

DOVER PLANNING BOARD

Minutes of Board Meeting - 7/6/59

Held: Monday, July 6, 1959
7:30 p. m.
Board Office

Attending: Chairman Meserve, Messrs. DuBois, Fischer, Farrar, Nealley,
McDonald, Labrie and Crawford.

Staff: Doris M. Desautel, Director

The regular monthly meeting of the Planning Board was held Monday, July 6, 1959 in the Board office. The meeting was called to order by Chairman Eugene S. Meserve at 7:35 p. m.

Mr. Meserve advised the members of the Board that an application for subdivision known as the Middlebrook Development had been received and that residents of the adjacent properties had gathered to attend the Planning Board meeting to protest the Development. Inasmuch as the basis of their protests involved restrictive covenants in contracts between two private parties, the Planning Board has no jurisdiction. However, Mr. Meserve suggested that the courtesy of being heard be extended to the group. In order to accommodate the large group, the meeting was adjourned to the City Council Chambers.

The meeting in the Council Chambers was opened by Mr. Meserve at 7:45 p. m. Mr. Meserve invited the group to speak concerning their objections to the Middlebrook Development, requesting that each person desiring to speak state his name and address.

Mr. E. L. Goodwin, 12 Middlebrook Road, stated that he had restrictive covenants in his deed as did other property owners in the area and he felt that the proposed project, no subject to these restrictions, would hurt his and surrounding property and that the protection of property was the duty of the Planning Board.

Mr. Meserve replied that agreements between private parties are not subject to regulation by the Planning Board or any other municipal agency.

Mr. Harold Moran of Fischer, Parsons, and Moran, Attorneys, representing E. L. Goodwin et. al. stated that individual lots were sold by Frank Bradley with restrictions as to the cost of the houses in varying amounts. These lots were part of Middlebrook Farm. He further pointed out that planning regulations require 50-foot streets in residential areas and 66-foot streets in other areas and that Middlebrook Road and Hawthorn Road are 40-foot streets. Mr. Moran went on to say that increased traffic would present a hazard to the neighborhood.

Mr. Meserve pointed out that the City of Dover only recently accepted these streets (1956) and that the Planning Board had approved some 600' along Middlebrook Road and Hawthorn Road (1954) because lines had been long established. He went on to say that the access streets could absorb the traffic volume to be generated.

Mr. Donald McAtavey, 4 Back River Road, stated that he owned property in the area. He inquired whether a plan was on file for Middlebrook Development.

Mr. Meserve replied that there is a plan on file.

Mr. William A. David, 11 Hawthorn Road, said that the sewer had backed up on his street and he questioned whether the additional load could be carried.

Mr. Crawford, City Engineer, said that the present system could adequately handle the additional volume.

Mr. Goodwin said that the sewer trouble resulted after big storms.

Mr. Crawford replied that periodic flushing of the system would alleviate these conditions.

Mr. H. J. Bartlett, 13 Hawthorn Road, said that his property was at the end of the sewer line and inquired how the Development would affect him.

Mr. Crawford replied that he would not be affected by the proposed Development.

Mr. David stated that drainage on his street was already poor.

Mr. Meserve pointed out that existing problems are not the problems of the developer and these problems will not be affected except to be improved by the proposed Development.

Mr. McAtavey said that he wished to emphasize that the Middlebrook Development is part of a development and not adjacent to a development.

Mr. Meserve replied that as far as the Planning Board was concerned, two developments were involved, one having been approved previously and one requesting approval at present.

Mr. McAtavey queried whether the sewer system would not be overloaded.

Mr. Crawford replied that the system would not be overloaded.

Mr. McAtavey inquired what rules or regulations could be applied to restrictions in deeds.

Mr. Meserve replied that there are no regulations concerning agreements between private parties.

Mr. Goodwin inquired what steps could be taken to protect property from similar incidents in the future and how could they get good zoning.

Mr. Meserve pointed out that no municipal regulations could dictate the cost of houses.

Miss Doris Desautel, Planning Director, advised Mr. Goodwin that comprehensive re-zoning studies would be undertaken, however, no zoning ordinance would regulate private agreements.

Mr. Goodwin inquired whether the discrepancy in numbering of the lots on the assessor's maps and the numbering on the Middlebrook Farm maps could be accounted for.

Mr. Crawford replied that the two systems were unrelated.

Mr. E. J. LaPlante, 12 Hawthorn Road, inquired whether Mr. Fischer, a member of the Planning Board, would vote on the subdivision.

Mr. Fischer replied that he had never voted on his own applications and would not vote on the Middlebrook applications.

Mr. McAtavey inquired whether the subcontractor who is a member of the Board would vote on the application.

Mr. Robert Labrie, member of the Planning Board, replied that he would vote on any application which did not concern him directly.

Mr. Meserve said that if he felt any member of the Planning Board was out of order in voting on an application that he would ask the member to disqualify himself. Mr. Meserve added that this has not been necessary.

Mr. McAtavey inquired why Mr. Fischer has chosen the Middlebrook area for this development.

Mr. Fischer replied that the proximity and accessibility of various utilities in the area and the size of the project involved led him to choose the Middlebrook area as the most economically feasible from the standpoint of development.

Mr. Charles Farrar, City Council member and member of the Planning Board, stated that while he was in sympathy with the problems of the group, the real problem lies with Mr. Frank Bradley, agent for the Middlebrook Farm (Sawyer Estate). Mr. Farrar inquired whether Mr. Bradley was present. Mr. Bradley was not. Mr. Farrar further inquired whether any attempt had been made on the part of Mr. Moran to reach Mr. Bradley.

Mr. Moran replied that he had not attempted to reach Mr. Bradley and he had had insufficient time to prepare for the case at hand and was present to point up the problem involved with the proposed development.

Mr. Goodwin stated that while all the residents could not be present at the meeting, all were interested in the matter under discussion.

Mr. Meserve inquired whether anyone present who held a deed from Mr. Bradley had been told that the remainder of the land would be restricted.

Mr. McAtavey indicated on a plat an area which he had been told would be restricted.

Mr. LaPlante inquired whether the problem of the 40-foot street would be compounded by an 88-unit development.

Mr. Meserve replied that the capacity of the streets would adequately serve the existing and the proposed.

Mr. Fischer inquired of Mr. Crawford what the tarred surface measured on the 40-foot streets.

Mr. Crawford said he did not know and could not know short of actual measurement of the streets.

Mr. Fischer pointed out that the ten-foot deficiency would be in grassed area between sidewalks and tarred surface and not in the actual street surface for vehicular travel.

Mr. David stated that the tarred surface of Hawthorn is not 32 feet.

Mr. Joseph Haley, 4 Middlebrook Road, stated that the increased traffic on the streets would create hazards to the children in the area.

Mr. Goodwin inquired what the existing zoning for the area is.

Mr. Meserve replied that the area is in an agricultural zone and residential development is subject to the same provisions found in the general residence zone.

Mr. Meserve inquired whether anyone else wished to be heard.

Mr. Meserve declared the meeting closed at 8:50 p. m. and the Planning Board resumed its regular meeting in the Board Office.

In considering the subdivision applications, Mr. DuBois, Secretary, read the recommendations of the City Surveyor and the Director of Public Works.

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On motion by Mr. Labrie, seconded by Mr. Fischer, it was voted unanimously to grant approval of the preliminary plat submitted by R. G. Sweatt Construction co. for the subdivision of Stafford Woods Development, Section Two, subject to compliance with the recommendations of the City Surveyor, the Director of Public Works and the Director of the Water Works, July 3, 1959. In discussion, Mr. Crawford pointed out the necessity of obtaining permission of the State Pollution Commission for this application in view of the fact that raw sewage is being added to the existing system.

On motion by Mr. Labrie, seconded by Mr. Fischer, it was voted unanimously to grant approval of the final plat submitted by Danco Builders Inc. for the subdivision of Morningside Park, Section III, subject to compliance with the recommendations of the City Surveyor, the Director of Public Works and the Director of Water Works, July 3, 1959. In discussion, Mr. Crawford pointed out that the permission of the State Pollution Commission was not necessary due to the fact that the sewage would go to the treatment plant.

In the application by Wamaca, Inc. for approval of the final plat for the subdivision of Middlebrook Development, a motion to grant approval subject to compliance with the recommendations of the City Surveyor, the Director of Public Works and the Director of Water Works, July 3, 1959, was made by Mr. Labrie and seconded by Mr. DuBois. Mr. Fischer requested a roll call vote.

Chairman Meserve called the roll:

Labrie -- Yes
DuBois -- Yes
Nealley -- Yes
McDonald -- Yes
Crawford -- Yes
Farrar -- Yes
Meserve -- Yes
Fischer -- Abstained

In discussion, Mr. Crawford pointed out the necessity of obtaining permission of the State Pollution Commission for this application in view of the fact that raw sewage is being added to the existing system.

Mr. William Galanas, representing Garrison Hill Homes, inquired when the final plat on Garrison Hill Homes would be available since a long period of time had elapsed since the utility plan had been submitted and the Board had promised the final plat. Mr. Crawford reported that the plat was ready for consideration by the Planning Board. In order to facilitate the recording of the plat, Mr. Fischer suggested that the Planning Board hold a special meeting. Chairman Meserve called a meeting for Wednesday, July 8, 1959 at 5:15 p. m.

The Chairman asked Miss Desautel for suggestions which she might have concerning the planning program.

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Miss Desautel suggested that agendas be prepared for each meeting and minutes of the previous meeting be mailed with agendas. She also suggested that a letterhead be prepared.

On motion by Mr. Farrar, seconded by Mr. Crawford, it was unanimously voted to authorize the Planning Director to investigate the cost of a letterhead and to design a letterhead and to report to the Board at its next regular meeting.

Miss Desautel suggested that the next two months be spent in preparing a program and to the updating of the property ownership maps and lists. The Board agreed. Mr. Crawford suggested that an inventory be prepared by the Director and a report of findings and recommendations be made to the Board in September.

Mr. McDonald questioned whether the present subdivision procedure is the correct one. Following discussion, it was decided that the applicant should be called in and advised of the recommendations for revision of the City Surveyor and the Director of Public Works and the Director of Water Works upon receipt of the recommendations, prior to the Planning Board meeting so that the revisions could be indicated on the final plat.

On motion by Mr. Farrar, seconded by Mr. McDonald, it was voted to dispense with the reading of the minutes.

On motion by Mr. Labrie, seconded by Mr. DuBois, the meeting was adjourned at 10:25 p. m.

Respectfully submitted,

Arthur J. DuBois
Secretary