

**DOVER PLANNING BOARD  
WORKSHOP SESSION  
MINUTES OF MEETING**

Held: April 2, 1985  
Council Chambers  
Municipal Building  
Dover, New Hampshire

Members Present: Chair George Maglaras, Vice-Chair Harold Preston, H. Les Elder, Robert Steele, Stephanie Faria, Pierre Bouchard, Robert Weisner and J. Andrew Galt.

Alternate Members Present: Robert Seaver. Otis Perry was unable to attend because he was ill.

Other: Planning Director Timothy Sheldon, City Engineer Jay Stephens, Fire Chief David Bibber and Recording Secretary Kathleen Brown.

The Chair called the meeting to order at 7:07 p.m.

Mr. Maglaras explained that the workshop session was being held in order to give the Board an opportunity to discuss the rezoning petition forwarded to them from the City Council. The petition requests the changing of the zoning designation from medium density multi-residential (RM-12) to medium density single-family residential (R-12), for that area of land generally bounded by Back River Road, Mast Road, Garrison Road and the Bellamy River.

Mr. Sheldon offered a brief explanation of the Master Plan, beginning with its inception in 1972, and continuing through the many amendments which followed. He noted that a 1977 study by the Strafford Regional Planning Commission entitled, "Proposed Long-Range Development Goals, Policies and Programs," had spurred the process for the comprehensive rezoning which was undertaken in 1979, although it had never been formally adopted by the City Council. Mr. Sheldon then summarized the decision-making process of the Planning Board when the Master Plan was revised in 1979.

Jay Stephens, City Engineer, offered the Board a description of the location of the existing sewer lines. He explained that two separate sewersheds exist in the area under consideration: the first running along Durham Road and servicing Route 155 and the Industrial Park, and the second being the system which winds its way through Morningside Park and crosses the river to connect

with the south end collector. He noted that the first of the two lines cannot be enlarged to accommodate further development. He stated that the second system not only can be enlarged, but will need to be expanded if it is to accommodate further development.

In response to a question from Mr. Maglaras, Mr. Stephens explained that the sewer use per unit varies, depending upon the design of the system.

In response to questions from Mr. Bouchard, Mr. Stephens stated that the upgrading of the Charles Street station will permit an increase in the amount of sewage being pumped to Durham Road. He noted that although this will increase sewer capacity slightly, he explained that the next constriction, the line running along Locust Street and to the treatment plant, would need to be replaced before a significant increase in the capacity can be counted. He then explained that "off-peak pumping" entails storing the sewage on-site until it can be pumped into the system at a time when there is very little use by other property owners in the area.

In response to questions from Mr. Sheldon and Mr. Maglaras, Mr. Stephens stated that if development in the "no man's land" between the two sewersheds occurs, the sewage would need to be pumped to the Mast Road line, because that system can be upgraded to accommodate further use. Mr. Stephens explained that the current sewer capacity of the Mast Road line is approximately 214,000 gallons per day, and that the project proposed by John Gavin would generate approximately 114,000 gallons per day, given the peaking factor. He noted that Mr. Gavin does not plan to pump at off-peak.

In response to concerns expressed by Mr. Maglaras regarding off-peak pumping, Mr. Stephens explained that the Sewer Commission and the Public Works Department retain the right to inspect any system, even if the City does not own it. Furthermore, his office requires that the developer install a particular brand of pump, the same as used by the City, so that spare parts can be on hand should a problem arise. In addition, it is suggested that the developer install some type of alarm system to insure that the pump is operating correctly. In

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conclusion, Mr. Stephens stated that the City does as much as is practical to verify that private systems are being run properly.

In response to a question from Mr. Williams, Mr. Stephens stated that on large projects, those being 50 units or more, the City requires a stand-by source of power which can be used in the event of an electrical failure. In smaller developments, the City has considered permitting the installation of an oversized holding tank which could be used to accomodate sewage generated over a 18-24 hour period.

Mr. Stephens, in response to a further question from Mr. Williams, stated that off-peak pumping entails pumping the sewage not once, but many times a day during off-peak times. He also explained that the timers which operate the pump are generally not affected by a power failure, as they are wired to the emergency back-up system. He did note however that it is not unusual for a pumping station to have to be manually reset if the electrical service has been interrupted.

In response to a question from Mr. Galt, Mr. Stephens noted that competition between two forced mains in one area currently exists in the City. He cited the example of the Redden Gardens Development and the abutting Jenson's Mobile Home Park which both currently pump at off-peak, and explained that the City has refused to permit further development in that area until an interlocking timing system for those two pumps can be developed.

Expanding on this line of thought, Mr. Stephens stated that there are many projects which do not make it to the Planning Board because the developer has been discouraged by the City Engineer's concerns regarding sewer capacity. He stated that his office will not recommend approval of any project that he does not think the sewer system can handle. Mr. Maglaras elaborated on this by noting that, should a developer insist on bringing a project before the Board, the site review process will kick in and the Planning Board will ultimately decide if the project is compatible with the existing sewer capacity.

In response to a question from Mr. Preston, Mr. Stephens noted that the number of people using the sewer is the controlling

factor when determining sewer usage, regardless of the housing type. Mr. Stephens added that his office is supportive of the initiation of a long-range plan which will help to eliminate the installation of many private lines. He noted that the policy toward development within the City, with regard to remaining sewer capacity, has always been on a first come-first served basis.

In response to a question from Mr. Galt, Mr. Stephens explained that a developer is required to disconnect the private line servicing the project and reconnect to a municipal line, as soon as one is installed by the City.

In response to a question from Mr. Sheldon, Mr. Stephens explained that the Sewer Commission reviews the concept plan proposed by a developer with respect to the sewer, and the actual design as well as the permit is approved by the Department of Public Works. Mr. Steele added that the City Council is required by State law to grant/deny a license to any party who wishes to place any utility in the public way. As the City Manager, he is permitted to approve only applications for pole permits.

In response to a suggestion by Mr. Willimas that the forced main installed by a developer be open for expansion for additional development, Mr. Stephens explained that it was difficult to force cooperation between private parties. He noted while it was theoretically possible to have five forced mains running in one public way, this would not be possible given the development of a comprehensive plan for sewer expansion.

In response to a question from Mr. Maglaras, Mr. Sheldon explained that the institution of a growth management policy within the City, with regard to sewer use, would not be practical. He reiterated Mr. Stephens' earlier statement that City utilities are provided on a first come-first served basis.

Mr. Steele, in response to a question from Mr. Maglaras, stated that Mr. Gavin would be required to apply to the City Council for a permit to place utilities within the public way.

Mr. Stephens, in response to a question from Mr. Galt, stated

that a comprehensive plan for sewer expansion could be completed on a limited basis by next winter. He noted that a study of the entire City would require at least two years time.

In response to a question from Mr. Bouchard, Mr. Stephens stated that 3 private lines, at the very most, could connect with the City lines at the Back River Road/Mast Road manhole. He noted that the sewer capacity would most likely be depleted before this would happen. Mr. Stephens then explained some of the constrictions of the existing sewer system in the Morningside Park area.

Mr. Maglaras stated that Fire Chief David Bibber was present to offer the Board an explanation of some of the requirements that his department places on any development.

Mr. Sheldon briefly reviewed the agenda package provided to the Board members for the meeting of April 9th.

Dave Bibber explained that his department utilizes the standards of the NFPA, as well as the Life Safety Code, when placing conditions of approval on new construction. He noted that his review encompasses a flow test to determine that adequate water flow exists for fire protection, as well as the proposed placement of fire hydrants within a new development. He stated that developers may have an option of providing a sprinkler system within buildings, in coordination with more strict building standards, should water flow in the area be substandard.

Mr. Sheldon stated that the Fire Chief will not sign the approval required for a Building Permit unless the developer has met his demands with respect to fire protection measures.

Mr. Bibber stated that, although discouraged by his department, ponds or holding tanks are another option open to developers should the water flow be inadequate in the area. He then noted that a flow test will be conducted in the Mast Road area on the following evening at 9:00 p.m.; practical reasons prevent the testing at peak use times, and therefore he incorporates a "fudge factor" in his calculations.

In response to a question from Mr. Preston, Mr. Bibber noted that while he does consider the potential for the maneuverability of fire equipment within a development when reviewing the plans, it is not a significant obstacle for most proposals.

Mr. Sheldon stated that access problems may occur within the RM-12 zone because of the high occurrence of cul-de-sacs off of private drives. Mr. Bibber added that travel in the winter months is the major concern.

In response to a question from Mr. Galt, Mr. Bibber explained that flow tests are not conducted at on-peak times because of inconveniences to residents in the area, such as muddy water.

Mr. Bouchard stated that flow tests are conducted about 90% time when the fire hydrants are flushed each year. The flow tests conducted for individual proposals are an effort to confirm the data gathered in these earlier flow tests.

Although Mr. Bibber agreed with a suggestion by Mr. Galt regarding the gridding of the water lines, Mr. Bibber noted that the necessity of this requirement is dependent upon the type of development.

Mr. Bibber noted that the developers assume the full cost of the installation of the new hydrants and lines required for fire protection in the area being developed. He stated that many times these measures would be merited without the development, and the developer is actually doing service to the City.

In response to a question posed by Mr. Maglaras, Mr. Preston stated that the Board has 31 days from the date of the Public Hearing in which to act on the rezoning petition.

Mr. Williams, while realizing that his suggestion was not relevant to the rezoning issue, stated that the Board should consider limiting the impact on the remaining sewer capacity by developers.

Mr. Maglaras suggested that the Board may want to consider revising the RM-12 district to permit the removal of steep slopes

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from the gross permitted density, to promote clustering and to eliminate the setback requirements from private drives.

Mr. Sheldon reviewed the differences between the RM-12 zone and the R-12 zone and noted the potential development problems within each area. He reiterated the points made by Mr. Maglaras and suggested that the Board seriously consider instituting these revisions with respect to the RM-12 zone, in an effort to permit a true clustering. He clearly indicated that it was his opinion that the R-12 zone was not the solution to the problems of the RM-12 zone, which are being revealed in plans submitted to the Board. He then offered the Board comparisons of school-age children generation, traffic generation and sewer and water use within the two zoning designations. He noted, in response to a comment by Mr. Williams, that the data certainly would be affected by a number of variables, including the number of bedrooms per unit and the proximity of the development to the urban core.

Mr. Preston raised concerns regarding the lack of Planning Board control over the actual building plans of developers. Mr. Maglaras and Mr. Sheldon both explained that the Planning Board only has the power to approve footprints for development, and the actual treatment of the building (ie. facade) cannot be legislated by City ordinance.

In response to a question from Mr. Bouchard, Mr. Sheldon stated that the Planning Board does have control over the placement of buildings within a site, and specifically on steep slopes. He explained that the Board has the option to request information such as soils tests and test borings when making such decisions. Mr. Sheldon reiterated his contention that the dimensional requirements of the RM-12 zone do create problems because they do not account for steep slopes.

Mr. Galt reiterated all the concerns expressed by Mr. Sheldon with regard to the current standards set forth in the RM-12 zone, by noting that the dimensions of the lot, and not the environmental characteristics of the site, dictate building sites. He noted, while he does not support a change of zoning to R-12, neither is he in favor of maintaining the RM-12 zone as it

is.

Mr. Sheldon explained that the Board must first act on the petition and then work to revise the RM-12 zone if they agree that it is necessary.

The Board discussed the idea of including a provision for reducing the potential density by accounting for slopes in excess of 25% in all zones within the City. Mr. Sheldon suggested that each type of development be considered individually, as it may not be beneficial to place a blanket restriction on all the zones in Dover. He explained that multi-family development should be clustered away from sensitive areas however, single-family development can often be developed tastefully and responsibly on steep slopes. Mr. Maglaras suggested that the Board consider incorporating the Conservation District into its proposal for determining the net potential density permitted on a site.

In response to a suggestion by Mr. Williams, Mr. Sheldon noted that it may be a good idea to provide for an increase in the amount of land required for each unit, should the unit support additional bedrooms.

The Board discussed the the school-age children generation potential for multi-family units. Mr. Williams suggested that the number of SAC may increase as the age of the building increases. Mr. Sheldon stated that the number of SAC is dependant upon the number of bedrooms per unit and the land use. He added that the number of children within units may increase, as the area is experiencing another "baby boom" type growth. However, he was quick to note that the State population figures for Dover have remained stable for the past couple of years because the average population per household is determined to be low.

Mr. Galt and Mr. Maglaras both expressed a need for the development of provisions for flexibility in the RM-12 zone; these measures could prohibit development on steep slopes and sensitive soils.

Mr. Sheldon noted that the Board cannot only request soils tests

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and borings, but it also has the ability to rely upon the expertise of officials from both WSPCC and the Wetlands Board who review each site which may encroach upon an environmentally sensitive area.

Mr. Maglaras noted that developers may welcome the proposed flexibility in the RM-12 zone, as it would enhance the projects in these areas.

Mr. Galt noted that the current zoning ordinance does not allow the clustering of development without a variance from the Zoning Board of Adjustment. Mr. Williams noted that a clustering effect may be obtained, however it would be only within the constraints of the setback requirements.

Mr. Maglaras stated that a workshop session to discuss the revision of the RM-12 zone and the Conservation District will be scheduled for April 25, 1985.

Mr. Sheldon requested that the Board permit him to begin formulating revisions to the RM-12 zone which would address the concerns raised at this meeting. The Board approved of his suggestion.

In response to a question from the Board, Mr. Sheldon stated that approximately 250 acres are currently vacant within the existing RM-12 zone.

Upon the unanimous consent of the Board, Bill Baber, Mast Road, reviewed his concerns regarding the RM-12 zone. He noted his concerns regarding what he terms infrastructure weakness in the Mast Road area. He suggested that the Board define steep slopes as those areas supporting a grade greater than 15%. He requested that the Board not vote down the R-12 request until it has developed an alternative plan for the zoning. He reiterated concerns regarding potential density and the lack of open space provided in the RM-12 zone. He concluded by stating that he and other residents in the area would be willing to support a multi-family zone at a lower density, such as three units per acre (net).

Moved by Steele, seconded by Wiesner to adjourn at 9:10 p.m.