

DOVER PLANNING BOARD

MINUTES OF MEETING

TUESDAY, JULY 14, 1981

DISTRICT COURTROOM

DOVER, NH 03820

MEMBERS PRESENT: Chairperson Griffin, W. Akerman, G. Maglaras, K. Forbes, ~~J. McAdams~~, L. Schofield, P. Bouchard and R. Steele. Also present were Planning Director T. Sheldon and City Attorney S. Woodman.

1. Public hearing on the minor subdivision of lands of Raymond and Madeleine Proulx, Assessor's Map 12, Lot 108 on 2-4 Hamilton Street.

Chair read letter from applicant Proulx into the record, stating that he was unable to attend public hearing.

Mr. Sheldon explained the applicant's intentions and noted that the applicants had received relief from the Zoning Board of Adjustment from the regulations regarding frontage and sideyard setbacks.

PUBLIC HEARING OPENED

Sandra McCooey, direct abuttor, questioned the use of the property and whether additional buildings (i.e. garages) could be erected at any time.

Greg Koutrelakos spoke in favor of subdivision.

PUBLIC HEARING CLOSED

Discussion ensued as to whether or not the utilities (water and sewer) were separate for each house, the square footage of each lot and the ten (10) foot right of way.

Moved by Maglaras, seconded by Bouchard, to hold a site review with the applicant on Tuesday, July 21, 1981, at 4:30 p.m. at the site. Action to be deferred until after site review. U.A.

2. Public hearing on the minor subdivision of lands of Normandie and Ronald Rioux, Assessor's Map E, Lot 19 at 332 Sixth Street.

Mr. Sheldon explained this subdivision, stating that it meets all the zoning and subdivision criteria for the R-12 zoning district. He noted that WSPCC had been received by the Planning Department.

PUBLIC HEARING OPENED

William Chisholm, abuttor, spoke in favor of subdivision.

Gerrard Croteau, abuttor, spoke in favor of subdivision.

Robert Ferry, abuttor, questioned the 20 foot right of way indicated on the plat and noted that he believed that it was his property.

Normandie Rioux, applicant, stated that she knew that the 20 foot right of way did not belong to her.

PUBLIC HEARING CLOSED

Moved by Maglaras, seconded by Akerman to approve subdivision as submitted. U.A. (Forbes abstained).

3. Public hearing on the minor subdivision of lands of the R-W Realty, Assessor's Map 38, Lot 15 on Plaza Drive.

Mr. Sheldon explained the applicant's intentions, stating that it meets all the zoning and subdivision requirements with exception to the question of (access) frontage and the legality of Plaza Drive.

PUBLIC HEARING OPENED

Attorney Ouellette, representing the applicants, cited that in 1970 the Dover Planning Board approved the same subdivision as being requested with exception being the internal lot line placement was a few feet over original approved plat. Included on the 1970 approval was access from Plaza Drive. He further noted that accessway into R-W Realty parcel was privately plowed and maintained and that there were two (2) separate deeded lots.

PUBLIC HEARING CLOSED

Mr. Bouchard, Director of Public Works, noted that the section of Plaza Drive in question was not a City accepted street. He further noted that the area designated Plaza Drive was a private, dedicated, right of way, owned by Tamposi/LeHoullier and that the applicant, nor a purchaser of Lot B, could up grade private right of way.

Mr. Steele suggested that planning specifications, bonding information, utilities and intentions of the applicant for the bringing of the right of way into City accepted standards be a condition of approval.

Discussion ensued with respect to the legality of Plaza Drive as a proposed street.

Moved by Maglaras, seconded by Akerman, to approve subdivision with the following conditions:

1. That no building permits would be issued until accessway (Plaza Drive) for proper frontage from Old Rochester Road be brought up to City specs.
2. Delineation of appropriate utilities.

FOR: Forbes, Akerman, Maglaras. AGAINST: Schofield, Steele, Bouchard, McAdams. MOTION DENIED.

City Attorney Woodman stated that the Planning Board conditions to the preceding request were not applicable at this time.

Moved by McAdams, seconded by Steele to approve as submitted.  
AGAINST: Schofield, Bouchard, Maglaras, Forbes, Steele, Akerman  
McAdams. MOTION DENIED.

Moved by Maglaras, seconded by Forbes to reconsider second motion.  
FOR: Forbes, Akerman, Maglaras. AGAINST: Schofield, McAdams,  
Bouchard and Steele.

Moved by Maglaras, seconded by McAdams, to table until the applicant  
had time to consider the effect of the proposed conditions upon  
the subdivision. To be brought off the table at the next Planning  
Board Meeting. U.A.

City Attorney to submit legal opinion to the Board with reference  
to the status of Plaza Drive.

#### 4. OLD BUSINESS

A. O'Brien, E., subdivision - Middle Road. Mr. Sheldon brought  
the Board up to date as to the site review that was held.

Moved by Maglaras, seconded by McAdams, to approve subdivision  
with the following conditions:

1. Receipt of WSPCC approval.
2. Receipt of City septic approval.
3. Receipt of Driveway Permit approval when appropriate.
4. Review of permit for loam excavation.

U.A. (NOTE: This subdivision is to be called "The Meadows of  
Dover Point".)

B. Harris (Adams) subdivision - Middle Road. Mr. Sheldon brought  
the Board up to date.

R. Harris, applicant, stated that his engineer and the City Engineer  
had approved a drainage plant and that he had acquired WSPCC approval  
and a dredge and fill permit from the State.

Mr. Sheldon read a letter dated July 13, 1981 from City Engineer  
stating that he had at that time not seen any definite plans from  
the applicant.

Mr. Harris passed out copies of proposed drainage.

Moved by Steele, seconded by Bouchard, to defer action until  
the applicant had finalized drainage plans with the City Engineer  
as previously stipulated. U.A.

- C. Forbes, K. and Dodd, D., Garrison Road site review. Mr. Sheldon brought the Board up to date stating the applicants had received approval for the proposed site review and that the applicants wanted to change one of the conditions being the sprinkler system installation.

Applicant Forbes read a letter from Fire Chief David Bibber stating an alternate proposal for fire protection/prevention other than sprinkler systems would be as efficient and effective in his opinion. This proposal would increase fire protection coverage and would be the same as if the complex were single family dwellings.

Moved by Maglaras, seconded by Bouchard to reconsider action on approval of site review based on new evidence. U.A.

Moved by Maglaras, seconded by Bouchard, to approve site review with the following conditions:

1. Receipt of State WSPCC approval.
2. Receipt of City Septic approval.
3. Previous approval conditioned upon a sprinkler system being installed were negated. Fire Chief's approved alternative design concept was approved.

- D. Economic Task Force - Mr. Sheldon brought the Board up to date and handed out copies of industrial parcel profile sheet prepared by the Planning and Engineering Departments.

Discussion ensued as to the possibility of an industrial area around Plaza Drive.

A workshop was set up for the task force to be held on Tuesday, July 28, 1981, at 7:00 p.m. in the City Manager's office.

## 5. NEW BUSINESS

City Attorney spoke briefly on the pending court case of E. Sweatt vs. The Planning Board (York/Forbes/Dodd subdivision - Site Review - Garrison Road). City Attorney, along with City Manager, gave a brief description of the Planning Board's authority.

Moved by McAdams, seconded by Maglaras, to accept Minutes of the Meeting held May 26, 1981 as written. U.A.