

DOVER PLANNING BOARD

MINUTES OF MEETING

Held: October 16, 1984
Council Chambers
Municipal Building
Dover, N.H.

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

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon.

The Chair called the meeting to order at 7:00 p.m. Mr. Maglaras noted that Item #7 on the agenda had been withdrawn by the applicant.

ITEM #1: Public Hearing on an amendment to the Subdivision Ordinance, section 155-51 entitled Driveways. This amendment will establish criteria for the design and construction of private driveways.

Mr. Sheldon explained the amendment.

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

Public Hearing Closed.

Moved by Ms. Faria, seconded by Mr. Steele to forward the proposed changes to the City Council.

U.A.

ITEM #2: Public Hearing on the minor subdivision of land owned by James E. and Virginia Wentworth, (applicant Carl and Marcia Tiberio), Assessor's Map 28, Lot 9, zoned R-12, on Varney Street.

Mr. Sheldon explained the minor subdivision.

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

Public Hearing Closed.

Mr. Sheldon read the report of the Site Review Screening Committee and noted that the property was serviced by City sewer and water services.

Moved by Mr. Galt, seconded by Ms. Faria to approve the minor subdivision, contingent upon the following condition:
1) Receipt of a City Driveway Permit, when necessary.

U.A.

ITEM #3: Public Hearing on the minor subdivision of land owned by the Dover Industrial Development Authority, Assessor's Map G, Lot 1G, zoned I-1, on Crosby Road.

George Garrett, the Secretary for DIDA, explained the minor subdivision.

Mr. Sheldon noted that the Board was considering only Lots 4-B4 and 4-B5 on the plan, as all the other lots had received prior subdivision approval.

Mr. Sheldon read the Site Review Screening Committee report.

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

Public Hearing Closed.

Moved by Mr. Williams, seconded by Mr. Preston to approve the minor subdivision, contingent upon the following condition:
1) Receipt of a City Driveway Permit, when necessary.

ITEM #4: Public Hearing on the minor subdivision of land owned by Marquerite Watkins, Assessor's Map H, Lots 33 and 33A, zoned R-20, on Knox Marsh Road.

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Mr. Sheldon explained the minor subdivision and noted 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.

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

1) Receipt of a State Driveway Permit, when necessary.

U.A.

ITEM #5: Public Hearing on the minor subdivision of land owned by Rohe and Ellen Pennington, Assessor's Map N, Lot 14, zoned RM-12, on Gulf Road.

Rohe Pennington explained the minor subdivision.

Mr. Sheldon read the Site Review Screening Committee report.

Public Hearing Opened.

In response to a request from two members of the public, Mr. Sheldon reread the Site Review Screening Committee report and attempted to clarify the recommendations.

Public Hearing Closed.

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

- 1) Receipt of WSPCC and City Septic approval.
- 2) Receipt of a City Driveway Permit, when necessary.

Mr. Steele inquired about the minimum frontage requirement for the RM-12 zone. Mr. Sheldon explained that it is 125 feet and that the applicant has received a variance from the Zoning Board of Adjustment for relief from the requirement.

Mr. Galt noted that the locus on the plan is incorrect as it does

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not depict the lot line revisions. He inquired if the conservation district is usually required to be shown on plans submitted to the Board.

Mr. Maglaras stated that this was a usual requirement and suggested that this could be made part of the conditions of approval.

Mr. Bouchard and Mr. Galt agreed to permit this to be included in their original motion.

Mr. Preston inquired if the property is affected by the Cocheco Waterfront District. Mr. Sheldon stated that the parcel is zoned RM-12.

Vote on original motion as amended: U.A.

ITEM #6: Public Hearing on the minor subdivision of land owned by Helen J. Lemos, (applicant Edward J. Lemos), Assessor's Map I, Lots 14A and 14B, zoned R-20 and RM-20, on Durham Road.

James Schulty, a representative for the applicant, explained the minor subdivision and noted that there are no immediate plans for development or for further subdivision.

Mr. Sheldon read the Site Review Screening Committee report.

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

Public Hearing Closed.

In response to a question from Mr. Williams, Mr. Sheldon stated that the lack of a locus plan could be addressed by the Board when considering conditions of approval.

Moved by Ms. Faria, seconded by Mr. Bouchard to approve the minor subdivision, contingent upon the following conditions:

- 1) Receipt of City Driveway Permit, when necessary.
- 2) A locus shall be depicted on the plan.

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U.A.

ITEM #7: Public Hearing on the minor subdivision of land owned by Glen E. Jr. and Rebecca S. Jentes, (applicant Douglas E. George), Assessor's Map A, Lot 68, zoned R-12, on Longhill Road.

Mr. Maglaras again noted that this item had been withdrawn by the applicant.

ITEM #8: Public Hearing on the major subdivision of land owned by George Parsons Sr., Assessor's Map A, Lot 36, zoned R-40, on Varney Road.

Glen Parsons explained the major subdivision and noted that it was intended for the development of single-family houses.

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.

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

- 1) Receipt of WSPCC and City Septic approval.
- 2) Receipt of a City Driveway Permit, when necessary.

Mr. Galt directed a question to Mr. Bouchard regarding the drainage in the area.

Mr. Bouchard stated that the only problem which may arise as the result of drainage conditions is the need for culverts to be installed in the driveways. He noted that this would be handled administratively.

Mr. Maglaras noted that because the application was for a major subdivision, a topographical map had been submitted for the Board's review.

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Mr. Bouchard, in response to a question from Mr. Preston, stated that he did not believe that the septic system leach field proposed for Lot 2 was located too close to the road.

Vote on motion: U.A.

ITEM #9: Public Hearing on the minor subdivision of land owned by Cocheco Land Management Inc., Assessor's Map G, Lot 1F, zoned I-1, on Faraday Drive.

George Garrett explained the minor subdivision.

Mr. Maglaras stated that the Board was considering the subdivision of Lots 4, 5 and 6 only, as Lots 1 and 2 had received prior approval from the Board.

Mr. Maglaras 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. Sheldon noted that the second recommendation of the Site Review Screening Committee, that being the requirement of the waiver from the City Council for the construction of the cul-de-sac, was the result of the impracticability of the placement of an island in the cul-de-sac.

Mr. Preston agreed that a truck would have difficulty maneuvering should the island be required.

Mr. Maglaras stated that he did not believe that this condition would encumber the City Council.

Mr. Sheldon and Mr. Bouchard elaborated on the third comment of the Site Review Screening Committee: the street drainage is depicted as running to a catch basin on private property.

Mr. Sheldon noted that he would like to see the City held

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harmless. Mr. Bouchard noted that the applicant will be responsible for the maintenance of the drainage system and not the City.

Mr. Maglaras suggested that the City obtain a drainage easement from the applicant.

Mr. Steele clarified that this would be for flowage purposes only.

Mr. Bouchard reiterated the fact that the City will not be responsible for maintenance of the drainage system.

Moved by Mr. Williams, seconded by Mr. Elder that the minor subdivision be approved, contingent upon the following conditions:

- 1) A Performance Bond in the amount of \$112,500.00 shall be required for the road.*
- 2) Receipt of a waiver from the City Council regarding the construction of the cul-de-sac.
- 3) It shall be noted that street drainage is depicted as running to a catch basin on private property. The City shall receive a flowage easement from the applicant which shall release the City from the responsibility for the maintenance of the drainage system.
- 4) The sewer line shall be extended to the end of proposed Lot 5 (to the abutting property of Boucher).

U.A.

Mr. Sheldon clarified that the City has been accepting letters of credit, in lieu of bonds, for road construction.

In response to a question from Mr. Williams, Mr. Sheldon stated that he did not feel that this was a problem, as it has been in practice for some time now and has the approval of the City Attorney. In response to a question from Mr. Maglaras, he noted that the letters of credit, as with the bonds, are reviewed each January by the City.

* The City Engineer has revised the amount of the surety required for the construction of the road and determined it to be \$92,000.00

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ITEM #10: Public Hearing on the site review of land owned by Cochecho Land Management Inc., Assessor's Map G, Lot 1F, zoned I-1, on Faraday Drive.

Mr. Sheldon explained the proposal.

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

Moved by Ms. Faria, seconded by Mr. Weisner to approve the site review application, contingent upon the following conditions:

- 1) Granite curbing shall be installed along the entry radii.
- 2) All parking/loading areas shall be asphalt.

Mr. Maglaras stated that he did not feel an on-site review was necessary because the Board has visited the site before.

U.A.

ITEM #11: Old Business

- 1) Nominations of Strafford Regional Planning Commission Representatives

Mr. Sheldon explained that the Board was required to submit three nominations to the City Council for its consideration. He noted that applications from two individuals, Richard Cerilli and Kathleen Brown, had been received.

Mr. Steele and Mr. Preston stated that a third application, from Dennis McCann, had been submitted to the City Clerk in the afternoon.

Mr. Maglaras noted that he is a member of the Strafford Regional Planning Commission until December of this year. After that time he will serve in an advisory capacity.

The Board discussed the idea of nominating an individual who is currently serving as an appointed member of a City board. Mr. Steele suggested that perhaps other persons should be given the opportunity to serve the community. Mr. Elder suggested that

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it may be to the City's advantage to nominate someone who is familiar with the issues and currently involved in the municipal process.

Mr. Steele nominated Council Member Crocco for one of the positions.

After further discussion, the Board decided to invite the four candidates to the next regularly scheduled meeting, to be held on October 23, to meet and interview each individual. Mr. Sheldon will assume responsibility for this matter.

2) Planning Director's report on the Possibility of Implementing a Growth Management Ordinance in the Tolend Landfill Area

Mr. Sheldon reported that he had contacted officials from many municipalities around the State, where known landfill areas might be a potential problem. He stated that, without exception, no action had been taken by any municipality to regulate land use in those areas. He further noted that he had contacted representatives from WSPCC and the New Hampshire Municipal Association and was informed that a growth management policy must be implemented on the basis of solid scientific and statistical evidence. Therefore, although the idea of a growth management policy is good in its intent, because the data regarding the landfill is incomplete at best, implementation of said policy could be considered arbitrary.

Mr. Galt expressed his frustration at being caught in what might be termed a "catch-22" situation.

Mr. Sheldon agreed, however, he did note that because the Planning Office notifies potential land owners in the area of the landfill that the dump is on the Superfund list, land use is a self-regulating process.

In response to a suggestion from Mr. Williams, Mr. Steele and Mr. Bouchard noted that the area has been capped with "a little bit of everything".

Further discussion by the Board ensued regarding the basis for

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interim growth management.

In response to Mr. Galt, Mr. Sheldon stated that a fair amount of land does remain for development in that area, however the area of influence of the landfill is unknown.

Mr. Galt suggested that notification of potential property owners of the landfill location could be achieved by requiring a note on any mylar receiving the approval of the Board.

Mr. Sheldon suggested that a note could also be made on the City Zoning Maps to make land owners aware of the potential problem.

Mr. Preston stated that he believed that land in the area of the landfill may not pass the required perc test for septic approval and therefore could be considered as an aid to the self-regulation of the land use.

Mr. Steele noted that property owners in Barrington and Madbury may lie within the area of influence of the landfill.

Mr. Galt stated that he will summarize the Planning Board's discussion for the City Council.

Mr. Sheldon, in response to a suggestion from Mr. Williams, noted that correspondence could be forwarded to Madbury and Barrington, to inform them of actions being taken by Dover with reference to the landfill.

ITEM #12: New Business

- 1) Correspondence from City Council Regarding Traffic on Cocheco Street

Mr. Sheldon noted the two letters received by the Planning Board.

The Board decided to place the letter from Mrs. Mohrbacher, regarding the LoMay Development application, on file.

The Parking and Traffic Committee is considering the proposal to make Cocheco Street one-way.

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- 2) Approval of the minutes of the regularly scheduled meeting of September 18, 1984.

Moved by Ms. Faria, seconded by Mr. Steele to approve the minutes.

U.A.

- 2) Approval of the minutes of the workshop session held on September 25, 1984.

The Board discussed the role that the Conservation Commission should take with regard to well site protection.

Mr. Maglaras requested that this item be postponed until the next regularly scheduled meeting, as he has received a memo from a City Department Head concerning the minutes.

- 3) Approval of the minutes of the special meeting held on October 2, 1984.

Moved by Ms. Faria, seconded by Mr. Weisner to approve the minutes.

Mr. Sheldon stated that he will forward the correspondence he receives from the City Attorney as a result of the workshop session.

U.A.

- 5) Littleworth Road Rezoning

Mr. Sheldon explained the memo presented to the Planning Board members and noted that DIDA would like to meet with the Board to discuss the matter.

The item was moved to a workshop session to be held at the meeting of October 23.

It was the unanimous decision of the Board to permit Terry Pickard, Varney Road, to comment on Item #8. The Board answered

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her questions and addressed her concerns regarding drainage in the area.

Moved by Ms. Faria, seconded by Mr. Galt to adjourn at 8:20 p.m.

U.A.