

DOVER PLANNING BOARD
MINUTES OF PUBLIC HEARING

HELD: Monday, Feb. 25, 1963
7:30 p.m.
City Hall Auditorium

ATTENDING: Arthur J. DuBois, Albert O. Bernard, Hugh C. Tuttle, Paul D. Foxworthy, Robert W. Lapointe, E. Vincent McDonald

ALSO ATTENDING: Miss Doris M. Desautel, Ex-Planning Director

Chairman Arthur J. DuBois called the public hearing relative to the proposed Zoning Ordinance and Map for Ward V to order at 8:00 p.m. on Monday, Feb. 25, 1963 in the City Hall Auditorium. He thanked the public for coming and welcomed any questions or comments concerning the Ordinance or Map.

Ex-Planning Director Miss Doris M. Desautel was introduced, and a lengthy discussion of the Ordinance ensued. Miss Desautel pointed out that the Ordinance is not retroactive and that zoning is a permissive power designated to the City of Dover by the State of New Hampshire. Miss Desautel pointed out the changes in Ward V.

City Councilman John Maglaras mentioned property on Cocheco St. where land is divided into several districts. He said that whenever possible the Planning Board should determine boundaries of districts according to lot lines rather than have pieces of land divided into several districts. Miss Desautel replied that whenever possible like uses are faced across the street, trying to endeavor to avoid unlike uses facing each other. Mr. Maglaras asked if when making changes like this a buffer zone could be used between the two unlike zones. Miss Desautel mentioned that residence uses face out toward the street. Industrial property will be at the rear of lot lines, she continued. Miss Desautel brought to mind that sometimes it was an impossibility to apply buffer zones, in which case it would be best to back up unlike uses to one another rather than to face them.

Mr. Roland Hemon of 16 Oak St. asked what was meant by structural alteration. Miss Desautel replied that it meant any necessary change added on to the structural inside or outside, or addition to building.

Thomas Flynn, Attorney, Portsmouth, New Hampshire, representing Dover Sand and Gravel, Inc., Mast Rd., spoke in opposition to the regulations for the removal of sand and gravel. He said that he thought there should be rewording of this section before passage.

Mrs. Betty Rowe pointed out that she didn't see how anyone could give a detailed statement on proposed work, and how much gravel one is going to remove by such a date. She pointed out that people change their minds. She also stated that she doesn't go along with a permit in order to sell gravel, etc.

Mr. James Collins of 95 Central Avenue stated that he thought

that present property owners who will be living in the future in nonconforming uses should be able to submit a letter of intent for the use of his property for something acceptable. He said he felt this would relieve the impact of this Ordinance on many of the old-time residents who have owned property for some time. He brought to mind that his house was still divided into two districts. Mr. Collins concluded that he thought some provision should be made in the Ordinance whereby present owners of property could express an intent of use concerning nonconforming uses. Miss Desautel referred Mr. Collins to Page 23, Paragraph D, which states "A nonconforming use that has been abandoned shall not thereafter be reinstated or renewed. A nonconforming use of building or structure shall be deemed abandoned when it is voluntarily discontinued for a period of twelve (12) consecutive months. A nonconforming use of lot or land whereon there is no consequential building or structure devoted to such use shall be deemed to have been abandoned when such use has been voluntarily discontinued for six (6) months".

Mr. Walter W. Fischer of 17 Hull Avenue asked if 10 acres is required for residence in agricultural districts. Miss Desautel explained that in the event that you are not engaged in farm operation the requirements of R-1R would apply. Mr. Fischer asked if he bought a lot in an agricultural district of 1 acre would he be able to build on it. Miss Desautel replied yes, as the requirements of R-1R would apply in this case.

Mrs. Elizabeth Rowe stated that she would like to know a little more about the industry on Spur Rd. She asked how many employees there would be. Miss Desautel pointed out that she had no personal knowledge of an industry coming in and that it was rezoned with no particular industry in mind.

Mr. Roland Hemon of 10 Oak St. stated that as a result of the five different meetings he had a summation which he would like to present to the Board and public. He said that he thought people should be able to decide what they want their land to be by referendum so that the home owners would be protected. "People in residential areas as being treated like pawns and pushed around at will", he continued. He stated that home owners on Upper Central Avenue are being afforded no protection in the middle of a commercial area which is rapidly developing. He cited another area of Central Avenue, south of the Hospital which is proposed Office Business. He brought to mind that some years ago residents of that area worked hard to prevent Office Business from coming in, and now this new Ordinance has made it Office Business, he continued. The Dover Point Residents fought the rezoning of a parcel of land at Dover Point last fall, he stated. "This Ordinance," he continued, "does not seem to protect the integrity of the district," and the home owner seems to be caught in a web." Miss Desautel stated that zoning is for the general welfare of all of the people and that residents have chances to voice their opinions during these public hearings and later during the City Council hearing. Mr. Hemon stated that the Ordinance seems to have as its basis economics rather than concern for the individual as does communism.

Councilman John Maglaras stated that he was opposed to the zoning changes in Ward V. He brought to mind the dump site on Henry Law Avenue stating that that particular area should be left Single-Residence. "Because of the dump," he went on, "people would be afraid to build there."

Minutes of Public Hearing
Dover Planning Board

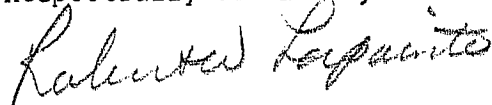
-3-

February 25, 1963
Ward V

Miss Desautel replied that that area was formerly agricultural and industrial.

There being no further questions or comments, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,



Robert W. Lapointe
Secretary