

**DOVER PLANNING BOARD
MINUTES OF MEETING
FEBRUARY 25, 1997**

MEMBERS PRESENT: Martin Smith, Brian Preston, Reuben Hull, Charles Maglaras, Mike Bobinsky, Dennis Ciotti, Anthony McManus, Ron Cole, Kathy Taylor (late)

MEMBERS ABSENT: Otis Perry, Paul Beecher

STAFF PRESENT: Steven Stancel, Planning Director, Rick Jones, CD Coordinator, Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:07 PM.

ITEM #1: Approval of minutes.

Mike Bobinsky made the motion to approve the minutes.
Dennis Ciotti seconded.

VOTE U/A

ITEM #2: Request for an amendment to a site plan approval for Dover Bingo Center, LLC, Map 15, Lot 66, zoned R-12, located at 80 Rutland Street.

Atty. Malcolm McNeill stated he has represented the bingo hall since 1990. He gave a brief history of the hall and said they are now asking for a Sunday matinee, not an expansion of the building or parking. He named the charitable organizations that use the bingo hall to raise funds. He said that through these organizations \$900,000., is funneled back into the City of Dover and the region.

He said that various traffic studies have been done. He stated that the Planning staff is requesting more traffic counts and they are happy to comply. Malcolm stated that their traffic engineer will be available at the next meeting to answer questions. He said they have received no complaints and neither has the Police Department. Atty. McNeill gave the history of the Bingo Hall. He said in 1995 they received approval to add a Saturday matinee and to add 150 seats and additional parking spaces. He said the traffic study shows that the level of service at the Cataract Avenue/Central Ave. intersection never falls below a level C and in many instances the level of service is A.

Atty. McNeill stated that the applicant has all the necessary State permits and he submitted a State license as an exhibit. He added that the license is good from July 2, 1996 through June 30, 1997. Mr. McNeill stated that Peter Okala, State Inspector, has no complaints with regard to the use. Malcolm stated that Capt. DeColfmacker came to his office and left a Police report with regard to public safety. It stated that the Police contacts with the establishment are unremarkable

in that he has no public safety reasons to object to the proposal. This report covers a four year period. Mr. McNeill stated that his client shares a safety patrol with McIntosh College. He said in 1995 they were approved for 800 people and the highest number in attendance has been 585. He said the prizes are what drive the number of people who attend. He said that Bingo is subject to on-site audits at any time. He stated that the property is in an I-1 zone and prior to the bingo hall, it was Diamond International Lumber yard which was in a state of disrepair. Mr. Albertson could have had one of the following allowed uses on the site: a fuel storage farm, truck terminal, warehouse, wholesale business, open storage and a light industry facility, instead he has a bingo hall. Malcolm said the Bingo does not have 3 shifts, it emits no odors, no trucks and no noise. He indicated that the average age of the patrons is approximately 50 to 60 years old. Malcolm stated that Bingo is legal in NH and legal in Dover. Bingo is closely regulated by the State pursuant to State regulations and the State is the primary regulator. He said that during the past year, the charitable organizations at the Dover bingo hall have raised \$900,000 to be regenerated into this community in this region. He said the Bingo operator has paid a sizable amount in taxes to the State of NH also, \$13,000 in taxes has been paid to the City of Dover this year. The operators' take is limited by State Statute.

Atty. McNeill said we do expect the impacts to be less at the Sunday matinees than at the Saturday matinees. He said the Sunday matinee would start at 12:30 and the doors would open at 10:30 AM. He said many people come early because it is a social time. The games will go until 3:00 PM. He stated that the evening game on Sunday is proposed to start at 5:30 PM and run to 8:30 PM. Mr. McNeill added that some people stay for both games. We are basically asking for an extra game on Sunday and the juggling of the hours. He said the authority of the Planning Board is regulated by the Zoning and Site Review Ordinances and this is a permitted use. He said he believes there are no land use reasons to deny this application. Malcolm stated there is no violation of State law and no violation of local law with regard to the license that exists. If there were grounds for the allegation that the license was invalidly issued, the State has had 6 years to make it right.

Charles Maglaras asked why Sunday matinees were denied in 1995.

Malcolm McNeill answered that they came to that meeting asking for both Saturday and Sunday matinees and it was through the process of compromise that they gave up the Sunday matinees to come back before the Board at a later date.

Chuck Maglaras made the motion to accept the application.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

Kathy Taylor arrived (7:45 PM)

Councilor Howard Williams stated that the organizations that do run the bingo do a lot of good in this community but he has two concerns. One is a concern under the Statute RSA 287-E:27.

which says any town or city desiring to adopt the provisions may do so by presenting the following question to the voters: "Shall we adopt the provisions of RSA 287-E relative to the conduct of Bingo in the sell of Lucky 7 tickets." He said he has gone to the commission and has asked them to show him when the City of Dover has held an election to put this on a referendum to have the voters in Dover determine if they want to adopt this RSA and they could not produce that. He said he thinks it is an oversight where the license has been issued for a long period of time but it is a requirement of law that these RSAs are adopted. He said his second question is what is the need for the Sunday game. He said if you look under the RSA that talks about the definition that is RSA287-E:1 and it talks about charitable organizations which is any bonafied religious, civic, veterans, or fraternal order which has been in existence for at least 2 years in the town in which the bingo games are to be conducted. He stated this is in the middle of a residential neighborhood and he is concerned that the people in that neighborhood need a break to enjoy their property on a Sunday.

Joe Belmont, Barrington resident, stated he represents what used to be Great Bay Training Center and is now Great Bay Services. Bingo is their major fund raising effort. He stated it fills a great need as funds are drying up in the State and the first place they hit are human services. Two families started this effort in Southern NH to provide for the mentally retarded. He said 46 people now live in HUD housing funded first by HUD and then by the money raised through bingo. He said Dover Bingo is a class act. He stated 67% of their budget is raised through Bingo, the United Way and any other way they can do it. The people who run the line at the Saturday matinee average 78 years of age. He said the Saturday matinee is a good draw and about 80 of his people stay for supper and the next game.

Arlene Frazer, The Cochecho Valley Humane Society, lives at 200 Blackwater Road in Dover, stated the Humane Society is located in Dover and they take any animal that anyone gives them. She added that the bingo game provides them with 1/2 of their income. She stated they are proud of being at the bingo hall because it is a clean hall and a well run organization.

Roland Belheumeur, 33 Lexington St., has been working at bingo for the Moose for 30 years. He said they have given \$70,000 to the communities as a result of the bingo games. He said the Dare Program, Chamber of Commerce, Dover High School, Riverside Rest Home and others have benefitted. He stated that the new matinee will help another charitable organization.

Larry Blake, Lucas Drive, represents the Rotary, he stated that they have given thousands to the City of Dover. He asked the Board to open up the Sunday matinees.

Paula Larson, Middleton, represented Lions Camp Pride. She said it is a special needs camp. She said they are raising \$115,000 every year. She said the campers require one on one care. The cost of the camp would be prohibitive for the families if not for Bingo.

Mary Lewis, 14 Cataract Ave., stated she is the only neighborhood resident here. She said that in 1990 all the neighbors came, in 1995 only a few came. She said they are not here because it is an exercise in futility. She said she is asking the Board to cut them a little slack. She said they can't even get back from church on Sundays. She said there is no flagman and the traffic is backed up.

She mentioned the gentleman who can't open his windows in the summer because of the fumes. She said it is not fair. She said she has been threatened that something worse could go in there. She stated there are pot holes in the street, the sidewalks are not maintained and the landscaping that was promised has not been done.

Scott Rawding stated that no complaints have been filed is a false statement. He stated he received numerous complaints from Mrs. Lapointe, Mr. Gitchner, Mr. John Meadow and Mrs. Mary Lewis. He said another false statement is that there is no traffic problem after 5 minutes. He said that that great a number of cars cannot leave in 5 minutes. He spoke on the fumes and the blue plume in the summer that will seep into the homes of people who have respiratory problems. He said his wife likes bingo, but he said we are not talking of the fun or the money the charitable organizations bring into the community, he said he endorses that, it's the quality of life of the neighbors. Scott stated that Woodman Park has activities on Saturday afternoons and children take bikes and walk by the bingo. He said he was disturbed when he found out that when the Saturday matinees were approved, the fourth condition of approval was not met. He said he is asking to not have the Sunday matinee approved but to have an investigation on why the 4th condition has not been met. He said that in 1995, he definitely stated that he wanted a flagman to monitor traffic after the Saturday matinee. He said the intent was to have a living human body at the entrance of the Bingo to stop traffic to allow people to cross safely. He said a flagman has not been present at all these Saturday matinees. He played the tape of the Planning Board meeting of September 12, 1995. He said he wants an investigation and have this situation rectified before a Sunday matinee is even considered. He said he is asking the Board to vote down the Sunday matinee and to investigate the condition of approval that was not met on the Saturday matinees.

Bob O'Connel, My Friends Place, lives at 122 Oak Hill, Sanbornville, stated that Bingo has been a Godsend. He said it helps to keep the shelter open. He said he has raised \$40,000 for the homeless people. He said when he leaves a little after 10:00 PM on Friday there are no traffic problems. He asked that the Board support the Sunday matinee.

Mr. Jesse, 17 Cataract Ave., stated there are children and elderly people in the neighborhood. He said his 11 year old daughter told him she has seen 2 people engaged in sex in the parking lot. He said this is a residential neighborhood and asked the Board to try to put themselves in the place of the residents. He said he wishes he had a nickel for every time he almost had an accident on that street. He wants peacefulness on Sunday.

Malcolm McNeill stated that RSA287-E:27 does not indicate that the City of Dover has to take a vote. Malcolm indicated that the State is the regulator. Malcolm stated there were never any traffic problems. Mr. McNeill stated this is in an industrial zone. He said they have been in compliance and if anyone wants to investigate they can go ahead. Malcolm stated the traffic expert will be at the next meeting as he has monitored the traffic for a number of weeks and there has been no problems.

Tim Proctor, Alcohol Abuse, stated that every dollar made at the bingo is directed toward their clients. There are 1000 clients in Strafford and Rockingham Counties. He is for the Sunday matinees.

Scott Rawding reiterated that the tape clearly states that the flagman should be at the entrance. He said the flagman is not to stay only a couple of weeks. He added that this is clearly a violation and the Saturday matinee should be revoked. He said we all have to live by the rules and Rule #4 was broken. He said we need to fix it before we move on. He said he does not want a child, daughter, mother, grandmother hurt for safety.

The public hearing was closed.

Steve Stancel suggested that the amendment application be tabled in order for the applicant to provide planning staff with actual Sunday bingo matinee exit times, peak hour traffic volume counts at the Central Avenue & Cataract Avenue intersection and the site drive & Cataract/Rutland St. intersection and to schedule a site walk.

A discussion ensued on the level of traffic definitions.

Ron Cole suggested that the Board go down to the Bingo Hall individually instead of as card carrying Planning Board members.

Dennis Ciotti stated he would like the week day traffic totals also.

Brian Preston made the motion to table.

Mike Bobinsky seconded.

VOTE U/A

ITEM #3: Public hearing to hear Community Development Block Grant requests from Public Service Agencies.

Rick Jones, Community Development Coordinator went over the materials and figures enclosed in the red note books provided to the members.

Reuben Hull asked about the money that was allocated for the steam heating building.

Steve Stancel stated that they have solved the Historic District concerns and they will be tearing down the plant in the Spring. Steve said if they don't take the funds, the City will use them because the plant is a safety concern. He said the funds will be expended this fiscal year.

Walter Phinney, Seacoast Hospice, gave a description of the services they provide. He said they are asking for \$5,000.

Captain Dana Mitchel, Dover Police Department, stated he is requesting \$25,238 for a police officer for the Woodman Park area.

Linda Griebisch, A Safe Place, stated she is asking for level funding. She stated they are requesting \$9,000.

Tim Proctor, Southeastern New Hampshire Services, spoke on the merit of his program and is requesting \$18,000.

Nancy Craig, Friendship Express'd, stated her program is a preventative program. She stated the Chairman of the Board is a Dover resident and another member, Mr. Hill is a Dover business owner. She stated they are asking for \$5,000.

Chuck Wiesen, The Clinic, stated his agency serves people from pre-natal to senior citizens and is a program for the under insured. He said they are requesting \$6,000.

Murray Ingraham, Executive Director for Ready to Learn Task Force, asked for support. He introduced Barbara Garvey, who spoke on "The HUB" and requested \$9,100 of CDBG funds.

Marjorie Libby, AIDS Response stated she is asking for level funding and requesting \$11,460. She introduced Jennifer Allen who also spoke on the program.

Brian Preston asked them to send a letter to the Dover schools telling them of their services.

Kevin Kincaide, Dover Food Pantry, described his program and stated he is asking for \$2,000. He stated that is about a month's supply of food.

Ann Murphy, Manager of Housing Services, Strafford Guidance, stated they are asking for \$12,000. She stated that they help to alleviate homelessness among the mentally ill. She said all the funds go directly to the clients.

Kim Brown represented Cross Roads. She stated they turned away 109 families last year and they are seeing more demand because of funding being cut. She said they are requesting \$3,500.

Rick Jones asked if they are planning to bill the City of Dover for the people they will be helping and do you have any Dover residents on your Board of Directors.

Kim Brown stated they would charge the City but it would only be \$12.00 of the \$35.50 and at this moment they do not have any Dover residents on their Board of Directors.

Richard Hayes, Strafford Community Action, stated they are asking for continued support and are asking for \$25,000.

Christine Rockerfeller, Vice President of the Board of Directors for Dover Day Care, she stated they are asking for \$150,000 for a new facility.

Rick Jones asked if they would have their new facility up and running by June 30,1998.

Jane Grota stated they will have the building but it will not be up an running.

Bob O'Connell, My Friends Place, stated they are asking for \$2,900 for repairs and improvements to the quality of living at the shelter.

Cheryl Drew, Strafford County Head Start, stated she is representing Brenda Iorio, stated they are requesting \$125,000.

The public hearing was closed.

Steve Stancel reminded the Board of the workshop of Tuesday, March 4th will be held in the City Manager's office.

Martin Smith and Brian Preston stated they will not be able to attend the workshop.

Ron Cole asked them to submit their input prior to the meeting.

Rick Jones stated that Pat Rainboth of Victims, Inc., said they had done well enough through private funds that they don't need to apply for funds this year.

ITEM #4: Old Business

Ron Cole stated that a Mr. Graft asked him to read the letter he wrote regarding the Adult Videos but Ron said he will have to drop Mr. Graft a note apologizing because we have already had the public hearing.

Brian Preston made a motion to remove this item from the table.

Mike Bobinsky seconded.

VOTE U/A

Martin Smith made the motion that we not recommend the amendment to the Adult Bookstore and/or Video Store Zoning Ordinance.

Chuck Maglaris seconded.

VOTE U/A

b. Liberty Mutual informational meeting.

Steve Stancel stated that the staff has established the date of March 6, 1997 for the Informational Meeting for the Liberty Houses. He said it will be held at the High School Auditorium at 7:00 PM.

He handed out flow charts showing the priorities for the sale of the houses. He explained the increase in the cost due to the budget overruns.

Anthony McManus made the motion to adopt the priorities determination.
Chuck Maglaras seconded.

VOTE U/A

ITEM #5: New Business

Ron Cole stated he appointed Anthony McManus as the Planning Board representative to the Chamber of Commerce Governmental Affairs.

Reuben Hull stated he would attend a meeting regarding Willand Pond.

ITEM #6: Adjournment

Chuck Maglaras made the motion to adjourn.
Anthony McManus seconded.

VOTE U/A