



CITY OF DOVER

## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: City Council Chamber's 288 Central Avenue  
Meeting Date: **Tuesday, September 12, 2023**  
Meeting Time: **7:00 pm**

**Members Present:** Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Mark Speidel, Fergus Cullen (Councilor), Ken Mavrogeorge, Melina Gambino (Alternate), George DeBoer (Alternate)

**Members Not Present (excused):** Tom Clark, Erinn Kaspari, Kyle Pimental, Jon Elliard (Alternate)

**Members Not Present (un-excused):** None

**Staff Present:** Donna Benton, Director of Planning and Community Development

G. Cruikshank called the meeting to order at 7p.m, explained the citizens' forum process and noted George DeBoer would sit for Tom Clark, and Melina Gambino for Kyle Pimental.

### 1. CITIZENS' FORUM

#### *Citizens Forum Open*

Bradley Amari, 51 Tuttle Ln read into the record some history of George Tuttle- original owner of the home he lives in. He referenced a book titled "Wetland restoration and construction- a technical guide".

He read definitions of wells and streams. He noted there is a windmill on his property (not functional) which shows evidence of wetlands at the time of construction. This area is a wet area, but not too many folks have resided in that area thus far. Mr. Amari was given a 30 second warning and ended his comments.

#### *Citizens Forum Closed*

### 2. APPROVAL OF THE PRIOR MINUTES

- August 22, 2023 Regular Meeting Minutes

**Motion** M. Speidel moved to approve August 22, 2023 as amended. Seconded by: K. Mavrogeorge. Vote: U/A

### 3. OLD BUSINESS

None

### 4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Subdivision for Ethan Snitker (Owner: Jeffrey S & Darlene Kay White Trustees of White Family 1995 Trust,) Assessor's Map J, Lot 12, zoned R-40, located at Old Garrison Road. (2 new lots). \*(SUBM-2023-0004)

D. Benton explained that the applicant is proposing to subdivide the parcel at Old Garrison Road into three lots, resulting in the creation of two (2) new lots. All lots will retain adequate parcel size as required by zoning. The lots are to be serviced by private well and septic. As a minor subdivision, this application did not appear before the TRC. Lots J/12-4, 12-5, and 12-6 were subdivided December of 2018 years ago and therefore this subdivision application can still be considered a minor subdivision. There is a waiver request to not do a full topo and wetland survey for the entire 12-acre parcel.

M. Speidel recused himself from this item.

Ethan Snitker, Ambit Engineering represented the application, described the property and the proposal by walking through the pages of the plans. There is one waiver request to not include a full topography and wetland survey as that excess land is outside the project area.

He confirmed the road access is David Tuttle Rd.

K. Mavrogeorge pointed out the well restriction for Dover is 75' from the wetland. D. Benton said she was going to be suggesting it be added as a condition of approval.



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**Motion:** H. Harmon moved to accept the application and declared no regional impact. Seconded by: F. Cullen. Vote: U/A

*Public hearing opened*

No one spoke

*Public hearing closed.*

### **STAFF RECOMMENDATION – Waiver:**

Section 157-51.A. of the Land Subdivision Regulations states: “The Planning Board may waive specific provisions of this chapter. 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 subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff feels the request for relief from providing topography, wetlands, and other site features on the remainder possible (to remain vacant at this time) is reasonable and that criterion 2 has been met for the waiver request.

Therefore, Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the waiver with the following subsequent conditions:

### **Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Add note that a waiver from Section 157-28 has been approved by the Planning Board and that the Board found Section 157-51.A. has been met.
2. Add note that if the remaining lot J/12 is to be subdivided in the future, then full wetlands and topography review may be required.

**Motion:** G. DeBoer moved to grant the waiver with subsequent conditions and found the criteria of Section 157-51.A have been met. Seconded by: M. Gambino. Vote: U/A

### **STAFF RECOMMENDATION – Minor Subdivision:**

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the minor subdivision with the following subsequent conditions:

### **Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
  - 1.1. The owners' signatures;
  - 1.2. The Planning File # on bottom right of plan sheet: SUBM-2023-0010;
  - 1.3. The stamp and signature of the LLS on the final plans
  - 1.4. Remove Dover Planning Board signature area. Move length table to that space, and provide 2x2" space on lower right corner.
  - 1.5. Add note that Chapter 117 needs to be abided by.
  - 1.6. Add building envelope on sheet 2.
  - 1.7. Add existing trees shown on C1 onto sheet 2.
  - 1.8. Confirm scale on 11x17s.
  - 1.9. Provide lot numbering and revised current use plan to the City Assessor.



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- 1.10. Add 50' wetland buffer on lot 2.
- 1.11. Updated NHDES Subdivision Permit number added.
- 1.12. Add note that no septic system be installed within 75' of a wetland

**Motion:** G. DeBoer moved to approve the minor subdivision with subsequent conditions. Seconded by: K. Mavrogeorge. Vote: U/A

M.Speidel returned to his seat.

- B. Consideration and acceptance of a Lot Line Adjustment for 6 Brick Road, LLC and Bennett Soja-Park Rev Trust 94, Assessor's Map 28, Lots 9-C & 10, zoned O & G, located at 1-24 Jefferson Drive & 751 Central Avenue. \*(LOTA-2023-0010)

D. Benton explained the applicant is requesting to complete a lot line adjustment between two lots, adding 8,000 sq. ft. (0.184± ac.) from Lot 10 to Lot 9-C, resulting in leaving Lot 10 with 0.128± ac. and Lot 9-C with 2.891± ac. As a Lot Line Adjustment, this application did not appear before the TRC. Lot 10 will continue to meet the minimum lot size (which is N/A in the Gateway) post-adjustment with the frontage along Central Avenue, and lot coverage continue to be met. Lot (9-C) is zoned Office and its area is increasing, thus zoning will continue to be met.

Robert Stowell, Tritech Engineering represented the application and explained the reason for the proposed lot line adjustment.

He clarified for M. Speidel that the anticipated future proposal will be for seven additional units.

**Motion:** M. Speidel moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

### *Public hearing opened*

Ayrn Wintle, 12 Brick Rd commented on a proposed roadway at the end of the parcel and her understanding is there will be a condition of approval that that is removed. She also asked if additional units go in there, will another access road be required?

Valerie Duclos, 2 Floral Ave is concerned where the additional units will be. Also concerns about the conservation area, density, traffic and drainage.

Greg Hede, 4 Floral Ave had questions about the number of apartments going in on lot 13, additional access road needed, and the access road on the plan is actually not in existence so that needs to be addressed. He is concerned about all of the added density in that area.

### *Public hearing closed.*

Mr. Stowell addressed public comment:

- The old footpath does not exist so that will be removed from the plans
- The additional units are planned to go in the additional land they are proposing to acquire through tonight's application along with the open space that currently exists behind building one.
- The access is planned through an extension that goes between buildings one and three.
- No additional access road is planned

D. Benton addressed public comment:



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- Lot 13 has approvals for 12-15 units along with turning one of the existing homes into a duplex.
- There are conditions she plans to add:
  - Northern branch of pathway be removed from the plans
  - Update of ownership of lot 32
- Concerns about the proposed plans will be heard when there is a plan to be presented. There will be an opportunity for public comment if the proposal gets to the next stage.

### **STAFF RECOMMENDATION:**

Chapter §157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

### **Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
  - a. Planning File Number #LOTA-2023-0010
  - b. The owner's signatures
  - c. The LLS stamp and signature
  - d. Zoning District boundary
  - e. Revise note 10 to include surveyor's name, and error not greater than 1 in 10,000.
  - f. Revise note 12 to indicate who the easement benefits.
  - g. Revise plans to add 2" x 2" signature block for Planning Board approval stamp.
  - h. Add common notes 12 (public water and sewer) and 13 (basis of bearing).
  - i. Remove northern branch of pathway that does not currently exist.
  - j. Revise owner of Map 28, Lot 32.

**Motion:** F. Cullen moved to approve the lot line adjustment with subsequent conditions. Seconded by: G. DeBoer. Vote: U/A

- C. Consideration and acceptance of a Conditional Use Permit for Fraggie Rock Environmental (Owner: Settlement on 6<sup>th</sup>, LLC), Assessor's Map B, Lot 5-2, zoned R-40, located at 27 Wildcat Drive. (Proposal is to impact 530 sf of wetland buffer associated with a foundation). \*(COND-2023-0044)

D. Benton explained that the applicant is requesting a Conditional Use Permit to allow for 142 s.f. of permanent wetland buffer impact which is associated with 850 s.f. of wetland restoration area. As part of an approved subdivision, it was discovered that a house foundation was not placed per the plan and a portion falls within the 50-foot wetlands buffer. The applicant has worked with NHDES on a restoration plan for the wetland area which is part of the materials attached.

The Conservation Commission endorsed this application at their August 14, 2023 meeting with the understanding that there be no further development in the buffer and that wetland placards will be installed post restoration (minutes attached). Therefore, a condition of approval be added that no further encroachment (including a deck currently shown on the building permit application) be built.



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The applicant provided a narrative which outlines how the proposal meets the criteria for granting the CUP per 170-27.1.F of the Code.

Damon Burt, Fraggie Rock Environmental represented the application and explained the restoration plan has already been submitted to DES and will take place this fall. The other impact is due to 142 sq ft of foundation encroachment into the buffer.

Board members asked questions and Mr. Burt clarified: the area near the foundation will be a yard, the disturbance to the other 850 sq ft area and the plans to restore it, DES will be involved in the restoration process, his theory that the plastic flagging was disturbed/ removed/ decomposed which led to the wetlands being disturbed in error. He also explained the wetland survey methods of taping off.

Walter Woods, Graystone Builders York, ME commented that from here on they will have surveyors survey each foundation so this does not happen again. The wetlands markers were disturbed during the logging process. The applicant had the surveyors delineate a no-cut buffer because they wanted to leave as much woodlands as possible.

F. Cullen asked why the lawn isn't a concern, but the proposed deck is. D. Benton explained the deck would be a permanent impact.

Discussion occurred about where the wetland placards should go since the foundation is within and whether placards are needed for buffer and wetland or not on this particular property since it will be the house and yard itself. Suggestions were made and discussed.

Discussion occurred whether the impact sq ft should be increased more than 142 sq ft if a lawn is anticipated around the back foundation of the house. Mr. Woods explained his contract to customers specifies a 30' perimeter of lawn which then blends into the natural surroundings with mulch in between. He also mentioned the deck has been relocated to the right side of the home to remove it from the buffer. He has ordered 100 placards from the City, but they are on back order. His plan was to put them every 50' on the wetlands line.

K. Mavrogeorge referenced the approved plan showing no tree cut or disturbance or lawns or otherwise allowed within the 50' buffer.

Mr. Woods was not aware of the restrictions of even no lawns in the buffer and would like more information from staff so that he can pull the buildings further towards the road if necessary to be able to include a yard, but not impact the wetlands.

He stated the Conservation Commission is aware of the 30' yard and gave their endorsement with that knowledge.

**Motion:** F. Cullen moved to accept the application and declared no regional impact. Seconded by: M. Gambino. Vote: U/A.

*Public hearing opened*

No one spoke

*Public hearing closed*

### **STAFF RECOMMENDATION:**



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The Planning Department recommends the Planning Board make findings and vote on the Conditional Use Permit. Should the Board grant the Conditional Use Permit, staff suggests adding the following subsequent conditions:

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

1. The owner shall sign the final plans before Planning Board signature.
2. State permits are issued and/or restoration plan has been satisfied to NHDES' satisfaction.
3. Add note to the plan that no further disturbance including building of a deck or similar amenity occur.
4. Wetland buffer placards which are available for purchase in the Planning Department be installed every 30'.
5. Delineate wetland area
6. Restore wetland buffer beyond 5' from foundation around area of the 142' calculation or provide surety or other form of security acceptable to the City for restoration.

Discussion occurred among the board and Mr. Burt regarding the disturbed land in the wetland buffer, where to place the placards at this point after disturbed and restored, options of extra vegetation in the back of the buffer area to allow for some yard area.

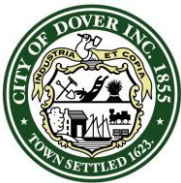
Chair Cruikshank expressed appreciation that the applicant seems genuine and will not allow this error to occur again and implored surveyors and developers to utilize a better system than plastic tape flags that can disintegrate or be carried off or at the minimum do a double check prior to building begins and was clear that this vote did not create a precedent.

**Motion:** F. Cullens moved to approve the CUP with subsequent conditions set by staff and amended by the Planning Board. Seconded by: K. Mavrogeorge. Vote: U/A.

The Vice Chair announced items 4D & E will be heard together.

- D. Consideration and acceptance of a Conditional Use Permit for Tighe and Bond, (Owners: Reynolds Avenue North, LLC), Assessor's Map E, Lot 27-B, zoned IT, located at 100 Education Way. (Proposal is to allow for 350 parking spaces whereas 332 is the maximum allowed). \*(COND-2023-0043)
- E. Consideration and acceptance of Site Review for Tighe and Bond, (Owners: Reynolds Avenue North, LLC), Assessor's Map E, Lot 27-B, zoned IT, located at 100 Education Way. (Proposal is for exterior and interior renovations to the existing building and the associated site improvements such as sealing and restriping of the existing parking lot, parking lot expansion, stormwater improvements, lighting, and landscaping). \*(SITE-2023-0006)

The applicant is looking to renovate the exterior and interior of an existing office building along with improvements to the existing parking lot, expanding parking lot, improving stormwater management, lighting, and landscaping improvements (SITE-2023-0006). As part of that development, the applicant is requesting 18 extra spaces above the maximum allowed for that size of office building to have 350 parking spaces on site. The site is proposed to be serviced by municipal water and sewer. The plan appeared before the TRC July 20, 2023 and August 10, 2023 (most recent minutes attached). Both EVSE readiness and EVSE chargers are required based off the site plan and CUP request which the applicant has shown on the plan. The applicant is also requesting several waivers as part of the site plan application which they should discuss during their presentation.



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Eben Tormey, Reynolds Avenue North and Patrick Crimmins, Tighe & Bond represented the application. Mr. Tormey gave background of the purchase and subdivision of the plot, tenant and location info. He described the use of the development once complete.

Mr. Crimmins reviewed the site plan details for the board including parking, landscaping, pedestrian areas, connection to rail trail, paving, storm water, and EV chargers (4 spaces).  
Waivers are being sought from lighting calculations, minimum internal landscaping of parking lots, trees spaced every 35' and traffic analysis. He explained the reasons for these which include keeping what is already on site with little to no changes and/or proposing changes that move towards the regulations from what is there.

H. Harmon recused herself from this item.

The applicants answered that the community trail is owned by the applicant with an easement for the City for the trail. The City maintains the trail.

**Motion:** M. Speidel moved to accept the application and declared no regional impact. Seconded by: F. Cullen. Vote: U/A

*Public hearing opened*

No one spoke

D. Benton read an email from Mark Herrick, President of Waldron Falls Homeowners Association, received to the office inquiring about the traffic study waiver.

*Public hearing closed*

The applicants anticipate less traffic to this building under the new occupant than what was there and operating initially.

### **STAFF RECOMMENDATION-CUP:**

§153-14.D(5) of the Site Review Regulations of the City Code provides for granting Conditional Use Permit by the Planning Board to allow additional parking spaces over the maximum. This plan is consistent with the following criteria as addressed in the applicant's narrative and plan notes on C-103.

The Planning Department recommends the Planning Board vote to grant the Conditional Use Permit with subsequent conditions, as the plans meet the standards outlined.

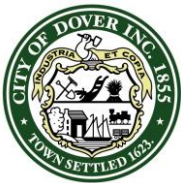
### **Subsequent Conditions to Be Met Prior to Granting of the Conditional Use Permit**

1. Site Plan (SITE-2023-0006) has been approved.
2. A note added to the plan that the EVSE comply with 153-14.D.(3).

**Motion:** F. Cullen moved to grant the Conditional Use Permit with subsequent conditions. Seconded by: M. Speidel. Vote: U/A

### **STAFF RECOMMENDATION-Waivers:**

Per the applicant's narrative dated August 18, 2023, the applicant is requesting the Board grant four waivers from:



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- §153-14.E.2 for parking lot lighting calculations as most lighting is existing lighting which is cumbersome to get calculations on, and relocating 2 light poles and add one additional light in the parking expansion area
- §153-14.G.2.a for internal landscaping to be less than the minimum 10% as most of the parking lot is existing and the improvements increase the landscaping from 6.6% to 7.6%. The interior landscaping on the northern lot is 15.5%
- §153-14.G.3.a. for trees every 35' along perimeter of parking lots since the southern parking lot is mostly unchanged and adjacent to a wooded area, 10 new trees are proposed in the expansion area.
- §153-13.A.19 for traffic impact analysis and assessment since this isn't a change of use and the gross floor area is not changing

§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."

Planning Staff finds the waiver requests for lighting and traffic study are supported under criterion (1) above and the intent of the requirements are upheld and the waiver requests for landscaping as additional landscaping is being provided and there is so much wooded area in conservation directly adjacent.

The Planning Department recommends the Planning Board vote to approve the waivers with subsequent conditions, as the plans meet the standards outlined.

### **Subsequent Conditions to Be Met Prior to the Signing of the Plans:**

1. A note be added that waivers for from the 153-14.E.2 for parking lot lighting calculations, 153-14.G.2.a for internal landscaping, 153-14.G.3.a. for trees every 35', 153-13.A.19 for traffic impact analysis and assessment and the Board found the criteria of Chapter 153-21 have been met.

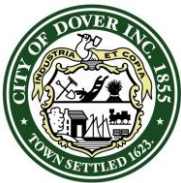
**Motion:** F. Cullen moved to grant the waivers with subsequent conditions as they meet the criteria required.  
Seconded by: M. Speidel. Vote: U/A

### **STAFF RECOMMENDATION:**

The Planning Department recommends the Planning Board make necessary findings and vote to approve the Site Plan with the following subsequent conditions as the plans meet the standards outlined:

### **Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Conditional Use Permit (COND-2023-0043) be approved.
2. The applicant shall provide the Planning Department with a digital version of the final plan set.
3. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
4. The applicant shall revise the plan set to:
  - a. Add owners' signatures;
  - b. Add all professional signatures and stamps;



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### **Subsequent Conditions to Be Met Prior to any Construction:**

5. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
6. The wetland buffer placards be installed every 50 feet;

### **Subsequent Condition to Be Met Prior to Issuance of a Building Permit:**

7. Payment of Water and Sewer Investment Fees if applicable;

### **Subsequent Conditions to Be Met Prior to Occupancy:**

8. Impact fees per unit will be invoiced through the permit portal and shall be paid.
9. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction;
10. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work;
11. Wetland buffer placards be inspected and replaced if needed; and
12. Issuance of the Certificate of Occupancy.
13. Provide a letter certifying that the tie in locations or discharge points for all sump pumps and roof leaders for existing structures on the property do not connect to the municipal sewer system.

**Motion:** G. DeBoer moved to approve the site plan with subsequent conditions. Seconded by: M. Speidel.

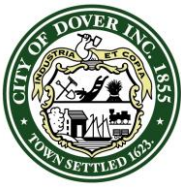
Vote: U/A.

### **7. STAFF COMMENTS**

- TRCs since last meeting:
  - Site Review for Horizons Engineering Inc. (Owners: Zeland Schwartz Trustee, The Zeland Schwartz Revocable Trust), Assessor's Map A, Lot 45-A-2, zoned R-40, located at 36 Olive Meadow Lane. (Proposal is to build 32 individual units through Transfer of Development Rights.)
  - Site Review for Stonefield Engineering & Design (Owners: Dover Retail Management, LLC), Assessor's Map 38, Lot 15-A, zoned C, located at 1-3 Webb Place. (Proposal is for demolition of current building and constructing a 3,300-sf bank with a drive through ATM, (28) twenty-eight parking spaces. One (1) related Conditional Use Permit application would also appear before the Planning Board.
  - Site Review Amendment for Dewberry Engineers, Inc. (Owners: Giri Dover 200, INC.) Assessor's Map 11, Lot 2-4, zoned Commercial, located at 200 Sterling Way. (Proposal is to install three (3) Electric Vehicle Charging Station in parking lot)
- TRCs coming up:
  - Site Review for TF Moran (Owners 256-264 Central Avenue, LLC), zoned Central Business District, located at 256 & 264 Central Avenue. (Proposal is to replace gravel parking with 10,595 sf of paved parking related to their renovation of the buildings). (SITE-2023-0013)

### **6. MEMBER COMMENTS**

- Chair signed plans for Macs Convenience site plan amendment and Preble St. site plan and a development agreement for 239 Knox Marsh Rd.



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- K. Mavrogeorge commented that the wetland placards tend to go in as the last item of a project rather than the first item. His office will take a closer look at this process, but this board should keep an eye on it as well.

### **7. ADJOURNMENT**

**Motion:** M. Speidel moved to adjourn at 8:49pm. Seconded by F. Cullen. Vote: U/A