

DOVER PLANNING BOARD
MINUTES OF MEETING

HELD: Thursday, Nov. 5, 1970
7:00 p.m.
Council Chambers
Municipal Building
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

On Roll Call the following were present:
Secretary Raymond A. Bourque, Donald E. Chick, Armand J.
Dimambro, Frank O. Estes, Hugh C. Tuttle, John H. Sowerby.

Also attending were Mr. Franklin Torr, Mr. Grant L.
Davis and Mr. Donald A. Prescott.

ITEM NO. 2: APPROVAL OF MINUTES OF MEETING HELD ON OCT. 6/70:

Moved by Bourque, seconded by Sowerby that the
minutes be approved as written. Unanimously adopted.

ITEM NO. 3: APPROVAL OF MINUTES OF MEETING HELD ON OCT. 27/70:

Moved by Bourque, seconded by Sowerby, that the
minutes be approved as written. Unanimously adopted.

ITEM NO. 4: MEETING WITH MR. HATCH REGARDING THE HILL
SUBDIVISION:

Mr. Donald Hatch of the Richardson-Webb Agency
was present representing Mr. Hill.

Mr. Hatch stated that there was an error in the
Plan which was submitted to the Planning Board by Mr. Hill
and accepted on May 18, 1970. He stated that the error
lies in the survey of the land in that when the parcel
was split into two parcels of land the plan failed to show
a barn which overlapped onto the other lot.

Mr. Hatch stated that he wanted to amend the original
subdivision. He stated that there would be no change other
than taking a small piece out so one could walk around the
garage.

Mr. Chick noted that the Board, at the time of
approval, did not know the garage was in that location.
He stated that the City Attorney has ruled that you can't
put a new line closer to an old building nor a new building
within 12 feet of an old line. He stated that had the
Board known of this garage they couldn't have approve the
plan. He stated that he law says that the Planning Board has
no power to do anything but to subdivide land within the
legal limits of the Subdivision Regulations. He stated that
the Zoning Board of Adjustment is the only Board that can
vary things. He continued that he thought the Board should

recognize that either the line has to be 12 feet from that building or go to the Zoning Board of Adjustment or refer to the City Attorney for a legal opinion.

Mr. Hatch stated that the problem is that the garage has come over two feet on Lot A. He stated that it cannot be moved because of a big tree and the garage isn't worth moving.

Mr. Sowerby asked if Mr. Hatch had considered demolition. Mr. Hatch replied that the buyer wants to keep it for storage.

Mr. Hatch called for a change of five feet.

It was agreed by Mr. Hatch that he would contact Mr. Hill and Mr. Milton (buyer) and if it is ok'd the buildings would be torn down; otherwise Mr. Hatch would meet with the City Attorney and the City Engineer to come to an alternate decision.

ITEM NO. 5: MEETING WITH MR. MERRILL REGARDING WESTGATE:

Mr. Merrill stated that he wants some changes made on the original plan. He stated that he wanted to eliminate the cul-de-sac proposed at the end of Western Avenue. He stated that he has spoken with Mr. Sowerby and Mr. Bouchard (Highway Dept.) and he stated that the only reason at the beginning was to turn around fire trucks, snow plows, etc. He continued that the street has been widened, which eliminates the need right now.

Mr. Merrill continued that the bond in existence is enough to complete it as originally proposed with the cul-de-sac. However, it didn't include the side street which is new now. He stated that he wanted the bond released and continued that everything is in compliance with City Regulations. Mr. Sowerby confirmed his statement and stated that he has inspected this development right along and everything seems all right - close to being completed.

Moved by Chick, seconded by Estes, that the bond for Westgate Drive to the dotted line between Lots 12 and 13 and Western Avenue to the easterly boundary line as extended over the street labeled "right-of-way for future construction" be released and that the Planning Board recommend to the City Council that this street be accepted as a public way upon submission of a deed approved by the City Attorney to the City Clerk and subject to the filing of a bond in the amount specified by the City Engineer for the turn-around on the end of Western Avenue. Unanimously adopted.

ITEM NO. 6: MEETING WITH MR. PRESCOTT AND MR. GRANT DAVIS REGARDING PRESWARD, INC.:

Mr. Prescott displayed plans of his proposal to the Board. He stated that he was proposing 10 homes on City approved street with City sewer and water. He continued that this development meets all building regulations. Upon question by the Board, Mr. Prescott stated that the proposal had been submitted to Mr. Sowerby. Mr. Sowerby stated that he had looked over the plans and everything seems to be in order.

Mr. Estes questioned the 75 foot frontage on Lots 5 and 6. Mr. Davis replied that this was per Dover's Subdivision Regulations - minimum 10,000 sq. ft.

Mr. Davis stated that he would like to have to amount of the required bond determined by the Planning Board, and the requirement for concrete curbs be waived as they wanted bituminus.

Mr. Chick asked if utilities would be underground. Mr. Prescott answered that all utilities would be above-ground.

Moved by Dimambro, seconded by Bourque, that a public hearing on the proposed subdivision of Presward, Inc. on Fourth Street, be held at 7:00 p.m. on Tuesday, November 17, 1970 in the Council Chambers and that all adjacent and abutting property owners be notified. Unanimously adopted.

It was agreed by the Board to view the site of the subdivision on Tuesday, November 10, 1970 at 8:30 a.m. and that the petitioners be notified in order that they may be present. It was also agreed that the plans and specifications should be submitted to the Public Works Director, the Water Department and the Building Inspector and City Engineer for their consideration and report back no later than 7:00 p.m. on November 17, 1970. It was also agreed that Mr. Sowerby would get in touch with the petitioner and figure out an agreed upon amount for all facilities.

ITEM NO. 6: SET DATE FOR MEETING WITH METCALF & EDDY - NOV. 16, 17 or 18th:

Moved by Dimambro, seconded by Bourque, that the Planning Board meet with Metcalf & Eddy following the public hearings scheduled for Tuesday, November 17, 1970, in the Council Chambers at City Hall. Unanimously adopted.

ITEM NO. 7: CENTRAL AVENUE REZONING:

Mr. Tuttle read a letter from Mr. Guy Malo, a property owner in the proposed area, stating his opposition to the rezoning.

Moved by Chick, seconded by Dimambro, to accept the communication and place on file. Unanimously adopted.

Mr. Tuttle stated that he had seen Henry Neil, former Planning Director, that day and had shown him the proposed zoning map and asked for his opinion. Mr. Neil had stated that this was contrary to any concepts of good zoning. He had continued that commercial development should go into compact areas with large parking areas on main thoroughfares.

The Board discussed the recent purchase of pieces of property on the Avenue by the Dover Federal Savings and Loan Association. It was understood that a bank building would be constructed in that location.

Mr. Sowerby brought to the Board's attention the limited subdivision of Gregorios Koutrelakos on Central Avenue which was at the Oct. 27 Meeting approved by the Board. The Board noted that this subdivision had at the time been approved with the understanding that the building on the lot was to be razed. It was noted that some work has been done on the building.

Moved by Dimambro, seconded by Estes, that the subdivision action by the Planning Board taken at its meeting on Oct. 27 be referred to the City Attorney to review the matter as to its legality. Unanimously adopted.

The Board recalled that at the time of public hearing, Judge Galanes had assured them that the buildings were going to be razed and that no substandard lots were going to be created. The Board noted that it appeared to be different now.

Mr. Dimambro stated that he would like to go on record as wanting the City Attorney to enforce the action taken on Oct. 27.

Regarding the Central Avenue rezoning the following opinions were expressed by the Board Members individually:

Tuttle: Mr. Tuttle stated that he felt the statement made by Mr. Ball of Metcalf & Eddy regarding the undesirability of this type of strip zoning was significant. He stated that he had spoken with Henry Neil, former Planning Director, who was of the same opinion as Mr. Ball, ie, this was the worst possible type of planning, contrary to all concepts of traffic flow and in general bad planning. Mr. Tuttle continued that he felt, as a Planning Board Member, that this is contrary to everything the Board is aiming for in the development of zoning in Dover. He stated that this negates our attempts to maintain a large central business district, and is bound to have some effect on the demand for land in our proposed urban renewal project when and if it comes about. He stated that he thought there was an aesthetic feature as well. He continued that the view of

Dover is depressing from the south end of town to the north end of town. He stated that he sympathized with owners of property, however, he didn't think the purpose of zoning is to provide an easy means of selling property at the highest possible price. He continued that the purpose is to protect the integrity of the community. He stated that the traffic situation concerns him most. In summary, Mr. Tuttle didn't think there was any kind of sense to this kind of planning and was very much opposed to it.

Bourque: Mr. Bourque stated that he agreed with the Chairman. He stated that Mr. Ball of Metcalf & Eddy, and former Planning Director Neil had both expressed their disapproval of such zoning and that he was personally opposed to it.

Estes: Mr. Estes stated that he was also opposed to the rezoning for the same reasons as stated above. He stated that on that day he had come down through Central Avenue and counted the apartments that would be in jeopardy should the area be rezoned and he had counted approximately 100. With the understanding that the Dover Federal Savings and Loan Association had purchased some of these it would stand at approximately 94. He continued that housing is already a big problem in Dover and he didn't want to jeopardize those apartments already in existence.

Sowerby: Mr. Sowerby stated that he was opposed to the rezoning. He stated that the latest traffic count in the area has increased 7.9% from this time last year and the TAMS Report stated that the Miracle Mile would only last for about seven years and it was close to that now. He added that during the same period last year, the Turnpike was decreased by 7.9%. Mr. Sowerby stated that traffic on the Avenue was increasing and that much of that traffic was through traffic. He continued that Dover would have a Miracle Mile extending right down into the central business district before long if the City decides to change the zoning. He stated that there would be a problem as far as taxing the sewer system in the area in that many people would have to tie into the system and the pavement is reinforced concrete, which is extremely hard to dig through. He continued that the rezoning is basically against the Comprehensive Plan by Metcalf & Eddy. He stated that maybe the second phase of the Comprehensive Plan would come up with some recommended areas for central business, and he felt it would be better to go along with that plan.

Dimambro: Mr. Dimambro stated that he was in favor of the proposed rezoning. He continued that at one time the area was zoned commercial and then changed to Office. He continued that there are gas stations in the area and he didn't feel that it was a desirable residential area.

Mr. Dimambro went through the various businesses on the Avenue, stating that he felt it was already basically a commercial area. He stated that all this rezoning would do would be to join two pieces of B-3 and make it one. He re-iterated that this was already a commercial zone.

Chick: Mr. Chick stated that Mr. Dimambro stated a valid argument. However, he stated that he was opposed to the rezoning. He stated that in no way does this diminish his thinking that Dover is obligated to find additional areas for suitable commercial development. He stated that he agreed with Mr. Tuttle in that it seems to him that the Comprehensive Plan by Metcalf & Eddy will come up with areas less detrimental and equally beneficial for commercial zoning. He stated that he thinks it should not be changed at this time subject to recommendations of the Comprehensive Plan.

Tuttle: Mr. Tuttle stated that he was doubly concerned with the traffic flow in the area. He continued that traffic is extremely heavy in late afternoon in Dover. He stated that it is now a menace and getting to a point that if the State doesn't do something quickly about relieving it by removing the toll on the Turnpike or providing an alternative by-pass, Dover will be in serious trouble as far as the business center is concerned. He stated that if the Board extended the length of the zoning it would become even worse.

Dimambro: Mr. Dimambro stated that by keeping the zoning as is the City is discouraging people from coming to Dover because of progress. If we can't improve our central business district, Mr. Dimambro stated, we'll have no-one in town or wanting to come. He stated that people are going where they can find modern up-to-date business areas. He continued that if traffic is the question, the Board might as well forget the whole thing. He stated that we need some "life-blood" or Dover will lose a lot of businesses. It was noted that there are not too many national concerns here now and we don't want to lose the ones we have.

Tuttle: Mr. Tuttle noted that the business today is being done in the big shopping mall where massive parking areas are located for many stores.

Estes: Mr. Estes agreed that Dover does need stores to attract people but questioned the type of stores willing to build in such an area. He felt that they would not be the type of stores that would be a "calling card" for people to visit. He felt it would be the type such as Friendly Ice Cream, McDonald's, etc. He stated that other stores wouldn't build on 150 foot lots and repeated that small businesses would not be a calling card.

Dimambro: Mr. Dimambro noted that this would be an ideal location for a few specialty shops to locate.

Estes: Mr. Estes stated that he didn't think a desirable type business would locate there.

Tuttle: Mr. Tuttle questioned the net gain. He noted that the tax base of the community wouldn't be substantially improved, the traffic problems are compounded and this is in conflict with residential areas. He stated that this would allow people to unload some "white elephants" on property owners. He continued that this is not justifiable for zoning. Mr. Tuttle noted that zoning was, in his opinion, to allow the City to develop to the best advantage of its citizens. He continued that the only people speaking in favor have been people wanting to sell their property for the highest possible price.

Estes: Mr. Estes noted that residential taxes would rise as a result of such rezoning. He stated that this didn't seem fair to property owners. Mr. Chick stated that taxes never change because zoning has changed.

Sowerby: Mr. Sowerby stated that he was very concerned with the purpose for which the bank purchased the property on Central Avenue. He wondered if a bank was intended on that property or if the bank had purchased the property for a client. He was assured that the bank intended to build itself.

MOVED BY ESTES, SECONDED BY BOURQUE, that the Planning Board recommend that the City Council not change the zoning on Central Avenue at this time or wait until at least such time as an overall zoning study has been made by Metcalf & Eddy and that excerpts from the meeting records pertaining to the Board member's comments be presented to the City Council. The motion was passed with five in favor and one in opposition.

Those in favor of the rezoning were: Estes, Chick, Bourque, Sowerby and Tuttle.

Mr. Dimambro was in opposition.

The members who were absent from the meeting were Chairman Albert O. Bernard, Vice-Chairman R. Normand Alie and Mr. Wallace I. Akerman.

ITEM NO. 8: RECEIPT OF SUBDIVISION APPLICATION OF MR. HAROLD MACKENZIE (SET DATE FOR HEARING):

Moved by Dimambro, seconded by Bourque, that the Planning Board hold a public hearing on Tuesday, November 17, 1970 in the Council Chambers immediately following the Public Hearing on Presward, Inc. which is at 7:00 p.m. Unanimously adopted.

ITEM NO. 9: COMMUNICATION FROM CITY ATTORNEY MCMANUS
REGARDING LIMITED SUBDIVISIONS:

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

ITEM NO. 10: OLD BUSINESS:

The Board then discussed the mobilehome and modular housing issue in Dover. It was noted that it would be nice to have the City Attorney and the Building Inspector attend the next regular meeting in order that they may give their opinions relating to such. The Board also agreed that at that same time the sewage treatment plant proposals could be discussed. The Board agreed to ask Jensen's, Inc. to attend their next meeting with their engineer and give details as to their proposals, etc. It was agreed that the State Water Supply and Pollution Control Commission be invited to attend the next meeting also to discuss sewage treatment plants in Dover.

Mr. Franklin Torr, Cushing Road, then came before the Board. He asked the Board what it thought of his proposal for mobilehomes reviewed at the previous meeting.

It was noted that the Building Inspector is concerned that mobilehomes will mix in with modular homes.

Mr. Torr explained that modular homes and mobilehomes are quite different. He explained that mobilehomes don't have to be put on a foundation and can be moved at will, whereas a modular home cannot.

With respect to sewage treatment plants, Mr. Dimambro stated that he would like to see a sewage treatment plant in operation.

Mr. Torr recommended that in the process of studying these private plants the Board initiate action on a sewer study in the Dover Point area.

Mr. Dimambro stated that if the Board approved Jensen's Inc. with treatment plant, the City would just be opening up to numerous sewage treatment plants, scattered all over the City.

Mr. Chick stated that there are competent people in this line of work and they should decide this. He stated that if the Planning Board wants to familiarize itself with the problem he would ask the State engineers the feasibility of such and also ask Mr. Jensen to bring his engineer to a meeting with plans and list similar places where they are located so that the Board may hear them and discuss the matter with them.

Mr. Sowerby stated that he was concerned with the different standards for treatment plants. He stated that there is a great variety of them.

The Board expressed a desire to meet with the State Water Supply and Pollution Control Commission and it was agreed to notify them and request a meeting.

The Board then went into executive session to discuss the matter of a Planning Director.

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

Respectfully submitted,

Raymond A. Bourque
Chairman

RAB:c