

DOVER PLANNING BOARD
MINUTES OF MEETING

Meeting held: May 21, 1987 in the Auditorium of the Municipal Building in Dover, New Hampshire.

Members Present: Harold Preston-Chairman, Otis Perry, Michael McDonnell, H. Les Elder, Thomas Scharff, Pierre Bouchard, Joseph Etelman

Alternates present: Claire Howe, James Caliendo

Also Present: William Collins- Planning Director, Scott Woodman-City Attorney, Linda Barbeau-recording secretary

Mr. Preston called the meeting to order at 7:06 PM

Discussion was raised immediately if this was a special meeting, workshop or regular planning board meeting.

It was explained that it was a special Planning Board meeting.

Mr. Collins explained that this would be a walk through of the Proposed Interim Growth Management Ordinance and the Board would make the decision if it would go to public hearing.

Mr. Collins introduced Mr. Luther Propst, of Robinson & Cole, who had prepared the report for the meeting. Copies were distributed to the Board members and to some of the audience in attendance. It was explained that this was a preliminary and tentative proposal and not official policy.

Mr. Propst at this point began explanation of the information in the report. (note a copy of all material covered at the meeting is enclosed with minutes). He explained that there are two types of interim regulations.

1. A city may enact planning-related interim regulations to limit growth until a master plan is developed or updated or until permanent land use regulations are implemented or revised.
2. May restrict or limit development during a period in which public services or facilities are overburdened.

It is both a planning and legal imperative that interim growth management regulations strictly limiting growth relate to either (1) the planning and implementation of revised development controls, or (2) the correction of an overburdened municipal facility or service. It was stressed that this was not a simple "time-out" from development. General rule is that it must be justified and not be on a whim. There must be solid statistical evidence.

Mr. Probst then reviewed three important court decisions that are relevant to criterion growth management ordinance.

Mr. Probst and Mr. Collins presented and described the proposed findings of fact and the corresponding exhibits.

The proposed findings of fact included: unprecedented growth rate that was not anticipated; sewerage treatment plant capacity; substandard roads; school system capacity; ongoing study of aquifer recharge areas and the impacts of growth on the areas; city's growth has been and continues to be disproportionately residential; last comprehensive masterplan revision was in 1971; and existing zoning regulations need revisions.

Exhibits that presented evidence and statistics that were relevant to each finding of fact were distributed and discussed.

Mr. Scharff requested that the exhibits be revised to show the methodology and data sources.

Mr. Probst presented the proposed ordinance, explaining each section. It was explained that minor subdivisions can be allowed without detracting from the goals of the interim ordinance. Appeals of the ordinance will follow the Zoning Board of Adjustment process. It was explained again that the ordinance was for discussion purposes.

Mr. McDonnell asked for clarification of the ZBA provision. It was explained that one can apply to the ZBA for relief of any provision of the zoning ordinance if a special hardship exists.

Mr. Scharff made a motion to accept the ordinance and move it to a public hearing at the earliest possible date.

Mr. O. Perry seconded.

Mr. Elder said it is out of character for the Board to act this fast and that there is too much material to absorb in one night.

Mr. McDonnell agreed with Mr. Elder.

Joe Caliendo agreed.

Pete Bouchard agreed.

Vote: two for the motion; 6 opposed; motion failed.

Mr. Preston suggested moving the ordinance to new business on Tuesday, May 26.

Mr. Elder requested that the city engineer attend the May 26 meeting.

There was a discussion about acceptance versus formally acceptance. City Attorney Woodman explained the meaning of acceptance and the relevant state law.

Discussion followed on the treatment of projects with applications or drawings in the planning office.

The capacity of the sewerage treatment plant followed. Mr. Collins explained that a capacity problem will occur if the new secondary plant is not completed on schedule.

Several members of the audience asked questions or stated opinions about the ordinance.

Mr. Elder moved to adjourn.

Mr. O. Perry seconded.

Vote: U/A

Meeting adjourned 9:06 p.m.