

CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820  
Meeting Date: Tuesday, August 26, 2008  
Meeting Time: 7:30 pm

**REGULAR MEMBERS PRESENT:** Ron Cole, Don Andolina, Dean Trefethen, Frank Torr, Marcia Colbath,  
John Swartzendruber

**REGULAR MEMBERS ABSENT:** Perry Plummer, Doug Steele

**ALTERNATE MEMBERS PRESENT:** Linda Merullo, Ron Stock

**STAFF PRESENT:** Christopher Parker, Planning Director and Jennifer Bretz, Recording Secretary

Meeting called to order at 7:32 PM.

Linda Merullo will sit in for Doug Steele.

Ron Stock will sit in for Perry Plummer.

### 1. Election of Vice Chairman

Cole stated that the Board has received two applicants for the position of Vice Chair. The two applicants are Frank Torr and Donald Andolina.

The nominations were opened for Vice Chair – The nominations were closed.

The Board voted; the new Vice Chair is Frank Torr.

### 2. Citizens' Forum – None

### 3. Approval of the August 12, 2008 Minutes

John Swartzendruber was present at the previous meeting.

Motion: Trefethen made the motion to approve the minutes with corrections, Andolina seconded. Vote: U/A.

### 4. New Business

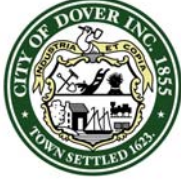
**A. Public Hearing to consider amendments to Chapter 155, entitled "Subdivision of Land" and Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Subdivision amendments include allowing storm water pipes to be high-density polyethylene (HDPE). Site Review amendments include changes to require all utilities to be installed on or before the completion of the roadway base course and specifying the inspection procedure for construction. The complete wording of each amendment is available in the Planning Department and on the City's website at [www.ci.dover.nh.us](http://www.ci.dover.nh.us).**

Public Hearing Open-Public Hearing Closed

**B. Consideration and acceptance of a Conditional Use Permit for Pashalis Doukas & Hefila Doukas, Assessor's Map 22, Lot 41-5, zoned R-12, located at 10 Nantucket Court.\* (P08-26)**

Pashalis Doukas, 10 Nantucket Court, stated that he wants to fill his backyard in with soil.

Colbath stated that she sits on the Conservation Commission; the Commission took a site walk of his property. She realizes he's not aware of the regulations in the City of Dover regarding the wetlands buffer. He had fill brought in and placed within the buffer of the wetlands. It is a fairly impermeable type of surface. He needs to present, to the Board, a plan of what he's going to do.



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Doukas stated that Tom Fargo, Chair of the Conservation Commission, came out to his property and told him that what he wanted to do would not have any effect on the water and it would not harm anything. Fargo told him that he should not have any problem getting the permit. He's not filling in the ditch, he's putting fill in 25ft from the ditch. There is a pipe under the street and whenever it rains, all the water ends up in his backyard.

Trefethen stated he's not sure what he wants to do. Doukas needs help navigating the process and he doesn't think he's getting the help he needs. He doesn't want to not accept the application but he's not sure that he wants to continue with the process too far. The Board needs more information than what they have. This is where staff needs to step up to the plate and help this Doukas with the process.

Parker stated the Planning Department did point him in the direction of the Conservation Commission. They explained to him that he is currently violating the zoning code by filling in part of the wetlands. They encouraged him to apply for the Conditional Use Permit so that he wouldn't be in violation. If the board denies his permit than he will be in violation and they will have to enforce it.

Colbath stated Doukas came before the Conservation Commission. They recessed the meeting and did a site walk. In that particular development, there are very small backyards. The applicant had fill brought in from the Henry Law Ave road reconstruction project and placed in their backyard. The conclusion of the Conservation Commission was that this would start a precedent for other lots that have been created and have very small backyards, in the City, that abut wetlands. The wetland buffer, at that time, was very wet due to the amount of rain. They would be filling in the buffer which is just about their whole backyard. It could create problems if the person next door decided that they wanted to do the same thing and so on. Each house on that side of the road is in the same situation. The Conservation Commission also thought that the yard, as it was prior to the depositing of the fill, was a usable back yard. They voted as a whole not to endorse the application. The encroachment into buffer could cause a problem for the City. The conclusion of the Conservation Commission is that the fill needed to be removed and the yard should have stayed as is.

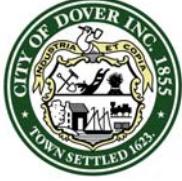
Cole asked when the application came into the Planning Department, were they aware that it had been partially filled in?

Parker stated they were aware that it had been partially filled in. Doukas notified staff that it was partially filled in.

Colbath stated the only person on the Conservation Commission that voted to endorse it was Chair Tom Fargo. The rest of the commission decided that they needed to uphold the buffer because this would create a problem down the road.

Motion: Andolina made the motion to accept the application, Stock seconded. Vote: 7-1, Trefethen opposed.

Public Hearing Open – Public Hearing Closed.



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Parker read the staff comments:

The applicant is requesting to leave fill that has been placed in the backyard within the 50-foot wetland buffer and within 20 feet of the wetland. This lot was created in 2004 and a significant portion of the rear of the parcel is wetlands or wetlands buffer. The applicant appeared before the Conservation Commission on August 4, 2008 regarding the Conditional Use Permit (see e-mail from Tom Fargo). The Conservation Commission voted to not endorse the application.

The Planning Department recommends denying the Conditional Use Permit because the applicant has not demonstrated the need for the fill, the fill was placed without a permit, no erosion and sediment control plan was submitted, and the Conservation Commission did not endorse the application.

Cole asked if the Planning Board votes this down; will he be required to remove the fill?

Parker stated that is correct. The Zoning Administrator will work with the applicant to have the fill removed so that he is compliant to the zoning code.

Discussion ensued regarding the fill.

Trefethen stated he would move to table and have the staff work with Doukas to get an understanding of what's going on.

Andolina stated the problem he has is by approving this; the Board is encouraging others to do the same thing. To first do the filling and then ask for relief. It's a very bad precedent if they approve this.

Merullo stated she agrees with Andolina. There is a regulation in place for the buffer of 50ft. She's afraid other people will go ahead and not get the permits needed. At this time she would deny the application. She feels that it should be re-mediated. If they table it, it sounds like they're trying to do something with the fill other than take it out of there. She's afraid other abutters will think the same thing.

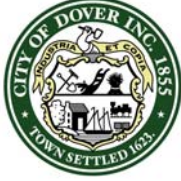
Colbath stated her feeling after visiting the site was she would not vote for it, if it were to come back. She feels that the yard was usable as is.

Motion: Trefethen motions to table, Torr seconded. Vote: 4-4 Colbath, Merullo, Andolina and Stock oppose. Motion failed for lack of a majority.

Trefethen stated he recommends sending letters to the homeowner's on Nantucket explaining the wetlands and why the City has a buffer.

Motion: Stock made the motion to deny the application, Andolina seconded. Vote: U/A.

**C. Consideration and acceptance of a minor lot line adjustment of land Hampshire Controls Corp. (Owners: Anthony Consentino Revocable Trust & Boston & Maine Railroad c/o Guilford Trans.), Assessor's Map 31, Lots 4 & 11.\* (P08-28)**



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Christopher Berry, Berry Surveying and Engineering stated the applicant's would like to transfer some of the land owned by the Boston & Maine Corporation to the lot shown on the map. (In file) It's approximately 1630 sq. ft. The tracks do not exist as of today. The reason for the lot line revision is to allow the applicants access to reach the backside of their building legally.

Motion: Merullo made the motion to accept the application, Torr seconded. Vote U/A

Public Hearing Open – Public Hearing Closed

The Planning Department recommends approval of the lot line adjustment plat with the following conditions:

1. Add the owners' signatures to the application form and the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. Revise the plat to add the Planning File Number (P08-28) to the title block on all sheets.
5. Revise the plat to add the tax map and lot number to map 31, lot 11.
6. The approval includes the granting of the requested waiver for the reasons stated by the applicant and the Planning Department.

Motion: Torr motions to approve with conditions, Merullo seconded. Vote U/A

### **D. Consideration and acceptance of a minor subdivision of land for Richard & Kathleen Knox, Assessor's Map I, Lot 14, zoned R-20 & RM-20, located on 86 Durham Road.\* (P08-33)**

Kevin McEneaney represents the applicant. He stated it's a minor two lot subdivision. The lot is directly opposite of Alumni Drive on Rt. 108/Durham Road. Current, the lot has an existing single family house. The existing size of the lot is 2.4 acres. They are proposing a two lot subdivision. The lot that would contain the house would be 1.56 acres and the second lot would 0.84 acres. The property is a split zone, partially in the R-20 zone and partially in the RM-20 zone. It's serviced by municipal sewer and water. There is currently an in ground pool, in a fenced in area, that is intended to be removed. The pool encroaches over the new line that they will be creating. Part of the conditions of approval has a stipulation that the pool and fenced in area be removed. It reads that the pool is to be removed prior to the signing of the plan. They would like it to be amended so that the pool is to be removed prior to the issuance of a building permit on that lot.

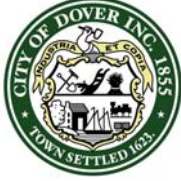
Trefethen asked how wide the right of way was.

McEneaney stated that the right of way is 40 ft. and the driveway is around 12-14 ft.

Discussion ensued regarding multi-family homes.

Motion: Torr made the motion to accept the application, Merullo seconded. Vote U/A

Public Hearing Open – Public Hearing Closed.



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Parker read the staff comments:

The Planning Department recommends approval of the minor subdivision plat with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat to add the Planning File Number (P08-33) to the title block on all sheets.
4. The applicant shall revise the plat by adding the label "proposed lot line" to the new lot lines.
5. The applicant shall remove the pool that encroaches on the proposed property line and provide a letter certifying said removal, prior to issuance of a building permit..
6. Any new dwelling unit shall be subject to any impact fees or water and sewer investment fees in place at the time of building permit application.

Colbath stated if the same individual owned both lots, she doesn't have a problem with the pool being there. If the lot were to be sold, the swimming pool would have to be removed prior to that which would be before you asked for a building permit.

Parker stated he was trying to think of how that could get placed into the deed process. The Planning Department wouldn't know when the lot was sold but we would know when a building permit is pulled.

McEneaney stated it's unlikely that a bank would lend money for that property with that encroachment.

Colbath stated she thinks the pool should be removed prior to the sale of the property.

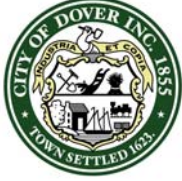
Parker stated that number 5 would now read "The applicant, prior to sale of the property and issuance of a building permit, shall remove the pool that encroaches on the proposed property line and provide a letter certifying said removal."

Motion: Andolina made the motion to approve with conditions, Stock seconded. Vote: U/A

**E. Consideration and acceptance of a minor subdivision of land and Conditional Use Permit for David Sullivan, (Owner: Edmund Vachon) Assessor's Map I, Lot 83, zoned R-12, located on Spruce Lane/Garrison Road.\* (P08-35) (2 lots)**

Bob Stowell, Trittech Engineering, represents applicant. He stated this is 2 acres at the corner of Garrison and Spruce. This was approved by the Planning Board in June 2007. The conditions of approval were never fulfilled. They received one extension to the approval. The subdivision is unchanged. The zoning and subdivision rules have not changed. They are asking for re-approval of the project that was approved in June 2007.

Trefethen stated the lot nearest Garrison Road has a fairly limited building envelope. How do they propose to prevent the future owner of that house filling in the wetland buffer?



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Stowell stated when this went through the Conservation Commission, in 2007, that was a topic of conversation. There was a specific condition added to the approval which stated, “The deeds for each lot containing a section that puts the buyer on notice that it contains wetlands and wetlands buffer as protected by chapter 170-27.1.” That is still applicable. It’s a fairly sizeable building envelope. It’s 60 ft. by 120 ft. They have more than adequate room before encroaching on the buffer.

Discussion ensued regarding the wetlands buffer and preventing future owners from filling it in.

Motion: Trefethen made the motion to accept the application, Stock seconded. Vote: U/A.

Stowell confirmed that tabling the application would give him time to consult with his client and revise the plan.

Motion: Trefethen made the motion to table the application, Stock seconded. Vote: U/A

**F. Compliance public hearing per RSA 676:4-I (i) to determine if the conditions of approval from the Planning Board meeting of October 23, 2007 have been met for a major subdivision of land for Dover Point Properties Development, LLC, Assessor’s Map L, Lot 89G, located at 202 Dover Point Road.\* (P07-39) (14 lots)**

Chairman Cole stated he was not involved in the process up to the vote so he will recuse himself. Vice Chairman Torr took his place.

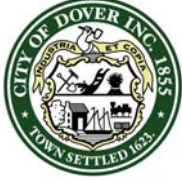
Parker stated this was a project approved in 2007. The Board’s decision was appealed. It went to court and the court ruled that the Planning Boards decision was not final until the Planning Board held a compliance hearing because of the two issues. The two issues are items 12 and 13 regarding the drainage study and drainage maintenance. The Planning Board is holding this hearing to clarify whether all the conditions have been met.

Atty. James Schulte represents the applicant along with Bob Stowell and Doug LaRosa from Tritech Engineering. This matter was appealed to the Superior Court which ruled that of the 13 conditions the Board imposed in Oct. 2007, two of the conditions were precedent. The court has defined those as things which require further action by the city before the plan can be signed. The two conditions that required further action by the city are 12 and 13 which stated:

12. A copy of the Ross drainage study shall be submitted to the City Engineer and the plan shall be amended to reflect any changes proposed by the City Engineer as a result of his review.

13. A drainage maintenance plan shall be provided to the Community Services department and the Environmental Projects manager shall review and approve it, prior to the signing of the plat.

Mr. Ross was an engineer retained by the Hobbs’ who are an abutter down by the river. After those conditions were approved, Tritech had further conversations with the City Engineer which resulted in a change in some of the schedules and the method of analyzing drainage. There was an analysis done on the whole property. A separate study was done of the drainage closest to the Ross property. The only change to the plan was where catch basins located on each lot. Previously there was a note on the plan



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that yard drains needed to be installed. The plan was revised to show the location of the yard drains. There was no change on the drainage study. The City Engineer signed off on that before the end of last year. With respect to the storm drainage maintenance plan, submitted to Dean Peschel who reviewed and responded to. The only two matters before the Board tonight is whether or not the two conditions have been satisfied. If the Board agrees that the conditions have been satisfied, you will vote to acknowledge the conditions had been satisfied.

Doug LaRosa, Trittech Engineering, stated last October the drainage on this parcel was discussed. The Ross drainage study was brought up. The Hobbs' were concerned about the drainage on their property. They are concerned that the vegetation be maintained and the drainage does not increase on their property. Prior to the October meeting, Trittech met with Dave White. They gave him a report showing that they did not increase the drainage on the Hobbs' property. Their road, which has catch basins every 300 ft, decreases the amount of drainage going out to the Hobbs' property because it bisects the area that's draining to it. There is one acre less area draining to it in the proposed situation than in the existing situation. They met with Dave White and Paul Vlasich several times. They revised the drainage study several times. He goes over the drainage sketch.

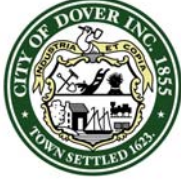
### Public Hearing Open

Mark Beliveau, Attorney with Pierce Atwood, represents Catherine Hobbs, who is a direct abutter to the project.

Alex Ross, Ross Engineering, represents Catherine Hobbs. He stated he prepared a review of the storm water drainage for this project in October 2007. The City Engineers review of Ross' concerns later came to be included as a condition of the approval. His concerns were based on a July plan and drainage study set. In his review he recommended that the Planning Board require an in depth review of a revised drainage study and plan set. A new plan and drainage study were submitted in December. The City Engineer released a letter of approval last week. After reviewing the December material submitted by the applicant, his major concerns have not been addressed. His three major areas of concern are 1. The model that was prepared does not represent both the existing and proposed site conditions. 2. The materials submitted in July and December does not prove that the drainage system will not have an adverse impact on the environment and operate correctly. 3. Sufficient information has not been provided for a Planner or Engineer to determine if the drainage model summary and storm water management plan is acceptable. An opinion can not be rendered when the technical and supporting material is insufficient. He goes over a packet he handed out. (In file)

Trefethen stated on exhibits 1, 2, 3 and 4, all of the watershed areas are to the upside of the road. What effect does the road have in collecting and channeling the water if it doesn't go where the original study says it's going to go? If it doesn't go where they say it's going to go and if it's going in the direction that you're saying it's going to go, it's going to hit the road. Is that correct?

Ross stated it's unclear with the material that's been submitted. There's not a sufficient amount of correct material to make that determination. He believes the intent is to capture as much as possible in the roadway storm drainage system and bring it down to the North of the existing house.



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Trefethen asked if the proposed road would have curbing on both sides. Under present conditions, this is a fairly wide open piece of land. There is a driveway to go through but it has not been engineered for the drainage standpoint.

Ross stated a considerable amount will now be collected in the road drainage system.

Parker asked if the exhibit information was contained in the original report? The condition of approval of that they're considering if it's been met or not that which was in the original report that was given to the City Engineer. The City Engineer would then review it, make comments on the plans and make sure that he was comfortable with what was in the original Ross drainage report was reflected on the plans. The Board can not think about new evidence. The question at hand is the City Engineer reviewed the plans and had they been adjusted to make changes that he thought were necessary based on the Ross drainage study. The City Engineer submitted a letter to the Board. (In file)

Ross stated that he did read the letter but did the City Engineer review his concerns.

Parker stated that that is a valid question. If the Board feels that way, they could ask the City Engineer for a more detailed answer. He was told verbally that the City Engineer was comfortable, that changes he wanted have been reflected. But the Board needs to be comfortable with that assumption.

Atty. Beliveau stated he would disagree with Parker's analysis in that the procedural posture that we're in is that the matter has been remanded back from the Superior Court. The court found that condition 12 was a condition precedent and the Planning Board needed to hear back from the City Engineer regarding the City Engineer's review, what he recommended to the applicant and what the applicant may have done in response to that. The testimony heard, this evening, from the applicants engineer, after the October 2007 approval, there were three revisions to the drainage plans. Those revisions were presented to you by the applicant's engineer. Its necessary when new evidence is submitted by the applicant; the direct abutters have an opportunity to present testimony on that evidence. That is the way a proper compliance hearing should function.

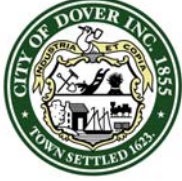
Colbath expressed her concerns about not seeing where the drainage could have a negative impact on the Hobb's property.

Parker asked Ross if the handout had been given to the City Engineer?

Ross stated that it hadn't. The City Engineers letter came out on August 21, 2008. His handout is in response to the letter. This was the first written information he had had from the City Engineer.

Merullo stated that she would like the new information to be reviewed by the Planning staff and the City Engineer.

Andolina stated there seems to be some significant disparity between the applicants design and the design brought forward by Ms. Hobbs. It's significant enough that it can not be ignored. The last thing the Board wants to do is approve the applicants design and find out they have a disaster.



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Colbath stated that a statement was made on the size of the homes. There has to be a baseline in whether it's the minimum or not that Tritech used. The square footage of a home is dependant on a lot of things. The foundation size, if it's all one story, if it's two stories. A lot has to do with the size of the foundation, not the square footage of the home. It would be difficult to pinpoint an exact amount of impervious surface based upon the square footage of a home when you don't know what the footprint of it is. In this particular development, these people will be able to buy a lot and build the home within certain boundaries of their choosing.

Ross stated this is one possible depiction, location and grading arrangement. Another one could be constructed but as it is now no extra impervious areas have been accounted for. If someone bought a lot and made a much larger driveway or a much larger house the model would be inconsistent.

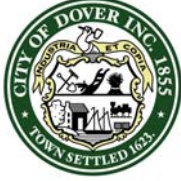
Atty. Scott Hogan represents some of the abutters in the Riverside Drive neighborhood. He represented the clients during the hearing with Atty. Schulte. He expressed his concerns regarding the potential effects the drainage could cause on Riverside Drive.

Atty. Schulte stated the specific question that created this was condition 12. A copy of the Ross drainage study be submitted to City Engineer. That was done. The question the Board has is were there changes proposed by the City Engineer and were those changes made? The issues raised by Mr. Ross are identical to his complaints made in October. Those issues have been carefully reviewed by the City Engineer. Although the statement was made that there was no response from the City Engineer until the letter (In file), on February 4, 2008, there was an e-mail sent to Chris Parker from Dave White saying the Engineering department reviewed the Dover Point Properties plan. That memo was delivered to the Attorney's for the abutters by the City Attorney. He filed it with the court on April 3. There is no response from them in spite of their suggestions that their happy to work with them, they don't intend to slow it down or obstruct it. The City Engineer did review the Ross study. He has approved the changes to the analysis that were done by Tritech. He confirms that his requested changes were incorporated into the plan and he has approved that. That is the only issue presented to you.

Kate Hobbs of the Hobbs property stated she'd like to make one comment in regards to the drainage. She knows they can't come up with every scenario of what houses might be there but she feels, as a developer, they know the houses will not be smaller than 2500 sq. ft. She knows foundations change but why not come up with the worst case scenario of what people can build. If you show that worst case scenario is going to be all right, then they're not worried about the drainage. Being that the calculations aren't quite right, she's feels she's going to be the one with the impact. The house has been there since 1923. It should mean a little bit more to people to take a little time and be concerned about it other than just her. It shouldn't be her job to figure out if someone else's development is going to be okay for her property.

Discussion ensued regarding the drainage study.

Paul Butler, 196A Dover Point Road, stated that he would like to introduce two other thoughts. Last October, he worried about the whole quality of the estuary and he continues to worry about it. It's very clear that the more building there is, the more the river and estuary suffers. Chesapeake Bay is a good example of that. Chesapeake Bay is in trouble right now. The bay could be suffering the same fate 10-15



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years from now. The second thing to think about is they have a tremendous sub-prime crisis in this country. There are plenty of houses in Dover. There is not a great need for more houses.

### Public Hearing Closed

Parker stated the board should do one of three things, if you feel sure that the conditions have been met than make a motion to put forth that they have been met. If you feel that one has been met and not the other than make a motion that item 13 has been met. The other option would be to vote and say no the conditions have not been met. A no vote doesn't kill the project, it asks the City Engineer has to provide more information and get back to them. They need to rely on the City Engineer's opinion. The Board could give this new information to the City Engineer and ask him if there is anything relevant to be changed.

Merullo stated she does not doubt the City Engineer and agrees with his findings. She does not want to say or do the wrong thing knowing how passionate the abutters are to this project. She wants the abutters to be confident in their ability to look at their engineers report, rebut it against our City Engineer, or abut it against Tritech. She wants the abutters to feel secure in whatever the Board votes.

Parker stated it's worth asking for this to be considered the final evidence for this project.

Motion: Merullo made the motion to table pending a review by the City Engineer, Trefethen seconded.  
Vote: U/A

Recessed at 10:04pm, resumed at 10:11pm

### **G. Consideration and acceptance of a minor subdivision of land for Ridgewood Realty (Owner: Boston & Maine Railroad), Assessor's Map 24, Lot 2A, zoned RM-10 located on Forest Street.\* (P08-34)**

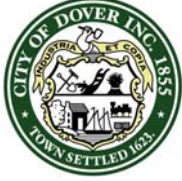
Bob Stowell, Tritech Engineering, represents Ridgewood Realty. The proposal is to take a portion of B&M Railroad, subdivide that portion and create two lots that would have frontage on Forest Street. The lots would be serviced by City water and City sewer.

Parker stated the Board received a copy of an RSA. Railroad properties are unique. The Planning Department looked into some land use regulations on railroad properties. Looking at the plat, you can see some potential encroachment from abutting properties. An abutter can not claim adverse possession on a railroad property based on state regulations.

Motion: Andolina made the motion to accept the application, Swartzendruber seconded. Vote U/A

### Public Hearing Open

James Lebrasseur, 40 Forest St, stated that he is one of the homeowners that is most affected in this claim. He is not claiming adverse possession. He's claiming his land back. He has two drawings to pass out. One is the drawing of property boundary lines that Tritech gave to him, the other is a drawing that he had found in the original book of deeds. It was a trade between the original owner of his property and the



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## DOVER PLANNING BOARD - MINUTES

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railroad. It was a trade of two pieces of land stating that he owns the back of his house; Trittech states that he does not own it. There is a question of what the boundaries are.  
He passes out the drawings. (In file)

Parker stated the mortgage survey states that it's not a boundary survey and they recommend having a boundary survey done.

Lebrasseur stated that he's had a tape measured survey done not a boundary survey.

Parker asked if he had the deed that the mortgage survey mentions and if it's been supplied to Trittech?

Lebrasseur stated that he had not supplied it to Trittech; he thought that it would be something that they would find.

Motion: Colbath made the motion to table, Cole seconded. Vote: U/A

### 5. Old Business

**A. Consideration and possible vote on an amendment to conditions of approval (remove 55+ age restriction) for a previously approved (June 14, 2005) open space subdivision of land for Tolend Road Properties, LLC, Assessor's Map G, Lot 24J, zoned R-20, located on Tolend Road. (72 units) (P03-36)**

This item will not be heard tonight.

**B. Consideration and possible vote on proposed amendments to Subdivision & Site Review Regulations.**

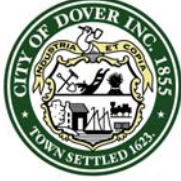
Parker stated that three sets of regulations were posted on May 27, June 24 and August 12. They held three public hearings, the latest one being tonight. He encourages the Board to take action on this tonight.

Motion: Andolina made the motion to accept the changes, Colbath seconded. Vote: U/A

**C. Consideration and possible vote on a site plan of land for Churchill Realty Trust (Owners: Granite Village Apts., Rollinsford) Assessor's Map 38, Lot 12, located on Old English Village Rd. (63 units) (P05-07)**

Parker stated each Board member received minutes from the Rollinsford Planning Board meeting.

Atty. FX Bruton represents the applicant. He stated that he appeared in front of the Board August 12. The application was tabled based on the premise of having Rollinsford take action on their plan. The next day they went before the Rollinsford Planning Board and received a unanimous approval. He continued to go over the history of the project.



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Andolina made the motion to remove the item from the table, Swartzendruber seconded. Vote: U/A

Merullo asked what town is the first responder.

John Chagnon stated Rollinsford would be first response for both Police and Fire. There is a mutual aid agreement which is in place.

Parker read the staff comments:

The Planning Department recommends approval of the site plan with the following conditions:

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

1. Add the owners' signatures to the plan.
2. Revise the plat to add the Planning File Number (P05-07) to the title block on all sheets.
3. The applicant shall comply with the conditions of approval specified by the Rollinsford Planning Board.
4. This approval is subject to the Dover Utilities Commission granting a franchise for the extension of municipal water and sewer into Rollinsford.

### **Conditions to Be Met Prior to Issuance of an Occupancy Permit:**

5. The applicant shall be responsible for the preparation of engineered plans for and construction of the off-site transportation improvements to the Central Avenue/Old English Village Road intersection and the Central Avenue/Weeks Lane intersection.
6. The applicant shall contribute funds towards the design and implementation of an optimal traffic signal timing, phasing and coordination plan for the Weeks Crossing intersection, Central Avenue/Weeks Lane/Webb Place intersection, and Indian Brook Drive/Weeks Lane/Staples Plaza Drive intersection, in an amount to be determined by the City of Dover. Said plan shall be approved by the NH Department of Transportation

Discussion ensued regarding the DUC.

Motion: Colbath made the motion to approve with the conditions, Merullo seconded. Vote: U/A

7. **Staff Comments**
8. **Committee Reports**
9. **Adjourn**

Motion: Colbath made the motion to adjourn at 10:34pm, Merullo seconded. Vote: U/A.