

DOVER PLANNING BOARD  
MINUTES OF MEETING

Held: December 10, 1985  
Municipal Building  
Dover, NH

Members Present: George Maglaras-Chairman, Harold Preston, J. Andrew Galt, Reynold Perry, Robert Seaver, Pierre Bouchard, Otis Perry-Alternate, Nancy Sousane-Alternate.

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

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

Both Alternates will be voting.

Item #1: Public hearing on site review of land owned by Beatrice Sullivan (applicant: Peter Sullivan), Assessor's Map 29, lots 1 and 2, zoned Office, located at 680 Central Avenue.

Malcolm McNeill, Attorney representing Peter Sullivan, explained the site review as a general office structure, two and one half stories in the back and one and one half in the front. Access will be from Ash Street; the plan is in technical compliance having been to the Site Review Screening Committee (SRSC).

Mr. Preston read the comments of the SRSC.

Public Hearing opened: no comments  
Public Hearing closed.

Peter Sullivan noted that the facade of the building will be cedar.

Mr. Galt noted that the plan indicates two catch basins going into the sewer line.

Mr. Bouchard explained that the plan is wrong and should be corrected to have a "D" and "E" on both corners.

In response to a question from Mr. Galt concerning the sewer capacity for this area, Mr. Bouchard noted that the remaining eight percent includes calculations for the conversion of large buildings in the area, but not for new buildings.

Mr. Galt noted that the plan indicates a drainage overflow; Mr. Bouchard noted that that used to be part of the old sewer, and the old drain down the center of the avenue has been replaced.

Mr. Galt inquired as to the extent of the rear line of the Office zone.

Mr. Selleck noted that it runs back 100 feet.

Mr. Maglaras explained that there is a 50 foot leaway, and the zone could go back as far as 150 feet.

Attorney McNeill explained that in the rezoning of the area from B-3 to Office, it was determined by the City Council that the rear lot line in this area would be the end of the zone. He noted that this entire lot is in the Office zone.

Attorney McNeill stated that he will submit an easement where the sewer crosses over the R-12 zone.

Peter Sullivan indicated that handicapped access is incorporated into the plan.

Mr. Otis Perry motioned to approve the site review subject to the appropriate changes in the plan noting "sewer" and "drain manhole", and easements for the sewer and drain across parcel 2. Mr. Galt seconded.

Vote: 7-0

The City Manager left the meeting at this point.

Item #2: Public hearing on minor subdivision of land owned by Downeast Energy (applicant: Gateway Associates), Assessor's Map 20, lot 49, zoned B-2 on Hanson Street.

Jim McAtavey explained the minor subdivision.

Public Hearing opened: no comment  
Public Hearing closed.

Mr. Preston noted that the surveyor did not sign his stamp, and there is no locus on the plan.

Mr. Galt motioned to approve the minor subdivision subject to

correction of the plan to reference the locus; inclusion of the surveyor's signature on the stamp. Mr. Seaver and Mr. Preston seconded.

Vote: 6-0

Item #3: Public hearing on minor subdivision of land owned by Boston and Maine Railroad Corporation (applicant: Kerry Forbes), Assessor's Map 26, lot 3, zoned I-2 on Oak Street.

Kerry Forbes explained the minor subdivision and explained that the zone is actually RM-10.

Mr. Maglaras questioned the sewer situation; Mr. Forbes indicated that currently the building is occupied by a pottery business and they use a chemical toilet. He indicated any expansion would include expansion of the sewer.

Mr. Maglaras noted that because this is a minor subdivision application, it does not have to go before the SRSC.

Mr. Seaver asked about the turntable on the adjacent lot.

Mr. Forbes noted that he may need it in the future for parking, but they would not sell it.

Mr. Selleck noted that the turntable is not a structure, and that Mr. Forbes is not creating a non-conforming lot.

Mr. Preston motioned to approve the minor subdivision. Mr. Galt seconded.

Mr. Selleck noted that if the turntable is a public hazard, he will order it filled.

Mr. Seaver noted that it is a structure.

Vote: 6-0

Item #4: Public hearing on minor subdivision of land owned by Richard Kay, Assessor's Map G, lot 27, zoned R-20 on Columbus Avenue.

Nancy Sousane abstained from this issue.

The applicant was not present for this item.

Mr. Maglaras opened the public hearing: no comment  
Public Hearing closed.

Mr. Preston read the comments of the SRSC.

Mr. Galt noted that the WSPCC does not want to be the final approver of the plan, that the Board should not grant approval contingent upon WSPCC approval.

Mr. Maglaras explained that minor subdivisions can be given approval contingent upon WSPCC approval, but he will not stamp the plan until approvals have been granted.

Mr. Galt motioned to approve subject to the comments of the SRSC. Mr. Seaver seconded.

Vote: 5-0

Mr. Maglaras noted that Item #5, Old Business, will be put off until after New Business is discussed.

Nancy Sousane assumed her position again.

#### Item #6: New Business

1) Preliminary discussion of major subdivision of land owned by John A. and John F. Kepicks (applicant: Quadrant), Assessor's Map A, lots 47 and 48B, zoned R-40 on Sixth Street.

Kevin McEneaney, surveyor from Tom Moran, explained the proposed major subdivision. He noted that the project would be in three phases, that a community septic system and municipal water would be employed. He noted that they would like to use the Alternative Design Subdivision regulations.

Mr. Seaver noted that the plan does not indicate the 100 foot buffer zone required in the new ADS.

Mr. Maglaras noted that currently an ADS can be set up only where water and sewer are available; there is no sewer here.

Mr. Perry noted that the only space available for community septic is also the only open space noted on the plan.

Mr. McKeneaney noted that the septic system will not be in the open space.

Mr. Galt disapproved of the lack of imagination in the use of the land, and expressed concerns over the layout of the open space.

Mr. McKeneaney stated that the current ADS leaves no room for imagination, and that he would be glad to work with the new regulations.

Mr. Maglaras noted that it would probably be February before the new regulations are in effect, and that Mr. McKeneaney could wait to see those regulations or come in under a conventional subdivision.

Mr. Colby, speaking from the Public section, stated that he would be happy to fly anyone over the land in his plane to see the buffer zone and the lot in question.

The City Manager returned to his seat at this point.

2) Revision of approved plan of Greg Koutrelakos, March 9, 1979, Eric Drive.

Mr. Koutrelakos explained that he would like the easement between lots 9 and 10 removed.

Motioned by Mr. Galt to approve, seconded by Mr. Otis Perry.

Vote: 7-0

Item #5: Old Business

1) Required State Permits

Mr. Maglaras explained that developers are not following the proper procedure in obtaining permits for cutting timber and drainage. He noted that the Board should recess the Public Hearing and allow 30 days for preliminary approval to be granted. The developer then goes to the State for proper permits, and returns to the Planning Board to give the Public a chance to respond to State action. He noted that this procedure makes preliminary approval 95 percent in final form for final approval.

Mr. Galt noted that acting on history, 30 days is not enough.

Mr. R. Perry stated that with the new procedure of the SRSC fine tuning the plans the Planning Board should not need more than 30 days.

2) Location of new sewage treatment plan.

Mr. Seaver noted that the Planning Board should have an avenue to the City Council with regard to relocation of the City Sewage Treatment Plant.

Mr. Galt noted that the Planning Board receives mandates from the City Manager on Capital Improvements, takes no active part; was not involved in the Rist-Frost report, and probably will not be involved with the decision on where the new plant will be located.

Mr. Preston noted that Mr. McAdams tried three times to get the Planning Board and City Council together and it never happened.

Mr. R. Perry stated his opinion that it is a good idea to involve the Planning Board in the decision and will consider ways to facilitate its happening.

3) Approval of Minutes.

a. Minutes of November 12, 1985: Mr. Galt motioned to approve, Mr. Preston seconded. Vote: 5-0 (R. Perry, N. Sousane abstained)

b. Minutes of November 19, 1985: Mr. Galt motioned to approve, Mr. Otis Perry seconded. Vote: 5-0 (R. Perry, N. Sousane abstained)

4) Discussion of Burger King site review on Central Avenue.

Discussion followed on the 30 day period approval from the date the Public Hearing was recessed, and whether a decision should be made to approve or deny the application.

Mr. Preston noted that the applicant was instructed to bring a trip generation report to the SRSC and as yet that has not been done.

Mr. Seaver noted that the applicant could legally consider his application approved because the Planning Board has not acted within the 30 day time frame.

Mr. Seaver suggested granting approval upon acceptance of an acceptable entryway.

Mr. Galt suggested granting a preliminary approval.

Mr. Galt motioned to grant preliminary approval to Erin Foods Corporation site review subject to conditions set forth in the Planning Board meeting of November 12, 1985. Mr. Perry seconded.

Vote: U/A

5) Notification of Zoning Changes.

Mr. Galt explained that the City Council approved a proposed change to the Zoning Ordinance with regard to the notification of abutters. He noted that the Council now has referred it to the Planning Board.

Mr. Galt motioned to set a Public Hearing on the change to the Zoning ordinance for January 7, 1986. Seconded by Mr. O. Perry.

Vote: 7-0

6) Further discussssion on minutes.

Mr. Galt noted that the minutes of October 8, 1985 have not yet been approved, and that several corrections have not as yet been recorded.

It was noted that all corrections will be noted when the minutes are approved, and the tape has been confirmed to agree with the minutes regarding comments on the Tapscott case.

Mr. Galt motioned to adjourn. Mr. Seaver seconded.

Vote: 7-0

Mr. Maglaras adjourned the meeting at 10:30 P.M.