

DOVER PLANNING BOARD  
MINUTES OF MEETING

Held: April 17, 1984  
Council Chambers  
Municipal Building  
Dover, NH

Members Present: Chair George Maglaras, Vice-Chair Stephanie Faria, R. Craig Williams, Harold Preston, Robert Steele, Pierre Bouchard, Jesse Andrew Galt, Wallace Akerman, James Beckingham.

Alternate Member Present: H. Les Elder.

Other: Planning Director Timothy Sheldon.

Chair Maglaras called the meeting to order at 7:10 p.m.

ITEM #1: Public Hearing on the minor subdivision of land owned by James and Ruth Fender, Assessor's Map M, Lot 82, zoned R-40, on Middle Road.

- Mr. Fender explained the minor subdivision.
- Upon questioning by Mr. Maglaras, Mr. Sheldon noted that the proposal met all zoning requirements.
- Public Hearing Opened - No one spoke in favor or in opposition.
- Charles Werner, Tuttle Lane, directed a question to the Board regarding the affect of the proposed subdivision on his well.
- Mr. Maglaras and Mr. Williams assured Mr. Werner that the applicant will be required to receive WSPCC approval, should the request for the subdivision be granted.
- David Amari, 93 Tuttle Lane, was informed by Mr. Maglaras that the property in question is located 400 feet down from Tuttle Lane.
- Public Hearing Closed.

Moved by Faria, seconded by Preston to approve the minor subdivsion contingent upon the following three conditions:

- 1) Receipt of WSPCC approval.
- 2) Receipt of City septic approval.
- 3) Receipt of driveway permit.

- U.A.

ITEM #2: Public Hearing on the site review of land owned by Seaboard Investment Corp., (applicants D. James McAtavey and Kerry D. Forbes), Assessor's Map 29, Lots 18 and 19, zoned O, on Central Avenue.

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- Mr. McAtavey explained the proposal.
- Ed McArthur, the engineer for the project, reviewed the plans regarding drainage, upon questioning by Mr. Galt.
- Public Hearing Opened - No one spoke in favor.
- Anna Buckley, 165 Mt. Vernon Street, raised her objections to the proposal, based on drainage considerations.
- Paul Strenon, 103 Mt. Vernon Street, directed questions to the Board regarding the placement of the proposed manhole and the frequency with which catch basins are cleaned by the City.
- Patricia McCarthy, 757 Central Avenue, noted the problem of additional traffic on Central Avenue.
- Charles Tasker, 756 Central Avenue, commented on the traffic problem.
- Mr. Forbes noted that the traffic entering and exiting from the proposed lot would be doing so at two separate one-way points.
- Public Hearing Closed.
- The Board decided to conduct an on-site review of the proposal on Thursday, April 19, 1984, at 3:00 p.m.
- Moved by Galt, seconded by Williams and Preston to postpone any action taken by the Board regarding all on-site reviews, until the next regularly scheduled meeting.
- Mr. Sheldon read the recommendations of the Site Review Screening Committee regarding the proposal.
- Mr. Galt raised a concern regarding the availability of a left-hand turn onto Central Avenue from the site.
- Motion by Galt approved: 7-1 (Steele).

ITEM #3: Public Hearing on the development of an eighty-five lot mobile home park on land owned by Franklin and Ann Torr, Assessor's Map K, Lot 21, zoned R-40 and B-3, on Dover Point Road.

- Mr. Williams abstained from the Public Hearing. Mr. Elder sat in his place.
- Mr. Torr explained the proposal and cited a letter to the Board, dated April 5, 1984. Mr. Torr withdrew his request for a waiver of the granite curbing requirement.
- Mr. Sheldon read the recommendations of the Site Review Screening Committee regarding the proposal.

- Mr. Sheldon explained that Mr. Torr, upon receipt of preliminary approval by the Board, would be required to apply to the Zoning Board of Adjustment for a special exception. If that request is granted, Mr. Torr must seek final approval from the Planning Board.
- Mr. Torr, upon questioning by Mr. Preston, explained that the right-of-way on Toftree Lane would be used only for utilities, not for a road, contingent upon approval of this proposal. Mr. Torr does not wish to limit his options should these plans be denied.
- Public Hearing Opened.
- Arthur Feith, 23 Toftree Lane, questioned Mr. Torr regarding comparison to another park in the City, as well as plans for screening.
- Robert Gaffney, 54 Dover Point Road, raised questions regarding access to the site.
- Mr. Torr and Mr. Maglaras noted that the State had approved site access from Route 16. (Mr. Torr submitted the letter from the State into the file.)
- Upon questioning by Lillian Gaffney, 54 Dover Point Road, Mr. Torr read a letter regarding Wetlands Board approval, to be placed into the file.
- Mrs. Gaffney also raised questions regarding the screening for the project.
- Anthony DeMinico, 29 Toftree Lane, raised questions regarding the manner in which the park will be run. Mr. Maglaras reminded the public that this was not a concern of the Board.
- Mr. DeMinico also asked if abutters property values will be depreciated, and the anticipated date of development for the project.
- Mr. Torr responded to the issues, as well as to the question by Mr. Maglaras regarding intentions to phase the project.
- R. Craig Williams, Middle Road, raised a number of concerns regarding the proposal and recommended that the Board not grant the waivers requested by Mr. Torr. Mr. Williams stated that he did not feel the planned lot size of 10,000 square feet was sufficient to maintain the character of the area.
- Mr. Torr responded to the issues raised by Mr. Williams.
- Mr. Maglaras reviewed the allowed uses for both an R-40 zone and those permitted under the mobile home ordinance.
- Jack Moore, 51 Toftree Lane, raised concerns regarding the affect of the mobile home park on the children in the area and was responded to by Mr. Torr.

- Mike Hamm, 49 Toftree Lane, raised questions regarding the right-of-way and thanked the Board for clarifying many issues regarding the proposal.
- Mrs. Gaffney was assured by the Board that the applicant would be required to obtain a building permit and a certificate of occupancy from the City.
- Mr. Gaffney was informed that that approval for the proposal would not occur lot by lot, but rather, as one project.
- Public Hearing Closed.
- Mr. Torr requested that adequate time be allowed for an on-site review, so as to permit the Board to walk the rear boundaries of the land. He also requested that if the proposal receives preliminary approval, Mr. Maglaras be present at the Zoning Board of Adjustment hearing.
- The Board will conduct an on-site review of the proposal on Tuesday, April 24, 1984, at 4:00 p.m.
- Moved by Steele, seconded by Faria to grant preliminary approval of the application.
- Mr. Maglaras and Mr. Sheldon reminded the Board that the action would not only permit Mr. Torr to continue through the process, but also indicates that the plan meets the technical approval of the Board.
- U.A.

Mr. Maglaras informed the Board and the public that ITEM #5: Public Hearing on the minor subdivision of land owned by Jennie Leathers, (applicant William B. Bailey, Jr.), Assessor's Map I, Lot 3, zoned RM-12, on Mast Road had been withdrawn from the agenda.

ITEM #4: Public Hearing on the site review of land owned by James and Irene York, (applicant Bellamy Builders), Assessor's Map I, Lot 1N, zoned RM-12, on Garrison Road.

- Mr. Beckingham abstained from the Public Hearing. Mr. Elder sat in his place.
- Mr. Forbes explained the proposal.
- Mr. Sheldon read the recommendations of the Site Review Screening Committee regarding the proposal.
- Mr. Forbes asked the Board for a clarification of the point regarding sewage.
- Mr. Williams questioned the intentions of Mr. Forbes regarding the street.

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- Public Hearing Opened.
- Dick Selleck, 4F Greenfield Drive, raised questions concerning the necessity of flow tests, as well as the origin of the water supply for the project. Mr. Selleck suggested that the flow tests be studied carefully to assure proper water pressure for existing residents.
- Elaine Swept, Garrison Road, also addressed the Board regarding the need for new flow tests, as well as the need for an evaluation of traffic increases.
- Mr. Maglaras assured the public that the City will be conducting flow tests and that the Chief of Police will be contacted regarding traffic concerns.
- Ed Bussik, George Street, asked the Board for a clarification of the City Engineer's recommendation regarding sewage.
- Tom Scanlon, 4C Greenfield Drive, questioned the proximity of the parking lots to the existing buildings and the plans for the cul de sac to become a City street.
- Mr. Maglaras noted that the application meets all zoning requirements.
- Paul Fisher, Garrison Road, stated that he had no objection to the proposal, however he was concerned about the City Engineer's recommendations regarding sewage.
- Mr. Forbes informed the Board that part of the problem in the area was the result of illegal tie-in of storm drains into the sewer lines.
- Public Hearing Closed.
- Mr. Williams stated that he felt the Board should follow the recommendations of the City Engineer.
- Mr. Forbes stated that he wished for the Board to vote on the proposal as it stands, contingent upon WSPCC approval.
- Mr. Sheldon and Mr. Bouchard answered questions from the Board concerning the recommendation of Mr. Stevens.
- Mr. Steele stated that he did not feel a new on-site review was necessary.
- Maglaras, upon questioning by Mr. Williams, determined that five current Board members had previously reviewed the site.
- Mrs. Faria commented upon the poor attendance at on-site reviews.

- Mr. Galt expressed his reservations concerning the project.
- Moved by Mr. Preston, seconded by Mr. Williams to have an on-site review of the property by the Board on Thursday, April 19, 1984, at 3:45.
- Mr. Forbes was informed by Mr. Preston that complete staking of the site was not necessary.
- Approval of motion: 5-2 (Steele, Galt).

ITEM #6: Public Hearing on the site review of land owned by Roger Piusence, (applicant Robert S. Mairs), Assessor's Map 20, Lot 41, zoned RM-8, on Hanson Street.

- Chris Wyskiel, an attorney representing Mr. Mairs, explained the proposal.
- Mr. Maglaras noted that the proposal meets all zoning requirements.
- Mr. Maglaras and Mr. Sheldon noted that concerns of neighbors, regarding setbacks and dimensions, had been addressed.
- Mr. Williams was told by Mr. Maglaras that the applicant was not seeking a subdivision and that there was only one deed for the property in question.
- Mr. Wyskiel noted that to the rear of the property a container for rubbish disposal would be placed and screening would be installed.
- Mr. Galt directed questions concerning increases in runoff to Mr. Wyskiel.
- Mr. Maglaras noted that the plan depicted 10 parking spaces, although only 8 were actually required.
- Public Hearing Opened.
- Ed Bussik, George Street, raised questions concerning drainage and the intention of the owner to fill the land to the rear.
- Mr. Mairs assured the Board that the land will be covered and reseeded.
- Ken Hanson, 30 Hanson Street, raised concerns regarding increased traffic.
- Mr. Maglaras, upon questioning Mr. Wyskiel, was informed that the building would contain four two-bedroom units and one one-bedroom unit.
- Joyce Lumm, Hanson Street, questioned Mr. Wyskiel about the

proposed location of the parking spaces and the impact on the sidewalk and hedges presently located there.

- Public Hearing Closed.
- Mr. Sheldon read the report from the Site Review Screening Committee, which recommended the proposal be approved as submitted.
- Moved by Williams, seconded by Galt to approve the plan as submitted.
- U.A.
- Mr. Galt spoke of his intention to present the problem of parking and traffic on Hanson Street to the City Council's Parking and Traffic Committee.

ITEM #7: Public Hearing on the minor subdivision of land owned by Ralph E. Chamberlain, Assessor's Map M, Lot 93, zoned R-40, off of Back Road.

- Mr. Chamberlain explained the minor subdivision.
- Public Hearing Opened - No one spoke in favor or in opposition.
- Public Hearing Closed.
- Mr. Williams clarified the fact that the subdivided land will be joined with that of an abutter.
- Moved by Galt, seconded by Faria and Bouchard to approve the plan as submitted.
- U.A.

ITEM #8: Public Hearing on the site review of land owned by James Coughlin, Assessor's Map H, Lot 41, zoned RM-20, on Knox Marsh Road.

- Mr. Maglaras brought the Board up to date concerning this proposal.
- Mr. Coughlin and Eric Mitchell, a land surveyor, explained the proposal.
- Mr. Maglaras noted that five current members of the Board were serving when this proposal was first reviewed.
- Public Hearing Opened.
- John Gembinski, 22 Lisa Beth Circle, questioned the Board regarding drainage. He further commented on the impact of the project on the existing ski trails, the increasing density of the area, and the concentration of City money on one project.
- Jim Church, 20 Lisa Beth Circle, raised concerns regarding the

impact of the proposal on Bellamy Park and petitioned the Board to restrict further development.

- Mr. Sheldon read the report of the review of the subdivision application, which granted preliminary approval of the proposal contingent upon seven conditions. These conditions included the relocation of the Bellamy Nature Path.
- Richard York, Littleworth Road, stated his opposition to the proposal. His suggestions included a review by the Board of traffic problems and the discharge into the Bellamy River.
- Discussion followed regarding the discharging of water into the river.
- The Board decided to conduct an on-site review on Thursday, April 19, 1984, beginning between 4:30 and 4:45 p.m.

ITEM #9: Old Business

A) Capital Improvements Program

- a.) Mr. George Olson and Mr. Bill Puffer, officers from COAST, presented information to the Board regarding the history of their organization and their intentions to improve and expand the existing transportation routes in the City.
- b.) Jennie Harston, corner of Austin and Garrison Roads, appealed to the Board for the installation of sidewalks on Garrison Rd. Her concerns, as well as those raised by her neighbor, focused on the safety of school-children and other pedestrians.

B) Board action on the site review of land owned by William P. Valliere, (applicant Bellamy Builders), Assessor's Map 34, Lot 13, zoned RM-12, on Sixth Street.

- Mr. Maglaras reviewed the proposal and suggested that the Board had three options:
  - 1) approve with conditions
  - 2) deny the application
  - 3) request a ninety day extension from the City Council.
- Mr. Forbes read the letter received from Mr. Sheldon, dated April 4, 1984.
- Malcolm McNeil, an attorney representing Mr. Forbes, addressed the Board regarding the necessity of securing flowage easements. He requested a review by the City Attorney concerning this matter.
- Discussion between the Board and Mr. Forbes followed, regarding the recommendations outlined in the letter from Mr. Sheldon.
- Mr. Sheldon noted that there was indeed an impact on abutting

properties with respect to the drainage plans.

- Mr. Forbes made three points regarding the issue:
  - 1) Water is draining in that direction presently.
  - 2) The engineers he has hired estimate only a two percent increase in the flow of the brook.
  - 3) He has attempted to buy the easements from the abutting property owners and has been told that they are not for sale.
- Mr. Maglaras noted the similarities between this case and others previously brought before the Board.
- Discussion regarding drainage ensued.
- Mr. Magalaras, upon receipt of a request from Mr. Bouchard, reread a letter on file from Police Chief Reynolds.
- Further discussion followed regarding the traffic problems and the line of site determinations.
- Mr. Maglaras noted that Mr. Forbes had met minimum requirements with regard to this issue.
- Mr. Maglaras placed a letter from Theresa and Richard Hayes into the file, which expressed their concerns regarding traffic and drainage.
- Mr. Preston and Mr. Williams noted that although the plan met minimum requirements, the topography of the site imposed a problem.
- Mr. Forbes stated that attempts had been made to minimize the problem by designing the driveway to be level with Sixth Street.
- Moved by Preston, seconded by Galt and Faria to deny the application.
- Motion approved: 6-2 (Beckingham, Akerman).
- Mr. Maglaras stated that he believed the Board's action to deny the application was a bit premature. He suggested that the Board reconsider its motion.
- Mr. Sheldon noted that reasons for the denial must be stated for the record.
- Mr. Preston and Mr. Galt stated the reasons for the motion of denial:
  - 1) the proposal is deemed a traffic hazard.
  - 2) the proposal has raised concerns regarding drainage conditions.
- Mr. Maglaras asked Mr. Preston to reconsider his original motion.

- Moved by Preston, seconded by Galt to reconsider motion.
- U.A.
- Moved by Preston, seconded by Galt to deny the application based on reservations concerning the traffic hazard and drainage problems.
- Mr. Beckingham stated that although a traffic problem does exist, he does not feel that it justifies denial of the proposal.
- Mr. Preston reiterated that fact that he believed the conditions to be dangerous.
- Mr. Maglaras reminded the Board that a traffic engineering study was not requested of Mr. Forbes, as has been past procedure of the Board.
- Motion approved: 6-2 (Beckingham, Akerman).

C) Board action on the minor subdivision of land owned by R.A.P. Construction, Assessor's Map A, Lot 16, zoned R-12, on Long Hill Road.

- Mr. Maglaras reviewed the proposal.
- Moved by Preston, seconded by Galt to remove the item from the table.
- U.A.
- Mr. Sheldon read the recommendations of the City Engineer and Public Works Director, dated April 16, 1984.
- Moved by Galt, seconded by Preston to approve the application for subdivision for proposed Lots 1 through 5, contingent upon the following conditions:
  - 1) Receipt of WSPCC approval.
  - 2) Receipt of City septic approval.
  - 3) Receipt of City driveway permit.
  - 4) All maintenance of the drainage ditch along Long Hill Road is the responsibility of the respective property owners, and should be noted on the plan.Based on the report of the City Engineer and the Public Works Director, dated April 16, 1984, they included the denial of Lots 6 through 11 as building lots in the motion.
- Mr. McNeil and Mr. Parsons addressed the Board regarding the placement of the culverts on City property.
- Motion approved: U.A.

D) Board action on the site review of land owned by R.A.P. Construction, Assessor's Map A, Lot 16, zoned R-12 , on Long Hill Road.

- Moved by Preston, seconded by Galt to take the item from the table.
- U.A.
- Mr. Sheldon read a letter from the City Engineer and the Public Works Director, dated April 16, 1984.
- Mr. Williams stated that he wished to see a revised site review plan.
- Mr. Sheldon addressed the concerns of Mr. Parsons regarding the need for numerous revisions to the site plan.
- Moved by Preston, seconded by Galt to approve the site review contingent upon Mr. Stevens, Mr. Bouchard, and Mr. Sheldon reviewing and approving a revised set of plans which include the following changes:
  - 1) The proposed swale in the drive shall be more pronounced to prevent runoff from the drive entering the street.
  - 2) The proposed contour lines do not provide sheet drainage to the rear of the parking lot.
  - 3) Culvert shown shall be asphalt-coated CMP.
  - 4) The curb detail on the traffic islands must be shown.
  - 5) A landscape plan must be provided.
- Mr. Williams raised the issue of the use of salt on area roads in the winter.
- Moved by Faria, seconded by Galt to move question.
- U.A.
- Motion approved: U.A.

ITEM #10: New Business

- 1) Approval of the minutes of the regularly scheduled meeting held March 27, 1984 (ammended to include the Chair's extension of gratitude to Mr. Forbes, upon his resignation).
  - Moved by Steele, seconded by Faria to approve.
  - U.A.
- 2) Approval of the minutes of the regularly scheduled meeting held April 3, 1984.
  - Moved by Galt, seconded by Faria to approve.

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- U.A.

- Moved by Faria, seconded by Galt to adjourn the meeting at 11:20 p.m.

- U.A.