

DOVER PLANNING BOARD  
MINUTES OF MEETING

Held: August 13, 1985  
Municipal Building  
Council Chambers  
Dover, NH

MEMBERS PRESENT: George Maglaras Chairman, Harold Preston Vice Chairman, J. Andrew Galt, R. Craig Williams, Les Elder, Stephanie Faria, Pierre Bouchard

OTHERS: Robert Steele as advisor to the Board, Richard Selleck as Acting Planning Director, Berrie Donovan Recording Secretary

Mr. Maglaras called the meeting to order at 7:10 P.M.

ITEM #1: Public Hearing on site review of land owned by E. J. Carrier, Assessor's Map 30, lot 139, zoned O on Central Avenue.

Mr. Maglaras explained that this item has been withdrawn from the Planning Board's consideration because it must first go the the Zoning Board of Adjustment for a variance.

ITEM #2: Public Hearing on minor subdivision of land owned by Dover Industrial Development Authority, Assessor's Map G, lot 31, zoned I-1 on Crosby Road.

George Garrett, Economic Development Director, explained the minor subdivision.

Public Hearing opened: no comment

Public Hearing closed.

Mr. Preston read the recommendation from the Site Review Screening Committee that the proposal be accepted as presented.

Moved by Mr. Preston, seconded by Mr. Elder and Mrs. Faria to accept the proposal as presented.

Vote: Unanimous Approval

ITEM #3: Public Hearing on minor subdivision of land owned by

Louis Stocklan, Assessor's Map G, lot 24J, zoned R-20 on Columbus Avenue.

Steven Stocklan explained the minor subdivision.

Mr. Preston read the Site Review Screening Committee's recommendations.

Public Hearing opened: Joe Ponders, Tolend Road asked Mr. Stocklan if he was only subdividing these three lots, to which Mr. Stocklan replied that he was.

Public Hearing closed.

In response to a question from Mr. Galt regarding drainage, Mr. Bouchard stated that the gutter on the side of the road is sufficient.

Mr. Bouchard stated that the utilities must go to the end of the lot at the time of subdivision.

Moved by Mrs. Faria, seconded by Mr. Elder and Mr. Preston to approve the minor subdivision subject to the conditions set by the Site Review Screening Committee.

Vote: Unanimous Approval

ITEM #4: Public Hearing on site review of land owned by Robert and Doralee Willoughby (applicant, Allgeyer Construction Corporation), Assessor's Map 31, lot 94 zoned RM-8 on Fifth Street.

Carl Allgeyer explained the site review of two buildings with twelve, two-bedroom units each. He stated his plan to use five to six foot trees as a buffer, rather than fencing along the rear property line.

In response to a question from Mr. Maglaras, Mr. Allgeyer explained that there would be directed lighting toward the parking area.

Mr. Bouchard expressed concern that the plan does not meet the open space and recreation requirements.

Mr. Elder expressed concern over parking spaces and the fact that only one and one half are planned per unit. Mr. Maglaras noted

that the two spaces per unit requirement is in the new Site Review Ordinance and has not been formally passed yet. He suggested that Mr. Allgeyer comply with the proposed parking requirements of the new ordinance.

Public Hearing opened: Ray Hennessey raised concern over the amount of noise generated 24 hours a day by his business on Fifth Street. While he noted that he is not against the proposal, he wanted the Board to be aware of the fact that the noise level should be of concern to the developer.

Tim Robinson, Fifth Street, noted that the street is a dead end and inquired as to what plans are being made for the increased traffic. Mr. Bouchard indicated that no plans are being made for improvement now.

Tom Chapman, Grove Street, expressed concern over the drainage problem in the area now and the effect the new development will have over drainage in the future. Mr. Allgeyer stated that drainage from the parking lot would be handled by a catch basin.

Mr. Allgeyer stated that granite curbing would be sloped to the first parking spaces.

Public Hearing closed.

Mr. Preston noted that the plan did not display the seal of a registered engineer or architect.

Mr. Maglaras noted that there is considerable concern over the lack of open space and recreational requirements as well as a drainage problem.

Mr. Elder motioned to suspend the rules, Mr. Williams seconded.

Mr. Maglaras re-opened the Public Hearing and recessed it.

Several issues of concern were expressed by the Planning Board Members, specifically those of safety with regard to the trucking in the area, road access, the lack of a stamp on the plan, provision for guest parking spaces, open space and recreation space requirements, drainage, and screening on the property line.

In response to a question from Mr. Elder, Mr. Allgeyer noted that an existing building would be demolished and gas tanks removed.

Mr. Bouchard asked if an environmental assessment would be

necessary. Mr. Maglaras noted that the question would be handled at the time of the demolition permit, but would ask the City Attorney for an opinion on the subject.

Mr. Preston suggested that the Site Review Screening Committee handle the concerns mentioned by the Board. The Board concurred.

Mr. Maglaras noted that no notification of the Public Hearing is necessary in order to re-open it, and abutters should watch the newspaper for this item to come up at a future Planning Board meeting as new business.

**ITEM #5: Public Hearing on minor subdivision of land owned by Alice Chubbuck (applicant Ronald Pombriant), Assessor's Map 37, lot 13 on Hall and Gilman Streets.**

Ron Pombriant explained the minor subdivision.

Mr. Bouchard expressed concern over the water problem and noted that the utility line should go to the end of the lot line.

Mr. Maglaras noted that this item could be passed as long as a notation is made on the mylar that sewer/water conditions are unclear.

Public Hearing opened: Al Richard noted that the sewer line ends next to the Kimball property, that the line is three quarter inch galvanized and can handle the load.

Mr. Maglaras recessed the Public Hearing to allow Mr. Bouchard and Mr. Stephens to assess the sewer/water situation on the property.

The item will appear as Old Business on the Planning Board Agenda, the Public should watch the newspapers.

**ITEM #6: Old Business**

1) Review of application for minor subdivision of land owned by Frank DiCicco (applicant Rickey DiCicco) on Tolend Road.

Rickey DiCicco noted that the State has a septic system plan in the works.

Mr. Maglaras noted that as soon as the Planning Board receives a copy of the State approval they will act on the minor subdivision

as Old Business.

2) Review of application for major subdivision of land owned by Kenwood Corporation (applicant, Laurence Keenan) off Dover Point Road (Roberta Drive subdivision).

Mr. Preston noted that Mr. Keenan should extend the water/sewer line for neighbors to attach, that a catch basin should be located on the second lot in on the north side of the property (on the east side of the driveway, uphill), and that the City Engineer had indicated an eight inch main is acceptable.

Mr. Maglaras noted that the mylar should be stamped with wording to indicate that Roberta Drive is an unaccepted City Street even though the City provides services.

Mr. Bouchard noted that there should be two street trees per lot of one and one half to two inch caliper of an accepted street tree species.

Mr. Maglaras noted that the plan should have an updated stamp and current abutters added.

Mr. Preston moved to pass this item with the conditions mentioned, Mr. Elder seconded.

Vote: Unanimous Approval.

3) Review of proposed zoning amendment from UMUD to R-12 on Charles Street.

Mr. Maglaras noted that the Planning Board's efforts to rezone this area are valid and that the area is worth keeping in its present condition. He suggested that perhaps the R-12 zone is the wrong one to rezone to in light of the property owners concern, as variances would be necessary for improvements on the duplexes.

Mr. Bouchard noted that parking is a problem now, driveways are small, the area is unique and he is in favor of the R-12 zone.

Mr. Galt indicated that the original intention of the UMUD zone in this area was that some of the houses would be torn down and that the character of the neighborhood would change because of commercial intention, but that has not happened and the original character has been maintained. He indicated that the UMUD zone is inappropriate for this area.

In response to a question from Mr. Williams regarding parking, Mr. Maglaras noted that parking in the UMUD district is non-binding, that the Planning Board has flexibility in the determination of parking, and that with the new Site Review Ordinance, any residential reconstruction must provide parking.

Mr. Maglaras noted that Planning Board decisions based on petitions are not good precedents to set.

Mr. Maglaras read the petition presented to the Board by the property owners on Charles Street.

Moved by Mr. Bouchard, seconded by Mr. Galt to change the zone to R-12.

Vote: Motion defeated, 4-3 (Preston, Galt, Faria, Maglaras: no; Galt, Williams, Bouchard: yes)

4) Review of proposed zoning amendment to enact Growth Management Ordinance II (Weeks Traffic Circle).

Mr. Preston noted that it is not fair to have the circle owners saddle all the traffic problems.

Mr. Galt noted that he supported extending the Growth Management Ordinance down the Miracle Mile a year ago, but received no support. Now the City must pay 25 percent of any relocation affected by construction of new roads.

Mr. Williams suggested that no developer would locate on the Circle knowing that the City may take a business by Eminent Domain.

Mr. Bouchard noted that the City Council will be looking at a new set of traffic plans for the area and that a moratorium at least on new building should, be considered until the Planning Board sees those plans.

Mr. Maglaras noted that a time element is involved in that the Ordinance lapses this month and the City Council would not get to the Ordinance for at least 30 days.

Mr. Steele suggested lapsing the Growth Management Ordinance and treating the area site by site. Dover has already lost development to other cities, and the impact on the Circle is the same as though the development is in Dover.

Mr. Maglaras suggested allowing the Ordinance to lapse and strengthening the Planning Board's stand on future development.

Mr. Galt moved to re-enact a permanent Growth Management Ordinance for the Weeks Traffic Circle, Mr. Bouchard seconded.

Vote: Defeated, 3-2 (Williams, Faria, Elder: no; Bouchard, Galt: yes; Preston: abstained)

Mr. Maglaras postponed Item #6-5 until after the New Business is discussed by the Board.

#### ITEM #7: New Business

1. Review of request for waivers of street width and curb requirements on land owned by Franklin Torr, Assessor's Map K, lot 21 on Dover Point Road.

Mr. Torr explained that there is no runoff effect and very little salt would be used in the subdivision.

Mr. Maglaras noted that if the Planning Board noticed substantial change in the plan a Public Hearing would be necessary.

Mr. Bouchard noted that none of the catch basins will work if the Board waives the curb, to which Mr. Torr responded that the side of the street will be graded upward from the pavement and natural drainage will take place.

Mr. Elder asked why waivers are being requested now, to which Mr. Torr responded that he was told he would have to take them before the City Council and then found out that the Planning Board is the final decision maker.

Mr. Maglaras noted that the Mobile Home Ordinance has its own set of specs.

Mr. Williams expressed concern over setting a precedent with future developers as far as these waivers go.

Mr. Maglaras suggested placing a notation on the mylar stipulating single ownership.

Mr. Preston noted that the land cannot be subdivided as there is insufficient square footage per lot.

Mr. Galt expressed concern over the fact that the Planning Board approved the Site Review on the facts presented and now changes are being requested. He noted a problem with procedural aspects, and also with the drainage.

Mr. Elder motioned to deny the request, Mr. Galt seconded.

Mr. Torr asked the Board to consider the request as two: 1) waiver of the curb, and 2) street width.

The Board agreed to do so.

Mr. Elder revised his motion to deny the waiver of the curb, Mr. Galt seconded.

Mr. Torr asked Mr. Williams to abstain, as he had voted against the original proposal.

Mr. Williams refused to abstain.

Vote: motion passed, 5-1 (Williams, Galt, Bouchard, Elder, Faria voted yes; Preston voted no)

Mr. Preston moved to approve the 24 foot street width subject to approval by Mr. Bouchard and Mr. Stephens, seconded by Mr. Bouchard. Mr. Bouchard noted that the stipulation that the property could not be subdivided would be noted on they mylar.

Vote: motion denied, 4-2 (Bouchard, Elder, Williams, Galt: no; Faria, Preston: yes)

2) Review of request for driveway to exit onto Route 16 on land owned by Arnold Peters, Old Rochester Road.

Mr. Peters noted the width of the driveway would be 24 feet maximum.

In response to a question from Mr. Elder as to why he wants a second driveway, Mr. Peters noted that the driveway had been there before.

Mr. Preston motioned to approve the request, Mrs. Faria seconded.

Vote: Motion approved 4-1 (Elder)

3) Review of request to waive granite or cast concrete curbing

in the new roads in the Brickyard Estates on land owned by Richard Rowell on the corner of Dover Neck and Middle Road.

Mr. Galt suggested the request is premature as the Planning Board has only granted the applicant preliminary approval.

Mr. Maglaras noted that preliminary approval deals with conception of the lot, not the water and sewer, and that this is the appropriate time to bring up the subject of curbing before the final plan is drawn.

Mr. Galt motioned to deny the request, Mr. Bouchard seconded.

Vote: denied, 5-1 (Preston)

At this time, Mr. Torr challenged Mr. Williams' vote on his request for waiver of street width and curb requirements stating that if Mr. Williams had not voted, Mr. Maglaras would have had to break the tie.

Mr. Maglaras noted that it would not have made a difference as the motion to deny would have failed if a tie vote occurred, and a new motion would have to be made. He noted that Mr. Torr could ask the Planning Board to reconsider, or ask for an injunction from Superior Court.

4. Approval of the minutes of the regularly scheduled meeting on June 25, 1985.

Moved by Mr. Galt to approve, seconded by Mr. Elder  
Vote: Unanimous Approval

5) Approval of the minutes of the regularly scheduled meetin on July 16, 1985.

Moved by Mr. Galt to approve, seconded by Mr. Williams  
Vote: Unanimous Approval

6) Approval of the minutes of the regularly scheduled meeting on July 23, 1985

In Item #6, Clement application, Attorney McManus' name is listed as Edward when in fact it should be Anthony.

Mr. Maglaras noted that he entered the meeting late and it should be so noted in the minutes.

Mr. Maglaras requested that the alternates on the Planning Board be listed last as alternates in the section on Members Present.

Mr. Elder moved to approve the minutes with noted corrections, Mr. Galt seconded.

Vote: Unanimous Approval

ITEM #6: Old Business

5) Review of proposed amendments to the Site Review Ordinance.

Mr. Maglaras noted that the City Attorney has given him a precedent court case in which it was established that the Planning Board does not have authority to require a site review over the internal change of a building as long as the use is a permitted use by zone.

Mr. Galt suggested leaving the conversion factor out of the proposed Ordinance, pass it and then come back at a later date to include it if it is valid.

Mr. Williams moved to pass the Site Review Ordinance as ammended at the Planning Board Workshop on July 30, 1985 subject to the City Attorney's interpretation of the conversion issue, seconded by Mrs. Faria.

Vote: Unanimous Approval

In response to a question from Mr. Galt regarding the Parsons application, Mr. Maglaras noted that that plan has been stamped and approved.

Mr. Preston noted that the Dumont extension runs out on October 8. Mr. Galt noted that the City Council has not acted on this case at all as yet.

Mr. Maglaras noted that the Williams application has had some changes in it such as pulling back the cul-de-sac and eliminating house lots. He will check with the City Attorney on this matter.

Mr. Elder moved to adjourn the meeting, Mr. Galt seconded.

Vote: Unanimous Approval

Meeting adjourned at 10:45 P.M.