

**DOVER PLANNING BOARD
WORKSHOP SESSION
MINUTES OF MEETING
(AS AMENDED BY THE BOARD: 12/18/84)**

Held: October 2, 1984
Council Chambers
Municipal Building
Dover, New Hampshire

Members Present: Vice-Chair Stephanie Faria, J. Andrew Galt, Pierre Bouchard, Robert Steele, H. Les Elder, Robert Weisner, Harold Preston.

Alternate Member Present: Robert Seaver.

Other: Planning Director Timothy Sheldon, City Attorney Scott Woodman.

Mr. Woodman offered his reply to a series of questions that had been put to him by the Planning Board. His answers were as follows:

- 1) What is the status of the Planning Board relative to the definition of standing committees v. select committees, as outlined in Robert's Rules of Order?

The Planning Board is not a committee of any kind but is an independent Board established by State law with certain well-defined powers and duties. It is not a committee which is subordinate to any other superior body with respect to its sphere of authority.

- 2) What are the consequences of actions of the Planning Board which are not in compliance with City ordinances?

Mr. Woodman suggested that additional information with respect to what specific actions of the Planning Board were contemplated in the framing of this question, would be necessary before a legal opinion could be rendered.

- 3) Are there any State regulations which would prohibit the Planning Board from placing restrictions on the subdivision of land off of a private right-of-way?

The City Attorney subsequently provided the Planning Board with a copy of RSA 674:40, the section of State Law which deals with "Improvements in Unapproved Streets."

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Mr. Woodman offered his reply to a series of questions that had been put to him by the Planning Board. His answers were as follows:

- 1) What is the status of the Planning Board relative to the definition of standing committees v. select committees, as outlined in Robert's Rules of Order?

The Planning Board is not a standing committee.

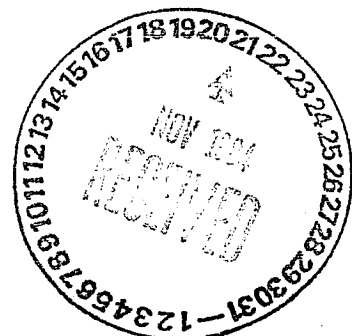
- 2) What are the consequences of actions of the Planning Board which are not in compliance with City ordinances?

Because the Planning Board has acted in good faith, a technical omission will not negate Board action.

- 3) Are there any State regulations which would prohibit the Planning Board from placing restrictions on the subdivision of land off of a private right-of-way?

State RSA 674:40 requires parcels to have frontage on public right-of-ways. Waiver of this may be obtained through the Zoning Board of Adjustment.

REGULAR COUNCIL MEETING HELD DECEMBER 12, 1984
McAdams moved, seconded by Torr to refer 12C back to the Planning Board for further consideration. Approved on vote of 9 to 0.



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M E M O

TO: Timothy C. Sheldon
Planning Director

FROM: Scott E. Woodman *SEW*
City Attorney

RE: MINUTES OF OCTOBER 2, 1984 PLANNING BOARD WORKSHOP

DATE: December 13, 1984

The purpose of this Memo is to request that you bring to the attention of the Planning Board certain concerns of mine with respect to the Minutes of the above-referenced meeting which were submitted to the City Council at its December 12, 1984 meeting.

As a result of the fact that my appearance before the Board at this meeting was very much impromptu, as you know, we were unable to have a clerk present at this meeting which resulted in some misunderstandings regarding the compilation of these minutes.

Please be advised that the following revisions should be made for the record.

My response to question #1 was to the effect that the Planning Board is not a committee of any kind but is an independent Board established by State law with certain well-defined powers and duties. It is not a committee which is subordinate to any other superior body with respect to its sphere of authority.

My response to question #2 was more in the form of a request for more information with respect to what specific actions of the Planning Board were contemplated in the framing of this question.

My response to question #3 is inconsistent with the aforementioned Minutes to the extent that it is not the Zoning Board which has the authority to grant a waiver of the requirements of RSA 674:40. There is a certain appeal process which is set up by this Statute which involves the City Council and Planning Board. I attach a copy of said Statute for the information of the Planning Board.

1. Cited

Cited in *Town of Nottingham v. Harvey* (1980) 120 NH 889, 424 A2d 1125; *State v. Driscoll* (1980) 120 NH 907, 424 A2d 410.

674:40 Improvements in Unapproved Streets.

I. A municipality which has established and recorded an official map, as provided in RSA 674:10 or has conferred upon a planning board platting jurisdiction in accordance with RSA 674:35 shall not thereafter accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street, within any portion of the municipality unless such street:

(a) Has been accepted or opened as, or has otherwise received the legal status of a public street prior to the conferring of platting jurisdiction upon the planning board; or

(b) Corresponds in its location and lines with a street shown on the official map, or with a street shown on a subdivision plat approved by the planning board, or with a street on a street plat made by and adopted by the board.

II. For the purposes of this section, the word "street" shall not mean or include a discontinued highway.

III. The local legislative body may, however, accept, locate and construct any street not shown on or not corresponding with a street on the official map or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure for the accepting, locating, and construction of such street is first submitted to the planning board for its approval and:

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