

DOVER PLANNING BOARD  
MINUTES OF MEETING

HELD: Monday, January 5, 1970  
7:30 p.m.  
Municipal Courtroom  
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

On Roll Call the following were present: Chairman Wallace I. Akerman, Vice-Chairman Albert O. Bernard, Secretary Armand J. Dimambro, Messrs. R. Normand Alie, Raymond A. Bourque, Donald E. Chick, Frank O. Estes, John H. Sowerby, Hugh C. Tuttle

Also attending were James F. Harrow, Planning Director, Jon Breen of Foster's Daily Democrat, Mr. Lester Bates, Mr. Leonard Small and approximately nine people in the audience.

ITEM NO. 2: APPROVAL OF MINUTES OF MEETING OF DEC. 15, 1969:

Moved by Chick, seconded by Dimambro, to accept the minutes as written. Unanimously adopted.

ITEM NO. 3: PUBLIC HEARINGS:

- a. Subdivision of land - Roberts Road - Leonard Small - 2 lots:

Mr. Small was in attendance. The Chairman called the public hearing to order. Mr. Harrow passed around copies of the plans. He stated that Mr. Small wants to subdivide a large lot into two lots. He read the information in the Subdivision Application submitted by Mr. Small. Mr. Small had nothing additional to present to the Board.

Planning Director Harrow submitted his staff report which stated that the proposed lots met zoning requirements and that the City Attorney has ruled that the Board may waive the requirements of street frontage, Section 3.2A (b) of the Subdivision Regulations. He continued that the Board should waive the scale requirement of 1" = 50' for that submitted of 1" = 20'.

The Planning Director recommended that approval be granted subject to receipt of a copy of an irrevocable easement to run with the land allowing suitable access from the existing house across the new lot drive to the public street and that satisfactory provision be made for placing trash cans for municipal pickup. He further recommended that a statement be submitted stating that now, nor at any time in the future will the City of Dover be responsible for plowing or maintenance of the private driveway involved in the subdivision, nor will the City be required to go upon private property for trash pick up. Mr. Small agreed with these recommendations.

There was no-one present to speak either in favor or in opposition to the subdivision.

In regular session following the public hearing, the following vote was unanimously approved.

Moved by Dimambro, seconded by Tuttle, that the subdivision be approved subject to submittal of a revised plan showing two 25 foot access strips 187' deep from Roberts Road and subject to receipt of a copy of an irrevocable restrictive clause to run for each lot with the land that at no time in the future will the City of Dover be responsible for plowing or maintenance of the private ways involved in this subdivision, nor will the City be required to go upon private property for the removal of trash and garbage. Unanimously adopted.

b. Subdivision of Land - Dover Point Road - Lester Bates - 2 lots:

Mr. Bates was present. The Chairman called the public hearing to order. Mr. Harrow passed around plans of the subdivision. He pointed out the location.

Planning Director Harrow read his staff report on the subdivision, stating that the plans submitted were grossly out of scale. He stated there is no structure between the proposed lot and Dover Point Road as shown on Aerial Photograph X 195-7-4. He continued that the requirement of 50' = 1" scale should be waived. He stated that the City Attorney has advised that the existing 9' side yard on the east, since it is existing, may be approved as it now is.

The City Attorney stated that the easement access lane is legal.

Planning Director Harrow recommended that the application be denied. He stated that it is possible to have a lot the entire depth of the lot from Dover Point Road to the water. There are a large number of similar lots along Dover Point Road nearby so this requirement is not unduly harsh or restrictive. There is no hardship involved in complying with the frontage requirement of Section 3.2A(b) of the Subdivision Regulations.

Mr. Tuttle stated that the value of the river frontage concerned him. He continued that if someone wants to buy another lot how would access be provided. He stated that he didn't want to see the waterfront land sealed off without access. He continued that the proposed 16 foot right-of-way serves Mr. Bates' cottage but should he wish to sell the other lot in the future, it would constitute a problem. The proposed 16 foot right-of-way was then discussed at length.

Regular Session Vote:

Moved by Tuttle, seconded by Dimambro, that the Board defer action on the request for a subdivision at this location, and allow Mr. Bates to submit a revised plan showing a 25' wide strip of land on the eastern portion of Lot L-111 between the proposed lot and the Dover Point Road right-of-way. In addition, the Board requires that Mr. Bates submit a letter of approval of the subject subdivision of land from the New Hampshire State Water Supply and Pollution Control Commission, whose jurisdiction this application comes under being within 100' feet of a waterway. Unanimously adopted.

ITEM NO. 4: COMMUNICATIONS:

There were none.

ITEM NO. 5: OLD BUSINESS:A. Limited Subdivision Amendment:

Moved by Chick, seconded by Dimambro, that a hearing be set for 7:30 p.m. on Feb. 2, 1970 (the next regular Planning Board Meeting), with fifteen days notice to be given.

B. Final Approval, Phase I, Westgate Subdivision, Jac-Shaw Development:

Mr. Merrill, Developer, was present together with his Attorney and his Engineer.

Planning Director Harrow passed around the plans submitted by Jac-Shaw. He then read his staff report. Mr. Nadeau explained the changes that were made on the plans.

Reading through his staff report, Mr. Harrow noted that if the Board granted Mr. Merrill's request to eliminate the west extension of New Hampshire Avenue, then Lot 13 would have no access to it off a constructed street. Attorney Nadeau stated that as far as Mr. Merrill is concerned, he was willing to eliminate Lot 13 entirely at this time and have it become a part of Phase II so that there would be adequate frontage.

Moved by Chick, seconded by Dimambro, that final approval be granted to Jac-Shaw Development Corporation's "Westgate" subject to:

1. Receipt of a performance bond in the amount of \$11,611.35 approved by the City Attorney as to legality and form for a two year period from the date of approval.

2. That all utilities and streets shall be approved by the Public Works Department and the City Engineer conforming with City specifications.

3. That the developer agree to deed all or part of the property within Phase I street right-of-ways to the City, upon request by the City.

4. That the Board waive the 1" = 100' scale requirement to allow for a scale of 1" = 50' as submitted.

5. That the Board waive the requirement of concrete or granite curbs in lieu of asphaltic concrete curbs.

6. That the developer delete the extension of New Hampshire Avenue to the west of Westgate Drive subject to submission of a plan showing the lateral street joining Westgate Drive to property to the west of the proposed later phase to the south of Phase I. The location of the lateral street is subject to prior approval by the City Engineer and the Planning Director.

7. The name of New Hampshire Avenue shall be changed to a name which is not in conflict with names of existing streets in the City.

Unanimously adopted.

C. Rezoning of N. W. Corner - Long Hill Road and Route 16B:

The Board felt that this was not a matter for the Planning Board but rather the Zoning Board of Adjustment.

Moved by Tuttle, seconded by Bernard, that the application, upon recommendation by the Planning Director, be disapproved and that the petitioner be notified. Unanimously adopted.

D. Adoption of the 1967 National Building Code (Abbr.):

Moved by Chick, seconded by Dimambro, that the Board recommend to the City Council adoption of the 1967 Building Code Abbreviated Edition and that the Planning Director inform the Council of the procedures for adopting same. Unanimously adopted.

E. Ordinance 31-69 (Text Amendment to Zoning Ordinance)

Planning Director Harrow stated that this had been approved by the City Council on Dec. 29 for the Board's information.

The Board moved to accept the Ordinance and place it on file.

ITEM NO. 6: NEW BUSINESS:

A. Sowerby Report on Utilities Inspections:

Mr. Harrow read Mr. Sowerby's report. Mr. Sowerby stated that he had devised an Inspections Standard Form to be used in making utility inspections in the future. He explained such forms to the Board.

B. Housing Needs Committee - letter of confirmation:

The Board received copies of the communication and read it.

Moved by Chick, seconded by Alie, to accept the communication and place on file. Unanimously adopted.

C. Election of Officers:

CHAIRMAN:

Moved by Alie, seconded by Dimambro, to nominate Albert O. Bernard as Chairman.

Moved by Tuttle, seconded by Alie, that nominations cease and that the Clerk cast one ballot for Albert O. Bernard as Chairman. Unanimously adopted.

VICE--CHAIRMAN:

Mr. Tuttle declined his nomination as Vice-Chairman of the Board.

Moved by Tuttle, seconded by Chick, to nominate R. Normand Alie as Vice-Chairman. Unanimously adopted.

Moved by Chick, seconded by Tuttle, that nominations cease and the Clerk cast one ballot for R. Normand Alie as Vice-Chairman. Unanimously adopted.

CLERK:

Moved by Dimambro, seconded by Estes, to nominate Raymond A. Bourque as Clerk of the Board.

Moved by Tuttle, seconded by Alie, that nominations cease and the Clerk cast one ballot for Raymond A. Bourque as Clerk. Unanimously adopted.

D. Other New Business:

Mr. Tuttle stated that he felt the Board should take some kind of action on the budget soon.

It was agreed that the new members would be supplied with copies of such and that this would be discussed at the next meeting of the Board.

It was noted that on the following Wednesday the Council Committee of the Whole would be holding a meeting at which time Mr. Harrow would make a presentation on the Workable Program, Zoning Goals and policies and overall coordination of Planning Programming and Implementation.

Mr. Chick agreed to contact the Mayor on the following day to see if he could procure an invitation to the Planning Board to attend such meeting.

Moved by Tuttle, seconded by Bernard, to attempt to consider the proposed Planned Unit Development Ordinance on Jan. 15 following Metcalf & Eddy's discussion.

Moved by Tuttle, seconded by Dimambro to adjourn at 11:30 p.m. Unanimously adopted.

Respectfully submitted,

Armand J. Dimambro  
Clerk

AJD:c