

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

Held: April 23, 1985  
Council Chambers  
Municipal Building  
Dover, N.H.

Members Present: Chair George Maglaras, Vice-Chair Harold Preston, Stephanie Faria, Robert Steele, Robert Weisner, H. Les Elder, 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 7:03 p.m.

ITEM #1: Public Hearing on the site review of land owned by Raymond Guillemette, Assessor's Map H, Lot 36-3, zoned I-2, on Progress Drive.

Mr. Guillemette explained the proposal.

Mr. Sheldon read the report of the Site Review Screening Committee. He noted that approval from the Dover Industrial Development Authority (DIDA) will be required for the proposal because of covenants placed on the deed at the time of original development. In response to a question from Mr. Maglaras, Mr. Sheldon stated that this did not need to be a condition of approval by the Planning Board, as it was automatically required.

Public Hearing Opened.

Philip Casey, Fisher Street, spoke as a representative of the applicant and addressed the issues raised by the SRSC memo. He stated that the plans currently depict granite curbing along the entry radii of the property, although they do not show it extended into the first parking space. He explained that the existing landscaping includes bushes and a large lawn. He noted that trash disposal will be handled by the placement of an outside dumpster. With regard to the facade treatment, he explained that because the addition is designed to enclose a large freezer area, the exterior will reflect this.

Public Hearing Closed.

In response to a question from Mr. Preston, Mr. Maglaras stated that the building under consideration was the building formerly owned by GFS.

In response to a question from Mr. Bouchard, Mr. Sheldon explained that it has been the past policy of the Board to require street trees (35 feet on center, minimum 2-1/2 inches caliper), as well as a clustering of pine trees along the sideyards of a property. In addition, the dumpster may need to be screened, depending upon its location. With regard to the granite curbing, he noted that it has been the past policy of the Board to require that it be extended to the first parking space, so as to provide for clear definition of the subject property.

Mr. Maglaras reminded the Board that, while it has been usual policy for the Board to incorporate the recommendations of the SRSC into its conditions of approval, it is not required to do so.

Mr. Preston stated that the planting of street trees may serve to upgrade the area.

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

- 1) Granite curbing shall be extended to the first parking space.
- 2) A landscape plan shall be submitted to and approved by the Planning Director.
- 3) The outside trash receptacle shall be properly screened.
- 4) A waiver of the requirement of the depiction of topography on the plan shall be granted.

Vote on motion: U.A.

ITEM #2: Public Hearing on the minor subdivision of land owned by George Sansone and Paul Treacy, (applicant Eugene and Maura Byrne), Assessor's Map D, Lot 21, zoned R-12, on Glenwood Avenue.

Mr. Maglaras read the report of the Site Review Screening

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Committee.

In response to a question from Mr. Galt, Mrs. Byrne stated that the structure on Lot B, a wood shed, will be moved to Lot A.

Mr. Preston noted that the plan did not reference all the abutters to the subject parcel. Mr. Maglaras noted that correction of this omission could be made a condition of the Board's approval.

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

Public Hearing Closed.

Moved by Mr. Galt, seconded by Mr. Weisner 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 for Lot B, when necessary.
- 3) The placement of the existing driveway on Lot A in relation to the proposed lot line, shall be in compliance with all pertinent City ordinances.
- 4) The plan shall reference the names of all abutting property owners.
- 5) The shed on Lot B shall be moved/removed, if necessary, so as to conform with all setback requirements.

Mr. Sheldon noted that the setback requirement for an accessory building is six (6) feet and the shed may be in compliance with that requirement.

Vote on motion: U.A.

ITEM #3: Public Hearing on the major subdivision of land owned by George and Nancy Parsons Sr., Assessor's Map A, Lot 36, zoned R-40, on Varney Road.

George Parsons explained that it is his intention to eventually subdivide all of the 92 acres that he currently owns into house lots. He noted that for the subdivision application currently

before the Board, WSPCC approval for the lots is pending.

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

In response to a question from Mr. Elder regarding the Fire Chief's comments on the proposal, Mr. Maglaras noted that this area of the City is not serviced by City water, and therefore there are no fire hydrants near the project site.

In response to a request from Mr. Parsons, Mr. Sheldon reread the concerns of the SRSC and noted that principally, the Committee was concerned with the drainage on the site.

Mr. Maglaras noted that, because this is an application for a major subdivision, the Board will conduct an on-site review of the property.

Public Hearing Opened.

Leo Kane, Rte 16B, directed questions to the Board regarding the type of housing to be built on the site and the provisions being made for sewage disposal. Mr. Maglaras explained that the applicant has submitted an application to WSPCC for approval of individual septic systems for the lots. He noted that Mr. Parsons has indicated that single-family homes, costing between \$80,000 and \$90,000, will be erected.

Public Hearing Closed.

Mr. Sheldon read through the list of recommendations supplied by the SRSC once again.

In response to a question from Mr. Sheldon with regard to his future development plans for the remaining property, Mr. Parsons stated that it is his intention to build a street through the property which would have access on both Varney Road and Blackwater Road.

Mr. Maglaras explained that the SRSC had raised concerns about drainage on the property and its impact on future development

plans. He noted that should the developer propose drainage of the lots to the rear, the creation of future lots may be hampered.

In response to a question from Mr. Elder, Mr. Parsons stated that part of the property does abut Blackwater Road in Somersworth.

Mr. Sheldon suggested that the Board consider a condition which would require the placement of 2 street trees per lot, when viewing the property at the on-site review. Mr. Parsons objected to this suggestion and stated that as his intention is to sell the lots and not to develop them, he does not wish to be encumbered by this condition. Mr. Sheldon explained that the placement of street trees in the area would not only be in the interest of the City, but would also serve to enhance the value of the applicant's property.

In response to a question from Mr. Seaver, Mr. Bouchard stated that all the test pit for each lot will need to be referenced on the plan.

The Board decided to hold an on-site review of the property on Tuesday, April 30, at 4:30 p.m.

ITEM #4: Old Business

- 1) Review of the application for major subdivision of the land owned by E. Richard Rowell, on the corner of Dover Neck and Middle Roads.

Mr. Maglaras explained to the Board that the Planning Office had received a new set of plans from the developer earlier in the day. Given the circumstances, he suggested that the Board request a ninety-day extension from the City Council at the meeting scheduled for Wednesday, April 24.

Mr. Galt stated that he is willing to request the extension from the City Council, however, he inquired if the plans had undergone substantial change to warrant a new public hearing.

Mr. Rowell listed the changes to the plan for the benefit of the

Board: connection of the roads and the elimination of the proposed cul-de-sacs, creation of a new access road off of Dover Neck Road, the placement of the water and sewer lines in the proposed roadway, phase lines have been indicated, and a change in the road names has been made so as to eliminate possible confusion. He requested that the Board grant him preliminary approval for Phase I, so that he may begin clearing the trees for the proposed road.

In response to a question from Mr. Seaver, Mr. Rowell stated that the ownership of the area labeled "C" on the plan was still being discussed with the abutting property owner.

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

Mr. Preston raised concerns about the lack of consistency between the lot numbers indicated on the plan and the lot numbers referenced by the SRSC. Mr. Rowell explained that the SRSC's letter was based on a previous plan and that the plan before the Board reflects recent changes.

Mr. Sheldon stated that for purposes of subdivision approval, the applicant may be required to combine Lot 10 with the picnic and recreation area so as to provide for proper frontage for each lot. He noted that the applicant may choose to seek a variance from the Zoning Board of Adjustment for the creation of lots fronting on a private drive at a later date.

Mr. Rowell stated that the picnic and recreation area will be deeded in common to all property owners, excluding those whose lots front on the water. Mr. Sheldon suggested that if this were the case, the lot supporting the picnic and recreation area may not need to have 150 feet of frontage on the City street.

Mr. Galt pointed out that the lot supporting the pumping station is not labeled.

Mr. Rowell stated that he had originally asked the surveyor to include all proposed lots as one, in the area labeled "C", so as to eliminate the possibility of non-compliance with frontage

requirements. He added that he is currently negotiating with the abutting property owner for additional land in that area, and the plans may be altered should that contract be executed.

In response to a question from Mr. Maglaras, Mr. Rowell stated that he was seeking approval on as much of the project as could be allowed at the present time.

Mr. Galt directed an open question to the Board regarding the appropriateness of granting preliminary approval to Phase I of the plan.

In response to a question from Mr. Maglaras, Mr. Rowell stated that he would like the Board to grant/deny approval of the layout of the lot lines and roadways.

In response to a question from Mr. Maglaras, Mr. Bouchard stated that he was not opposed to granting preliminary approval of the roadways and lot lines, however he did not feel that approval of anything else (ie. utilities) would not be appropriate.

Mr. Sheldon explained that by granting preliminary approval, some of the risk undertaken by the developer will be eliminated. He stressed that preliminary approval will not alter the timing of the project, except with regard to obtaining financing, as the applicant will still be required to seek final approval from the Board. He noted that the developer has the right to clear the land for roads without preliminary approval from the Board.

Mr. Rowell stated that the final plans will incorporate all the recommendations of the SRSC.

Mr. Maglaras restated the ramifications of preliminary approval.

In response to a question from Mr. Galt, Mr. Maglaras stated that the lot lines near the picnic and recreation area will be eliminated and the entire area will be considered Phase II, should the Board vote to grant preliminary approval's of the proposal.

Mr. Sheldon suggested that the Board condition the preliminary

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approval on the requirement that all lots will have 150 feet of frontage on a City street.

Arthur Thomits, Back Road, requested that the Board hold a new public hearing on this item.

In response to a question from Mr. Galt, Mr. Sheldon stated that 150 feet of frontage for the picnic and recreation area may not be necessary if it is held as a lot in common.

Mr. Elder directed a question to Mr. Maglaras regarding the definition of "significant changes " to a plan. Mr. Maglaras noted that, as is outlined in the City Attorney's memo dated April 23, the Planning Board makes the determination as to "significant changes." Mr. Maglaras stated that the Board may wish to distinguish between changes to the plan as the result of Planning Board requests, and changes to the plan initiated by the applicant, when making this determination.

Mr. Galt stated that the changes to this plan have been made as the direct result of Planning Board requests.

Mr. Maglaras stated that the granting of a preliminary approval by the Board is merely an indication that the Board is comfortable with the layout of the proposal.

Mr. Preston stated that the neighbors in the area have concerns regarding the fact that 30,000 square foot lots are permitted in an R-40 zone, given the presence of City sewer and water. He explained that the biggest concern, however, is the size of the roads servicing the parcel and the potential increase for traffic in the area.

Mr. Bouchard stated that traffic near the site was not very heavy on the day of the on-site review. Mr. Preston stated that traffic is heaviest along Middle Road between 3:30 and 4:30 p.m.

Mr. Maglaras and Mr. Bouchard both suggested that the Board request Mr. Rowell to hire a consultant to undertake a traffic study, if they are so inclined.

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Moved by Mr. Seaver, seconded by Ms. Faria and Mr. Elder to grant preliminary approval to the application for major subdivision.

Mr. Seaver amended the motion to include the condition that the applicant provide the Board with a traffic study of the subject area. Ms. Faria and Mr. Elder withdrew their seconds.

Mr. Maglaras suggested that the Board first act to grant/deny preliminary approval and then, in a separate motion decide whether or not to request a traffic study of the area.

Moved by Mr. Seaver, seconded by Ms. Faria to grant preliminary approval to the application for major subdivision.

Mr. Galt requested a clarification of the area being considered for preliminary approval. Mr. Sheldon suggested that the Board act on the entire proposal. Mr. Rowell requested that the Board consider everything on the plan but Phase IIC.

In response to a question from Mr. Seaver, Mr. Rowell stated that the lot lines for Lot 1 will be corrected so as to provide for adequate frontage on a City street.

Mr. Preston clarified that by granting preliminary approval the Board was allowing the developer to layout the roads and lot lines only. Mr. Maglaras stated that this was correct and that preliminary approval would also afford Mr. Rowell a better opportunity to secure financing for the project.

In response to concerns raised by Mr. Seaver, Mr. Maglaras stated that the request for a traffic study does not need to be included in the motion for preliminary approval.

Mr. Sheldon suggested that the Board vote to approve/deny preliminary approval for the project in its entirety, including Phase IIC. He further suggested that the Board condition its approval on the recommendations of the Site Review Screening Committee. He noted that this will provide Mr. Rowell with some direction and lessen some of the risk involved in the project.

Mr. Sheldon noted that because Grant Davis has submitted a

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stamped plan to the Board indicating that area C is owned by Mr. Rowell, the Board may consider that to be the case. He noted that every lot created will be required to have 150 feet of frontage on a City street.

Mr. Seaver and Ms. Faria withdrew their original motion.

Moved by Mr. Seaver, seconded by Ms. Faria to grant preliminary approval to the application for major subdivision, contingent upon the the recommendations of the Site Review Screening Committee. (These recommendations are outlined in a memo from the City Engineer and Director of Public Works dated April 22, 1985 and memo from the Planning Director dated April 23, 1985. Both memos have been placed on file.)

Vote on motion: U.A.

It was the concensus of hte Board not to request a traffic study of the area from the applicant.

In response to a question from Mr. Galt, Mr. Maglaras assured the Board that additional conditions may be placed upon the application, should it became necessary as the result of conditions created by the compliance with the original recommendations.

- 2) Review of the application for site review of the land owned by John Gavin, on Mast Road. (Public Hearing recessed at the regularly scheduled meeting held on April 9, 1985.)

Mr. Maglaras stated that the applicant has requested a ninety-day extension be requested for consideration of his proposal.

In response to a question from Mr. Galt, Mr. Maglaras stated that the applicant has not indicated that he will withdraw the application, rather he has requested that the public hearing on the item be recessed until such time as information from WSPCC and the Wetlands Board has been received.

Mr. Sheldon stated that when the public hearing is reconvened,

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the public will be notified and the abutters will be notified via certified mail. He explained that the City Attorney has ruled that a public hearing may only be recessed to a definite date.

ITEM #5: New Business

- 1) Approval of the minutes of the workshop session held on April 2, 1985.

Moved by Mr. Weisner, seconded by Mr. Bouchard to approve the minutes as submitted.

U.A.

- 2) Approval of the minutes of the regularly scheduled meeting held on April 9, 1985.

Moved by Mr. Elder, seconded by Ms. Faria to approve the minutes as submitted.

U.A.

Moved by Mr. Weisner, seconded by Mr. Elder and Ms. Faria to adjourn the meeting at 8:25 p.m.

U.A.