

DOVER PLANNING BOARD
MINUTES OF MEETING

Held: September 10, 1985
Council Chambers
Municipal Building
Dover, NH

MEMBERS PRESENT: George Maglaras (Chairman), Harold Preston (Vice Chairman), Les Elder, J. Andrew Galt, Craig Williams, Pierre Bouchard, Robert Weisner, Otis Perry (Alternate), and Robert Seaver (Alternate).

OTHERS: Richard Selleck as Acting Planning Director, Berrie Donovan as Recording Secretary.

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

ITEM #1: Public Hearing on minor subdivision of land owned by Roger G. Clement, Assessor's Map 27, lot 82 zoned RM-8 on Freeman Court.

Roger Clement explained his minor subdivision and the fact that it was denied previously because no provision for off street parking was indicated on the plan. The plan now provides for an easement on his driveway leading to the back of the building housing his tenants.

Mr. Maglaras noted that the Site Review Screening Committee recommends approving the plan as submitted.

Mr. Bouchard inquired as to whether a waiver for a driveway beyond the easement is necessary.

Mr. Maglaras noted that the driveway is existing and that the ordinance states that one driveway can serve two houses.

In response to a question from Mr. Williams as to who maintains the driveway, Mr. Maglaras noted that the issue is a civil one, not involving the Planning Board.

Public Hearing opened: Donald Hale, Freeman Court, expressed concern over a fence Mr. Clement has erected at the end of the easement on his driveway, preventing cars from reaching parking in back of the tenant's dwelling.

Mr. Morin recalled the petition signed by the neighbors objecting to the change in the zone, and that they had told him they have no objection to his new plan.

Mr. Perry motioned to approve the application for site review contingent upon the Site Review Screening Committee recommendations and waiver of the driveway. Mr. Galt seconded.

Vote: Unanimous Approval.

ITEM #3: Public Hearing on revisions made to Chapter 149 of the Code of Dover entitled Site Review Ordinance.

Mr. Maglaras read a letter from the City Attorney stating that the approval of the Site Review Ordinance lies with the Planning Board and approval by the City Council is not necessary.

Public Hearing opened: no comment

Public Hearing closed.

Mr. Maglaras noted that 149-4B of the Ordinance cannot be enforced and should be deleted.

Mr. Galt moved to approve the Site Review Ordinance with the inclusion of the Planning Director as Secretary of the Site Review Screening Committee and the deletion of 149-4B. Mr. Elder seconded.

Vote: Mr. Galt - yes
Mr. Elder - Yes
Mr. Williams - Yes
Mr. Perry - Yes
Mr. Bouchard - Yes
Mr. Weisner - Yes
Mr. Preston - Yes

ITEM #4: Old Business

1) Reconvene the Public Hearing on the major subdivision application of Charles Mutrie of land located on Henry Law Avenue and Back Road.

Mr. Mutrie referred to the letter of recommendations from the City Engineer and Public Works Director and introduced his engineer, Ed MacArthur, who proceeded to address the recommendations and the

Jackie Taylor, Hanson Street, inquired as to the number of houses Mr. Mutrie is planning. Mr. Mutrie responded that he planned on 54-55 houses.

Walter Prescott, Hanson Avenue, noted that the lot next to him is unbuildable according to the Assessor's Office. He also noted that more stop signs would be necessary in the area.

Jackie Taylor inquired as to whether sidewalks are scheduled for Hanson Avenue or Court Street, to which Mr. Bouchard responded that the City has not appropriated funds for that area.

Mr. Maglaras noted that the developer is responsible for sidewalks within the development.

Mrs. Routhier asked Mr. Mutrie if he planned to build the houses himself to which he responded that he does not know yet.

Mr. Maglaras noted that he was not present at the first public hearing on this case and that it should have come before the Board for preliminary approval. He noted that the Site Review Screening Committee has not yet received a proposal for the drainage.

A site review was scheduled by Mr. Maglaras for Monday, September 16, 1985 at 4:00 P.M. He asked Mr. Mutrie to stake out the center line on roads, the front corners of the lots along the road (proposed and revised).

Mr. Maglaras noted that this item will be addressed under "Old Business" at the next Planning Board meeting.

2) Reconvene the Public Hearing on the site review application of Allgeyer Construction Corporation on Fifth Street.

Mr. Maglaras reconvened the Public Hearing.

Tom Chapman, Grove Street, inquired as to the screening along the house lots abutting the project to which Mr. Maglaras noted that there would be screening and that would be left up to the discretion of the Planning Director.

Public Hearing closed.

Mr. Preston noted that the plan should be properly referenced by a licensed surveyor.

Public Hearing closed.

Attorney Hartnett, for George Demosthenes, stated that it was unfortunate the number of lots was not addressed before and that Mr. Demosthenes wanted conceptual approval before going to the expense of percolation tests, etc.

Attorney Hartnett noted that he could not speak for his client who was not present at the meeting with regard to combining or deleting lots, but requested that the Board waive the subdivision regulations for a major subdivision in this case.

Mr. Elder moved to table the proposal. Mr. Bouchard seconded.

Vote: U/A

Mr. Hartnett asked that he be apprised of any other considerations or concerns that may occur before the next meeting.

5. Discussion of the Tamposi/Nash site review on Plaza Drive.

Mr. Maglaras explained the history of the application and the fact that the Board must act on it at this meeting because the ninety day extension expires tomorrow (September 11, 1985) at 5:00 P.M.

Mr. Maglaras turned the meeting over to Mr. Preston who called a five minute recess.

Mr. Maglaras returned to Chair the meeting.

Richard Millette, engineer for the project, explained the applicant's desire to know from the Planning Board their position on the encroachment into the 50 foot buffer that surrounds the wetlands. Mr. Millette noted that they realize the proposal must go back to the Zoning Board of Adjustment. He stated that the only issue outstanding to the best of their knowledge is the issue of drainage.

Mr. Millette read a letter written by him to the Planning Board stating that basically parking lots do not produce the kind of pollutants that contaminate a well.

Mr. Bouchard noted that since the Camp Dresser report, quotes from which were in the aforementioned letter, the Smith Well has been contaminated.

Mr. Galt reiterated the fact that the Board must vote on this item

Mr. Maglaras noted that the Planning Board could give preliminary approval based on a hydrologist's report.

Mr. Samuel Tamposi, applicant, indicated his disapproval of the plan to provide a half mile of pipe over land for which, at this point, he has no development plans. He noted that at this point, to go into a storm drain on Central Avenue is guess-work. He noted that half of the parking lot is already there, that the current plans are for outside the 1,000 foot limit of the well.

Mr. Bouchard pointed out that the responsibility for location of the catch basins belongs to the project engineer.

Mr. Tamposi noted that his engineer checked on the catch basin adjacent to the property and was told it could not be used.

Mr. Bouchard stated that the other catch basins in the area should be checked out as well.

Mr. Perry motioned to give preliminary approval based on the Site Review Screening Committee's report and providing an alternative to drainage. Seconded by Mr. Williams.

Vote: U/A

Mr. Maglaras stated that the applicant needs a statement from the Planning Board with regard to their encroachment in the Conservation District.

Mr. Galt motioned to write a letter to the ZBA stating that the Planning Board has no objection to their encroachment in the Conservation District. Mr. Elder seconded.

Vote: U/A

Mr. Galt left at this point in the proceedings.

6) Discussion of waivers of granite curb and road width of Franklin Torr's mobile home park on Dover Point Road.

Mr. Williams abstained, Mr. Seaver assumed a seat on the Board.

Mr. Maglaras noted that the City Attorney has stated that Mr. Williams' vote on the Torr proposal during the August 13, 1985 meeting invalidated the Planning Board's vote and that the Board would once again render a decision.

Adjustment stating that the Planning Board has no objection to the encroachment. Mr. Bouchard seconded.

Vote: U/A

2) Mr. Maglaras read a letter from Mrs. Faria announcing her resignation from the Planning Board.

3) Mr. Maglaras stated that the other item under "New Business", discussion of the rezoning of the Cocheco Waterfront District, would appear on the agenda for the September 24, 1985 meeting.

4) Mr. Preston noted that two people need to be nominated to the Strafford Regional Planning Commission. Mr. Perry and Mr. Maglaras volunteered.

Mr. Weisner motioned to adjourn the meeting. Mr. Perry seconded.

Vote: U/A

Mr. Maglaras adjourned the meeting at 11:10 P.M.