

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

Held: November 11, 1984  
City Hall Auditorium  
Municipal Building  
Dover, New Hampshire

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

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon.

Mr. Maglaras called the meeting to order at 7:00 p.m.

ITEM #1: Public Hearing on the minor subdivision of land owned by Wallace I. Akerman Sr., (applicant Wallace I. Akerman Jr.), Assessor's Map E, Lot 27, zoned R-40, on Sixth Street.

Wallace Akerman Jr. explained the minor subdivision.

In response to a question from Mr. Maglaras, Mr. Akerman stated that he had received a variance from the Zoning Board of Adjustment.

Mr. Sheldon explained that the variance was received for relief from public road frontage requirements. Mr. Sheldon then read the Site Review Screening Committee report.

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

Moved by Ms. Faria, seconded by Mr. Bouchard and Mr. Weisner to approve the application for minor subdivision as submitted.

U.A.

ITEM #2: Public Hearing on the site review of land owned by Sylvester, Blair and MacLaughlin, Assessor's Map G, Lot 4B-5, zoned I-1, on Crosby Road.

Robert Sylvester Jr. explained the proposal.

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Mr. Sheldon read the report of the Site Review Screening Committee and listed the members of said Committee for the information of the public in attendance.

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

Public Hearing Closed.

Moved by Mr. Preston, seconded by Ms. Faria to approve the site review application as submitted.

U.A.

ITEM #3: Public Hearing on the minor subdivision of land owned by William P. Valliere, Assessor's Map 36, Lot 26A, zoned R-12, on Redden Street.

Mr. Sheldon explained the minor subdivision and read the report of the Site Review Screening Committee.

Public Hearing Opened.

Neil Collins, 27 Oak Hill Drive, directed a number of questions to the Board regarding the effect that the installation of the proposed holding tank and sewer line may have on the grading and drainage in the area.

Mr. Sheldon stated that if the proposal does in any way affect Mr. Collins' property, the applicant will be required to obtain a slope easement from him.

In response to another question from Mr. Collins, Mr. Bouchard stated that the sideyard setback requirement for the septic tank is twenty (20) feet.

Mr. Maglaras clarified that the tank in question was a holding tank.

In response to a third question from Mr. Collins, Mr. Maglaras stated that the property owners and not the City would be

responsible for the pump and its operation. He noted that this may be written in the deed and suggested that the Board include this condition in its approval.

Mr. Bouchard, once again in response to Mr. Collins stated that the road will be constructed to its original condition by the applicant after the installation of the sewer line.

Mr. Collins inquired about the location of the proposed sewer line and wondered why it was being run across the rear of the proposed lots and not in the street. Mr. Maglaras and Mr. Bouchard stated that the City did not wish to assume responsibility for the sewer line.

Public Hearing Closed.

Moved by Mr. Bouchard and Mr. Weisner to approve the application contingent upon the following conditions:

- 1) Receipt of City driveway permits, when necessary.
- 2) A building permit shall not be issued until such time as the water line has been installed in accordance to the plans submitted.
- 3) A note shall be placed on the mylar which shall indicate that the property owners shall assume responsibility for the maintenance of the sewer line.
- 4) A sewer manhole shall be placed at the beginning of the proposed sewer line (Lot 1).

In response to a question from Mr. Galt, Mr. Bouchard noted that the City will assume responsibility for the water lines.

Mr. Galt stated that Horne street had been spelled incorrectly on the locus plan.

Vote on motion: U.A.

ITEM #4: Public Hearing on the site review of land owned by James McGoldrick, (applicant John Peterman), Assessor's Map H, Lot 37, zoned RM-20, on Knox Marsh Road.

John Peterman explained the proposal.

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Mr. Preston noted that the plan did not have the seal of a licensed land surveyor.

Mr. Peterman stated that he would be able to comply with this requirement before the end of the evening and requested that the Public Hearing continue despite this problem.

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

Henry McCrone, Knox Marsh Road, raised concerns regarding the proposed drainage system and the possibility that water flowage onto his property may increase.

Mr. Peterman addressed these concerns and presented the Board with twelve (12) copies of a plan which depicted changes in the drainage and which included the seal of a licensed land surveyor.

In response to a question from Mr. Steele, Mr. Peterman explained that besides the drainage changes, the plans did incorporate the recommendations of the State Highway Engineer.

Mr. Peterman read a letter from Kimball Chase, addressed to Mr. Sheldon and dated October 15, 1984, which expressed disagreement with the recommendation of the Fire Chief regarding the placement of an additional hydrant on the site.

Mr. Maglaras stated that the Site Review Screening Committee report may include a recommendation that a certain member may feel strongly about.

In response to a question from Mr. Maglaras, Mr. Bouchard stated that the City Engineer should review the drainage changes.

Public Hearing Closed.

Mr. Elder moved to table this item because a new set of plans was distributed this evening.

Mr. Maglaras did not recognize the motion by Mr. Elder until the Board had an opportunity for further discussion of the item.

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Mr. Galt concurred with Mr. Elder's position that the proposal should be tabled until the next regularly scheduled meeting on November 29, 1984.

Mr. Peterman apologized for the presentation of a new set of plans at such a late time, however he explained that the changes were made in response to concerns raised by an abutter after public notice of the hearing had been given. He stated that he would be willing to have the Board consider the original plan at this meeting and he would submit a revised plan to the Planning Office at a later date.

Mr. Maglaras noted that the original plan had received the preliminary approval of the Site Review Screening Committee and could potentially be approved at this meeting. He reminded the Board that the changes in the drainage plans were made to accommodate an abutter.

Mr. Galt stated that he recognized that the applicant had been attempting to accommodate an abutter, however his suggestion to table the item was in keeping with the ordinance.

Mrs. Faria stated that she believed that the Site Review Screening Committee was comprised of professionals and that the Board should adhere to the recommendations offered by the members.

Mr. Maglaras suggested that the Board could approve the application contingent upon the City Engineer's approval of the drainage changes.

Mr. Preston suggested that the item be tabled and brought up under Old Business at the next meeting.

Mr. Maglaras recognized Mr. Elder's original motion to table the item.

Mr. Galt requested that the Board request the response of the Fire Chief to the letter from Kimball Chase.

Mr. Maglaras stated that the Board is often faced with a

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situation where two professionals disagree and the Board must make the decision.

Mr. Galt and Mr. Steele stated that they would like Mr. Bibber to have an opportunity to respond to the letter. Mr. Steele stated that he believed the Chief was acting in compliance with NFPA codes and could produce documentation to support his recommendation.

Mr. Galt seconded the motion by Mr. Elder.

Vote on motion: U.A.

Mr. Peterman stated that he would like to get Fire Chief Bibber's response to the letter from Kimball Chase.

ITEM #5: Public Hearing on the waiver of the Driveway Ordinance for land owned by Irene Christophel, Assessor's Map 17, Lot 44, zoned R-12, on Stark Avenue.

Irene Christophel explained the proposal.

The Board requested a clarification of the plans presented by the applicant. Mrs. Christophel answered the questions.

Mr. Sheldon read the report of the Site Review Screening Committee and stated that the Committee did not recommend approval of the request because of concerns regarding traffic, aesthetics, neighborhood density and the character of the neighborhood.

Public Hearing Opened.

Allen Krans, 69 Stark Avenue, noted his opposition to the proposal and stated that he was speaking for Lionel and Eileen Mayrand and Grant Severns as well. Mr. Krans stated that the property presently accomodates five parking spaces and that any additional parking would be aesthetically unpleasant.

Mrs. Christophel stated that trees could be planted to provide screening along the property line.

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Mrs. Faria suggested that the item be tabled until Mrs. Christophel could provide the Board with a more accurate sketch of the proposal.

Mr. Maglaras suggested that the Board hold an on-site review of the property in lieu of the sketch.

The Board decided to meet at the site on Thursday, November 29, at 4:00 p.m. to view the proposal.

Mr. Maglaras suggested that the applicant stake the proposed driveway to present the Board with a clearer picture of her intentions.

ITEM #6: Public Hearing on the site review of land owned by Ronald J. Henderson, Assessor's Map 1, Lot 10, zoned B-2, on Washington Street.

George Parsons, contractor for the project, explained the proposal.

In response to a question from Mr. Galt, Mr. Maglaras stated that it was permissible to hook the basement sump into a catch basin.

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 and Mr. Sheldon reviewed the conditions set forth by the Site Review Screening Committee and explained the recommendation regarding the curbing to Mr. Parsons.

Moved by Mr. Steele, seconded by Mr. Galt and Mr. Weisner to approve the site review application, contingent upon the following conditions:

- 1) The southerly property line shall have screening.

Specifications for the yews depicted on the plan shall be provided.

- 2) Granite curbing shall be placed along entire width of sidewalk and parking stalls.
- 3) Granite curbing is not recommended for use in the sidewalk for defining the wheelchair ramp.
- 4) A waiver of the 10' parking lot setback requirement shall be granted.
- 5) A plan depicting the above-referenced changes shall be submitted for review by the Planning Director.

U.A.

ITEM #7: Old Business

- 1) Well Site Protection: Discussion of a proposal to extend the Conservation District to encompass a one thousand foot radius around the City's wells.

Dennis McCann, representative from the Conservation Commission, presented a summary of the research that the group has done regarding this proposal. He stated that the USGS, the Strafford Regional Planning Commission and WSPCC all support maintaining a 1000 foot Conservation District around the wells to protect the water supply from chemical contamination. Mr. McCann stated that a four hundred foot radius for the Conservation District is "very minimal". In response to a question from Mr. Maglaras, Mr. McCann stated that extending the Conservation District to the 1000 foot radius is preferable over total non-protection of the water supply.

Mr. Bouchard stated that implementation of a one thousand foot radius may not assure the safety of the water supplies.

Mr. Maglaras noted that septic tanks are permitted within the Conservation District encompassing a four hundred foot radius around the wells.

Mr. Galt raised a question regarding the impact of the proposed Conservation District on the existing homeowner.

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Mr. Sheldon explained that a homeowner may be required to go before the Zoning Board of Adjustment should s/he desire to construct a building (ie. garage) on the premises. He suggested that the ordinance be drafted in such a way that would allow a homeowner certain building rights without the receipt of a special exception from the ZBA. He further suggested that the Board identify the area of impact of the one thousand foot radius before making any further decisions.

Mr. Bouchard stated that the Board should consider notifying those communities which lie adjacent to Dover's wells.

The item will be placed under Old Business at the regularly scheduled meeting to be held on November 29, 1984. The Conservation Commission is invited to attend and offer their suggestions regarding potential regulations for property owners in the affected areas.

2) Criteria for the Design and Construction of Private Driveways

Mr. Sheldon suggested that the criteria recently developed by the Board be amended to provide regulations which outline design criteria for cul-de-sacs and to allow for the construction criteria to be dependent upon the zoning district and/or the number of units approved.

Mr. Preston stated that he did not believe that it was necessary to require that private driveways servicing more than four (4) lots be wider than twenty-four (24) feet.

Mr. Maglaras noted that there exists no distinction between the definition of a private driveway and a private road.

Mr. Sheldon explained that the density of a newly constructed roadway is generally the maximum number of units permitted by the ordinance.

In response to a question from Mr. Weisner, Mr. Maglaras provided the Board with a brief history of the proposal.

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Mr. Maglaras and Mr. Preston questioned the necessity of requiring a single-family residence to develop a driveway sixteen (16) feet in width.

Mr. Galt agreed with this comment and suggested that column A be amended to include 2-4 parcels.

Mr. Sheldon stated that this was a good idea and noted that a private drive for a single-family residence is regulated under the Driveway Ordinance.

Further discussion by the Board followed and it was determined that the second column shall apply to the development of 5 or more parcels in an R-40 zone, while the third column will apply to all other zones.

Mr. Maglaras and Mr. Sheldon explained that by regulating two or more parcels sharing a private right-of-way, a distinction is made between the definition of a private roadway and a private driveway which would service only one residence.

Mr. Sheldon will provide the Board with a draft of the recommendations made at this meeting at the meeting on November 29, 1984.

In response to Mr. Galt, Mr. Maglaras stated that the Board would be in effect amending the previous proposal approved by the Board.

The Board noted that a new Public Hearing will be held on this item.

- 3) Compliance with the ordinance requiring site review plans to be stamped by a licensed land surveyor.

Mr. Maglaras stated that the Planning Office and Site Review Screening Committee makes every attempt to assure that each plan submitted to the Board is complete and in compliance with City ordinances. He noted however, that human error is sometimes a possibility.

4) Development Proposal of Charles Seachrist

Mr. Sheldon explained the history of the proposal that was reviewed by the Board at its last meeting. He stated that the applicant appeared before the Conservation Commission after the Planning Board, at which time it was determined that he did not have sufficient land area outside of the Conservation District to comply with the minimum lot size requirements (170-27D). Mr. Sheldon explained that the applicant was made aware of the situation and will be appearing before the Zoning Board of Adjustment at the December meeting to request a variance from this requirement, as well as a special exception to construct a home within the Conservation District.

ITEM #8: New Business

- 1) Discussion of Guidelines for Board action relative to development proposals in the Conservation District

The Board decided to hold a workshop session on this item at the first regularly scheduled meeting in December.

The Conservation Commission is invited to attend the meeting and submit their suggestions for the development of guidelines.

- 2) Approval of the minutes of the regularly scheduled meeting of October 16, 1984.

Moved by Mr. Wiesner, seconded by Mr. Bouchard to approve the minutes.

U.A.

- 3) Approval of the minutes of the regularly scheduled meeting of October 23, 1984.

Mr. Maglaras responded to a question from Mr. Preston on the wording of a particular item.

Moved by Mr. Bouchard, seconded by Mr. Galt to approve the minutes.

U.A.

4) Minutes of October 2, 1984 Workshop Session

The minutes of this meeting will be available for Board action at the next regulary scheduled meeting.

4) Site Review Screening Committee

Mr. Sheldon explained a recent court ruling involving the City of Portsmouth, in which it was determined that the Site Review Screening Commitee does not have the authority to approve or disapprove any application.

Effective immediately, the Planning Board will be reviewing all site review applications submitted to the City.

6) Handouts from the Planning Office

Mr. Sheldon provided the Board with the Site Review Application Procedure handout and Checklist prepared by the office for the convenience of applicants intending to develop in Dover.

Mr. Sheldon also provided the Board members with a copy of a letter from the Water Resources Action Project addressed to Mr. Steele.

7) Site Review Screening Committee Reports

Upon a suggestion from Mr. Maglaras, Mr. Sheldon stated that any member of the Committee who dissents with the report prepared by the majority will be invited to attend the Planning Board meeting to present his recommendations.

7) Joint Meeting of Planning Board, Zoning Board of Adjust-  
ment and City Council.

Mr. Galt stated that the Mayor Pro-temp had suggested a joint meeting of the above-referenced bodies to discuss City policy. Mr. Galt stated that he believed that said meeting would be most productive if scheduled for the end of January after the Planning

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Board and Conservation Commission further discuss guidelines for well site protection and restrictions on property owners within the Conservation District. The Board agreed.

Mr. Galt also stated that Mr. Peters wished to express his thanks to the Board for the action taken to address the potential problem in the Tolend Road landfill area.

Moved by Mr. Preston, seconded by Ms. Faria to adjourn the meeting at 9:05 p.m.

U.A.