

MEETING MINUTES  
DOVER PLANNING BOARD  
DECEMBER 11, 1990

MEMBERS PRESENT: Harold Preston, Joe Etelman, Tom Forbes,  
Jim Caliendo, Patti Torr, David Wright,  
Dan Markey, Kathy Wentworth, Mike Hoffman,  
Lionel Martel, Jim Richards, Jim Jalbert,  
Mike McDonnell

MEMBERS PRESENT: Bill Collins, Steve Stancel,  
Joanna Pritzker - Recording Secretary

Meeting called to order at 7:05 PM.

ITEM #1: Approval of minutes

Joe Etelman stated that on page 7 regarding the ordinance amendments, his statements were not included in the November 27, 1990 Planning Board minutes. They are as follows:

Joe Etelman read excerpts from the Zoning Ordinance, Chapter 170-3, relating to purposes of the Planning Board.

- 170-3. Purpose. This Chapter is an element of the Dover Comprehensive Development Plan and is designed to promote health, safety, morals and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

He also complemented the Economic Director to his efforts in attempting to attract new industry to the City. He then stated that after considering Councilor Williams statements and the petition presented by Gary Gilmore, he felt that he needed more facts before he could vote. He then motioned to table this amendment.

Jim Caliendo stated that during the public hearing on the rezoning on Gulf Road, someone spoke and his name did not appear in the minutes.

Jim Jalbert stated that the property owner's name was Robert Demers, Country Club Estates.

Mike McDonnell questioned the conditions of approval on the Gravel Pits. Was it necessary to have condition number one which has regard to future applications.

Harold Preston did not have a problem with the condition.

Bill Collins stated that it was right from the text of the regulations.

Tom Forbes motioned to approve the minutes as amended.

Dave Wright seconded.

VOTE 8-1 Jim Caliendo opposed.

ITEM #2: Consideration of acceptance of an application for a minor lot line adjustment of land owned by Dan Gabriel, Assessor's Map B, Lot 11, zoned R-40, located on County Farm Cross Road.

Dan Gabriel represented the application.

David Wright asked about the conservation easement. Will tract A be subdivided off for that purpose.

Dan Gabriel stated that there will be one more lot line adjustment in the future, it will be beyond the railroad bed. After the lot line is complete there will be one parcel of land that will be in the conservation easement.

Tom Forbes motioned to accept the application.

David Wright seconded.

VOTE U/A

Public hearing opened.

No comment.

Public hearing closed.

Bill Collins stated that a condition of approval should be that Otis Perry's signature appear on the plan, because of a lot line affecting him.

David Wright motioned to approve with the condition that Otis Perry's signature appear on the plan.

Jim Jalbert seconded.

VOTE U/A Jim Caliendo abstained.

ITEM #3: Old Business

(a) Discussion and vote on rezoning on Gulf Road.

Jim Jalbert abstained from participating due to a conflict of interest.

Bill Collins stated that Mr. Demers made an appointment with him to discuss his lot (12B). He was concerned about being able to build with the proposed rezoning. After review of his lot, he will be able to build.

Jim Caliendo stated that he is not in favor of the rezoning.

David Wright stated that the rezoning is concurrent with the surrounding properties. He would like to see the Board approve this rezoning.

Jim Caliendo stated that there is a provision in the 43 zoning changes with regard to non-conforming lots.

Tom Forbes stated that the zoning change does not effect these lots. He then questioned if there were any RM-12 applications in at this time.

Bill Collins stated that there weren't.

David Wright motioned to approve.

Jim Richards seconded.

VOTE 6-2 Jim Caliendo, Joe Etelman opposed.

(b) Discussion and vote on amendments to the Zoning Ordinance regarding loading spaces for industrial buildings and industrial building heights.

Tom Forbes motioned to split the amendments.

Jim Jalbert seconded.

VOTE 8-1 David Wright opposed.

Harold Preston stated that the Board would consider the number of loading spaces first.

Bill Collins stated that on page 17044 of the Zoning Ordinance, loading spaces are determine by the number of square feet of gross floor area in a building.

David Wright stated that the Economic Commission is in favor of this ordinance being approved.

Tom Forbes asked for Bill Collins' recommendations.

Bill Collins stated that he is in favor of the ordinance

being passed.

Jim Jalbert motioned to approve the amendment regarding loading spaces.

David Wright seconded.

VOTE 8-1 Jim Caliendo opposed.

Amendment 2 - maximum height of industrial buildings.

Bill Collins stated that the effect this would have on the I-2 is that I-2 allows industrial uses, but there is no definition of industrial. In the I-1, only light industrial is permissible. We would like to begin the public hearing process to rezone the three I-2 zones in the City. Two of them will be rezoned to I-1 and the third be rezoned to B-2. He further stated that he would like the Planning Board to authorize a public hearing.

Jim Richards questioned if we would be protected inbetween before the public hearing is posted.

Bill Collins stated that we would have to post a public hearing within the next few days.

David Wright stated that the City Council is concerned with the competition from the surrounding communities which have a better height requirement than us.

Joe Etelman stated that the other aspect could be high rise buildings. He felt that applications should be considered on an individual basis.

Tom Forbes stated that the people did not want this amendment. He then made a motion to amend Amendment 2 to read as follows:

"25. The maximum height of an industrial building may be increased to 75 feet by special exception, provided the added height is needed to meet an industrial function and the building will be located a minimum of 150 feet from any residential zone. Furthermore, preliminary site plan approval is required by the Planning Board."

Patti Torr seconded.

Jim Jalbert agreed with Tom Forbes, but felt that the I-2 needed to be changed first.

Jim Richards stated that it would show people that we are willing to listen.

Bill Collins stated that by allowing applications with the 75 foot height on a case by case basis, it will lengthen the time process.

Mike McDonnell questioned when the rezoning is posted for the I-2 zones, there will no longer be I-2 zones if passed.

Bill Collins stated that was correct.

Steve Griffin asked what would be considered with regard to a special exception.

Bill Collins replied that the criteria is spelled out in the Zoning Ordinance.

Harold Preston stated that a special exception is granted by the ZBA. The criteria required is in Section 170-52 of the Zoning Ordinance.

Howard Williams stated that Biosafe has a P & S on property in Dover, with a contingency on whether or not the 75' height requirement is passed.

David Wright stated that the City has a copy of the P & S and there is nothing in it regarding the 75' height requirement.

Jim Caliendo stated that he felt that the Council wants to speed up the Planning Board process.

VOTE 5-4 Mike McDonnell, Jim Caliendo, Joe Etelman, Harold Preston opposed. (amended)

Jim Jalbert motioned to approve the amended ordinance.

Dave Wright seconded.

VOTE 5-4 Mike McDonnell, Jim Caliendo, Joe Etelman, Harold Preston opposed. Motion passed.

Dave Wright motioned to authorize a public hearing to rezone the I-2 zones on Broadway and River Street to I-1, and the I-2 zone on Third Street to B-2.

Jim Jalbert seconded.

VOTE U/A

(c) Free Trade Time Extension on Letter of Credit.

Bill Collins stated that Free Trade has to build a temporary cul-de-sac. Their Letter of Credit is available December 1, 1990 to allow the money to be available to the City. He further stated that Free Trade has received a cease and desist from the State.

Al Souther, representing Free Trade, stated that they needed to submit "as-builts" to the state, with a revised application.

Jim Caliendo stated that if we can get an extension from the bank, he doesn't have a problem with it.

Tom Forbes questioned what the time frame would be to get the design out to bid and to have completion done in the spring?

Bill Collins stated that it would not probably be until late February or early March.

Jim Jalbert stated that the developer knew about this problem in the summer. He felt that it should have been taken care of then.

Dave Wright stated that there is no written authorization from the bank.

Bill Collins stated that the letter of credit has been extended three times. If we pull the letter of credit, we will be the ones to deal with Concord. He recommended that the letter of credit be extended for 90 days.

Jim Jalbert motioned to grant an extension on the letter of credit until April 1, 1991, with funds available on March 1, 1991, provided written notice for the letter of credit from the bank is received by the close of business Friday.

Mrs. Beckey stated that the established catch basin is still flowing onto her property.

Dave Wright seconded.

VOTE U/A

ITEM #4: Adjourn

Jim Jalbert motioned to adjourn.

David Wright seconded.

VOTE U/A

Meeting adjourned at 8:50 PM.