

**TO: Board of Selectmen, Town of Dover, MA**  
**From: Jane Remsen, Planning Board**  
**Re: 46 Springdale Ave, Dover**  
**Date: June 24, 2014**

On April 4, 2014, the Board of Selectmen received a Notice that the owner of 46 Springdale had entered into a Purchase & Sale Agreement to sell the 27.2 acre parcel to Northland Residential Corporation, who has presented a 40B proposal that includes around 40 townhouses. Because 24 of the 27 acres of the property are subject to Chapter 61A, the Town has the right of first refusal to purchase the 24 acre portion, although the seller might entertain an offer to sell the entire property to the Town.

The Board of Selectmen has asked the Dover Planning Board to address the following zoning questions:

1. Under conventional subdivision rules, how many building lots could be created, on either the 24 acre 61A parcel, or on the whole 27 acre parcel?
2. If the Town were to buy only the 61A parcel – which is in the back and has no direct access to Springdale Ave. – is there an alternative access other than through the front parcel on Springdale?
3. And, should the Town revisit the Open Space Bylaw, which would allow for the same number of houses but with more open space preserved?

1. How many lots?

46 Springdale Ave is in Dover's R-1 zoning district. Dover's zoning requirements in this district are that in order to be buildable, a lot must have: 150 feet of frontage on a road, and an area of at least 1 acre. The lot located at 46 Springdale Ave has frontage along Springdale Ave of 349 feet and an area of 27.2 acres.

There are two methods of dividing land under the Massachusetts Subdivision Control Law. Both methods require access to an existing street – in this case Springdale Ave – and are therefore only possible if the entire 27 acre parcel were under control of one owner. **Development of the 61A parcel alone is not possible without access from Springdale Ave.**

The first method of dividing land is the Massachusetts Approval Not Required (ANR) process which allows lots to be created without going through the normal subdivision approval process if the newly-created lots have frontage on an existing road. The ANR process is a State law that requires a Planning Board to endorse this type of subdivision plan within 21 days of submittal without a public hearing, if it complies with zoning requirements. Since the 46 Springdale property has about 350 feet of frontage on Springdale Ave. in the R-1 zone where 150 feet of

frontage is required, and as long as one of the lots has an area of at least one acre, **two lots could be created through the ANR process.** (See Map 2 – ANR) Use of these two of these two lots could include preservation of the existing house and outbuildings on the first lot, one house on the second lot, preservation of the second lot for open space, or one house plus some conservation restrictions or open space on the second lot.

The second method of dividing land is a conventional subdivision process that requires building a new road in order to create additional frontage for new lots. Dead end roads, or cul de sacs, are not allowed by Dover Planning Board regulations; therefore to create a new road in Dover, a through-road that both enters and exits onto an existing street must be designed. The most typical form of this through-road is a loop road, or “oxbow”. When a conventional subdivision is pursued, an application is submitted to the Dover Planning Board for review, and public hearings follow. If approved, the process normally takes months, and can take up to a year or more. (It should be noted that compliance with zoning and subdivision regulations is NOT sufficient to create a buildable lot. Further permits by the Board of Health for septic systems and wells would be required, and Conservation Commission approval is often required as well.)

Based on the GLM survey dated June 12, 2014, and the wetlands delineation of the property, it appears that a loop road could be created; however, it would need to cross a small area of the Conservation Commission’s “no-disturb” and “no structures” zones (not the actual wetlands). While the parcel has an area of more than 27 acres, about half is within the riparian zone (an ecosystem between land and a stream) where a 200-foot buffer is protected by the state Rivers Protection Act. Since the Wetlands Protection Act provides for “limited projects” that allow up to 5000 square feet of wetlands to be filled in if needed for access to significant uplands, it is assumed that this would not disqualify the loop road from being created, but this would be subject to review and approval by the Dover Conservation Commission.

**If a loop road were to be designed, a maximum of 10 lots could be created under the conventional subdivision requirements** – each with a dimension of at least one acre and 150 feet of frontage along the new road. (See Map 3 – Conventional Subdivision) Unfortunately, in order to comply with dimensional requirements, a loop road would require the removal of the current house and outbuildings as one side of the oxbow road would have to be laid there.

It is worth noting that the Planning Board has the ability to grant a waiver for a loop road, thereby allowing a dead end road, *if a loop road design is proven to be viable AND a cul de sac is determined to be in the best interest of the Town.* Several factors or criteria may be considered by the Planning Board when deciding whether to grant this waiver such as views from the road, a reduced number of developable lots, or granting of conservation easements. **A more sensitive development of this property would probably include preserving the current house and outbuildings, a cul de sac road entering to the left/east of those buildings, conservation**

**easements or restriction on part of the property, and the creation of about 7 or less 1-acre lots.** (See Map 4 – Sensitive plan)

2. Alternative access to the rear 61A parcel?

Dover Land Conservation Trust and U.S. Army Corps of Engineers own parcels abutting the 61A parcel, all of which connect to each other and create a corridor to the field on the corner of Springdale Ave. & Farm St. However, use of these parcels for **alternative road access to the rear 24 acre 61A parcel is likely impossible** due to the highly disruptive and expensive crossing of extensive wetlands and a stream. Pedestrian access might be possible.

3. Open Space Bylaw?

At the Dover 2010 Town Meeting, the proposed Open Space bylaw fell a few votes short of the 2/3 necessary to pass a zoning bylaw. If the bylaw as previously proposed were to be passed, another, probably better and more attractive alternative to lot configuration would be possible for the 46 Springdale parcel, if purchased as a whole. Under the previously proposed Open Space Bylaw, the same number of lots as under a conventional subdivision would be allowed, but they would be smaller and a large parcel of conservation land would be gained. **Under the Open Space Bylaw, 7-10 building lots could be created on about 5 acres (each with a minimum dimension of ½ acre), and about 20 acres preserved as open space at no cost to the Town of Dover.** (See Map 5 – Open Space plan)

Respectfully submitted,

Jane Remsen  
Dover Planning Board

