

DOVER PLANNING BOARD  
MINUTES OF MEETING

Held: September 24, 1985  
Council Chambers  
Municipal Building  
Dover, NH

ITEM #1: Public Hearing on minor subdivision of land owned by Paul and Lillian Fisher, Assessor's Map I, lot 2I, zoned RM-12 off Garrison Road.

Paul Fisher explained the minor subdivision.

Harold Preston read the Site Review Screening Committee report.

Public Hearing opened: no comment  
Public Hearing closed.

Mr. Galt moved to approve the minor subdivision. Mr. Seaver seconded.

Vote: U/A

ITEM #2: Old Business

1) Reconvene Public Hearing on major subdivision of Charles Mutrie, Henry Law Avenue and Back Road.

Mr. Maglaras noted that some members of the Planning Board had attended a site review on the land.

Ed MacArthur, Engineer for the project, discussed changes made to the site plan after the site review.

In response to a question from Mr. Perry concerning who would maintain the pond and recreation area, Mr. MacArthur stated that they proposed to turn over 110,000 square feet of land to the City, in which case the City would be responsible for maintenance.

Mr. Maglaras noted that at this point the sidewalk will end at the Hanson Avenue extension and the Planning Board may want to consider having it run up Henry Law Avenue.

sidewalks should be placed. Mr. Maglaras noted that the City has plans to build a sidewalk up to Tennyson Avenue. Some Board members felt a sidewalk should continue along Henry Law Avenue, to which Mr. MacArthur noted that sidewalks increase water on the street and drainage must be improved at too great an expense to the developer. He noted that sidewalks are planned on Penny Lane to the end of the property, in the inside curve of Hanson Avenue, and on the south side of Mulligan Drive.

Mr. Galt noted that additional width of road is needed along Henry Law Avenue to improve the shoulders.

Mr. MacArthur noted that the developer is offering the City a 50 foot right of way option...25 feet from the center line of the existing street (Henry Law Avenue). He stated that the easement is approximately 260 feet in length and goes back approximately 25 feet into the property.

Mr. Maglaras noted that the applicant is seeking preliminary approval, concept only, this evening.

Mr. Seaver stated that he felt final approval could be granted, subject to review by the Site Review Screening Committee and Public Works Director and City Engineer.

Mr. Maglaras explained that in the past that procedure has been followed, but now preliminary approval is granted to give the applicant a financing vehicle and the Planning Board can then work out the final details rather than placing the responsibility on others.

Mr. Perry motioned to grant preliminary approval based on conditions. Mr. Seaver Seconded.

Conditions, as a point of reference for the applicant were as follows:

- 1) Sidewalk: Mr. noted that the Planning Board would generally like to see sidewalks from Tennyson to Penny Lane and the length of Henry Law Avenue, as well as the 25 foot right of way, and an improved gravel shoulder at least three feet in width. Mr. Perry has concerns over some of the recommendations.
- 2) Sight Distance: The City should have an easement around both corners to cut if necessary.
- 3) Grade: Mr. Seaver motioned to approve a 7.2 percent grade on

Mr. Joy explained that the foundation needs to be engineered, they need borings, and no specifics for erosion control are available as yet.

Mr. Bouchard noted that the project is contingent upon the drainage problem being straightened out, that no building permit will be issued until that happens, and that the four foot wide sidewalks are not acceptable because city plows are five feet wide.

Mr. Maglaras noted that the width of Cocheco Street needs to be addressed; that currently it is only 18 feet wide in some spots and needs to be widened to 24 feet.

Mr. Joy inquired as to whether a temporary drainage plan could be submitted until the City Council takes action on their plan, to which Mr. Bouchard noted that a plan could be reviewed by the Site Review Screening Committee for recommendations and then presented to the Planning Board for approval.

Mr. Elder motioned to approve the project subject to the Site Review Screening Committee's recommendations set forth in a memo dated June 6, 1985, subject to an erosion plan, and that no building permit be issued until drainage or an alternative is passed. Mr. Galt seconded.

Vote: 3-1 (Perry)

(Mr. Maglaras assumed his position as Chairman at this point.)

3) Review of application of George Demosthenes to subdivide land on Drew Road.

Anthony S. Hartnett, Attorney for Mr. Demosthenes, presented the Board with a revised plan denoting a reduction to four lots.

Mr. Maglaras noted that in terms of the number of lots the plan meets the requirements of a minor subdivision. He noted also that the Site Review Screening Committee has not yet viewed the revised plan.

Harold Preston noted that the Zoning Ordinance stipulates that four or less lots constitute a minor subdivision provided that no extension of the road occurs, and in this case the road is being extended.

Mr. Bouchard noted that there is no seal on the plan.

Discussion followed by Board members as to whether or not the

Vote on Mr. Seaver's motion: U/A

Mr. Maglaras noted that the applicant can present a plan for a major subdivision...drainage plan, road topos, and a temporary turn-around. He suggested they check back with the Site Review Screening Committee to get things going.

Mr. Hartnett noted that the applicant has two alternatives...one to go to Superior Court, and the other to reapply as a major subdivision. He inquired as to whether the applicant must pay a new filing fee.

Mr. Galt noted that a Public Hearing will be necessary for the Planning Board to make a decision.

Mr. Galt moved to waive the major subdivision filing fee as the minor subdivision filing fee has been paid, that the minor subdivision fee be credited toward the major subdivision filing fee. Seconded by Mr. Elder.

Vote: U/A

Mr. Maglaras noted that Rickey DiCicco's application for a minor subdivision on Tolend Road has been delayed until the Board receives approval from the State on the existing septic system and the proposed system for the new dwelling on the subdivided lot. Mr. Maglaras noted that Mr. DiCicco has received verbal approval from the State but has not paid the filing fee and therefore has not received the written approval. Mr. Bouchard noted that the City has approved the design.

Mr. Elder moved to approve the minor subdivision subject to the Site Review Screening Committee comments. Mr. Seaver seconded.

Vote: U/A

### ITEM #3: New Business

Mr. Maglaras explained that the first four items scheduled on the agenda would be postponed until after discussion of three other items that have come to the Board's attention have been acted upon.

1) George Parsons explained a change in the plans from the original plan approved by the Planning Board on his site review

Site Review Ordinances and noted that a serious problem has been consistently presenting itself in that enforcement of the parking requirements set forth by the Planning Board in the Site Review Ordinance do not agree with those in the Zoning Ordinance and the Zoning Ordinance takes precedence.

Mr. Maglaras postponed discussion to the next Planning Board Meeting.

Mr. Elder moved to adjourn the meeting. Mr. Preston seconded.

Vote: U/A

Mr. Maglaras adjourned the meeting at 11:30 P.M.