

DOVER PLANNING BOARD
MINUTES OF MEETING

HELD: Tuesday, April 18, 1978
7:00 p.m.
District Courtroom
Municipal Building
Dover, N.H.

ITEM NO. 1: ROLL CALL

The following Planning Board members were present: Lois Schofield, Alan Crowell, Joan Miller, Pierre Bouchard, Kerry Forbes, Richard Gerrish, Wallace Ackerman, Planning Director J.T. Fey, and Assistant Planning Director, Timothy Sheldon.

ITEM NO. 2: APPROVAL OF MINUTES OF MEETING HELD APRIL 4, 1978.

Moved by Gerrish, seconded by Miller to postpone the acceptance of the 4/4/78 minutes until Item NO. 5 - Old Business is addressed. Passed, 6-1 (Schofield).

ITEM NO. 3: PUBLIC HEARING ON LIMITED SUBDIVISION OF LAND OF WARREN WEEDEN, ASSESSOR'S MAP A, LOT 43-A ON LONGHILL ROAD.

The plan was explained by Mr. Fey. This parcel is not serviced by City sewer or water. This parcel is serviced by a 27' r.o.w. off Longhill Road.

Mr. Weeden was present and stated that the prospective buyer will be using said parcel for a wood-lot and garden.

The Board raised questions over the use of the subject parcels as a future building lot, and the possible future subdivision of the remaining parcel.

Moved by Crowell, seconded by Miller to approve the subdivision subject to: any future subdivisions of said parcel will require the r.o.w. be in conformance with the subdivision regulations and if a road is required, that it be built to meet City Street Specifications. U.A.

Amended by Miller, seconded by Forbes to add the provision that in the event a house is built on the subject parcel, proper approval from the N.H. Water Supply and Pollution Control be obtained. U.A.

ITEM NO. 4: PUBLIC HEARING ON THE MAJOR SUBDIVISION OF LAND OF GREGORIOS KOUTRELAKOS, ASSESSOR'S MAP E, LOT 19 ON COUNTY FARM ROAD.

The plan was explained by Mr. Fey. This 24-acre parcel is being subdivided into 14 lots, the minimum lot size being 45,000 square feet.

Mr. Koutrelakos was present.

It was stated that the length of the cul-de-sac would require a waiver from the City Council.

Moved by Crowell, seconded by Miller to conduct a field investigation to the subject parcel on Tuesday, April 25th at 5:00 p.m. U.A.

ITEM NO. 5: OLD BUSINESS

1. Jensen's Mobile Home Park - A memo from Jay Stephens, City Engineer, was read recommending the release of Jensen's original performance bond and the establishment of a new bond in the amount of \$70,000.

Moved by Crowell, seconded by Miller that the Planning Board accept the City Engineer's recommendation for the release of the \$166,984 bond and that a new bond be set for \$70,000 for the remaining improvements. The completion date was set for July, 1979. Passed 6-1 (Schofield).

2. Fischer Homes, Inc., - Partridge and Cranbrook Lanes - A transmittal from Walter Fischer requesting a 60-day extension for the posting of a performance bond for improvements in the above noted subdivisions was read by Director Fey.

Moved by Miller, seconded by Schofield to extend the time necessary for Fischer Homes, Inc., to obtain a performance bond for a period of 60-days from April 21st. Passed 6-0, 1 abstention (Forbes).

3. Approval of Minutes of 4/4/78 Meeting - Moved by Gerrish, seconded by Miller to amend these minutes, of Item #6 to read: "Richard Gerrish asked that it be recorded in the minutes that he requested that the City Attorney be directed to investigate this question, and specifically to determine whether Myrtle Street in the Urban Renewal Project was properly and legally condemned or vacated or whether the saving of certain buildings which were originally scheduled for demolition within the Urban Renewal Plan or Project would constitute a major change versus a minor change, in that if it was a minor change there would be no public hearing; if it was a major change there would need to be a public hearing".

Also under OLD BUSINESS, Item #1, Sambo's, Supreme Court should be Superior Court.

Moved by Crowell, seconded by Miller to move the question.U.A.

Moved by Gerrish, seconded by Miller that the amendment be accepted as previously stated and that it be placed in the minutes. Denied 5-1 (Gerrish).

Moved by Forbes, seconded Bouchard to accept the minutes of the 4/4/78 meeting. U.A.

Moved by Gerrish to reconsider the vote of the previous motion at the next Planning Board meeting. Ruled out of order by the chair.

Moved by Gerrish, seconded by Forbes that the Planning Board request Mr. Fey to consult with the City Attorney to verify if in fact there was a legal problem regarding the Dover Housing Authority and the Urban Renewal Plan and therefore having voted on the prevailing side moved that the Planning Board reconsider its vote of Disposition of Dover Housing Authority Parcels C/3/7, C/3/8, C/3/10, and C/3/11, so that the following amendment can be made:

That the Dover Planning Director, Mr. J.T. Fey, be directed to research and verify that the City of Dover has met the requirements of RSA 36:18 regarding the proper notice and public hearings before deeding said street property of a portion of Waldron Street, Orchard Street, and Myrtle Street, and that this research and review so include a written opinion from the City Attorney. Further, that a general opinion be obtained from the City Attorney as to whether the change of saving various buildings within the Urban Renewal Program are considered a possible "Major" change, or a "Minor" change, and if so determined a "Major" change should a public hearing have been held. Should either or both of these areas so be found to be deficient in legal procedure so that a change in procedure should be so rendered so as to leave the City of Dover and Housing Authority totally free of legal liability as regards to the streets and saved buildings, that the Dover Housing Authority so be notified in writing to refrain from disposition of these parcels until such time as the City Attorney has advised, and the Planning Board so adhered, to a proper procedure acceptable to law, relative to these matters. Motion denied 5-1 (Gerrish).

Mr. Gerrish wanted it recorded in the minutes that he has tried previously to receive more information on this matter.

ITEM NO. 6: NEW BUSINESS

1. Wendy's Preliminary Site Review - The plan was explained by Mr. Fey.

Mr. Tom Stewart, Mr. Crowley, and Mr. Arthur Sampson represented Wendy's. A brief explanation from Mr. Crowley and Mr. Stewart was given.

Moved by Schofield, seconded by Miller to conduct a field trip to the site on Tuesday, April 25th at 4:30 p.m. U.A.

2. Elections - Moved by Gerrish to nominate Joan Miller for Chairperson, and Lois Schofield for Vice-Chairperson until the 1st meeting in January, 1979.

Mrs. Miller and Mrs. Schofield refused the nomination.

Moved by Crowell, seconded by Gerrish that voting be by ballot and that each office be voted on separately. U.A.

Moved by Crowell, seconded by Miller to nominate Wallace Ackerman for Chairperson.

Moved by Gerrish, seconded by Miller that nominations for Chairperson cease. U.A.

6 votes for Ackerman. (Ackerman abstained).

Moved by Crowell, seconded by Schofield to nominate Joan Miller for Vice-Chairperson.

Moved by Gerrish, seconded by Bouchard that nomination for Vice-Chairperson cease. U.A.

6 votes for Miller (Miller abstained).

Moved by Schofield, seconded by Gerrish to amend the By-Laws to have a Clerk and for the Clerk to run the meeting in the absence of the Chairperson and Vice-Chairperson. U.A.

The Planning Board requested Mr. Paul Hale to give an explanation of the role of the Conservation Commission and the Planning Board's responsibility thereto.

Mr. Gerrish wants it recorded in the minutes of all meetings at what point a member leaves the meetings.

At this point, Mrs. Schofield left the meeting.

Moved by Gerrish, seconded by Crowell to have on the next regularly scheduled meetings' agenda, under new business, "Dover Revitalization" U.A.

Moved by Crowell, seconded by Miller to adjourn. Time: 10:00 p.m. U.A.

Respectfully submitted,

Lois Schofield,
Clerk