

DOVER PLANNING BOARD  
MINUTES OF MEETING

HELD: Monday, Nov. 1, 1971  
7:00 p.m.  
Municipal Courtroom  
Municipal Building  
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

On Roll Call the following were present:  
Chairman R. Normand Alie, Secretary Frank O. Estes,  
Mr. Wallace I. Akerman, Mr. Donald E. Chick, Mr. Harry N.  
Griffin, Mrs. Lois Schofield, Mr. Hugh C. Tuttle.

Also attending were Mr. Norman Trainor of  
Green Engineering Affiliates, Inc., Attorney Louis  
Silverman, Col. Ben Page, Mr. Thomas McCabe, Mr. Fred  
Taylor and numerous other residents of the Sweeney Tract  
area.

ITEM NO. 2: APPROVAL OF MINUTES OF OCT. 4 MEETING:

ITEM NO. 3: APPROVAL OF MINUTES OF OCT. 12 MEETING:

Moved by Chick, seconded by Mrs. Schofield, to  
approve these minutes as written. Unanimously adopted.

Chairman Alie questioned the wording for the Oct. 4  
Meeting with respect to the vote on the Marciano  
limited subdivision. This vote was that the subdivision  
be approved subject to no water or sewer facilities be  
provided to a building or portion of a building which was  
not within the boundaries of the City of Dover.

Mr. Chick explained what was meant by this  
wording.

ITEM NO. 4: MEETING REGARDING THE SWEENEY TRACT:

Mr. Norman Trainor of Green Engineering  
Affiliates, Inc. was present. He told the Board that  
Green Engineering and G. L. Davis Associates did meet  
and he had a report to present based on plans and profiles  
as they presently exist. They determined that there are  
areas of proposed drainage that are not sufficient and  
they called Mr. Davis and found him most receptive to  
some recommendations in this report. Mr. Davis has suggested  
that possibly an additional meeting be set up on this  
report. Copies of the report were then passed out to the  
Board members.

Mr. Trainor stated that his recommendation was that the developer should adhere to the recommendations in this report.

Chairman Alie asked if these recommendations would eliminate drainage problems in this area. He was told that they would.

Mr. Trainor stated that their recommendation was to move the drainage more northerly so that a facility to handle the drainage could be managed. He continued that to revise the existing drainage would be very costly.

Mrs. Schofield asked that the north point be identified for the Board.

Mr. Fred Taylor stated that he doesn't want sewage and storm drainage across his property. He continued that at present paint, oil, etc. goes into his back yard. He wondered what the situation would be when 72 more houses were constructed there.

Mrs. Schofield asked if natural drainage could come through a pipe. Mr. Trainor replied that natural drainage is what drains and seeps through land and that when it goes through a pipe it is no longer considered natural drainage.

Mr. Tuttle asked if Mr. Trainor had reviewed the Revised Statutes Annotated on this matter because this is a slightly different statutory matter in New Hampshire than in other states. He continued that it no longer constitutes a natural drainway when the natural drainage is concentrated into a culvert. Mr. Trainor told the Board that Green Engineering did take into account that the area was getting a concentrated flow, but that he hadn't looked into the Revised Statutes Annotated. He continued that from an engineering standpoint, they do analyze it from the concentration point.

Mr. Tuttle asked what provisions are being provided in the revised plan for the control of the possible erosion, deterioration, etc. of land below as a result of concentration of drainage flow in this area. Mr. Trainor answered there is a standing regulation in the New Hampshire Water Supply and Pollution Control Commission plans and specifications with respect to construction. It was noted that vegetation should be provided in the area - the Soil Conservation Service noted this.

Mr. Estes stated that he would like to review this more.

Mr. Chick asked Mr. Trainor if he had received all the information from Mr. Davis.

Mr. Trainor told the Board there were areas in the drainage found insufficient and he had contacted Mr. Davis, who was quite receptive. He continued that they had all the other required information. Mr. Trainor told the Board that he felt Green Engineering should continue to work with G. L. Davis Associates with respect to drainage.

Mrs. Schofield stressed her concern with the water in back yards of the homes in the area. She said she wanted to read the report further.

Mr. Tuttle stated that if the drainage was going to be reversed and drained onto the street, then the storm drainage system would be overloaded.

Mr. Tuttle said that this natural drainway is highly erodable soil, and if the flow of volume and velocity is increased without providing proper control during wet season, we could end up with silt from down below where it would injure existing property. Mr. Tuttle continued that he was not convinced of the legality, under the light of existing court cases that have taken place in the last 20 years, for a developer to dump water of increased volume and increased velocity through a natural drainway onto existing property below without providing those controls necessary to diminish danger below. He continued that if single family homes were to be constructed in that location, a control should be provided to protect abutters.

Mr. Trainor noted that with respect to siltation, etc., he could not make a quick engineering decision on this now. He thought he could contact the New Hampshire Standard and add something in the report for vegetation.

No trees were proposed to be cut.

Mr. Estes thought it looked like an ideal location for a home where the provided ditch was. He asked if Mr. Trainor felt that the drainage going behind the house would increase the flow or do greater damage. Mr. Trainor said that engineers base their design on certain criteria. He told Mr. Estes there could be damage if there were a very severe storm.

Mr. Tuttle questioned working on a 10 year frequency. Mr. Tuttle stated that he was Chairman of the Soil Conservation Committee, and for flood protection and water shed control, they do not allow any structure in the State on less than a 100 year frequency.

Mr. Donald MacLeod, then spoke in opposition to the Subdivision.

The Hearing was then recessed until Nov. 15, on motion by Tuttle, seconded by Estes and unanimously adopted.

ITEM NO. 5: LIMITED SUBDIVISION OF EUGENIA M. BURNELL,  
ASSESSOR'S LOT I-26, DREW ROAD:

The Board noted that a tract of 8.5 acres was being cut out of the entire 65.4 acre tract.

Moved by Tuttle, seconded by Estes, to hold a public hearing on this limited subdivision on Monday, Nov. 15, 1971, at 7:00 p.m. in the Municipal Courtroom, Dover, New Hampshire. Unanimously adopted.

ITEM NO. 6: DISCUSSION OF LIMITED SUBDIVISION OF SCHUBETT  
REALTY CO., INC., PISCATAQUA ROAD, ASSESSOR'S  
MAP J-27:

a) Communication from City Attorney:

The Communication stated that Article IV of the Zoning Ordinance requires a lot width of 100 feet in an Agricultural Zone, and that he would take this to mean that the lot must be 100 feet wide at a depth of 20 feet, and this plan did not meet this requirement.

Mr. McManus further commended that he knew of no provision in our ordinance which allows the Board to give a conditional approval on an application. He recommended against any further approvals "subject...".

Moved by Chick, seconded by Estes, that the May 18, 1971 letter concerning the Bates subdivision be sent to Mr. McManus along with a copy of the Oct. 27, 1971 letter, asking him how the Board could approve a 16 foot right-of-way on a subdivision and not be able to approve a 20 foot ownership fronting on a street. Unanimously adopted.

ITEM NO. 7: OLD BUSINESS:

Moved by Chick, seconded by Tuttle, that the proposed zoning ordinance, subdivision regulations, initial housing element and any other outstanding reports be referred to the City Planner and that he indicate to the Board his recommendations on how we should proceed to consider these reports at his earliest convenience.

Proposed zoning map:

Moved by Chick, seconded by Tuttle that the communication be referred to Mr. Rand, City Engineer and Mr. Sheridan, City Planner with the request that Mr. Rea discuss the report with them and that Mr. Griffin report back to the Board when a final conclusion is reached. Unanimously adopted.

ITEM NO. 8: ADJOURNMENT:

Moved by Chick, seconded by Tuttle, to adjourn. Unanimously adopted.

Respectfully,  
Frank O. Estes, Clerk