



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, March 28, 2023**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Mark Speidel, Ken Mavrogeorge, Fergus Cullen (Councilor), Tom Clark, and George DeBoer (Alternate)

Members Not Present (excused): Erinn Kaspari, Frank Torr, and Jon Elliard (Alternate), Kyle Pimental, Melina Gambino (Alternate)

Members Not Present (un-excused):

Staff Present: Donna Benton, Director of Planning and Development

G. Cruikshank called the meeting to order at 7p.m. and noted that George DeBoer would sit for Frank Torr.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- February 14, 2023 Regular Meeting Minutes

Motion: M. Speidel moved to approve February 14, 2023 Regular Meeting Minutes. Seconded by: T. Clark.

Vote: U/A

3. OLD BUSINESS

- A. Consideration and possible vote on posting the proposed Amendments to Chapter 170 (Zoning). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page. *

F. Cullen recused himself from the item.

Motion: H. Harmon moved to remove this item from the table. Seconded by: K. Mavrogeorge. Vote: U/A

D. Benton mentioned the Board last reviewed these at their February meeting. Staff made some adjustments based off feedback from Mr. Packy Campbell and the Board with the intention of providing a compromise to providing mechanisms and more flexibility for solar trackers but still maintaining the charm, look, and feel to Dover. She reviewed the changes for the board.

Public Hearing opened

Packy Campbell, Bright Spot Solar appreciates the changes to the language and requested some additional changes:

- Amendment 2 language change relating to location of the solar in relation to the primary structure rather than setback distances
- Change/remove language: 'clearly visible'

He expounded on how he uses solar arrays on a couple of car washes he owns and the savings in cost and propane consumption.

Public hearing closed

D. Benton noted that this amendment will be valid for every property in the City. There are options for property owners to receive exceptions or relief on location of the panels through the Planning Board processes.

D. Benton addressed for board members some of the concerns brought up in public hearing comments.



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Motion: T. Clark moved to post the amendments as submitted by staff. Seconded by: K. Mavrogeorge. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Lot Line Adjustment for Laurie S. Anderson and Andrew R. and Holly Welsh Smith, Assessor's Map 17, Lots 132 and 131, zoned R-12, located at 13 & 11 Hawthorn Road. *(LOTA-2023-0001)

Chair Cruikshank announced the applicant has withdrawn this application.

- B. Consideration and acceptance of an Amendment of Site Review for American Durafilm Co., Inc. (Owner: AD Dover, LLC), Assessor's Map D, Lot 11-10, zoned (IT), located at 9 Innovation Way. (Proposal is to relocate a transformer pad and site landscaping, including a request for a waiver to not screen the transformer). *(WAIV-2023-0002)

D. Benton explained that certain site plan amendments that are made out in the field are large enough to need Planning Board approval. This application is for two parts, one is the request for the waiver to not screen a transformer and the second to approve the amendment to the approved site plan.

Jase Gregoire, CivilWorks, NE presented the application and explained the move of the transformer to a different location.

Motion: T. Clark voted to accept and declared no regional impact. H. Harmon seconded. Vote: U/A

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION-Waiver:

Section 153-21 of the Site Plan Review Regulations states the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

- (1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- (2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Staff was informed by the applicant that Eversource placed the transformer at that location and that due to sight distance concerns at the driveway, vegetation or other screening cannot be used as required. Staff typically would not support transformers or generators not being screened but in this case understands the applicant was not provided an option that would meet the regulations and that criterion 1 would be met.

The Planning Department recommends the Planning Board to vote to grant the waiver with the following subsequent condition:

Subsequent Condition to be Met Prior to the Signing of the Plans:

1. Add a note that the Planning Board approved waiver to Section 153-15.B(5) utility screening and have found the criteria of Chapter 153-21.A. have been met.



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Motion: M. Speidel moved to grant the waiver as it met the criteria of Section 153-21. Seconded by T. Clark. Vote: U/A

STAFF RECOMMENDATION-Amendment:

The Planning Department recommends the Planning Board vote to grant the amendment with the following subsequent conditions:

Subsequent Conditions to be Met Prior to the Plans Being Signed:

1. The applicant shall provide the Planning Department with:
 - a. Electronic copy of the revised site plan including in PDF and DWG formats
 - b. A note be added to the amended site plan sheet that all previous conditions of approval still apply.
 - c. Two full size copies of the plan are submitted to the Planning Department and submitted on the online portal.

Motion: T. Clark moved to approve the amendment as it met the criteria of Section 153-21. Seconded by H. Harmon. Vote: U/A

- C.** Consideration and acceptance of an Amendment of Site Review for Macs Convenience Stores, LLC, Assessor's Map K, Lot 19-C, zoned R-12, C & IT, located at 30 Dover Point Road. (Proposal is to relocate landscaping and an additional transformer for EV charging). *(WAIV-2023-0003)

D. Benton explained that this is a similar amendment request that Eversource informed the applicant that a second transformer would be needed for the EV charging which is added to the as-built and that the applicant has bonded for the shrubs shown on the landscaping plan but is requesting to relocate one of the street trees so that it doesn't block the sign that was installed.

Steve Haight, CivilWorks, NE presented the application and explained the need for the changes.

Motion: T. Clark voted to accept and declared no regional impact. G. DeBoer seconded. Vote: U/A

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION-Amendment:

The Planning Department recommends the Planning Board vote to grant the amendment with the following subsequent conditions:

Subsequent Conditions to be Met Prior to the Plans Being Signed:

1. The applicant shall provide the Planning Department with:
 - a. Electronic copy of the revised site plan including in PDF and DWG formats
 - b. A note be added to the amended site plan sheet that all previous conditions of approval still apply.
 - c. Provide shrubs around existing and proposed sign bases.
 - d. Two full size copies of the plan are submitted to the Planning Department and submitted on the online portal.



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Motion: T. Clark moved to approve the amendment as it met the criteria. Seconded by G. DeBoer.

Vote: U/A

The Vice Chair announced items D-H will be heard together.

- D. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map H, Lot 4, zoned IT, located near Cielo Drive. (Proposal is to perform maintenance work on the 345kV 307 Transmission Line involving a single utility structure replacement and optical ground wire replacement creating 773 sf of temporary impact to wetlands and 624 sf of temporary impact to the wetland buffer). *(COND-2023-0029)
- E. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map K, Lots 2 & 4-C, zoned R-12 & CWD, located in an existing M183 utility ROW, between Henry Law Avenue & the Cocheco River. (Proposal is the replacement of 5 wooden utility poles with weathered steel structures creating 3,489 sf of temporary impact to wetlands and 12,100 sf of temporary impact to the wetland buffer). *(COND-2023-0030)
- F. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map K, Lot 6 & Map M, Lot 4-OPN, zoned R-40 & IT, located at existing M183 ROW between Pointe Place and Middle Road. (Proposal is the replacement of 3 wooden utility poles with weathered steel structures creating 2,494 sf of temporary impact to wetlands and 6,915 sf of temporary impact to the wetland buffer). *(COND-2023-0031)
- G. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map M, Lots 47,49, 138, 142, 143 & 163, zoned R-12, G & R-20, located at existing M183 ROW between Polly Ann Trailer Park, Dover Point Road & Toftree Lane. (Proposal is the replacement of 3 wooden utility poles with weathered steel structures creating 9,416 sf of temporary impact to wetlands and 9,835 sf of temporary impact to the wetland buffer. *(COND-2023-0032)
- H. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map M, Lots 83-5, 10, 9, 6, 11,12 & 13, zoned R-40, located at 38, 39, 47 & 48 Overlook Drive, 8 Canney Lane, 34 & 44 Quaker Lane. (Proposal is the maintenance work on the 345KV 307 Transmission Line involving a single utility structure replacement and optical ground wire replacement creating 2,023 sf of temporary impact to wetlands and 12,847 sf of temporary impact to the wetland buffer). *(COND-2023-0033)

D. Benton explained that PSNH/Eversource requests to do some pole replacements and other improvements to their transmission lines. Staff has separated the items by area which will require separate votes, though the item can be heard together with one public hearing.

Matthew Carden, Eversource presented the applications. He explained for M. Speidel the use of helicopters. He clarified for G. DeBoer the size and scope of the replacement poles.



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Motion: T. Clark voted to accept all applications and declared no regional impact. H. Harmon seconded.
Vote: U/A

Public hearing opened

None

Public hearing closed

STAFF RECOMMENDATION: CUP

The Wetlands Protection District ordinance §170.27.1.F. 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.

Planning Staff feels that the applicant considered the criteria of practical alternative, avoidance, minimization, and mitigation and propose to create minimal wetland/wetland buffer disturbance on the site.

The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

Motion: M. Speidel moved to approve the CUP as it met the criteria. Seconded by T. Clark. Vote: U/A

STAFF RECOMMENDATION: CUP

The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

Motion: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by M. Speidel. Vote: U/A

STAFF RECOMMENDATION: CUP

The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:



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1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

Motion: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by M. Speidel. Vote: U/A

STAFF RECOMMENDATION: CUP

The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

Motion: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by H. Harmon. Vote: U/A

STAFF RECOMMENDATION: CUP

The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

Motion: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by M. Speidel. Vote: U/A

- I. Consideration and acceptance of Transfer of Development Rights Request for Diamond Capital, LLC, Assessor's Map D, Lot 10, zoned R-12, located at 42 Long Hill Road. (Requesting to purchase (6) six TDR units for a project up to 34 residential lots including the existing single family home). *(TRAN-2023-0001)

D. Benton explained the applicant was using the TDR ordinance to purchase 6 units. She explained that the applicant is changing their request from their original application as the City's ordinance does not have a provision for for-sale units so the applicant is now requesting 4 units to be the 1,400 s.f. size restricted rate and 2 to be full rate. This is the first step in the process and if approved, the applicant would still need to do full engineering and go through the TRC process and come back to the Planning Board for subdivision review.

FX Bruton, Bruton and Berube presented the item, explained the proposed development, highlighted the 1,400 s.f. restricted affordable units and addressed the criteria.

He answered for M. Speidel why only four of the six additional units are earmarked for affordable housing.



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D. Benton and Mr. Bruton clarified that there is a change in the request from what is in the applicant's paperwork. Rather than requesting to restrict the sale price which does not work with the City's ordinance, the specified units will be size restricted to 1400 sq ft or less.

Motion: M. Speidel voted to accept the application and declared no regional impact. F. Cullen seconded.
Vote: U/A

Public hearing opened

Danielle Ouimette, 21 Strafford Rd asked some questions about when the construction will begin, how long it's expected to take, and if there are any limits to construction hours. There are flags in the wooded area- is that part of this proposal?

Theresa and Robert Daneau, 23 Strafford Rd expressed concerns regarding the 50' wetland buffer, would the construction affect the wetland and therefore the existing homes, will there be a right of way request from Strafford Rd to the proposed site. They would request a buffer zone of trees or fence or wall at the property line and are also curious about the surveying in the area around their home- what is it for?

Lisa Stacy, 75 Long Hill Rd wondered if the units are age restricted or not and is concerned about the density and number of families/kids in schools if not restricted. Could the driveway of the development line up with the other street so it is safer? That is a school bus stop. She has concerns about water and is not in favor of this amount of density in this location.

D. Benton summarized emails that were received to the office:

- Jordan Plante, 92 Long Hill
- James Simard and Kathleen Kroll-Simard

Public hearing closed

Mr. Bruton addressed public comment and noted he spoke with his client about making all six additional units affordable housing and they are amenable to that.

- This proposal will be restricted to 55 and older.
- Some of the comments are more appropriate for the next level of approvals where they will address them.
- The wetlands will be a restricted area and will be discussed more in-depth at the site review level.

D. Benton clarified:

- Adding a condition that the 30' buffer is shown on the plans
- Traffic study will be addressed at future hearings
- Conditions of approval will include the changes mentioned today
- There is no project proposed that the City is aware of in the park
- The water question will be addressed as part of the City's review of the project.
- There is no right of way from Strafford being proposed.
- The term affordable keeps getting used but the applicant is looking at size restricting not the rental rate as other projects have proposed.



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Kevin McEneaney, McEneaney Surveying represented the applicant and explained the flags are part of the work that is being researched for this project. It is common to need to go beyond the property line for some of the research that is done and to mark which areas are complete.

Regarding wetlands, the City has a requirement that signs are posted every 50' along the wetland buffer and that will be done. There will be no request for right of way from Strafford.

Steve Haight, CivilWorks Engineering responded regarding whether they've looked at doing a T intersection with Phillips St. They did look at it, but due to site distance and driveway access they didn't choose that option.

STAFF RECOMMENDATION: TDR

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights.

The proposed TDR request in an impact sense creates six additional units after following the calculation provision in the TDR ordinance. The applicant is currently requesting 4 of those TDR units/lots would be size restricted to 1,400s.f. in perpetuity, and two of the TDR units/lots would pay the full TDR fee.

The Planning Department recommends the Planning Board make findings, and vote to grant the TDR request with the following subsequent conditions:

Subsequent Conditions to Be Met Prior to Granting of Transfer of Developments Right:

1. Recognition by the applicant in writing that the applicant understands the Board voted to allow up to a maximum amount but that they have the ability to reduce that unit count after seeing more fully-engineered plans, waiver requests, or any other relief requested.
2. Payment of the TDR fees.
3. Revise the application narrative to meet the most recent request.
4. Future subdivision plat shall show the 30' visual buffer.

Motion: M. Speidel moved to approve the request subject to the conditions set by the Planning Department. Seconded by G. DeBoer. Vote: U/A

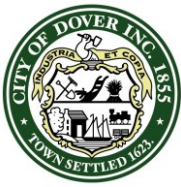
Motion: K. Mavrogeorge moved to recess the meeting. Seconded by H. Harmon. Vote: U/A

Motion: F. Cullens moved to return to the meeting. Seconded by G. DeBoer. Vote: U/A

- J. Public hearing to consider amendments to Chapter 170, entitled "Zoning" of the code of the City of Dover. Amendments include re-titling, formatting, construction signs, ground mounted solar, rooftop solar, window sign definitions, CWD green roof requirements, clarifying Gateway lot coverage and screening requirements, dark sky compliance for general site lighting, moving and amending non-environmental conditional use permit criteria, wetland protection district purpose and intent, wetland CUP criteria, TDR waiver criteria, TDR criteria, window and development signs, amendment notice requirements, removing Educational Institution from CM table of uses, and reducing RCM threshold area to 20 acres*.

D. Benton walked through the posted zoning amendments and explained another public hearing would be scheduled and notified using the City wide mailing process.

Public hearing opened



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Laurie Smith, 36 Fisher commented that last year when the board added height restrictions to the extended Heritage district that was great. She has been part of the committee to look at these issues in the City and expressed thanks to the board and staff for the time given.

She asked about screening requirements. She prefers the height restrictions include the rest of Fisher St as was suggested by the neighborhood. She would also like to increase setbacks. When large multi-level structures go in next to single story homes it will have quite an affect.

Jack Mettee, 56 Rutland agreed with Ms. Smith with regard to the height restriction for Fisher St. He referenced the design standards for site plan for Gateway district.

Matt Cox, 33 Fisher agreed with Mrs. Smith and Mr. Mettee noting this is some of the oldest part of town, but seems to have some of the least amount of restrictions. He would like to expand the provisions that are in the other gateway districts to the Fisher st area and protect the look of the area and the old homes.

Sandra Cohen-Holmes, 34 Fisher wondered why a four-story structure is allowed next door to these old homes.

Finola Cox, 33 Fisher agreed with Ms. Cohen-Holmes' question and wondered who benefits from it. Only the people coming to live in the units and the builders and workers- not the people who already live there.

Chad Kageleiry, 100 Dover Neck is the owner of the lot most people are speaking about. After years of study the City elected to change the zone to gateway which is much more benign than what it was: Industrial. He noted that all of the residential owners who have spoken tonight purchased their homes while the zone was industrial. There is also no project planned yet- so the concerns are without merit. The planning process will vet the projects that want to come in.

D. Benton summarized emails that were received to the office:

- JK C Holmes, 34 Fisher St.
- Martha Wilson 8 Auburn St
- Liane Smith, 13 Fisher St.
- Sandra Cohen Holmes, 34 Fisher St.
- Marisa Didio, 105 Belknap
- Laurie Smith, 36 Fisher St.
- Carmel Casey 36A Fisher St.

Public hearing tabled

Motion: H. Harmon moved to table the public hearing. Seconded by M. Speidel. Vote: U/A

K. Public hearing to consider amendments to Chapter 153-A, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include amount of copies include site plan applicability, application requirements, and removing the 90 day extension for Planning Board action.*

D. Benton walked through the Site Plan amendments which were posted on February 14th and are mostly housekeeping in nature.

Public Hearing Opened

None



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Public Hearing Closed

Motion: T. Clark moved to adopt the amendments as submitted. Seconded by H. Harmon. Vote: U/A

5. STAFF COMMENTS

- Vision Chapter Sessions will continue and wrap up with a full day on April 18th so save the date and locations are being finalized.
- Unless anything is continued tonight, it is likely we won't meet on April 11.
- TRCs that have occurred:
 - Site Review for VC Dover Investment, LLC, Assessor's Map H, Lot 4-3-1, zoned Commercial, located at 30 Grapevine Drive. (Proposal is to build a new 15,040 sf (footprint), 4 story mixed use building next to the Hannaford's Grocery Store on Grapevine Drive.) (P22-72/SITE-2022-0017). *[This item was previously heard on November 17, 2022, January 5, 2023 & February 16, 2023]*
 - Open Space Subdivision for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Oak Street & Gulf Road. (11 new lots.) (SUBD-2023-0001).
- TRCs coming up:
 - Site Review for Cooperative Alliance for Seacoast Transportation, (Assessor's Map H, Lot 35-C-4, located at 42 Sumner Drive. (Proposal is to build a 28,700 s.f vehicle storage building and 17,000 s.f. administration, operations and maintenance building.) (SITE-2023-0002).
 - Site Review for Crosshill Housing Associates, Limited Partnership, (Assessor's Map H, Lot 41-M, located at 1 Martha's Way. (Proposal is to add a 4,600 s.f. building with outdoor patio, walkways, and parking restriping to add ADA spaces.) (SITE-2023-0001).

6. MEMBER COMMENTS

- The Chair signed plans for 7 West LLC the Medical Office Building at Exit 7.

7. ADJOURNMENT

Motion: M. Speidel moved to adjourn at 9:03pm. Seconded by G. DeBoer. Vote: U/A