

DOVER PLANNING BOARD

MINUTES OF MEETING

HELD: Tuesday, July 11, 1978  
7:00 p.m.  
District Courtroom  
Municipal Building  
Dover, N.H. 03820

ITEM NO. 1: ROLL CALL

The following members were present: Chairperson Wallace Ackerman, Vice-Chairperson Joan Miller, Alan Crowell, Kerry Forbes, Pierre Bouchard, Richard Gerrish, and Peter Murphy.

Also present was Assistant Planning Director Timothy Sheldon.

ITEM NO. 2: APPROVAL OF MINUTES OF MEETING HELD JUNE 27, 1978.

Moved by Crowell, seconded by Gerrish to approve as written. U.A.

ITEM NO. 3: PUBLIC HEARING ON THE PROPOSED WENDY'S HAMBURGER RESTAURANT.

Mr. Sheldon explained the plan and location. Mr. Robert Crowder a representative from Wendy's, was present.

The preliminary approval granted to Wendy's on June 6, 1978 was read. All conditions of said preliminary approval have been met.

The site plan, landscape plan, and engineering plan meet the approval of all the necessary City officials.

Moved by Bouchard, seconded by Forbes to approve the plans as presented.

Moved by Gerrish, seconded by Murphy to table this item until Fire Chief Bibber can provide information pertaining to the traffic. 4 for, 2 against - Crowell & Miller.

Moved by Forbes, seconded by Crowell to take this item off the table. U.A.

Fire Chief Bibber spoke briefly of Fairfax County's recent experience with the proliferation of fast food operations.

Moved by Forbes, seconded by Corwell to approve Wendy's as presented.

Personal Privilege by Gerrish to have an alphabetical roll call:

Ackerman - Abstained  
Bouchard - Yes  
Crowell - Yes  
Forbes - Yes

Gerrish - No  
Miller - Yes  
Murphy - Yes

ITEM NO. 4: PUBLIC HEARING ON THE MAJOR SUBDIVISION OF LANDS OF KENWOOD INC., ASSESSOR'S MAP L, LOT 68-B ON ROBERTA DRIVE.

The plan was explained by Mr. Sheldon. The proposal calls for 13 lots and is serviced by City water, but not City sewer.

Zoning requirements specify that if City sewer is not available, (according to an opinion from the City Attorney, sewer is "available" only if it is operable). The minimum square footage of a lot under such circumstances is 20,000.

Winifred Grimes is against this subdivision.

Ed. Otenski questioned that since these lots are substandard (under 20,000 sq. ft) it should be denied. He is against this subdivision.

Mr. Colbern is against the subdivision.

Mrs. Strom stated that if a 50 ft. right-of-way is required, it would make the lots even smaller.

Mr. Boulanger requested a better explanation of the 50 ft. right-of-way. Mr. Sheldon explained that site plan revisions would be needed to accommodate such a right-of-way.

Mr. Cheney stated that since the sewer lines are being physically installed, they will be physically operable.

It was noted that an opinion from the City Attorney stated that a sewer line must be "operable" to be available.

Arthur Grimes is against this subdivision.

Moved by Gerrish, to table this item until such time as the Board can have a better understanding as to what is going on in the Dover Point area in regards to Dover Point Rezoning.

Moved by Murphy, seconded by Gerrish to indefinitely postpone this item. 2 for, 4 against, (Bouchard, Crowell, Forbes, and Miller)

Moved by Gerrish, seconded by Murphy to move the question. 2 for, 4 against, (Bouchard, Crowell, Forbes, Miller)

Moved by Crowell, seconded by Miller to:

1. Have the Planning Director write the developer and inform him that there should be a drainage easement on the State right-of-way and also the plan should show where the discharge will flow,
2. The plan should show drainage manholes interconnected drainage catchbasins.
3. Fire hydrants to be located in accordance with the Fire Chief's approval.

4. That an island be constructed in the cul-de-sac with permanent trees planted,
5. That a 50 ft. right-of-way be designed via lots 7 and/or 8 from the cul-de-sac to provide future access to the Boulanger property,
6. A waiver of the City's street length (for dead-end roadways) and grade (6%) requirements from the City Council will be necessary.
7. The plan be drawn to show lots in conformance with the minimum zoning requirements.
8. To ascertain if the billboard is on the subject property,
9. Proper approval from the Water Supply and Pollution Control Commission be obtained.

4 for, 2 against, (Murphy and Gerrish)

Moved by Murphy, objection to a consideration of the question (this does not require a second) 1 for, 4 against, (Bouchard, Crowell, Forbes, Miller) 1 abstention (Gerrish)

At this time the Chair asked for further clarification of the Motion. The Mover did not respond.

Mrs. Miller asked that since Mr. Murphy did not respond to the Chair, the Chair take action.

Mr. Ackerman asked for a vote on the Crowell motion. 5 for, 1 against (Murphy).

Moved by Gerrish, seconded by Murphy that since Gerrish voted on the prevailing side, he wants it placed on the agenda for the 7/25 meeting for reconsideration.

No vote was taken.

ITEM NO. 5: PUBLIC HEARING ON THE LIMITED SUBDIVISION OF LANDS OF DOROTHY GRENIER, ASSESSOR'S MAP L, LOT 71 ON DOVER POINT RD.

The plan was explained by Mr. Sheldon.

Moved by Forbes, seconded by Crowell to approve the subdivision subject to: the southerly lot line of lot #1 being moved to meet the minimum set back requirements as specified in the Zoning Ordinance. (12 ft) U.A.

ITEM NO. 6: PUBLIC HEARING ON THE LIMITED SUBDIVISION OF LANDS OF JOANNE BLOOM, ASSESSOR'S MAP L, LOT 15 B&C ON SPUR ROAD.

The plan was explained by Mr. Sheldon. City sewer and water are not available. The lots do meet zoning and subdivision rules and regulations.

Moved by Miller to approve the subdivision subject to the Conservation Zone being noted on the plan and that it also be noted on the plan that it is in the Flood Hazard Zone.

Motion was withdrawn by Miller.

Moved by Forbes, seconded by Crowell to approve the subdivision subject to: the Conservation Zone being drawn on the plot plan and that a building permit not be issued until permission is obtained for construction of a sewer system from the WSPCC or the property is connected to City sewer and that a letter be sent by the Planning Director informing the applicant that the property will be required to tie into City sewer when it becomes operational. U.A.

ITEM NO. 7: PUBLIC HEARING ON THE LIMITED SUBDIVISION OF LANDS OF NORMAN LAPRISE, ASSESSOR'S MAP H, LOT 15 ON BELLAMY RD. & SUNSET DRIVE.

The plan was explained by Mr. Sheldon. Mr. Laprise was present and he explained the subdivision.

A sewer line goes through this property and it must be noted on the plan.

Moved by Crowell, seconded by Miller to approve subject to the sewer easement being placed on the plan. U.A.

NOTE: The Chair has been served with a notice by Peter Murphy and Richard Gerrish and it reads as follows: "Having voted with the prevailing side, I wish to serve notice of reconsideration on 7/11/78 Item #3 approval of Wendy's.

ITEM NO. 8: OLD BUSINESS.

a. Hanover Bonding - Mr. Sheldon explained that the developer has been contacted regarding the Planning Board's request for an increased bond for the outstanding improvements to Plaza Drive. This item will be placed on the 7/25/78 agenda.

b. Garrison Hill Rezoning - this item was explained by Mr. Sheldon. Mr. Cheney a primary land owner was present. He would like to put a medical-apartment facility on this property.

Mr. Tasker another primary land owner would like to see this area zoned R-1.

Moved by Forbes, seconded by Gerrish to bring this item up at the work session on Tuesday 7/18/78 and to bring it up on the 7/25/78 agenda. U.A.

NOTE: Murphy and Gerrish withdrew their previous statement requesting a reconsideration of the Wendy's approval.

Moved by Murphy, seconded by Gerrish that the Chair appoint a sub-committee made up of members of the Planning Board and other City officials he may chose so to study the Garrison Hill Rezoning and others. U.A

c. Tolend Road Rezoning - this matter was also referred to the subcommittee.

Ray Ouellette - Attorney for Mr. Stocklan, stated that if the sub-committee wants information from Mr. Stocklan, please notify him.

d. Dover Point Rezoning - Councilman Maglaras is in favor of this 30,000 sq. ft. request.

Moved by Murphy, seconded by Gerrish to institute a moratorium on granting subdivision approvals in the Dover Point Area.

Amended by Gerrish, until such time a comprehensive review is executed for the entire City.

Gerrish moved the question, seconded by Murphy. 1 for, 5 against

Moved by Gerrish, having voted on the prevailing side, moved to reconsidered. Motion denied.

NOTE: Joan Miller left the meeting at 10:30 p.m.

Moved to lay it on the table. 2 for, 3 against.

Point of order - motion is non-debatable.

Moved to take it off the table.

Moved by Forbes, seconded by Crowell to bring this up at the work session. and at the 7/25 meeting. U.A.

e. Murphy Subdivision - Moved by Crowell, seconded by Murphy to table this item until the next meeting and place it on the 7/25 agenda. U.A.

original f. Oxford Heights Recreation Monies - Moved by Forbes, seconded by Gerrish that the \$1500 recreation monies be allocated to Parks and Recreation Dept. to be earmarked for the Mt. Pleasant Park and that the condition of the Oxford Heights Subdivision that this lot be dedded to the City be deleted and (Condition #4 of the 5/3/77 Oxford Heights Meeting). U.A.

g. Site Review Ordinance - Moved by Forbes, seconded by Bouchard to take the Site Review as amended and submit it to the City Council for their action. U.A.

Moved by Murphy, seconded by Gerrish - having voted with the prevailing side on approving Wendy's he moves to reconsider the vote on that item.

No vote was taken.

Moved by Gerrish, seconded by Forbes to have a 5 minute recess.

No vote was taken.

Moved by Forbes, seconded by Crowell to move the question for reconsideration.

NOTE: At 11:05 p.m. Peter Murphy and Richard Gerrish left the meeting.

NOTE: A vote was taken on Forbes motion to move the question - unanimously approval, Bouchard, Crowell, Forbes, Chairperson Ackerman.

A vote was taken on the Murphy motion to reconsider the vote on Wendy's - denied, Bouchard, Crowell, Forbes, Chairperson Ackerman.

ITEM NO. 10: ADJOURNMENT.

Moved by Crowell, seconded by Forbes to adjourn - time 11:15 p.m.  
Unanimously approved, Bouchard, Crowell, Forbes, Chairperson Ackerman.

P. O. Box 614  
Dover, N.H. 03820  
July 14, 1978

Dover Planning Office  
Municipal Building  
Dover, N.H. 03820

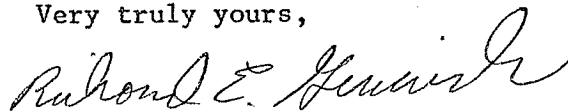
Attention: Mr. Timothy Sheldon  
Assistant Planning Director

Dear Mr. Sheldon:

As per our telephone conversation of today, I wish to officially request that my remarks of the July 11, 1978, planning board meeting regarding an official placement as an agenda item the attendance of various planning board members to planning meetings and the effect of such inattendance on meeting a quorum, be deleted from the official minutes of that meeting, and also that the matter not be placed as an agenda item on the proposed July 25th, 1978, meeting.

Thank you for your consideration in this matter.

Very truly yours,



Richard E. Gerrish

REG:mk1