

Held: June 25, 1985
Council Chambers
Municipal Building
Dover, NH

DOVER PLANNING BOARD

MINUTES OF MEETING

Members Present: Chair George Maglaras, Vice Chair Harold Preston, Robert Seaver as Alternate for H. Les Elder, Craig Williams, R. Andrew Galt, Robert Steele as Advisor to the Board, Stephanie Faria, Robert Weisner, Pierre Bouchard, Richard Selleck as Interim Planning Director.

Other: Recording Secretary, Berrie Donovan

The Chair called the meeting to order at 7:10 P.M.

Mr. Maglaras explained that Mr. Steele was present to answer any questions the Board may have but would not have a vote having resigned as City Manager.

Prior to introducing Item #1 on the agenda, Mr. Maglaras recognized Mr. Peter Loughlin, Attorney for John Gavin (Ford's Landing) who withdrew a petition dated December 1, 1984 from the Board's consideration.

Mr. Maglaras recalled the public hearing of March 26, 1985 to withdraw the petition, closed it and reconvened the current meeting. Mr. Maglaras then asked for comments on the withdrawn petition. There were no comments and the Board proceeded to Item #1 on the current agenda.

Item #1: Public Hearing on the site review of land owned by John T. Gavin, Assessor's Map I, Lot 3B, zoned RM-12, on Mast Road.

Richard Millette, engineer representing the applicant, presented a new set of drawings which comply with the proposed new ordinance requirements. Mr. Millette explained the withdrawal of land in the twenty percent slope area and wetlands area in calculating the allowable density in adherence with the new ordinance, to bring the new proposal of 66 units to the Board. In addition, the applicant proposes 60 foot setbacks, larger cul de sacs, another turn around on the development, hydrants throughout, municipal water and sewer connect, that the main roadway will be 24 feet in width, and 20 feet in width accessing each unit. Both a forced main and gravity sewer are proposed. In addressing comments of the Site Review Screening Committee, Mr. Millette noted that the landscaping was not as sparse as the Planning Director indicated with \$500 being spent per unit and 48 trees of different species as well as various shrubs planned.

Mr. Millette further indicated that there would be no phasing of the project as all 65 units would be built at once.

With regard to permits, Mr. Millette indicated only two would be required, those of Sewage and Site Specific. No Wetlands or Dredge and Fill would be required.

Mr. Millette felt the traffic studies previously submitted were more than sufficient and that the expected 300-338 cars per day would have little impact on a road designed for a capacity of 11,000. He also was in agreement that the City Council must approve any private sewer line proposed within the City's ROW.

Addressing the subject of driveway width within the subdivision, Mr. Millette noted that the main access is 24 feet wide while the individual driveways are 20 feet wide. Sidewalks are to be included in the subdivision.

Peter Loughlin, Attorney for the applicant gave a brief recap of the lengthy report prepared on the subdivision. Mr. Loughlin mentioned giving an easement deed to the City of Dover for City equipment on the subdivision, that no building will take place in spring area, and that water pressure and sewage are more than adequate for the number of proposed units. The impact on schools would be slight as only an estimated 11 children will be added to the system.

In addressing the lack of parking spots at the tennis courts, Mr. Loughlin stated it is the intention of the developer to maintain the courts for owners only and omitting the parking is one way to maintain that status.

A set of revised plans have been sent to Frank Richardson, Senior Inspector for the New Hampshire Wetlands Board Coastal Program, who indicated he would send a letter stating that the location of buildings as now proposed is not within Wetlands jurisdiction.

In response to a question from Mr. Maglaras, Mr. Loughlin reiterated the Wetlands Board's intention to send a letter stating a waiver of Wetlands jurisdiction, and that Site Specific is still necessary.

Public Hearing Opened

In response to a question from Mrs. Jeannie Leathers, abuttor on Mast Road, Mr. Loughlin assured her of a right of way

incorporated into the plan.

Christine Baber of Mast Road recommended adjourning this item until all permits are obtained and stated her opinion that this proposal is consistent with the Dover Master Plan.

Julie Hancock of Mast Road inquired as to whether more units are planned in the future. Mr. Loughlin assured her that no units are being planned. Mr. Gavin concurred.

Richard Lord of Mast Road stated his concern over the Mast Road intersection citing winter hazards, stopping distances and sight distances. Mr. Lord asked the Planning Board to consider the safety of the residents in the area and put the project on hold until all safety aspects have been addressed. Mr. Millette stated in response that copies of traffic reports, stopping distances and sight distances are on file.

Bill Baber, Mast Road, reiterated concerns of residents of the area with regard to landscaping, sight distances at the Mast Road intersection and the position of the clusters of units on the proposed plan. In response to a question from Mr. Baber regarding whether the City could cut down some trees on the Mast Road intersection to improve sight distance, Mr. Bouchard stated the property is privately owned and the owner would not allow the cutting of the trees in question.

Stephen Lord of Mast Road questioned the landscaping within the proposed area and on the Jeannie Leather boundary line. Mr. Lord stated his concern that the plantings as proposed are not sufficient and asked that they be increased in volume. In response to a question voicing concern on this matter, Tim Sheldon stated that internally the plantings are sufficient, but along the westerly lot line and the entryway the plantings are inadequate. Mr. Lord stated his hope that the discussions he has had with the Planning Director will carry through as currently the landscaping, under ordinance is left to the discretion of the developer.

In response, Mr. Millette stated that because of the elevation in the land, the majority of the buildings will be hidden from Mrs. Leathers view.

Mr. Carey Forbes stated his intention to bring before the Planning Board his development of 115 units adjacent to the Gavin

property and hoped the Board would take into consideration the sewer, water lines and other pertinent issues involved when making a decision on the Gavin proposal. In response to a question from Mr. Bouchard, Mr. Gavin and Mr. Forbes both indicated they have discussed the mutual concerns.

Grant Davis, 48A Spur Road expressed concern that the current proposal would affect his right to develop his abutting property with regard to sewer, water, etc. Mr. Bouchard stated that at this point in time that is not of the Board's concern.

Mr. Loughlin stated in response to Mr. Davis' and Mr. Forbes' concerns that the combined sewer, sidewalk, etc. costs could be worked out in the future, however, at this time the Board's concern should be for the Gavin proposal.

Mrs. Baber again stated that with the proposed Gavin, possibly Forbes and Davis developments there is even more reason for the Board to adjourn this proposal.

Mr. Peters of the City Council but here as a citizen, stated the need for a growth management policy in light of the concerns of the residents of the area involved in this proposal.

Mr. Forbes stated that his proposal would involve about four years phasing and that the density of the current proposal has been reduced significantly with current planning standards.

Mr. Maglaras stated the Planning Board is aware of the safety, sidewalks, sewer and water issues of the area and future discussions will be concerned with this area.

Mr. Davis stated the land in question was zoned with the current type of development in mind before current land owners moved there and the land will be developed in the future.

In response to a question from Mr. Baber, Mr. Willette stated the gravity feed sewer will be installed and will be a public sewer, but will not be hooked up until some time in the future. Mr. Baber also stated he hoped the sidewalks would go around the trees at the intersection and that the landscaping will be a priority.

Mr. Lord stated the need for engineering work on the hill to Garrison Road for health and safety reasons.

Public Hearing Closed.

No action?

A site review is scheduled for Thursday, June 27 at 4:00 P.M.

Mr. Maglaras noted that the SRSC Report is too lengthy to read in its entirety and is on record in the Planning Office for the public to read upon request.

Item #2: Public Hearing on the site review of land owned by Fred Hertel and Van Hertel (applicant Fred E. Hertel), Assessor's Map I, Lots 7B and 7C, zoned RM-20 and R-20, on Back River Road.

John Downing, architect for the Hertels, explained the proposal and stated the plans include bringing the existing Highland Arms Apartments up to current zoning standards.

Mr. Preston read the SRSC report.

In response to a question from Mr. Maglaras, Mr. Bouchard indicated that the sewage capacity is sufficient for the proposal and is available for hookup on a first come, first served basis.

Mr. Craig, Durham Road, expressed concern for the safety of children in the area and that a fence should be installed along the property line between his property and that of Highland Arms. He also suggested additional trees and shrubery as a noise buffer between the apartments and abutters.

provision only

In response to a question from Christine Baber, Mast Road, Mr. Bouchard indicated provisions are being made for a stop light at the Backriver Road/Durham Road intersection and will be ready by the time the bridge is completed.

Mr. Baber, Mast Road, once again asked to Board to consider the safety, landscaping and fencing for the area.

Mr. Downing indicated that very few children will be added to the area but that the fencing suggestion is a good one and will be considered.

Public Hearing Closed.

Mr. Downing consented to stake out the boundary lines and proposed buildings so the Planning Board members can go out and do a site review on an individual basis before the next Planning Board meeting.

No action

Item #3: Old Business

1) Review of the application for site review for the land owned by Lawrence R. Raiche, Gouglas C. Gray, Gregory Koutrelakos, and George Gauthier d/b/a/ Wellington Investments, on Central Avenue.

Doug Gray presented a revised plan to the Board and explained the catch basin on the south side of the parking lot and the right turn only sign on exit from the parking lot. He explained that the screening would be by fence.

In resonse to a question from Mr. Galt, Mr. Gray explained that snow would be removed from the parking lot in a manner that would not restrict parking spaces nor increase drainage in the adjoining property.

In answer to a question from Mr. Bouchard concerning the safety of the "no left turn" sign on exit from the parking lot, Mr. Sheldon indicated that Mr. Fenton of the Dover Police Department considered the sign to be sufficient to cover the exit problem.

Moved by Mr. Galt, seconded by Mr. Weisner, to approve the proposal with the following conditions:

1. That snow removal would not increase drainage to the adjacent property nor restrict parking spaces.
2. That vegetation on the south side of the property be be filled in.
3. That written approval from Mr. Fenton be received on the safety of the "left turn only" sign on exit from the parking lot.

Vote on motion: U.A.

2) Review of the application for site review for the land owned by Llewellyn Bridges (applicant Kenneth E. Morin d/b/a Eagle Realty), on Charles Street.

Mr. Preston removed himself from the Board at this time to avoid a conflict of interest.

Mr. Morin explained his revised plan which complies with all zoning regulations. No waivers or variances will be required. *accord. to morin*

Discussion took place by the Board as to whether the new plan should be reviewed by the SRSC or presented for public hearing. Mr. Maglaras encouraged a SRSC review before action from the Planning Board.

Discussion ensued on the new zoning regulations and how they would affect this proposal. It was determined that the new regulations would definitely affect the proposal, and that the applicant would be delayed in his efforts by possibly several weeks to months if public notice is posted on the new zoning.

Mr. MacNeil, Attorney for the applicant commented that it would not be fair to deny the proposal in order to change the zoning ordinance and that any changes should be prospective not retrospective with respect to Mr. Morin's proposal.

Mr. Sheldon recommended the application be processed through as is and that the new plan meets the current zoning requirements.

Mr. Bouchard commented that the abutters were not given fair consideration and that a public hearing is necessary.

Mr. MacNeil commented that Mr. Morin is not getting his fair chance either, and has submitted all necessary materials to the Board for consideration on this matter now. He suggested the Board publish a public notice on the new zoning ordinance after accepting Mr. Morin's plan.

Mr. Galt suggested that the City may also be in a "catch 22" situation if Mr. Morin is allowed to go ahead with his plan as we must wait until he has finished due process, possibly a month or more during which others may apply with the same type of request and the Board would be required to act on those items just as we did with Mr. Morin's.

It was noted by Mr. Maglaras that if the plan is determined to be one of substantial change a public hearing is required.

Mr. MacNeil suggested once again that public hearing on the zoning change be detained until Mr. Morin's proposal is accepted.

Mr. Williams suggested that if the Board were to do such a thing it would be considered a special favor.

Mr. MacNeil suggested that a reasonable accomodation be made on both sides.

Mr. Sheldon noted that if the Board determines there is substantial change a public hearing is warranted. If it is determined that there is no substantial change, it with reasons why.

Mr. Bouchard insisted on determining whether the proposal is a major change.

Mr. Galt commented that a report from the SRSC is necessary, and that a change of 14 units to 8 is a major change.

Mr. Morin noted that notice to abutters has been given and his plan is up to current zoning regulations.

Mr. Bouchard motioned that the new plan is a major change, Mr. Williams seconded.

Vote on motion: 3-2 (Seaver, Weisner)

Mr. Maglaras noted that the applicant would have to file a new application for Public Hearing.

Item #4: New Business

1) Approval of the minutes of the regularly scheduled meeting held on June 11, 1985.

Mr. Williams motioned to approve the minutes, Mr. Weisner seconded.

Vote: U.A.

Mr. Maglaras noted that the workshop session on the UMUD zone indicated most of the members present were in favor of rezoning the area, and that the issue should be discussed further with more members present tonight. It was mentioned by Mr. Maglaras that the consensus at the workshop was that Sullivan Tire would remain in the UMUD zone and the rest would go back to R-12.

Mr. Galt indicated a concern that this would be considered spot zoning.

Mr. Sheldon noted that going around the neighborhood and

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maintaining its historic nature is being expeditious not spot zoning, and suggested zoning according to the status quo.

Mr. Bouchard suggested rezoning the existing duplexes to R-12.

Mr. Bouchard motioned putting lots 1,2,3,4,5,6,8,10 in the R-12 zone and maintaining lot #7 as UMUD, Mr. Galt seconded.

Vote: 5-1 (Seaver)

The new zoning regulation will go to public hearing on July 23, 1985.

Mr. Maglaras cited considerations of the Planning Board in the future as being the new zoning ordinance, the 90 day extension given the Cocheco Street project, Brickyard and Fipps property.

Mr. Williams made a motion to adjourn, Mr. Galt seconded.

U.A.

Meeting adjourned at 10:30 P.M.