

**DOVER PLANNING BOARD
MINUTES OF MEETING
AUGUST 24, 1993**

MEMBERS PRESENT: Bob Corsetti, Doug Steele, Brian Preston,
Ron Cole, Lionel Martel, Parks
Christenbury, Dan Markey, Paul Beecher,
Alternate Bob Belmore

MEMBERS ABSENT: Jim Richards

STAFF PRESENT: Steve Stancel, Acting Planning Director and
Jacqueline Freeman, Recording Secretary

Bob Corsetti brought the meeting to order at 7:00 PM.

ITEM #1: Approval of minutes.

Bob Corsetti asked the Board if there were any objections to suspending the rules and taking this item on after the public hearing as there were some changes recommended by Bob Belmore.

There were no objections from the Board.

ITEM #2: Consideration of acceptance of an application for a minor lot line adjustment for Groux/Bow Street Realty Trust, Assessor's Map L-2, Lots 106, 106A, zoned R-20, located off Dover Point Road.

David Vincent represented the applicants. He stated that the lots in question are legal lots of record. Their access is a private right-of-way to Dover Point Road. He stated that they wished to reduce lot 106A to just over 1/2 acre. He said that the new lot line does not cause a setback problem.

Bob Corsetti asked Bob Belmore to take the vacant seat on the Board.

Dan Markey made the motion to accept the application. Parks Christenbury seconded.

VOTE U/A

Steve Stancel said that the Planning staff recommends approval subject to the following conditions:

1. The owners' signatures be added to the plat; and
2. All existing and required access and utility easements be shown on the plat, also a sewer easement is needed to Lot 106A.

David Vincent stated that there will be a perpetual sewer

easement over the existing line for access and repair. He stated that there is a city sewer, they just do not know where it is, which is why it does not appear on the plan.

The public hearing was opened.
There were no comments on the item.
The public hearing was closed.

Parks Christenbury made the motion to approve with the following staff recommendations:

1. The owners' signature be added to the plat.
2. All existing utility easements be shown on the plat.
3. A note shall be placed on the plan referencing a sewer easement on Lot 106 for 106A.

Ron Cole seconded.
VOTE U/A

ITEM #3: Public hearing on and consideration of amendment to the Dover Zoning Ordinance by adding the following uses: Adult Bookstore and/or Video Store and Adult Cabaret in the B-3 Zones by Special Exception.

Bob Corsetti gave a summary of what the current zoning entails. He stated that currently the zoning that we have would allow an adult bookstore in virtually every business zone in the City. He said that legally we cannot prohibit an existing use, however, we can restrict uses to specific zones. He said that this ordinance will give us an added layer of protection and a legally defensive position on adult businesses. He added that it will be allowed by special exception which means that there are criteria that must be met before it's approved by the Zoning Board.

The public hearing was opened.

Chief Fenniman spoke in favor of the ordinance. He stated that by passing this ordinance it is very unlikely that you'll see one of these establishments take root in the City of Dover. The Police Department's position is that they need this Zoning Ordinance to finish out their hand.

Atty. Wattendorf, Prosecuting Attorney for the Police Department, had a chart to show how government regulates adult entertainment. He defined the different types of obscenity and the different ways of regulating it. He said that there is nothing preventing adult businesses right now and this ordinance would be the way the City can regulate them.

Ray Wilbur, 2 Danbury Lane, wanted a definition of hard core

and soft core pornography.

Atty Wattendorf stated that the Police can make a decision on pornography but a court makes the final decision.

Philip Brown, 19 Summer St., wanted to know where the hardcore was being addressed and wanted to make the ordinance more restrictive.

Bob Corsetti stated that he believed that Chapter 56 and 132 is where the hardcore is addressed in the City Ordinances. He added that the City cannot make it so restrictive as to not allow it in any zone.

Steve Stancel stated that because zoning does not get into pornography within the City of Dover, something like an adult cabaret would be allowed any place where a dining facility would be allowed which would include B-1, B-2, B-3 B-4, UMUD and the CWD zone. In terms of retail it would be allowed in the B zones as well as the I zones. One of the important points is that this ordinance would allow the uses by Special Exception, therefore, they would have to meet the following criteria before being approved:

1. The requested use is essential or desirable to the public convenience or welfare.
2. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
3. The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the immediate area or in any other area of the city will be unduly subjected to hazards affecting to health, safety or the general welfare .

Steve Stancel stated that there are very limited areas where these businesses could be located, one is the Tamposi/Nash property off the Sixth St. Connector; the Shaws Plaza on Miracle Mile; and in the Williams Cadillac and Bill Dube area on Dover Point Rd.

Alden Joy, Elmwood Ave., said that he had two things that concerned him. First, was that parks and playgrounds were not recognized. He said that he was thinking of Guppy Park. Second, he was concerned about protecting residences in neighboring communities such as the homes abutting us in Rollinsford.

Paul Beecher said that we have no jurisdiction over property in another community.

Dave Curry, Riverdale Ave., was concerned with how the size of the display came about. He also felt that cemeteries

ought to be considered because of the content of the services performed there.

Annette Cockburn, Portland Ave., was concerned with the Portland Avenue and Guppy Park area. She stated she is not happy with the 500 feet from residences. She also asked if there is a specific business that is planning to come into the City and asked if there are any existing adult business.

Steve Stancel said there were no adult businesses planning on coming in, nor was there any already established in the City.

Mike Taylor, Washington St., felt that the restrictions should include cemeteries and that there should be 1000 feet between each adult business.

Ray Wilbur, asked if the approval of this ordinance could be construed by anyone as opening the door for the admission of Adult businesses.

Parks Christenbury stated it is just the opposite. He feels it is closing the door and sending a message that Dover does not welcome this type of business.

Margaret Scharf, asked if there was a law to prohibit someone from selling pornographic materials at yard sales and selling these materials to minors.

Chief Fenniman stated that it is a felony to dispense to children and these materials cannot be sold at yard sales.

Ron Cole stated that he felt we were all here to give an indication to people who consider locating this type of business in this community a clear and distinct message that they are not welcome.

Ray Wilbur submitted a list of articles on pornography that appeared in newspapers.

Paul Beecher stated that he does not see any reason for putting this issue off to a workshop. He recommends passing it to the City Council and they can take up any other considerations. He felt that the addition of playgrounds and parks would be a good idea.

Parks Christenbury made the motion to approve the ordinance and add 1000 ft. from parks, playgrounds or recreation areas and to have 1000 feet between adult businesses.

Paul Beecher seconded.

VOTE U/A

ITEM #1: Approval of minutes.

Bob Belmore submitted a sheet of paper with the following changes to the minutes: (As submitted)

AUGUST 10, 1993

ITEM #1, on Page 1, 4 lines from the bottom of the 2nd paragraph - strike "because of his doing"

The gist of what I asked the record to reflect was -- (...The reason the discussion came up was because ...

Insert "it wasn't an isolated member's concern but rather a result of board discussion concerning"... what type of consideration was given regarding establishments..

ITEM #4, on page 3, at the top, before the paragraph "Jim Richard states that the pit is over..."

Insert "Bob Belmore asked why this item was being brought before the planning board. That is, shouldn't an approved, operating gravel pit be able to store loam on its site without further board action or review."

Bob Corsetti asked if the Board wished to approve the minutes as amended.

VOTE U/A Ron Cole - abstained

ITEM #4: Old Business

a. Cramer/Parzychy Lot Line Adjustment, located on Venture Drive.

Steve Stancel stated that the plans which were approved on July 27, 1993, did not contain the locations of the AT & T manhole covers and the telephone poles. He stated that the title company had a problem with that and want signed plans which reflect the locations of the manhole covers and the telephone poles.

Paul Beecher made the motion to resign the plans with the poles and manholes in place.
Lee Martel seconded.

VOTE U/A Ron Cole - abstained.

b. Sousane/Quinlan

Kevin McEneaney represented the Susane/Quinlan property. He said that inadvertently the foundation was placed 10 feet into the B-4 Zone. He stated that he would like to do a revised lot line adjustment to rectify the situation. He also asked for a waiver of the application fee.

Steve Stancel stated that the revised plans should go to the public hearing of September 14, 1993. He felt that meanwhile, they should be allowed to continue to build.

Paul Beecher made the motion agreeing to the revised lot line adjustment, also to allow them to continue building and to waive the application fee.

Lee Martel seconded.

VOTE U/A

ITEM #5: New Business

a. St. Thomas Aquinas High School

Steve Stancel stated that St. Thomas High School has begun construction of their parking lot and neglected to come before the board for site review approval. He stated that they are in the process of getting their plans drawn up. He said they are attempting to get their parking lot done before school starts in order to get the cars off Oak Lane and off the Dover Point Rd.

Parks Christenbury made the motion to allow them to continue the work because of the safety issue.

Paul Beecher seconded.

VOTE U/A

b. Roy Josselin, Summer Street, submitted letters from himself and his aunt regarding ITEM #2, the lot line adjustment for Groux/Bow Street Realty Trust.

c. Kevin McEneaney stated that bringing in plans within 30 days of Planning Board approval for final signature becomes an issue when there are extenuating circumstances.

Steve Stancel stated that technically, if you don't bring in your plans and mylar before the 30 days are up you have to come back before the Board. He said that they have been pretty lenient in the past.

Lee Martel suggested that they come back for an extension.

Bob Corsetti stated that it will be brought up at the next meeting for discussion.

ITEM #6: Adjournment

Ron Cole made the motion to adjourn.

Bob Belmore seconded.

VOTE U/A