

DOVER PLANNING BOARD
MINUTES OF MEETING

HELD: Monday, March 2, 1970
7:30 p.m.
Municipal Courtroom
Municipal Building
Dover, New Hampshire

ITEM NO. 1: ROLL CALL:

Chairman Albert O. Bernard, Vice-Chairman R. Normand Alie, Secretary Raymond A. Bourque, Donald E. Chick, Frank O. Estes, Hugh C. Tuttle.

Also attending were James F. Harrow, Planning Director, Attorney Donald Bryant, Representative of Mrs. Marjorie Nealley, Applicant for rezoning; Attorney Silverman, representing approximately 30 residents opposed to the request and approximately 30 residents.

ITEM NO. 2: PUBLIC MEETING - REQUEST BY DONALD BRYANT, ATTORNEY IN BEHALF OF MRS. MARJORIE NEALLEY, FOR THE REZONING OF ASSESSOR'S LOT 14-14 FROM I-1 (RESTRICTED INDUSTRIAL) TO R-2B (MEDIUM DENSITY RESIDENCE):

Chairman Bernard called the meeting to order and turned the Chair over to Planning Director Harrow.

Mr. Harrow displayed maps of the proposed areas pointing out both the zoning of the involved land and the zoning of surrounding property.

Mr. Harrow stated that the meeting was on a request by Mrs. Marjorie Nealley requesting rezoning of Lot 14-14 from I-1 to R-2B. He continued that before the meeting began he would like to state that the testimony would be taken in the order of (1) The Applicant, (2) Those in favor, and (3) Those in opposition. He stated that the issue before the Board is whether or not the rezoning request is appropriate. He continued that in order to determine this it should be found that the present zoning of the site is inappropriate. He stated that this was the issue. He continued that he knew many people were interested in the type of tenants who would be located in these apartments and that this was not the issue at that meeting. Mr. Harrow assured those present that there is no restriction on the type of tenants or apartments which would be built other than the fact that they will meet the building codes and other ordinances of the City. He requested that those present refrain from getting on areas such as tenancy, etc.

Attorney Donald Bryant then spoke in behalf of the applicant. He stated that the reasons behind the request were that it would appear that this area is much more suitable as R-2B than I-1. He stated that this petition is not to downgrade the area but to upgrade it. At the present time, light industry is permitted. If the area is rezoned, this means that such uses as light industry will not be permitted in the area and it would seem that surrounding property owners would benefit by such rezoning to a much greater extent than if light industry were to develop. He pointed out other light industries in the area, specifically Diamond National Corporation and Austin Vault Co. and a barber shop. Mr. Bryant made reference to a report of the Dove Economic Commission on Feb. 2 stating that Dover has a housing shortage and a letter from the Federal Housing Authority of Dec. 22, 1969, stating that it was their firm opinion that the City of Dover can readily absorb 100 to 150 new housing units annually plus 120 moderately priced rental units. He continued that these letters pointed out the desperate need for multi-family units in appropriately designated areas and that this was an appropriate area. He stated that the area would benefit with the construction of "good looking" garden type apartments.

Attorney Bryant then submitted a petition which had been circulated in the area which had been signed by people having no objection to this particular rezoning taking place. The petition was received by the Board and marked as "Exhibit A".

Attorney Silverman then stated that he would like to speak in behalf of some 30 residents who were in opposition to the proposed requested rezoning. He stated that a petition was circulated by Mr./Mrs. Dale Patten and Mr./Mrs. Clement. This petition was received by the Board and marked as "Exhibit B".

Attorney Silverman stated that this is a neighborhood which consists of light industry and the remaining land is occupied by single family residences. The available land consists of this large tract and a few other odd lots here and there which have, over the years, been available for light industrial development.

He stated that there is room on this particular tract for approximately 60 dwelling units. The people in this area have had considerable problems with drainage, which would be increased should apartments be built on the tract. He cited the recent addition of McIntosh College which would tax the sewer system further. He continued that in addition to the drainage problems, the residents objected to an additional influx of people living in these apartments.

Attorney Silverman maintained that the people in the area feel that this lot could more appropriately be used for

light industrial development. He stated that the question before the Board now was that of what would be best in long term development for the City of Dover.

He stated in summary that the zoning of this land for apartment units would be inappropriate and that the people present are of the same mind and feeling that additional and undue burdens would be put upon this neighborhood by opening it up to apartment zoning.

Planning Director Harrow maintained that he thought there would be no more of a burden with an apartment zone than there would be with an industrial zone.

Mr. James Austin, 40 Fisher Street, stated that the land in the area is clay with very little absorbency as far as water is concerned. He questioned whether there would be more drainage from a parking lot. Mr. Harrow stated that if the clay is as impermeable as a parking lot, then the total amount of drainage or run-off would be no more no matter what kind of building is constructed.

Mr. Lawrence Clement, Rutland Street, stated that he was not so much concerned with the water run-off as he was with the influx of sewage into the septic system. He stated that as far as he knew there were no storm drainage facilities running along Rutland Street in the area. He continued that the additional 60 or more units under certain conditions is going to load the area's sewers.

Mrs. Salvatore Fanfera, 1 Cataract Avenue, verified that the sewage has backed up in her cellar with so much pressure that it came up through the drain pipes of her automatic washer.

Mr. Herman Gitschier, 7 Cataract Avenue, stated that should the sewer pipes in the area be subject to more effluent it would definitely be overloaded.

Mr. Paul Renaud, Representative of Diamond National Corporation, stated that the Company had a problem several times with sewage back-up and had subsequently had to install a back-up valve on the building.

Mr. John Davy, Cataract Avenue, stated that he has worked for the City 42 years and informed those present exactly where he felt the sewage system ran.

Mrs. Lorraine Clement, Rutland Street, stated that this sewage backup was a health problem also.

Attorney Bryant then stated that the only objections made were on the grounds of the sewage system. He stated that light industry would pose just as much a load on the sewage system as would an apartment house. He read from the Zoning Ordinance the uses allowable in a light industrial zone.

Mr. Herman Gitschler, stated that he would like to see the entire area zoned as single family residential.

Mr. Dale Patten, expressed concern as to the type of apartments which would be allowed in such a zone, stating that when the petition was circulated, the residents were told that bachelor apartments were intended. Mr. Harrow stated that the Board wouldn't be able to tell the owners what type of apartments they could build after this was zoned for apartment use.

Mr. Clement, maintained that tastefully planned light industrial uses would not be detrimental to the area and he would have no objections to things like attractive warehouses, etc.

There being no further testimony in this matter, Chairman Bernard thanked the people for coming to the hearing and declared it closed.

ITEM NO. 3: APPROVAL OF MINUTES OF MEETING ON FEB. 2, 1970 AND FEBRUARY 16, 1970:

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

ITEM NO. 4: OLD BUSINESS:

a) Limited Subdivision Amendment:

Mr. Harrow recommended that the Board defer action on this amendment until the April Meeting of the Board in order that the possibility of incorporating into the amendment a section stating that this does not include re-alignment of lot lines could be considered. He stated that at the next regular meeting, he would submit a further amendment.

Moved by Tuttle, seconded by Estes, that the matter be deferred until the next regular Board Meeting at which time the Planning Director will submit a further amendment. Unanimously adopted.

ITEM NO. 5: NEW BUSINESS:

a) Workable Program Goals and Commitments:

Mr. Harrow submitted to the Board copies of this report and went through each item with them.

Moved by Tuttle, seconded by Alie, that the Planning Board recommend that the application for the Workable Program be approved as written. Unanimously adopted.

- b) Requested Zoning Ordinance Amendment to allow mobilehomes on single lots in rural and agricultural areas -- referred by City Council:

Moved by Tuttle, seconded by Estes, to inform the Council that this request is not in keeping with past or present thinking on the matter of mobile homes in the City and that the Planning Board recommends that the City Council not approve the requested change in ordinances as the Board feels this sort of development is undesirable. Unanimously adopted.

- c) Private vs. Public Streets:

Planning Director Harrow stated that he thought the width requirements, curbs and storm sewers should be within the purview of the Planning Board and the Subdivision Regulations should include them. He stated that he felt some action ought to be taken, either a recommendation from the Board to change Chapter 19B to make this pertain strictly to streets intended for public dedication or something else. He continued that he would like to have an opportunity to look into this and come back with a brief report and would like something done about it.

Several questions arose as to streets in mobile home parks, apartment house complexes, etc. The Board requested the Director to look into the matter and report back at the next meeting.

- d) Revised date for April Meeting:

Planning Director Harrow stated that he planned to be out of town from April 4 to April 9 and therefore would recommend changing the meeting date to either before or after that date, unless the Board wanted to meet without him.

Moved by Tuttle, seconded by Bourque, that the April Meeting of the Planning Board be held on April 20. Unanimously adopted.

- e) Capital Improvements Program:

Planning Director Harrow presented the report to the Board. He stated that this is a requirement that we must meet which states the problems Dover has and what the programs to eliminate these problems are. He stated that these are not commitments which we couldn't back out of if we chose, but are moral commitments. The Board agreed to study these further at home.

ITEM NO. 6: ADJOURNMENT:

Moved by Tuttle, seconded by Estes, to adjourn. The Board adjourned at 11:20 p.m. Unanimously adopted.

INSERTION: ITEM I: PUBLIC HEARING:

Planning Director Harrow recommended to the Board to go further than what has been requested and to rezone the entire triangle bounded by Rutland Street and the new Cataract Avenue over the Turnpike. He continued that if there is a drainage problem now, it won't get worse, because the amount of rain which drains off there is immaterial. He stated that as far as the sewers were concerned, he had checked with City Engineer Sowerby and asked him if he felt the sewers would contain the effluent from fifty apartments. Mr. Sowerby felt that they would be adequate. He was also under the impression that most of the trouble was along Fisher Street. The Board noted that some of the abutters had had to install back-up valves on their property.

Mr. Harrow pointed out to the Board that the area is primarily residential with the exception of Austin Vault Company, McIntosh Business College and Diamond National.

Mr. Harrow stated that the Board had to decide whether this was appropriate zoning or not.

Mr. Tuttle reminded the Board that in 1964 the then Planning Board had held public hearings on the entire City's zoning before the area zoning became law. He expressed concern with the possibility of "spot zoning".

Mr. Harrow stated that he thought it was inappropriate that the Board had gone to this zone in 1964. He continued that he didn't think this land was appropriate for light industrial use.

Mr. Harrow displayed Dover's sewer maps, pointing out where the sewer lines run in the area.

Mr. Harrow agreed to meet with City Engineer John Sowerby, run a thorough check and get site plans and report back to the Board.

Respectfully submitted,

Raymond A. Bourque
Clerk