

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 23, 2002**

MEMBERS PRESENT: David Landry, Margaret Stevenson, Parks Christenbury, Joyce El Kouarti, Beth Thompson, Ron Cole, Pete Lavoie, Dennis Ciotti

MEMBERS ABSENT: Anthony McManus, Chuck Maglaras, Frank Torr

STAFF PRESENT: Steve Stancel, Planning Director; Chris Parker, City Planner, and Jacqueline Freeman Recording Secretary

Chairman Ron Cole brought the meeting to order at 7:00 PM.

Ron Cole announced that **ITEM #7** for Fournier would not be addressed tonight but would be heard at the next meeting on August 13.

ITEM #1: Citizens' Forum

No one spoke

Ron Cole stated that he would skip over **ITEM #2** and come back to it later in the meeting.

ITEM #3: Approval of the minutes.

Parks Christenbury made the motion to approve.
Peg Stevenson seconded.

Joyce El Kouarti stated that on page 1, 3rd paragraph, Brenda Whitmore's statement should say "three parcels of land to protect" instead of three parcel of land that are right for residential development.

David Landry said that on page 6, on #5 where it says create a Historic District, it was actually "revisit creation of a Historic District Zone." It should be added to #7 to add "as well as, a restorative requirement for both stone walls and tree removal." David said that #6. has nothing to do with rezoning land, it has to do with restricting any access to and from a non-residential property so that access is not through a residential zone.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a minor lot line adjustment for The Evelyn Bryson Family Trust, Assessor's Map C, Lot 50D, zoned R-40, located on Watson Road. (P02-36)

Darlene Caldwell Ellis, with Remax Realty, explained that the original plan for the two lots is the same as the plan that is being presented tonight. She added that this plan would put the Rosholt lot back to 17 acres and Mrs. Bryson's at 9.1 acres.

Parks Christenbury made the motion to accept the application.
Peg Stevenson seconded.

VOTE U/A

The public hearing was opened.

Sarah Degazio, 70 Watson Road, stated that she could not figure out what the plan was all about. She said that she did see the plan but had not seen the old plan to compare them.

Dennis Ciotti stated that his plan does not show the line that needs to be adjusted.

Paula Lavoie, Watson Road, stated that she is confused because back in 1985, the plan showed 255.02 feet of road frontage and the new map shows 262.45 feet of frontage and she can't understand where the extra land is coming from.

Darlene Cadlwell explained that the surveyor that did the survey work died. He had only surveyed the Rosholt piece, which was the 17 acres. His son took over and the 9.1 acres was never actually surveyed. Mrs. Bryson actually hired a surveyor to do a field survey and found that what she thought was the actual road frontage for the 9.1 acres was actually more than what should have been there so the rest of it went over to the Rosholt piece.

Steve Stancel stated that there was a lot line adjustment done in 1990. The plan was recorded but because one of the property owners passed away, deeds were never changed to reflect the new plan. Today they wish to sell a portion of the land and they want to have what was there prior to 1990. It is unfortunate that Mr. Pohopek did not draw the lot lines to be abandoned, which would have made the plan clearer.

Discussion ensued with regard to suspending this item for 15 minutes so that the abutting parties could go in the hall and discuss the plan.

Dennis Ciotti made the motion to table.
David seconded.

VOTE U/A

Ron said that the issue was tabled and he suspended the public hearing.

ITEM #5: Consideration and acceptance of an application for a Conditional Use of Land for Mark Morgan, Assessor's Map 6, Lot 6F, zone R-40, located at 598 Sixth Street. (P02-37)

Mark Morgan stated that he wanted to build a new home and remove the existing mobile home but he cannot meet the setback from the man-made pond.

Joyce El Kouarti made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A.

The public hearing was opened.

Marie Kurshinsky, 350 Longhill Road, stated that she was concerned with the pond, the leach field, and if a new well would be required.

Mr. Morgan replied that he does intend to put in a new well. He said that he doesn't believe that city water and sewer will be brought up that far.

Pete Lavoie stated that the grades for the sewer are a problem and the City will not get the sewer as far as that location. Pete said that one option would be to pump with a single line and there may be other options if there is a problem putting in a septic system.

Public hearing was closed.

Steve Stancel gave the staff recommendations. He said that any septic system would have to be approved by the State and the City and the wells would be taken into consideration at that time. He said that the application is strictly for a Conditional Use permit pertaining to the setback of the house to the pond.

Parks Christenbury made the motion to approve with the condition that the owner must use Best Management Practices for erosion and sediment runoff control during construction.

Dennis Ciotti seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of an application for a Conditional Use of land for Kyle Sandahl (Owner: Douglas Dawley), Map K, Lot 9-1, zoned R-40, located on Back Road. (P02-38)

Kyle Sandahl stated that he wishes to build a house and bring in water and sewer lines through a 30 ft. utility easement. Less than 3,000 sq. ft. of wetlands will be disturbed.

Beth Thompson made the motion to accept the application.

Joyce El Kouarti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Peg Stevenson made the motion to approve with the following conditions:

1. The applicant shall provide the Planning Department with a copy of the NH Wetlands Bureau permit.
2. The applicant shall provide documentation of the wetlands restoration to the satisfaction of the conservation Commission prior to the issuance of a certificate of occupancy.

Joyce El Kouarti seconded.

VOTE U/A

ITEM #2: Public comment on proposed regulation changes. Proposed changes include Residential changes to manage growth, changes aimed at promoting increased Commercial/Industrial base; changes that promote open space; and changes that protect and improve the quality of life. The full text of the proposed changes is available online at www.ci.dover.nh.us or in the Planning Office during normal business hours.

Chairman Cole thanked everyone that came out for the public comment section. He said that a lot of work went into all the issues that were presented but not all will come to fruition. He said that the Board is looking forward to hearing everyone's concerns. He emphasized that this is not the only time that these issues will come before the public, or before the Board. He said that he is thinking that there will be one more public comment period, a workshop, another meeting and have Citizen's Forum some time during that period which will be a 4 - 5 week period.

Jason Frontino expressed his concern with the growth that is taking place. He asked if the Council was going to be looking into amending the zoning laws. He asked if it was possible to compel people to buy more land to build on to try to conserve more land.

Ron Cole explained that the Planning Board makes the recommendations and then submits them to the Council for final approval. He said that it takes a 2/3 vote of the City Council to override the Planning Board.

Liz Pettiford stated that she and her husband have owned and run Wadleigh House for the last 7 years. Over the years she went before the Zoning Board of Adjustment many times and they are still experiencing problems. She stated that they submitted a letter with some recommendations that would help other people to establish similar homes to the Wadleigh House. She said that their home blends in good with the neighborhood and is very tastefully done. Ms. Pettiford read a letter from the head administration of the Wentworth Home stating that they refer people who do not qualify for the Wentworth Home to the Wadleigh House because the Wadleigh House can provide a higher degree of assistance. She went on to say that, unfortunately, the Wadleigh house is frequently filled to capacity. Ms. Pettiford said that the people who live in Dover have a right to continue to live in the city that they have known for so many years but there are limited

housing options in the City of Dover. She thanked the Board for their support in the past and for continued support in the future.

Susan Mills stated that she is a registered nurse and does quality assurance at the Wadleigh Home. She said that she has seen the quality operation that Ms. Pettiford has. Ms. Mills said that the elderly are being pushed out and it is harder and harder for them to find an affordable living arrangement.

Bill Knowles, State Representative from Dover, representing Wards 1, 2 and 3, commended the Board for the establishment of the Covered Bridge, 26 assisted living unit project, at the County Farm. He said that this is an area that they have been trying to address in the legislature. He said that the Wadleigh house is located in the center of town where it is very accessible to the downtown area.

Peter Quint, NH Real Estate, spoke with regard to the Williams' property on Dover Point Road. He said that it is under agreement with a group from Massachusetts, for a 55 and older community which would create a tremendous tax base for the town without impacting the schools. Changing that zoning to industrial, in his mind, would be a mistake. The traffic for industrial would create a great impact on the roads.

Tom Fargo, Conservation Commission Chairman, stated that he worked on the Quality of Life subcommittee. He felt that there is an awful lot of specific information that is not on the rezoning maps. He said that the people who would be affected are the people who live in those areas and they must be able to understand what those changes would mean to them. He said that figuring out the table of uses for each zone got very frustrating and he has graduate level training. He was concerned that the people who are being impacted cannot fully understand what it means and what the vision is for those areas. He noted that the rezoning for the Williams property is to ETP. He said that to his understanding, ETP will not allow mixed uses. He said that he was concerned that there are some regulations that are not easy to see that people just don't understand. He recommended that this Board take a close look at reaching out to the community and let them understand what the vision is for those areas.

Tom Fargo emphasized that this was not the only way to approach land use regulations that there are other ways, such as performance standards, the Planned Unit Development and the Alternative Design Subdivision. He asked that the Board look at the models that are out there for performance based zoning regulations so they could get a clear understanding of what the final buildout would look like. Tom said that one concern, with regard to the Quality of Life Subcommittee was upgrading the Wetlands Protection Ordinance. One of the proposed changes was that a 50 foot wetlands buffer would be instituted around all wetlands. Tom said that this has implications towards managing residential growth and several people on the subcommittee were looking at it as a tool. He said that he wants to impress to the Board that the imposition of a wetlands buffer is not for discouraging residential growth but the purpose is to protect the environment and the water quality. The City of Portsmouth has instituted a similar buffer setting their

standard at 100 feet. He indicated that their wetlands buffer has been challenged at least twice and this is something to keep in mind.

Brian Stern, Chairman of the Open Lands Committee, stated that he served on the Zoning Subcommittee, but is speaking as a personal resident. His first issue is non-native invasive species. He said that was discussed as part of his committee and there was an agreement that that issue should be part of the Site Review Regulations. He said that non-native invasive species should be prohibited from plantings in new developments, but would not prohibit land owners from doing what they want to do. He said that he hoped that this be excerpted out and not wait for the whole package to be addressed. He said that they are trying to protect open lands and every new development that goes in gets Norway Maples, Burning Bush, etc., all of which spread voraciously.

Mr. Stern said that the Quality of Life Report, page 1, C.4, talks about nonconforming uses being maintained unless it is determined to be an imminent hazard. He said that he doesn't think that imminent hazard should be the only restriction on a nonconforming use. A nonconforming use could be an oil recycling facility near an aquifer or a well and because it's nonconforming or grandfathered, if it's not an imminent hazard, it could be allowed and he thinks that if it's determined to be a hazard, or threatened to be a hazard there should be some discretion.

Brian Stern was also concerned with what Barrington is facing with commercial discharges of groundwater (water bottling plant) and he hasn't seen those types of issues in the secondary groundwater protection zone and that should be addressed. He said that could potentially be part of section D. (3) on page 3.

Chris Parker said that it could be added under manufacturing facilities.

Mr. Stern said that page 4. (5), talks of areas that have certain types of soils and what should be required in terms of storm water drainage plans. He said that he doesn't know the technology, but he feels that it is locking into certain technologies and it should be more general to allow newer or different technologies than those specifically mentioned.

David Landry asked using certain grasses was what Mr. Stern meant.

Mr. Stern said that what came to mind were the huge impervious surfaces by Willand Pond. He said that on the residential side, would like to remove the lot sizes from 40,000 to 30,000 sq. ft., where City water and sewer are available. There has been debate on whether lot sizes should be increased or decreased. He said that if we increase lot sizes, we think that we are creating less housing, less development and less growth when we are in fact spreading it over a greater area, creating sprawl and moving it from the potentially higher density downtown areas to outlining areas and developing what is potentially open space. He said that it doesn't necessarily preserve the land any, it uses up more of it. The idea is to condense the housing into other areas and preserve larger open spaces. The other side of this is that if there is higher density, more homes can go in. He said that this issue needs more attention.

Brian Stern said that he was on the Open Space Committee that reviewed the Transfer of Development Rights. He stated that Chris Parker did a fantastic job proactively. He said that he would like to see agriculture in Dover preserved but he feels that it is not specifically being addressed except in some minor ways.

Mr. Stern said that he is concerned that Commercial and ETP zones are being increased just for the sake of it. It should first be determined if there is a need and the capacity of what we already have should be determined. He said that it appears that large parcels are being identified to support Enterprise Park type areas just because they are large and that is not a reason to move towards commercial. He felt that open space is the better way to address growth. He said that there has been a cost analysis done to show that open space pays and reduces the burden on the city. He said that the Open Lands Committee, the Open Space Zoning Subcommittee and the Planning Board have all supported bonding. The Planning Department is an excellent Planning Department and has some environmental consciousness but they are not there as environmental planners but as administrators of the zoning law. He said that an Environmental Planner is a position that should be considered.

Craig Williams, 154 Middle Road, stated that he is ¼ owner of the Elliot Rose parcel that is being considered for rezoning.

Ron Cole, at this point, made it clear that he would have a conflict of interest on anything that is being discussed with regard to Dover Point Road. He said that he does not plan on making any comments on any discussion.

Craig Williams continued by saying that he would like to speak on the ETP and that it would be a good use for the parcel. He said that there have been many tractor trailers that have entered that site with no problems. He said Mr. Quint has some vested interest in the project because he will receive over \$100,000 if this deal goes through. The site plan that he brought in had houses on top of gas lines, power lines and wetlands, etc. Mr. Williams said that what he is considering is consistent with what the corporation was asking for several years ago. During the last rezoning the corporation wrote to the City asking for that change to occur and the property owners worked together toward the municipalization of Dover and the building of a power plant. He said that there are large buildings on the site that are industrial in nature. The property has probably the largest steam facility in the State of NH that consumed over ½ million gallons of oil a year. There are over 300,000 sq. ft. of facility that employed over 100 people. The parcel has access to a natural gas line. The land is located on an aquifer that is able to pump between 8,000 – 100,000 gallons of water per day for that site. The current use was a mixed use and was allowed by default in the R-40 zone. The agriculture that was there was high tech. Mr. Williams stated that during that time a lot of chemicals were used at the site such as arsenic, DDT and a lot of materials that still have a trace on the site. There are some areas of the site that would be unsuitable for residential development and that should be considered. He said that an ETP or a mixed use, with some open space land, is an excellent use for the site.

Atty. Ernie Pelech stated that he is present on behalf of Eliot Rose of Dover, the owner of the property that is presently proposed to be rezoned from R-40 to ETP. He stated that Mr. Craig Williams is not authorized to speak on behalf of the corporation. Mr. Pelech stated that he is authorized to speak on behalf of the Board of Directors who do not share Mr. Williams' view with regard to the rezoning. At this time, the Board of Directors has chosen to take a wait and see attitude with regard to the proposed rezoning. He applauded the Chairman and the Planning Board for the cautious approach that they were taking and the number of opportunities they were providing for citizens to speak, the work sessions and the public hearings that were being held. Atty. Pelech stated that the Board of Directors has yet to take a position on this rezoning, however, they anticipate that they will be before the Board at some future meetings. He said that the position of Elliot Rose of Dover, at this point in time, is not being given by any individual other than himself and they do not take any position at this time.

John Scruton, 99 Sixth Street, stated that he has spent most of his life in Dover for the rural character, the quietness and the affordability. He said that open space reduces traffic and stabilizes taxes. He handed out copies of "Parks & Open Space." He spoke about communities on Cape Cod that couldn't stop development so they banded together and with a \$57.00 household tax bought the development rights. He said if Dover goes into more commercial development, it will just increase the taxes and add more traffic congestion.

Ray Bardwell, Spur Road, stated that rezoning is a very emotional thing. He said that if the people could sit back and look at the character of the community and what the pressures are for development, they would see that the best use for their land is not in living there. When the Dover Point area was brought up for rezoning, a few years ago, the people who lived there were very emotional, however, if you look at it from a professional point of view, the land as far as the cemetery with the car dealerships on both sides ought to be thoroughfare business. He said that the core of this City was probably developed on 40 or 50 x 100 lots, which was done for economics. He said that people would be able to buy a house today if they did not need to buy 3, 4, or 5 acre lots or larger. This is forcing a developer to get his profits out of high priced homes. The high priced homes in Dover appear to be bringing in a lot of tax dollars, however, they are bringing in a lot of kids for schools.

Mr. Bardwell stated that the former Elliot Rose property, where it is close to the downtown core area, might be better suited for a 55 and older residential community along with some stores and support activities. He said that Dover doesn't have anything set aside for affordable housing for the working class or the newly married people. The only way to get the price down is to get density up. He suggested buying the flood plains as property for open space. Mr. Bardwell suggested allowing a 50 x 100 foot lot, setting aside the wetlands and giving the developer credit for that acreage for his density so that he can get his money back in his profit.

Ray Bardwell said you can't change the zoning on properties that citizens have owned for a long period of time. You can't take their future, or their profit by rezoning and that appears to be happening in a lot of cases. He said that the City ought to look at when Davidson Rubber was going strong and water and sewer lines were run out there and that was to be Dover's big industrial park. The park was started and part of it was sold off, there are no industrial buildings there but there are probably services that could service that area. He asked what is wrong with the hay fields are now dormant and possibly may now be considered wetlands. He said that maybe the City shot itself in the foot. We have a rail off the railroad, which was critical in those years, but maybe it isn't required now. Why not take that piece of property and make that Dover's high tech zone. He said that the land close to town, in his opinion, should be for residential so it will be closer to services.

Dennis Ciotti made a motion to remove **ITEM #4: Bryson/Rosholt** lot line adjustment off the table.

David Landry seconded.

VOTE U/A

Ms. Ellis said that she would have the lot line that is being abandoned added to the plan.

David Landry made a motion to table until the lot lines are clarified.

Peg Stevenson seconded.

VOTE U/A

Chairman Cole recessed the public hearing on ITEM #4.

Chairman Cole resumed the public comment session of ITEM #2.

Jason Frontino suggested that more trees be planted along the streets to enhance the downtown area.

Ron Cole thanked everyone who spoke for their input. He felt that the Board would probably need a workshop prior to the August 13th Planning Board meeting.

Parks Christenbury stated that he did not believe that the Council would be holding a workshop on Wednesday, the 7th of August, and the Council Chambers would be free.

It was decided that the next meeting would be held on August 7th , at 7:00 PM.

Ron Cole said that by the virtue of the media, the Board has the opportunity to address a large number of people in the community. He asked for anyone who had any comments or recommendations, to submit them to him or to the Planning Department. He emphasized that he is looking for input.

David Landry said that the turnout for the meeting was fantastic but felt that there were many people out there who are only just now finding out information.

Discussion ensued with regard to special meetings vs. workshops and when posting could occur.

Parks Christenbury stated that he would not be ready, after one workshop, to post at that point. He preferred having an informal hearing and at the next regular meeting go into the posting phase.

Ron Cole agreed with the need of a workshop, not excluding the public but excluding public comment so that the Board members would all be on the same page. He said if the Board finds it necessary, another public comment, as opposed to a public hearing, can be arranged. He added that he wants to get as much public comment as he can.

David Landry expressed that it was critical that the workshop be televised. He thought that there may be certain things, that are not going to be significant, that the Board may feel comfortable to post.

Steve Stancel stated that for a public hearing there would have to be a city-wide mailing but not for the posting. He said that the posting doesn't have to be done all at once. The public hearing could be set far enough down the road. He added that you don't have to hold a public hearing within 15 days of any posting.

Ron Cole scheduled the workshop at 7:00 PM on Wednesday, August 7, 2002, and would ensure that it be televised.

Steve Stancel stated that a subcommittee has been working on rezoning the City's parcel on River Street from its current Industrial zone to CWD. The committee is also looking for some specific changes to the existing CWD to create some added flexibility within the zone. He said that the staff wanted to get this into the pipeline with the other changes for discussion purposes. He said that they would be rezoning the City's parcel, along with the private parcel that is in the middle of the City's piece, and certain portions of Maglaras Park from I-1 to CWD and from I-1 to R-12 District. The current CWD on page 2, now requires a minimum lot size of 10,000 sq. ft. and minimum frontage of 100 feet and a side setback of 10 feet. Steve Stancel stated that after speaking with various waterfront developers, they feel that the criteria are very restrictive in terms of development if you are trying to have some smaller users go in, or if you have a row of buildings and you wish to divide them with these 10 ft. side setbacks and 10,000 sq. ft. lot sizes. He said the proposal is that the minimum lot size go to 0 sq. ft. lot size. These requirements are very similar to the existing B-2 zones and the UMUD that currently exist in the downtown area. He said that one important fact is that the current maximum coverage of lot is now 100% and we are putting in a restriction of 75%. He said that they are changing the existing maximum height of 75 feet to 55 ft. The buildings from the Design Charette show buildings that are typically 3 to 4 stories tall and if you look at our waterfront, given the size and the depth of the lot, it seems to make sense that you would not want 75' tall buildings that close to the waterfront. He said that he has run these

figures by some of the existing CWD owners and they seem to be receptive at this time. He went over some of the new water related uses that are being added.

Parks Christenbury stated that Jack Story, from the Dover Chamber of Commerce, the Government Affairs Committee and the Waterfront Taskforce have worked tirelessly on the CWD effort. Parks said that Jack Story has a number of new updated renderings where you actually see what the waterfront would look like if you were viewing it from a boat in the river. He said that in the next couple of weeks they will be available for viewing at the Chamber and on the Chamber's web page. He added that they will try to get them on Channel 22.

ITEM #10: Adjournment

Beth Thompson made the motion to adjourn.

David Landry seconded.

VOTE U/A