

**MINUTES  
DOVER PLANNING BOARD  
REZONING WORKSHOP  
OCTOBER 6, 1998**

**MEMBERS PRESENT:** Ron Cole, Frank Torr, Margaret Stevenson, Mike Bobinsky, Anthony McManus, Brian Preston, Jerry Reese, Charles Maglaras, Reuben Hull.

**MEMBERS ABSENT:** Paul Beecher, Karin Crittenden

**STAFF PRESENT:** Steven Stancel, Planning Director; Steve Bird, City Planner; Jacqueline Freeman, Recording Secretary

Chairman Cole began the workshop by explaining that this is a public meeting and not a public hearing and that Steve Stancel would go over the housekeeping items first.

Steve Stancel went over items #13, 14, 15, 19, 20, 23, 25 and stated that there are no changes.

Charles Maglaras arrived at 7:25 PM.

Steve Stancel explained Item #26 and said that he recommends no change. He stated that this would allow us more latitude for some problem areas that have occurred where people have constructed fences or have bushes that meet the regulations but are not adequate to protect the visual aspect. Steve stated that it is a serious safety issue. Discussion ensued.

Chuck Maglaras thought that the Board should get a legal opinion on whether the City can make people trim their bushes.

Steve said he will take a look at that.

Steve stated that there is no change on Item #29.

Steve Stancel stated that Item #10, has been changed based on recommendations from the Conservation Commission. He said that he is proposing that a footnote be added to the table of dimensional regulations establishing a minimum lot size for all new lots in the City of Dover and that we need to work with the Conservation Commission in undertaking a comprehensive review of the Wetlands Ordinance.

Doug DeDe, Chairman of the Conservation Commission, stated that the C.C. held two workshops with developers, P.E. firms, people from the Rockingham Co. Conservancy and the Strafford County Conservancy. He explained that there are different grades of wetlands and the C.C. unanimously felt that the language needed to be adjusted and this item is the result of that input.

Steve Stancel stated that this change matches the definition of the Army Corps of Engineers and the NH Wetlands Board.

Doug DeDe stated that some of the wetlands would be included in the density calculations because their value is not as great. He said there was a misconception that wetlands were only where you saw cattails growing but there are many factors that come into play. There are some wetlands that are marginal and those will be allowed to be included into the calculations.

Steve Stancel stated that he and Dean Peschel, Environmental Projects Manager for the City, were convinced that the State and Federal definition of wetlands was adequate.

Doug DeDe stated that the existing situation is highly permissive in the area of development and not restrictive in the protection of the wet areas. He said the language that has been agreed upon will protect valuable wetland areas and restrict, to some degree, the amount of development that can take place. Doug said it is far more restrictive than it is today, but it does recognize the right of property owners.

Steve Stancel stated that there is a secondary layer of protection for wetlands for anything that is non residential because those projects have to go through the TRC process, as well as the site review process. He said with residential projects, once the subdivision is approved, people just come in for building permits and then through the years people tend to fill in their back yards.

Doug DeDe stated that there has been an effort to unify at the State level and with the Army Corps of Engineers to make it far easier for communities to deal with these issues. He stated that this change will bring us more in focus with what is going on in the rest of the area. Doug stated that any changes from the State come to the Planning Office, the City Council and to the Conservation Commission so there are enough indicators when there is a need for a review.

Steve Stancel read the changes for Item #11. Steve stated that a grandfather clause has been added for all existing lots that are within 250 ft of the water so this would only affect new lots created. He stated that a minimum shoreland requirement has been added. Steve said that he has researched many of the subdivisions that have occurred along the waterfront, and this frontage requirement is not overly confiscatory. He stated that this item also has Conservation Commission endorsement

### **Rezoning Area #1 – Watson Road**

Steve stated that he recommends approving Rezoning Area #1 and adding a footnote to the proposal disallowing any truck traffic onto Tolend Road from parcels rezoned to ETP. He added that by truck traffic he means Federal Highway Vehicle Classes 8 through 13, essentially, tractor trailer combinations.

Steve said there is a map on everyone's desk from the realtor representing the property owner on the corner of Tolend and Watson Road. He stated that he has discussed this with Dean Peschel in detail, and the land is not unlike other parcels that exist in other ETP areas as well as Enterprise Park.

Brian Preston stated that he is not sold on this rezoning and said he thought that the river makes a nice boundary, and felt this area should probably be for higher priced housing.

Tony McManus stated that it makes no sense to him to consider the smaller piece on the westerly side of Watson Road. He said that people already have a residential plan in place which looks like a good development. He stated that he has concerns with most of the proposals, and how they relate to proper planning. He said the rezoning is not the only part of the Master Plan. He was concerned with not having received recommendations regarding infrastructure, transportation, open space and recreation which he feels are as important as the rezoning. He stated that we don't know what the cost to the City will be in terms of infrastructure; what the traffic impact will be; what will be needed for road improvements; and whether this land would be better set aside for recreation. He feels we should have all the components of the Master Plan in front of us and have some idea of the overall impact of the changes. He said he is not saying this to stop the rezoning, but feels that we are not serving the community well. He said if we are trying to slow residential growth there are other ways of doing it other than rezoning.

Steve Stancel said that the first step in Master Planning is to look at the Land Use and Economic Development section and determine which areas, based on projected growth, that you need to rezone. He said you then start looking at the infrastructure and road improvements that have to take place based on that rezoning. Steve said that you can't determine your infrastructure improvements or transportation needs unless you know what the zoning is going to be on the individual parcels. He stated that we have very rudimentary numbers on the fiscal impacts. Steve stated that the City of Somersworth just let everyone go in on High Street without requiring off-site improvements. He said that the City of Dover doesn't do that. He said it took foresight 10 years ago to rezone Sixth Street, the ETP, and the I-4 and B-4 land and spending the 2 to 3 million dollars for infrastructure improvements. Steve said we are now seeing the fruit of the labor. He said in terms of controlling residential growth, we tried to do the impact fees, and they didn't fly. He said that's one way of controlling growth and maybe we need to look at all the ways.

Margaret Stevenson stated that she agrees with Brian Preston and the river being a good boundary.

Jerry Reese stated that he also has a problem with this particular piece. He stated that during the public hearing we heard that this piece could not be developed because it was all ledge and was a terrible piece of land. He said that now we hear that there is a proposal to put single family homes in there. He felt that the comments were self serving and that troubles him.

Ron Cole stated that we have to look at every rezoning individually and what effect it will have on the community. He stated that he wants the people to be able to pay their taxes and this is one of the methods.

### **Rezoning Area #2 – Columbus/Littleworth**

Steve Stancel stated that he is proposing creating a new I-3 zone entitled "Limited Industrial District". He said he is attempting to address the majority of the concerns that were heard at the public hearing. He went over the new requirements and setbacks. He said it would allow a single family dwelling on existing vacant lots. Steve said a footnote would be added saying that 1 single family dwelling shall be permitted on a lot of record in existence prior to the posting date of this chapter. Steve went over the different uses that would be allowed and the ones that would not be allowed in the new I-3 zone. He compared the I-2 zone with the new I-3 zone and said that the new I-3 zone allows for protection of the residences in the area.

Steve Bird showed the changes that were made in the boundary lines of the zone. He added that the line has been pulled back 400' off of Tolend Road.

Mike Bobinsky explained how the water line on Columbus Avenue was a partnership between the developer and the City. He stated that the water line was sized to accommodate future development. He stated that the City will contribute \$50,000.00 toward the upgrade of that line so when future development occurs we are that much farther ahead. Mike said if the City had to do that independently, the cost would probably be closer to twice that much.

Reuben Hull arrived at 8:35 PM.

Anthony McManus asked for a definition of landing strip. He said there should be a distinction between a helicopter pad and a runway.

Discussion ensued regarding landing strips and Steve Stancel stated that he would research the matter.

Steve Stancel explained that he has been approached by people who own land adjacent to the turnpike and along Littleworth Road. He said that the people along the turnpike want the option of being able to have a large hotel/motel or commercial recreation facility. He said that we do have plans for a possible Exit 8A in the future which would create some wonderful opportunities for uses other than industrial.

Steve Stancel stated that offices are considered in the same category as light industrial. He said, for example, Liberty Mutual is an office and we are trying to promote industry and office uses. He said that the only things that are special exceptions are uses that are not normally found in an industrial zone such as the hotel/motel/retail uses that would require very specific conditions and locations in the zone. He explained that a

commercial recreation facility could be a private hockey arena, roller skating rink, indoor soccer, health club, etc.

Anthony McManus was concerned with how to deal with the existing single family lots. He suggested putting a buffer to maintain the present residential landscape and to maintain the character of that road, while still having a substantial amount of land behind that for industrial use. He asked the Board to look at that for the same reasons that it is being done on Tolend to do it on Littleworth Road.

Steve Stancel stated that Littleworth Road is a thoroughfare road, unlike Tolend Road. Steve explained that the minimum frontage can be dropped down to zero if shared private drives are utilized. He said that according to the Chamber, a lot of the smaller lots along Littleworth Road will serve a purpose for smaller users. He stated that the traffic should be funneled onto Littleworth rather than Columbus Avenue.

### **Rezoning Mast Road**

Steve Bird pointed out the area on the map. He showed where the changes from B-4 to I-4 were made.

Steve Stancel stated that this will allow building on the lots that were recently subdivided and said that they will be grandfathered for 4 years. Steve said that the main difference between I-4 and B-4 is that the B-4 allows things like a bank and eating & drinking establishment, hotels, and office uses, whereas, the I-4 is primarily office and industrial. He stated that the B-4 is more restrictive.

Steve Stancel pointed out that there are several non-conforming uses out there now that are retail uses. Steve stated that there are approximately 200 acres that are developable in this area. Discussion ensued regarding the setback and buffers. Steve stated that this is ideal for B-4 as it is very similar to the area along Knox Marsh Road.

Steve said what they are attempting to do is to create some commercial retail land on the south side of the City. He said you have to go to the Miracle Mile to get groceries, which requires going through downtown or up the turnpike and most people go through downtown. He said a shopping center in the south end would alleviate some traffic in the urban core. Steve added that there was interest in putting in a grocery store in that area.

Jerry Reese stated this proposal would create a strip mall on a residential entry to the City. He added that you cross Mast Road and it is all residential all the way into the City. He said he has heard many people on this Board state that they do not want to do that and that is what this proposal would do.

Steve Stancel stated that he feels there is a pretty good buffer in terms of a berm that separates Jensen's from Route 108. Steve said just because we are creating some commercial opportunities adjacent to a thoroughfare doesn't mean that we have to create

something that looks a strip mall. He said with the 5 acres and the setback requirements, he thinks we can create something that is much more pleasant looking.

Tony McManus stated that his thought for that area is to have a buffer of 300' or so off Route 108, create a single access to the back lot, and rezone the back area to B-4.

Steve explained that these companies want visibility and to keep in mind that there is already a fence company out here, a machine shop, a landscaping company, the Elks, an auto repair and a machine shop, and a restaurant.

Steve Stancel stated that we have a site review process that gives the Planning Board a lot of latitude. He said he feels that we should be very careful in talking about attempting to establish some type of esthetic requirements in each of these zones. He said he thinks we ought to have some faith in the Board to be able to produce a quality product when it comes through the process.

Tony McManus stated that he is suggesting a much bigger setback and a single access. He said the people who own the Credit Union and the Ham property have a single access because of the constraints of the connector road and that is the way to do it. He said there is no reason why the City can't do a similar thing.

Mike Bobinsky stated that Route 108 is a state road. He stated that he will have to deal with the state to get the driveway permit for the public works facility.

Steve Stancel stated that he has concerns with limiting the number of accesses up front because it is not flexible.

Brian Preston suggested breaking for the evening.

Chairman Cole found that there was a consensus to close the workshop.

He set another workshop date for Tuesday, October 20, 1998 at 6:00 PM.