

DOVER PLANNING BOARD

MINUTES OF MEETING

Held: June 12, 1984  
Council Chambers  
Municipal Building  
Dover, NH

Members Present: Vice-Chair Stephanie Faria, James Beckingham, J. Andrew Galt, Harold Preston, Pierre Bouchard, Robert Steele, R. Craig Williams.

Alternate Members Present: H. Les Elder, Robert Weisner.

Other: Planning Director Timothy Sheldon.

Mrs. Faria called the meeting to order at 7:02 p.m.

ITEM #1: Public Hearing on the minor subdivision of land owned by Katherine Towle, Assessor's Map I, Lot 54, zoned RM-12, on Back River Road.

- Mr. Sheldon explained the proposal.
- Public Hearing Opened - No one spoke in favor or in opposition to the proposal.
- Public Hearing Closed.
- Mr. Sheldon, upon questioning by Mr. Williams, responded that the plan was satisfactory to the Planning Office and the Registrar of Deeds.
- Moved by Mr. Bouchard, seconded by Mr. Williams, to approve the application for the minor subdivision, contingent upon the following conditions:
  - 1) Receipt of WSPCC approval.
  - 2) Receipt of City driveway permit.
  - 3) Receipt of City septic approval.
- U.A.

ITEM #2: Public Hearing on the minor subdivision of land owned by Shaw's Realty Co., Assessor's Map 38, Lot 6A, zoned B-3, on Central Avenue.

- David Boutin, applicant, explained the proposal.
- In response to Mr. Beckingham, Mr. Boutin stated that the land was being proposed for subdivision for tax and leasing purposes.
- Public Hearing Opened - No one spoke in favor of the proposal.
- Roger Boisse, 869 Central Avenue, spoke in opposition to the proposal.
- Pat Filiiau, 6 Morin Street, spoke in opposition to the proposal and noted that he was speaking for the women with him as well. He stated that he was not in favor of further development in the area.

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- Public Hearing Closed.
- Mr. Sheldon stated that the proposal had been reviewed by the Site Review Screening Committee and was found to meet all the technical requirements regarding subdivision.
- Mr. Sheldon, upon questioning by Mr. Williams, explained the access points to Shaws, as they relate to the proposed subdivision.
- Mr. Williams was informed by Mr. Sheldon that the entire parcel of land owned by Shaw's Realty Co. was not depicted on the plan because it was not relevant to the subdivision proposal.
- Mr. Williams and Mr. Elder expressed their concerns regarding the lack of a locus on the plans.
- Mr. Preston noted his concerns regarding the exiting/entering of traffic onto Central Avenue.
- Mr. Steele noted that the application was for subdivision only and not for a site review.
- Mrs. Faria and Mr. Sheldon attempted to clarify the sentiments being expressed by the Board.
- Jack Thorton, a representative of Shaw's Realty Co., answered questions presented by Mr. Williams regarding the acreage and frontage (on Central Avenue) of the parcel.
- Mr. Preston read the requirements for the "Preliminary Plat Layout", as outlined in Section 155-31 of the Code of Dover.
- Mr. Sheldon restated that technically there was nothing wrong with the plan, however a locus could be added to simplify the situation.
- Mr. Galt stated that he believed that a locus should be added to the plan.
- Moved by Mr. Elder, seconded by P. Bouchard and Mr. Weisner, that the application for a minor subdivision be approved, contingent upon the following condition:
  - 1) A locus shall be placed on the plan for reference.
- Mr. Boisse raised concerns that the Public Hearing had been closed and restated his opposition to the proposal.
- Mr. Sheldon, in response to a point made by Mr. Boisse, stated that the fact that the zoning ordinance required 60,000 square feet minimum lot size to support a fast food restaurant was not relevant to the technical aspects of the subdivision plan.
- The Board discussed the other conditions that might be necessary,

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relative to the approval of the plan.

- Mr. Boutin reminded the Board that the pending application was for subdivision only.
- Moved by Mr. Galt, seconded by Mr. Steele, to amend the original motion to include the following condition:
  - 1) No curb cuts permitting access to Central Avenue shall be permitted.
- Vote: 8-1 (Bouchard).
- Vote on original motion as amended: U.A.

ITEM #3: Public Hearing on the minor subdivision of land owned by Samuel and James Tamposi and Gerald Nash, (applicant Grant Davis), Assessor's Map D, Lot 2A, zoned B-3, on Plaza Drive.

- Grant Davis explained the proposal.
- Mr. Davis, in response to questioning by Mr. Elder, stated that the cul-de-sac would remain temporary until such time as there is reason to extend the street. He then reviewed the history of the plan, dating back to a 1967 decision by the Planning Board.
- Public Hearing Opened.
- Gerald Nash, one of the owners of the parcel, spoke in favor of the proposal and explained the intended use of the planned building.
- Arnold Peters, Old Rochester Road and City Council member, suggested that the Board delay action on the proposed development until the problems relevant to development in the North End are dealt with.
- Public Hearing Closed.
- Mr. Steele directed comments and questions to Mr. Nash. He stated that this was the first time that it had been made public that the intended use for the building was State Offices. He noted that this was in keeping with the City Council's desire to retain those offices in Dover.
- Mr. Nash stated that the Employment Security Office did express a desire to relocate to the proposed building.
- Mr. Nash, in response to Mr. Sheldon, stated that the construction would require three to four months to complete.
- Moved by Mr. Williams, seconded by Mr. Bouchard that the Board hold an on-site review of the property on Thursday, June 14, at 4:15 p.m.
- U.A.

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- Moved by Mr. Williams, seconded by Mr. Steele, to table discussion of the item until then.
- U.A.

ITEM #4: Public Hearing on the site review of land owned by Samuel and James Tamposi and Gerald Nash, (applicant Grant Davis), Assessor's Map D, Lot 2A, zoned B-3, on Plaza Drive.

- Public Hearing Opened.
- Mr. Steele explained the difference between the two Public Hearings (ITEM #3 and ITEM #4).
- Mr. Nash spoke in favor of the proposal.
- Arnold Peters, Old Rochester Road and City Council member, raised concerns regarding the development of the parcel of land and the cul-de-sac. He explained what he believed was the action of the Planning Board, regarding this parcel, in 1967. Finally, he stated that he was concerned about possible traffic conditions (resulting from the proposal.)
- Mr. Nash responded to the concerns raised by Mr. Peters regarding the development of Plaza Drive.
- Mr. Steele clarified the point made by Mr. Nash relative to the status of Plaza Drive (regarding its acceptance as a City Street).
- Mr. Davis noted that R.W. Realty Inc. uses a Plaza Drive address and has access to their parcel from Plaza Drive, as set forth in the 1967 plan.
- Mr. Peters restated his understanding of the status of Plaza Drive.
- Public Hearing Closed.
- Mr. Galt noted a memo set to the City Council from Mr. Sheldon regarding growth management on the Weeks Traffic Circle. He also noted the work that had been done by the City over the past few months relative to studying the problems of the North End. In conclusion, Mr. Galt stated that, while he saw no problem with granting the request for the subdivision, he did believe that any further development on the Traffic Circle would further adversely impact the traffic conditions.
- Mr. Sheldon read the reports from the Site Review Screening Committee and the Public Works Department (Jay Stevens and Pierre Bouchard) regarding the site review.
- The Board noted that there would be an on-site review on Thursday, June 14, at 4:15 p.m.
- Mr. Williams requested that Mr. Davis stake the entry way detail, the

center line for the cul-de-sac, the four corners of the proposed building, and the four corners of the proposed lot.

- Mr. Steele stated that he felt the Board was in a difficult position because of the fact that the new building was proposed to be utilized by the Welfare Office and the Employment Security Office. He noted that it was the City Council's desire to maintain these offices in Dover, however he was aware of the development problems relative to the North End. He suggested that the Board consider the proposal as the expansion of the existing uses.
- Mr. Galt expressed his disagreement with the statements made by Mr. Steele.
- Mr. Steele moved to table discussion of this item until the site review on Thursday.
- Mr. Beckingham stated that he was in agreement with Mr. Galt, regarding the fact that the proposal was not for the expansion of an existing use, but rather for the development of a new building.
- Vote on motion by Mr. Steele: U.A.
- Moved by Mr. Galt, seconded by Mr. Preston, to table action on the site review until the next regularly scheduled meeting.
- U.A.

ITEM #5: Public Hearing on the minor subdividon of land owned by Ann D. Brown, Assessor's Map L, Lots 14-G and 83F, zoned R-20, on Evans Drive.

- Mathias Brown explained the proposal.
- Public Hearing Opened - No one spoke in favor of the proposal.
- Lorraine Thompson, 2 Evans Drive, sought assurance from the Board that the development would consist of only one house per lot.
- Mr. Sheldon assured her that the applicant would be required to seek a variance for the development of more than one house per lot.
- Elizabeth Jacques, 4 Evans Drive, spoke in opposition to the proposal and raised concerns that a variance would be sought by the applicant.
- Effie Pappas, 187 Dover Point Road, spoke in opposition to the proposal, and noted that she was representing her husband, Ed Pappas, as well. She raised a number of concerns, most of which were relative to the drainage on the site.
- Mr. Bouchard sought assurance from Mr. Brown that the City would be

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- permitted to retain the flowage easement that it currently utilizes. Mr. Brown assured Mr. Bouchard that this would be no problem.
- Mr. Brown addressed the concerns raised by Mrs. Pappas.
  - Eleanor Milliken, 8 Evans Drive, raised concerns regarding the drainage of the parcel and the maintenance of the aesthetics of the area. She submitted a letter from Paul and Martha Cox, 189 Dover Point Road, to Mrs. Faria. The letter, dated June 12, 1984, noted the Cox's opposition to the proposal.
  - Connie Joncas, 185 Dover Point Road, spoke in opposition to the proposal.
  - Mr. Sheldon stated that a permit for filling was obtained from the State, and not the Building Inspector. (In response to a question by Mrs. Pappas).
  - Mr. Sheldon, in response to Mr. Preston, stated that the applicant had received a variance for insufficient frontage.
  - The minutes of the May 17, 1984 Zoning Board of Adjustment Meeting were read to verify this point.
  - Moved by Mr. Preston, seconded by Mr. Steele, to hold an on-site review on Thursday, June 14, at 5:00 p.m.
  - In response to a question by Ms. Thompson, Mr. Sheldon noted that the Planning Board should disregard the condition imposed by the ZBA upon granting of the variance.
  - Vote on motion: U.A.
  - Public Hearing Closed.

ITEM #6: Public Hearing on the site review of land owned by William P. Valliere, (applicant Bellamy Builders), Assessor's Map 34, Lot 1B, zoned RM-12, on Sixth Street.

- Kerry Forbes explained the proposal and noted that the drainage plan had been approved by the City Engineer, Jay Stevens, and that the traffic plan had been approved by Police Chief Reynolds. He also summarized the written comments of Mr. Kimball, of Kimball-Chase, regarding the traffic study conducted by that firm.
- Mr. Forbes, upon questioning by Mr. Preston, explained the proposal regarding the grading of the access road.
- Mr. Forbes, in response to Mr. Williams, noted that the water contained on the site would leach, as the area was composed of sand.
- Mr. Williams raised concerns regarding the maintenance of the retention

- basins. He suggested that a workshop session to study this issue may be in order.
- Mr. Forbes responded to the statements made by Mr. Williams.
  - Mr. Williams questioned whether or not it was necessary to require the basins be setback from abutting properties.
  - Mr. Bouchard explained that open catch basins, often with water standing in them existed throughout the City. He also noted that the maintenance of said basins would be the responsibility of the developer.
  - Mr. Bouchard responded to concerns raised by Mr. Williams regarding the rate of flow from the basins.
  - Mr. Forbes attempted to explain the definition of a "25 year storm", as defined by his engineer. Mr. Sheldon presented the statistics to Mr. Williams.
  - Mr. Bouchard, in response to Mr. Galt, noted that most catch basins within the City were covered by a grate.
  - Public Hearing Opened.
  - Mr. Forbes spoke in favor of the proposal.
  - Helen Smith, 117 Sixth Street, presented the Board with a petition signed by 62 residents opposed to the development. She also provided an agenda that would be followed by those residents speaking in opposition to the proposal.
  - James Verschueren, 102B Sixth Street, spoke in opposition to the proposal and cited what he saw as procedural errors relative to the Public Hearing.
  - Elizabeth Murphy, speaking for Thelma Cassily, Autumn Street, presented a letter from Attorney Anthony A. McManus to the Board. Mr. McManus outlined the objections raised by Mrs. Cassily regarding the proposal.
  - Richard Hayes, 102 Sixth Street, spoke in opposition to the proposal and noted that he has a right-of-way on the property in question that he feels is being imposed upon by Mr. Forbes.
  - Jean Hackett, Sixth Street, spoke in opposition to the proposal and suggested that the three lane proposal for Sixth Street would result in the taking of land which is now privately owned.
  - Pauline Lugg, Autumn Street, spoke in opposition to the proposal and suggested that the condition set forth by the Board at the April 3, 1984 meeting, regarding the control of traffic and noise, had not been addressed.

- Theresa Hayes, 102 Sixth Street, spoke in opposition to the proposal and stated that she felt the drainage plan was improper. She suggested that the Verschueren and Hayes properties would experience hardship because of the proposed plans for curbing of the access road and snow removal. She also expressed concerns regarding traffic conditions.
- Brian Lunt, 114 Sixth Street, spoke in opposition to the proposal and stated that he was concerned that the development would alter the character of the neighborhood and that it may have an adverse impact on the traffic conditions.
- Edward Smith, 117 Sixth Street, spoke in opposition to the proposal, citing the inadequacy of the drainage system and giving the results of his computations which demonstrate that the system cannot handle the volume of water proposed to flow through it. Mr. Smith also noted that the Zoning Code, 170-Table I: Principle Uses, requires that "All rights-of-way shall be deleted from the lot area when calculating the maximum permitted number of units." Mr. Smith stated that when the square footage of the rights-of-way determined by the neighbors is removed, there is sufficient area for fewer than 23 units.
- Alicia Sullivan, 112 Sixth Street, spoke in opposition to the proposal, and requested that the applicant be required to build a retaining wall along the back of her property and that of other abutters whose property is experiencing erosion. (ref: 149-23C)
- Vincent Lugg, 2 Autumn Street, spoke in opposition to the proposal and stated that he was concerned about possible traffic dangers. Mr. Lugg submitted a copy of a letter from Durgin Associates, Inc., of Portsmouth, NH (surveyors), which noted that, based on methods outlined in the letter, the line of site was determined to be 250.5 feet, to the Board.
- Ron Fabian, 100 Sixth Street, spoke in opposition to the proposed drainage system, citing the composition of the soil as clay, as documented by the previous history and use of the land.
- Donna Verschueren, 102B Sixth Street, stated that the open drainage basins were a safety concern to the residents. She requested that the Board carefully verify that the applicant had sufficient usable open space to meet the requirements of the Zoning Code, 170-15.
- Richard Hayes cited numerous ways in which the proposed project could be perceived as a hardship, with respect to his property. He further reiterated the safety concerns identified by the residents.
- Jim Verschueren stated that he believed the proposal violated his property lines and the existing right-of-way. He requested that the applicant be required to provide liability insurance to indemnify him against claims that might result from the use of the proposed driveway across his land.

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- Kerry Forbes responded to the concerns raised by the public. He addressed the issues of the infringement on the right-of-ways, the drainage plans, and the site distance, as determined by Mr. Kimball.
- Mrs. Murphy again raised concerns regarding the infringement upon Mrs. Cassily's right-of-way.
- Mrs. Hayes presented the Board with one copy each of three deeds indicating the Hayes' right-of-way.
- Public Hearing Closed.
- Mr. Preston stated that he felt an on-site review was necessary because this was a new application.
- Mr. Sheldon suggested that the minutes of tonight's meeting be available at the on-site review.
- The Board requested that the engineer stake the access road and the sites of the proposed retention basins.
- Moved by Mr. Beckingham, seconded by Mr. Weisner that the Board hold an on-site review on Tuesday, June 19, at 4:15 p.m.
- U.A.
- Police Chief Reynolds, Mr. Kimball Mr. McArthur and Jay Stevens will be requested to attend.
- Moved by Mr. Galt, seconded by Mr. Weisner, to table action on this item until the next regularly scheduled meeting.
- U.A.

ITEM #7: Public Hearing on the site review of land of the Wentworth-Douglass Hospital, Assessor's Map 37, Lot 1B, zoned O, on Central Avenue.

- Charlie Cragin, Associate Director of the Hospital, gave a brief introduction to the proposal.
- Neil McCallum, an architect from Alexandria, Virginia, explained the proposal.
- Mr. Sheldon read the recommendations of the Site Review Screening Committee and Police Chief Reynolds.
- The Board decided to hold an on-site review on Monday, June 18, at 4:15 p.m.
- Public Hearing Opened - No one spoke in favor or in opposition to the proposal.
- Public Hearing Closed.

- Moved by Mr. Steele, seconded by Mr. Bouchard, to table any action on this item until the site review has been completed.

- U.A.

ITEM #8: Old Business

- 1) The Board noted that the applicant in PB case #84-34 (Jamar Investments) would be required to return to the Planning Board because the condition regarding the approval of a flowage easement cannot be met.

ITEM #9: New Business

- 1) Amendments to Planning Board By-Laws - Alternates to meetings and the scheduling of Regular Meeting Dates

- Moved by Steele, seconded by Preston, to table this item until the next regularly scheduled meeting. U.A.

- 2) Discussion of Concerns Regarding Conflicts of Interest

- Moved by Preston, seconded by Weisner, to table this item until the next regularly scheduled meeting. U.A.

- 3) Discussion of Possible Attendance Policies

- Mr. Galt presented the Board with a number of alternatives.

- Moved by Mr. Steele, seconded by Mr. Galt, to discuss the item at the next workshop meeting.

- U.A.

Moved by Mr. Galt, seconded by Mrs. Faria, to adjourn the meeting at 9:48 p.m.

- U.A.

AMENDMENT: Chair Maglaras was absent from the meeting due to an unexpectedly lengthy appearance in N.H. Supreme Court.