

DOVER PLANNING BOARD  
MINUTES OF MEETING

Held: <sup>November</sup> October 12, 1985  
Municipal Building  
Dover, NH

Present: George Maglaras-Chairman, Harold Preston, J. Andrew Galt, Robert Seaver, Craig Williams, Robert Weisner, Pierre Bouchard, Reynold Perry-City Manager, Les Elder (late).

Others: Richard Selleck-Acting Planning Director, Berrie Donovan-Recording Secretary.

ITEM #1: Public hearing on minor subdivision of land owned by Michael and Cheri Rosholt, Assessor's Map C, lot 50, zoned R-40 on Watson Road.

Mike Rosholt explained the minor subdivision. Lot A will be combined with the front lot; lot B has been granted a variance for relief of frontage and will be a free standing lot.

Public hearing opened: no comment  
Public hearing closed.

Mr. Rosholt explained his intention to allow river access to the remaining property holders.

Mr. Maglaras noted that the easement must be noted on the plan and extended to the river by deed for the property owners to have access.

Mr. Preston read the Site Review Screening Committee comments.

Mr. Maglaras noted that parcel A should be noted on the plan as combined with the lot owned by Mary Malone.

Mr. Galt motioned to approve the minor subdivision subject to the comments of the Site Review Screening Committee, that the easement to the river be noted on the plan and that the property lines to be abandoned as so indicated. Mr. Williams seconded.

Vote: U/A

ITEM #2: Public hearing on lot line adjustment of land owned by Matt Williams, Assessor's Map L, lot 95, zoned R-20 on Dover Point Road.

Mr. Maglaras noted that Item #2 has been withdrawn.

ITEM #3: Public hearing on minor subdivision of land owned by Wayne and Dierdre Estes, Assessor's Map H, lot 6, zoned R-20 on Durham Road.

Mr. Seaver stepped down from the Board on this item.

Wayne Estes explained the minor subdivision as four house lots; frontage has been approved by the ZBA.

Harold Preston read the Site Review Screening Committees recommendations.

Public hearing opened:

Robert Plourde, 64 Bellamy Road, expressed concern over the water problem and water table in the area. In response to his question as to whether the dwellings would be single family units, Mr. Estes responded in the affirmative. Mr. Plourde noted that the City has two easements over the land now and questioned what would happen to the water now.

Mr. Preston noted that the water would still empty onto the property, and that the developer could not impede the flow of the water; it is up to the developer to take care of the water.

Deena Peschke, 62 Bellamy Road, also expressed concern over the drainage problem in the area.

Mr. Maglaras noted that a backup problem would be a civil matter and that the Site Review Screening Committee examines the bulk requirements and assures sanitary conditions. He noted that the Planning Board has very little say in a minor subdivision.

Public hearing closed.

Mr. Preston noted that there are three natural drainage areas on the property now and that if the developer disturbs one of them he will have water problems.

Mr. Estes noted that he is aware of the situation and has taken

it into account.

Mr. Maglaras made Mr. Estes aware of the fact that he can be held libel for any drainage problems created by construction on the development in question.

Mr. Galt motioned to approve the Estes project subject to the Site Review Screening Committee recommendations. Mr. Bouchard seconded.

Vote: U/A

ITEM #4: Public hearing on minor subdivision of land owned by Ethan Pearson, Assessor's Map L, lot 112, zoned R-20 on Dover Point Road.

Mr. Seaver returned to his position on the Board and Mr. Elder joined the Board at this time.

Mr. Maglaras noted that there is no Site Review Screening Committee report on this item and that the plan has been removed from the file.

Ethan Pearson explained the minor subdivision.

Mr. Galt noted that the right of way noted on the plan should be removed.

Public hearing opened: no comment

Mr. Seaver suggested recessing the public hearing until the Site Review Screening Committee has had a chance to review the plan. He noted that the item had been withdrawn, put back on the agenda, and that the original plan has been changed.

Mr. Perry inquired as to the immediacy of the approval to which Mr. Pearson noted that there is none.

Mr. Maglaras explained the changes to be made to the plan: move the right of way, note the City sewer easement, Conservation District and lot dimensions.

ITEM #5: Public hearing on site review of land owned by Erin

Food Services, Inc., Assessor's Map 17, lot 76, zoned B-3 on Central Avenue (formerly Howard Johnson's).

Steve Moeser, Architect representing Erin Foods, explained the proposal to change the building to a Burger King restaurant using the same building, parking lot, exits and entrances. He noted the addition of a greenhouse, drive through lane and the granite curbing is being altered to maximize flow through the widened drive aisles. Existing utilities will be reused and the interior of the building will be updated. He noted that the internal lanes are being widened from 24 to 30 feet and the external lanes from 30 to 35 feet. He presented four copies of this revised plan to the Planning Board.

Public Hearing opened:

William Shaheen, Attorney representing Landmark Realty, opposed the application stating the significant financial investment made by his client in improving the location from the Mobil station it used to be and the fact that traffic and noise will be increased possibly devaluing surrounding property. He requested the Board to have traffic figures for the area surrounding the one entrance/exit.

Public hearing closed.

Mr. Maglaras noted that there is a problem with mutual ownership of a twelve foot right of way.

Attorney Shaheen presented a plan of Landmark's right of way to the Board.

Mr. Maglaras noted that the Planning Board wants the plan returned to the SRSC to resolve the entrance way details (terms of ownership) and work with the applicant to determine trip generation resulting from the project. If necessary, the Chair will request an extension from the City Council.

#### ITEM #6: Old Business

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

Charles Mutrie stated that his engineer has complied with all the recommendations of the City Engineer and requested final

approval of the project tonight.

Mr. Seaver questioned once again, the ownership of the pond.

Mr. Mutrie noted that no progress has been made on this issue.

Mr. Maglaras noted that he has requested a meeting with the City Attorney via a memo and has not as yet received a response.

Mr. Maglaras read the comments of a memo from Jay Stevens dated November 12, 1985.

Mr. Mutrie's engineer stated that the pipe coming out of the pond will be 15 inches going into a manhole which will be connected to the 16 inch pipe going across the road now. The pond that is there now will extend more into the field to make it larger.

Mr. Mutrie noted that the City is already draining into the pond and stated that it is not fair to ask him to maintain the area. He asked for conditional approval outside that issue.

Mr. Bouchard noted that the City Engineer has gone over the plan.

Mr. Seaver suggested again that a Homeowner's Association is necessary to maintain the retention pond.

Mr. Seaver motioned to approve the application subject to the SRSC recommendations, subject to a Homeowner's Association for the specific reason of ownership and maintenance of the retention pond, that the Homeowner's Association is to have a trustee and is to be reviewed by the City Attorney and SRSC and referred back to the Planning Board. Mr. Elder seconded.

Mr. Bouchard inquired what would happen if the Homeowner's Association is determined by the City Attorney to be illegal.

Mr. Maglaras stated that in that case the final approval would be negated. He noted that the Planning Board has little faith in the decisions of the City Attorney and that is why they are reluctant to set this precedent of approval with so many developments coming in with the Homeowner's Associations involved.

Vote: 5-2 (Weisner, Williams)

## 2) Changes in the Zoning Ordinance.

The urgency of revisions in the Zoning Ordinance with regard to parking were discussed.

The method of notifying abutters of changes in the Ordinance was also discussed. The Ordinance states that all landowners in the affected district to be changed must be notified by return receipt certified mail. It was decided that the City Attorney would be consulted as well as the City Council with regard to facilitating the mailing and cutting the cost.

It was determined that public hearings on the changes in the Zoning Ordinance will be set up in December.

## ITEM #7: New Business

### 1) Discussion of minor change in approved minor subdivision of Louis Stocklan, Columbus Avenue.

Mr. Maglaras noted that the application for minor subdivision had been approved contingent upon a 12 inch water line running down Columbus Avenue. The Water Board does not have funds to share the cost with Mr. Stocklan this year and possibly not next year. Mr. Stocklan would like to put in a well instead. Mr. Maglaras noted that neither the Public Works Director nor the City Engineer has any objection to the proposal.

### 2) Discussion of Alternative Design Subdivision.

Mr. Maglaras noted that Mr. Seaver has been working on the ADS proposal and that currently the Site Review Screening Committee has reviewed four proposals for the ADS.

### 3) Discussion of density of UMUD, B-2 and CWD areas.

Mr. Preston noted that UMUD and B-2 require only 600 square feet of land per unit where the CWD requires 1,000 square feet, and that the CWD should be brought more in line with the other two.

Mr. Maglaras noted that there are no restrictions on commercial development in the UMUD, B-2 and CWD so therefore there will be no mixed use. He also noted that most of the parking in the areas will have to go under the units and financially developers will be seeking the right numbers for the density, so the CWD should be brought in line with the other similar districts.

Mr. Galt argued for the lesser density along the CWD.

Mr. Bouchard and Mr. Preston noted that there is no frontage requirement for UMUD and B-2 but there is for CWD.

Discussion centered on the Ceres Street area of Portsmouth and how it relates, or could relate to Cocheco Street with revised zoning regulations.

Mr. Galt suggested holding off on changes until a new City Planner comes on board, that timing is not critical.

4) Discussion of approval of past minutes.

Harold Preston noted that the minutes need to be approved from months ago.

It was determined that approval of minutes will be caught up to date with upcoming meetings.

5) Mr. Maglaras submitted a letter from Mr. and Mrs. Manchester, Durham Road, dealing with the drainage situation on the Estes minor subdivision on Durham Road, to be placed in the Estes file.

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

6) Discussion of Tomasian/Attalla major subdivision on Sixth Street.

David Berry presented a new plan to the Board members remaining for an informal discussion of the major subdivision. Plans will be discussed in detail at the November 19, 1985 Planning Board meeting.

Meeting adjourned at 10:35 P.M.

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