

**DOVER PLANNING BOARD
MINUTES OF MEETING
JANUARY 10, 2006**

MEMBERS PRESENT: Frank Torr, Perry Plummer, Donald Andolina, Doug Steele, Tony McManus, Ronald Cole, Dean Trefethen, John Swartzendruber

MEMBERS ABSENT: Bryan Cahoon

STAFF PRESENT: Steven Stancel, Planning Director; Christopher Parker, City Planner and Jacqueline Freeman, Recording Secretary

ITEM 1: Election of Officers

Ron Cole announced that he would be happy to serve again in this very challenging upcoming year.

Donald Andolina nominated Ron Cole for Chairman.
Dean Trefethen seconded.

Frank Torr made the motion to close the nominations.

Donald Andolina nominated Anthony McManus for Vice Chairman
Dean Trefethen seconded.

Frank Torr made the motion to close the nominations.

VOTE U/A

ITEM #2: Citizen's Forum

No one spoke

ITEM #3: Approval of the minutes.

Frank Torr made the motion to approve the minutes

Dennis Ciotti seconded.

VOTE U/A

ITEM #4: Public Hearing regarding a proposed amendment to the Dover Zoning Ordinance to add an overlay district encouraging a mixture of residential units for older persons and commercial uses. The district would overlay any parcel located within a nonresidential zone which is greater than fifty (50) acres, and within 500 feet of a road maintained by the State of New Hampshire.* The amendment is available on the City's website a www.ci.dover.nh.us.

Chairman Cole stepped down because there is a provision in the amendment that mentions Automobile Sales and he is employed by an automobile dealer. He did not want to be involved and left the Chambers.

The public hearing was opened.

Tony McManus took over the meeting.

Chris Parker explained that they looked at the comments from the Planning Board of the meeting of December 9th and removed New Car Sales. The intent was not to encourage new car dealerships but to allow for existing car dealerships in the area to expand. On Page two they removed new car sales and added option x. Existing non-conforming uses within the zone may be expanded. On page 3, E. Procedural Concepts. This regards to the timing of building the residential vs. commercial. He said in December they came back with an option that said 50% of the residential can be built and then non-residential has to begin. The residential can not be finished until the non-residential has been 50% completed. There was confusion and disagreement on the enforceability and the practicality of it. They looked at phase lines and have added the following: **Phase lines indicating the order that the project will be developed shall be documented on the final plat. Each phase may be for a period of time in excess of one year but the total time period for all phases shall not be greater than five years without resubmission of the development plan. Each phase so platted and developed shall conform to the applicable requirements of this code.**

They felt that would allow discussions to be made of when sections will be completed. He said that there was one comment that had to do with the make up of the tract. (Residential uses must not exceed 40% of the tract, and a minimum of 20% open space is required. He said that the intent is for 20% of the tract, not 20% of the 40%. He said that if you went strictly by this it would be 40% residential, 20% open space and 40% commercial.

Frank Torr asked if the existing non-conforming use has to be contiguous property or can it be a totally different parcel.

Chris Parker answered that it would have to be a property that has land currently under the underlying zone. An adjacent property that is not part of a non-residential zone would not qualify.

Chris Parker brought to the Board's attention Tom Fargo's letter regarding the impact statement Impact Analysis has been included as part of the Conditional Use Permit. He said that they have discussed this with Tom Fargo and Tom wanted to make sure that the Impact Analysis has a resolve such as it is a cost neutral project. He said that their analysis shows that by making this an elderly component that it would be cost neutral, if not a benefit to the City. He said that the absence of school children does not add that extra school cost to the project.

Tony McManus asked if the density calculations for the residential portion was based only on the residential portion of the development or on the entire area of the development.

Chris Parker answered that it was based on the entire area of the development. He said that you would take your 50 acres or larger, do a yield plan on that, and then allocate those residential units to just where you want to put the residential component.

Tony McManus stated that it means that the density will be substantially greater than any other residential development.

Chris Parker said that it is still based on the 40,000 sq. ft. contiguous upland and 150 feet of frontage so it is no different than any existing R-40 major subdivision. He said that it is essentially the same concept that we have in the OSS.

Donald Andolina asked about the parcel on Dover Point and if the existing building would be part of that.

Chris Parker stated that it would depend on what the project lot looks like when it comes in. The project lot needs to be under one ownership. It would have to be combined and then be developed.

The public hearing was opened.

Malcolm McNeill stated that he was representing John O'Neill, Michael Regan and Chad Kageleiry who had been here previously with a conceptual plan relating to this proposed overlay district. They are very supportive of this type of mixed use concept. It's innovative and is used in other parts of the State and it's very fiscally desirable. They would like to see this passed as soon as possible. His clients have an option on the Elliott Rose property and would like to proceed as quickly as they can. He felt that it is necessary to speak on some issues. A major change that Chris Parker hasn't described is the Conditional Use Permit process. That not only requires looking at the Zoning Ordinance but also deals with the proposed revisions to the site regulations that speak of design standards for development in the residential/commercial mixed use district. He said that a developer would not only have to comply with Zoning but have to comply with the site review regulations. This is a package deal. The issue is the extent of subjective control over the project as contained in the regulations. He said that there are conditions in the site regulations that are quite analogous to a Historic District Commission type of review, as opposed to review of this type.

He went over the proposal dated Dec. 9th and the one with the minor changes that was handed out. On Page 1, at the bottom of the Conditional Use section, no. 3. Any Conditional Use approval shall apply only to the application specified at the time of approval and shall not be transferable to a different application, building expansion, or change of use regardless of size. Any subsequent change(s) to a project or plan that has a shared parking agreement shall be subject to review by the Planning Director. He said

that his problem with that section is that any developer who does a project is also interested in the possibility of selling the project. The language is confusing in terms of whether a change with regard to the project or the application, as between owners, is permitted by this section. He said that he doesn't think this section is necessary because it is inherent that any approval that you get only applies to the application that is before you anyway. On Page 2 with regard to the permitted uses, he supports what has been advanced regarding to new car sales and the manner of which it is initially proposed but he suggested that it should relate to contiguous parcels as opposed to existing parcels. There is some precedence for this in the ETP zone when Liberty Mutual initially came to the City. The City wanted to protect the right of people to expand non-conforming uses within that ETP zone. He felt that this is a similar type of proposal. He said because this is a mixed use zone, something that might be considered is some types of light industrial uses like making computer chips or making other types of products that are not at all disruptive to a commercial area. Section small x. Other uses compatible with housing for older citizens, are permitted in this complex of uses. He wanted the Board to consider some language where light industrial uses that cannot impact air, light or smell be considered as another permitted use. It would give greater diversity and greater opportunity.

He said that on Page 3, on the previous iteration, the 50% limitation i.e. where a residential developer had got their 50% of their project but the commercial developer hadn't developed at all. The residential developer would be stuck in his tracts. In the attempt to address that he asked if it is contained in the new italicized language relating to a five year phasing plan. Under the old proposal with regard to the 50% limitation, in their view, a project like that would not be financable. It is likely to be two different types of developers that do these projects just as in the case of his clients as a commercial developer, Mr. Kageleiry' residential developers, Mr. O'Neill and Mr. Britton. To be in a position where one developer is entirely dependent upon another developer for the termination of their project would be totally un-conducive to reasonable finance arrangement. The issue that he thinks that the Board is struggling with is that they don't wish to have just a residential project but to have a mix of projects. For any developer to get into this game, they have to bring to you a development plan for the whole site. That will cost the normal developer between \$50,000 to \$150,000. to develop that plan. They will be wishing to succeed but there is no guarantee that one side or the other side of that project will succeed. He asked if it was better to impose unrealistic constraints as opposed to having components that are given an opportunity to succeed, the latter would make it more probable that this kind of development occurs. The phasing plan is a decent idea but it doesn't remove the ultimate risk of dependency between the two components of the project.

Atty. McNeill expressed concern with the Site Review Regulations. He said that Planning Boards increasingly in SE New Hampshire desire to get into the business of designing projects and going into the various components such as types of brick, the way the roof looks and things of that nature. It is his opinion that it is appropriate in Historic Districts but not in other places.

Atty. McNeill asked the Board to read the site review regulations because he thought that the regulations have a squishy type language which gives a developer an idea of what you want. He said that projects got approved only if the Planning Board liked it. That's a very difficult standard. He read a few sections of the regulations as follows:

b. Develop distinctive architectural forms or landscape, art, or historical features at the terminus of major project entrances.

E. Provide weather and sun protection, such as overhangs, awnings, canopies, etc. to mitigate climatic and solar conditions.

F. Residential structures should be located to encourage interaction among residents and sited in such a way as to allow for a private yard as well as a public yard.

Atty. McNeill asked who would determine that a distinctive architectural form is, landscape or art, or whether the overhang and the awnings and the canopies are appropriate. He read the following: 1. Pedestrian focal points should have enhanced pedestrian paving such as decorative scored concrete, stained concrete, exposed aggregate, integral colored or textured concrete. Another is they shall provide a change in paving materials, textures or colors; plans should allow outdoor dining and or amenities to enliven plazas and open space areas; use functional colonnades in shopping centers. In terms of lighting, highlighting of unique or special features of the site such as architectural features, specimen trees and art work with accent lighting should be considered. Building size, massing and height should be varied in relation to each other. He asked varied how? When? Why? Atty. McNeill read on: Reduction of building mass will be achieved by using a combination of features, etc. For all buildings at least two of these elements should repeat horizontally. He went on to say color changes, texture changes, material changes architectural variety and interest. Atty. McNeill said that the more subjective are the components of the approval process; a developer or an investor has to decide whether they wish to spend the money to buy into that. Many communities say they should have that subjective control because they should have the final authority even if it is subjective to be able to control development.

Malcolm McNeill said that there needs to be a balance between that type of language and what is being proposed. Presently the Conditional Use Permit language in the Zoning Ordinance says that the applicant must demonstrate that the development demonstrate that it poses no detrimental affect on surrounding properties. He feels that is fair. It is discernable. The applicant shall submit a fiscal impact analysis. He felt that is fair so that the Board knows that it is cost neutral or maybe, cost beneficial. He felt that some form of a Conditional Use Permit with guidelines to be able to understand what they have to jump over and not have a moving target would be preferable rather than what is contained here. He said that he doesn't mean to be critical but is just trying to suggest from a practical perspective that it presents burdens to someone wishing to invest in these projects. He thought that a bit more work with regard to control would be desirable and speaking from his clients, they are more than happy to work with the Planning Department in that area. He thinks that the ordinance is a step in the right direction and but he felt that it needs more direction. Similarly with regard to the control, there has to be some trust in the integrity of the process for the people who wish to invest in it.

Chris Parker pointed out that he appreciated Mr. McNeill's comments but the Site Review Regulation would have their own separate public hearing when they go for adoption and they are not part of the approval tonight. The plan is that the Planning Board will take the zoning amendment and forward it to the City Council for adoption. They will then bring the Site Review Regulations to the Board. The Site Review Regulations don't have to go before the Council. He said that they hoped that Atty. McNeill would continue to work with them and be available at the next public hearing for the Site Regulations.

Malcolm McNeill said that the reason that he raised his concerns is when you look in the Zoning Ordinance, it says, "The applicant demonstrates that the development complies with the design guidelines as outlined in Chapter 149-14.2, which is the Site Review regulations. It makes reference in the Ordinance to a regulation that hasn't been adopted.

Charlie Reed, 262 Gulf Rd., has two businesses on Dover Point Road. He felt that this is being made harder than it has to be for business to actually come in. In November he heard the proposal to rezone this piece of property for mixed uses; he felt that it was a great idea. You can't keep bringing more housing developments into Dover without balancing it out with business. People are already screaming that the taxes are too high. As an abutter to this piece of property visualizes all the possibilities that it could be. He didn't understand existing non-conforming use in regard to new car sales. Does that mean that you could put in a new car dealership or used car dealership or does that mean if you abut the property that could possibly extend your business into this zone. You will not bring in more businesses by making things too complicated. He said in order for businesses to come into Dover, you can't complicate things and make it more difficult for them to do business, otherwise they will go elsewhere. If he isn't able to expand his business he will have to start looking at going elsewhere and taking his businesses and going to another community that is more pro business. He said that he would like to see some movement in regard to this and instead of keeping moving the hurdle. They keep coming to the Zoning Board or the Planning Board and there are constantly more hurdles set. For people to make plans and investments regarding to commercial or residential you cannot keep adjusting that hurdle. He said don't keep moving the bar because it is unfair to people that want to stay here and do business in Dover.

The public hearing was closed.

Chris Parker stated that the 3rd point on the Conditional Use Permit, staff does agree with Malcolm McNeill that it is a redundant. They do agree that could come out. To speak to Mr. Reed, the idea is that they saw the issue as two separate issues. A new developer wanting to open a car dealership in this overlay zone and existing car sales wanting to expand. They thought that they didn't want to limit the opportunity for the existing businesses to expand, however they would not want to encourage a new separate dealership. That is why they took out the new car sales. He said that part of Mr. Reed's lot is in the ETP and the B-3 zone making that an existing non-conforming use.

Dean Trefethen said that he doesn't believe that we can vote on this tonight because we did not advertise that we would do that in the public notice.

Chris Parker explained that this is the second public notice.

Dean Trefethen said that if someone has to rely on the website to get the agenda they would not know that voting would be a possibility. He said that he would rather err on the side of caution and wait.

Frank Torr stated that he would like to see both ordinances passed together. He didn't feel that one should go ahead of the other because one is predicated on the other.

Tony McManus explained that we would at some point vote to forward the zoning change to the City Council and they would have to go through the process of public hearing and voting on it. During that time we would be working on the site review.

Frank Torr stated that he doesn't agree with the process.

Donald Andolina felt that the Board should not go forward because it sounds that we should make some changes and that indicates to him that this is not a final document and he felt that we should not vote on this.

Chris Parker said that he would like some feedback on the comments made tonight.

Frank Torr made the motion to table.

Dean Trefethen seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a minor subdivision of land for Brian & Nancy Pearson, Assessor's Map L, Lot 89, zoned R-20, located at 200 Dover Point Road.*(P05-73)(1 lot)

Chairman Cole took over the meeting and Tony McManus went back to his seat.

Jason Pohopec represented the Pearsons and gave a brief overview of the project.

Steve Stancel said that he assumes that the two driveways will stay at their existing locations.

Jason Pohopec stated that the two accesses would stay in the same location and pointed out how they would be separated and where the pavement would be removed.

Frank Torr made the motion to accept the application.

Donald Andolina seconded.

VOTE U/A

The public hearing was opened.

There were no comments.
The public hearing was closed.

Donald Andolina made the motion to approve with the following conditions of approval:

1. Add all of the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. The applicant shall provide the Planning Department with a copy of the DES Subdivision Permit and add the permit number to the plat.
4. Revise the plat to show two GIS points.
5. The applicant shall remove the portions of the existing driveway that are within five feet of the proposed property line, prior to the signing of the plat.

John Swartzendruber seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of a Change of Use and a site plan of land for the McConnell Center, Assessor's Map 9, Lot 57, zoned O & RM-10, located at 14 St. Thomas Street.*

Chris Parker, stated that for the past 4 or 5 year we have been talking about the vision of turning the building from the former Middle School to a community human service center. This project is moving forward and part of the State requirements is a non-binding public hearing. He had a site plan showing the new parking spaces that would be created, some green space being added. He said that the majority of the project is bringing it up to code. The building does not have sprinklers, the electrical and the plumbing is outdated. The use is changing from an educational use to a mixed office, educational environment. He had boards showing the four different floors of the building and went over the proposed tenants and uses of the various spaces within the building.

Dean Trefethen asked if the pavement at the corner of St. Thomas and Atkinson Sts was being expanded.

Chris Parker explained that there is now a stamped concrete walkway that ends at the Church Property. They have been using it as parking. From tomorrow forward it will not be used as parking. Part of it will be grassed over and they intend to formalize a walkway system around the building and in the remainder they will be creating drop off parking spaces to be utilized by the daycare and the adult daycare. It won't be long term parking.

Chris Parker explained where they would be creating handicap parking spaces off of the monument.

Don Andolina asked if the non-city users have made commitments to be in the McConnell Center.

Chris Parker said that they have asked for letters of intent and they have received them from every agency but the State. They won't commit to a letter of intent so they just send us their lease. They are working with the City Manager's office to formalize leases of the space.

Perry Plummer asked about the unassigned spaces.

As part of formalizing the existing leases, about 3700 sq. ft. of un-assigned space is rentable and they intend to have it rented before the building opens. They anticipate the construction to be started ASAP and hope to have the first tenant in there in August or September.

Frank Torr asked why the pavement that stops at the turn around is not going all the way to Locust St. and if the playground would be fenced.

Chris Parker answered that Doug Steele, who is overseeing the site work will look into that. He did say that there would be a fence around the playground.

Ron Cole asked if there was enough space for the entire Recreation Department, basketball, gym, etc.

Chris Parker stated that there is a gym for basketball, and went over the layout pointing to the different rooms for the following: weights, boxing, stretching and calisthenics, aerobic exercise, office space, front desk check-in, locker rooms and the administration office. There will be an efficiency that will be achieved in this building that is not possible at the Butterfield Gym. He said that the beauty of the space in the McConnell Center is that it is an open space at the moment. They are looking for a better cooperative relationship with the School Dept. to utilize the existing gyms in the schools.

Ron Cole asked about a time frame for the move of the Recreation Center to the McConnell Center. Is there building manager at this time?

Chris Parker said that the recreation should be able to move in by this time next year at the latest. With regard to the building manager, the Council is authorizing a further oversight committee which will work out the final details.

Ron Cole was concerned that the lot gets pretty well maxed out now.

Chris Parker explained that there will be additional visitor parking adjacent to the existing District Court lot and there will be the pick up and drop off space and then there are spaces in the existing Library. Their feeling is that there are adequate spaces when you look at the amount of constant usage other than the employees. A lot of the use will be turnover parking. They will come in do their business and then leave. A lot of the recreation use, which would take up a majority of the parking, will be nighttime and weekend use.

Steve Stancel stated that the parking lot has 212 spaces and is currently utilized between 54 and 64% at any given time. Approximately 105 spaces are available. They anticipate, through studies, that the maximum that they are going to need in any given time is about 107. Because it is in the urban core and the nature of people coming and going constantly, that the parking is going to work. The Recreation Center will probably be utilized at night and some of the uses will be used mostly at night. The parking area for the District Court and City Hall is available at night but not during the day.

Dean Trefethen felt that the City does a terrible job with its signs in that they restrict spaces with signs that says, "Two Hour Parking," or in the case of the District Court, "This space is for the District Court Only." If you are in the know, you know that after 5:00 you can park in the District Court lot. Possibly the sign should add "daytime only". There is no indication that you can park there at different times.

Steve Stancel said that a very good relationship is occurring between the City and the Recreational Advisory Board and the School Department in terms of trying to work together on shared uses of existing gymnasiums. This is something that didn't happen in the past.

Ron Cole explained that when a municipality is doing something within itself, it is not required to have action taken by the Planning Board but the Planning Board has done that.

The public hearing was opened.
There were no comments.
The public hearing was closed.

Steve Stancel stated that they would like the Planning Board to take some recommendations that were brought up tonight and should probably added as recommendations:

1. Paving reclamation to Locust St. at the entrance take place.
2. Overhead utilities on Atkinson St. should be studied or reviewed for removal.
3. Identify what type of plantings will occur around the building.
4. Verify that the fencing will take place around the playground.
5. Clarify and identify parking signs and locations surrounding the building.

Ron Cole asked if the Planning board might want to make a recommendation to the Council.

Steve Stancel stated that it is totally up to the Planning Board to make recommendations on the project and it would go to the project coordinator as part of the Planning Office and then they would talk to the contractor. It puts a little emphasis if the Board so wishes that it is an important thing that should take place.

Frank Torr made the motion to endorse the recommendations of the Planning Department as follows:

1. Paving reclamation to Locust St. at the entrance take place.
2. Overhead utilities on Atkinson St. should be studied or reviewed for removal.
3. Identify what type of plantings will occur around the building.
4. Verify that the fencing will take place around the playground.
5. Clarify and identify parking signs and locations surrounding the building.

Tony McManus seconded.

VOTE U/A

ITEM #7: Old Business

A. Discussion and possible vote on a site plan of land for Seacoast Hospice, located on County Farm Rd./Douny Farm Cross Road.(P05-64)

Tony stepped down.

Perry Plummer made the motion to take this item off the table

Frank Torr seconded.

VOTE U/A

Jennifer Viarango, Appledore Engineering, summarized the changes that they have made from the original submission. They are moving some of the landscaping out towards the street line, relocating a fire hydrant to be more acceptable, providing the Police Department with a security plan and removing some of their proposed light fixtures and installing the PSNH light fixtures.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Dean Trefethen asked why the extension of County Farm Rd. is going beyond this proposed driveway and then it's the hammerhead. He just wondered why the driveway that goes on your property cannot be the hammerhead.

Jenifer Viarango said that her client would have preferred that rather than creating a dead end path and then a turn-a-round past it, because of aesthetics and because of the plan to develop County farm Rd. at this point is not concrete. They would have preferred the turn-a-round to be in the driveway. Her understanding is that it was discussed between Steve Bird and Engineering and this is the preferred way to do it. The rational behind it is if there was someone in the driveway and they needed to turn around, whether it was a Police emergency or Fire emergency, chances are they would not have the conflict past the driveway.

Doug Steele asked if the plantings at the end of County Farm Road are necessary. He was concerned with where they would push the snow and the extension of the road sometime in the future.

Jennifer Viarango said that it is more for screening. She said that it is so that people will see that it is a dead end. She said they were thinking of smaller Christmas trees – something that could be easily be removed when County Farm Road is extended. They have no problem with the trees.

Frank Torr made the motion to approve with the following conditions recommended by the Planning Office as follows:

1. Add the owner's signature to the plan.
2. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency's Notice of Intent Permit has been filed, prior to the issuance of the first building permit.
3. The applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plan.
4. The applicant shall revise the plan to incorporate the alternative hammerhead design as discussed with the Planning Department and reviewed and approved by the City Engineer and Fire Department.

Dean Trefethen seconded.

VOTE U/A

ITEM #8: New Business

a. Impact Fee Waiver Request for Bert A. Spiller Maria Marchese-Spiller, Assessor's Map 17, Lot 104, located at 60 Stark Ave.

Steve Stancel explained that there is a letter from the City Attorney identifying the waivers that are allowed.

Tony McManus stated that it is unfair to have to pay \$3,200 for a School Impact Fee. This strikes him unfair that somebody that has a development can come in and get a waiver if they have an age restricted development but somebody who is just building one unit for a member of their family can't get it. the thing that concerns him is that human nature being what it is, that once you have a second apartment and the parents die or go into a nursing home you have no control over it. If they are willing to put language into the deed guaranteeing that the unit will be relative to their parents and then will be dismantled upon their moving out, he felt that it should be granted.

Donald Andolina stated that what he reads in 354-A:15 is that it sets out certain provisions on how the elderly housing are qualified to be called elderly housing. He said that Attorney Krans points out that this request is not in compliance with the City ordinance.

Tony McManus stated technically he feels that Alan Krans is correct but he is not sure that is what everybody had in mind when they were talking about School Impact fees.

Perry Plummer said that he would not support the waiver because of the interpretation of the City Attorney. If the ordinance needs to be adjusted because this was not taken into consideration when it was done – maybe we should look at the ordinance. The ordinance is in effect then we should comply with it.

Tony McManus made the motion to waive the fee on the condition that there would be a recorded deed restriction that the apartment would not be used beyond the residency of the specific parties as a separate unit.

Ron Cole explained that the Board would be voting that the waiver be granted with the stipulation that there be a voluntary restriction of the deed.

Dean Trefethen seconded.

Dean Trefethen said that he agrees that we need to look at this Ordinance because of the graying of America. He said that it used to be that people went to nursing homes and that is not necessarily the case any more. He said that there is an encouragement now to try to provide for your family if you can. It is a very slippery slope when you allow apartments because you loose control over them. When the people they were intended for die, they become apartments for college kids or someone else to live there. A deed restriction is the only way to enforce it. It is an enforcement issue that we have to be aware of. His mind agrees with Atty. Krans but his heart and his empathy goes the other way. He is going to support the motion.

Donald Andolina said that he empathizes but in looking at the ordinance he is not sure that the Board has the authority to grant this waiver when it states that the Planning Board may grant full or partial waivers of Impact when the Board finds that one or more of the criteria are met.

Ron Cole stated that we are a government of men not of laws, and his feeling is that we should grant this waiver and then let the City figure out if they want to come after the Planning Board on it.

Tony McManus said that we are a government of laws but we have a right to waive the law under the circumstances.

VOTE 4 – 3 Opposed – Donald Andolina, Perry Plummer, Doug Steele

Frank Torr requested that the Planning Department review this ordinance to see if it can be clarified to address this situation.

ITEM #8: New Business

Ron Cole stated that an Appointment Committee was appointed. There are a number of applicants for Planning Board that will go before this committee. It is not the Council that appoints the replacement of a member but the Board that fills that space. They hope to have that chair filled by the next meeting.

Chairman Cole called a workshop for next week. He asked that everyone put down their thoughts on what the Board should be doing over the next 12-month period.

Steve Stancel stated that it is a great idea. The City Council has called a joint workshop for January 25th with several boards including the Planning Board. They would like a representative of the Planning Board to get up and explain what the Board is up to and what it is that it does. He said if we have the opportunity to set some goals for the next year we could pass that on to the Council. He said that the Council will meet in early February and set some City goals and objectives for the next year and they will be pulling from the various boards and committees.

Ron Cole set the workshop for January 17, 2006, at 7:00 PM.

Tony McManus asked for the Planning Dept. ideas ahead of time.

Steve Stancel pointed out that on April 1st for the Annual Planning Zoning Training Conference.

ITEM #10: Adjournment

Frank Torr made the motion to adjourn.

Doug Steele seconded.

VOTE U/A