

DOVER PLANNING BOARD
MINUTES OF MEETING

*Planning Bd
Minutes #6*

HELD: Tuesday, Feb. 21, 1978
7:00 p.m.
Municipal Building
Dover, New Hampshire

NEW BUSINESS

ITEM NO. 1: ROLL CALL

The following Planning Board members were present: Chairman Hale, Members Crowell, Murphy, Bouchard, Miller, and Ackerman. Also present were Planning Director Fey and Assistant Planning Director Sheldon.

ITEM NO. 2: APPROVAL OF MINUTES

Moved by Bouchard, seconded by Miller to approve the minutes of 1-31-78 as written. Unanimously approved.

ITEM NO. 3: DISPOSITION OF PARCEL C-3-9 OF THE DOVER HOUSING AUTHORITY

A public hearing was conducted regarding Parcel C-3-9, an Urban Renewal Disposition Parcel. Being situated in a B-2 zoning district, a maximum building coverage violation and a rear yard setback violation were noted. However, due to the executed cooperation agreement, these violations can be waived by the Planning Board.

Moved by Miller, seconded by Ackerman to approve the subdivision subject to the following conditions:

1. Chapter 21, Article 4, Section 1, regarding a rear yard setback violation be waived;
2. Chapter 21, Article 4, Section 1, regarding a maximum lot coverage violation be waived; and
3. A final subdivision plan be submitted delineating only Parcel C-3-9.

NOTE: At this time Member Murphy questioned the communication lapse between the Planning Department and the Planning Board regarding the recent hiring of Timothy Sheldon as Assistant Director of Planning. Director Fey agreed to notify the Planning Board members of relevant office/personel matters in the future.

OLD BUSINESS

ITEM NO. 1: SAMBO'S REVISED COMMERCIAL SITE PLAN

Attorney Gartrell, Mr. Wires and Mr. Hendricks representing Sambo's presented a revised site plan for the proposed construction of a Sambo's Restaurant to be located at no. 13 Central Avenue. The revised site plan called for:

1. Elimination of the southerly entrance;
2. Relocation of building to the southerly property line;
3. Relocation of sign;
4. Combining the site's ingress and egress to one 35 foot wide entrance at the extreme northerly orientation of said site.

The Planning Board members raised the following questions concerning: the potential of vehicular congestion and safety arising from southbound traffic queuing and attempting left turning movements to gain northbound access to the site; the configuration of the internal parking island; the potential for inter-

ference caused by vehicles exiting parking spaces immediately adjacent to the proposed entrance/exit; the internal vehicular circulation pattern; the potential of congestion caused by service/delivery vehicles; and the placement of a screening fence.

Attorney Bryant, representing Mr. David Weeks, made the observations that the revised site plan violates those conditions placed on the previous (Oct. 18, 1977) site approval by the Planning Board; that the proposed 35 foot entrance violates the City Driveway Ordinance; and that the design capacity of Central Avenue is fast approaching its critical limit. Attorney Gartrell observed that there exists a conflict in regards to the City driveway specifications, in that the Zoning Ordinance similarly specifies a maximum upset specification that directly differs from that of the Driveway Ordinance. The Planning Board directed Director Fey to consult the City Attorney regarding this matter.

Member Murphy spoke in favor of approving the proposed site plan as did Mayor-Protem Peters. Mr. Richard Garrish voiced his approval of the site plan, stating that the taxes and the competition generated from this restaurant operation would be in the best interests of the City. Mr. Roland Parent also spoke in favor of the proposal.

Moved by Murphy, seconded by Miller to approve the commercial site plan (Exhibit A 12-14-'77). Said motion was approved. Three in favor, one against, one abstention.

Moved by Murphy, seconded by Bouchard to reconsider. Said motion was approved. Four in favor, one against.

Moved by Crowell to approve the commercial site plan (Exhibit A 12-14-'77) subject to the following conditions:

1. That a wooden fence be erected for the entire distance of the rear property line consistent with the Fence Ordinance and also perpendicular to that rear property line, a distance of 25 feet;
2. That the internal vehicular circulation pattern be clearly delineated as being counter-clockwise;
3. That all exterior signage be in conformance with the Zoning Ordinance and to the satisfaction of the Planning Director as to height and placement;
4. That two parking spaces be removed, those situated immediately adjacent to the entrance/exit;
5. That the configuration of the internal parking island be redesigned so to assume a parallel alignment to the northerly property line;
6. That those parking spaces (5) adjacent to the service/delivery area be designated as employee parking only;
7. That with the approval of this site plan (Exhibit A 12-14-'77), the previous site approval (Oct. 18, '77) shall be considered null and void; and
8. That the entrance/exit width specifications be determined on the basis of an opinion by the City Attorney as to which city ordinance (Zoning/Driveway) takes precedence.

This motion was not seconded.

Moved by Miller, seconded by Crowell to amend the previously introduced motion by conditioning site approval contingent upon a 35 foot wide entrance/exit. Said motion was defeated. Two in favor, three against.

Moved by Murphy, seconded by Bouchard to approve the commercial site plan (Exhibit A 12-14-'77) subject to the previously introduced conditions 1 through 8 as previously introduced in a motion by Crowell. Via a division of the Chair, the ensuing vote tallied: three in favor, two against, one abstention. Said motion was approved.

Moved by Murphy, seconded by Crowell to reconsider. Unanimously disapproved.

ITEM NO 2: : FISHER HOMES INC., FINAL APPROVAL OF MAJOR SUBDIVISION-
CRANBROOK LANE (CANTERBURY PARK II).

The subdivision was explained by Director Fey. A number of conditions established in the preliminary plot approval of this subdivision have not been met and will remain as previously required.

Moved by Crowell, seconded by Murphy to grant final approval of this subdivision subject to the following conditions:

1. The headwall on lot #112 be extended to the rear lot line;
2. Catch basins be provided at the end of the cul-de-sac at #110 & #107;
3. A topography plan showing positive drainage must be provided before approval;
4. Drainage easements shall be provided upon inspection of topography plan by the Director of Public Works, including lots 105 through 108;
5. Catch basins shall be constructed when feasible rather than head walls;
6. Any headwall must discharge residue onto the parcel(s) upon which it is constructed;
7. Subject to all construction being done in conformance with City Specifications;
8. Performance bond shall be set in accordance with the City Engineer's recommendation in his transmittal of the 2/19/78;
9. Phasing of the performance bond shall be executed by the City Engineer and the Director of Public Works;
10. Receiving any necessary permits from the NH Water Supply and Pollution Control Commission and the Special Board of Dredge and Fill;
11. Utility construction and pavement base coarse shall be completed by Nov. '78, with the completion of the surface coarse and curbing by 6/1/79.

Said motion was approved by unanimous vote.

ITEM NO. 3: FISHER HOMES, INC., FINAL APPROVAL OF MAJOR SUBDIVISION,
PARTRIDGE LANE

The subdivision was explained by Director Fey. The City Engineer has determined that a condition of the preliminary plot approval, #6, should be waived. Further, correspondence was transmitted by the developer stating that there is no need for off site drainage easements as was a condition of the preliminary plat approval. The Planning Board took said correspondence under advisement.

Moved by Crowell, seconded by Akerman, to grant final approval of this subdivision subject to the following conditions:

1. Sewer easement to accommodate an 8" main traversing lots 1 and 2;
2. The existing trees along Spruce Lane shall be selectively cut and thinned to provide for better visibility for vehicles ingressing and egressing the development. This shall be included as a note on the final subdivision plan;
3. Condition #6 of the preliminary plat approval be waived;

4. A waiver of the street length requirement be obtained from the City Council;
 5. The sewer easement on lot #18 be executed as a private easement for Lot 20;
 6. The 12' sewer main shall be extended to and connected with the 15' cross culver;
 7. Subject to all construction being done in conformance with City Specifications;
 8. Performance bond shall be set in accordance with the City Engineer's recommendation in his transmittal of 2/19/78;
 9. Phasing of the performance bond shall be executed by the City Engineer and the Director of Public Works;
 10. Receiving any necessary permits from the NH Water Supply and Pollution Control Commission and the Special Board of Dredge and Fill;
 11. Utility construction and pavement base coarse shall be completed by Nov. '78, with the completion of the surface coarse and curbing by 6/1/79.
 12. Additional fire hydrant pending the results of flow tests.
- Said motion was approved by unanimous vote.

ITEM NO. 4: SHIRLEY RENNER CLARIFICATION OF PRIOR BOARD DECISION.

Director Fey explained Mrs. Renner's request for a clarification of a prior (Nov. 19, 1974) Planning Board decision. Mrs. Renner and representing attorney Carleton were present.

Moved by Allen, seconded by Miller, to reaffirm the Planning Board's approval of the Nov. 19, 1974 approved subdivision plan (Lands of Willis A. Marshall) that permits access to lot #48 via a fifty foot r.o.w. from Back River Road. Furthermore, until such time plans are submitted and approved for additional access to lot #48, any violation of the City Driveway Ordinance shall be enforced by the Director of Public Works.

Four in favor, one abstention. Motion was approved.

ITEM NO.5: CRICKET BROOK, REVISED PLAN.

Director Fey explained a request submitted by Mr. Davis for the elimination of vehicular access from both Wentworth and Federal Streets with singular access via Henry Law Avenue. Said access would constitute a street. The Board expressed concern regarding the need for a secondary emergency access. Mr. Davis offered to assume the responsibility for maintaining the secondary access.

Councilman Maglaras presented two letters regarding recent violations to the Hamson Cemetery and they were read by Director Fey. The Board will transmit to the Cemetery Department a copy of the action taken by the Planning Board.

Motion by Akerman, seconded by Bouchard to permit the previous subdivision approval (Sept. 13, 1977) to stand but grant alternate approval permitting vehicular access from Henry Law Avenue exclusively and that said access conform to city street construction specifications, unless waived by the City Council. Further, the Director of Public Works and Fire Chief shall determine a secondary emergency access way into the development and said access way shall be maintained by the owner. Further, the identified cemetery area shall be fenced and maintained by the owner. Unanimously approved.

ITEM NO. 6: DEFERRED SUBDIVISION OF LANDS OF HAGGERMILLER-REVISED PLAN.

Director Fey explained the revised subdivision plan delineating a fifty foot vehicular easement to lot #3. The Board discussed the necessary lot width requirements and decided to defer said question to the City Attorney.

Moved by Crowell, seconded by Miller, to defer action on the revised subdivision plan of the lands of Haggermiller (A-884) until an opinion from the City Attorney regarding parcel width specifications is rendered. Unanimously approved. NOTE: Decision on said matter will be rendered by 3/14/78.

ITEM NO. 7: ADJOURNMENT.

Moved by Bouchard, seconded by Crowell to adjourn at 11:45 p.m. Unanimously approved.

Respectfully submitted,

Lois Schofield

As recorded by,

Tim Sheldon

Tim Sheldon

Assistant Planning Director.