

✓

DOVER PLANNING BOARD  
MINUTES OF MEETING

Meeting Held: Tuesday, July 1, 1986 in the Council Chambers of the Municipal Building.

Members Present: Harold Preston-Acting Chairman, H. Les Elder, Thomas Scharff, Otis Perry, Reynold Perry.

Alternates Present: Patricia Torr

Also Present: William Collins-Planning Director, Berrie Donovan-Recording Secretary

Mr. Preston called the meeting to order at 7:10 P.M. and asked Bill Janelle, Acting City Engineer to sit on the Board.

Mr. Preston noted that he was sitting in as Chairman in the absence of George Maglaras, and that the issue this evening is the Growth Management III proposal to address the remaining sewer capacity of the Charles Street pumping station.

Mr. Collins explained that this is the second hearing on the Growth Management III proposal, and that the concerns voiced in the last public hearing have been addressed in the revised proposed ordinance. He noted again that this ordinance will give the City one year to address the capacity problem at the Charles Street pumping station. He noted that no Building Permits have been issued between June 20, 1986 and today.

Public hearing opened:

Alan Arkwell, 12 Highland Street, noted that growth is not being limited, only a one year period of limitation.

Malcolm McNeill, Attorney representing Mr. Cabral who has development interests in the area, commended Mr. Collins on his efforts in reworking the ordinance, but stated that the same issues still apply: the station could be modified to address the situation, Dover does not have a master plan, and there is no legal basis for this proposal. He noted that no methods have been devised to avoid infiltration into the system, that phasing has not been addressed, and questioned whether lots previously under a growth management restriction should be placed under another. He stated that he has less

quarrel with this proposal, but is still against it.

Mr. Collins explained that the purpose of this ordinance is to buy time to address the capacity problem. He noted that the point at which the allocation will apply will be at the time the building permit is applied for. He stated that this ordinance is entirely different from the previously adopted growth management ordinance. He further stated that although the City treatment plant is being upgraded, there is still a need for this ordinance.

Mr. R. Perry noted that now that the City has reached 80 percent sewer capacity, every permit involving a high sewer user will be reviewed.

Mr. Janelle noted that this year will allow the City to check into the infiltration taking place.

Mrs. Alt, Mill Street, stated that the City has allowed 320 apartments to be built, why are they now limiting development on parcels such as her?

Mr. Preston noted that she is in the UMUD district which will be allotted 7,000 gallons per day with this ordinance.

Mr. Collins reiterated that this ordinance would only be in effect for a one year period.

Don Bryant, Arch Street, endorsed the Planning Board's efforts to restrain development

Malcolm McNeill stated that the capacity of the pumping station is a moot point according to Mr. R. Perry, and should not be the foundation of this ordination.

Bill Baber, Mast Road, congratulated the Board for a reasonable response to a critical issue. He noted that the ordinance is equitable and fair.

Public hearing closed.

Mr. Collins noted that this issued would come up under old business at the next meeting and that the City Council must take action within 45 days, therefore they have both July meetings to discuss the proposal.

Mr. Scharff motioned to adjourn this meeting and open the

workshop; Ms. Torr seconded.

#### MINUTES OF WORKSHOP

Discussion on the proposal to rezone Silver/Lexington Street area.

Mr. Collins stated that he has met and toured the area with several of the residents and agrees that overdevelopment should be addressed. He noted that he would not like to see the R-12 zone in that area because it would cause too many non-conformities. He suggested exploring other avenues to accomplish the same objective. One possibility would be to require that three to four unit conversions and new constructions go before the Zoning Board of Adjustment as a special exception, and devise an ordinance to set out criteria to preserve open space, etc. He noted that there are other RM-10 areas not suitable for this proposal.

Mr. Prest noted that members of the public may speak.

Don Bryant, Arch Street, stated that he met with Mr. Collins yesterday discussing this issue. He noted that the residents have put in time researching for this project and that 76% of the lots are one or two family homes; 57% have 12,000 square feet of land or more; 30% have 100 feet or more of frontage. He noted that he is in favor of rezoning to R-12. He noted that nonconformity is not a serious reason to turn down the R-12 zone, there are R-12 zones surrounding this neighborhood. He noted that he would like to see the special exception criteria that Mr. Collins is proposing.

Earle Goodwin, Arch Street, asked about time constraints and asked if any building permits have been issued.

Mr. Collins stated that they have 90 days from May 24, 1986 to complete the process, and no permits have been issued. He further noted that it is not sound planning to create a zone with a large number of nonconformities.

Theresa Foley, Silver Street, noted that the residents became involved because of the Hall house and its conversion and subdivision, nothing has changed now.

Mr. Collins noted that the Hall house only needed subdivision approval, and if a special exception process was in place the

applicant would have had to go before the Zoning Board of Adjustment with a full site plan.

Mr. Preston noted as well that the minor subdivision met all the zoning requirements.

Iris Valley, resident of the area, noted that the code is the minimum requirement, what about the safety of the children, the aesthetics of the neighborhood.

Mr. Goodwin inquired as to the timing of the master plan, to which Mr. Collins replied that work would begin in the fall.

Bill McQuade, City Councilman representing this ward, noted that this zoning change could be a precursor to the master plan. He also stated that the citizens feel they have not been adequately addressed.

Mr. Preston noted that perhaps a different zone should be set up for the area.

Mr. Scharff suggested an overlying historic zone.

Kerry Forbes, Longhill Road, stated that the historic district had been strongly opposed by the citizens of the area. He stated that flexibility is needed to ensure that the property be maintained and invested in.

Mrs. Foley noted that this area was not a candidate for an historic district.

Mr. R. Perry noted that it is not good planning to create so many nonconformities unless a master plan shows that the area may change in the future. He agreed with Mr. Collins' plan to impose an open space requirement in the special exception process, and also agreed that some historic district may be established although there would not be time to do that and preserve what is left.

Mr. Goodwin suggested limiting building permits until a master plan is established.

Mr. Collins stated that we would need an ironclad reason to establish a moratorium on building permits. He noted that he could have an ordinance on the special exception idea within the week. In response to Mr. McQuade's question as to whether a footnote setup could be done regarding open space

in the zoning ordinance, Mr. Collins stated that this could be done, but would not require a site plan.

Mr. Bryant again stated that to preserve the character of the district it would be okay to create non-conformities.

Mr. Elder stated that a 75 foot frontage requirement would create 60% nonconformity.

Mr. Collins stated that no new zones should be created on the eve of a master plan.

Mr. Bryant suggest lopping off the east side of Cushing Street to improve the nonconformity statistics.

Mark Adams, 15 Cushing Street, suggested setting the R-12 or special exception as a temporary remedy until the master plan is revised.

Mr. Collins noted that a change from RM-10 to R-12 would require new advertising and a new public hearing. He also noted that the Site Review Ordinance could be changed to cover fewer than the five units now covered.

Mr. Collins stated that this subject will be discussed again on July 8, and that he will have an ordinance on the special exception idea at that time.

Mr. Scharff motioned to adjourn; Mr. Elder seconded.

Vote: U/A