

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, October 26, 2021**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Councilor), Dave White, Kyle Pimental, Frank Torr, Gina Cruikshank (Chair), Tom Clark, Steph George (Alternate), Dave Landry, Mark Speidel, Erinn Reville (Alternate)

Members Not Present (excused): Hayley Harmon (Vice Chair)

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

The Chair called the meeting to order at 7:00 p.m. welcomed Erinn Reville as a new alternate and noted Mark Speidel will sit for Vice Chair tonight while Steph George will sit in for Hayley Harmon.

1. CITIZENS' FORUM

Citizens Forum Open.

Robert Goss, 10 Royer Ln is concerned about a waiver that was granted in 2019 for field lighting for St Thomas Aquinas school. It has been a problem and he believes the information presented the night of the hearing was misleading. There was supposed to be minimal spillage of lighting onto the abutting properties which is not the case. The applicant is not complying with the intent of the waiver. He asked that a compliance hearing be granted regarding the lighting waiver.

Abe McGuire, 44 Ayers Ln spoke about the same issue. The waiver was for higher pole height and lighting closer to property lines than is allowed. There is not minimal light shining over the property line as proposed, but light shining onto and into his home which is 160 ft from the property line. He described in detail what was presented by the applicant for light spillage and described what is actually occurring.

The minimal use of the field at night and time cap of 9:30pm has also not been adhered to during 2020 and 2021 school semesters. He submitted photos to the Planning dept.

He requested a formal compliance review of the waiver.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

October 12, 2021 Regular Meeting Minutes

Motion: D. Landry moved to approve the minutes as amended. Seconded by F. Torr. Vote: U/A

3. OLD BUSINESS

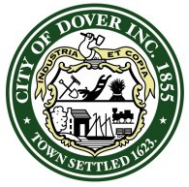
A. Public hearing and possible recommendation on the City's proposed Capital Improvements (CIP) FY 2023-2028. The CIP can be found on the City Web Site at www.dover.nh.gov and in the Library, City Clerk's office, and the Planning Department. *

C. Parker explained the process for the review and that this is a second public hearing for the Board.

Motion: D. Ciotti moved to remove the item from table and hold a second public hearing. Seconded by D. White. Vote: U/A

F. Torr asked about sewer and water lines at Old Littleworth Rd and expressed concerns about the road not being put back together if it has to be ripped up. He also commented that the sidewalk going in from the dealership to the refueling station confirms a good planning choice by the board. Infiltration has been going on for years and he wondered how much more is left to be done on that project.

The waterfront project will require a lot of work before the construction begins and he encouraged the board to read through the information and have C. Parker address the project as well.



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Public Hearing resumed

No calls were received. The Chair of the Waterfront Development Committee, Dana Lynch, submitted a letter in support of CIP funds for the waterfront project.

Public Hearing Closed

C. Parker addressed F. Torr's comments.

The board discussed the waterfront project. C. Parker noted that although S. Bird is retiring, he has agreed to stay on as consultant to continue his work on the waterfront project to see that through.

D. Landry noted that he doesn't want to make any uninformed decisions about that project. Is there anything Planning Board members can or should do in terms of attending or watching other board meetings about the project?

C. Parker stated the project went to TRC last week and is expected to have one or two more TRC meetings. The public infrastructure (road and park) will have its own separate review process in November. In December the private infrastructure will have its second TRC review. Prior to that, a traffic study and peer review will be conducted. He does not expect the project to come before the Planning Board until January or February and will be the only item on that meeting's agenda.

K. Pimental stated incorporating resilience could be strengthened in some areas, but clarified that's for the future, not this version of the CIP. He offered the Planning Commission can help with training.

Motion: F. Torr moved to recommend the City Council adopt the CIP as presented. Seconded by D. White. Vote: U/A

The Vice Chair noted item 4A and B would be heard together.

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Dover NH Carwash, LLC & Iron Horse Park, Assessor's Map 4, Lots 9 & 17, zoned CBD-General, and located at 525 Central Ave & Broadway. (Proposal is to allow a lot coverage of 21.5% whereas 75% is required and a frontage build-out of 237' whereas the average is 146'). *(P18-50B)
- B. Consideration and acceptance of a Lot Line Adjustment for Dover NH Carwash, LLC & Iron Horse Park, Assessor's Map 4, Lots 9 & 17, zoned CBD-General, and located at 525 Central Ave & Broadway. *(P21-75)

C. Parker noted that the applicant is requesting to complete a lot line adjustment between two lots. Moving 2,560 s.f. of parcel A from lot 4/9 (railroad) to lot 4/17 (car wash). The previous owner received a CUP in November 2018 to allow a lot coverage of 22% whereas 75% is required. The property then was sold, and staff did an administrative approval to allow the CUP in a different entity's name. Now that there is a lot line adjustment enlarging the lot, a new CUP is required which is the application before the Board. The applicant is requesting 21.5% of the lot coverage whereas 75% is required and a frontage build-out of 237 feet whereas the average is 146 feet. The buildings are not proposed to be changed as part of this application or the lot line adjustment. But since the lot lines are proposed to be changed the dimensional CUP is needed.

Furthermore, the CUP requirements do not include a survey, and the applicant used a previous site plan for its application, which is why this did not come to light in 2018. Being in the CBD-G, there is no minimum lot size or frontage. As a Lot Line Adjustment, this application did not appear before the TRC.



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Steve Haight, Civilworks, New England reviewed the plat.

Motion: F. Torr moved to accept the applications and noted that this is not a development of regional impact. Seconded by T. Clark. Vote: U/A

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

STAFF RECOMMENDATION- CUP:

Chapter 170-20.B(1) Zoning Ordinance allows for Conditional use approval for relief from the standards herein may be granted by the Planning Board provided that the proposed project complies with the standards outlined in the ordinance. This project is consistent with those standards, and staff recommends approval with the following conditions.

Conditions to Be Met Prior to the Issuance of a Conditional Use Permit:

1. Revise Conditional Use Permit plan to:
 - a. Add planning file number (P18-50B)
 - b. Add note calculating existing and proposed lot coverage and frontage build out vs. required
 - c. Add owner's signatures

Motion: D. Landry moved to approve the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by D. White. Vote: U/A.

STAFF RECOMMENDATION- Lot Line Adjustment:

C. Parker noted the plan is consistent with Chapter 157-17 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. As such, staff recommends the Planning Board vote to approve the application with the following conditions:

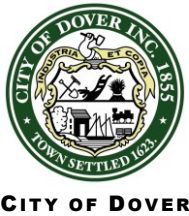
Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. The signature and stamp of LLS
 - b. The owners' signatures for recording at Strafford County Registry of Deeds.
 - c. Revising the Planning File #21-75

Motion: D. Landry moved to approve the Minor Lot Line Adjustment Plan with conditions, as the request is consistent with the regulations. Seconded by D. White. Vote: U/A.

- C. Consideration and acceptance of a Site Review for Atlantic Broadband, (Owner: Quantum Real Estate Group, LLC), Assessor's Map H, Lot 29A-1, zoned CM, located at Littleworth Road. (Proposal is to construct a 924 sq. ft. Public Utility Building with associated parking, utilities and drainage improvements). *(P21-63)

C. Parker noted that the applicant is requesting site plan approval to construct a 924 s.f. public utility building with associated parking, utilities and drainage improvements. The site would not be serviced by public water or sewer. The applicant will be merging two lots as well, and seeks the Planning Board's acknowledgement of the merger.



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Robert Stowell, Trittech Engineering reviewed the plan.

Motion: F. Torr moved to accept the application and noted that this is not a development of regional impact. Seconded by D. White. Vote: U/A

Public Hearing Opened

Bernard Stillwagon, Old Littleworth Rd is opposed the zoning changes from residential to commercial in his area. He requested one of the board members be removed from the Planning Board because he does not go around to the neighbors to inform them of what is going on at the Planning Board level. He enumerated all of the unwelcome commercial properties have gone up in his neighborhood. The taxes are going up and up, and he does not see beneficial projects for the taxpayers of Dover.

No calls or emails were received.

Public Hearing Closed

The Chair commented that if board members notified neighbors and friends of upcoming projects, that could be seen as influencing, which would be problematic. She is also unaware of any "back-room dealings" that Mr. Stillwagon referred to and encourages him to provide proof of any such actions.

K. Pimental commented that the driveway accesses both run along the property line and is that intentional? Mr. Stowell explained the initial plan and curb-cut approvals and that though the project has changed, they maintained the driveway locations. He also asked for clarification about the width of the drainage easement which was clarified at 20'.

STAFF RECOMMENDATION:

C. Parker noted the plan is consistent with Chapter 153-4 of the City's Site Plan Review Regulations, which provides for site review by the Planning Board of new construction of various types. As such, staff recommends the Planning Board vote to approve the application with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, and LLS
 - b. Owner's signature
 - c. Revise note 8 on SP-1 to meet common note 10
 - d. Revise note 17 from a 30' to 20' drainage easement width

Conditions to Be Met Prior to any Construction Activity:

2. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.

Conditions to Be Met Prior to Occupancy:

3. Issuance of a certificate of occupancy.
4. Impact fees shall be paid per the invoice included with the Notice of Decision.
5. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.



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Motion: D. Landry moved to approve the Site Plan with conditions, as the request is consistent with the regulations, and acknowledges the lots are being merged. Seconded by F. Torr. Vote: U/A.

- D. Consideration and acceptance of a Minor Lot Line Adjustment for Acupetvet, (Owner: Quantum Real Estate Group, LLC.), Assessor's Map H, Lots 29A-4 & 29A-5, zoned CM, located at Littleworth Road. *(P21-58)

C. Parker noted that the following applications all occur on adjacent parcels. The first is approval to move 1,486 s.f. from lot 29A-5 to Lot 29A-4.

The revised lots still meet the minimum lot size and minimum frontage.

As a Lot Line Adjustment, this application did not appear before the TRC.

Robert Stowell, Trittech Engineering reviewed the plan noting shifting the property line allow for less wetlands impact for the request for CUP.

Motion: F. Torr moved to accept the application and noted that this is not a development of regional impact. Seconded by D. White. Vote: U/A

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

STAFF RECOMMENDATION:

C. Parker noted the plan is consistent with Chapter 157-17 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. As such, staff recommends the Planning Board vote to approve the application with the following conditions:

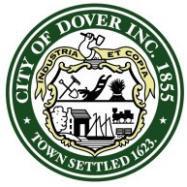
Conditions to Be Met Prior to the Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. The signature and stamp of LLS
 - b. The owners' signatures for recording at Strafford County Registry of Deeds.
 - c. Revising the Planning File #21-58

Motion: D. White moved to approve the Lot Line Adjustment Plan with conditions, as the request is consistent with the regulations. Seconded by D. Landry. Vote: U/A.

The Vice Chair noted items E and F would be heard together.

- E. Consideration and acceptance of a Conditional Use Permit for Acupetvet and Dupont's Service Center, (Owner: Quantum Real Estate Group, LLC), Assessor's Map H, Lots 29A-4 & 29A-5, zoned CM, located at Littleworth Road. (Proposal is to construct a 3,075 s.f. Veterinarian office building and a 2,400 s.f. warehouse building, creating 625 s.f. of Conservation District impacts adjacent to a pond.)*(P21-59)
- F. Consideration and acceptance of a Conditional Use Permit for Acupetvet (Owner: Quantum Real Estate Group, LLC), Assessor's Map H, Lot 29A-4, zoned CM, located on Littleworth Road. (Proposal is to construct a 3,075 square foot Veterinarian Office Building, creating 1,150 square feet of wetlands buffer impacts.)*(P21-76)



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C. Parker noted that the applicants are requesting 625 s.f. of Conservation District impacts to extend a berm for stormwater control on lot 29A-2 and 29A-5. Additionally there is a request for 1,150 s.f. of impacts to wetland buffers. Both impacts are due to drainage infrastructure.

The applicant provided an application and narrative explaining how the design meets the criteria to grant the CUPs.

The Conservation Commission endorsed the CUP applications on October 12, 2021 with no conditions.

Robert Stowell, Trittech Engineering reviewed the plan noting both of the impacts are for drainage purposes.

Motion: F. Torr moved to accept the applications and noted that this is not a development of regional impact. Seconded by T. Clark. Vote: U/A

Public Hearing Opened

No calls were received. An email arrived late today from Diane Stowell, 5 Old Littleworth Rd. M. Speidel read the email as part of public comment.

Public Hearing Closed

STAFF RECOMMENDATION: Conservation CUP

C. Parker noted that the Conservation District ordinances provide for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Staff feels that the applicant considered the criteria and designed the stormwater flow in a way to capture it onsite rather than onto abutters by extending the berm into the Conservation District. The Conservation Commission endorsed the application with no conditions. Staff recommends approval of the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Granting of the Conditional Use Permit:

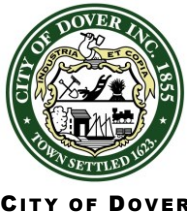
1. CUP (P21-76) be approved.
2. Site Plan (P21-56) be approved.
3. Site Plan (P21-57) be approved.

K. Pimental noted that it does look misleading in the meeting agenda to see the wetlands impact, and not know that it is for drainage, not impervious surfaces. Could a sentence be added to abutter notices explaining that so there is potentially less concern? C. Parker took note and will attempt to add the additional info about the impacts.

Motion: D. White moved to approve the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by D. Landry. Vote: U/A.

STAFF RECOMMENDATION: Wetlands CUP

C. Parker noted that the Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.



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Staff feels that the applicant reviewed options and due to the lot layout and grades, there was no partible alternative for the impacts, which have been minimized. Staff believes this proposal is consistent with the cited standards and recommends approval of the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Granting of the Conditional Use Permit:

1. CUP (P21-59) be approved.
2. Site Plan (P21-57) be approved.

Motion: F. Torr moved to approve the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by T. Clark. Vote: U/A.

- G. Consideration and acceptance of a Site Review for Dupont Service Center, (Owner: Quantum Real Estate Group, LLC), Assessor's Map H, Lot 29A-5, zoned CM, located at Littleworth Road. (Proposal is to construct a 2,400 s.f. Automobile Repair Warehouse). *(P21-56)

C. Parker noted that the applicant is requesting site plan approval to construct a 2,400 s.f. automobile repair warehouse, with associated parking. The site would be serviced by public water and private septic. The TRC reviewed this at their September 16, 2021 meeting.

Robert Stowell, Tritech Engineering reviewed the plan noting this is not a service center, only a warehouse. There will be no customers.

Motion: F. Torr moved to accept the application and noted that this is not a development of regional impact. Seconded by D. White. Vote: U/A

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

STAFF RECOMMENDATION:

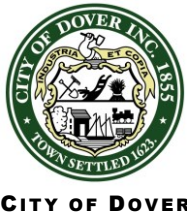
C. Parker noted the plan is consistent with Chapter 153-4 of the City's Site Plan Review Regulations, which provides for site review by the Planning Board of new construction of various types. As such, staff recommends the Planning Board vote to approve the application with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. Provide proof that the applicant, City Engineer, and State have agreed upon water line installation.
2. Provide draft cross access and drainage easement document for City staff's review.
3. The Conditional Use Permit (P21-59) be approved.
4. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, CWS, and LLS
 - b. Owner's signature
 - c. Add permit numbers to note 13 on sheet CUP-1
 - d. Indicate snow storage
 - e. Add a note about trash collection plan

Conditions to Be Met Prior to any Construction Activity:

5. A site construction sign with the contact information for the general contractor must be located and



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approved by the City Engineer or Assistant City Manager.

Condition to Be Met Prior to Issuance of a Building Permit:

6. Water investment fees shall be paid at the time of request of service.

Conditions to Be Met Prior to Occupancy:

7. Issuance of a certificate of occupancy.
8. Impact fees shall be paid per the invoice included with the Notice of Decision.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: F. Torr moved to approve the Site Plan with conditions, as the request is consistent with the regulations. Seconded by D. White. Vote: U/A.

- H. Consideration and acceptance of a Site Review for Acupetvet, (Owner: Quantum Real Estate Group, LLC.), Assessor's Map H, Lot 29A-4, zoned CM, located at Littleworth Road. (Proposal is to construct a 3,075 s.f. Veterinarian Office Building). *(P21-57)

C. Parker noted that the applicant is requesting site plan approval to construct a 3,075 s.f veterinary acupuncture office. The site would be serviced by public water and private septic. The TRC review this at their September 16, 2021 meeting.

Robert Stowell, Trittech Engineering reviewed the plan.

D. Landry commented that he appreciates the designs being presented. The buildings and landscaping are attractive.

Dr. Wilson explained the services for pets she offers describing the acupuncture and rehab treatments.

Motion: F. Torr moved to accept the application and noted that this is not a development of regional impact. Seconded by D. White. Vote: U/A

Public Hearing Opened

No calls or emails were received.

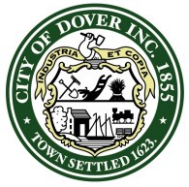
Public Hearing Closed

STAFF RECOMMENDATION:

C. Parker noted the plan is consistent with Chapter 153-4 of the City's Site Plan Review Regulations, which provides for site review by the Planning Board of new construction of various types. As such, staff recommends the Planning Board vote to approve the application with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. Provide proof that the applicant, City Engineer, and State have agreed upon water line installation.
2. Provide draft cross access and drainage easement document for City staff's review.
3. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, CWS, and LLS
 - b. Owner's signature



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- c. Provide 2x2" square on SP-1 plan for Chair approval signature stamp in bottom right corner of plan
- d. Add permit numbers to note 1 on sheet SP-1

Conditions to Be Met Prior to any Construction Activity:

4. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.

Condition to Be Met Prior to Issuance of a Building Permit:

5. Water investment fees shall be paid at the time of request of service.

Conditions to Be Met Prior to Occupancy:

6. Issuance of a certificate of occupancy.
7. Impact fees shall be paid per the invoice included with the Notice of Decision.
8. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

C. Parker and Mr. Stowell clarified the sewer setback purpose for the City is 75' from water bodies and/or wetlands. The state regulation is 50' from the wetlands. The distance on the plan is 75' to the leach field.

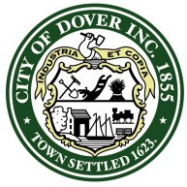
Motion: D. White moved to approve the Site Plan with conditions, as the request is consistent with the regulations. Seconded by D. Ciotti. Vote: U/A.

5. STAFF COMMENTS

- C. Parker updated the Board on:
 - the latest TRC: subdivision on Sixth Street, a change of use on Education Way, a small project on Rutland Street, a project on Central Avenue and the Cataract Ave multi-family.
 - Staff attended the regional planning conference and will send a follow up memo about the conference.
 - Donna Benton will be staffing the November and December meetings
- C. Parker explained a complaint that has arisen out of a waiver request granted by the Board in 2019. While staff finds that the applicant (Saint Thomas Aquinas High School) is complying with the conditions of the waiver approval, the abutter has complaints about it and believes that the Board was misled and that the impacts of the waiver were not fully acknowledged. The abutter is seeking a Revocation of the waivers, which the Board could do after a compliance hearing. If the Board wishes to hold one, it would be at the December meeting. Staff's memo would be that the property is complying with the conditions of approval. Staff has also recommended that the abutter pursue civil options afforded under State law.

C. Parker also noted the school confirmed the field and lights were used a lot last year and has cut that down this year and states it will only be used 14 times: 10 in the fall and 4 in the spring. They have also agreed to end use at 9pm.

The school has done additional light meter readings and they are within their compliance. Staff also agrees the school is within compliance of the conditions they are subject to. When staff went to the site to view the lighting, it was discovered there is parking lot lighting that stays on all night long. There are some options for altering and reducing that parking lot lighting which is also lighting up abutter properties. The school is looking into those options in collaboration with the Dover PD.



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D. White lives in the area and agrees the lighting is bright. The board needs to be cognizant of light pollution and how it impacts residents. How do we enforce times of operation? We should monitor to make sure they are in compliance, and it would be good to get the parking lot lighting altered.

T. Clark commented based on what has been presented, the school is being compliant and he does not see a need for a hearing.

D. Landry and K. Pimental asked clarifying questions about the process of the hearing. C. Parker explained the process.

Erinn Reville asked about the lights that point upwards and if they are compliant with the agreement. C. Parker said he will look into that item.

After board discussion, C. Parker summarized that the board is not looking to hold a hearing at this time, but the situation will continue to be monitored and if needed, it will be brought up again with the board in the spring.

6. MEMBER COMMENTS

- The Chair signed a revised Development Agreement regarding the Leathers Lane project and minor subdivision plans for Westfield LLC, Snow's Court, and Venture Dr.
- The Chair welcomed the UNH students in attendance.

7. ADJOURNMENT

Motion: F. Torr moved to adjourn at 9:04 p.m. Seconded by D. White. Vote: U/A