of City sewer.

Mr. Maglaras reminded the Board that preliminary approval of the proposal is approval of the concept only, so as to give the developer some direction.

Mr. Rowell, in response to a question from Mr. Williams, stated that additional lots were added to the common leach field under the direction of the State. He added that easements for the sewer have been discussed with Public Service.

Moved by Mr. Elder, seconded by Mr. Bouchard and Ms. Faria to grant preliminary approval for the major subdivision, contingent upon the following conditions:

- 1) While a symbol was added to the plan for headwalls, it was not added to the legend. There are no specs as to what the headwall will be made of or look like.
- 2) The Planning Board shall check the subdivision mylar to insure that easements for drainage across lots are shown and referenced in all deeds. Said easements shall cross entire lots until reaching a major water course.
- 3) CB 9 (actually 11) shall tie into CB 10.
- 4) The plans show an existing culvert where the proposed road intersects Middle Road. It shall be made clear that the culvert shall tie into CB 1.
- 5) The water line shown shall be extended beyond CB 9 (actually 11) - the road will not be excavated for future tie-in to the water line for other construction.
- 6) The water line on Dover Neck Road shall be 12" as originally started by the Water Department. The line shall extend to the end of the property being developed. The line shall be ductile iron as required by the Water Department.
- 7) Water services must have separate corporations at the main. The joint crossing shown will not be allowed.
- 8) A note is still needed regarding reference monuments per subdivision ordinance.
- 9) While the plan now references state specifications, a note is needed that all construction shall be in accordance with local codes/ordinances as applicable.
- 10) The proposal to sewer lots 3, 4, 5, 6, 9, 10, 11, 12, 13, 17, 18, 19, 20, & 21 with a common leach field has yet to be submitted to the Sewer Commission.
- 11) A review of the proposed drainage indicates that several lines are undersized. The drainage system should operate adequately under the following conditions:
 - a) All 12" lines shall be PVC, SDR 35 or better.
 - b) The culvert at CB's 3 & 4 (including the line from

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headwall to CB 3) shall be 18" PVC laid at a slope of 0.0008. The line from CB 4 to the endwall shall be 21" RCP and also laid at 0.008. In order to provide cover over the pipe (and less than minimum at that) the roadway shall be raised 1'. The line then shall be laid as low as possible and extended as far as necessary across lots 9 & 11 to maintain the proper slope and match the existing swale.

- c) The plan shows an 18" line from the headwall to CB 9 and a 24" line from CB 9 to CB 10 and on to the headwall. The size is fine as long as the materials are PVC & RCP respectively and the lines are laid at a slope of 0.02.
- d) Both culverts shall have riprap at their exits to diffuse water velocities.

NOTE: CMP lines may not be used.

Vote on motion: U.A.

Mr. Sheldon stated that the preliminary approval was good for one year.

- 2) Review of the proposed Capital Improvements Program for fiscal year 1985-86 through 1990-91.

The Planning Board will hold a workshop session on this item on Tuesday, January 29, 1985, at 7:00 p.m., in the City Council Chambers.

Paul Chalue, Arena Director, explained his department's requests to the Board and answered their questions. Discussion focused on the need to insulate the building in order to eliminate problems which arise with maintenance of the arena in the spring and in the fall.

ITEM #10: New Business

- 1) Approval of the minutes of the regularly scheduled meeting of January 8, 1985.

Moved by Mr. Galt, seconded by Ms. Faria to approve the minutes.

U.A.

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Moved by Ms. Faria, seconded by Mr. Bouchard to adjourn the
meeting at 9:20 p.m.

U.A.