

DOVER PLANNING BOARD

MINUTES OF MEETING

HELD: Monday, Dec. 1, 1969  
7:00 p.m.  
Municipal Courtroom  
Municipal Building  
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

On Roll Call the following were present: Acting Chairman Bernard, Secretary Dimambro, Messrs. Adams, Chick, Ouellette, Sowerby, Tuttle. Also attending were Planning Director Harrow, Councilman Breen, Councilman Maglaras and Carl Vancelette of WTSN.

Moved by Tuttle, seconded by Chick, to appoint Vice-Chairman Bernard as Acting Chairman. Unanimously adopted.

ITEM NO. 2: APPROVAL OF MINUTES OF MEETING ON NOV. 3, 1969:

Moved by Tuttle, seconded by Adams, to accept as written. Unanimously adopted.

ITEM NO. 3: MONTHLY MEETING WITH METCALF & EDDY, INC.:

Planning Director Harrow stated that Dick Ball of Metcalf & Eddy had hoped to have the drainage report ready for this meeting but it wasn't done yet and asked if he could have the Board consider this at another meeting this Month. He had informed Mr. Harrow that he could be free either next Monday or on the 15th of December.

Mr. Tuttle stated that he was extremely interested in seeing, if possible, that the Board gets Mr. Harrow's proposed Planned Unit Development Ordinance in time before the change of administration. He continued that he would strongly recommend that a special meeting be held to do this and to meet with Metcalf & Eddy. Mr. Harrow stated that this Ordinance has not yet been completed but will be ready in about two weeks.

Moved by Tuttle, seconded by Adams, that the Planning Director be requested to inform Mr. Ball that the Board would meet with him on Monday, Dec. 15 at 7:30 p.m. and in addition that Mr. Harrow be requested to bring in the Ordinance on Planned Unit Development even if it is in draft form. Unanimously adopted.

ITEM NO. 4: OLD BUSINESS:

Moved by Chick, seconded by Tuttle, to skip down to Item 5-f because Mr. Johnson of the Strafford Regional Planning Commission was present to present his report.

Mr. Johnson brought the Board up-to-date on the activities of his Commission and gave to the Board copies of reports done by its consultant. He stated that he was looking for money now and needed Dover's share - 67%, which would be \$8930.

He stated that the Federal Government would be asking for a full-time director in the near future. Mr. Chick asked if the City would become unapproved if we don't get a director full time. Mr. Johnson stated that we could probably get by without one for a little while yet but it should be considered soon.

Mr. Johnson stated his hardship in getting minority groups to join as Commissioners as is required by the Federal Government.

Mr. Johnson stated that the Commission is qualified for Federal funds and at present has neither been approved nor disapproved. He stated that right now the Commission was working on a drive to get various communities to join the Commission.

Mr. Chick stated that Mr. Harrow will spend a day in New York soon taking the Workable Program to HUD and that maybe at the same time he would consider the Regional Planning Commission.

ITEM NO. 5-d: Application for Subdivision of Land of Leonard Small:

Mr. Small passed the plans around to the Board Members. He stated that he would like to divide a lot into two lots. Planning Director Harrow stated that he had asked City Attorney McManus about the frontage requirement in that this proposed lot would have only a 50 foot frontage on the street. Mr. McManus gave his opinion that this was legally allowable as long as there was access to a street. It was noted that there was access to a street. It was noted that there was City water and a septic tank. When asked how he came to the Planning Board with the subdivision, Mr. Small stated that he had first gone to the Building Inspector and then to the Zoning Board of Adjustment, which referred him back to the Building Inspector for a denial and then to the Planning Board because of the new State law governing subdivisions. Mr. Harrow stated that he had spoken with Randall Raymond of the Concord Planning Office that day and noted that Concord has been swamped with this sort of thing since September. It was noted that Manchester has a full-time planner on its staff whose function is to review subdivisions and the Planning Board has delegated its power to review subdivisions of this nature to the subdivision planner. Mr. Harrow stated that in other words, this planner could approve a subdivision like this one.

It was asked how many houses can have access from a private right of way. Mr. Harrow stated that the Supreme Court has ruled that two is a reasonable number.

It was noted that the Subcommittee on limited subdivisions had not as yet met to review the problems being caused by such new legislation. Mr. Chick stated that he would like to have the report from the Subcommittee.

Moved by Chick, seconded by Tuttle, that on Dec. 15 there be a meeting at which time the Subcommittee would report on this type of thing and that Mr. Small be invited back to attend this meeting at 8:30 p.m. Unanimously adopted.

Mr. Ouellette, Chairman of the Limited Subdivision Subcommittee, stated that the Committee would hold a meeting before that time so that they could get the report together for December 15.

The Board questioned if a hearing was necessary under law, and if so - what kind of hearing. Mr. Ouellette stated that the new law has been amended saying that abutters should be notified.

Neighborhood Analysis Report:

Mr. Harrow stated that the Board was expected to give its approval or disapproval of the Neighborhood Analysis Report. He stated that this should be deferred to a meeting on the 15th of December at the Special Meeting, when Mr. Ball of Metcalf & Eddy would be present.

Alternate to Strafford Regional Planning Commission:

Mr. Harrow stated that with respect to such alternate, he had received a letter from City Attorney McManus. Inasmuch as this office would not be a municipal one, Mr. McManus could see no objection to Mr. Tuttle's appointment at any time whether or not he was a Councilman at the time.

Moved by Chick, seconded by Adams, that the Board nominate Hugh C. Tuttle as Dover's alternate to the Strafford Regional Planning Commission that it be resolved by the City Council that he be appointed to said position.

Building Code: Letter from Attorney McManus:

Mr. Harrow read the letter from City Attorney McManus stating that the Building Code has already been made an Ordinance by the City Council and that any amendment thereto must be adopted by the City Council and a public hearing must be held according to the Revised Statutes Annotated of New Hampshire.

Moved by Chick, seconded by Tuttle, that if there is sufficient time for the City Council to order a hearing on December 10 that it be placed on the next City Council Agenda with the recommendation for adoption, preferably before the end of the year. Unanimously adopted.

NEW BUSINESS:

Mr. Dimambro then stated that he had come across something quite shocking with respect to the Westgate Subdivision. He stated that at the time of passage, he had strongly emphasized and recommended that the work there was supposed to be supervised and that he wanted approval of what was going into the ground. He continued that at the end of the pipe there, there is an 8" water main which they closed off with a pail and cement. He stated that when they turned on the water it blew off. Mr. Sowerby stated that the Water Department was there. Mr. Dimambro re-iterated his opinion that someone should be inspecting that and that nothing should be buried underground until it has been inspected by someone. He stated that when it comes time for approval, he will make sure everything is up to par before approving it.

Mr. Harrow stated that he had received a letter from City Attorney McManus concerning the proposed Davis-Cragin Subdivision's side yard requirements. Mr. Harrow informed the Board that Mr. Merrill, Developer of Westgate, had changed his plans to include a patio between two buildings, etc. Mr. Chick stated that he would call a meeting with Mr. Merrill and Mr. McDonald and try to straighten things out with respect to side yard requirements.

Workable Program:

Mr. Harrow stated that this was not yet in final form. He continued that he had scheduled a meeting for Dec. 5 with the City Manager, the Housing Authority, the Housing Inspector, and the Building Inspector. He stated that it should be done by the first of the week of Dec. 8. Mr. Tuttle stated that he would like to approve it before submission to the City Council. Mr. Harrow agreed to bring it back to the Board on Dec. 15th.

Article XII: Planned United Development Ordinance:

Mr. Harrow stated that this is not yet in final form.

He stated that he was set back by the City Council's recommendation to eliminate proposed R-2B zoning.

Mr. Harrow then stated that he needs guidance in the form of a system of priorities pointing out where the Board would like to have him place his emphasis.

Dec. 10 1969

Receipt of Application for Rezoning by T. Casey Moher:

Mr. Harrow stated that he had received a letter from Mr. Moher who represents Mr. Gus David of Dover, owner of Lot 9 on Assessor's Map A. He stated that the portion marked A is zoned for Thoroughfare Business and the portion marked B is R-1 Residential. He continued that the two classifications make it difficult to use the lot for either purpose. He requested that the entire parcel be zoned for Thoroughfare Business.

Mr. Harrow stated that Mr. Moher told him that his client wished to build apartments which is a permitted use in Thoroughfare Business but not in R-1.

Moved by Chick, seconded by Tuttle, that a public hearing be held at 7:00p.m. on December 15, with notification going to all abutters within 200 feet. Unanimously adopted.

Ordinance 31-69:

Mr. Harrow passed around to the Board copies of the proposed Ordinance. He stated that he had drafted this Ordinance for Councilman Sedgewick. Mr. Dimambro stated that he didn't go along with the requirement of 2/3 of the Council. It was noted that this was in the State Law.

Moved by Dimambro, seconded by Ouellette, that Section 12.3, Paragraph I be deleted and that the text from the State Law be inserted, subject to the approval as to legality and form by the City Attorney, and that the Planning Board recommend adoption by the City Council. It was agreed to submit this to the December 10th meeting of the City Council. It was also voted unanimously to delete the entire 12.5 section, inserting instead Section 31:64 RSA. Unanimously adopted.

Proposed Budget:

Mr. Harrow explained the proposed budget to the Board. Several questions were asked concerning the "701" funds.

Other New Business:

Mr. Harrow displayed the existing land use maps submitted by Metcalf & Eddy which were recently completed.

There being no further business the Board adjourned at 11:30 p.m.

Respectfully submitted,

Armand J. Dimambro  
Clerk