

Dover Planning Board
Minutes of Meeting

Held: August 27, 1985
Council Chambers
Municipal Building
Dover, NH

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

OTHERS: Robert Steele as Advisor to the Board, Richard Selleck as Acting Planning Director, Robert Seaver and Otis Perry, Alternates, and Berrie Donovan, Recording Secretary.

ITEM #1: Public Hearing on site review of land owned by Roger Boisse, Assessor's Map 38, lot 5, zoned B-3 on Central Avenue.

Roger Boisse explained the proposed 20 foot, three story addition to the rear of Roger's Pizza.

Harold Preston read the comments from the Site Review Screening Committee.

Public Hearing opened: no comments

Public Hearing closed.

Mr. Maglaras explained that the applicant has been to the Zoning Board of Adjustment and was granted a variance for expansion of a non-conforming structure with insufficient side setbacks.

Mr. Galt questioned whether the Board could grant approval to this application during the appeal period of the Zoning Board of Adjustment.

Mr. Selleck noted that the City Attorney had informed him that an application can be accepted and acted upon but if it is appealed it would have to be thrown out. The risk is on the applicant's part.

Mrs. Faria motioned to approve the application for site review contingent upon the Site Review Screening Committee's

recommendations and that the applicant wait until September 4, 1985 to apply for a Building Permit. Seconded by Mr. Elder.

Vote: Unanimous Approval

ITEM #2: Public Hearing on site review of land owned by William St. Laurent and Timothy Pearson, Assessor's Map 30, lot 136, zoned O, on Central Avenue.

William St. Laurent explained his intention to turn the current offices in the dwelling on Central Avenue to office condominiums.

Mr. Preston read the comments from the Site Review Screening Committee.

Mr. Maglaras noted that the City Engineer has concerns regarding the catch basin on Mount Vernon Street, and that any approval the Board grants should address that issue.

In response to a question from Mr. Galt regarding the entrance to the property, Mr. St. Laurent indicated that the entrance to and egress from the property would be one way.

In response to a question from Mr. Williams concerning the location of the driveway, Mr. St. Laurent noted that the driveway could not be any closer to the building because of bay windows on the side which would be in the way of any vehicles on the driveway. Mr. Maglaras noted that the driveways on the plan are currently existing.

Public Hearing opened: Ray Eaton, Mt. Vernon Street questioned the retaining wall and upon examination of the plan his questions were answered.

Mr. Maglaras noted that the City Engineer and Public Works Director have not as yet checked out the retaining wall and drainage situation due to lack of manpower, and that any approval of the plan should be contingent upon their approval.

Mr. Seaver suggested the Board set up a site review.

Mr. Maglaras noted that all other requirements have been met, and that the drainage situation has to meet with the City Engineer and Public Works Director's approval, a site review may not be necessary.

Mr. Elder questioned the grade of the exit onto Central Avenue.

Mr. St. Laurent noted that the exit onto Central Avenue will be level with the street.

Mr. Maglaras noted that the only reason for the addition on the rear of the building is for safer access to the second floor.

Mr. Preston motioned to approve the site review subject to the conditions of the Site Review Screening Committee and that the drainage and catch basin on Mt. Vernon Street have the approval of the City Engineer. Seconded by Mr. Williams.

Vote: Unanimous Approval

Mr. Maglaras declared a one minute recess.

Harold Preston reconvened the meeting, Mr. Maglaras left the meeting, Mr. Perry sat in for Mr. Preston.

ITEM #3: Public Hearing on minor subdivision of land owned by George Demosthenes, Assessor's Map I, lot 25C, zoned R-40 on Drew Road.

Mr. Galt recommended obtaining an opinion from a higher source as to whether the two lots already on the private road in the proposed subdivision are included in the four allowed in a minor subdivision.

Public Hearing opened: Anthony Hartnett, attorney for Mr. Demosthenes explained his opinion that the two lots already on the private drive are grandfathered in as they were approved before the Driveway Ordinance was passed. He indicated that the proposed lots have been reconfigured so that the frontage is 150 feet knowing that in the future more lots will be subdivided off the private right of way.

In response to a question from Mr. Seaver regarding phasing, Mr. Hartnett indicated that Mr. Demosthenes does not know how many lots will be made in the future, but by obtaining the subdivision now he can generate revenue to invest in the roadway at a later date.

Mr. Galt read the Site Review Screening Committee report.

James Verscheuren, Sixth Street, noted that the ordinance should be clearer as to the number of lots allowed on a private drive.

Mr. Williams motioned to recess the Public Hearing to consult with the City Attorney concerning the status of the two lots now on the private road with respect to future development. Seconded by Mr. Galt and Mr. Bouchard.

Vote: Unanimous Approval.

ITEM #4: Old Business

Mr. Preston noted that the Tamposi extension expires on September 10, 1985.

Mr. Galt noted that the City Council has not yet dealt with the Cocheco Street drainage problem, therefore the Dumont application has not been addressed either.

1) Mutrie Subdivision on Henry Law and Back River Roads.

Charles Mutrie, applicant, expressed frustration over the fact that nothing as yet has been decided on his application for a major subdivision. He noted that his first appointment was on May 19, 1985. He also noted that a letter from the City Engineer is forthcoming regarding the 7.2 percent grade in the subdivision. He indicated that the City Engineer also mentioned that the Planning Board will usually waive grades up to 8 percent. Mr. Mutrie noted that his engineers have already started on the recommendations of the Site Review Committee and that he would like to be on the September 10, 1985 Planning Board Agenda.

Mr. Perry suggested the Planning Board schedule a site review before the September 10, 1985 meeting.

Mr. Galt expressed his desire to wait until the Site Review Screening Committee has had a chance to go over the recommendations from the City Engineer.

Mr. Mutrie asked if he should clear the area for a site review.

Mr. Preston noted that anyone can file an intent to cut and cut any trees enabling Mr. Mutrie to stake out the property.

Mr. Bouchard suggested the Board members go over to the site on their own time sometime before the September 10, 1985 meeting.

Mr. Mutrie pressed for a time table from the Board as to the progress of his application.

Mr. Preston noted that the item would come up on September 10, 1985 under Old Business, a site review would be scheduled as soon as possible and preliminary or final approval would be granted on the September 24, 1985 meeting.

Mr. Preston moved on to approval of the August 13, 1985 minutes under New Business.

Mr. Elder motioned to approve the minutes as amended, Mr. Williams seconded.

Vote: Unanimous approval

The minutes as amended will be on file in the Planning Department.

At this point in the meeting, Mr. Maglaras returned to Chair the meeting, Mr. Perry left and Mr. Preston assumed his position.

Mr. Maglaras discussed the applications of Mr. Pombriant and Mr. Allgeyer and determined that they will both come up as Old Business at the September 10, 1985 meeting.

ITEM #5: New Business

1. Discussion of formation of Subcommittee on Natural Resources, Land Use, and Taxation.

Mr. Maglaras asked interested members of the Board to participate in the subcommittee. It was determined that the new Committee will consist of Mr. Galt, Mr. Perry, Mr. Seaver, Mr. Elder, Mr. Preston and Mr. Maglaras, Ex-Officio.

The first meeting will be held on Tuesday, September 3, 1985 in the Council Chambers.

Mr. Pennington, Dover Point Road, asked the Board if any proposals have been suggested.

Mr. Maglaras noted that no changes could be made without a Public Hearing.

2. Discussion of rezoning of Coheco Waterfront District (CWD) and Rist-Frost report.

Mr. Galt noted that all members of the Planning Board should have a copy of the Rist-Frost report.

Mr. Maglaras responded that the City Council received the copies because of the economic nature of the report.

In response to a question from Mr. Seaver regarding restrictions of development in the CWD, Mr. Maglaras noted that the setbacks, parking requirements and the Conservation District are the real holdups. He also noted that the newly formed subcommittee will be dealing with the Conservation District restrictions.

Mr. Galt questioned whether the CWD is necessary, or could it be incorporated in the B-2 or UMUD zones. He also noted that the parking should be pulled out of the Zoning Ordinance and placed in the Site Review Ordinance.

Mr. Maglaras stated that the UMUD includes manufacturing, but the only difference between B-2 and CWD is uses...the CWD is a natural extension of UMUD and B-2.

Mr. Maglaras noted that the 25 foot setbacks are not feasible for development purposes and that a site by site procedure may be the best.

Mr. Bouchard suggested eliminating the setbacks altogether.

Mr. Galt suggested maintaining sideyard setbacks to gain access to the water.

It was determined that further discussion would occur at the September 10, 1985 Planning Board meeting.

Moved by Mr. Elder, seconded by Mr. Williams to adjourn the meeting.

Meeting adjourned by Mr. Maglaras at 9:40 P.M.