

DOVER PLANNING BOARD
MINUTES OF MEETING

HELD: Tuesday, April 6, 1971
7:00 p.m.
Council Chambers
Municipal Building
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

On Roll Call the following were present:
Chairman R. Normand Alie, Vice-Chairman Raymond A. Bourque,
Clerk Frank O. Estes, Mr. Donald E. Chick, Mrs. Lois
Schofield, Mr. John H. Sowerby, Mr. Hugh C. Tuttle.

Also attending were Attorney Donald Bryant,
Mr. Walter W. Fischer, Mr. Grant L. Davis, Mr. Robert Soucy,
Mr. William Rizzo and Mr. Richard Ball of Metcalf & Eddy,
Inc., Economic Director Michael Krajnak.

ITEM NO. 2: APPROVAL OF MINUTES OF MEETING ON MARCH 2/71:

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

ITEM NO. 3: APPROVAL OF MINUTES OF MEETING HELD ON MARCH 9,
1971:

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

ITEM NO. 4: APPROVAL OF MINUTES OF MEETING ON MARCH 19, 1971:

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

ITEM NO. 5: APPROVAL OF MINUTES OF MEETING ON MARCH 29, 1971:

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

ITEM NO. 6: MEETING WITH MR. RIZZO AND MR. BALL OF METCALF
AND EDDY TO DISCUSS THE FINAL LAND USE AND
PRELIMINARY ZONING PLAN:

Mr. Rizzo stated that this final land use plan
is a 1990 plan developed in the framework of development
anticipated beyond that point. He stated that it can
accommodate the City beyond 1990. He pointed out on the
displayed maps the proposed uses for land in the City. He
stated there is a provision in the text which allows for
compatible non-residential uses within residential areas.
He continued that the zoning ordinance and map are tools to
implement this. He stated there are two types of relation-
ships (1) physical and (2) legal. He continued that the

New Hampshire Revised Statutes Annotated stipulate that the Planning Board has the power to zone and this zoning must be in accordance with the comprehensive plan. He stated that it would stand a better chance of having coordinated development if it were based on the comprehensive plan.

Mr. Rizzo stated that the final future land use plan contains nine classifications of land use. These categories refer to the recommended predominant land use, and are not intended to preclude the mixture of compatible land uses and variations in intensity of development. He continued that these nine classifications are as follows: Urban Residential, Suburban Residential, Rural Residential, Central Business District, Major Commercial, Highway Commercial, Neighborhood Commercial, Industrial and Open Space.

Mr. Alie asked if there was a large enough area designated for industrial expansion. Mr. Rizzo answered that he thought so. He stated that presently there is about 200 acres and that the plan offers approximately 2,000 acres. Mr. Alie noted the area around the Knox Marsh Road and Tolend Road. He stated there is much zoned there but little available.

Mr. Ball stated that Metcalf & Eddy feels the amount of land provided in the report could be four times as much as they would expect the growth to be in twenty years.

Mr. Sowerby stated that he felt there was too much for industrial.

Mr. Alie questioned what Dover has to offer in 1975.

Mr. Michael Krajnak, Economic Director, expressed his displeasure with the amount of industrially zoned land proposed. He stated that in the Knox Marsh Road area there are 20 acres owned by the State and 40 acres owned by the Dover Development Corporation. He stated that this left only 40 acres zoned industrial, which were not available. He asked how utilities could be justified for 40 acres. Mr. Krajnak stated that there is a lot of area already presently zoned industrially but it is not available. He stated that at the same time, there are people owning land in unzoned areas willing to get it rezoned and willing to sell for industrial use.

Mr. Rizzo stated that this is a matter of such importance that it is necessary to have a definite commitment from the owners willing to sell and a possible commitment from the buyer to move boundaries.

Mr. Ball stated that Mr. Krajnak was right in stating that the policy adopted by the Planning Board would hold some weight - that's the reason for having a policy. It would be the Planning Board that is going to make this decision.

Mr. Krajnak stated that quite often people wanting industries in the City don't want to go to public hearing. He continued that if they like areas, they want to know that they're available immediately.

The water situation in the proposed industrial areas was then discussed.

Mr. Krajnak asked if this whole land use map was based somewhat on the assumption that the outer connector roads will be in by 1990. Mr. Ball answered yes.

Mr. Alie stated that he saw no commercial land proposed around the new proposed cloverleaf. Mr. Rizzo replied that he was just informed that Garrison Plaza is being developed in that area. He stated that the future land use plan will incorporate this.

Mr. Tuttle stated that over the last five years there has been continued expression on the part of desirous developers for more commercial land on the main route through town - Route 16. He continued that the plan shows no expansion for commercial development. Mr. Rizzo stated that the City would be better off to centralize business activity in business districts.

It was noted that there was no provisions for future car dealerships in Dover, which need considerable space.

The Board noted the difficulty for people living or working in Somersworth getting through Dover to Durham, etc.

Mr. Ball cautioned the Board regarding "overzoning". He stated that overzoning for anything is bad.

Mr. Krajnak stressed the importance for more industrially zoned available land in Dover. He stated that there are 20 acres of land now and that is in three different places.

The proposed roads on the map were then discussed.

Mr. Ball asked how far the Board felt they should

go in zoning for industrial use.

Mr. Krajnak asked if in the event that the urban renewal project doesn't go through any provisions for commercial growth other than the central business district would be made.

Mr. Rizzo stated that they are including Garrison Plaza, possible expansion of the Ramada Inn, new highway commercial property on the other side of the highway, neighborhood commercial by Morningside Park and other neighborhood commercial. He stated that the central business district is considerably expanding.

Mr. Ball stated that at the next meeting they would discuss zoning.

Mr. Estes stated that he felt that regardless of how much industrial land is extending, if the people didn't want to sell it wouldn't accomplish anything. He continued that he felt the Board should try to find an area where there is a good sized piece of land where everyone would be willing to sell land.

Mr. Krajnak stated that at the present time there are only six acres available for sale.

Mr. Tuttle stated that there should be some addition. He agreed that some land up at the proposed new interchange by the traffic circle presently zoned industrial should be zoned commercial. He mentioned the proposed industrial rezoning package which the Board considered several years ago, citing its merits.

Mr. Ball stated that he would take the comments and suggestions of the Board and come back for discussion at the next meeting of the Board.

Mr. Krajnak stated that he would like to see a joint meeting with the Economic Commission and the Planning Board. Mr. Chick suggested that the Dover Development Commission also might meet.

Mr. Chick asked for copies of the report to be sent to the Dover Development Corporation, the Economic Commission and the Chamber of Commerce.

Moved by Chick, seconded by Tuttle, to meet on Monday, April 19, 1971 in the Council Chambers, City Hall with the Dover Economic Commission concerning the report. Unanimously adopted.

ITEM NO. 7: MEETING WITH MR. BLAKE OF THE STATE PLANNING OFFICE RE: PROPOSED SUBDIVISION REGULATIONS:

Mr. Blake was present with Mr. William Malcolm of his staff, regarding the proposed subdivision regulations.

Mr. Blake went through the proposed regulations, pointing out the various changes and additions.

The Board questioned stipulations for private and public streets, etc., and their right to waive the regulations in certain instances.

The Board then referred the proposed regulations to the Director of Public Works, the Highway Department and the City Engineer for study and report back.

ITEM NO. 8: COMMUNICATION FROM CITY ATTORNEY MCMANUS RE: PETITION FOR REZONING ON RUTLAND STREET:

This communication stated that it was the City Attorney's opinion that this application must be processed in the same manner as any other application. He stated that it seemed to him that the Planning Board is bound by Section 12.3 of Ordinance #31-69 to hold a public hearing on the application and to follow the procedures that are outlined in the following provisions of that Ordinance.

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

Moved by Tuttle, seconded by Sowerby, to hold a public hearing on the petition for 7:00 p.m. on Monday, May 3, 1971 and that the petitioners and surrounding property owners be so notified by registered mail. Unanimously adopted.

ITEM NO. 9: COMMUNICATION FROM CITY ATTORNEY RE: INCLUSION OF RSA CHAPTER 36:23 IN SUBDIVISION REGULATIONS:

This communication referred to the advertisements for public hearings on subdivisions and rezoning. Mr. McManus pointed out that this was made a state statute in 1969 and should have been incorporated in our Subdivision Regulations at the time of adoption. He recommended that the wording of RSA 36:23 simply be substituted by an ordinance amending the section in question.

Moved by Bourque, seconded by Estes, to accept the communication, place on file and follow through. Unanimously adopted.

ITEM NO. 10: COMMUNICATION FROM PUBLIC WORKS DIRECTOR
RE: BOND FOR RUTLAND MANOR:

The Board received a communication from Public Works Director Griffin stating that an estimated \$20,000 bond is a reasonable amount to assume completion of the project.

Moved by Bourque, seconded by Estes, that the communication be accepted and placed on file. Unanimously adopted.

ITEM NO. 11: COMMUNICATION FROM WHITE ENTERPRISES, INC.
REQUESTING EXTENSION OF PRELIMINARY
SUBDIVISION APPROVAL ON COLONIAL PARK,
SECTION III FOR ANOTHER YEAR:

Mr. Tuttle questioned if the subdivision regulations which applied during the time preliminary approval was granted apply on the same one now.

Moved by Chick, seconded by Tuttle, that the White Subdivision plans of Colonial Park, Phase III be brought to the next Planning board meeting together with the subdivision regulations in effect at the time of passage.

ITEM NO. 12: REPORT OF RECRUITMENT COMMITTEE:

The Board went into executive session on the recruitment procedures after items 13 and 14 on the agenda were taken care of.

ITEM NO. 13: OLD BUSINESS:

- a. Final approval of Rutland Manor, Assessor's Lot 14-14 -- Rutland Street and Cataract Ave.:

Mr. Sowerby stated that he sent the plans in to the New Hampshire Water Supply and Pollution Control Commission and they were approved.

He noted, however, that it would be much better if the pipe was tapped into at the top rather than at the bottom. Mr. Fischer stated that he would work with the Public Works Department to get this taken care of.

A letter was received by the Planning Board from Mr. Fischer requesting that the Planning Board accept Bond issued to the Federal Housing Administration on Rutland Manor with the City of Dover's name also stipulated on said bond. The letter stated that if the Federal Housing Administration accepts in lieu a bond a 10% cash deposit it is requested that this deposit be allowed in the name of the Federal Housing Administration and the City of Dover.

It was noted that the bond required by the City was for \$20,000 and the Federal Housing Administration was offering a bond of \$80,000.

Mr. Tuttle stated that things were not quite clear under the terms of a bond such as this. He asked who takes precedence in the case of default. Attorney Bryant stated that the bond takes precedence to the developer as far as building but that equal protection would be given to both parties. Mr. Bryant stated that either party could enforce such a bond.

Mr. Chick stated that since the bond was not presented at the time, that approval should await written approval from the City Attorney as to the satisfaction of the bond.

Attorney Bryant stated that such bond requirement is not necessary for final approval. He continued that the plan can be approved tonight with the restriction that the building permit may be issued only upon approval of the City Attorney.

Moved by Chick, seconded by Tuttle, that final approval be granted to Rutland Manor with the provision that the Chairman not sign the plan and that it not be recorded at the Strafford County Registry of Deeds until the City Attorney has approved in writing the performance guarantee to cover the cost of installation of streets and utilities estimated in our bond of \$20,000 and that the provision for granite curb be waived and the radius be waived as in the preliminary approval, and that the final plans for all utilities be approved by the City Engineer, and that a copy of the motion be filed with the map with a copy provided to the petitioner for his records. Unanimously adopted.

Moved by Chick, seconded by Tuttle, to add to the above motion that the cost of poles and street lights be borne by the petitioner. Unanimously adopted.

Mr. Estes asked if the electrical utilities were above or below ground. He asked who would be responsible for the poles and lighting. Mr. Fischer asked that the Public Service Company will provide light poles. He stated there would be no cost to the City.

ITEM NO. 13: OLD BUSINESS:

a. Petition for Rezoning on Rutland Street:

The Board then set the date for public hearing on Rutland Street for May 3, 1971 at 7:00 p.m. in the Municipal Courtroom at City Hall with a Metcalf & Eddy Meeting afterwards.

ITEM NO. 15: ADJOURNMENT:

Moved by Tuttle, seconded by Bourque, to adjourn. Unanimously adopted.

Respectfully submitted,
/s/ Frank O. Estes, Clerk