

DOVER PLANNING BOARD
MINUTES OF MEETING

HELD: Tuesday, Aug. 16, 1977
7:00 p.m.
Municipal Courtroom
Municipal Building
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

On Roll Call, the following were present: Chairman Paul E. Hale, Mrs. Lois M. Schofield, Mr. Ernest J. Carrier, Mr. Pierre Bouehard, Mr. Wallace I. Akerman, Mr. Jared S.A. Clark.

Also attending was Planning Director Christopher F. Sheridan, and those people mentioned in the following minutes.

ITEM NO. 2: LIMITED SUBDIVISION OF LAND OWNED BY GERALD AVERY, ASSESSOR'S MAP I, LOT 2-C ON OLD GARRISON ROAD:

LIMITED SUBDIVISION OF LAND OWNED BY PAUL FISHER, ASSESSOR'S MAP I, LOT 2-1 ON GARRISON ROAD:

These two subdivisions were considered together.

Inquiries were discussed about the means of vehicular access into these properties. At this time, vehicular access is over a dirt road. Mr. Avery proposes to separate from 7½ acres, a ½ acre parcel upon which is situated a single family house. There also is a barn which has been converted into a single family house. Directly below that is the property owned by Mr. Fisher, which is a large parcel of land surrounding Mr. Avery's holdings and proposes to transfer about a 2.6 acre parcel to Mr. Avery from Mr. Fisher.

Both of these applications require approval from the N.H. Water Supply and Pollution Control Commission.

Mr. Donald Prescott represented Mr. Avery. He said the bank has approved the loan.

The right of way which gains access to this property was then discussed.

Mrs. Ruth Paine, an abutting property owner, asked what Mr. Avery proposed to do with the barn on the property which he will buy from Mr. Fisher.

She said there is water to that barn and a septic system. Mrs. Paine contended that since she was required to put a 50 foot right-of-way in when she subdivided her property, the applicant should also be required to do so.

Mrs. Schofield asked Mr. Avery if anyone was living in the converted barn. Mr. Avery answered no.

A lengthy discussion ensued.

subject Moved by Akerman, seconded by Carrier, to approve both applications to a 50 ft. right-of-way being indicated on Mr. Fisher's and Mr. Avery's land, approval by the N.H. Water Supply and Pollution Control Commission, and the understanding that any further subdivision of either parcel will require construction of a City street. Unanimously approved.

ITEM NO. 3: LIMITED SUBDIVISION OF LAND OWNED BY PAUL J. MARTEL, ASSESSOR'S MAP E, LOT 57, ON TOLEND ROAD:

Moved by Clark, seconded by Mrs. Schofield, to grant approval subject to approval from the Water Supply and Pollution Control Commission for a septic system to be located on each of the two lots. Unanimously approved.

ITEM NO. 4: LIMITED SUBDIVISION OF LAND OWNED BY ROLAND ROBERGE, ASSESSOR'S MAP 33, LOTS 87 and 88:

Moved by Akerman, seconded by Carrier, to reschedule this item for the next agenda because of lack of information. Unanimously approved.

ITEM NO. 5: SUBDIVISION OF LAND OWNED BY THE FISCHER AGENCY, CRANBROOK LANE, ASSESSOR'S MAP D, LOT 61:

Mr. Fischer was present and the proposal was explained and discussed.

Mrs. Nancy Boisvert, 14 Cranbrook Lane, expressed concern about the children in the area during the construction period. She mentioned the extra load of children which would be going to Horne Street School.

Councilman Arnold Peters, Ward I Councilman, questioned the water and sewerage system. He requested that the Board look into these problems and what effect this was going to have on that area.

Mrs. Richardson, 22 Wellington Avenue, was concerned about the surface water drainage from his lot which runs into Mr. Fischer's land. He asked if this development would cause a problem.

Mrs. Helen Worthen asked about water pressure in the area.

Mr. Bouchard said there is a 12" water main which now comes into Weeks' traffic circle.

In answer to questions asked, Mr. Fischer replied that he didn't know whether he would be building the houses himself or selling to individual builders who would have to follow protective covenants.

He continued that he hoped to begin work this Fall and finish on the following Fall.

Moved by Akerman, seconded by Clark, to conduct a site review on Wednesday, August 24, 1977, at 4:30 p.m. Unanimously approved.

ITEMS 7 AND 8: LIMITED SUBDIVISIONS OF DOVER HOUSING AUTHORITY, DISPOSITION PARCEL C/3/4 AND C/3/3:

Moved by Bouchard, seconded by Carrier, to approve. Unanimously approved.

ITEM NO. 9: LIMITED SUBDIVISION OF LAND OF ARMAND DIMAMBRO, ASSESSOR'S MAP I, LOT 24-d ON DREW ROAD:

Moved by Bouchard, seconded by Mrs. Schofield, to approve subject to approval from the N.H. Water Supply and Pollution Control Commission required for the smaller lot. Unanimously approved.

ITEM NO. 10: APPLICATION FOR PRELIMINARY APPROVAL OF OXFORD HEIGHTS SUBDIVISION BY EMILE CHAGNON AND FREDERICK SHAW:

Mr. Sheridan explained the proposal to the Board.

Mr. Shaw was present.

Mr. William Creighton, 177 Henry Law Avenue, asked questions about drainage and Henry Law Avenue traffic.

Mr. Taylor said he would under no circumstances allow water dumped onto his land.

He specified that he didn't mind drainage water, but wanted nothing draining onto his property from a pipe.

Mr. Shaw said he would talk to Grant Davis about these problems.

Mr. Creighton was concerned about protective factors regarding his foundation should the developers decide to blast.

Mr. Hale said there was no clause in their original proposal but that the developers would be liable should any damage occur as a result of blasting in the area.

Mr. Shaw said he would get together with the affected residents and the people doing the construction work before any blasting is done.

Mr. Creighton thought the location of the proposed road was a poor choice.

Mr. Paul Keefe, also was opposed to the location of the road as it comes out on Henry Law Avenue.

Moved by Clark, seconded by Carrier, to hold a site review on Wednesday, Aug. 31, 1977 at 4:30 p.m. and table preliminary and final approval until the answers are obtained on drainage; specifically, how the developers propose to take care of it and whether or not a drainage easement will be required to protect Mr. Taylor's rights. Unanimously approved.

ITEM NO. 11: LIMITED SUBDIVISION OF LAND OWNED BY CAROL AND BRUCE NADEAU, ASSESSOR'S MAP 32, LOT 36 ON FOURTH STREET:

Mr. Sheridan explained this proposal.

Moved by Carrier, seconded by Clark to approve as submitted.

ITEM NO. 12: SITE REVIEW FOR SAMBO'S RESTAURANT:

Mr. Buzz Wires, Regional Manager and Mr. Richard Cohen, District Engineer, of Sambo's were present.

Attorney Donald Bryant was present, representing an abutter, Mr. David Weeks.

Mr. Wires explained Sambo's plans to the Board. He said the menu would be similar to Weeks'.

The Board discussed entrance and exit plans at length and also traffic patterns in the area.

Attorney Donald Bryant then spoke, representing Mr. David Weeks, in opposition to the proposal. He said he was concerned principally because of the traffic conditions in the area.

He continued that by proposing two driveway proposals, the plan is in violation of the Driveway Ordinance, which specifies that on major arterial roads only one driveway is allowed where there is a frontage of 50 feet or less.

Mr. Bryant introduced Mr. Harvey Boutwell, of Cheshire, Conn., a private traffic consultant hired by Mr. Weeks.

Mr. Boutwell issued the Board a report of the study he made which concluded that an activity such as the one proposed by Sambo's would intensify the hazards of existing traffic on Central Avenue and the Somersworth Traffic Circle.

He felt this area was already operating at peak efficiency.

He continued that there must be 500 ft. all seasons safe site distance provided at all times, and that parking is not allowed in setback areas and paved surfaces should not be allowed in setback areas.

Mr. Arnold Peters, Councilman of Ward I, 55 Old Rochester Road, stated his opposition to the proposal because of the traffic situation, and concern with the public safety.

Mr. Dick Delaney, spoke in favor of the proposal. He said he recently purchased his property because Sambo's was coming in. He mentioned there would be far greater visibility when the barns now located on the property are demolished.

He felt the opponents to this proposal were mainly competitors, their friends and residents of the area.

Mr. Delaney reminded the Board that the price of this land will be very expensive and the only people who could afford to purchase it would probably have to be an organization as large as Sambo's.

Mr. Delaney continued that he feels certain that the heavy traffic flow will be greatly alleviated by the Sixth Street Interchange.

Mr. Raoul Parent, representing the Brock family, informed the Board that it would be a hardship to the owners of this property should this be disapproved.

Mr. Bouchard asked Mr. Wires if any of the three curb cuts existing at present will be utilized.

Mr. Wires said they would essentially be eliminating three curb cuts and redesigning two.

Mr. Clark expressed an interest in reviewing the site in greater depth and taking a look at the plans.

Moved by Clark, seconded by Akerman, to take this matter under advisement, reconvene at approximately 5:30 p.m. on August 24 and try and conclude and resolve the issue at that time. Unanimously approved.

ITEM NO. 13: NEW BUSINESS:

Mr. Sheridan presented proposed By-Laws of the Planning Board for the Board to study and vote on later.

ITEM NO. 14: OLD BUSINESS:

A. Kennedy Circle:

Mr. Sheridan informed the Board that when the above noted subdivision was approved in 1973, the Board's approval was subject to certain conditions related to street construction and other improvements. An undue and lengthy delay in meeting these requirements has continued to exist and to date, the developer has not complied with these conditions.

Moved by Bouchard, seconded by Mrs. Schofield to request the City Attorney to send the developer a letter giving him until Sept. 30 to complete these improvements. Unanimously approved.

ITEM NO. 15: ADJOURNMENT:

Moved by Carrier, seconded by Mrs. Schofield, to adjourn. Unanimously approved.

Respectfully,

Mrs. Lois M. Schofield
Clerk

LMS:c