

DOVER PLANNING BOARD

MINUTES OF MEETING

HELD: Tuesday, September 26, 1978
7:00 p.m.
District Courtroom
Municipal Building
Dover, N.H.

ITEM NO. 1: ROLL CALL.

The following members were present: Chairperson Wallace Akerman, Vice-Chairperson Kerry Forbes, Alan Crowell, Richard Gerrish, Peter Murphy, and Lois Schofield. Also present was Assistant Planning Director Timothy Sheldon.

ITEM NO. 2: APPROVAL OF THE MINUTES OF THE MEETING HELD SEPTEMBER 13, 1978.

Moved by Crowell, seconded by Schofield to approve as written. U.A.

ITEM NO. 3: PUBLIC HEARING ON THE LIMITED SUBDIVISION OF LANDS OF RONALD AND GRACE-ANNE PILOTTE, ASSESSOR'S MAP J, LOT 13-K ON PISCATAQUA RD.

Mr. Sheldon explained this plan. Mr. & Mrs. Pilotte were present.

Mr. Henny, an abutter, spoke in favor of the proposed subdivision plan.

Moved by Crowell, seconded by Murphy to approve the subdivision subject to approval from the New Hampshire Water Supply & Pollution Control Commission and the granting of a City sewer permit. 4 for, 1 abstention - Forbes.

ITEM NO. 4: OLD BUSINESS.

a. Adams Subdivision - Middle Road. Mr. Sheldon explained this plan. Mr. Harris, the developer, was present as was Mr. Ritzo, attorney for the applicant.

Mr. Ritzo requested that the Planning Board grant preliminary approval subject to the sewer system becoming operable.

Moved by Schofield, not to grant preliminary approval until after the October 4th meeting with the City Council. No second.

Moved by Gerrish that the motion is out of order.

The above motion by Mrs. Schofield was voided for a lack of a second.

Mr. Sheldon presented the opinions of the City Attorney's regarding the interpretation of the Zoning Ordinance. He further recommended that the Board concur with said opinions and that preliminary approval not be granted until the City Engineer can review the drainage plans.

Much discussion ensued with the majority opinion of the Board favoring 10,000 square foot lots instead of 20,000 square feet.

Moved by Murphy, seconded by Gerrish to grant preliminary approval subject to such conditions as the Assistant Planning Director sees necessary.

Conditions:

1. Approval of 10,000 square foot lots;
2. Drainage plan be reviewed and approved by the City Engineer;
3. Obtainment of flowage easement shall be required pending judgement by the City Engineer;
4. No building permit shall be issued until granted New Hampshire Water Supply and Pollution Control Commission approval or until City sewer service is totally operable and functioning.

Moved by Murphy, to move the question. Vote: 3 for - Murphy, Forbes, & Gerrish; 2 against - Schofield & Crowell. Motion failed, needs 2/3.

Vote on the motion by Murphy to grant preliminary approval - 3 for - Murphy, Forbes, & Gerrish. 2 against - Schofield & Crowell.

Moved by Murphy, seconded by Gerrish having voted on the prevailing side, to reconsider. 2 for - Crowell & Schofield, 3 against - Murphy, Forbes, & Gerrish. Motion failed.

→ b. Tamposi/Lehoullier - Toftree Lane. Mr. Sheldon explained this plan. The Engineers for this subdivision, Town Planning & Engineering were present.

Discussion regarding the open space parcel ensued. A memo from Don Heyliger, Parks & Recreation Director, was read regarding this land. This correspondence is on file in the Planning Board Office.

Moved by Crowell, to grant final approval subject to the following conditions:

1. Drainage plan be approved by the City Engineer;
 2. The 50 foot right-of-way that is provided between lots 20 & 21 be included in the deeds and such right-of-way shall be equitably reconveyed to those parcels upon which it exists, if such right-of-way is not utilized for the development of adjacent lands;
 3. No building permit shall be issued until granted New Hampshire Water Supply and Pollution Control Commission approval or until City sewer service is totally operable and functioning;
 4. State approval of access onto Dover Point Road;
 5. 11-acre parcel be deeded to the Conservation Commission, upon their acceptance;
 6. Waiving sidewalk criteria;
- No second - motion withdrawn by Crowell.

Moved by Murphy to lay it on the table. No. second.

Moved by Crowell, seconded by Murphy to adjourn. 2 for - Crowell & Murphy, 3 against - Forbes, Schofield, & Gerrish. Motion denied.

Moved by Forbes, seconded by Schofield to grant final approval subject to the 6 conditions specified above (Crowell motion). 3 Abstentions - Crowell, Gerrish and Murphy, 3 for - Akerman, Forbes, & Schofield.

NOTE: The chair voted on this motion.

Moved by Murphy, seconded by Forbes to suspend the rules to allow Mr. Mitchell who lives on Bellamy Road to be heard in his request for a waiver of the Driveway Ordinance. U.A.

ITEM NO. 5: NEW BUSINESS.

c. Mr. Mitchell - Driveway Permit Waiver. A letter from Mr. Mitchell was read. He is requesting a waiver of the Driveway Ordinance to have an enlarged driveway. This letter is on file in the Planning Board Office.

Moved by Forbes, seconded by Murphy to waive the Driveway Ordinance to permit the applicant's request. U.A.

ITEM NO. 4: OLD BUSINESS (con't).

c. Amending the Planning Board By-Laws to Allow Alternate Planning Board Members. Mr. Sheldon explained tht the Planning Board does not have the authority to appoint alternates.

Moved by Murphy, seconded by Forbes that the Planning Board indefinitely postpone this item as we have no authority in this matter. U.A.

Moved by Murphy, seconded by Gerrish having voted on the prevailing side, he wishes to reconsider the motion. U.A. against, motion failed.

ITEM NO. 5: NEW BUSINESS.

a. Dover Point Road - Driveway Permit Waiver. A letter from Dr. Oakes of 10 Dover Point Road was read. Dr. Oakes is requesting a waiver of the Driveway Ordinance. This letter is on file in the Planning Board Office.

Moved by Forbes, seconded by Crowell, to waive the Driveway Ordinance and permit Dr. Oakes' request. U.A.

b. MacDonald Subdivision - Sixth Street Driveway Permit Waiver. A letter from Mr. McManus, Attorney for Ms. Harvey, was read. This letter is on file in the Planning Board Office.

Moved by Forbes, seconded by Crowell to waive the Driveway Ordinance. U.A.

d. Correspondence from City Attorney - regarding Cheney Subdivision. Mr. Sheldon read a memo from the City Attorney and it is on file in the Planning Board Office.

e. Description of R-O Zoning. A letter from Mr. Hemon explaining the proposed zone for the Garrison Hill Area. This letter is on file in the Planning Office.

Point of Personal Privilege by Crowell. At the last Planning meeting (9/13) two items were tabled, Garrison Hill and Tolend Road Rezoning. Moved by Crowell, seconded by Gerrish to take both items off the table and postpone them until the next regularly scheduled meeting (10/16). U.A.

ITEM NO. 6: ADJOURNMENT.

Moved by Schofield, seconded by Crowell to adjourn - time: 9:30 p.m. U.A.