



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover, NH.
Meeting Date: **Tuesday, September 24, 2024**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Tom Clark, Ken Mavrogeorge, George DeBoer, Melina Gambino, Fergus Cullen (Councilor), Jeff Sanborn (Alternate), Mallory Strange (Alternate)

Members Not Present (excused): Mark Speidel (Vice Chair), Kyle Pimental

Staff Present: Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7p.m. and noted that Melina Gambino will sit in for Mark Speidel as Vice Chair, and Mallory Strange will sit for Melina Gambino and Jeff Sanborn will sit in for Kyle Pimental.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- August 27, 2024 Regular Meeting Minutes

Motion: F. Cullen moved to approve the regular meeting minutes of August 27, 2024 as submitted. Seconded by: K. Mavrogeorge. Vote: U/A

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Subdivision for the Estate of Marc Keith Gagnon, Assessor's Map D, Lot 9-B, zoned R-12, located at 48 Old Rochester Road. (Proposal is to subdivide parcel to make one (1) new lot.) *(SUBM-2024-0004)

D. Benton explained that the applicant is proposing a Minor Subdivision of 48 Old Rochester Road, creating one new lot.

The applicant previously received a Variance from the Zoning Board of Adjustment on July 18, 2024 to allow for the subdivision of the parent lot into two, 10,000 square foot lots, where a minimum lot size of 12,000 square feet is required as prescribed in the R-12 Zoning Table.

As a Minor Subdivision, this application did not appear before the TRC.

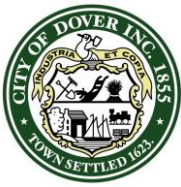
Bob Stowell, Trittech Engineering represented the application and explained the request to subdivide the lot and the two variances that have been granted.

Motion: T. Clark 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.



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STAFF RECOMMENDATION- Minor Subdivision

The plan is consistent with §157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

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. Variance (ZONE-2024-0036) granted, in relief of rear setback encroachment, or encroachment of stairs is revised to come into conformance.
2. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - 2.1. Signature and stamp of PE, LLS and CWS
 - 2.2. The owners' signatures for recording at Strafford County Registry of Deeds

Motion: F. Cullen moved to approve the Minor Subdivision with conditions detailed by staff. Seconded by G. DeBoer. Vote: U/A

- B. Consideration and acceptance of a Lot Line Adjustment for Richardson Estates of Dover, LLC & Mohamed & Lisa K. Hamcha, Assessor's Map 35, Lots 64 & 72, zoned R-12, located at 141 Sixth Street & 5 Dowaliby Court. *(LOTA-2024-0011)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties, located at 141 Sixth Street and 5 Dowaliby Court, adding approximately 39,496 square feet from 5 Dowaliby Ct. to 141 Sixth St. For both lots, the frontage and compliance with the underlying R-12 zoning regulations will remain the same.

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

Christopher Berry, Berry Survey and Engineering represented the application and explained the request for the lot line revision.

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

Public hearing opened.

No one spoke

Public hearing closed.

STAFF RECOMMENDATION- Lot Line Adjustment:

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:



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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-2024-0011
 - b. The owner's signatures
 - c. The LLS stamp and signature

Motion: G. DeBoer moved to approve the Lot Line Adjustment with conditions detailed by staff. Seconded by T. Clark. Vote: U/A

The Chair announced Items 4C, D, E, & F would be heard together.

- C. Consideration and acceptance of a Conditional Use Permit for Del Sol Dover, LLC, Assessor's Map G, Lot 2-1, zoned CM, located at Crosby Road. (Proposal is to construct a 75' wide extension of Crosby Road that would result in 4,861 s.f. of wetland buffer impact. No wetlands will be disturbed.) *(COND-2024-0025)
- D. Consideration and acceptance of a Conditional Use Permit for Del Sol Dover, LLC, Assessor's Map G, Lot 2-1, zoned CM, located at Crosby Road. (Proposal is to create a three-lot subdivision which will be accessed from an extension of Crosby Road with associated drainage and grading creating 786.5 s.f. of permanent impact to the 50-foot wetland buffer.) *(COND-2024-0026)
- E. Consideration and acceptance of a Minor Subdivision for Del Sol Dover, LLC, Assessor's Map G, Lot 2-1, zoned CM, located at Crosby Road. (Proposal is to subdivide the lot into 3 total lots). *(SUBM-2024-0003)
- F. Consideration and acceptance of a Site Review for Del Sol Dover, LLC, Assessor's Map G, Lot 2-1, zoned CM, located at Crosby Road. (Proposal is to construct one (1) 9,600 s.f. warehouse building with associated parking and infrastructure and an 807' paved extension of Crosby Road). *(SITE-2024-0010)

D. Benton explained that the applicant is proposing a three-lot subdivision which will create two new lots and maintain one existing lot and the three lots will be accessed from an 807' paved extension of Crosby Road. The applicant's intent is that, when completed, the proposed extension will be accepted by the City of Dover as a public right-of-way.

As part of the project, the applicant is proposing the development of Lot 2, (Assessor's Map G, Lot 2-1). The proposed development of Lot 2 will involve a 9,600± square foot warehouse building with associated parking and infrastructure. The warehouse will be used primarily for a local lawncare company with remaining space being rented to similar businesses.

The proposed Crosby Road extension will create 4,861± square feet of permanent impact to the wetland buffer and the proposed development of Lot 2 will create 786.5± square feet of permanent impact to the 50-foot wetland buffer. There are no impacts to the wetlands.

The applicant has also applied for two environmental Conditional Use Permits for wetland buffer impacts created by the site and roadway development and an NHDES Alteration of Terrain permit.

Three (3) waivers are being proposed as part of this project requesting relief from a signed landscape plan, streetscape renderings, and the proposed parking location.

The Technical Review Committee reviewed the project at their August 29, 2024 meeting.



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The Conservation Commission reviewed and endorsed the CUP applications at their September 9, 2024 meeting.

Steve Haight, CivilWorks represented the application and explained additional details of the request. NH Fish and Game has reviewed the lots and a deed restriction has already been executed and recorded which is reflected in the plans.

Mr. Haight addressed board comments and questions about connection to neighboring park and proposed street to be a public road.

Motion: T. Clark moved to accept the applications and declared no regional impact. Seconded by: M. Gambino. Vote: U/A

Public hearing opened.

George Mourgenos, Columbus Ave noted the entrance to their property is used to access the proposed development. It is a win/win situation for the owner and for his son and his son's business.

Letter from Nick Mourgenos was received and distributed to the board.

Public hearing closed.

STAFF RECOMMENDATION: Conditional Use Permit, Lot 2 Development

The Wetlands Protection District ordinance §170.27.1.F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-27.1.F per their narrative. The roadway as proposed minimizes wetland buffer impacts and avoids wetland impacts with buffer impacts related to grading, drainage, and design for emergency vehicle maneuvering. The proposed project does not require state mitigation, the applicant has applied for an NHDES Alteration of Terrain permit, and the project has been reviewed and endorsed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

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

1. Approval of COND-2024-0026;
2. Approval of SUBM-2024-0003;
3. Approval of SITE-2024-0010;
4. Copies of the NHDES Alteration of Terrain submitted to the Planning Department.

Motion F. Cullen moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by G. DeBoer. Vote: U/A

STAFF RECOMMENDATION: Conditional Use Permit, Roadway Expansion

The Wetlands Protection District ordinance §170.27.1.F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.



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Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-27.1.F per their narrative. The development as proposed has incorporated unique site characteristics to minimize wetland buffer impacts and avoid direct wetland impacts. The proposed project does not require state mitigation, the applicant has applied for an NHDES Alteration of Terrain permit, and the project has been reviewed and endorsed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

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

1. Approval of COND-2024-0025;
2. Approval of SUBM-2024-0003;
3. Approval of SITE-2024-0010;
4. Copies of the NHDES Alteration of Terrain submitted to the Planning Department.

Motion F. Cullen moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by G. DeBoer. Vote: U/A

STAFF RECOMMENDATION – Minor Subdivision

The plan is consistent with §157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

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

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 owner's signatures
 - 1.2. Include the Planning File #SUBM-2024-0003
 - 1.3. The stamp and signature of the LLS on the final plans
 - 1.4. Confirm lot numbering with City Assessor
2. Confirm the sizes and locations of utilities between site plan (SITE-2024-0010) and roadway plan (SUBM-2024-0003);
3. Confirm elevations for sewer to new lots with City Engineer;
4. Approval of COND-2024-0025;
5. Approval of COND-2024-0026;
6. Approval of SITE-2024-0010.

Motion: F. Cullen moved to approve the Minor Subdivision as detailed by staff as it meets regulations. Seconded by M. Strange. Vote: U/A

STAFF RECOMMENDATION - Waivers/Relief:

§153-21 of the Site Plan Review Regulations state 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



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(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 believes the applicant’s rationale for the waivers meets criterion (1) and waiving such standards and requirements is not contrary to the spirit or intent of the ordinance.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waivers 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 found the criteria of Chapter 153-21 have been met and the Board approved the following waivers:
§153-13A(12), Landscape Plan prepared by LLA
§153-13A(17), Streetscape Renderings
§153-14K(1)(b), Parking Location

Information about the landscape waiver and landscape plans were clarified.

Motion: F. Cullen moved to grant the waiver requests with subsequent condition set by staff as it meets criteria. Seconded by: G. DeBoer. Vote: U/A

STAFF RECOMMENDATION- Site Plan:

Chapter 153-13 outlines Site development plan. This plan meets those standards outlined. Therefore, the Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

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

1. Revise plan and resubmit for final Planning Board signature with the following revisions:
 - 1.1. Add a note stating the structure will be solar ready.
2. Confirm the sizes and locations of utilities between site plan (SITE-2024-0010) and roadway plan (SUBM-2024-0003);
3. Approval of COND-2024-0025;
4. Approval of COND-2024-0026;
5. Approval of SUBM-2024-0003;

Subsequent Condition to Be Met Prior to Construction:

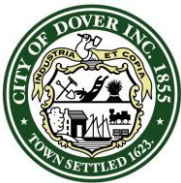
7. Provide test pit data to City Engineer to determine if a permeability liner is required;
8. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director;

Subsequent Conditions to Be Met Prior to Building Permit:

9. Payment of Water and Sewer Investment Fees if applicable at time or request of service;

Subsequent Conditions to Be Met Prior to Occupancy:

10. Issuance of Certificate of Occupancy;
11. Payment of Impact Fees as noted in the invoice attached to the Decision Letter unless a change is made to the impact fee policy; and
12. Surety or other form of security acceptable to the City is provided for any unfinished work;
13. Add a new SMH at the end of the existing stub off of SMH 2875, or alternative connection to the satisfaction of the City Engineer;



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14. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.

Discussion occurred relating to non-conforming status of the lots and solar-ready criteria.

Motion: F. Cullen moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: M. Strange. Vote: U/A

- G. Public hearing and discussion of site changes to a parking lot for the State of New Hampshire and C&J Trailways, Assessor's Map D, Lot 18-004LSE, zoned C, located at 23 Indian Brook Dr. (Proposal is to implement paid parking controls, traffic flow improvements, and associated infrastructure.)* *[This item falls under NH RSA 674:54 as a governmental land use]*

D. Benton explained that the applicant, C&J Bus Lines, is proposing to implement paid parking controls, including new barriers, gates, and kiosks, traffic flow improvements, and associated infrastructure at the C&J Bus Terminal at 23 Indian Brook Dr.

The subject property is owned by the State of New Hampshire and NH RSA 674:54, (Governmental Land Uses), applies.

The proposed site changes have been reviewed by City of Dover staff and non-binding conditions and comments have been provided to the applicant and Planning Board members for review. (see below)

Brooks Jalbert, C&J Bus Lines represented the application and explained the request. He explained the background usage of the site and the reasons for the policy change.

Dana Lynch, Civil Works NE explained the proposed changes to the site.

Board member questions and comments relating to: fence/gate, jersey barrier, relationship of the state to C&J, operation details of the Seabrook location, current operations at the Dover lot, continuous dealings with police/ action by C&J staff to solve issues, details of the agreement with the state and the funds were addressed.

Public hearing opened.

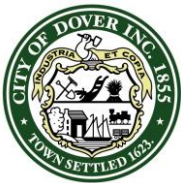
Mike Pouliot, NH DOT gave comments of support and additional reasoning for the proposal.

D. Benton explained an email received and that staff has answered the questions.

Public hearing closed.

Staff comments and conditions include:

1. Provide T-1 turning template to ensure emergency access.
2. Submitted plans should indicate compliance with all accessibility standards/requirements.
3. Submitted plans should indicate compliance with NH RSA 155-A:5-a and NH RSA 155-A:5-b.
4. Note that fencing over 7' requires a building permit.
5. Submitted plans for automatic gate operation shall be in accordance with ASTM F2200.
6. Revise plan to:
 - 6.1. Add PE and LLS stamps and signatures
 - 6.2. Add leader note about COAST bus flow and parking
 - 6.3. Add leader note about short term pick up and drop off parking



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- 6.4. Provide knox box key or other acceptable access to gated area for first responder access
- 6.5. Add note indicating altered number of parking spaces
- 6.6. Identify proposed barrier gates (Sheet C-4)
- 6.7. Clarify style of gate being proposed (on Sheet C-4 and C-9)
- 6.8. Identify newly proposed travel lanes at kiosk (Sheet C-4)
- 6.9. Include guardrail detail (Sheet C-4)
- 6.10. Indicate how vehicle swing gates will be secured and made operable for access

H. Discussion of Impact Fees. *

Motion: F. Cullen moved to remove the item from the table. Seconded by: M. Strange. Vote: U/A.

D. Benton explained that the Planning Board has been discussing impact fees since the beginning of 2024. At the last meeting, Board members asked staff to bring information and a comparison between different options. Those options included a moratorium or setting the fee to \$0 or redacting the impact fee ordinance. Staff provided another memo with attachments in the packet. The original packet had some of Attachment B cut off so D. Benton handed out the comparison table. D. Benton explained that Chapter 170 is being re-codified and has yet to be adopted by Council so no amendments should be posted until after that occurs. She reminded the Board that they have the jurisdiction to set the impact fee amount and that the software used by the City could be updated within a day or two.

Board discussion occurred clarifying the idea is not to remove impact fees and then add other fees and processes. If occasionally there is a project that will have foreseeable impacts to the City or access to the project, there could be ways the Planning Board can require that applicant to provide items that aid the projected impacts.

G. DeBoer gave comments from the Ad Hoc Committee to Address Housing Needs relating to impact fees from the draft SRPC land use report.

Board member opinions on how to move forward:

G. DeBoer suggested a moratorium on the impact fees for a time- perhaps a year- to rethink the program and perhaps expand it to additional allowable categories.

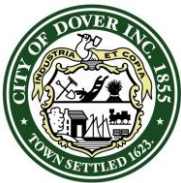
D. Benton does not recommend adding additional categories after the tracking that has been done. She also recommends a two-year time frame if a moratorium is chosen to have a better sample size to review.

F. Cullen supports removing the impact fees altogether and is against any expansion of the program to other categories.

Chair Cruikshank is in agreement with F. Cullen. Due to administrative time and tasks, the better option is to remove the fees rather than suspend and track for later review.

M. Gambino agrees to remove the impact fees to help support additional housing.

G. DeBoer commented that it may be difficult to learn whether removing the fees will encourage or deter further housing development. He also noted if the administrative costs outweigh the fees themselves, he is in favor of removing the fees.



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Motion: F. Cullen moved to set the impact fees to \$0. now, (September 25, 2024) with the intent to amend the ordinance to redact that section of language during the recodification process. Seconded by: K. Mavrogeorge. Vote: U/A.

Board members discussed implementation of this change and what dates the implementation should start and if there should be retroactive dismissals of fees or refunds. Some questions regarding fiscal and calendar years were discussed.

There was general consent to have the impact fees removed retroactively back to July 1st and/or Jan/Feb 2024 when discussions began.

Further clarifying: any application that included language in the conditions relating to “unless a change is made to the impact fee policy”. However, only applications that came before the Planning Board have that language- the smaller projects do not.

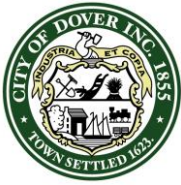
Further clarifying: retroactively remove impact fees for all projects approved since July 1, 2024. Also all projects that came before the Planning Board with the identified language related to impact fee changes.

Staff will do some research based on the feedback for future discussions about the criteria for approved projects to come back before the board for considerations relating to impact fees.

Motion: F. Cullen moved to set the impact fees to \$0 for all projects that came before the Planning Board this calendar year whose conditions of approval included language that the impact fees may be changed. Seconded by: K. Mavrogeorge. Vote: U/A.

5. STAFF COMMENTS

- Save the date for CIP release will be coming up in October. Exact date still being determined.
- New Assistant City Planner, Makayla Edgecomb, starting on Sept. 30th.
- Thanked Jackson Kaspari for his time in the Department and wished him well.
- Posted a new Resilience Coordinator position.
- Thanked Erinn Kaspari for her time on the Board, a few people interested in openings.
- TRCs since last meeting:
 - (Aug. 29th) Site Review for warehouse and roadway extension for Del Sol Dover, LLC at Crosby Road.
 - (Aug. 29th) Site Review for Chauvin Arnoux, Inc. at 15 Faraday Drive. (Administratively approved proposal to construct a 2,356 s.f. storage building.)
 - (Sept. 5th) Site Review for 5 Sherman Street, LLC located at 103 Court Street. Proposal is to convert the existing home into a duplex, construct a second duplex, and construct five new single-family homes for a total of nine dwelling units.
 - (Sept. 5th) Site Review for Allen Majors Associates, Inc. located at 114 Silver Street. Proposal is to convert the single-family home into a 4-unit multi-family dwelling on one lot and construct a 3-story, 4-unit multi-family dwelling on the other lot.
- Upcoming TRCs:
 - (Sept. 26th) Site Review for 5 Sherman Street, LLC located at 103 Court Street. Proposal is to convert the existing home into a duplex, construct a second duplex, and construct five new single-family homes for a total of nine dwelling units.



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6. MEMBER COMMENTS

- The Chair signed the following:
 - LLA plan for 258 Tolend Road.
- M. Gambino
 - Question on a specific project
 - Storage facility on 6th st status question
 - More parking options
- J. Sanborn
 - New MacIntosh project moving in Rutland

7. ADJOURNMENT

Motion: K. Mavrogeorge moved to adjourn at 9:04pm. Seconded by G. DeBoer. Vote: U/A