

DOVER PLANNING BOARD
MINUTES OF MEETING

Held: October 29, 1985
Municipal Building
Dover, NH

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

OTHERS: Nancy Sousane-Alternate, Richard Selleck-Acting Planning Director, Berrie Donovan-Recording Secretary.

ITEM #1: Public Hearing on minor subdivision of land owned by Fourth Street Realty Trust, Frank S. Holmwood, Trustee, Assessor's Map r, lots 1 and 2, zoned B-2 on Fourth, Chestnut and Fifth Streets.

Paul Cameron, Building Construction Consultant for Frank Holmwood, explained the lot line adjustment reducing the area from six to two lots. He requested the Board to give all buildings in the project a Fourth Street address.

Public Hearing opened: no comment.
Public Hearing closed.

Mr. Seaver motioned to approve the application subject to removing the dotted line between the existing building and lot number one on the plan. Mr. Elder seconded.

Vote: U/A

ITEM #2: Public Hearing on site review of land owned by Fourth Street Realty Trust, Frank S. Holmwood, Trustee, Assessor's Map 5, lots 1,2,3,8,9,10, zoned B-2 on Fourth, Chestnut and Fifth Streets.

Paul Cameron, again representing Frank Holmwood, explained the site as two buildings to be used for retail sales of home furnishings and improvements. He explained the location of the loading docks on the front of the building as being against the

Zoning Ordinance, but in this case the only possible location. He noted that the back of the building, facing Chestnut Street, would have six colonial style bay windows to break up a solid wall, that the exterior of the buildings would be brick and clapboard. Mr. Cameron presented an artist's rendition of the site to the Board.

Mr. Holmwood noted that the building will be completely sprinkled.

Mr. Galt noted that the sidewalk lacks curbing and inquired as to whether the applicant will provide that curbing.

Mr. Cameron responded by saying that the Site Review Screening Committee asked them to do just that, but the expense is prohibitive. What they plan to do is excavate some of the existing curbing and work with the City in replacing as much as possible.

Mr. Maglaras noted that the applicant has been very cooperative, has met with the SRSC several times in meeting their demands.

Public Hearing opened:

Harold Preston read the comments of the SRSC.

No comments from the public.
Public Hearing closed.

In response to a question from Mr. Galt regarding street trees and landscaping, Mr. Maglaras noted that although there is not much room for landscaping, the plan legend notes types and location of various plantings.

Mr. Galt motioned to approve with the SRSC recommendations. Mr. Perry seconded.

Vote: U/A

Mr. Maglaras read a letter from William Mautz, Chestnut Street, indicating his concern over the exterior of the building facing Chestnut Street and that the end result be aesthetically pleasing to abutters. He also mentioned that the landscaping of the site be taken into consideration by the Planning Board.

Mr. Galt moved to place the letter on file. Mr. Preston seconded.

Vote: U/A

ITEM #3: Public Hearing on site review of land owned by Grant L. Davis (applicant: Kerry Forbes), Assessor's Map I, lot 4A, zoned RM-12 on Mast Road Extension.

Jeff Allsopp, Land Planner and representing Mr. Forbes, explained how an analysis of the land was made and taken into consideration for landscaping and location of buildings. He emphasized the rural character of the land and that the buildings would be in keeping with that character. He noted that the project will consist of 13 duplexes, 20 triplexes, and 6 quads.

Kerry Forbes explained that he is marketing toward older people whose children have left home, that all are two bedroom units and the recreation area consists of cross country ski trails through the undeveloped portions of the land. He noted that money is being channeled into the buildings rather than a community concept.

Ed MacArthur, Engineer for the project, noted that all units tie into City sewer and water and that he has been meeting with John Gavin and the City Engineer to tie into that project.

Mr. Maglaras stated that there are no comments from the SRSC as they are still reviewing the plans and the City Engineer is several weeks behind because of lack of manpower.

Public Hearing opened:

Bill Baber, Mast Road, complimented Mr. Forbes in spirit but expressed concern over the number of units proposed and offered four points to ponder: 1) the abutters cannot react to the SRSC report if none exists, 2) a full time Planning Director will be coming on board soon, why not give him a chance to review the plan?, 3) there appears to be a question of ownership of five acres...resolve the boundary dispute before any approval is given, 4) a non-partisan engineering traffic study should be undertaken.

David Field, Mast Road, also expressed concern over the land dispute.

Malcolm MacNeil, Attorney for Mr. Forbes, noted that Mr. Forbes is making a good faith effort to comply with the ordinances and that in anticipation of the land dispute he has prepared information from the rulings of Judge Temple with regard to the Sixth Street decision. He noted that the decision indicated that it is not within the jurisdiction of the Planning Board to solve this dispute, and that the easement of the Castleman and Verscheuren case does not pertain to the Planning Board.

Christine Baber, Mast Road, congratulated Mr. Kerry on the use of a land planner, but noted that there will be 175 units on a 1,000 foot road...the Planning Board should consider the impact and consider another access to the property.

Stephen Lord, Mast Road, noted that there are three converging roads in a 75 foot area creating a dangerous intersection, that a traffic study should be considered for the Durham/Mast Road, Mast/Back River Road areas, and that there are 175 units feeding onto a one way street with no other access if that entrance is blocked.

Mr. Maglaras noted that the report of the SRSC is for the Planning Board only, although the Public has been allowed access in the past, and that it is not required to be published.

Mr. Bouchard noted that the City Engineer is five to six weeks behind on all projects, but has met with Ed MacArthur on this project.

Public Hearing recessed.

A site review is scheduled for Saturday, November 2, 1985 at 8:30 A.M.

In response to a question from Mr. Maglaras concerning wetlands, Mr. MacArthur noted that the project has not yet been submitted to the State.

Mr. Maglaras declared a two minute recess.

ITEM #4: Old Business

1) Review of major subdivision of Charles Mutrie on Henry Law Avenue and Back Road.

Mr. Mutrie noted that he is seeking final approval for the major subdivision.

Ed MacArthur, engineer for the project, noted that he has been working with Jay Stephens and has satisfied all the concerns of the Planning Board.

Mr. Maglaras noted that the visual easement on the Rousseau corner is missing on the final plan, to which Mr. MacArthur stated that it is noted on the construction plan but not on the recorded plan.

Mr. Seaver inquired as to the status of the retention pond, to which Mr. Maglaras responded that it is the position of the SRSC that the City not own it.

Mr. Mutrie expressed concern over the legal aspects of a Homeowner's Association owning the retention pond.

Mr. Perry suggested that a tax exempt trust be handed over to the State Trustee of Trust Funds for management.

Mr. Galt moved to grant final approval subject to:

1. Conditions set forth by the SRSC,
2. establishment of a Homeowner's Association for the ownership and maintenance of the open area and retention basin,
3. lot number 54 is unbuildable.

Mr. Elder seconded.

Mr. Seaver amended the motion to read that lot number 54 is non-taxable. Mr. Preston seconded.

Amendment withdrawn.

Vote on motion: Motion defeated, 3-4 (Seaver, Elder, Williams, Perry)

Mr. Maglaras noted that he would consult the City Attorney on the legalities of taxation of lot 54 under a Homeowner's Association and this application will be taken up on the November 12, 1985 Planning Board agenda, first under "Old Business."

2) Review of major subdivision of Albert Lawrence, Drew Road.

Mr. Seaver noted that he and Mr. Preston attended a site review on the land last night, and no inherent problems are present in the land.

Mr. Seaver motioned to grant final approval subject to SRSC recommendations, WSPCC and City Septic approval, and to waiver the sidewalks. Mr. Preston seconded.

Mr. Galt motioned to divide the motion. Mr. Seaver seconded.

Vote on motion to divide: 6-0 (Williams abstained)

Mr. Galt motioned to approve subject to the conditions of the SRSC. Mr. Elder seconded.

Vote: 6-0 (Williams abstained)

Mr. Galt motioned to deny the waiver of the sidewalks. Mr. Elder seconded.

Vote: 2-4, motion defeated (Seaver, Perry, Preston, Bouchard)
(Williams abstained)

Mr. Seaver motioned to grant the waiver of the sidewalk. Mr. Preston seconded.

Vote: 5-1 (Galt)

Mr. Preston expressed concern over the sidewalk situation and the fact that the Planning Board is going to have to start insisting on sidewalks within a development because of handicapped persons, children, etc.

Mr. Perry noted that size of the development should indicate the need of sidewalks.

More discussion ensued among Board members as to the need of Homeowner's Associations because of increased development in the City and the fact that the water and sewer are not keeping pace. Homeowner's Associations may have to handle community septic systems, etc.

Mr. Maglaras asked the Board for an emergency policy...that no formal applications can be filed before the applicant has been

to the SRSC.

Mr. Galt so moved; Mr. Elder seconded.

Vote: U/A

Mr. Maglaras also asked the Board to enact a rule stating that plans for final approval must be presented to the Planning Office five (5) working days before the next Planning Board meeting or they will be pulled off the agenda.

Mr. Galt so moved; Mr. Elder seconded.

Vote: U/A

Mr. Seaver moved to adjourn; Mr. Preston seconded.

Vote: U/A

Meeting adjourned at 10:30 P.M.