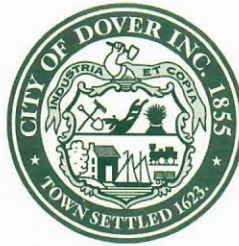


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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

April 6, 2026

The Honorable Joe Alexander, Chairman
House Housing Committee
Legislative Office Building, Room 231
107 North Main Street
Concord, NH 03301

Re: SB 564 – Relative to the Development of Open Spaces

Dear Senator Alexander:

I am writing to respectfully oppose SB 564, which would prohibit municipalities from enforcing essential development restrictions. Please note this is coming from a community that has proactively and reactively made regulatory changes to welcome creative density and serves as a leader in the state for number of housing units underway. The bill would override New Hampshire's locally driven planning framework under RSA 674:16–21 and RSA 674:35–44, limiting the ability of planning boards to address terrain, stormwater, emergency access, and environmental protection based on local conditions.

Of particular concern is SB 564's effective removal of municipal authority to prevent development within set-aside open-space areas of approved subdivisions; an idea antithetical to the concept of designating open-space areas to begin with. These are not areas of ignored surplus acreage, but rather intentionally undeveloped area to protect wetlands, wildlife corridors, and aquifer recharge zones, while promoting the rural character necessary to balance increased development all while providing usable recreation space for residents. The proposed language does not define open space and open space and buffers have many purposes.

Residents and abutters rely on the permanence of these designated open spaces and buffer areas, and municipalities design infrastructure and drainage systems with the understanding that these areas will remain undeveloped. The bill's current verbiage seemingly introduces the ability to develop open spaces and buffer areas in existing subdivision plans as well as future ones. Allowing construction within them would undermine recorded plans, increase flooding and infrastructure strain, and erode public trust in the subdivision process. Moreover, the impacts this bill enables are neither singular nor limited to the time of installation-any engineered utility system requires routine maintenance and inherently carries the risk of failure over time. This bill enables revolving impact of varying degrees to land deemed to have significant importance by local boards.

While expanding housing opportunities is an important statewide goal, development within protected open-space and buffer areas is not an appropriate or responsible path toward that objective. These lands were preserved for specific environmental, safety, and infrastructure reasons, and those reasons remain critical long after the subdivision is built. For these reasons, I respectfully urge the Committee to find SB 564 Inexpedient to Legislate and work on a more realistic avenue to obtain the housing goals without negatively impacting our beautiful state

Thank you for your time and attention to this matter.

Sincerely,

Donna Benton, AICP
Director of Planning and Community Development
The City of Dover, NH