

DOVER PLANNING BOARD MINUTES

February 22, 2010, Approved as Amended, March 8, 2010

Chair Mark Sarro called the meeting to order at 7:30 PM in the Dover Town House. Also present were Board members Jane Remsen, Charles Ognibene, Greg Sullivan, Henry Faulkner, and Consulting Planner Gino Carlucci.

Also present were Mike Francis, Superintendent, Charles River Valley Management Unit and Steve Sloan, Greater Boston Regional Director of The Trustees of Reservations, Carol Lisbon and Joe Melican from the Board of Selectmen and Justine Kent-Uritam.

1. DISCUSSION WITH TTOR

Mike Francis of TTOR began his presentation with some background noting that TTOR has been asked to seek alternative parking to the Caryl Park lot they now use that is under the jurisdiction of the Park and Recreation Commission. This has been a multi-year process and they have designed two alternative lots of about 25 cars. In order for the lot to work, they would need a variance or a zoning change. They have presented a citizen's petition that would alter the existing zoning bylaw by deleting the requirement that no more than 5 cars may be located within a radius of 400 feet, and that no parking spaces may be located more than 100 feet from a road.

The Board asked about issues with abutters. It was explained that TTOR had met with abutters and had planned more meetings with them.

The Board explained the rationale for the 5-car limit in the original bylaw provision. He said that it was intended to spread the burden of parking so that no one location would be impacted by a large parking lot.

In response, Steve Sloan said that there are two safety issues with the 5-car limit. He said it would result in people "trolling" for a space going from one to another looking for an available space. Also, with separate lots, there would be lack of control because TTOR could not staff all locations while they would have a ranger stationed at the central lot and would close the gate when it was not staffed. He also said that if the zoning amendment fails, there are 2 sites on Walpole Street and 1 on Powissett that they would consider for 5-car lots.

Justine Kent-Uritam raised the issue of the Dover Amendment (which essentially exempts education and religious organizations from most zoning requirements), and that

TTOR may be exempt from zoning as an educational institution. Steve Sloan responded that there is some case law that supports that position but it is unclear. There was extensive discussion about the requirement in the current bylaw that requires a “recorded legal restriction precluding residential development.” Board members expressed the thought a state-approved Conservation Restriction may be needed to satisfy this requirement while TTOR believes that a deed restriction that could expire would meet the requirement. TTOR was reluctant to agree to a permanent restriction because they did not want to preclude the opportunity to sell the development rights in the future and to give up the considerable value of the land in order to build a small parking lot. There was some discussion about coming up with a solution that meet the needs of both the Town and TTOR.

If the lot is built, TTOR suggested that boulders and signs could be placed along Powissett Street in order to prevent street parking. Finally, it was agreed that TTOR would consider the issues raised and provide feedback as the next step. It was noted the TTOR article is #12 on the warrant, while the Planning Board’s Zoning Bylaw revision article is #18.

2. T-MOBILE SPECIAL PERMIT, 5 HARTFORD STREET

At 8:10, during the discussion with TTOR, some abutters appeared for the hearing that had been scheduled at 8:00 PM on this special permit. It was explained to them that the hearing would be continued because of the need for the applicant to obtain a variance from ZBA for the project before the Planning Board will consider a special permit.

On a motion duly made and seconded, the Board voted to continue the hearing until March 8, 2010 at 7:30. The motion passed unanimously with five members voting.

The meeting was adjourned at 9:35 PM.