

DOVER PLANNING BOARD

MINUTES OF MEETING

HELD: Tuesday, June 6, 1978
7:00 p.m.
District Courtroom
Municipal Building
Dover, N.H. 03820

ITEM NO. 1 - ROLL CALL.

The following members were present: Richard Gerrish, Pierre Bouchard, Peter Murphy, Kerry Forbes, and Alan Crowell.

Also present were Assistant Planning Director Timothy Sheldon, Councilmen Arnold Peters, Charles Crocco, and Arthur Maglaras.

Mr. Sheldon announced that the Public Hearing on the Site Review Ordinance would be held without the necessary five (5) man quorum needed, but as soon as a quorum was present, the proceedings would be validated by a suspension of the rules.

ITEM NO. 3 - OLD BUSINESS.

1. Public Hearing on the Site Review Ordinance - Mr. Sheldon explained the purpose of the Site Review Ordinance.

Mr. Murphy spoke briefly regarding this Ordinance.

Councilman Crocco spoke regarding the length of this Ordinance and wanted to make sure the public had ample time to review it. He also requested that the update addenda be sent to each member of the City Council. Mr. Sheldon explained that the Ordinance was in its draft stages, as was the addenda, and that all comments would be entertained.

Mr. Joy spoke regarding abutters. He feels abutters should be notified in every case and questioned the adequacy of contacting abutters within only 150 feet of the subject proposal. He feels that 150' is not enough.

Mr. Howard from the Public Service Company referred to Article III - Final Certificate of Occupancy - what is City Specifications regarding utilities? Mr. Sheldon explained that this meant inspection and approval from the Director of Public Works regarding sewer and drainage.

John McCarthy wanted to know if there would be another public hearing before the final draft is adopted.

Councilman Crocco explained that if this Ordinance is passed by the Planning Board, then a public hearing has to be held by the Council.

Questions were raised regarding the Site Review Ordinance being called an Ordinance. Councilman Peters stated that this was announced on the radio and in the paper as an Ordinance. Mr. Sheldon explained that it was indeed advertised as an Ordinance, and that the addenda item referring to it as Rules and Regulations shall be reconsidered by the Planning Board.

Mr. Murphy concurred with Councilman Peters. He also requested that it be recorded in these minutes that copies of the changes (addenda) be given to every member of the City Council as soon as possible.

Mr. Joe Green wanted to know the time element involved on when this would be ratified.

Anna Buckley, Ward I, stated that she was upset to think that the Planning Director did not consult the City Council in regards to the addenda.

Councilman Maglaras questioned the amount of time the public had to review this Ordinance section by section. Mr. Sheldon explained the advertising procedure executed by the Planning Board.

Mr. Forbes stated that this Ordinance does not restrict apartment construction, if the land is properly zoned for such uses. This Ordinance can, however, control such development by making sure the developer conforms to proper planning design standards.

Councilman Peters stated that this Ordinance would give the City the authority not to issue a permit. Mr. Sheldon explained that a Building Permit can only be issued for non-residential development activities after receipt of a Site Review approval from the Planning Board.

Mr. McCarthy asked if the land is properly zoned, would approval be automatic?

It was also noted that this Ordinance would make sure abutters be involved from the initial submission to closure.

This public hearing was then closed.

Moved by Murphy, seconded by Forbes, to have Richard Gerrish act as temporary Chairperson. U.A. (Gerrish abstained.)

Moved by Murphy, to cease nominations. U.A.

Moved by Murphy, seconded by Forbes to validate that part of the public hearing that was held without a quorum and that comments made at that time incorporated as part of the minutes and so documented. U.A.

Moved by Murphy, seconded by Crowell to suspend the rules that under New Business Item #4, that it be brought up at the present time. U.A.

ITEM NO. 4 - NEW BUSINESS.

2. Garrison Hill Re-Zoning Request - This item was explained by Mr. Sheldon.

Mr. Murphy asked if the existing apartments in this area would be grandfathered. Mr. Sheldon stated that if a re-zoning were to take place from R-2B to R-1, all apartments existing at such time of rezoning shall be considered non-conforming. Mr. McCarthy stated that this area was originally an Office District for a 100 foot depth along Central Ave. from Old Rollinsford Road to Oak Street. A discussion ensued regarding when the subject area was re-zoned from R-1 (and O) to R-2B.

Moved by Murphy, seconded by Bouchard to suspend the rules to take up Wendy's. U.A.

ITEM NO. 3 - OLD BUSINESS.

1. Wendy's - Mr. Crowder, a representative from Wendy's explained the proposal. It was noted at this time that a similar plan had been brought up to the Board previously and a Site Review had been held.

Moved by Murphy, seconded by Crowell to approve the preliminary plan subject to the following conditions:

1. that an acceptable landscape plan be developed,
2. drainage plan be approved by the City Engineer and Director of Public Works,
3. acceptable egress and ingress plan be developed with directional signs,
4. a Public Hearing be scheduled for July 11, 1978. U.A.

Amended by Crowell, seconded by Murphy to include:

5. egress and ingress on the Old English Road be widen to a minimum of 25 feet,
6. ingress and egress on Central Avenue be 15 feet wide and 12 feet wide respectively, and
7. landscaping plan be approved by the Planning Director. U.A.

Mr. Murphy moved to suspend the rules to consider the Public Service proposal, Item #3, seconded by Forbes. 1 abstention - Crowell.

5. Public Service Proposal - Scenic Road - Mr. Howard explained the new plan submitted to the Board.

A letter from Midway Excavators was read. This is on file in the Planning Board Office.

Phyllis Woods, Chairperson for the Conservation Commission explained the Scenic Road Ordinance. The Commission would like the poles to be situated on the left (west) side of the road

Moved by Murphy, seconded by Forbes to accept the Public Service proposal subject to the following conditions:

1. the poles to be placed along the western side of Rochester Neck Rd.,
2. the letter from Midway to be included in the minutes and be incorporated as part of the motion. U.A. 1 abstention - Crowell.

Moved by Murphy, seconded by Gerrish to reconsider the Board's actions. Motion denied 1 abstention - Crowell.

3. Tamposi Bond - This was explained by Mr. Sheldon. A letter from the City Attorney is on file in the Planning Board Office. His recommendation was to raise and set the bond at \$75,000 and send it to the bonding company and the landowner.

There has been a legal change of entity but the land is still under the same ownership.

Recommendation by Mr. Sheldon to direct the Director of Public Works and the City Engineer to set a bond in compliance with the memo from Mr. Bouchard.

Mr. Murphy suggested that the Board set a policy so that it can deal with other streets of a similar nature.

Moved by Crowell, seconded by Forbes that a letter be submitted to the bonding company raising the bond to \$75,000 as per memo from the Director of Public Works and that in the event there is no response from the company or developer by July 15, 1978, the Planning Board execute the existing \$15,000 bond and make repairs as deemed necessary with the money. 1 opposed - Murphy.

Amended by Bouchard, seconded by Crowell to change the date from July 15, 1978 to July 5, 1978. 1 opposed - Murphy.

4. Tolend Road Re-Zoning - Mr. Sheldon, explained this request. A letter from Mr. Anthony McManus was read. This letter is on file in the Planning Board Office.

Moved by Murphy, seconded by Bouchard to have a public hearing on this on July 11, 1978. Motion was withdrawn by both.

Moved by Murphy, seconded by Bouchard to take this matter up on June 20, 1978. U.A.

Moved by Murphy, seconded by Forbes under "Old Business" to reconsider the Board's action on Wendy's. Motion denied.

ITEM NO. 2 - APPROVAL OF MINUTES OF MEETING HELD MAY 16, 1978.

Moved by Forbes, seconded by Crowell to accept the minutes of the 5/16/78 Planning Board Meeting. U.A.

APPROVAL OF MINUTES OF SITE REVIEW HELD MAY 23, 1978.

Moved by Murphy, seconded by Crowell to approve the minutes. U.A.

Moved by Gerrish to amend, seconded by Murphy to add a statement under the Major Subdivision of Harold Stevens after "said motion unanimously approved, 6 for, 1 against (Gerrish)" the reason for his dissenting vote was not a dissenting vote against the motion or project but a dissenting vote in the procedural process being used by the Planning Board in that he felt it to have been in the best interest of the applicant, Planning Board members, and the City of Dover for the applicant to have a member of the N.H. Pollution Control Commission physically visit the proposed site of subdivision and make appropriate recommendations which would then be included in the applicant's preliminary plan brought before the Planning Board. 3 against, 1 for.

Personal Privilege by Murphy - remarks of the motion by Gerrish be entered in the minutes of the meeting.

Amended by Murphy, seconded by Forbes that a motion be included in the minutes, that adjournment was taken and unanimously approved. U.A.

Moved by Forbes, seconded by Murphy to suspend the rules. U.A.

ITEM NO. 4 - NEW BUSINESS.

Petition for rehearing on the Carrier Subdivision - This subdivision was explained by Mr. Sheldon. June 1, 1978, the Planning Board received a letter from Attorney Bryant requesting a petition for a rehearing. This letter is on file in the Planning Board Office. Attorney Bryant represented three (3) abutters of the Rutland/Silver Streets area.

Moved by Murphy, seconded by Forbes to refer this matter to the City Attorney to review and clarify the validity of the Planning Board's decision. U.A.

Moved by Forbes to amend, seconded by Bouchard to include the provision that Mr. Carrier be notified by certified mail as to what is transferring and that the approval of the Planning Board's decision of 5/16/78 be suspended. U.A.

Moved by Murphy, seconded by Forbes to reconsider the action of the Board of 5/16/78 regarding the proposed subdivision of Irene Carrier, Assessor's Map 12, Lots 148, 149, & 150 on Rutland and Silver streets. 1 against - Bouchard.

Moved by Murphy, seconded by Forbes to lay the reconsideration on the table and that the Planning Director forward this matter to the City Attorney and notify Mr. Carrier and the Planning Board will take this off the table at our next meeting. Attorney Bryant will be notified. 1 opposed - Bouchard.

1. Subdivision Procedural Review - Moved by Bouchard, seconded by Forbes to drop this item until the next meeting. U.A.

At the June 20, 1978 Planning Board Meeting under New Business, The Cooperative Store at Olde Madbury Lane Apartments be placed on the agenda and whether this falls into the category of Accessory Use in its current R-2B zone.

Moved by Murphy, seconded by Gerrish to adjourn at 11:10 p.m. U.A.

Motion withdrew by both.

Moved by Crowell, seconded by Murphy to place the Garrison Hill Re-Zoning item on the agenda for the June 20, 1978 Planning Board Meeting. U.A.

Moved by Murphy, seconded by Gerrish to adjourn at 11:20 p.m. U.A.