

DOVER PLANNING BOARD

MINUTES OF MEETING

HELD: Monday, Sept. 9, 1968  
7:00 p.m.  
Council Chambers

ITEM NO. 1: ROLL CALL:

On Roll Call the following members were present:  
Chairman Raymond R. Ouellette, Secretary Albert O. Bernard,  
Mr. Peter H. Adams, Mr. Donald E. Chick, Mr. Armand J.  
Dimambro, Mr. Hugh C. Tuttle.

Also attending were Planning Director William R. Chandler,  
City Attorney Anthony A. McManus, Building Inspector E. Vincent  
McDonald, Attorney William E. Galanes.

ITEM NO. 2: APPROVAL OF MINUTES OF REG. MTG. ON AUG. 5, 1968:

Moved by Tuttle, seconded by Dimambro, to approve as  
written. Unanimously adopted.

ITEM NO. 3: APPROVAL OF MINUTES OF SPECIAL MEETING ON AUG.  
26, 1968:

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

ITEM NO. 4: MONTHLY MEETING WITH METCALF & EDDY POSTPONED TO A  
LATER DATE:

The Planning Director stated that this was put on the  
Agenda only for the Board's information.

ITEM NO. 5: REFERRAL FROM CITY COUNCIL OF PETITION WITH 25  
SIGNATURES TO EXTEND SANITARY SEWER LINE ON BELLAMY  
ROAD BY SPECIAL ASSESSMENT BOND:

The Planning Director then read the petition. He stated  
that there were 23 signatures, seven of which indicated that they  
plan to connect as soon as the line is completed.

The Planning Director recommended to the Board that they  
recommend to the City Council that the petition be granted.

Mr. Tuttle pointed out the fact that there was a  
peculiar soil condition in the area, a chronic natural situation  
which indicates that septic tanks will not work for any specific  
period of time. He continued that it would appear to him to be  
a good move and that as a Councilman he is highly in favor of  
same.

Moved by Tuttle, seconded by Adams, that the Planning Board go on record as recommending that the City Council act favorably on this request for the residents of Bellamy Road. Unanimously adopted.

ITEM NO. 6: REFERRAL FROM CITY COUNCIL OF REQUEST BY W. W. FISCHER TO REZONE LOT D-18 TO R-2B:

ITEM NO. 7: REFERRAL FROM CITY COUNCIL OF REQUEST BY WHITE ENTERPRISES, INC., TO REZONE LOTS A-15, D-5, D-22 AND I-30B TO R-2B:

The Planning Director read the letter on Item No. 6 and stated that this area was the residue of Wilbrod Avenue. He continued that there is a provision in there for another 50 or 60 lots.

On Item 7, Mr. Chandler read the letter from Mr. White, pointing out the location of each of the four lots. He stated that three are R 1 and one is A.

Moved by Adams, seconded by Bernard, to refer both Item 6 and Item 7 to the Planning Director with instruction to consider and report back at the same time as Ordinance 10-68 is reported upon. Unanimously adopted.

ITEM NO. 8: OLD BUSINESS:

- a. (8:00 p.m.) PUBLIC MEETING ON REFERRAL FROM CITY COUNCIL OF ORDINANCE 16-68 PROVIDING FOR A ZONING MAP CHANGE ON KNOX MARSH ROAD:

There were approximately twenty-two members of the public present.

Chairman Ouellette called the public meeting to order at 8:00 p.m. and called upon the Planning Director to explain the proposed change.

It was noted that on Aug. 5, the Planning Board had taken this matter under consideration and had called for a public meeting. He read the letter which was sent to all adjacent and affected property owners and then turned the Chair back to the Chairman.

It was noted that this would change the area from single family residence to multiple-family or garden-type apartments. The specific area concerned was pointed out on a displayed map.

The Chairman then called for any questions from the audience.

Mrs. Walworth Johnson, Knox Marsh Road, stated that she felt there was already more than enough land zoned for such, and not being used.

Mr. Chandler stated that this was not a recommendation from the Planning Board but that it was referred to the Board by the City Council. He continued that the Board, before making a recommendation to the Council, wanted to get the opinions of the residents in the area.

Mr. Ben Orcutt, Washington Street, stated that he thought such rezoning would be an asset to the City of Dover. He stated that he was representing the owners of some property in the area which he would like to develop into apartments. He stated that he was in favor of the rezoning. He introduced the three developers with him who were considering such.

Mr. James Rowe, Knox Marsh Road, asked the Planning Director to give a legal definition of garden-type apartments. The Director read the definition from the statements of intent in the Zoning Ordinance.

Mr. Orcutt stated that the apartments would be facing a side road and not the main road. He continued that his plans conform to the Zoning Ordinance and that the only problem would be with the street and zoning in the area. He stated that he would want the City to maintain the street. He added that there was both municipal sewer and water in the area.

The Planning Director noted that the plans of such development which Mr. Orcutt passed around the audience, showed an extension of the street. He continued that Mr. Orcutt would have to apply for subdivision approval. Mr. Orcutt stated that all of these units would be owned by one corporation and they would all be rental units with \$140 to \$190 rents. He showed photographs of similar buildings in Nashua.

Mr. Rowe asked how House Bill 111 would apply in this matter. The Planning Director stated that this wouldn't apply because there is City sewer in the area.

Mr. Walter W. Fischer, 17 Hull Avenue, stated that the City is greatly in need of a comprehensive plan prepared by the Board for apartment house districts, townhouse districts and industrial expansion districts plus commercial districts. He continued that he would like to see such a plan before anything is done in the future.

Mr. Walworth Johnson, Knox Marsh Road, stated that he was in opposition to this rezoning for several reasons. He stated that there were several R-2B districts designated and available but not being used. He cited the traffic problem which would be presented and stated that several meetings were concerned with

traffic problems in the area and improvements which had not come to pass.

Mr. Maurice Blais, spoke in behalf of the owners of the Talon or Pierce property. He stated that everything that applied to the property of Mr. Orcutt applied to this also only even more so. He indicated the location on a displayed map. He continued that the use of the property for R-1 is very limited and no demand whatsoever is made upon it whatsoever. He stated that it was his honest belief that there is definitely a need in the area for apartment houses. He continued that he would like to go on record as in favor of the rezoning.

Mr. Clarence E. Chase, Economic Director, stated that the Mayor is appointing a Committee at the request of the Economic Commission to study the shortage of housing.

Mrs. Marquerite Watkins, Knox Marsh Road, asked the price range. Mr. Orcutt answered that they would be in the area of \$140 to \$190 rental units.

Concern was expressed as to what control the Planning Board has over construction of this type. The Planning Director explained that the developer would have to follow appropriate regulations.

Mr. Orcutt stated that it would be economically bad for him to build good apartments and then switch to low priced apartments. He stated that the entire tract would be good quality apartments.

The entrances and exits of the tract were then discussed. The developers stated that these were subject to change should the Planning Board or City Engineer come up with something better.

The Planning Director asked if a master street plan in the area made by the City would upset them. They answered that it would not.

Mr. Rowe stated that he was concerned with the entrances leading in and out of the development. He continued that this road is very highly travelled during peak hours and is hilly and curvy. He stated that something should be done about this traffic problem.

Mr. James Bennett, opposed the rezoning.

There being no further questions or comments, Chairman Ouellette thanked the members of the audience for coming.

The Planning Director stated that this Ordinance was referred to the Planning Board after its first reading in the

Council and that at some subsequent date the Planning Board will make a recommendation back to the City Council and then the City Council can do what it wants as it is the legislative body. He continued, however, that before the City Council can take any further action it must hold its own public hearing. He again emphasized that there was no requirement in the law that all adjacent and affected property owners must be notified and suggested that those present watch the newspaper in the near future for notification of such hearing.

The Planning Director then informed the Board that he would like to see the Board take no further action at the present time because he felt that further investigation was necessary.

Moved by Adams, seconded by Bernard, to table the item to the October meeting. Unanimously adopted.

b. Communication from City Attorney regarding the life of a Building Permit:

The Planning Director stated that copies of the note sent by City Attorney McManus regarding the life of a building permit and samples of the ordinance had been sent out to Board members. He read the letter to the Board.

He continued that what the Board would like to have now would be specific cases which by having such a regulation would help the City.

Mr. McDonald, Building Inspector, cited an example on Drew Road where he noticed a new garage and breezeway constructed. He stated that he had asked the owners of the house and they have informed him that they received a building permit eight years before. He stated that Mr. Colbath, City Assessor, and he try to keep up to date on new buildings but it is impossible in such a case as this. He continued that he thought this 90-day requirement was good and that at the end of the year every permit could be checked and if the people are making progress, then the permit can be renewed but if they are not, action can be taken to see that they do. He stated that the main concern was situations like this eight year lapse.

City Attorney suggested that some sort of penalty should be considered so that once started, building would continue or finish within a specified time.

Attorney Galanes questioned the time period of 90 days, stating that it seemed sort of vague.

Mr. Ouellette stated that this was discussed at the last Planning Board Meeting and at that time it had been the strong question as to whose discretion this time limit should be set by. It was mentioned that perhaps the Housing Board could handle such.

Moved by Tuttle, seconded by Bernard, to refer to the Planning Director for study. Unanimously adopted.

c. Receipt of Application for Preliminary Approval of Revision to Sandy Point Subdivision (Cote Drive):

Board Member Dimambro then stated that he would not participate in any action on this item inasmuch as he is the applicant.

A lengthy discussion followed with Mr. Dimambro and Attorney Galanes.

The Planning Director suggested that perhaps Mr. Dimambro's best bet was to get the septic tank business resolved first.

Mr. Dimambro stated that he would get a revised plan drawn up by Grant Davis.

d. Approval of location for Sanitary Sewer Extension to Industrial Park Area (Joint Meeting with City Council):

The Meeting was called to order at 9:20 p.m.

Councilmen attending: Mayor Stocklan, Councilman Breen, Councilman Bois, Councilman Greene, Councilman Maglaras, Councilman Sherwood, Councilman Robinson, Councilman Tuttle.

Planning Director William R. Chandler and City Engineer John H. Sowerby both presented detailed information which offered various routes that could be followed for the location. Mr. Chase, Economic Director, spoke on the economic aspects of the routes.

Mayor Stocklan then polled the City Council Members who unanimously agreed to Route No. 2 (under the Turnpike parallel to the railroad tracks and along the brook to Washington Street).

Moved by Bernard, seconded by Adams, to recommend to the City Council Route No. 2. Unanimously adopted.

e. No other old business discussed.

ITEM NO. 9: NEW BUSINESS:

a. Recommendation for replacement as a Dover Representative on the E-1 Area Planning Commission:

The Planning Director stated that Mr. Vernon Webb had resigned because he was appointed as a Hospital trustee and the City is now in need of a commissioner to fill the vacancy.

Mr. Chick suggested that the name of Franklin West be nominated for submission to the City Council.

Moved by Tuttle, seconded by Bernard, to recommend to the City Manager the name of Mr. Franklin West to fill the unexpired term of Vernon Webb on the Commission. Unanimously adopted.

b. Continuing Education courses at UNH by Planning Director:

Moved by Tuttle, seconded by Bernard, that the Planning Director be authorized to pursue his education and that he be authorized to expend \$10 for an application fee. Unanimously adopted.

c. Memo from City Clerk relative to the disposition of the Davis Vocational School:

Moved by Bernard, seconded by Adams, to advise the City Clerk of the possibility of a feasibility study for re-routing the Cocheco River and the desirability of having the City retain ownership of at least the land. Unanimously adopted.

d. There was no other new business discussed.

ITEM NO. 10: ADJOURNMENT:

Moved by Bernard, seconded by Adams, to adjourn.

Respectfully submitted,

Albert O. Bernard  
Clerk

AOB:c