

DOVER PLANNING BOARD
MINUTES OF MEETING

HELD: Monday, October 16, 1978
7:00 p.m.
District Courtroom
Municipal Building
Dover, N.H.

ITEM NO. 1: ROLL CALL.

The following members were present: Vice-Chairperson Kerry Forbes, Charles Reynolds, Alan Crowell, Richard Gerrish, Harry Griffin, Pierre Bouchard, and Peter Murphy. Also present were Planning Director J.T. Fey, and Assistant Planning Director Timothy C. Sheldon.

ITEM NO. 2: APPROVAL OF MINUTES OF MEETING HELD TUESDAY, SEPTEMBER 26, 1978

Moved by Griffin, seconded by Crowell to approve as submitted. U.A.

ITEM NO. 3: PUBLIC HEARING ON THE MAJOR SUBDIVISION OF LANDS OF ALICE FELKER, ASSESSOR'S MAP C, LOTS 30 & 33 ON TOLEND ROAD.

Mr. Sheldon explained the plan. This parcel is not serviced by City sewer or water. Approval has been granted from the N.H. Water Supply & Pollution Control Commission.

James Coen, an abutter to the south, stated he does not want to be land locked. He said when he purchased the land, the realtor told him he had a right-of-way through the Felker land. Mr. Coen questioned why this right-of-way was not shown on the plan.

Personal Privilege by Mr. Gerrish, Section 6, stating that at one time he had an interest in buying this property and could possibly inform the Board regarding the background of this subdivision.

Moved by Crowell, seconded by Griffin to grant preliminary approval subject to the following conditions:

1. Approval from the NHWSPCC;
2. That a right-of-way be shown on the plan and noted in the necessary deeds to the J.P. Coen land if such right-of-way exists;
3. Subdivider be made aware that the remaining land is not a legal building lot (lot #6) that it is a substandard lot, and no request for a variance will be made.
4. Prior to final approval, the drainage will be investigated by the City Engineer and Director of Public Works and report back to the Board in the form of a memo. VOTE: 5 for; 1 abstention (Gerrish)

NOTE: If a deed is found regarding the right-of-way to Mr. Coen's land, then he shall notify the Planning Board so it can be recorded on the plan.

ITEM NO. 4: PUBLIC HEARING ON THE INSTALLATION OF UTILITIES ON GARRISON ROAD - A DESIGNATED SCENIC ROAD.

This item was explained by Mr. Sheldon. Mr. Chris Calivas, who owns this parcel was present. Also, a letter from Mr. Calivas explaining this situation was read and is on file in the Planning Board Office.

Moved by Crowell, seconded by Bouchard to approve the request as submitted. U.A.

NOTE: Rubbish shall be picked up at Bayview Road as in accordance with the previous subdivision approval.

ITEM NO. 5: OLD BUSINESS.

a. Adams Subdivision - Vote to rescind preliminary approval.

This item was explained by Mr. Sheldon. A resolution was passed by the City Council (Agenda Item 7-C) on October 11, 1978 advising the Planning Board to rescind their September 26th preliminary approval vote.

Personal Privilege by Mr. Gerrish - stating that he did not see any need for City Council Agenda Item 7-C. He will not put forth a motion nor vote in favor of such a rescinding motion. Also, it is his opinion that any motion rescinding the vote cannot be done if the vote is going to affect someone in a positive way.

A technical review was made by the City Engineer and his comments were read and are on file in the Planning Board Office.

Attorney James Ritzo, Attorney for the developer, stated that under Roberts Rules, members who were not present for the original vote cannot vote to rescind the preliminary approval if introduced under Old Business.

Moved by Murphy, seconded by Gerrish to rescind preliminary approval of September 26, 1978.

Roll Call Vote: Bouchard - Yes
Crowell - Yes
Forbes - Chairperson
Gerrish - No
Griffin - Yes
Murphy - Yes
Reynolds - Yes

Moved by Crowell, seconded by Murphy to adopt a Planning Board policy that any subdivision within the area where sewer services are being extended, shall have lots determined in accordance with the City Attorney's opinion of Zoning Ordinance bulk dimensions. U.A.

b. Oxford Heights - Release of bond.

Mr. Sheldon explained this item. Mr. Bouchard, Mr. Stephens, and Mr. Fey will inspect the subdivision on October 17th and will report back to the Planning Board.

Moved by Reynolds, seconded by Murphy to have this item on the agenda for the next regularly scheduled planning board meeting. U.A.

c. Toftree Subdivision - Posting of bond.

A memo from the City Engineer with his recommendations was read and is on file in the Planning Board Office.

The recommendation from the City Engineer for the posting of the bond be \$415,869.73 for the building of roads and ancillary utilities within this subdivision and the maximum time limit be 550 days.

Moved by Griffin, seconded by Crowell to accept the City Engineer's recommendation. 5 for; 1 against (Gerrish)

Amendment - Moved by Crowell, seconded by Reynolds that the bonding form for performance bonds (previously approved by the Planning Board) be followed. UA

Richard Gerrish wants to be recorded in the minutes that he feels this bond should be higher.

d. Memo from Public Works Director re: Kennedy Circle, Vigitron, and Plaza Drive.

A memo from the Public Works Director was read and is on file in the Planning Board Office.

Moved by Murphy, seconded by Griffin to send a communication to all members of the Council from the Planning Board identifying for them all those unaccepted streets where the City is providing services, and requesting them to entertain the idea of withholding City services until the owner of said streets bring the road into conformance with City Construction Specifications. 5 for; 1 abstention (Crowell).

ITEM NO. 6: NEW BUSINESS.

a. Rezoning Request - Sixth Street.

A letter dated July 10, 1978 from Joseph Nadeau, Attorney representing New Homes, Inc., was read and is on file in the Planning Board Office.

Moved by Bouchard, seconded by Griffin to gather information regarding the topo etc. of this area and present it to the Board. Motion withdrawn.

Moved by Murphy, seconded by Crowell to conduct a Public Hearing on November 6, 1978. U.A.

b. Garrison Hill and Tolend Road Rezonings.

Moved by Griffin, seconded by Reynolds to resubmit to the City Council the Board's position on the Garrison Hill Rezoning - RM, R1, R2-B, and B3. 4 for; 2 against (Murphy, Gerrish)

Amended by Murphy, seconded by Gerrish to designate the area RM to RO. 3 for (Murphy, Bouchard, & Gerrish); 4 against (Reynolds, Crowell, Griffin, and Forbes). Motion denied.

NOTE: The Chair voted on this item.

Moved by Murphy, seconded by Gerrish to amend the previous motion and not submit to the City Council the designation of RO.

The Chair ruled Mr. Murphy out of order.

Murphy objected to the consideration. Vote: 5 to 1 motion denied.

Moved by Gerrish to challenge ruling of the chair. 1 for; 5 opposed. Motion denied.

Moved by Crowell to reconsider. Vote: 4 to 2.

Moved by Murphy, seconded by Gerrish to lay reconsideration on the table. Vote: 5-2

Mr. Murphy stated having voted for RO on the council floor; therefore, he is now voting against RM.

Tolend Road - Moved by Murphy, seconded by Reynolds to forward to the City Council the Planning Board's preliminary recommendations. U.A.

ITEM NO. 7: ADJOURNMENT.

Moved by Griffin, seconded by Reynolds to adjourn. TIME: 10:15 p.m.