

DOVER PLANNING BOARD

MINUTES OF MEETING

HELD: Monday, April 2, 1962
6:45 p.m.
Board Office

ATTENDING: Albert O. Bernard, Ambrose Breen, Arthur J. DuBois, Robert L. Fox, Paul D. Foxworthy, Robert N. Gillis, E. Vincent McDonald, Eugene S. Meserve and Hugh Tuttle.

STAFF: Doris M. Desautel, Planning Director

Chairman Eugene S. Meserve called the regular monthly meeting to order at 6:55 p.m., Monday, April 2, 1962, in the Planning Board Office.

Secretary Arthur J. DuBois called the roll. All nine members of the Board were present. On motion by Robert L. Fox, seconded by Albert O. Bernard, the minutes of the previous meeting and the public hearing were approved as written.

Under new business, Chairman Meserve announced election of Board Officers for 1962. The nomination of Hugh Tuttle as Chairman was made by Robert L. Fox, seconded by Ambrose Breen. E. Vincent McDonald nominated Eugene S. Meserve as Chairman. The nomination was seconded by Arthur J. DuBois.

On motion by Ambrose Breen, seconded by Robert L. Fox, it was voted that nominations cease.

Chairman Meserve appointed Arthur J. DuBois and Robert N. Gillis as tellers.

Balloting proceeded. The tellers announced that Hugh C. Tuttle had been elected Chairman. Mr. Tuttle assumed the chair.

On motion by Paul D. Foxworthy, seconded by Robert L. Fox, it was voted to commend Eugene S. Meserve for his many years of outstanding service to the City of Dover in the capacity of Chairman of the Planning Board.

Mr. Foxworthy stated that in an effort to determine the voting rights of the three ex officio members of the Planning Board, he had consulted with the City Attorney. The City Attorney advised him that all ex officio members have the right to vote.

Chairman Tuttle entertained nominations for the office of Clerk to the Planning Board. On motion by Robert Fox, seconded by Ambrose Breen, Arthur J. DuBois was nominated. On motion by Eugene S. Meserve, seconded by E. Vincent McDonald, it was voted that nominations cease. Arthur J. DuBois was re-elected Clerk of the Planning Board unanimously.

On motion by Eugene Meserve, seconded by Robert Fox, an application for preliminary approval of a subdivision on Pine View Drive was received and referred to the City Manager, the Director of Public Works and the Superintendent of Water Works for recommendations.

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A discussion of the Subdivision Regulations and the interpretation of "improved" streets ensued. The matter was deferred for further study.

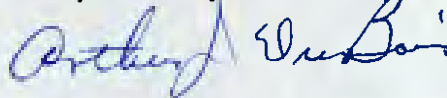
On motion by Robert Fox, seconded by Arthur DuBois, it was voted to receive and refer to the City Manager, the Director of Public Works and the Superintendent of Water Works for recommendation an application for preliminary approval of Sunnybrooke Subdivision by White Enterprises, Inc.

On motion by Robert Fox, seconded by Robert Gillis, it was voted to approve membership in the American Society of Planning Officials Planning Advisory Service and the "Zoning Digest". A discussion of the manner in which the 1962 appropriation was to be expended followed. The Planning Director advised the Board that she had conferred with the City Manager, and it was concluded that the budget must be expended as appropriated unless an emergency arises in which case the Manager could authorize deviation from the approved budget.

Chairman Tuttle requested that the Director submit a monthly report of expenditures to the Board.

The meeting was adjourned at 7:25 p.m. in order to hold the scheduled public hearings relative to amendments to the Building Code and to the Zoning Ordinance.

Respectfully submitted,



Arthur J. DuBois
Secretary

DOVER PLANNING BOARD
MINUTES OF PUBLIC HEARING

HELD: Monday, April 2, 1962
7:30 p.m.
Council Chambers

RE: Amendment to the Building Code

ATTENDING: Chairman Hugh C. Tuttle, Albert O. Bernard, Ambrose Breen, Arthur J. DuBois, Robert L. Fox, Paul D. Foxworthy, Robert N. Gillis, E. Vincent McDonald and Eugene S. Meserve

STAFF: Doris M. Desautel, Planning Director

ALSO ATTENDING: Lawrence E. Spellman, William E. Galanes, Charles I. White, Raymond S. Sandock, Joan Sandock and George Sewell

Chairman Hugh C. Tuttle called the public hearing, relative to the proposed amendment to the Building Code, to order at 7:30 p.m., Monday, April 2, 1962, in the Council Chambers. Secretary Arthur J. DuBois read the call of the hearing:

NOTICE OF PUBLIC HEARING

The Dover Planning Board will hold a public hearing relative to a proposed amendment to the Building Code, adopted October 22, 1951, on Monday, April 2, 1962, at 7:30 p.m. in the Council Chambers at City Hall, Dover, New Hampshire, in compliance with the New Hampshire Revised Statutes Annotated, 1955, Chapter 47, Section 26.

Arthur J. DuBois, Secretary

Chairman Tuttle then requested that the proposed amendment to the Building Code be read. Mr. DuBois read as follows:

ORDINANCE #6-1962

AN ORDINANCE RELATIVE TO THE BUILDING CODE

THE CITY OF DOVER ORDAINS THAT:

1. Section 7 of the Building Code, Chapter 15 of the Revised Ordinances of the City of Dover, be amended by adding the following sentence to the definition, "Building"; "Mobilehome or trailer, whether placed upon a foundation or otherwise, shall not be deemed to be a building or structure within the meaning of this Code," so that said definition, as amended, shall read as follows:

Building: Means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for public, institutional, residence, business or storage purposes; the term "building" shall be construed as if followed by Code, each portion of a building separated from other portions by a fire wall shall be considered as a separate building. Mobilehome or trailer, whether placed upon a foundation or otherwise, shall not be deemed to be a building or structure within the meaning of this Code.

2. That Section 7 of the Building Code, Chapter 15 of the Revised Ordinances of the City of Dover, be amended by adding the following definition:

Mobilehome: Mobilehome shall mean any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, provided also with a toilet and a bathtub or shower.

Trailer: Shall mean a mobilehome without a toilet and a bathtub or shower.

3. That Section 3 of the Building Code, Chapter 15 of the Revised Ordinances of the City of Dover, be amended by adding the following new subsection:

- (d) No permit shall be issued or, any issued, be valid which purports to permit the construction, alteration, or removing of a mobilehome or trailer as a building or structure.

Ambrose E. Breen
Councilman

I certify that the form of the foregoing Ordinance is correct.

Lawrence E. Spellman
City Solicitor

Chairman Tuttle then invited those present to speak relative to the proposed amendment and requested that the participants state their names and addresses.

Raymond Sandock, 28 Old Rochester Road, inquired how the proposed amendment would affect a building permit which had been issued to Alcide Croteau for the construction of a foundation for a mobilehome on the Old Rochester Road and under which no construction had been completed.

Chairman Tuttle inquired whether the Planning Director had any comment. Miss Desautel stated that this was a specific case which would be referred to the City Attorney to determine the legal status of the permit.

Mr. Tuttle reminded the assembly that the purpose of the public hearing was to determine general reaction to the proposed amendment rather than to deal with specific cases.

William E. Galanes, 108 Mt. Vernon St., spoke in favor of the proposed amendment and added that Chapter 14 of the City Ordinances should be clarified and strengthened with reference to the location of mobilehomes. He pointed out that these basic differences between buildings and mobilehomes: buildings are inherently stable, erected on the premises and appreciate in value; mobilehomes are by design movable, factory built and depreciate in value. Further, the Massachusetts Supreme Judicial Court recently handed down a decision which states that although mobilehomes may be

considered permanent improvements on real estate for taxation purposes, this consideration is for tax purposes only.

Paul D. Foxworthy, City Manager, pointed out that a similar interpretation was held in Michigan and other Midwestern States.

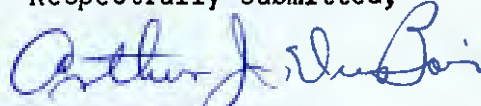
Lawrence E. Spellman, City Attorney, stated that the mobilehome manufacturers had advised the publishers of dictionaries and encyclopedias that the accepted definition of mobilehome is that of "dwelling". This, he pointed out, could have serious implications. He went on to say that the City Council was interested in what direction the City wants to grow in terms of location of mobilehomes in the community in view of the fact that the present ordinance is not clear.

Mr. Galanes asked that terms be more clearly defined and that an approach for control may be that any new use would have to conform to the uses already established in the neighborhood.

Chairman Tuttle thanked the participants for their comments.

The public hearing was declared closed at 8:00 p.m.

Respectfully submitted,



Arthur J. DuBois
Secretary

DOVER PLANNING BOARD
MINUTES OF PUBLIC HEARING

HELD: Monday, April 2, 1962
8:30 p.m.
Council Chambers

RE: Proposed Amendment to the Zoning Ordinance

ATTENDING: Chairman Hugh C. Tuttle, Albert O. Bernard, Ambrose Breen, Arthur J. DuBois, Robert L. Fox, Paul D. Foxworthy, Robert N. Gillis, E. Vincent McDonald, Eugene S. Meserve

STAFF: Doris M. Desautel, Planning Director

ALSO ATTENDING: William E. Galanes, Walter A. Calderwood, Charles I. White, Robert P. Killkelley, Vernon W. Webb, Grant L. Davis and John Maglaras.

Chairman Hugh C. Tuttle called the public hearing relative to the proposed amendment to the Zoning Ordinance to order at 8:30 p.m., Monday, April 2, 1962, in the City Council Chambers.

Secretary Arthur J. DuBois read the call of the hearing:

NOTICE OF PUBLIC HEARING

The Dover Planning Board will hold a public hearing relative to the proposed amendment to the Zoning Ordinance, adopted July 8, 1948, as amended concerning minimum lot sizes in areas not serviced by the municipal sewer system, on Monday, April 2, 1962, at 8:30 p.m. in the Council Chambers at City Hall, Dover, New Hampshire, in compliance with the New Hampshire Revised Statutes Annotated, 1955, Chapter 31, Section 63

Arthur J. DuBois, Secretary

Chairman Tuttle requested that the proposed amendment be read. Secretary DuBois read as follows:

PROPOSED AMENDMENT TO CHAPTER 14 OF

THE REVISED ORDINANCES OF THE CITY OF DOVER, N. H.

ORDINANCE NO. 7-1962

TITLE: AMENDMENT TO THE ORDINANCE RELATIVE TO ZONING.

THE CITY OF DOVER ORDAINS:

That Chapter 14, Section 5, Subsection A-6 be amended by striking out said Section A-6 and inserting in place thereof the following:

6 (a) In any district where no sewer facilities are available within the distance wherein it is mandatory to tap into the sewer system, no dwelling or other building for habitation by human beings shall be constructed, erected or altered on a lot size of less than twenty thousand square feet in an area consisting of gravel or sandy sub-soil nor less than one acre in area in an area consisting of clay sub-soil.

(b) This provision regarding lot size is intended to be effective on and after the effective date of this Ordinance and is not intended to effect any lot of smaller size than required in the above section if said lot was shown on the Assessor's Map for the City of Dover prior to the effective date and otherwise complied with area regulations in effect at that time.

(c) The landowner shall, at his own expense, obtain percolation tests by a qualified engineer to determine the sub-soil condition. The results of said tests shall be presented to the proper authorities prior to the issuance of any permit.

This Ordinance shall become effective upon its passage.

Mr. Tuttle then invited those present to speak concerning the proposed amendment.

William E. Galanes, 108 Mt. Vernon St., stated that the proposed amendment was inadequate and unreasonable due to the fact that there is no consideration given with regard to whether an area is serviced by city water or whether wells would be used and further, that the experience factor of the State Pollution Commission with reference to the areas needed for various percolation rates, was not considered.

Walter A. Calderwood, Dover, stated that he was opposed to the proposed amendment and would like to go on record as opposed. He went on to say that the proposed amendment, in addition to the deficiencies pointed out by Attorney Galanes, failed to consider the level of the water table. He pointed out that there should be several classifications set up, rather than two categories of sand and gravel sub-soil and clay sub-soil. Mr. Calderwood said that the State Board of Health and other related agencies were interested in the rapidity of the dissipation of effluent through the soil rather than the area involved. He said that in cases where the percolation rate was three minutes or faster, 10,000 square feet would be a reasonable lot size rather than the arbitrary standard which the amendment proposed. He pointed out that this arbitrary standard would work a hardship not only on developers, but also on the individual home owners. He concluded that the proposed amendment was inadequate on logical and technical grounds, and requested that a more reasonable ordinance be prepared.

Grant L. Davis, 15 Fisher Street, stated that the State of New Hampshire Board of Health pamphlet on Sewage Disposal was identical to the State of Maine, Plumbing Code in setting up standards for percolation rate and leaching fields. Mr. Davis submitted the following table as his recommendation:

Frontage and area of lots where no sewer facilities are available within the distance wherein it is mandatory to connect into the public sewer system, the minimum width of the lot at the set-back line and the minimum lot areas shall be determined by the rate of percolation of the soil according to the following table:

Percolation Rate	Under 3	3 to 15	15 to 30	30 to 60	Over 60
With City Water					
Lot Width	100 ft	100	100	125	150*
Lot Area	10000 sf	10000	12000	15000	25000*

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Percolation Rate	Under 3	3 to 15	15 to 30	30 to 60	Over 60
Without City Water					
Lot Width	125	125	125	150	200*
Lot Area	15000	20000	20000	30000	40000*

* Will be permitted only if terrain and drainage are suitable.

Using the 1961 N. H. State Board of Health Septic Tank manual, the following leaching fields would be required for a 3 bedroom house at the slowest end of the above rates:

Sq. Ft. Area required for Leaching Field	750	1425	1875	2475
Lin. Ft. of Tile in trench 3' wide	100	190	250	330

Mr. Davis went on to say that the shape of the lot should be considered as well as the terrain. He stated that in performing a percolation test, the soil must be saturated prior to initiating the test.

Mr. Tuttle inquired whether artificial saturation produced a great variation in rates.

Mr. Davis replied that in his experience he had not noted too broad variations.

Eugene S. Meserve, Planning Board member, stated that he wanted it made clear that the proposed amendment did not originate with the Planning Board, but rather, it was referred to the Board by the City Council for public hearing. He further inquired as to why 20,000 square feet was requested as a minimum lot size, when 10,000 square feet is adequate.

Lawrence E. Spellman, City Attorney, pointed out that previous City Councils had acted in 1957 and again in 1960 to establish minimum lot sizes, but in both instances the amendments were passed invalidly. He went on to explain that the reason that the amendment was in its present form was that the Council wanted to refer some concrete proposal to the Planning Board so that the Board could make its recommendations to the Council. He pointed out that the Council wants to determine the City's needs and then take action accordingly.

Mr. Spellman inquired about the importance of the water table.

Mr. Calderwood said that extensive studies in the area had resulted in records whereby the water table is available from engineers.

Paul D. Foxworthy, City Manager, pointed out that the level of the water table is seasonal.

Mr. Davis stated that in relation to leaching fields, it is important that the water table be below the field and that the State of New Hampshire dictates

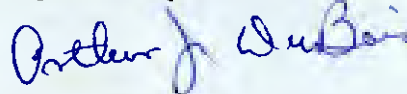
that the leaching system be^{N^o} more than two feet below the surface.

At this point, Chairman Tuttle summarized the information presented:
Minimum lot size should be determined by

1. percolation rate
2. water table level
3. availability of city water
4. availability of city sewer

The public hearing was declared closed at 9:12 p.m.

Respectfully submitted,



Arthur J. DuBois
Secretary

G. L. DAVIS & ASSOCIATES

Consulting Engineers

15 FISHER STREET
DOVER, NEW HAMPSHIRE

SURVEYS & MAPPING
FOUNDATIONS & DRAINAGE
SITE DEVELOPMENT
WATER & SEWERAGE

INVESTIGATION, DESIGN &
SUPERVISION OF CONSTRUCTION

GRANT L. DAVIS
RUSSELL R. SKELTON

Recommendations for revision of proposed Ordinance 7-1962

Frontage and area of lots where no sewer facilities are available within the distance wherein it is mandatory to connect into the public sewer system, ~~the frontage on the street~~ the minimum width of the lot at the set-back line and the minimum lot areas shall be determined by the rate of percolation of the soil according to the following table:

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Lot Width	100 ft	100	100	125	150*
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Dover Planning Board
Public Hearing

Re: Amendment to the Zoning Ordinance

513 of April 2, 1962

Name	Address
William E. Galanis	108 Mt Vernon, Dover
Wally A. Calabrese	Dover, N. H.
Charles White	Dover N. H.
Robert P. Kelly	Dover, N. H.
Renow Webb	Dover N. H.
GRANT L. DAVIS	DOVER, N. H.
JOHN MAGLARAS	DOVER, N. H.

PROPOSED AMENDMENT OF CHAPTER 14 OF
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(b) This provision regarding lot size is intended to be effective on and after the effective date of this Ordinance and is not intended to effect any lot of smaller size than required in the above section if said lot was shown on the Assessor's Map for the City of Dover prior to the effective date and otherwise complied with area regulations in effect at that time.

(c) The landowner shall, at his own expense, obtain percolation tests by a qualified engineer to determine the sub-soil condition. The results of said tests shall be presented to the proper authorities prior to the issuance of any permit.

This Ordinance shall become effective upon its passage.

Dover Planning Board

Public Hearing
Re: Amendments to Building Code
April 2, 1962

Name	Address
Mrs Joan Sanduck	28 Old Rochester Rd
Raymond S. Sandock	" " " "
George Sewell	9 Old Bow Lane Dover
William E. Malone	108 Mt Vernon St, Dover
Charles J. White	Bay View Rd Dover N.H.