

DOVER PLANNING BOARD  
MINUTES OF MEETING

Held: Tuesday, April 22, 1980  
Dover Council Chambers

ITEM #1: ROLL CALL:

Members present: Chairperson Crowell, H. Griffin, L. Schofield, J. McAdams, K. Forbes, P. Bouchard, U. Akerman & R. Steele. Also present was City Attorney Scott E. Woodman, Assistant Planning Director Jack Donovan and Planning Director Timothy C. Sheldon.

ITEM #2: APPROVAL OF MINUTES OF MEETING HELD MARCH 25, 1980.

Moved by Griffin, seconded by Akerman, to accept minutes as written. U.A.

ITEM #3: PUBLIC HEARING ON THE MINOR SUBDIVISION OF LANDS OF ARTHUR L. & PHYLLIS SMITH, ASSESSOR'S MAP B, LOT 17 ON COUNTY FARM CROSS ROAD.

Mr. Sheldon explained this subdivision.

-Mr. Smith, applicant, spoke in favor and noted the omission of a gateway on the plat that was submitted.

-Mr. Crowell read letter from Pioneer Sand & Gravel who opposes the subdivision.

Moved by Akerman, seconded by Forbes, to approve subdivision as submitted.

U.A.

ITEM #4: PUBLIC HEARING ON THE MAJOR SUBDIVISION OF LANDS OF RAY HARRIS, ASSESSOR'S MAP K, LOT 49 ON MIDDLE ROAD.

Postponed until later in the meeting as no one was there to represent the applicant.

ITEM #5: PUBLIC HEARING ON THE SITE REVIEW ON PROPOSAL OF DOVER DOCTOR'S PARK, INC., ASSESSOR'S MAP 28 LOT 1 ON OLD ROLLINSFORD ROAD.

Cancelled until site review screening committee makes their report.

ITEM #6: PUBLIC HEARING ON THE WAIVER OF DRIVEWAY ORDINANCE, SECTION 41:10 of MR. JOSEPH ROBIDAS, ASSESSOR'S MAP C, LOT 11 ON ROCHESTER NECK ROAD.

Mr. Sheldon read letter from Robidas explaining his intentions.

-Mr. Robidas explained with the aid of a diagram, the waiver request.

Moved by Forbes, seconded by Akerman, to approve waiver. U.A.

ITEM #7: NEW BUSINESS:

A. Mr. Arthur Nickless (from John Durgin Associates) Re: Dover Point Rd. Cancelled by Mr. Nickless as he was unable to attend.

B. K. Forbes brought the fact that Pioneer Sand and Gravel/Midway had not kept their written promise to improve the Rochester Neck Road (a scenic road) and would like action taken. Mr. Sheldon explained that he and Attorney Woodman had a site review on the scenic road and that Attorney Woodman was to write a letter to Pioneer Sand/Midway stating that they were to make said improvements. To be taken up again at the next planning board meeting.

ITEM #8: OLD BUSINESS:

A. SPINELLI CORPORATION - Portland Avenue:

Mr. Sheldon reported on the site review held on April 3, 1980. The main problem he stated was the inadequacy of water at the site.

-Fire Chief David Bibber spoke in reference to the water problem stating that the problem exists now - prior to any new development and recommended that no further building/development be allowed until the water problem is solved.

-Mr. Steele mentioned that with the approval of site review, it could mean a source of revenue to improve the water problem. He suggested a tentative approval be given subject to the Council's approval of funds to correct existing problem (with the help of revenue bonds - not from the citizens).

-Mr. Forbes explained the returns to the City from the tax dollars involved.

-Mr. Sheldon told the Board of the use of Certificates of Occupancy and the non-issuance of them to prevent actual renting of units until water pressure was adequate and improvements completed.

-Mr. Michael Spinelli showed new plans with the Board's recommendations from the site review.

Moved by Griffin, seconded by Schofield, to table until the Council makes a decision on the allocation of funds to improve water problems.

SITE REVIEW TABLED: Vote- FOR: Schofield, Griffin, McAdams, Steele and Bouchard. AGAINST: Forbes.

B. ATLANTIC DEVELOPMENT - Henry Law Avenue:

Mr. Sheldon brought the Board up to date on this site review.

-Attorney Woodman gave his opinion that in the Zoning Ordinance, width did not necessarily mean frontage on a street.

-Mr. Sheldon asked the Board if they agreed with the City Attorney. Discussion ensued.

-Mr. Andres Albertsen explained the new changes on plat as requested by the Planning Board at the site review on April 3, 1980.

-Mr. James Ritzo stated that there would be "licensed" parking (not deeded) for the abutters involved.

-Mr. Dan Ayer questioned whether or not it was a non-conforming lot. He read excerpts from the Planning Board's work sheets for the zone involved stating "frontage" to be 80'.

-Attorney Woodman explained that this was considered as a pre-existing non-conforming lot.

-Mr. Sheldon read opinions from Chief Bibber and Police Chief Reynolds as to the adequacy of vehicular access to the parcel.

Moved by Schofield, seconded by McAdams, to deny site review due to inadequate access/egress into the parcel.

SITE REVIEW DENIED. 4-3 Vote- FOR: Schofield, Bouchard, McAdams and Griffin. AGAINST: Akerman, Forbes, Steele.

C. M & D REALTY - Durham Road:

Mr. Sheldon explained that the M & D Realty had complied with all of the Planning Board's requests and that it met all City requirements.

Nature and timing of the recreation area was discussed.

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

1. Receipt of necessary information for the recreation area.
2. Sewer problems contingent upon agreement with City Council and developer.

C. M&D Realty Continued.

3. Individual water meters installed.
4. A density and mix report in writing.
5. Time limit - to be negotiated by the City Manager, City Engineer and City Attorney.

SITE REVIEW APPROVED 6-0 (Forbes abstained)

ITEM #4: PUBLIC HEARING ON HARRIS SUBDIVISION:

Mr. Sheldon explained the case from time of the applicants first submittal (1978) to date. He read the Court's decision in this case.

-Mr. Harris explained that he wanted the same subdivision as previously submitted to the Board and did not plan any changes.

-Mr. Crowell questioned if the Board was to base their decision on the current zoning ordinance.

-Mr. Forbes questioned if the Board should rule on the past zoning ordinance

-Attorney Woodman and Planning Director Sheldon stated that it was their opinion that in determining whether or not to grant or deny final approval, that the Board should apply the current zoning regulations.

-Mr. Sheldon questioned if the Planning Board had to recind the preliminary approval or just deny the entire submittal as proposed.

-Mr. Crowell questioned if the Board was to address the problem of drainage or consider the subdivision as a whole.

-Mr. Sheldon stated that the issue at hand was to either approve or disapprove the subdivision.

-Mr. Harris stated that the City Engineer agreed with Jim Roe about there being no drainage problems. When question if City Engineer put his opinion in writing, the answer was No.

Moved by Griffin, seconded by Akerman, to deny final approval of the subdivision as it does not meet the current zoning regulations. It was suggested to the applicant that he redesign subdivision and resubmit to the Planning Board in accordance with the terms of the current Zoning Ordinance.

SUBDIVISION DENIED. Vote- 6-0 (Forbes abstained).

ITEM #9: CONSERVATION COMMISSION:

Mr. Sheldon explained that the Conservation Commission would like a representative from the Planning Board to attend their meetings on the 1st Thursday of each month.

Moved by Griffin, seconded by Forbes to nominate A. Crowell. If Crowell cannot make meeting, Forbes will. U.A.

ITEM #10: ADJOURNMENT:

Moved by Griffin, seconded by Forbes, to adjourn. U.A.