

DOVER PLANNING BOARD
MINUTES OF MEETING

Held: July 23, 1985
Council Chambers
Municipal Building
Dover, NH

Members Present: Vice-Chair Harold Preston, J. Andrew Galt, R. Craig Williams, Robert Seaver as Alternate for Harold Preston, Stephanie Faria, Pierre Bouchard, Robert Weisner, H. Les Elder.

Others: Robert Steele as Advisor, Richard Selleck as Interim Planning Director, Berrie Donovan as Recording Secretary.

Vice-Chair Harold Preston called the meeting to order at 7:10 P.M.

ITEM #1: Public Hearing on site review of land owned by Helen Phipps (applicant, George Gauthier d/b/a The Christopher Group), Assessor's Map E, lot 26A, zoned R-40 on Sixth Street.

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

Mr. Bouchard noted the omission on the report of a curb on the entrance to the driveway, and noted it should be included on the final plan and in the SRSC report.

James Schulte, Attorney for the applicant, presented and explained the application. The applicant plans to turn the 1730 farm into a period restaurant thereby asking for a Driveway Waiver to use crushed rock instead of paving the surface. He indicated that the City Engineer has approved the septic system.

Richard O'Donnell, Architect for the applicant, explained the proposal further noting that a sound and visual barrier is included on the Stingles property line, the utilities will be underground, and the curb is noted on the map along the entrance to the driveway.

Public Hearing opened:

In response to a question from Janice Stingles, Sixth Street, Mr. O'Donnell explained that the fence to be installed would be wood-toned in color, would be six feet tall, located on the Phipps

property line and as close as possible in keeping with the period.

Public Hearing closed.

In response to concerns expressed by Mr. Galt regarding the waiver of the driveway with respect to the snow removal impact and containment of the delineation of the parking lot and driveway, Mr. O'Donnell explained that the driveway and parking lot would be flagged for plowing, that keeping it unpaved and covered with crushed gravel would allow for moisture penetration into the ground, and that the main advantage would be visual.

Mr. Schulte mentioned that a full-time maintenance person would be living on the premises.

In response to a question from Mr. Galt concerning future development, Mr. Schulte indicated there is no indication of development in the near future.

In response to a question from Mr. Williams concerning dust from an unpaved driveway, Mr. O'Donnell noted that treatments can be applied to the gravel to prevent dust.

Chris Jacobs, engineer representing the applicant, noted that the type of product being used is non-dust producing.

In response to a question from Mr. Bouchard, Mr. O'Donnell indicated that the applicant is waiting for approval of the WSPCC and City Septic.

Mr. Bouchard made a motion to approve the application subject to the conditions of the Site Review Screening Committee (including the curb upon entrance of the driveway), WSPCC and City Septic approval, and the installation of a sound barrier in the form of a fence along the Stingles property line. Mr. Seaver seconded.

In response to a question from Mr. Galt concerning the width of the apron of the driveway, Mr. Bouchard indicated that the 32 foot width indicated on the plan was acceptable.

Vote on Item #1: U/A

ITEM #2: Public Hearing on minor subdivision of land owned by Frank DiCicco (applicant Rickey DiCicco), Assessor's Map F, lot 11A, zoned R-40 on Tolend Road.

Mr. Preston read the Site Review Screening Committee report.

Mr. Bouchard indicated concern over the fact that the existing dwelling might not have an approved septic system and the subdivision of this land would create a substandard lot. Mr. Bouchard noted that there is nothing on record for this septic system approval.

Ricky DiCicco noted that plans for the septic system for the house he intends to build on the newly created lot, if approved, have been sent to the City Engineer.

In response to a question from Mr. Seaver, Ricky DiCicco indicated the one driveway would serve both newly created lots if approved. Ricky DiCicco also indicated the builder of the existing house did have a building permit and that the City sent two men to the existing house on the lot to inspect the septic system.

Frank DiCicco noted that the two men who inspected the system would report to the City Engineer who would send State people down.

Mrs. Faria moved to table the proposal until the results from the State regarding the septic system are presented, and until a building permit is produced. Mr. Galt and Mr. Williams seconded.

Mr. Preston noted that this item will come up under "Old Business" during the Planning Board Meeting on August 13, 1985.

ITEM #3: Public Hearing on major subdivision of land owned by Kenwood Corporation (applicant Laurence P. Keenan), Assessor's Map L, lot 68A, zoned R-20 off Dover Point Road (Roberta Drive Subdivision).

Larry Keenan explained the subdivision. He noted that the Planning Board had granted preliminary approval of the project in 1979 but that economics prevented him from doing anything at that time.

Mr. Preston read the Site Review Screening Committee Report.

Mr. Bouchard recommended adding a waiver of the 12 inch water main requirement as the eight inch is sufficient. He also noted that the 30 foot easement should be on the south side of the plan, and that he does not agree with a 9% grade but the Planning Board has gone along with an 8% grade in the past.

Jack McKletchie, Dover Point Road, indicated concern over the 9% grade.

Mr. Bouchard noted there would be a 50 foot level off spot onto Dover Point Road.

Mr. Preston cited that the Site Review Ordinance states that a 2% grade should be the limit for an intersection.

In response to an inquiry from Mr. Williams regarding the date and stamp on the plan, Mr. Preston indicated both were acceptable.

Mr. Preston explained to Mr. McKletchie that the waiver of the cul-de-sac is necessary in order to black top the center instead of growing grass for the City to mow.

Mr. McKletchie inquired as to how to make a change in the speed limit along Dover Point Road in the vicinity of Roberta Drive. Mr. Steele answered that anyone could request the State review the speed limit. Mr. Bouchard suggested the Planning Board send a letter to Division VI asking for a review.

In response to a question from Mr. McKletchie regarding who is responsible for the cost of the new water hook-up, Mr. Bouchard noted that any lot within 100 feet of the new line would automatically be hooked up by State Law.

David Campanale, Dover Point Road, expressed concern over the fact that his house set a long distance back on his lot and that the current sewer line is adequate.

Public Hearing closed.

Mr. Preston read the Site Review Screening Committee comments.

Mr. Galt expressed concern over the nine percent grade at the top of the hill and the fact that there are so many waivers involved.

Mr. Steele recommended taking the City off the hook as far as maintaining the road is concerned. Roberta Drive is not a City street although the City currently plows it. The new developer would have to maintain the street.

Mr. Galt commented that the road grade was of great concern in the Williams case, an eight percent grade was approved, and the Planning Board may be setting a precedent.

Mr. McKletchie noted that the Board should either change the ordinances pertaining to the waivers or limit the waivers themselves.

Mr. Preston, with the Board's approval, set up a site review for Monday, July 29, 1985 at 5:30 P.M.

ITEM #4: Public Hearing on minor subdivision of land owned by Lionel and Paul Martel, Assessor's Map I, lot 26A, zoned R-40 on Drew Road.

Lionel Martel explained the subdivision.

Mr. Preston noted that lot #3 on the Martel plan must have 150 feet of road frontage.

Public Hearing opened.

Rodney Wilson, Drew Road, expressed concern over the future growth of the larger lot in the proposed subdivision. Mr. Preston noted that the Planning Board is only concerned with the plan before the Board at the moment.

Mr. Wilson noted that there is a burst of growth along Drew Road and that if the road is to support all this growth, corrections need to be made.

Public Hearing closed.

Mr. Williams motioned to approve the application based on all lots having proper frontage, a stamped and dated plan, and subject to the Site Review Screening Committee's recommendations. Mr. Weisner seconded.

Vote on Item #4: U/A

At this point in the proceedings Mr. Weisner left and Mr. Otis Perry assumed his seat on the Planning Board.

ITEM #5: Public Hearing on major subdivision of land owned by James J. and Evelyn Mulligan and Mary M. White (applicant Charles Mutrie, Evitar Corporation), Assessor's Map 21, lot 26, zoned R-12 on Henry Law Avenue and Back Road.

Mr. Mutrie explained the subdivision.

Mr. Bouchard indicated that neither he nor the City Engineer have seen the plan yet.

Public Hearing opened:

James Mulligan, the land owner, spoke in favor of the subdivision.

Helen Routhier, Back Road, expressed concern over the width of the road at the junction of Henry Law and Back Road noting the amount of increased traffic and the safety factors. She also indicated that drainage is poor there already and wanted to know the effect on the drainage situation if more building takes place.

Walter Prescott expressed his concern over the major flow of traffic passing before his house, and asked who would carry the

cost of the water and sewer hookup. Mr. Bouchard answered that the developer is responsible for the costs.

In response to a question from Mr. McCabe, Henry Law Avenue, Mr. Mutrie answered that there will be two new entrances to the project.

Jacqueline Taylor, Hanson Street, asked about the possible effects of blasting on some of the older homes in the area. Mr. McCarthy, engineer for the project, noted that there would probably be some blasting but anticipated no damage to the homes in the area.

Helen Routhier again expressed concern over the drainage problem and Mr. McCarthy assured her that the drainage would not be coming down Hanson Avenue, that if anything the water problem would be decreased through the use of retention.

Mr. Preston indicated that the Mutrie proposal was brought before the Board as a preliminary plan, and tabled the proposal for 30 days to enable the City Engineer and Planning Board members to study further.

ITEM #6: Public Hearing on minor subdivision of land owned by Roger G. Clement, Assessor's Map 27, lot 82, zoned RM-8 on Freeman Court.

Mr. Clement explained that he owns two separate dwellings with two separate deeds and wants to subdivide.

Mr. Preston noted that cars cannot be left on the street so some kind of parking off street would be required.

In answer to a question from Mr. Bouchard, Mr. Clement indicated that there is a separate water and sewer system for each parcel.

In response to a question from Mr. Elder, Mr. Clement noted that parcel number two on the plan, the one he himself is living in, does have parking. The other does not.

Public Hearing opened.

Attorney Edward McManus, representing direct abutters Mr. and Mrs. Hale, indicated their concern over the parking situation and noted that they had denied a request from Mr. Clement to allow him to use a 10 foot square easement on their property for parking. The Hales are opposed to the subdivision.

Public Hearing closed.

In response to a question from Mr. Galt concerning the frontage of one of the lots, Mr. Selleck indicated the Clements had been granted a variance from the Zoning Board of Adjustment for 80 foot frontage.

In response to a question from Mr. Seaver, Mr. Clement noted he would not share his driveway with the other dwelling.

Mr. Williams motioned to deny the subdivision because no off street parking is provided. Mr. Elder seconded.

Mr. Seaver indicated that if Mr. Clement could come in with a new plan providing off street parking, the Planning Board could approve it with contingencies. Mr. Clement noted he would not share the driveway and therefore would not submit a new plan.

Mr. Clement noted that others living on Freeman Court park on the street. Mr. Bouchard indicated that once a new subdivision is brought in, parking is no longer allowed on the street.

Vote on Item #6: Deny, U/A

At this point in the proceedings Mr. Maglaras assumed his position as Chairperson on the Board and Mr. Preston stepped down.

ITEM #7: Old Business

Mr. Maglaras put off this section of the agenda until New Business has been covered.

ITEM #8: New Business

1) Public Hearing to amend Chapter 170 of the Code of Dover entitled Zoning, by altering the official zoning map of the City of Dover (170-8). The purpose of the amendment is to rezone that area on Assessor's Map 16, lots number 1,2,3,4,5,6,8,9,10 from Urban Multiple Use District (UMUD) to Medium Density Residential District (R-12).

Mr. Maglaras presented the amendment and indicated the Board felt an error had been made in zoning due to the nature of the neighborhood.

Public Hearing opened.

Ken Morin, 10-12 Charles Street property owner, presented a petition signed by all lot owners involved in the rezoning amendment indicating their disagreement with the change in zoning.

Thomas Richardson, owner of 10-12 Charles Street, spoke against the amendment noting that he bought the property knowing the zone and felt that UMUD gave him more leeway as far as use goes.

June Laramie, 14-16 Charles Street, spoke against the amendment, and indicated that lots 7 and 13 should be included if the change in zoning is approved.

Public Hearing closed.

Mr. Galt indicated he had no idea of opposition to the amendment and that the Board had acted in good faith because of opposition of the landowners in the area to development.

Mr. Maglaras indicated the Board will take the proposed amendment up as old business on the August 13, 1985 Planning Board meeting.

Mr. Williams suggested asking the landowners present at the meeting how they felt with regard to preserving the character of the neighborhood. Members of the Board objected to the suggestion.

Mr. Seaver noted that if the Board voted on the amendment now it would take the brakes off applications in the works.

Mr. Maglaras indicated the Board would postpone action.

Mr. Galt motioned to table the proposed amendment. Mr. Williams seconded.

Vote on tabling the Charles Street rezoning amendment: U/A

Mr. Maglaras noted the proposed amendment will come up as old business on August 13, 1985.

At this point in the proceedings Mr. Seaver left his seat and Mr. Preston assumed it.

2) Public Hearing to amend Chapter 170 of the Code of dover entitled Zoning to enact a Growth Management Ordinance District

II, which will prohibit new structures or additions on those parcels of land that derive access from the Weeks Traffic Circle if said development will result in increased vehicular loading on the Weeks Traffic Circle.

Mr. Selleck noted that he had received several calls from the public speaking out against the ordinance.

Public Hearing opened.

Mr. MacNeil, attorney representing Peter Russell, Richard Delaney and Jim Yung quoted hardship on the property owners involved in the ordinance in that they do not share in the benefits but suffer instead. While development is taking place all around them and the increased traffic is still using the circle, the property owners involved are restricted in their growth. Mr. MacNeil suggested each individual case be considered site by site rather than have a blanket restriction on the lots mentioned in the ordinance.

Stephen Dibble, attorney representing R.W. Realty, Inc., stated the ordinance is unfair as the circle is used by all traffic using the businesses along Central Avenue, and it is unreasonable to ask the affected parties to bear the burden of development in Dover.

Public Hearing closed.

Mr. Maglaras stated he would get in touch with the State Engineer's office to determine how far along the State study of the traffic circle is. He noted the analysis done by the Strafford County Planning Commission is outdated and a new study is needed. He noted the proposed ordinance will be tabled until the next regularly scheduled meeting of the Planning Board on August 13, 1985.

Mr. Galt expressed concern over the fact that the City's share of relocating the businesses along the Weeks Traffic Circle is 25%, and if we allow growth to continue along there and the State decides to come along and construct a clover leaf, the City will have to foot the bill incurred in moving the businesses involved. He also expressed concern that Mr. MacNeil seemed to have more information than he with regard to traffic studies being done at the Circle.

Mr. Bouchard noted that no plans have been presented to the City of Dover, only a concept.

Mr. Steele noted that the State has been presented a study and when they have reviewed it they will send it to the City Council.

Mr. Maglaras tabled the proposed ordinance until it is brought before the Board as old business on August 13, 1985.

ITEM #7: Old Business

Mr. Preston discussed the proposal of Jeff LaPointe to build an addition and garage on his house. Mr. LaPointe's home is in the Well Site Protection District. Mr. Preston noted that when the Well Site Protection District was passed the Board was told there were no single family homes involved. Mr. LaPointe's, among others, is. Mr. Preston recommended the Board let Mr. LaPointe go ahead with his plans.

Mr. Maglaras suggested changing the Ordinance to allow accessory uses within 0-1,000 feet rather than the 0-400 feet of the Well Site Protection District now allowed.

Mr. Galt noted anything within the 400 foot radius is impacting on biological contamination.

Mr. Williams suggested the Planning Board submit a letter to the Zoning Board of Approval citing no objection from the Board to allowing Mr. LaPointe to build his addition and garage.

Mrs. Faria motioned to adjourn the meeting, Mr. Elder seconded.

Mr. Maglaras adjourned the meeting at 10:45 P.M.