

DOVER PLANNING BOARD
MINUTES OF MEETING

Held: August 14, 1984
Council Chambers
Municipal Building
Dover, NH

Members Present: Chair George Maglaras, Vice-Chair Stephanie Faria, Robert Steele, R. Craig Williams, Harold Preston, J. Andrew Galt.

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

Other: Planning Director Timothy Sheldon.

Mr. Maglaras called the meeting to order at 7:03 p.m.

ITEM #1: Public Hearing on the minor subdivision of land owned by the Pacific Mills Trust, Assessor's Map 3, Lot 63, zoned UMUD, on Central Avenue.

- Mr. Timothy Pearson, applicant, explained the proposal.
- Upon questioning by Mr. Preston, Mr. Pearson explained the changes made to the plan, with regard to John Webster's right-of-way.
- Mr. Sheldon read the report of the Site Review Screening Committee.
- Public Hearing Opened - No one spoke in favor or in opposition to the proposal.
- Public Hearing Closed.
- Upon questioning by Mr. Williams, Mr. Sheldon addressed the issue of the division of a building in a UMUD zone. Mr. Pearson elaborated on the location of the fire wall in the building.
- Mr. Maglaras noted that past cases before the Board had afforded the Board the opportunity to undertake a detailed analysis of the process of dividing a building.
- Moved by Mrs. Faria, seconded by Mr. Galt to approve the minor subdivision.
- U.A.

ITEM #2: Public Hearing on the minor subdivision of land owned by William E. Cusack Jr. and Patricia K. Cusack, Assessor's Map C, Lot 11, zoned R-40, on County Farm Cross Road.

DOVER PLANNING BOARD

August 14, 1984

Page 2 ...

- Mr. Maglaras stated that this item had been withdrawn from the agenda at the request of the applicant.

ITEM #3: Public Hearing on the major subdivision of land owned by Richard J. Haigh, (applicant Dale L. Chinburg), Assessor's Map I, Lot 31, zoned R-12, near the corner of Mast Road and Spruce Lane.

- Mr. Chinburg explained the major subdivision.
- Mr. Sheldon read the report of the Site Review Screening Committee.
- In response to concerns raised by Mr. Williams, Mr. Sheldon clarified the fact that WSPCC approval had been granted and that an additional plan had been submitted by the applicant which depicted this.
- Mr. Williams reiterated the fact that the plan before the Board did not depict topo lines and, therefore was not in compliance with the City ordinance.
- Mr. Maglaras noted that this plan is consistent with the type of plan previously considered by the Board relative to subdivision applications. He stated that the Board often approves a proposal contingent upon WSPCC approval.
- Mr. Williams noted that the requirements of the ordinance should either be met by the applicant, or should be waived by the Board.
- Mr. Preston distinguished between the requirements provided for a preliminary plan and those provided for the final plan.
- Mr. Sheldon stated that much of the information outlined in the ordinance is submitted by the applicant on the application form.
- After further discussion, Mr. Maglaras suggested that the Board consider this matter under new business.
- Public Hearing Opened.
- Mr. Chinburg spoke in favor of the proposal.
- Mr. Williams noted that WSPCC approval often depends upon

DOVER PLANNING BOARD

August 14, 1984

Page 3 ...

the type of soil in the area.

- William Shaheen, an attorney representing the Chadwicks, an abutting property owner, stated that his client had no objections to the proposal providing that the following conditions are considered by the Board:
 - 1) The proposal will provide for boundary lines which correspond to a subdivision plan approved by the Board in April of 1977. He noted that this appears to be the case.
 - 2) Potential buyers should be advised that the abutting lot (Chadwick's) contains an existing agricultural operation. The Chadwick's liability for potential problems is limited by RSA 430C.
- Nathalie Sevigny, 28 Spruce Lane, raised concerns regarding the lot size of proposed lots 3 and 4. She cited possible problems with drainage in the area and noted that the aesthetics of the neighborhood could be altered.
- Roger Cussins, 9 Spruce Lane, spoke in opposition to the proposal and cited drainage concerns as the basis for his statements.
- Mrs. Sevigny reiterated her concerns regarding drainage.
- Mr. Chinburg responded to the concerns raised by the abutters. He noted the proposed location of the septic systems for lots 3 and 4.
- Public Hearing Closed.
- Mr. Maglaras directed a question to Mr. Chinburg regarding the location of the existing pipes on the site.
- Mr. Preston suggested that the Board hold an on-site review of the parcel.
- The Board decided to hold an on-site review on Thursday, August 16, 1984, at 4:00 p.m.
- Mr. Maglaras noted that in this case, as in all cases of on-site review of major subdivision proposals from this point on, action on the item shall be postponed until the next regularly scheduled meeting.

ITEM #4: Public Hearing on the site review of land owned by

Thomas DuMont and Raymond Porelle, (applicant LoMay Development Associates), Assessor's Map 24, Lot 115, zoned CWD/RM-10, on Portland Avenue.

- Mr. Williams raised concerns regarding the lack of a locus on the plan and the fact that the stamp on the plan was that of a professional engineer and, therefore, incorrect.
- David Joy, a representative of the applicant, explained the proposal using a model.
- Bob Durgin, engineer for the proposal, explained the utilities for the development.
- Mr. Sheldon read the report of the Site Review Screening Committee. He noted that both Pierre Bouchard and Jay Stevens wished to have an on-site review of the proposal with the Board to discuss drainage.
- Mr. Maglaras turned the Chair over to Mrs. Faria for the remainder of this public hearing. He stated that he may have an indirect conflict of interest because of family property in the area.
- Public Hearing Opened.
- At the request of Mr. Michael Spinelli, Mrs. Faria called for a five minute recess, to permit time for the abutters to view the model and plans more closely.
- Public Hearing Reopened.
- Gail Mohrbacher, 12 Rogers Street, spoke in opposition to the proposal. Her concerns included the possible adverse impact on area traffic, the unique physical characteristics of the land, and the fact that the area had been rezoned CWD without proper notification of the abutters. She requested that the Board consider prohibiting the development of a driveway access onto Rogers Street and also consider prohibiting variances for unusual building requests on Rogers Street.
- The Board discussed the location of Rogers Street relative to this proposal.
- Dave Faulkner, 97 Portland Avenue, spoke in opposition to the proposal and cited concerns regarding the impact of the development on the neighborhood traffic and children.

DOVER PLANNING BOARD

August 14, 1984

Page 5 ...

- Michael Spinelli, Portland Avenue, spoke in opposition to the proposal and suggested that there could be a problem as a result of the driveway position. He raised a question regarding the possibility of obtaining some sort of assurance that the project will be completed as proposed.
- Donald Roberge, 90 Portland Avenue, raised concerns regarding traffic impact.
- Estelle Maglaras, Cocheco Street, requested that Mr. Sheldon reread the report submitted by the Site Review Screening Committee.
- Mr. Roberge directed a question to Mr. Sheldon regarding access for the proposal from Cocheco Street.
- Mr. Sheldon noted that access from Cocheco Street had been considered however, it was not followed up on for three reasons:
 - 1) The fire department had determined that the access off of Portland Avenue was adequate for its purposes.
 - 2) The steep slope of the land would require fill and thus, provide for an extreme grade differential.
 - 3) The dangerous intersection at Cocheco Street and Portland Avenue could be avoided.
- In response to Mr. Faulkner, the Board noted that the on-site review is open to the public.
- George Maglaras, Cocheco Street, noted that drainage concerns need to be addressed at the site by the Board.
- Public Hearing closed.
- Mr. Preston noted that a temporary drainage solution, running across the Maglaras property, had been installed by the City.
- Moved by Mr. Steele, seconded by Mr. Galt to hold an on-site review on Thursday, August 16, 1984, at 4:30 p.m.
- U.A.
- Mr. Preston raised a concern regarding the placement of a property line through the corner of a building on page 2 of the plans. Mr. Porelle, applicant, noted that this was indeed the case.

- Mr. Williams and Mr. Galt suggested that the plans be brought up to City standards (ie. a placement of a locus on the plan).
- Mr. Maglaras resumed the position of Chair.

ITEM #5: Public Hearing on the site review of land owned by James E.M. Coughlin Jr., Assessor's Map H, Lots 41-2 and 41-3, zoned RM-20, on Martha's Way off of Westgate Drive.

- Mr. Weisner chose to abstain from the public hearing because of a possible indirect conflict of interest.
- Eric Mitchell, engineer for the proposal, explained the plan and noted the changes made most recently.
- Mr. Sheldon read the report of the Site Review Screening Committee.
- Public Hearing Opened.
- John Gembinski, 22 Lisa Beth Drive, raised concerns regarding the inclusion of the conservation zone in the calculations used to determine permitted density of the parcel. He also asked for a clarification of the drainage changes made to Phase II of the project.
- Mr. Mitchell explained that the drainage changes were the result of WSPCC recommendations and were in compliance with the Planning Board's approval.
- In response to Mr. Gembinski, Mr. Coughlin noted that the City aquifer was located approximately 900 feet upstream from the proposal.
- In response to Mr. Coughlin, Mr. Sheldon stated that Fire Chief Bibber had requested two additional hydrants, in addition to the three depicted on the plan.
- Public Hearing Closed.
- Mr. Preston reviewed the comments forwarded by the Conservation Commission. He stated that they recommended that the parking lots be designed with settling tanks and that the use of salt be prohibited.
- Bob Richard, part owner of the proposal, responded to

concerns raised by Mr. Williams regarding the excessive use of salt in the parking lots.

- The merit of settling basins and grease traps, as well as the way that they function, were discussed by the Board.
- Dennis McCann, Conservation Commission member, stated that he was unable to offer any comments, as the result of the absence of the applicant and/or his agent at the joint meeting of the Conservation Commission and the Planning Board.
- Mr. Galt commented on the problem of enforcing the maintenance of grease traps.
- Mr. Mitchell attempted to clarify the possible methods of dealing with parking lot runoff.
- Mr. Williams stated that he felt that grass swales were sufficient and noted that this method had been included on the plan. Mr. Steele concurred.
- Mr. Coughlin and Mr. Sheldon noted that this method had been approved by the State.
- Mr. Maglaras, in response to Mr. Galt, stated that a conservation district may be included when computing square footage requirements for a proposal. He noted that a property owner should have legal right to the use of this land or should be given a tax abatement.
- Mr. Maglaras expounded on the shortcomings of the Conservation District Ordinance.
- Mr. Sheldon read the opinion of the City Attorney, Scott Woodman, regarding this matter.
- Mr. Maglaras suggested that a workshop session should be held to deal with the issue.
- Mr. Maglaras noted that the final approval of the Board must be contingent upon the approval of the special exception by the Zoning Board of Adjustment.
- In response to Mr. Galt, Mr. Sheldon read the requirements outlined by Chief Bibber's memo.

DOVER PLANNING BOARD

August 14, 1984

Page 8 ...

- Moved by Mr. Williams, seconded by Mrs. Faria to approve the site review, contingent upon the following conditions:
 - 1) Approval of access by the State Highway officials. Granite radii shall be installed from Westgate Drive.
 - 2) Sewer capacity is restricted until the Knox Marsh line is upgraded.
 - 3) The developer shall be responsible for relocating that portion of the Bellamy Nature Path that now lies in the open field. Location, easement documents and development schedule shall be reviewed and approved by the City Manager, Planning Director and Director of Parks and Recreation.
 - 4) Receipt of performance bond for the City street.
 - 5) Street trees (2-1/2 minimum caliper) shall line Martha's Way.
 - 6) Receipt of the Fire Chief's and Planning Director's approval of the number and the placement of hydrants.
 - 7) All water mains must be a minimum of 8 inches.
 - 8) No parking shall be permitted directly in front of any entrance.
 - 9) The water main shall be looped back into Ireland well, if approved by the Public Works Director, with a minimum of an 8 inch line.
 - 10) Receipt of approval by the Zoning Board of Adjustment for the special exception.
- Mr. Sheldon read the conditions.
- Mr. Coughlin expressed his concerns regarding the request by Chief Bibber relative to the additional hydrants.
- U.A.
- Mr. Weisner resumed his seat on the Board.

ITEM #6: Public Hearing on the site review of land owned by M. Saunders, Inc., Assessor's Map 27, Lots 61 and 65, zoned B-3, on East Street.

- Anthony Hartnett, an attorney representing the applicant, explained the proposal.
- In response to Mr. Galt, Mr. Maglaras noted that the proposal has received approval from the ZBA.
- Mr. Williams noted that the plan had an unclear locus,

did not include land elevations and did not delineate the parking layout.

- Mr. Preston stated that a waiver of these items should be granted.
- Mr. Sheldon read the report of the Site Review Screening Committee.
- Public Hearing Opened - No one spoke in favor or in opposition to the proposal.
- Public Hearing Closed.
- Mr. Maglaras moved to consider the matter of compliance with the Site Review Ordinance at the next workshop session.
- Mr. Galt commented on his sentiments regarding the necessity of following the ordinance.
- Moved by Mr. Galt, seconded by Mr. Weisner to approve the site review with all the necessary waivers.
- Mr. Sheldon noted that the applicant had submitted two additional plans to the file, one which depicted landscaping and the other which noted topography.
- Mr. Sheldon stated that he believed that the proposal was a fine upgrade of the neighborhood.
- Moved by Mr. Williams, seconded by Mr. Preston to limit debate.
- U.A.
- Vote on question: U.A.

ITEM #7: Old Business

1) Amendments to Planning Board By-Laws - Alternates to Meetings, Scheduling of Regular Meeting dates, Possible Attendance Policies, and Conflicts of Interest.

- Moved by Mr. Williams, seconded by Mrs. Faria to approve the attendance policy changes as submitted by Mr. Galt.
- Mr. Maglaras explained the proposed change:

To be added to ARTICLE IV:
Section 9: To comply with the Administrative Code of Dover regarding attendance of members of Boards and Commissions, all regularly scheduled meetings and workshops shall constitute meetings used for attendance purposes. Each board member absent from a meeting may present an excuse for his/her absence no later than the next regularly scheduled meeting date. It shall be the responsibility of the Chair or Vice-Chair of the Planning Board to report to the City Council of any member's unexcused absence of four or more consecutive meetings.

- U.A.
- Mr. Maglaras explained the proposed changes relative to the suspension of the rules:
Amend Section 1, Article VII:
Section 1: The City Planning Board may suspend any of these rules by a two-thirds majority of voting members present.
- Moved by Mr. Galt, seconded by Mr. Williams to accept as submitted.
- U.A.
- Mr. Maglaras explained the proposed changes to the by-laws relative to meeting dates:
Amend Section 1, Article IV:
Section 1: The Planning Board shall meet on the second and Fourth Tuesday in each month at a time and place designated by the Chair, unless otherwise specified by the Chair.
- Moved by Mr. Galt, seconded by Mr. Weisner to accept the change as submitted.
- Discussion among Board members followed regarding the necessity of the change.
- Vote on question: 4-3. (Steele, Faria, Williams.)
- Mr. Maglaras explained the proposed changes in the by-laws relative to the role of the alternates:
Add Article VII - ALTERNATES
Section 1: Alternates shall sit as regular members at the

call of the Chair and shall do so by rotation. Rotation is at the discretion of the Chair.

Section 2: Alternate memebtrs shall be permitted to fill the compliment of the Board and not simply to fufill a quorum.

Section 3: Alternate members shall be allowed to participate in workshop sessions regardless of the numbers present.

- Moved by Mrs. Faria, seconded by Mr. Steele and Mr. Galt to accept as submitted.
- U.A.
- Mr. Maglaras explained further changes proposed to the section on attendance policies:
Amend Article IV, Section 4:
The Planning Director shall provide not less than 24-hour advance notice of a special meeting or a workshop session. This is a minimum requirement, 72-hour advance notice is preferable.
- After some discussion, the Board decided to take no action on the proposed change until Mr. Sheldon has had an opportunity to review existing State law relative to this matter.
- Mr. Maglaras explained the proposed changes relative to conflicts of interest:
To add to Article IV, Section 6:
The Chair will fill the vacancy by the alternate next in rotation.
- So moved by Mr. Galt, seconded by Mr. Weisner and Mr. Williams.
- U.A.
- 2) Mr. Maglaras noted that the Site Review Ordinance and the requirements outlined in it will be placed on the agenda of the August 21, 1984 workshop session.

ITEM #8: New Business

- 1) Approval of the minutes of the regularly scheduled meeting held on July 24, 1984.

- Moved by Mrs. Faria, seconded by Mr. Galt to approve the minutes.

- Mr. Steele offered the following amendment to Page 5 of the minutes:

"Moved by Mr. Elder, seconded by Mr. Preston to move the question. 6-1 (Beckingham).

Vote on question: 5-1-1 (Beckingham, Williams abstaining.)

Mrs. Faria read excerpts from the Commonwealth Mortgage Company Newsletter and stated that she was not making a charge of conflict of interest."

- Mr. Galt seconded the amendment.
- U.A.
- Vote on main motion as amended: U.A.

- 2) Mr. Preston requested that an item regarding the type of seal permitted on plans submitted to the Board for review be placed on the agenda of the workshop on August 21, 1984.

- Mr. Maglaras noted that all Planning Board members will be supplied with a copy of RSA 319-A, which deals with this matter, as well as with a copy of the site review ordinance.
- Moved by Mrs. Faria, seconded by Mr. Galt to adjourn the meeting at 9:35 p.m.
- U.A.