

DOVER PLANNING BOARD  
MINUTES OF MEETING

HELD: Monday, August 26, 1963  
7:00 p.m.  
Board Office

ATTENDING: Chairman Arthur J. DuBois, Secretary Robert W. Lapointe, Wallace I. Akerman, Albert O. Bernard, Eugene S. Meserve, Hugh C. Tuttle, Robert N. Gillis

ALSO ATTENDING: Henry Neil, Planning Director, Raymond H. Bardwell, Director of Public Works, Cliff Luce, Foster's Daily Democrat, Gary LaPierre, WTSN Radio.

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Chairman DuBois announced that before the business on the Agenda was taken up, he wished to explain to the Members of the Board an article which appeared in Foster's Daily Democrat on Saturday, August 24, 1963. Chairman DuBois stated that the article as it appeared did not accurately reflect his statements to the newspaper reporter. Upon question by Mr. Chick, Mr. DuBois stated that he had called the newspaper in order to inform Mr. Luce that a meeting of the Planning Board would be held on August 26. Chairman DuBois explained that the major point of concern with the article was the inference that he was displeased with the manner in which the City Council had received the communication from the Planning Board relative to the rezoning of Dover Point. He stated that on the contrary, he had been completely satisfied with the Council's action on this communication. Chairman DuBois further stated that he had asked the newspaper for a retraction of the article.

The Chairman then asked that the Board review the minutes of the previous meeting and indicate their pleasure. Mr. Gillis pointed out that the word 'not' had been omitted from one statement. The Planning Director was instructed to correct the minutes.

Motion made by Tuttle, seconded by Gillis that the minutes of Aug. 12, 1963 be accepted as corrected. Motion adopted unanimously.

Chairman DuBois proceeded to criticize the manner in which the communication to the City Council relative to the rezoning of Dover Point had been handled in the Planning Board Office. He stated his regret at this handling of the communication. The Planning Director outlined to the Board the series of errors which had resulted in the late addition of the communication to the Council Agenda. Chairman DuBois then stated that he had been compelled to reject the letter, as drafted by the Planning Director, twice before receiving a communication which he felt accurately reflected the thinking of the Board. The Planning Director reminded the Board that he had been directed to draft a letter, but had been given no specific instructions as to its content or its form. He had therefore, as was his practice, drafted the letter as he felt was desired. He stated that in the future he would require that in instructing him to prepare letters for the signatures of Board Members, the Board give him detailed instructions as to content and form.

Mr. Chick then volunteered some explanation of the confusion.

Chairman DuBois then announced that the next item on the Agenda would be discussion of the City Council's action in rezoning Dover Point. He stated his concern at the manner in which this area had been rezoned. He expressed concern as to whether the Planning Board would be over-ridden in future recommendations with

respect to zoning by the City Council. The Planning Director explained that in the particular case of Dover Point, the City Council had not over-ridden the Planning Board insofar as the Board had made no recommendation. He reminded the Board that they had originally made a recommendation and then withdrew it, thereby leaving the Board without a recommendation. Chairman DuBois stated that in his opinion this was a play-on-words and that the Board's final decision was that the area should remain as resort residence.

Mr. Meserve then stated that he felt the City Council's action in rezoning only 17 of the 51 acres originally recommended by the Board constituted spot zoning. He asked Mr. Tuttle why the Council had felt justified in rezoning only these 17 acres. Mr. Tuttle stated that in the opinion of the Council, this had been sound zoning. Mr. Meserve then stated that he felt the rezoning by the City Council had constituted spot zoning. He quoted the memorandum submitted to the Planning Board by the Planning Director on spot zoning and asked Mr. Neil if, in his opinion, the rezoning of the 17 acres had not been spot zoning. Mr. Neil stated that he did not feel this to be spot zoning and explained his reasons for this opinion. Some discussion ensued between Mr. Meserve and Mr. Neil.

Chairman DuBois then restated his opinion that the Council's action had resulted in spot zoning. He asked Mr. Gillis if he cared to make any comment on this matter. Mr. Gillis restated his original feeling that the Planning Board should have demonstrated to the City Council the courtesy of waiting for the City Council's Meeting before acting upon this matter.

Chairman DuBois then asked Mr. Bernard for his opinion. Mr. Bernard stated that he lacked the knowledge to determine what was and what was not spot zoning.

Upon question, Mr. LaPointe then stated that he agreed with Mr. Gillis' feelings and further felt that if the City Solicitor did not feel this to be spot zoning, then he would agree with him. Mr. Akerman then agreed with Mr. Lapointe's feelings. Mr. Chick stated his feelings that neither he nor any other Member of the Planning Board was qualified to determine spot zoning. He further stated that he felt that the City of Dover should attempt to locate any industry which might bring jobs to the City of Dover and that he did not feel that this industry would be detrimental to any area of Dover. Chairman DuBois then interrupted to restate his feeling that the Council's action had resulted in spot zoning. He further stated that he felt the Planning Board should never have been interested in the specific identity of this industry, but only in the fact that it was an industry.

Mr. Tuttle stated that in his opinion the land had not been in use, therefore it was logical of the City of Dover and the State of New Hampshire to attempt to put it to some use. He did not think spot zoning was involved insofar as no particular owner of the property had benefitted.

He stated that the State of New Hampshire had attempted to find a use for this property since it was owned by the State and that this industry had offered to use it. Chairman DuBois noted that the State had not attempted to return the property to former owners. He restated his belief that this was an example of spot zoning. Mr. Meserve then stated that he had been and was still in favor of industry for the City of Dover. He reminded the Board that he himself had made the motion to rezone and then made the motion to withdraw the zoning. He then read a definition of spot zoning and stated that in his belief, this example

was spot zoning. Mr. Tuttle then pointed out to the Board that this land had been owned by the State and had not been paying taxes to the City of Dover.

Chairman DuBois then raised the issue of the letter forwarded by the Planning Director in May, 1963 to the Office of Mr. Winfred Foss at the State Industrial Park Authority. He stated that he did not recollect seeing this letter before. He questioned the Planning Director on his authorization for sending it and on the contents of the letter. He further stated that he disagreed completely with the contents.

Mr. Neil informed Chairman DuBois that he had been informed by Mr. Paul D. Foxworthy, former City Manager, that the Industrial Park Authority had requested the reasons of the Planning Board for proposing that this area be rezoned for Restricted Industry. He had prepared this letter to fill this purpose and had informed the Board at the next meeting. Chairman DuBois restated that he did not recollect ever seeing this letter. Mr. Neil was then questioned as to his authorization for sending this letter. The Planning Director informed the Board that at the time in question, the Board had made a unanimous motion that the area be rezoned for Restricted Industry. He had not been informed of the specific reasons for this rezoning and had therefore visited the site and prepared the letter upon his own observations and upon the impressions he had received from the Board.

Secretary Lapointe then read the letter to the Board. Chairman DuBois stated his disagreement with the contents of the letter. Mr. Lapointe asked that it be noted that this was Mr. DuBois's personal opinion and not that of the Board. Mr. Tuttle then pointed out that Mr. Neil had written it only to support an original action by the Dover Planning Board. Mr. Meserve and Mr. Neil then had some discussion concerning his action in writing this letter.

Noting that Mr. Gary LaPierre of WTSN Radio had just entered the room, Chairman DuBois asked why Mr. LaPierre had stated that he had been unable to obtain an agenda insofar as they are always available. Mr. LaPierre stated that he had been under the impression that it was to be a special meeting and no agendas were available.

Chairman DuBois then announced that the next item on the Agenda would be consideration of Crestview Terrace Subdivision. He noted that Mr. Raymond H. Bardwell, Director of Public Works had prepared a memorandum for the Board's consideration. He asked Mr. Bardwell to outline the memorandum. Mr. Bardwell began by thanking the Members of the Board's subcommittee for their full cooperation in the gathering of data for this memorandum. He then outlined the various proposals incorporated in his memorandum. Chairman DuBois asked if the proposed sewerage and drainage facilities would provide facilities for properties other than the Crestview Terrace Subdivision. Mr. Chick pointed out to the Board Chairman that Mr. Bardwell's primary recommendation involved only solution of the drainage problem and that it was felt that extension of sewerage facilities needed some study in light of the amount of money involved. Mr. Bardwell pointed out that all of the solutions, as proposed, were subject to action by the City Council insofar as the City Council would have to approve any expenditures of funds involved. Mr. Chick pointed out that even if septic tanks were permitted in the subdivision, then the drainage problem would still be solved. Mr. Bardwell was questioned as to the various routes recommended and informed the Board that he had initiated preliminary inquiries as to the permissibilities of crossing property with the drainage system as proposed.

Mr. Chick then pointed out that in this matter, some cooperation would be required between the Planning Board and the City Council insofar as the Board's approval would be subject to the City Council's approval of expenditure of funds.

Chairman DuBois then stated that in his opinion, the Planning Board should recommend to the City Council that the actions recommended by Mr. Bardwell be taken. Mr. Chick then pointed out that Mr. Neil had been in touch with Mr. White and had discussed this subdivision with him. Mr. Neil outlined to the Board his discussion with Mr. White and stated that Mr. White's position was that he would prefer to see the Board approve his subdivision with septic tank installations and the provision that the City Council approve the installation of the drainage pipe. He had further stated that he had no intention of proceeding with the subdivision until the issue of sewerage provision was completed. Mr. Chick asked if Mr. White would be willing to pay for the installation of a drainage system. Mr. Neil answered that Mr. White had indicated very strongly that he felt this to be a City problem. Chairman DuBois and other Members of the Board stated their agreement with Mr. White's feeling in this matter.

Mr. Chick then pointed out that the drainage system as proposed involved not only Crestview Terrace but several other areas which had existed for some time. He stated that this would have to be presented to the City Council as a motion by a Councilman. Mr. Chick then stated that the memorandum from the Director of Public Works would be submitted to the City Council as a recommendation for action and that following the acceptance of this memorandum a City Councilman would move that funds be appropriated for the work. He pointed out that the Planning Board should approve this subdivision subject to the City Council's approval of the bond issued for the drainage work. Mr. Meserve stated his feeling that installation of drainage provisions for this Crestview Terrace Subdivision was unfair in view of the fact that property owners of existing property in the City had been unable to obtain similar provisions. He asked Mr. Bardwell how many requests to the City Council for sewerage or drainage provisions were pending. Mr. Bardwell answered that he could not recollect any such requests since he had been with the City. Mr. Tuttle added that he knew of no such requests to the Council. Mr. Akerman pointed out that the residents on Glenwood Avenue adjacent to the Crestview Terrace Subdivision had indicated their desire for sewerage and drainage facilities.

Mr. Gillis asked Mr. Bardwell how far the work to be done by the \$14,000 expenditure would extend. Mr. Bardwell answered that it would cover only the Crestview Terrace Subdivision. Chairman DuBois stated that he had been under the impression that this line would extend to Sixth Street. Mr. Bardwell stated that the line was capable of extending to Sixth Street, but that the \$14,000 would carry it only as far as Crestview Terrace Subdivision. He further recommended that if Mr. White could build the facility for the \$3.00 per foot mentioned at the last Planning Board Meeting, then Mr. White be contracted by the City to do the work. Mr. Chick pointed out that the final cost would be determined by closed bidding. Mr. Meserve asked approximately how deep the pipes would be. Mr. Bardwell answered about 4½ feet. Mr. Meserve asked how much per foot, Mr. Bardwell thought the pipe would cost. Mr. Bardwell estimated that it would cost approximately \$5.90 per foot. He stated that he had asked for an estimate from Green Engineering on this item, and they had stated that similar facilities were costing from \$9.00 to \$12.00 per foot. Some discussion then ensued as to the cost of the work.

Mr. DuBois asked the Planning Director what the position of the Board was with respect to Crestview Terrace Subdivision. Mr. Neil stated that the Board's original problem had been that it was indicated that a sewer might be provided to

the area and that this would be more desirable than septic tanks. The issue was then raised that the drainage in the area was such that the Board could not give approval without improvement of it. He pointed out to the Board that the drainage problem had apparently been met.

Motion made by Tuttle, seconded by Meserve, that the Crestview Terrace Subdivision Application be granted preliminary approval subject to the subsequent approval of the Dover City Council to the installation of storm drains on Glenwood Avenue and the installation and connection to these drains of storm drains on Crestview Terrace by the developer. In the event that the City Council does not approve the installation of storm drains on Glenwood Avenue, then the Crestview Terrace Subdivision Application is disapproved due to unacceptable drainage conditions.

Chairman DuBois asked for any questions on the motion. He then directed the Planning Director to read it back to the Board. There being no questions, the motion was passed unanimously.

Mr. Chick then asked what the status of the subdivision would be if the City Council later approved the installation of sewerage in the area. Mr. Neil answered that Mr. White informed him that he had no intentions of starting construction until this matter was clarified. If the Council approved this action, then he would submit a revised plan.

Chairman DuBois then announced that the Planning Board had received a communication from the Seacoast Regional Association. He read the communication. Mr. Neil then pointed out to the Board that his role in the meeting as outlined in the letter had been exaggerated. Chairman DuBois then read a second letter from the Seacoast Regional Association. After some discussion, it was decided that Mr. Chick should accompany Mr. Neil and that they should present to the Representatives of the State Planning Office the feelings of Dover with respect to the State Park System. Mr. Chick asked for some specific examples of the Board's feeling on additional recreational facilities in the City. Mr. Lapointe then marked on a map certain areas considered by the Board as having potential for recreational development. Mr. Chick asked if it would be reasonable to request that when the State Planning Project people began to survey Dover for its recreational needs that they contact the Planning Office. The Board expressed their approval of this request.

Chairman DuBois then asked if the Planning Director had anything to present to the Board. Mr. Neil informed the Board that the State Legislature has approved a bill granting to Planning Boards an extension of the period of consideration for subdivision applications from 30 days to 90 days. He requested that the Board give consideration to this matter as they reviewed the proposed subdivision regulations revisions.

Mr. Chick stated his view that the Planning Board should approve the revision of the subdivision regulations rapidly in order to prevent any recurrence of items in the regulations considered unfortunate by the Board. After some discussion, Chairman DuBois announced that the Board Members should review the proposed revision of the regulations prior to the September 9 meeting of the Planning Board and that they would be discussed at that meeting.

The Planning Director then informed the Board that he had received five applications for the position of Assistant Planner. He asked the Board how

and when they would wish to consider these applications and recommended that the interviews be completed as early as possible in order that the Assistant could be hired as rapidly as possible following approval of the Community Renewal Program.

After some discussion, Mr. Neil was directed to screen and interview the applicants and to arrange for the applicant who appeared to be most suitable to appear before the Board.

Chairman DuBois then announced that the next item on the agenda would be consideration of the zoning map. Discussion of the map ensued.

Motion made by Chick, seconded by Bernard, that the meeting be adjourned at 10:05 p.m. Motion adopted unanimously.

Respectfully submitted,

Robert W. Lapointe,  
Secretary.

RWL:cm