

DOVER PLANNING BOARD
MINUTES OF MEETING

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

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

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon, Recording Secretary Kathleen Brown.

The Chair called the meeting to order at 7:06 p.m.

ITEM #1: Public Hearing on the minor subdivision of land owned by Thomas DuMont, Assessor's Map 24, Lot 115, zoned RM-10 and CWD, on Portland Avenue.

Thomas DuMont explained the application for a minor subdivision.

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

In response to a question from Mr. Maglaras, Mr. Sheldon stated that should the applicant desire two-way access for the parcel which has frontage on Cocheco Street, he would be required to apply to the Public Works Director for a driveway permit.

Mr. Williams requested further clarification of the issue regarding the 22' right-of-way depicted on the plan.

Mr. Steele stated that discussion of the proposed right-of-way is not applicable to the subdivision application pending.

Mr. Seaver questioned the location of the garage on parcel 2, relative to the rearyard setbacks.

Mr. Sheldon stated that the building would need to be removed should the Planning Board approve the subdivision as submitted.

Mr. Maglaras noted that the applicant had an additional option

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which consisted of moving the lot line.

Mr. DuMont's initial reaction to the Board's comments indicated that he found either option possible, with the movement of the building being preferable.

In response to a comment by Mr. Williams, Mr. Sheldon stated that the Board did not have the power to permit the creation of a non-conforming lot. He explained that the Zoning Board of Adjustment is the only body which may grant a waiver of the zoning requirements.

Mr. Maglaras suggested that the application be approved, contingent upon one or the other of the options suggested by the Board relative to the rearyard setback.

In response to a question from Mr. Galt, Mr. Sheldon noted that the boundary dispute which was raised during a prior application before the Board, is a civil matter.

In response to a question from Mr. DuMont, Mr. Maglaras stated that the Planning Director would be unable to stamp the final plan until the building has been moved or demolished.

In response to Mr. Maglaras's explanation, Mr. DuMont stated that he would prefer to adjust the boundary line.

Mr. Maglaras, in response to a question from Mr. Galt, stated that the minimum lot size in the zone is 10,000 square feet.

Public Hearing Opened - There was no comment from the public.

Public Hearing Closed.

After receiving additional information from Mr. DuMont regarding the number of dwelling units on the site, Mr. Sheldon calculated that the lot with the house must be a minimum of 12,000 square feet to be a legal lot.

Mr. DuMont stated that even with the existing parking configuration on the site, a lot line line adjustment is not a problem.

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Moved by Mr. Steele and seconded by Mr. Williams, to approve the application for a minor subdivision, contingent upon the following condition:

- 1) The lot line shall be adjusted so as to reflect a 15 foot rearyard setback for the building depicted on lot 2.

U.A.

ITEM #2: Public Hearing on the minor subdivision of land owned by James and Irene York, (applicant Bellamy Builders), Assessor's Map I, Lot 1N, zoned RM-12, on Garrison Road.

Ms. Faria chose to abstain from Items #2 & 3 on the agenda.

Kerry Forbes explained the application for a minor subdivision.

In response to a question from Mr. Williams, Mr. Forbes stated that the portion of the parcel fronting on Garrison Road will not be built on if it is combined with the land owned by the Greenfield Commons Condominium Association. He further added however, that if the land in question is recombined with the rear lot, it has the potential of becoming Phase 6 of Bellamy Woods. He noted that the land area could support a maximum of four units.

Public Hearing Opened.

In response to a question from Elaine Swett, Garrison Road, Mr. Maglaras noted that the Board was considering only the application for subdivision at this point.

In response to a question from Debbie Kelley, 4E Greenfield Commons, Mr. Forbes stated that technically the parcel along Garrison Road, if owned by Greenfield Commons, could be built upon with the unanimous vote of the Condominium Association.

Public Hearing Closed.

Moved by Mr. Elder, seconded by Mr. Galt to approve the application for minor subdivision.

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In response to a question from Mr. Steele, Mr. Forbes stated that access to parcel A would be derived from the Greenfield Commons' driveway.

Vote on motion: U.A.

ITEM #3: Public Hearing on the site review of land owned by James and Irene York, (applicant Bellamy Builders), Assessor's Map I, Lot 1N, zoned RM-12, on Garrison Road.

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

Mr. Forbes explained the proposal and stated that the Sewer Commission has unanimously approved the plan, contingent upon approval from the State. He noted that most of the issues raised by the Site Review Screening Committee have been addressed.

In response to a question from Mr. Preston, Mr. Forbes stated that the width of the roadway is 24 feet.

In response to a request from Mr. Galt to see the altered plan, Mr. Edwin MacArthur presented the new plan to the Board and explained the changes.

In response to a question from Mr. Maglaras, Mr. Forbes stated that he has provided two parking spaces per unit on the plan.

In response to a question by Mr. Williams, Mr. Sheldon stated that the applicant was not required to seek a variance for the construction of multiple units along the private drive, as no lots had been created.

Public Hearing Opened.

Elaine Swett, Garrison Road, spoke in opposition to the proposal. She explained her concerns relative to traffic conditions in the area and the lack of sidewalks for pedestrian travel.

Debbie Kelley, 4E Greenfield Commons, directed a question to the Board regarding the project's impact on the water pressure in the

area.

Mr. Bouchard stated that flow calculations based on the current water use in the area had been performed and that no problem with the water pressure is predicted.

Public Hearing Closed.

Mr. Maglaras stated that sidewalks for Garrison Road were included in the recommendations for the Capital Improvements Program for 1985-1986.

Mr. Forbes, in response to a question from Mr. Williams, stated that the road which services Greenfield Commons is 32 feet wide and the proposed roadway width for Bellamy Woods is 24 feet.

In response to a question from Mr. Galt, Mr. Forbes stated that the plan had received the unanimous consent of the Sewer Commission, contingent upon receipt of State approval, earlier in the evening.

Mr. Forbes, in response to a question from Mr. Preston, stated that the total number of units being proposed is 57. Including the units developed at Greefield Commons, the total number is 81.

Mr. Bouchard, in response to a question from Mr. Galt stated that surcharging of the sewer line in that area occurs only during the daytime (peak) hours.

In response to a question from Mr. Galt, Mr. Forbes stated that the pumping station was located in phase two of the plan. He also noted that the holding tank had a 7,000 gallon capacity.

In response to a concern raised by Mr. Bouchard, Mr. MacArthur stated he does not believe that approval from the State is required for the drainage proposal.

Since there was some doubt about this issue, Mr. Bouchard stated that receipt of the approval should be made a condition of the Board's action.

Mr. Sheldon agreed that this should be part of the Board's approval and stated that the submittal of a landscape plan should also be a condition of Board action.

Mr. Sheldon then spoke to the issue relative to the width of the roadway. He suggested that a drive which is 24 feet wide, with 3 foot shoulders, is sufficient for service of the corridor.

Mr. Bouchard stated that, while he felt the wider the better, he believes that 24-28 feet is a sufficient width for the private drive.

Mr. MacArthur stated that he agreed with Mr. Sheldon's and Mr. Bouchard's recommendations.

Mr. Sheldon expressed his satisfaction with the developer's proposal to provide two parking spaces per unit.

The Board concurred with the sentiments of the Planning Director that the roadway should be constructed to be 24 feet wide with 3 foot shoulders.

Moved by Mr. Williams and seconded by Mr. Elder to approve the application for site review, contingent upon the following conditions:

- 1) The private driveway shall be 24 feet wide, shall include 3 foot shoulders on each side, and shall be constructed to adopted Planning Board specifications.
- 2) A landscape plan shall be submitted to and approved by the Planning Director.
- 3) Receipt of State and City approval for water, sewer and drainage, when appropriate.
- 4) The Conservation District shall be delineated on the plan.
- 5) The buildings shall be setback 50 feet from the roadway.
- 6) A locus shall be placed on the plan.
- 7) Utilities in the private road shall be built by the developer to State and local requirements, but shall not be accepted by the City, now or in the future (unless the roadway is accepted by the City). The lines shall remain private and all operation and maintenance shall be the

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responsibility of the developer. Utility rates shall be charged at the prevailing rates.

Mr. Sheldon explained that the multifamily development must provide for 100 square feet of recreation space per unit, and that 50% of that space must be designated for active recreation, according to the Zoning Ordinance.

Mr. Forbes stated that he had a problem with providing space for active recreation, as he does not foresee many children occupying the units.

In response to Mr. Williams' suggestion that the developer provide a cross country ski trail, Mr. Forbes stated that this was not possible due to topography.

Mr. Sheldon read section 170-15 of the Zoning Ordinance which outlines the open space requirements.

After some discussion, the Board interpreted Mr. Forbes need for recreation space to be strictly passive, and therefore decided to waive the requirement for active recreation.

Mr. Sheldon explained that the space for passive recreation does not need to be specifically delineated on the plan, as the open space is easily identifiable.

Vote on motion: U.A.

ITEM #4: Public Hearing on the major subdivision of land owned by Charles F. Ouimette, (applicant E. Richard Rowell), Assessor's Map M, Lot 90, zoned R-40, on the corner of Middle Road and Dover Neck Road.

Ms. Faria returned to her position on the Board for this item.

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

Grant Davis, the engineer representing the applicant, explained the major subdivision.

Public Hearing Opened - There was no comment from the public.

Public Hearing closed.

In response to a question from Mr. Maglaras, Mr. Davis expressed his belief that the common leach area depicted on the plan should not be considered a lot.

Mr. Willimas suggested that the Board postpone action on this item until such time as it complies with the technical aspects of the Subdivision Ordinance.

Mr. Sheldon stated that he agreed with Mr. Williams that certain technical problems do exist. He added that the concept of the proposal is generally very good.

Mr. Davis explained that the Board had before them a plan which was revised on December 10, in an effort to comply with the Site Review Screening Committee's recommendations of December 3, 1984.

Mr. Sheldon stated that this was the case, however he noted that the revised plan required new drainage calculations and specifications which had not been provided by the developer. These calculations are the items outlined in the most current memo from Jay Stephens, City Engineer.

Mr. Preston noted the lack of test holes for lots 4, 6, and 25. Mr. Davis stated that the test holes will be provided when the developer applies for WSPCC approval.

In response to a question from Mr. Galt, Mr. Sheldon stated that each individual lot would be required to receive WSPCC approval.

In response to a comment from Mr. Galt, Mr. Davis stated that all lots do have frontage on a public (or proposed public) right-of-way.

Mr. Davis stated that he would be able to meet all the technical requirements recommended by the Site Review Screening Committee.

Mr. Maglaras presented options to the Board regarding possible

actions on this item.

The consensus of the Board was to hold an on-site review of the property. The Board requested that Mr. Davis stake the center line of the road and the proposed lot lines, especially of the common leach area.

The on-site review will be held on Thursday, December 27, 1984, at 3:00 p.m.

Moved by Ms. Faria, seconded by Mr. Galt to table action on this item until the next regularly scheduled meeting.

ITEM #5: Old Business

- 1) Review of the Criteria for the Design and Construction of Private Driveways

Mr. Galt explained the history of this proposal.

Mr. Sheldon explained the proposal and suggested that the Board consider requiring 24-32 foot roadway width for multi-lot development, other than in the R-40 zone. He explained that this would provide the Board with some flexibility when faced with individual proposals.

The Board discussed the issue and attempted to come to some agreement regarding the necessity of flexibility within the ordinance.

Upon the unanimous consent of the Board, Kerry Forbes offered his opinion relative to this proposal. He stated his support for the recommendations of the Planning Director and the idea of flexibility.

After further discussion by the Board, Mr. Sheldon suggested that the Board place an asterisk by the requirement of 24-32 feet in width, indicating the following footnote: "The width of the roadway shall be determined by the site's physical characteristics and the layout and density of the proposed

development."

Mr. Sheldon also suggested that an amendment to the Site Review Ordinance may be necessary to permit the Board the same flexibility when dealing with multi-family development.

The Board agreed to vote on this proposal, with the suggested changes, at the next regularly scheduled meeting.

- 2) Review of the proposal to extend the Conservation District to include a 1000 foot radius around the City wells.

A lengthy discussion ensued relative to those parcels of land which will be affected by this change, and the degree to which development will be restricted within said area. Concerns were raised relative to the arbitrary nature of the proposed district and the hardship that it may create. Other concerns spoke of the need to get some regulation on the books and provide for greater site specific review at a future date (when an aquifer protection ordinance is legislated).

After further discussion, moved by Mr. Bouchard and seconded by Mr. Galt to extend the Conservation District to include those parcels of land within a 1000 foot radius of the City wells.

U.A.

Mr. Maglaras requested that the minutes reflect his objections to the Board's decision to restrict the development of single family homes within the Conservation District, for those parcels of land serviced by City sewer. He suggested that he may file a minority report with the City Council.

- 3) Review of the proposal to develop guidelines relative to development activity within the Conservation District.

Discussion of this item was combined with the discussion of the previous item regarding the well-site protection.

The Planning Board and the Conservation Commission will hold a

workshop session early in January to discuss the Aquifer Protection Ordinance drafted by the Conservation Committee.

ITEM #6: New Business

- 1) Approval of the minutes of the regularly scheduled meeting held on November 29, 1984.

Action on this item was postponed until the next regularly scheduled meeting.

- 2) Water Resource Action Committee Appointments

Mr. Galt explained the Water Resources Action Project and the Council's request that the Planning Board select two of its members to participate in the project.

Mr. Preston and Mr. Elder were selected by the Board to represent them on the Committee.

- 3) Scheduling of Items on the Agenda

Mr. Williams raised concerns regarding the timing of the scheduling of items on the agenda. Mr. Sheldon attempted to respond to his concerns and requested that anyone who is aware of unfair treatment of any applicant, to please bring it to his attention.

- 4) Reconsideration of the Minutes of the Workshop Session held on October 2, 1984

Mr. Maglaras noted receipt of correspondence from the City Attorney regarding the content of the above-referenced minutes.

Moved by Mr. Galt and seconded by Mr. Bouchard, to amend the minutes of the October 2, 1984 workshop session, in accordance with the memo received from Mr. Woodman.

- 5) Receipt of Agenda Packages

Mr. Elder raised concerns regarding the timing of the delivery of

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the agenda packages and stated that he will draft an amendment to the by-laws which will provide for delivery of the packages five days prior to a meeting.

Moved by Mr. Bouchard seconded by Mr. Galt, to adjourn the meeting at 10:35 p.m.

U.A.