

DOVER PLANNING BOARD
MINUTES OF MEETING

HELD: Monday, November 22, 1971
7:00 p.m.
Municipal Courtroom
Municipal Building
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

On Roll Call the following were present:
Chairman R. Normand Alie, Secretary Frank O. Estes, Mr. Wallace I. Akerman, Mr. Donald E. Chick, Mr. Harry N. Griffin, Mr. Hugh C. Tuttle, Mr. Redford Rand, City Engineer.

Also attending were Planning Director Chris Sheridan, Judge Galanes, Paul McQuade, Theodore Carabelas, Walter Cheney, Dr. Cusack and several other people in the audience.

ITEM NO. 2: PUBLIC HEARING ON SITE PLAN OF FLORAL GARDEN APARTMENTS, FLORAL AVENUE, ASSESSOR'S MAP 28-25, BY MCQUADE REALTY CORP.:

Judge Galanes was present, representing Mr. McQuade, who was also present. Judge Galanes said this was a technical subdivision. He told the Board that Mr. McQuade is set up for the financing of the whole project and there would be no more projects. The subdivision was presented for preliminary and final approval. Judge Galanes told the Board that in view of the fact that no-one knew what to do with this subdivision, it has been kicking around since June. The damage to Mr. McQuade if this is not approved would be impossible to determine, he continued.

It was brought to mind that the City Attorney said this fell into the classification of a subdivision.

Mr. Alie read the communication from the City Attorney of Nov. 15, 1971. The Board realized that the building permit was given the first time because the Building Inspector didn't know this had to go through the Planning Board.

Mr. Grenier, Assistant Building Inspector, told the Board that the Building Inspector issued the permits because he was told by a Planning Board Member that it was all right.

Maurice Richard, 12 Varney Street, told the Board that the development would not hinder him and that he considered it to be a big improvement in the area.

A communication was read from Mrs. Margaret Crouch, 4 Floral Avenue stated her opposition to the project.

a. Report on plan from Public Works Director:

This Report stated that the Public Works Department has reviewed this Site Plan and the site itself. They see no problem with the plan to tie into the sewer main that lies behind the apartments. Mr. Griffin recommended that the water service to these apartments be tied into the new 6" main in Floral Avenue. The old 4" main behind the apartments is not adequate to provide good service to these apartments. The report continued that no definite plans are specified in the Site Plan for handling the drain water. Whenever the parking lot and sidewalks have their finished surface, they will collect more water for run-off. The edge of Floral Avenue, next to the apartments, has been altered some and this in turn affects the drain water run-off. Snow removal will create adverse conditions for drainage and should be considered now for a solution. Mr. Griffin further recommended that at least four catch basins be programmed to handle the drain water and the drain line connected to the basin on Oak Street, and recommended that curbing be installed along Floral Avenue in front of the apartments to help control the flow of drain water.

b. Report on plan from Planning Director:

This report gave the background of the Site Plan. Mr. Sheridan stated that due to some confusion as to the applicability of the Subdivision Regulations with respect to his application, Mr. McQuade was able to obtain a building permit for two of the four structures without appearing before the Planning Board. These permits were issued in April, 1971. He continued that subsequently, it was determined by the City Attorney that Mr. McQuade's proposed development was legally a subdivision, and, as such, subject to approval by the Planning Board before additional building permits could be issued. Mr. McQuade was appraised of this fact and first appeared before the Planning Board on November 15.

Mr. Sheridan commented in his report that the administrative uncertainty as to the handling of Mr. McQuade's application has left him in a somewhat precarious financial position. His financial program, construction crew scheduling, and development timetable were predicated on the likelihood of obtaining building permits for the remaining two proposed buildings under the same process as was utilized for the initial two structures. He recommended that water be taken from the new 6" water line which runs under Floral Avenue rather than from the 4" line. He stated that it is possible that the berm constructed along the Floral Avenue frontage of the project may prove inadequate as a barrier to drainage water.

Mr. Sheridan's report contained a lengthy discussion of the drainage in the area. He stated that the proposed

project meets all of the requirements of the Zoning Ordinance for multi-family developments in an R-2B zone. In light of this, the financial factor mentioned above, and Mr. McQuade's response to the potential problem areas detailed by the various City Department Heads, he recommends that the Planning Board grant final approval to the application of McQuade Realty, Inc. for this subdivision.

Moved by Chick, seconded by Tuttle, that preliminary and final approval be given by the Board to Floral Garden Apartments and that the Chairman be authorized to execute same and file at the Registry of Deeds with Planning Board approval stamped upon it and that all utilities be installed under the supervision of the City and connections to the City system be under the supervision of City personnel. Unanimously adopted.

ITEM NO. 3: PUBLIC HEARING ON SUBDIVISION OF LAND OWNED BY DOCTOR'S PARK CORP., ASSESSOR'S MAP 28, LOT 1, BY WALTER W. CHENEY:

Mr. Cheney was present who told the Board that he was simply buying a piece of land from Doctor's Park, Inc. and deeding a right of way to them. He continued that he had no immediate plans for the area.

a) Report from Public Works Director:

Mr. Griffin submitted a report stating that the water main, from our water Treatment plant up to Garrison Hill Reservoir, crosses this plot between the Doctor's building and the house presently located on this plot. No tap-ins can be made on this water main and the soil coverage should not be disturbed. He continued that Ascension Avenue should not be considered for entrance and exit to this plot. Sewerage is not available but water is available from the 6 inch main to the Doctor's Park or 16 inch main on Ascension Avenue.

In summation, Mr. Griffin stated that catch basins and drain lines should be carefully studied and programmed because of the location of this site on the side of Garrison Hill.

b) Report from Planning Director:

Mr. Sheridan, Planning Director, gave a report on the background of this subdivision. He told the Board that the plat appears to be inconsistent with the Subdivision Regulations in that it is (1) Drawn at the wrong scale; (2) Does not show the names of adjacent property owners; (3) Does not show contours; and (4) Does not show existing utilities. With respect to Item 4, Mr. Sheridan said that the 12" water line from Garrison Hill Reservoir runs diagonally across the lot he is seeking to create, thereby establishing probably a 30 foot easement across the proposed parcel.

Mr. Sheridan continued that information from Water Department personnel indicates that water pressure along Ascension Avenue is very low and that pumping may in fact be necessary. The grade of Ascension Avenue will present obvious difficulties for vehicular access during periods of icy weather and the topography of the site will probably necessitate extensive provisions to insure adequate drainage.

Mr. Sheridan recommended that the Board approve Mr. Cheney's application, provided that he can furnish us (1) with a plat which meets the submission requirements as detailed in the Subdivision Regulations, and (2) demonstrate a legally sufficient ownership interest in the proposed lot.

One other point Mr. Sheridan made was that Mr. Cheney, according to Assessor's records, does not own the property. When some-one applies for a subdivision, the owner of record must make application, he felt.

Chairman Alie asked for anyone to speak regarding the subdivision.

Dr. Cusack, Doctor's Park, Inc. stated that he was in favor of the plan as submitted.

Mr. Carlo, 781 Central Avenue, asked several questions.

Moved by Tuttle, seconded by Estes, that the application of Mr. Cheney, Lot No. 1 on Assessor's Map 28, be referred to the City Planner for further investigation and report back at next regular meeting of the Board. Unanimously adopted.

ITEM NO. 4: RECEIPT OF SUBDIVISION PLAN OF THEODORE D. CARABELAS, ET AL, ASSESSOR'S MAP M-96A ON BACK ROAD:

Mr. Carabelas told the Board that the parcel of land was being divided into 12 equal sections with no land for buildings or anything. It was simply being divided so that each member of the family has a section and that they would probably sell sections to one another. The stipulation in the deed reads that no-one may purchase the land except the immediate family.

Moved by Tuttle, seconded by Estes, that a public hearing be set up for Monday, December 6, 1971, at 7:00 p.m. in the Municipal Courtroom, Municipal Building on this subdivision and that all adjacent and abutting property owners be so notified. Unanimously adopted.

ITEM NO. 5: REPORT FROM PLANNING DIRECTOR REGARDING THE APPLICATION OF SCHUBETT REALTY CO. FOR LIMITED SUBDIVISION ON PISCATAQUA ROAD:

The Board received a report from the Planning Director giving the background on this subdivision and recommended that the Planning Board disapprove the Schubett application on the grounds that it does not satisfy the Bulk Regulations for its zoning district as specified in the Zoning Ordinance.

Mr. Sheridan told the Board that he has informed Mr. Schultze that should the Board disapprove his application, he would appear to have three possible courses of action: (1) Apply for a zoning variance, which he did on Nov. 1, 1971; or (2) Expand the existing boundaries of the lot to meet the width requirements; the land on both sides of the lot is vacant and owned by his father; or (3) Perhaps, modify the lot boundaries so as to show a deeded right-of-way from Piscataqua Road to a point in the lot where the minimum lot width requirements would be met.

Mr. Sheridan informed the Board that Mr. Schultze preferred to follow the first procedure and had, in fact, filled out the necessary variance application and given it to the Building Inspector on Nov. 1.

Moved by Estes, seconded by Tuttle, to disapprove the application of Schubett Realty Co. for a limited subdivision on Piscataqua Road. Unanimously adopted.

Mr. Sheridan said he felt a closer communication should be made between the Zoning Board of Adjustment and the Planning Board.

ITEM NO. 6: OLD BUSINESS:

Mr. Franklin Torr was present who submitted a petition to make an exception to a municipal ordinance and thereby allow him to reduce the minimum lot size from 11,000 sq. ft. to 7,500 sq. ft. in his proposed mobilehome park on the Dover Point Road.

Moved by Tuttle, seconded by Akerman, to accept the communication and refer to the City Attorney for a legal opinion and ask for a reply before the December 6 Meeting of the Board. Unanimously adopted.

ITEM NO. 7: ADJOURNMENT:

Moved by Griffin, seconded by Tuttle, to adjourn. Unanimously adopted.

Respectfully,

Frank O. Estes
Clerk