

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

Held: May 28, 1985  
Council Chambers  
Municipal Building  
Dover, NH

Members Present: Vice-Chair Harold Preston, Robert Weisner, Pierre Bouchard, H. Les Elder, J. Andrew Galt.

Alternate Members Present: Otis Perry, Robert Seaver.

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

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

ITEM #1: Public Hearing on the site review of land owned by Llewellyn Bridges, (applicant Kenneth E. Morin d/b/a/ Eagle Realty), Assessor's Map 16, Lot 10, zoned UMUD, on Charles Street.

There was no one present to represent the owner and/or the applicant.

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

Public Hearing Opened.

Paul Sevigny, 19 Charles Street, stated that he was representing the many residents present who are opposed to the proposal. He raised concerns regarding the proximity of the building to the front property line and the lack of an appropriate number of parking spaces for the units. He suggested that the deed, the site plan and the assessor's map indicate differing areas for the parcel. He stated that he does not believe the plan to be compatible with the site or with the neighborhood.

Carl Laramie, Charles Street, raised concerns regarding traffic increases and the development of a parcel which lacks open space. He suggested that the project was not compatible with the existing neighborhood.

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Public Hearing Closed.

Mr. Seaver inquired as to whether or not it is necessary for the applicant to appeal to the Sewer Commission before the Planning Board takes further action on this proposal. Mr. Bouchard noted that while the sewer capacity is a problem, the request for relief from the setback requirements also heavily impacts the application; either issue could be cause for denial.

Mr. Preston suggested that the Board hold an on-site review of the property before making any decisions.

Mr. Elder suggested that the Board may be leading the developer astray by continuing to hold discussion on this project without input from the Sewer Commission. He also stated that he was bothered by the lack of representation of either the applicant or owner of the property.

The Board decided to hold an on-site review of the property on Friday, May 31, 1985, at 5:00 p.m.

ITEM #1A: Public Hearing on the request for a waiver of the Driveway Ordinance, for the land owned by Llewellyn Bridges, (applicant Kenneth E. Morin d/b/a/ Eagle Realty) Assessor's Map 16, Lot 10, zoned UMUD, on Charles Street.

Mr. Sheldon explained that the applicant was requesting a waiver of the requirement that the driveway be set back at least five (5) feet from the property line. He noted that this restriction would effect the proposal on two (2) sides.

Public Hearing Opened.

Paul Sevigny, 19 Charles Street, stated that he was opposed to the proposal, as it was, in his opinion, crowding a project on too small a piece of land. He noted that he was speaking for his neighbors as well.

Public Hearing Closed.

Mr. Preston noted that this request will be considered at the

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on-site review scheduled for Friday at 5:00 p.m.

ITEM #2: Public Hearing on the minor subdivision of land owned by Owen & Evelyn Bryson, Assessor's Map C, Lot 50, zoned R-40, on Watson Road.

Mr. Bryson explained the minor subdivision.

Mr. Preston stated that he had a conflict of interest for this particular item and would not be participating in the proceedings. He would however remain in the position of Chair as there was no one present to take his place.

Public Hearing Opened - No comment.

Public Hearing Closed.

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

In response to a question from Mr. Seaver, Mr. Bryson stated that Lots 3 and 4 will be combined. Mr. Preston noted that this must be referenced on the plan.

In response to a further question from Mr. Seaver, Mr. Sheldon explained that the metes and bounds for Lots 1 and 2 do not need to be shown on this plan as they were part of a previous subdivision.

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

- 1) Lot 3 is incorrectly identified as land owned by Owen R. Bryson. The owners of record are Michael and Cherry Lee Rosholt and the plan shall be corrected to reflect this.
- 2) Lot 4 shall be combined with Lot 3 and this shall be referenced on the plan.
- 3) Receipt of WSPCC and City septic approval is required, if necessary.
- 4) A Driveway Permit for Lot 4-A, when necessary, will be required.

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U.A.

In response to a question from Mr. Bryson, Mr. Sheldon explained that the Driveway Permit would be necessary only when the applicant desires to develop said driveway.

ITEM #3: Public Hearing on the site review of land owned by Harris Graphics, Assessor's Map 26, Lots 6 & 7, zoned I-2, on Broadway.

Ron Bye, a contractor representing Harris Graphics, explained the proposal.

Public Hearing Opened - No Comment.

Public Hearing Closed.

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

In response to Mr. Sheldon's question regarding site improvements, Mr. Bye explained that Harris has informal plans to install landscaping this summer. He indicated that the plans include the repaving of the parking lot, the installation of planters and the definition of entryways.

Moved by Mr. Galt, seconded by Mr. Elder to approve the application for site review as submitted.

U.A.

At this point Mr. Morin arrived at the meeting (Items # 1 and 1A). Mr. Preston explained the previous actions of the Board and informed him of the time and place of the on-site review.

ITEM #4: Public Hearing on the minor subdivision of land owned by Albert C. Estes, Jr., Assessor's Map D, Lot 16(C), zoned R-40, on Sixth Street.

Public Hearing Opened.

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Albert Estes explained the minor subdivision and noted that he had received a variance from the Zoning Board of Adjustment for relief from frontage requirements.

Public Hearing Closed.

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

Moved by Mr. Seaver, 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 Driveway Permits, when necessary.

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ITEM #5: Public Hearing on the site review of land owned by Earle Goodwin (applicant Goodwin's), Assessor's Map G, Lot 3D, zoned I-1, on Littleworth Road.

Earle Goodwin explained the proposal.

Public Hearing Opened - No comment.

Public Hearing Closed.

Mr. Sheldon read the report of the Site Review Screening Committee. He noted that the individual lots depicted on the locus plan are automatically combined to form standard-sized lots per the Zoning Ordinance. He explained that Mr. Goodwin had received a variance from the Zoning Board of Adjustment for relief from rearward setbacks. He noted that the applicant has received a State Driveway Permit for the property.

In response to a question from Mr. Sheldon, Mr. Goodwin stated that the retaining wall will be relocated on the site to provide for better access to the loading dock.

Discussion ensued regarding the easement on the property and whether or not it encompasses only sewer as indicated, or all

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utilities. Mr. Goodwin will check into this and if it indeed is only for sewer, he will run the water lines on his property.

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

- 1) A landscaping plan shall be submitted to and approved by the Planning Director.
- 2) Final approval regarding the placement of the water and sewer lines shall lie with the the Public Works Director and the City Engineer.
- 3) A clarification of the loading dock arrangement shall be depicted on the plan.

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ITEM #6: Public Hearing on the minor subdivision of land owned by Mary Bickford, Assessor's Map F, Lot 24, zoned R-40, on Columbus Avenue.

Jeremy Towle, representing Mrs. Bickford, explained the minor subdivision.

Public Hearing Opened - no comment.

Public Hearing Closed.

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

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

- 1) Receipt of WSPCC & City septic approval.
- 2) Receipt of a Driveway Permit, when necessary.

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ITEM #7: Preliminary review of the application for site review for the land owned by Thomas and Janet DuMont, Assessor's Map 24, Lot 115B, zoned CWD & RM-10, on Cocheco Street.

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Mr. Preston explained that a public hearing was not being held at this time. He noted that the applicant had requested an opportunity to present the plan to the Board for their initial review.

David Joy, an architect representing the applicant, explained that the proposal would involve the development of 24 one and two bedroom units. He noted that the parking would be provided for in the form of an underground garage.

In response to a question from Mr. Elder, Mr. Joy stated that the maximum height of the building, from the lowest elevation, was approximately 70 feet.

In response to a question from Mr. Weisner regarding the provisions made for the drainage on the site, Mr. Joy stated that as of yet the applicant has not made any decisions regarding this matter. He noted that Mr. DuMont may be willing to share any costs which arise from the reconstruction of the area.

In response to a question from Mr. Elder, Mr. Joy stated that only one entrance to the site will be developed.

Mr. Sheldon stated that he had strong concerns regarding not only the drainage on the site but also the impact on the traffic in the immediate area. He noted that the Portland Avenue/Coheco Street intersection may be considered one of the most dangerous intersections currently existing in the City, and reminded the Board that the traffic generated from the proposed project would generally travel toward the downtown area.

In response to a question from Mr. Elder, Mr. Sheldon stated that the Citizen's Advisory Committee has recommended that \$7,500 be allocated for an engineering study of the above-mentioned intersection. He noted that the study will not be completed for at least two to three months. He suggested that the Board hold an on-site review of the property before the public hearing.

Mr. Elder agreed that an on-site review should be held prior to the public hearing.

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The Board decided to hold an on-site review of the property on Friday, May 31, 1985 at 4:00 p.m.

In response to a question from Mr. Seaver, Mr. Sheldon explained what the engineering study of the intersection would entail.

In response to a question from Mr. Bouchard, Mr. Joy stated that the building which encroaches on the property line would, for the time being, remain where it is. Mr. Sheldon noted that this issue was a civil matter between the abutting property owners.

In response to a question from Mr. Galt, Mr. Joy explained that the third floor apartments would be developed in a townhouse style.

In response to a question from Mr. Seaver, Mr. Joy stated that the facade of the proposed building would most likely be developed with some type of wood siding.

In response to another question from Mr. Seaver, Mr. Joy stated that the applicant has no plans to become involved in the reconstruction of the intersection of Portland Avenue and Cocheco Street. He stated that it is his client's contention that the problem is a long-standing municipal problem and not directly related to his proposal.

In response to a question from Mr. Bouchard, Mr. Sheldon stated that no traffic study for the area has been undertaken. He noted that the Board should consider both the vehicle stopping distance and the site distance.

Mr. Joy stated that the developer will be willing to gear the project to the City's timetable relative to the reconstruction of the intersection.

In response to a question from Mr. Sheldon, Mr. Joy stated that the units, if condominiumized will be priced between \$90,000 and \$100,000.

Mr. Sheldon reminded the Board that they have proposed to change the Site Review Ordinance to require 2 off-street parking spaces

for each multi-family unit. Mr. Joy stated that the proposal at hand provides between 1-1/2 and 2 spaces per unit.

In response to a question from Mr. Elder, Mr. Sheldon stated that the permitted height ratio in the Cocheco Waterfront District is two. He explained that the height ratio is a typical planning tool which is used to determine height restrictions.

The Board decided to hold a public hearing on this item on June 11, 1985.

ITEM #8: Old Business

- 1) Review of the application for the minor subdivision of land owned by Gerald Nash, on Plaza Drive.
- 2) Review of the site review application for the land owned by Gerald Nash, on Plaza Drive.

Mr. Sheldon explained that, per a ruling from the City Attorney, Mr. Nash is required to obtain a variance from the Zoning Board of Adjustment prior to further action by the Planning Board. Mr. Galt will request a ninety-day extension from the City Council for consideration of these two applicaiton at the June 12 meeting.

- 3) Review of the application for major subdivision of land owned by George and Nancy Parsons, on Varney Road.

Mr. Parsons presented a new plan to the Board and explained the changes.

In response to a question from Mr. Preston, Mr. Bocuhard suggested that the Board allow the City Engineer to review the drainage proposal prior to granting any approvals.

In response to a question from Mr. Bouchard, Mr. Parsons stated that he has not yet made an application to WSPCC for approval.

In response to a concern raised by Mr. Seaver, Mr. Sheldon explained that Mr. Parsons has eliminated three lots from the original proposal and thereby allowed himself an additional one

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hundred and fifty (150) feet in which to place a ROW for a future City street.

In response to a further question from Mr Seaver, Mr. Parsons stated that one lot will be located in the existing trees.

In response to a question from Mr. Preston, Mr. Bouchard again stated that he would suggest that the Board permit the City Engineer an opportunity to review the plan before granting preliminary approval.

Mr. Sheldon suggested that the Board grant the proposal preliminary approval, so as to allow Mr. Parsons to submit the plan to WSPCC.

Mr. Parsons requested that the Board grant the application preliminary approval, contingent upon any conditions that the Board feels are necessary.

In response to a question from Mr. Galt, Mr. Preston stated that the Board was considering only the creation of the front lots at this time, and that the drainage for the remaining parcel was not an issue.

Mr. Sheldon stated that Mr. Parsons has attempted to comply with all of the suggestions made by the Board.

In response to a question from Mr. Elder, Mr. Sheldon explained that the location of any proposed ROW would need to meet the 400 foot site distance requirement of the City.

In response to a question from Mr. Seaver, Mr. Sheldon stated that the applicant may be required to relocate the culvert, depending upon the location of the ROW.

Mr. Sheldon suggested that the Board require that a note be placed on the plan which would allow for the applicant to only selectively cut the trees on the site.

Mr. Parsons stated that this issue had not been raised at the time of the subdivision of his land located directly across the

street from this parcel. He noted that the same type of vegetation exists on both sides of the street.

Mr. Sheldon reiterated the fact that the City does not wish to see the entire area clearcut, and he noted that the proposed drainage ditch could allow for clearcutting along the street. He again suggested that a note be placed on the plan to prevent this from happening.

Mr. Parsons stated that the ditch will be placed back off of the property line.

Mr. Galt noted that the shoulder of the roadway and the proposed ditch are both proposed to be located on City property.

The Board discussed the options before them. Mr. Parsons requested final approval of the application. Mr. Sheldon agreed that nothing would be gained by granting preliminary approval and suggested that the Board grant final approval of the application.

Mr. Elder stated that he was concerned that changes may be made to the plans and that the Planning Board will not have an opportunity to review said changes. Mr. Sheldon stated that, while it would be highly unusual for any changes to be made without Planning Board approval, he would be willing to bring the final plans back to the Board for their review.

Moved by Mr. Galt, seconded by Mr. Elder to approve the application for major subdivision, contingent upon the following conditions:

- 1) Receipt of WSPCC and City septic approval.
- 2) Receipt of Driveway permits, when necessary.
- 3) The drainage plan shall be approved by the City Engineer and the Public Works Director.
- 4) A note shall be placed on the plan which shall indicate that all trees shall be maintained along the City ROW.

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Mr. Sheldon will report back to the Planning Board after all the above conditions have been met.

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4) Review of the proposed revisions to the Site Review Ordinance.

Mr. Sheldon reviewed the changes proposed by the Planning Office and noted that the major revisions were an attempt to comply with State law.

In response to a concern raised by Mr. Elder regarding the Planning Director serving as Chair of the Site Review Screening Committee, Mr. Sheldon explained that City staff should be directing City staff.

The Board discussed the inclusion of section 149-4B in the Ordinance. Mr. Sheldon questioned the necessity of requiring a site review when a certificate of occupancy is given for development of multi-family and/or new industrial or manufacturing uses in the Urban Multiple Use District. He stated that a certificate of occupancy would be issued by the Building Inspector only when a building permit has been obtained. He also noted that the wording of the section was unclear as it does not define what "new industrial or manufacturing activity" entails. The Board discussed the existing regulations regarding conversions and storage.

Mr. Bouchard will provide the Board with a summary of the ways in which other communities deal with fees for time spent by the Engineer when reviewing plans, at the next regularly scheduled meeting.

Mr. Sheldon invited any member with further suggestions, comments or questions to talk with him before the next meeting so that the changes may be presented in written form.

5) Update on the Well Site Protection Ordinance.

Mr. Galt stated that the item has been referred back to the Ordinance Committee for further review.

ITEM #9: New Business

1) Approval of the minutes of the workshop session held on

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April 30, 1985.

Moved by Mr. Galt, seconded by Mr. Seaver to approve the minutes as submitted.

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- 2) Approval of the minutes of the regularly scheduled meeting held on May 14, 1985.

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

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- 3) Roadway Construction Costs

Mr. Bouchard offered a preliminary explanation of the costs involved in the construction of a private roadway versus a City street. He will be returning to the Board at the next regularly scheduled meeting with more specifics.

Mr. Sheldon suggested that the Board consider the development of City streets without granite curbing when the circumstances, such as topography, warrant it.

Moved by Mr. Bouchard, seconded by Mr. Seaver to adjourn the meeting at 9:30 p.m.

U.A.