

DOVER PLANNING BOARD
MINUTES OF MEETING

APPROVED

MEETING HELD: June 16, 1988 in the Auditorium of the Municipal Building in Dover, New Hampshire.

MEMBERS PRESENT: Harold Preston-Chairman, Otis Perry
Mike McDonnell-Vice Chairman, Reynold Perry, Kevin Mone,
Patricia Torr, Pierre Bouchard, Jim Caliendo

OTHERS: Bill Collins-Planning Director, Mike Casino-Planner
Gayle Labrie-Recording Secretary

Mr. Preston opened the meeting at 7:05.

ITEM #1: Public hearing for the purpose of discussion and adoption of the Housing, Economic Development, and Land Use Sections of the Master Plan.

Mr. Preston explained that Item #1, was strictly for discussion only of the Master Plan.

Mr. Collins stated that this was a series of four public hearings and the Board was not in a voting mode. He then explained that the topics for public hearings were:

1. The three chapters of the Master Plan
2. Groundwater Protection Ordinance
3. Duplexes in the R-12 rezoning as part of ADS developments
4. Amendment to Subdivision Regulations of the Alternative Design Subdivision

Mr. Collins then proceeded to explain Item #1. He stated that the first chapter, Housing and Economic Development had 5 goals which were;

1. To maintain the City's fair share of the region's housing growth.
2. To increase the commercial and industrial role of the City in the region.
3. To pursue diversification downtown land uses.
4. Rezone city-owned land on the Cochecho River to Multi Use District, possibly CWD.
5. Increase the City capture of retail development in the region.

Moving to the Land Use Section, Mr. Collins explained there were a dozen goals, and he highlighted the major goals which were;

1. To better balance the amount of land zoned for residential and non-residential uses.
2. To better protect the natural environment

Mr. Collins expressed that the purpose of the meeting was for more public input.

Public Hearing Opened

Walter Fisher asked if this had anything to do with the R-12 cluster rezoning.

Mr. Preston answered that this would be covered in Item #4.

Bill Baber stated that he has been campaigning for the Master Plan and he was pleased that it had gotten to this point.

Counselor Tom Scharff of 8 Robinwood Ave. complimented the Board on their accomplishments to date, and advocated day care centers.

Tina Tarbox asked if she could state her opinion on the R-12 zoning because she had to attend a School Board Meeting and could not stay for this one. Ms. Tarbox stated she lived on the north end of town and was opposed to the change in R-12 zoning that would allow duplexes.

Steve Nelson, Applevale area, asked what plans did the Board have for enticing business to come into the new areas.

Bill Collins explained that the area is seeing a great deal of growth. He went on to say that people were discovering this area because of the quality of life.

Jim Fox of Silver Street addressed the Groundwater Protection Ordinance.

Bill Collins explained that the next item on the agenda was the specific ordinance.

Frank Torr of 1 Old Littleworth Road stated that he agreed with water protection as he owned one parcel in the area. He would like to see some kind of time limit set on protecting the potential sites. He also said the City should buy land to protect the wells.

Tom Scharff suggested maybe owners of such parcels should donate them to the City.

Bill Baber stated that water was a key resource and for long term water needs, this should be looked at.

Kerry Forbes of Longhill Road stated that a major question

was downtown. No parking issued raised here.

Bill Collins explained that this was addressed as a recommendation.

Kerry Forbes explained downtown may not be an issue today but will be a major crisis in the future.

Harold Preston stated that a Traffic Study was going on.

Public Hearing Closed

ITEM #2: Public hearing on proposed amendment to Chapter 170, entitled Zoning, of the Code of the City of Dover, 1983. Said amendment revises Section 170-28.3, Well Site Protection District. Revisions prohibit specific uses in the Primary and Secondary Groundwater Zones as depicted on Maps entitled "Groundwater Protection Zones", dated January 31, 1988. In addition, the revisions will affect Lot Coverage Regulations in the specified zones. New development as well as expansion of existing structures will be affected by the revisions.

Bill Collins explained that they were mapping the aquifers while looking for areas for future water supply.

Public Hearing Opened

Jim Fox stated that he received the letter only yesterday and had questions regarding his property which was across from the Minichello junk yard.

Bill Collins explained that the 10% provision applies to soil that will take the water.

Ron Weeden expressed his concerns over soils conditions and limitations on residential development.

Bill Collins stated that the ordinance allows the Planning Board to modify the provisions through a conditional use permit.

Attorney J.P. Nadeau, representing New Homes, Inc., asked how the owner's would be affected. He further stated that his client appreciates the City's efforts, however, they were concerned about the change in zones.

Attorney Nadeau further stated that he adopted Senator Torr's statements, that the City should buy the land if it restricted the property owner's rights. He expressed his concerns that it was somewhat unfair for the property owners to be prohibited. He expressed that the burden seems to be placed on the property owners. The property owners should have the opportunity to better study the ordinance. He would like time, perhaps postpone for now and maybe give the landowners 90 days to look at this. Attorney Nadeau stated that it was an unfair burden to place on them at this time. The provisions

were too general. It would be a lack of independent representation if the owner had to accept what the City says. He also suggested that the Board consider tabling or adjournment of the public session.

Jim Fox stated that there were 2 different ordinances that were working against the property owner - sort of a Catch 22.

Walter Fisher agreed with Senator Torr. Mr. Fisher stated that if this ordinance is passed his land would be no good. He felt that the general public should have time to digest it.

Jim Fox questioned the 10% rule, are single family homes excluded?

Paul McQuade of Towle Ave. stated that this may work to be detrimental to industrial areas.

Harold Preston explained that the City hired BCI, and that was where most of the recommendations came from.

Mrs. Fairchild of 77 Littleworth Road stated that about a year or year and a half ago she received a letter saying that her property was in the aquifer. She stated she received no letter this year, was she missing something?

Bill Collins referenced the Interim Ordinance.

Mrs. Fairchild explained that her neighbors across the street received a letter.

Bill Collins stated the reason was that the geology was studied and pump tests were also conducted to determine aquifer boundaries. Such a boundary separates her house from her neighbor across the street.

Bill Baber stated there were two good reasons for this:

1. protects public safety
2. if we contaminated wells, we would lose them

Attorney Nadeau stated that he called BCI to find out how they came to the conclusion of the 180 year (S.I.C.) drought extreme. Mr. Nadeau did express concern to protect the water.

Carolyn Ricker of Covered Bridge Lane expressed her concerns over what the City would take away from her tomorrow.

Walter Fisher stated that they were only requesting time, that the notices were not early enough and that he only saw the map yesterday.

Peggy McLaughlin of Old Garrison Road stated that the Interim Aquifer Ordinance had been in place for one year, the maps had been available since January and it was the property owner's responsibility to have shown up at meetings.

Jim Fox - in regard to the Interim Ordinance, why can't the Board table for thirty days.

Chairman Preston once again stated that there would be no decision tonight.

Allan Greene of 9 Middle Road stated that it was the people's chance to let us know what decisions they've made. He stated that he had some serious questions.

Atty. Nadeau stated he knew there would be no decision made tonight, but if the meeting adjourned the public could not speak anymore.

Pete Bouchard suggested that BCI Geonetics come to a public hearing.

Frank Torr urged the Board to give strong consideration to recess the hearing or to adjourn.

Kristine Baber expressed concern about infringing on rights, not enough public information and a further hearing may be beneficial. Mrs. Baber stated that she was in favor of the ordinance to protect groundwater.

Jeff Talbor of Strafford Road supported Mrs. Baber's comments. He stated that the people there tonight opposing the ordinance were a small minority of the City.

Chairman Preston motioned to recess until 7/19/88.

VOTE: U/A

Frank Torr stated another notice should be sent on a broader cross section.

Bill Collins stated that 3000 notices had been sent out already.

ITEM #3: Public hearing on proposed amendment to Chapter 155, entitled Subdivision of Land, of the Code of the City of Dover, 1983. Said amendment revises Article IV, entitled Alternative Design Subdivision. The Amendment includes but is not limited to the following: Revisions to the Concept and Purpose of an A.D.S. allowing duplexes in an R-12 Zone, and giving the City the opportunity to use open space for municipal use; Revisions to the Approval Procedure allowing the Planning Board the option of varying some provisions of the Chapter; Revisions to the General Requirements which enlarge minimum project area, allow cluster development, lower frontage requirements and establish new yard setbacks.

Bill Collins explained that a cluster subdivision meant that houses in a subdivision are allowed to be built closer together to allow more open space. This would allow more creativity for the developer. If the ordinance was adopted a house could be built in an ADS without technically subdividing property, revisions to dimensional requirements were proposed to allow more flexibility to Planning Board.

Public Hearing Opened

Ron Weeden asked what was the logic or rationale of 10 acres?

Bill Collins stated that applications being received were on parcels of land which were too small to accomplish the objectives of the ADS.

Henry Cassada was concerned about the City's reasons for wanting to introduce this. He asked if this was to make it easier for developers or was it for the welfare of the citizens.

Bill Collins responded that it will allow better development.

Paul Boucher of 4 Glencrest Ave. asked if there was any provision for retention ponds.

Bill Collins stated that was one of the objectives for the Groundwater Ordinance, that it depended upon site review and was not mandatory as part of the ordinance.

Allan Greene asked the Board to define 'flexibility' and common areas. What will encompass a common area and if a retention pond is built, who maintains after the developer is done the work?

Bill Collins explained the answers.

Allan Greene again asked what does flexibility mean, did it mean giving a developer more flexibility in his developing?

Bill Collins explained the need for flexibility was to produce a better design.

Allan Greene stated "allowing a developer to develop where he has not done it before".

Bill Collins suggested that Mr. Greene get a copy of the ordinance and read it to learn what is proposed.

Mrs. Beckey of 51 Applevale, explained there was a catch basin running onto and destroying her property. The matter was being taken before the court right now.

Bill Collins stated he felt sure it would be resolved in court.

Bill Baber discussed several items which he felt were problems, the need to protect groundwater, improve industrial land and open space in the City. Mr. Baber also felt the "cluster" was a good idea, however, the ordinance was not a good idea, making poor land much more valuable. Other points he discussed were:

- best chance to do something creative but should rethink
- what happens to adjacent property owners;
- need more flexibility;
- the key is density, this ordinance will increase density;

-ADS in R-12 will equal RM-12 density, he is opposed to increasing density;
-thought subdivided lots would defeat the purpose

Pete Pelletier of 1 Iona Avenue stated that the City owned 2 parcels near his home and that last month the City Council passed a resolution to reserve for affordable housing.

Bill Collins stated there was no proposal for any piece of land, this was just a comprehensive rewrite of the ordinance.

Counselor Tom Scharff stated that these lots were not buildable.

Walter Fisher noticed the word developer, he said housing is for the people and people need housing. Mr. Fisher explained that he was in favor of the ordinance and in favor of clusters. He also stated he would like to see "Z-Lots" in the area if they are allowed in ordinances.

Art Corte of Tolend Road commended the Planning Board on approving the ADS subdivision rules. He said that the ADS rules brought up tonight don't go far enough. Some of his comments were, minimum lot sizes too high, houses should be permitted closer together, preserve open fields for children and grandchildren.

Kerry Forbes agreed with Mr. Fisher. The ADS helped keep housing affordable. He agreed with Mr. Corte. Mr. Forbes stated the houses fit the land in an ADS not the land fit the houses. He further expressed that it made sense to keep a buffer for surrounding neighborhoods and this allows for creativity to better allow a project to fit the site.

Peggy McLaughlin was in total agreement with Mr. Corte. Mrs. McLaughlin also commented on; including infrastructure as part of density, more open space, creatively end up better off all the way around. She expressed concern over the ownership of open space and hoped that there would be a deed restriction in the conservation easement on the open space.

Priscilla Guppy of 128 Grove St. asked if the area being affected was near where she lived.

Bill Collins answered that the entire R-12 area is affected provided 10 acres of land was available.

Priscilla Guppy then stated that they live in a single family residence and they are not in favor of anything but single family houses.

Public Hearing Closed

ITEM #4: Public hearing on proposed amendment to Chapter 170, entitled Zoning, of the Code of the City of Dover, 1983. Said amendment revises Section 170-12, Applicability of Table of Use Regulations, by adding Footnote 21 to Table I, Principle

Uses Part A. Footnote 21 would read:

Two family dwellings are permitted in the R-12 districts when incorporated in an Alternative Design Subdivision and comply with all regulations specified in Chapter 155, Subdivision of Land, Article IV, Alternative Design Subdivisions of the Code of the City of Dover, 1983.

Bill Collins explained the amendment and how it was related to Item #3.

Public Hearing Opened

Kerry Forbes explained that he had spoken to Bill Collins about Dover not having a duplex zone. Mr. Forbes explained he was also on the Dover Housing Authority Committee for affordable Housing. Some of the comments Mr. Forbes made were; R-12 was suggested for duplexes because of already high density; 10 acres was kind of difficult; would provide starter home alternative to condos and a housing type for older people wanting smaller homes.

Walter Fisher thought the idea was wonderful and he was in favor of affordable housing. He again mentioned the idea of checking out "Z-lots".

George Parsons of 188 Varney Road commended the Board and supported Mr. Forbes and his comments.

Dave McGregor of Ash Street expressed his concern over duplexes and the quality of the district. He stated that he and his wife were opposed to the proposed 2-family change.

Jeff Talbot of Strafford Rd. felt that the density was more of a detriment to the community in that area of town.

Allan Green stated that the last two speakers spoke what was on his mind. Mr. Green felt that a change in the ordinance in a year or two would make common open space buildable and that he could see common areas and envision future duplexes.

Meeting adjourned at 10:00 P.M.