

DOVER PLANNING BOARD  
MINUTES OF MEETING

Monday, June 15, 1987 7:00 p.m.  
Dover City Hall, Dover, New Hampshire

THOSE PRESENT: Chairman Harold Preston, Pierre Bouchard, Otis E. Perry, Michael McDonnell, Bill Collins, Pattie Torr, Les Elder, Tom Scharff, Joe Etelman, Steve Stancel, Luther Propst of Robinson & Cole, Paula Pendleton of Manpower-Recording Secretary, and the public. Claire Howe arrived later in meeting.

OPENING OF MEETING

The meeting was called to order by Chairman Preston. The public was welcomed to the meeting and the Chairman introduced the Planning Board and panel. He then laid out the ground rules for the public speakers and asked that comments be kept to 3-4 minutes for each speaker.

ITEM #1

Bill Collins reviewed Item #1, an Interim Growth Management Regulation, which is being proposed to promote and ensure the orderly development of land within the City of Dover, and to promote the public health, safety, and welfare of its residents.

Luther Propst of Robinson & Cole, who prepared the Interim Growth Management Regulation on behalf of the Dover Planning Board, reviewed eight findings of fact presented as exhibit items.

Bill Collins itemized for the public, exhibit by exhibit, the findings of the report citing facts and figures on each item.

EXHIBIT A, itemized the growth in Dover since 1980 as noted in building permits. EXHIBIT B, itemized the sewage treatment plant capacity and future needs. EXHIBIT C, from the Strafford Regional Planning Commission and the City Engineer dealt with the traffic and roads situation. EXHIBIT D dealt with the impact of growth on the capacity of Dover's elementary schools capacity. EXHIBIT E dealt with the drinking and ground water supply. EXHIBIT F showed a very heavy residential growth, which is unbalanced compared to the lower industrial growth in Dover. EXHIBIT G showed a need to reassess the zoning districts in Dover. The last master plan was completed in 1971. EXHIBIT H noted zoning codes which are out of date based upon current growth.

Luther Propst and Bill Collins then reviewed the sections of the ordinance. Bill Collins pointed out the exempt areas in downtown Dover, UMUD, CWD, and B-2, as noted in Section 6B. Luther Propst noted that minor subdivisions were exempt, single family or 2 family houses on lots of record, and applications formally accepted before May 30, 1987. Mr. Propst also made reference to the recent Supreme Court Decision which upheld New Hampshire's position allowing an individual the right to sue for damages against an ordinance which deprives land owners use of their property.

The walk through of the ordinance was then concluded and the floor opened to the public for comment.

**PUBLIC SPEAKERS:**

Malcolm McNeill, Locust Street, Dover, spoke as an attorney representing himself and his wife and "others" in Dover against the proposed ordinance. He stated he has two "serious" concerns: process and substance of what is being considered. Mr. McNeill commented on each exhibit, citing many concerns with each item. He felt the process was shutting down the development in the city for someone with substantial ownership of property in Dover. In summary Mr. McNeill said he felt the process needs more time for consideration and if the city is going to act quickly on this ordinance is there a fairer way of spreading the hardship which this ordinance would cause. Mr. McNeill then left the meeting to attend a meeting in Barrington.

Marc Blumenthal, Bay View Road, Dover, spoke in favor of the ordinance. He cited various reasons why the planning ordinance is needed, using taxes as an example. He commended the Council and Board for the plan and this ordinance.

George Tsimekles, Sixth Street, Dover spoke against the ordinance. He noted that he purchased property which would provide him with retirement income. For health reasons, he is retiring soon and he feels this ordinance would deprive him of the income he planned on having. Mr. Tsimekles feels Dover would be obligated to make compensation to him for loss of income. He thinks construction will support the growth of Dover and that the ordinance is against the rights of the individual. Mr. Tsimekles spoke again later in the meeting reiterating his point.

Kerry Forbes, Alden Road, Dover, spoke in favor of the ordinance. He feels the ordinance is overdue, that it will buy time for Dover to plan its future and that Dover can catch its breath and get a handle on growth. Mr. Forbes did ask the Board to consider inclusion of 3 and 4 unit buildings in the exemption Section 6B of the ordinance.

Rohe Pennington, Fairway Drive, Dover, spoke in favor of the ordinance. He cited the school committee's guidelines on growth that shows Dover's elementary schools at or near capacity. Fall 1986 elementary enrollment citywide was 1278; the capacity was 1260. The state maximum enrollment of 1465 will be reached in the Fall of 1988 based on the committee's projections of 1.25 children per household in Dover.

David Callaghan, Manchester attorney representing Nash and Tamposi, developers who have owned property in Dover for twenty years, spoke against the ordinance. He questioned the fairness of the ordinance and said their environmental impact studies shows no negative impact of their developments on the city's water sources. He requested the Board reject the proposed ordinance.

Louis Mroz, Toftree Lane, Dover, spoke in favor of the ordinance. He said that Dover is having trouble now providing services because of inadequate planning. He spoke on the behalf of the environment saying he would like to see a growth slow down. The audience applauded in a show of support to his comment that "developers are vultures".

Bill Baber, Mast Road Extension, Dover, spoke in favor of the ordinance. He posed the question "Are the rules we are playing with adequate for the game we are playing?". He felt the ordinance will give Dover time to stop and think about a plan for the city.

Nel Neal, Back Road, Dover, spoke in favor of the ordinance. She has been a conservation group member for many years and spoke of the importance of wetlands to the city and the environment, the loss of agricultural land, and the need to identify and preserve open space areas in Dover. She commended the Planning Board on the proposed ordinance.

Jim Beshirn, Sixth Street, Dover, spoke in favor of the ordinance. He stated he was not against growth, but it needs to be planned for the public good. He feels the ordinance allows time to look at the rules and review them to meet the needs of a growing community.

Stephen Hall, Court Street, Dover, spoke in favor of the ordinance as written. He cited the traffic problems in Dover as only one problem which needs to be resolved.

Thomas Welch, an attorney representing developers of the Broadgate Properties in Dover, spoke against the ordinance but said they were sympathetic to the needs of the ordinance. He asked the Board to reconsider one aspect of the plan for fundamental fairness. He requested that projects in the "pipeline" be exempt from the ordinance.

Earl Goodwin, Arch Street, Dover, spoke in favor of the ordinance, saying it benefits the majority of the citizens.

Betsy St. Pierre, Leighton Road, Dover, spoke in favor of the ordinance as written.

Muriel Cummings, Piscataqua Road, Dover, spoke in favor of the ordinance citing traffic concerns as her major reason for support.

Ray Barnwell, Spur Road, Dover, spoke in favor of the ordinance.

Edward Hoginski, Dover Point Road, Dover, spoke in favor of the ordinance.

Tom Duffy, Forest Street, Dover, spoke in favor of the ordinance. He did question the exemption of the UMUD, CWD, and B-2 areas from the ordinance and urged for removal of the exempted areas from the ordinance.

Paul Keenan, Hillcrest Drive, spoke in favor of the ordinance.

Deborah Burrington, Sixth Street, Dover, spoke in favor of the ordinance as written.

Bob Rowe, Dover Point Road, Dover, spoke in favor of the ordinance.

Chris Caverly, Garrison Road, Dover, spoke in favor of the ordinance.

The Chairman called for the close of public discussion on the proposed ordinance at approximately 9:00 p.m. The Board took a short break and reconvened to discuss the public comments.

#### PLANNING BOARD DISCUSSION

Bill Collins wanted it stated for the record that Robinson & Cole was hired as consultants and their report was passed through the city attorney's office and that the city attorney's office has been involved with the preparation of the ordinance from the onset of the project.

Les Elder commented that the five largest developers in Dover did not choose to speak at the public hearing. Les also felt that there may be a problem with the Enactment Section 6B of the ordinance.

Bill Collins reviewed the reasons for the inclusion of Section 6B, stating justification for the revitalization of downtown Dover.

Les Elder suggested inclusion of conversion of existing structures only into the exemption statement.

Pierre Bouchard commented on the work done on waterfront area to clean it up from the state it was in .

Les Elder made a motion to amend Section 6B to exempt conversion of existing structures and eliminate new construction. The motion was seconded by Pattie Torr.

Otis Perry stated that the idea is to stimulate residential as well as commercial growth in downtown Dover.

Mike McDonnell asked if Les' amendment would eliminate parking garage construction for one year. It was agreed that it would not apply.

The Board asked for a definition of conversion. Conversion was defined as no increase in square footage to existing structures.

Pierre Bouchard asked about conversions outside of downtown Dover. It was clarified that you can create two additional units from an existing structure but that the creation of a third additional unit would fall within the rules of the ordinance.

The Chairman asked for close of discussion. The motion was then restated. The motion to change Section 6B of the ordinance and

allow conversions which would not increase square footage and eliminate new construction of residential property within the UMUD, CWD, and B-2 zones.

Steve Stancel asked if the proposed motion would affect the legal justification for exempting those zones in the first place.

Luther Propst said it would not.

Otis Perry brought up the question of fairness of the ordinance which was raised earlier in the public hearing.

Luther Propst said it should be considered.

Joe Etelman asked if further public hearings would be needed if the ordinance is amended.

Bill Collins responded that they would not be needed. He also reiterated the reasons why Section 6B was incorporated into the ordinance in the first place, and that the various projects already approved by the city would be allowed to continue. Mr. Collins was asked how many acres of land was available for new construction on the waterfront. He responded that there are approximately 20 acres available.

The vote on the proposed motion was 4 in favor, Harold Preston, Les Elder, Pattie Torr, and Joe Etelman and 3 opposed, Pierre Bouchard, Otis Perry, and Michael McDonnell. The motion passed.

Chairman Preston voiced a concern that the city has taken money and now the individuals are caught in the middle.

Les Elder said he felt it was out of order to discuss this at this time, that it would be in order after the ordinance was passed.

#### ADJOURNMENT AND NEXT MEETING

The motion to adjourn was made by Pierre Bouchard and seconded by Les Elder. The meeting was then adjourned at 9:50 p.m. The Planning Board will hold its regular meeting on Tuesday, June 16, at 7:00 p.m.