

DOVER PLANNING BOARD

MINUTES OF MEEETING

Held: September 18, 1984  
Council Chambers  
Municipal Building  
Dover, New Hampshire

Members Present: Chair George Maglaras, Vice-Chair Stephanie Faria, R. Craig Williams, Robert Steele, Pierre Bouchard, Robert Weisner, H. Les Elder, J. Andrew Galt, Harold Preston.

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon.

The Chair called the meeting to order at 7:05 p.m.

ITEM #1: Public Hearing on the minor subdivision of land owned by Arthur J. and Winifred Grimes, Assessor's Map L, Lot 96A, zoned R-20, on Dover Point Road.

Arthur Grimes explained the minor subdivision.

Mr. Grimes, upon questioning by Mr. Maglaras, stated that he had received a variance for relief from frontage requirements from the Zoning Board of Adjustment.

Mr. Sheldon read the report of the Site Review Screening Committee.

Public Hearing Opened.

Jack McLatchey, 245 Dover Point Road, spoke in favor of the application.

Donald Capanale, 247 Dover Point Road, spoke in favor of the application.

Marion Kleasner, 251 Dover Point Road, spoke in favor of the application.

Public Hearing Closed.

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Moved by Mr. Galt, seconded by Mr. Elder and Mr. Weisner to approve the minor subdivision, contingent upon the following conditions:

- 1) The private drive shall be a minimum of sixteen (16) feet wide and have an eighteen (18) inch bank run gravel base.
- 2) Receipt of a State driveway permit.

U.A.

ITEM #2: Public Hearing on the minor subdivision of land owned by Arthur P. Gasses, Assessor's Map J, Lot 1, zoned R-40, on Garrison Road.

Arthur Gasses explained the minor subdivision.

Mr. Sheldon read the report from the Site Review Screening Committee and noted that the applicant did receive a variance from the Zoning Board of Adjustment for relief from public road frontage requirements.

In response to a question from Mr. Williams regarding the proposed width of the right-of-way, Mr. Sheldon noted that any further development of the parcel would occur off of Seaborne Drive.

In response to a question from Mr. Elder, Mr. Sheldon noted that the applicant had received a variance for relief from the frontage requirements for lot #3.

F. Lester Paul, 10 Austin Drive, spoke in favor of the application.

Public Hearing Closed.

William Colbath directed a question to the Board regarding the recommendation of the Site Review Screening Committee that City services not be provided on the private right-of-way. Mr. Sheldon responded.

Moved by Mr. Bouchard, seconded by Ms. Faria to approve the minor

subdivision, contingent upon the following conditions:

- 1) The private drive shall be a minimum of sixteen (16) feet in width and have an eighteen (18) inch base of bank run gravel.
- 2) A waiver of section 155-51 of the Subdivision Ordinance is granted. The mylar and the deeds shall reflect the following statement:  
No City services (sewer, water, snowplowing, garbage, etc.) shall be provided until such time as the private right-of-way is constructed to City street specifications.

U.A.

ITEM #3: Public Hearing on the minor subdivision of land owned by Leona Auld, Assessor's Map 16, Lot 36, zoned UMUD, on Mill Street.

Raymond Ouellette, an attorney representing Mrs. Auld, explained the minor subdivision, including the request for a waiver from Section 155-35A of the Subdivision Ordinance.

Mr. Williams inquired if the new owner of the proposed Lot 1 (Stephen Oppenheim) would be willing to place a deed restriction on the parcel which would provide parking for the apartment units across the street. Mr. Oppenheim responded that he would be willing.

Mr. Sheldon read the report of the Site Review Screening Committee.

Mr. Maglaras suggested that the suggestion made by Mr. Williams be made a condition of approval.

Public Hearing Opened - No one spoke in favor or in opposition to the application.

Public Hearing Closed.

In response to a question from Mr. Galt, Mr. Sheldon stated that the properties beyond the one in question on Mill Street do have

some potential for future development/redevelopment, however he did not see an immediate prospect.

Mr. Galt stated that because there does exist some potential for density increases, the Board should be concerned with the width designated for the right-of-way.

Mr. Ouellette responded to the concerns of the Board and stated that the topography of the area prevents development along Mill Street prior to the property in question. He also noted that many of the buildings abut the right-of-way.

Discussion by the Board followed. The members noted the existing slopes in the area.

Mr. Sheldon reminded the Board that in a UMUD there are no frontyard setback requirements.

Mr. Maglaras noted that in the UMUD there are no parking restrictions either.

In response to a question from Mr. Preston, Mr. Sheldon and Mr. Bouchard explained that the plan did not depict a 20 foot sewer easement.

Moved by Mr. Williams, seconded by Mr. Galt to approve the minor subdivision, contingent upon the following conditions:

- 1) Section 155-35A of the Subdivision Ordinance states:  
"In the event a subdivision adjoins or includes an existing street which does not conform to widths as required by these regulations (50 foot minimum right-of-way) or by the Comprehensive Plan of the City of Dover, the developer shall dedicate sufficient land to bring said street into conformity. Subdivision along one (1) side of any such street or highway shall be required to dedicate only one-half (1/2) of the required extra width."  
The submitted subdivision plan shall be revised to reflect this position.
- 2) Plan shall indicate access to the City sewer for lots 1 and 2.

- 3) A deed restriction for Lot 1 shall provide parking for the apartment units across the street (Assessor's Map 16, Lot 35).

Mr. Steele clarified the meaning of the first condition included in the motion made by Mr. Galt.

Mr. Ouellette restated his desire for a waiver of the requirement outlined in condition number 1

Mr. Weisner questioned the legality of requiring a property owner dedicate 12 feet of a lot to the right-of-way.

In response to a comment by Mr. Maglaras, Mr. Steele noted that the right-of-way provided along Mill Street is substandard.

Mr. Bouchard stated that the lack of the proper right-of-way could hinder winter maintenance. He noted that presently the City plows snow onto private land.

In response to a comment by Mr. Preston regarding the feasibility of a fifty-foot right-of-way, Mr. Sheldon noted the difference between a right-of-way and the carriage-way.

Mr. Steele suggested that an easement be designated by the property owners to alleviate the problems that could result from road maintenance.

Discussion by the Board followed.

Mr. Galt suggested that a compromise be reached which would be fair to both the City and the property owners. He commented that perhaps a six foot strip on each side of the street be dedicated for the right-of-way, thus waiving 50% of the requirement.

Mr. Ouellette stated that the suggestion by Mr. Steele regarding the designation of an easement on the easterly side of the road met the approval of both Mrs. Auld and Mr. Oppenheim.

Moved by Mr. Steele that condition one of the original motion be amended to read:

- 1) An easement for highway purposes, 12-1/2 feet the entire length of tract 1 (comprised of lots 1 and 2), shall be required.

Mr. Steele and Mr. Bouchard responded to concerns raised by Mrs. Auld regarding the placement of the utility lines on the property. Mr. Bouchard suggested that, at the time of placement, a 2 rod road had probably been assumed.

Mr. Preston seconded the motion made by Mr. Steele.

In response to a question from Mr. Galt, Mr. Maglaras noted that the easement would restrict the owner from constructing permanent structures along the strip.

Vote on amendment: U.A.

Vote on main motion, as amended: U.A.

ITEM #4: Public Hearing on the minor subdivision of land owned by Vassilios Gatzoulis, (applicant Spinelli Corporation), Assessor's Map 24, Lots 128 and 128A, zoned RM-10, on Portland Avenue and Rogers Street.

Michael Spinelli explained the minor subdivision.

Mr. Sheldon read the report from the Site Review Screening Committee.

Public Hearing Opened - No one spoke in favor or in opposition to the application.

Public Hearing Closed.

Moved by Mr. Steele, seconded by Mr. Bouchard and Mr. Weisner to approve the minor subdivision, contingent upon the following condition:

- 1) The barn shall be removed as depicted on the plan.

U.A.

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ITEM #5: Public Hearing on the waiver of the Driveway Ordinance for the land owned by Vassilios Gatzoulis, (applicant Spinelli Corporation), Assessor's Map 24, Lots 128 and 128A, zoned RM-10, on Portland Avenue and Rogers Street.

Mr. Spinelli explained the request.

Mr. Sheldon responded to questions from Mr. Williams regarding the proper width of the proposed right-of-way.

Ed McArthur, engineer for the applicant, noted that an easement and not a right-of-way was depicted across Lot 128, as access to Lot 128B.

The Board discussed the difference between the two items.

Mr. Williams again raised questions regarding the proper width of the easement shown.

Mr. Galt suggested that this matter should have been discussed during the public hearing for the subdivision.

Mr. McArthur noted that access to Lot 128B could be gained from Portland Avenue, however, the design presented was considered a better, more aesthetically pleasing plan.

Mr. Sheldon, in response to Mr. Galt, stated that the waiver was necessary because the asphalt driveway was crossing the property line.

Upon further questioning by Mr. Williams, Mr. Sheldon noted that thirty feet dedication for a right-of-way/easement is a policy and not an ordinance and therefore, no waiver is required.

Moved by Mr. Preston, seconded by Ms. Faria to approve the waiver of the Driveway Ordinance.

U.A.

ITEM #6: Old Business

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1) The Board noted that the site review application from LoMay Development Associates has received a ninety day extension from the City Council. The item will be considered when the applicant brings in a completed drainage plan.

ITEM #7: New Business

- 1) A workshop session will be held on Tuesday, September 25, at 7:00 p.m.
- 2) Approval of the minutes of the regularly scheduled meeting held on August 28, 1984.

Moved by Mr. Williams, seconded by Mr. Galt and Ms. Faria.

U.A.

- 3) Mr. Maglaras introduced Robert Seaver, a newly appointed alternate member of the Board.
- 4) Mr. Maglaras reminded the Planning Board members of the City Council workshop session to be held on Wednesday, September 19. Item #1 on the agenda will be the discussion of the Master Plan being prepared by Rist-Frost Associates.
- 5) Mr. Galt gave a brief summary of the Parking and Traffic Committee's meeting held on Monday, September 17, 1984.
- 6) If an applicant presenting a subdivision plan to the Board has received a variance from the Zoning Board of Adjustment, it shall be so noted on the Report from the Site Review Screening Committee.

Moved by Mr. Galt, seconded by Mr. Williams to adjourn, at 8:15 p.m.

U.A.