

DOVER PLANNING BOARD
MINUTES OF PUBLIC HEARING

HELD: Monday, Feb. 10, 1964
8:00 p.m.
Police Courtroom

ATTENDING: Chairman Wallace I. Akerman, Vice-Chairman Hugh C. Tuttle, Secretary Robert W. Lapointe, Albert O. Bernard, Robert T. Sheldon, Raymond R. Ouellette, Robert N. Gillis, Donald E. Chick, Henry Neil.

Chairman Wallace I. Akerman called the public hearing upon the proposed subdivision regulations to order at 8:05 p.m. on Monday, February 10, 1964 in the Police Courtroom at City Hall.

The Chairman called upon the Secretary to read the notice of the meeting. Mr. Lapointe did so.

Mr. Akerman then explained that due to a prior commitment, Mr. Walter W. Fischer had been unable to be present at the meeting, however, he had submitted a letter in which he had set down some proposed changes to the Subdivision Regulations.

Chairman Akerman stated that if there were no objections, he would call upon Mr. Neil to read aloud Mr. Fischer's letter prior to the discussion of any proposed changes. Mr. Neil did so.

Mr. Neil noted that on Page 3, Section G, Mr. Fischer had requested that preliminary approval be granted within 40 days rather than "within a reasonable time". Mr. White stated that he agreed with Mr. Fischer on this point insofar as the provision "reasonable time" could cost the developer too much time.

Mr. Grant L. Davis then noted his agreement with Mr. White and the fact that this same provision for "a reasonable time" had been included in the original subdivision regulations. The provision had encouraged unreasonable delays and had been changed to 30 days to avoid these delays. He noted that Mr. Fischer's request for 40 days would permit the Planning Board to discuss any application at two normal Planning Board Meetings.

Mr. Neil then noted Mr. Fischer's request that on Page 3, Section H, the word "preliminary" be inserted before the word "plat". Mr. Davis agreed with this request insofar as he felt that a preliminary plat contained inadequate information for submission and approval as a final plat.

Mr. Fischer recommended that in Section 2.3, Subsection 2, the Performance Guarantee requirement be limited to an amount not less than \$5,000 nor more than \$10,000. Mr. White stated that he had spoken with Mr. Bardwell on this requirement and had concluded that a bond as posted to cover the cost of all utilities for Colonial Park would have amounted to \$85,000. Since the cost of these bonds is based upon a percentage factor of the amount and the time involved, the requirement for larger bonds would work a hardship upon the developer. He also stated his belief that a \$10,000 bond was adequate to cover the City's responsibility for any subdivision. Mr. Davis stated his agreement with this statement. Mr. Neil noted that in a discussion with Mr. Bardwell had stated that he was not convinced that the City could not be left with more than \$10,000 worth of utilities to install.

Mr. Davis then noted that in the developing of a subdivision, the builder must install sewer and water facilities in the early part of the subdivision.

Mr. White stated that the only way the City could be left with more than \$10,000 worth of improvements to make would be in the case of a very large subdivision.

Mr. Gillis asked if Mr. White would object to a provision that no buildings could be constructed until all utilities had been installed. Mr. White stated his belief that such a system would be unwieldy and inconvenient.

Mr. Gillis then noted that there have been instances in which builders have sold lots and dwellings not serviced by utilities. Mr. White agreed but stated his belief that a \$10,000 bond was adequate. He further stated that he would not construct a house unless the utilities were provided.

Mr. Gillis noted that unfortunately the City was forced to deal with other persons who were not as reliable as Mr. White.

Mr. White then stated that under the prevailing system of credit and construction, the builder was not in danger of bankruptcy until he had completed at least 75 per cent of the work involved. He explained that the danger of bankruptcy arose when the builder was unable to sell the finished property.

Mr. Davis suggested that a safe alternative might be to base the bond upon a set amount per lot or per foot of street.

Mr. Gillis again stated his concern with the more unreliable developers. Mr. White stated that such developers would be unable to post the performance guarantee required.

Mr. Gillis noted that the City had been forced, upon occasion, to use the posted bond.

Mr. White then noted that the bond based upon a set amount per lot could result in a great deal of confusion upon request for partial release of the bond. He again stated his belief that a \$10,000 bond was adequate.

Mr. Fischer recommended that on Page 4, Section C, final approval be granted within 10 days rather than 90 days.

Mr. Akerman noted that this left the Board little time to check out the sites. Mr. Davis pointed out that final approval was actually a matter of checking papers rather than the site. Mr. White then reminded the Board that after satisfying the Planning Board, the builder was then required to deal with the VA or FHA. He then asked the Board how many of its members had read through the proposed subdivision regulations carefully. The Board answered that all of its members had gone through the regulations carefully.

Mr. Davis then noted that he had been unaware of any proposed changes in these regulations until he had seen the newspaper advertisement. He stated his belief that had the Board contacted either himself or Mr. Fischer or Mr. White that they would have been happy to work with the Board in the preparation of these regulations.

Mr. Tuttle noted that the revision of these regulations had been discussed at two Council Meetings and that he himself had reported to the City Council in December of 1963 that a revision was underway and would be completed early in 1964.

Mr. Fischer then recommended that the failure of the Board to act within 12 days be considered reason for the granting of a certificate of failure. He further recommended that on Page 4, Section E, the words "registry of action" be replaced by the phrase "recording of final plat". He recommended that in the first sentence of that section, the term "ten days" be replaced by "two business days".

Mr. Davis stated his belief that the Planning Board did not require more than two days to register a plat with the registry of deeds.

Mr. Fischer recommended that in Section 3, Subsection D, the phrase "100 feet from" be deleted.

Mr. Davis noted that this requirement, as the Board proposed, would compel the engineer to survey property belonging to someone other than the client.

Mr. Tuttle noted that the intent of the section was to prevent construction of a subdivision adjoining a natural hazard.

Mr. Davis stated that this should be covered during the physical inspection of the property.

Mr. Fischer recommended that Section 3.2, Subsection B, should be altered to read "each lot shall front upon a street".

Mr. Davis noted that this change was only proper insofar as the street could not be approved until after Planning Board approval.

Mr. Neil apologized for the error in the text.

Mr. Fischer recommended that Section B, Subsection c be amended to delete the provision that extra street width could be required at the discretion of the Planning Board.

Mr. Davis stated his agreement with this recommendation.

Mr. Fischer recommended that the number 9 % be substituted for the number 6% in Section B, Subsection d. Mr. Davis agreed with this recommendation and stated his feeling that 9 % was not unreasonable.

Mr. Neil noted that both the State Highway and State Planning Departments in conversations with him had stated their beliefs that 9% was too much of a grade.

Mr. Davis stated that the State Highway Department was referring to major highways rather than subdivision streets. He noted that many other communities permitted 10% grade.

Mr. Fischer recommended that in Subsection H, the wording be changed to read "at least 59 feet at the property line".

Mr. Davis stated that this change would make clearer the intent of the Board upon this matter.

In Subsection J, Mr. Neil noted that Mr. Fischer had recommended substituting the phrase "abutting side line" for the word "adjoining". He asked Mr. Davis if he would care to explain Mr. Fischer's meaning on this point. Mr. Davis stated that Mr. Fischer had been interested in those instances where a subdivision street meets an existing street at right angles but the subdivider does not own the land abutting the existing street.

On Page 7, Section C, Mr. Fischer suggested that the entire first sentence be deleted.

On Section D, Mr. Fischer recommended that the words "of each new lot" be deleted. Mr. Davis stated that the requirement that a percolation test be taken on each lot would require an unreasonable expenditure by the subdivider. He felt that one percolation test per acre would be adequate.

Mr. Neil then noted that Mr. Fischer's last recommendation had already been incorporated in the proposed regulations by the Board. He stated that the same thing was true for Mr. Fischer's recommendation on Section E of Page 8.

On Section F, Mr. Fischer recommended the deletion of the words "at least 20 feet wide". Mr. Neil then stated that after discussion with the division engineer of the Public Service Company, the Engineer had informed him that 20 feet was more than required, although they would require a certain width.

Mr. White noted that easements across the property reduced the value of that property. Mr. Davis stated that the Public Service Company prefers that the easements be of an unspecified width.

Mr. Tuttle then asked whether this meant that the Public Service Company would prefer that no specifications be made. Mr. White informed Mr. Tuttle that normally the builder does not know where the Public Service easements will be located.

Mr. Fischer recommended that Section 4.3, Subsection A be deleted as it is now covered by a City ordinance.

On Section B, Mr. Fischer recommended that in Subsection c, the words "where accessible" be deleted and the words "within a subdivision" be added following the phrase "sewer lines".

Mr. White noted that as proposed in the regulations, the Planning Board could require the developer to extend sewer lines and water lines for unspecified distances.

Mr. Stuart N. Shaines then noted that in certain instances, the City had felt justified in extending sewer and water lines to proposed subdivisions while in others it had not. He felt that each situation should stand upon its own merit.

Mr. Fischer recommended that in Section D, the word development be replaced by the words street lines.

Mr. Davis noted it was unlikely that because of controversy as to the ownership of trees within street lines that any would be planted. Mr. Davis noted that there was provision in the Zoning Ordinance prohibiting the planting of trees within certain distances of street intersections.

On Section 4.4, Mr. Fischer recommended that notification be given within six hours rather than eight. He also recommended that the sentence prohibiting the covering of utilities until inspection be deleted.

Mr. Tuttle asked why Mr. Fischer felt that this section should be deleted.

Mr. Fischer, who had just arrived from another meeting, stated his belief that if a problem arose, it would either arise immediately or it would be covered by the performance guarantee. He could see no purpose in either the City or the developer wasting time and money to inspect these lines.

Mr. Tuttle asked if the inspection procedure had proven cumbersome and inconvenient.

Mr. Fischer agreed and stated that it cost the City an unnecessary expense. Mr. White then noted that alteration of the proposed regulations to meet Mr. Fischer's time schedule with respect to inspection would enable both items to be covered within one day rather than requiring the developer to leave an open hole overnight.

It was noted that Mr. Fischer's next proposed change had already been incorporated in the regulations by the Board.

Mr. Neil then noted that insofar as the appendices to the regulations were attached only as a convenience to those using the regulations and since the Board did not have the power either to make or change the specifications in these appendices, it would be better if any proposed changes in them were taken up either with Mr. Gillis or Mr. Bardwell.

Mr. Davis asked what process would be used in adopting these specifications. Mr. Neil noted that Appendix B was already a City Ordinance and that Mr. Moher had been asked to report on the proper procedure for adopting specifications for water line inspection.

Chairman Akerman then asked if there were any more questions from the floor.

Mr. Stuart N. Shaines asked if this proposed revision of the regulations was the same as had been proposed by a prior City Council. Mr. Neil answered that it was not and outlined to Mr. Shaines the reasons for and background to this revision. Mr. Shaines asked if Mr. Neil might briefly outline the major changes incorporated in these proposed regulations. Mr. Neil did so.

Chairman Akerman then stated that there being no further questions, the meeting was adjourned. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,
Robert W. Lapointe
Robert W. Lapointe, Secretary