



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, September 12, 2006**
Meeting Time: **7:00pm**

1. ATTENDANCE

Members Present: John Swartzendruber, Tony McManus, Ron Cole, Frank Torr, Kirt Schuman, Ron Stock, Marcia Colbath, Dean Trefethen
Members Absent: Doug Steele, Perry Plummer, Donald Andolina, Bryan Cahoon
Staff Present: Steve Stancel, Planning Director; Christopher Parker, City Planner and Jacqueline Freeman, Recording Secretary

2. CITIZEN'S FORUM

There were no speakers

3. APPROVAL OF PRIOR MINUTES

Minutes of August 22, 2006

Frank Torr motioned to approve and seconded by Marcia Colbath. **VOTE U/A**

Chairman Cole brought the meeting to order at 7:02 pm.

Chairman Cole announced under Item 6.c., STF Development would not be addressed.

4. PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE DOVER ZONING ORDINANCE BY REVISING ARTICLE 170-32 "SIGN REVIEW AND REGULATIONS" SECTION D "GENERAL PROVISIONS" BY AMENDING SECTION 5 TO LIMIT THE ALLOWANCES FOR FLASHING SIGNS AND BY AMENDING SECTION Q "DEFINITIONS" TO ADD A DEFINITION FOR FLASHING SIGNS. A COMPLETE TEXT OF THE AMENDMENT IS AVAILABLE IN THE CITY CLERK'S OFFICE AND PLANNING DEPARTMENT OF CITY HALL, AND ON THE CITY'S WEB SITE WWW.CI.DOVER.NH.US.

Steve Stancel explained that a letter went out to every business as well as property owners within 100 feet of these districts.

Chris Parker said that flashing signs are not allowed unless they currently have a time, date, and temperature stamp. In 1999 there was a request made by RW Insurance to have a message board that changed. The code enforcement officer said they couldn't do it. They went to the ZBA and the ZBA indicated that a flashing sign is anything that changes less than every 10 minutes. They have since had other requests for message board signs. Rather than send them back to the ZBA, they were told they could have the sign if they agreed to the 10 minute rule. Since that time, they have had enforcement issues of the 10 min rule. There is legislation that says that our ordinance is unconstitutional. This ordinance is to clear up that ambiguity. There are two issues, 1) the illumination of changing lights that move or rotate, and 2) content that is flashing (message board). This draft will take out the date, time and temperature wording and will disallow flashing signs. The illumination has to be static and you can't have content that is changing.

Christopher Parker said this is a going forward ordinance saying that Code Enforcement cannot issue a permit for a flashing sign. This would be for new applicants. The ZBA route is still applicable.

The public hearing was opened.

Alan Arkwell, President of RW Insurance, stated that he held the first sign. They negotiated with the ZBA and were approved with a condition that his sign would not change any sooner than every 10 minutes. His



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sign has been a good investment. He doesn't want to see anyone chastised because some of the businesses won't abide by the rules. He doesn't want to see businesses like his forced to not be able to use signage in good taste because of others that take advantage. When you change the ordinance do so with businesses in mind. He added that enforcement action should be taken for those that don't operate within these rules.

Linda Marula, 21 Long Hill Rd. Ext., stated that the RW Insurance sign is not ugly but there are three others that bother her. North Dover is very over crowded with businesses and is not very attractive. She said some of the businesses that installed signs should have to remove them or all other businesses will want to have them.

Marilyn Follansbee, 25 Dover Point Rd. agreed with Ms. Marula. She finds flashing signs distracting. Dover does not need to look like Reno or Las Vegas.

Peter Allen, 3 Old Rochester Rd., Strafford Farms Restaurant, stated that they have an old fashioned sign where they change the letters. They are thinking of an electronic sign to keep up with the times and won't have to change the letters in a snow storm. He suggested balancing between the two flashing signs and compromising on a time limit. He explained that there is a lead time from the time that a sign is ordered and the time that you receive your sign. They are a very expensive investment and the City should be aware of that time frame. Mr. Allen stated he was told with regard to changing his that he didn't need a permit.

Chris Parker explained if the City has not received the Sign Permit Application prior to August 11, it would not be in compliance of the posted regulations. They would buy a sign at their own risk. He said that you can't go from a manual to a flashing without a permit.

The public hearing was recessed.

Ron Stock thought that the sign amendment was too restrictive.

Kirt Schuman wanted information on what the enforcement currently is for those who are in violation of the sign ordinance.

Frank Torr motioned to table and seconded by Ron Stock. **VOTE U/A**

Ron Cole set up a workshop for 7:00 pm in one week. This won't come before the Board before the 1st week in October. **This was changed later in the meeting.**

5. **CONSIDERATION AND ACCEPTANCE OF A REQUEST BY PETER & KIMBERLY CLAIRMONT TO TEMPORARILY REMOVE A SMALL PORTION (APPROXIMATELY 3 FEET) OF STONE WALL ON A SCENIC ROAD AND REMOVE A TREE TO PLACE UNDERGROUND UTILITIES FROM EXISTING ROADSIDE PSNH POLE TO A NEW LOCATION, ASSESSOR'S MAP J, LOT 29, LOCATED ON OLD GARRISON RD. (P06-47)**

Peter Clairmont explained how they need to get utilities from the pole to his house lot. They looked at three options and the easiest and least expensive would be overhead. PSNH has requirements to run the line through the trees and that would be damaging to the scenic nature. Another is underground along the road but would



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come just feet from an old Oak tree and put it at risk. The third and preferred action would be to go through the 25 foot buffer zone and remove a small portion of the stone wall and then put everything back. One tree would be impacted and would need to be removed. The scenic impact of the road would be minimal.

Tony McManus motioned to accept the application and seconded by John Swartzendruber. **VOTE U/A**

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

Tony McManus motioned to approve and seconded by John Swartzendruber. **VOTE U/A**

6. CONSIDERATION AND ACCEPTANCE OF AN OPEN SPACE SUBDIVISION OF LAND FOR LONG HILL REALTY INVESTMENTS, LLC, (OWNER VIVIAN TSEMEKLES) ASSESSOR'S MAP A-1, LOT 28, ZONED R-40, LOCATED ON SIXTH STREET.*(P06-40)(23 LOTS)

Michael Garrepy, Long Hill Realty Investments, represented the applicant, and explained the nature of the project. The parcel is 105 acres, bounded by Long Hill Rd. and Sixth St. He explained the density calculation and the yield plan. 93 acres will be preserved. They had positive feedback from the Conservation Commission. They are taking 3 bonuses. They have 60% of open space, 10% public acres and 5% protection of resources. They are creating 23 lots and 22 of them are new lots. He said that it is essentially the field portion of the parcel that will be developed. The site layout is a 1,100 foot private road design with a small spur to service 4 homes. They are proposing bringing water & sewer to the site via Sixth St. They are looping the water through the site and bringing sewer to the site by a private pump and force main. They will have an open drainage system. The proposal has no direct wetland impacts.

Frank Torr was concerned with having a private sewer line in a public row.

Mike Garrepy stated they are scheduled to go to the Dover Utilities Commission on the 18th with regard to the private utility in a public row. He said that it is his understanding that it will remain private and it needs approval of DUC and the City Council.

Steve Stancel stated that it has to receive approval of the DUC. There are a couple of examples in the City.

Frank Torr said that he knows of one and it generated some problems.

Steve Stancel answered that this will need to be worked through. The project that was referred to had problems because there were no proper documents spelling out who would maintain and pay for upgrades.

Frank Torr was concerned with the properties that it would be going through as the soils are wet and very heavy. He asked if this would be giving water rights to the properties along the way.

Steve Stancel spoke to the City Engineer and his concern is having a force main and a pump system and he would prefer it to remain private. The only way it will work is by a force main. It will not work by gravity.



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Marcia Colbath said the Conservation Commission and Open Lands Committee are very excited because this property has a very high value and is adjoining the Holly property which is being protected. If this comes to fruition they will have connected over 600 acres in that area of town.

Frank Torr asked if Exit 10 impacts this at all.

Steve Stancel said none of the alternatives that were chosen included this parcel.

Ron Stock motioned to accept, seconded by Tony McManus. **VOTE U/A**

The public hearing was opened.

Sandra Burket, 600 Sixth St., wanted to know where the cars would park for the trail system. She said that Sixth St. is not wide enough for parking.

Mike Garrepy pointed out two areas of upland that would be suitable for a few parking spaces. There will be access to the open space from the private road for the residents of the project.

Paul Boller, 616 Sixth St., was concerned with the water line. The Dover City line is only ¼ mile away and he urged that this be brought up with the DUC and the line extended so the residents can tap into it. He has concerns with the sewer line because it is a private line and it will be going under a public road. He asked who would repair the line if it remains private and goes into a state of disrepair.

Paul Boller asked if they can now say that Exit 10 is now dead and they don't have to worry about it. He wanted to know the price and size of the homes that would be built.

Mike Garrepy said they haven't done a market study of the homes and are only seeking subdivision approval.

Paul Boller was concerned with the traffic. He asked how they can make sure that the intersection is safe while adding additional traffic.

Ron Cole said that is something they will look at during the site walk.

Gary Arkwell, 349 Long Hill Rd., was concerned with the stormwater runoff and his well. The project is higher than his property. He feels that there will be damage to his pool and was concerned that his privacy will be compromised. He said that this project reminds him of Mineral Park. He wants to see bigger lots. He doesn't want to lose his privacy. He asked if the buffer is off limits.

Ron Cole stated that they would not get a CO if the buffer was disturbed. He said that it will be recorded in the Planning Department and in the homeowners' association document. The new owners will want their privacy as well.

Joe Coronati said that the high point of the parcel is the Tsemekles house. The drainage will end up in the backyard of the homes. All the driveways and the ditch lines will remain natural. He pointed out the detention ponds.



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Nancy Craig, 27 Fieldstone Dr., was glad to see the land kept in its natural state. She was concerned with the drainage. All of the water from Fieldstone Dr. comes to her property. She wants to be assured that the drainage will not affect her property. She asked who she would contact if if any problems come up.

Steve Stancel said in regard to the utilities there would be a homeowners' assoc. that would be responsible for the maintenance and repair. There is still a question on which entity would hold the conservation land. The discussions are ongoing. The open space would be left in perpetuity except for the trails that would be constructed. He said that anything in the open space area would be available for the public. Uses won't be active uses like ballfields but will be walking, horses, cross-country skiing, snowshoeing, and non-vehicular type of uses.

Sara Salisbury, 600 Sixth St., stated it is hard to believe that they don't know the size of the homes. Her driveway is on the corner and extremely dangerous to get out. She wants fewer homes to cut down on the traffic and asked why not public sewer that would benefit the public.

Steve Stancel stated that he will have the City Engineer to address that.

BJ Hickman, 623 Sixth Street, stated that he is the most impacted abutter. They have been there for 26 years. The lots will be all along his property line. The neighborhood has one acre house lots. This conservation land will be positive for hunters. His house is on a two acre lot and this project will be putting all the houses on a tiny portion of property. Mike Garrety has been terrific to work with and answered his list of 18 concerns. He asked for a berm with some trees on it as a buffer. He received an e-mail saying that the berm in the 50 foot buffer could not be done. He said that he also requested a fence. He said it will be years before this all 22 properties are built and asked who he would contact if any problems arise.

Steve Stancel stated that the developer will be in charge until they reach a % of development. A bond is put in place when a developer starts a project. The City Engineer and the Code Enforcement officer review the site as it is being constructed.

BJ Hickman asked about protective covenants to prevent unsightly items that are sometimes stored on people's property. He would like some sort of guarantee. Hickman asked about storing boats and motorhomes.

Steve Stancel explained if the buffer is not vegetated now they can see about vegetating it.

Jim Jewell, 612 Sixth St., was concerned with safety, water, sewer and approach. He said that there would be weekly accidents. The access road for conservation land is in a bad location. The water should be extended for the tax payers that are only a few feet up the road. He was concerned that the pump house will not be maintained and the City will have to take it on. He said that the City should put in the sewer for the tax payers. He wants a real sewer.

The public hearing was recessed.

The site walk was set for Tuesday, September 19th at 5:30 PM.



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Ron Cole asked Mike Garrepy to flag the center line of the road, the setbacks for Gary Arkwell's and Nancy Craig's property, the end of the stub and the sight line along the road. Ms. Tsmekles offered her driveway for parking.

Dean Trefethen cleared the notion that the taxpayers are subsidizing water and sewer if they are not tied in. It is all user fees.

Marcia Colbath said she wanted to clarify with regard to the conservation land that the landowner is still allowed to post the land against hunting. She said that the easement does not preclude Exit 10.

Steve Stancel explained how the Open Space Subdivision was created and it requires that any project of 4 lots or more do an OSS. The lots are smaller but it produces a much better product. He said if you put in a private road the setbacks are between the houses themselves.

Frank Torr made the motion to table and seconded by Marcia Colbath. **VOTE U/A**

Chairman Cole called a 5 minute recess at 8:45.
Chairman Cole brought the meeting to order at 8:50.

7. OLD BUSINESS

- a. **DISCUSSION AND POSSIBLE VOTE ON A SITE PLAN AND CONDITIONAL USE PERMIT FOR MARK INVESTMENTS, INC., (WALGREENS), LOCATED AT 856 CENTRAL AVE./1 & 3 GLENWOOD. (P06-32)**

Frank Torr made the motion to take this item off the table and seconded by Ron Stock. **VOTE U/A**

Attorney Bill Tanguay, of McNeill Taylor and Gallo, stated that he thought that this might be up for a possible vote this evening. They went to TRC and made a couple of changes. He said that a letter dated Aug. 8th specifies all the changes. He handed out new elevations. He stated that he was concerned with the flashing sign amendment as this plan has an electronic sign and his application was submitted to the City on August 8th so he is assuming that they are grandfathered.

Steve Stancel said when a site plan is submitted it indicates where the sign will be located but you are not receiving approval of a specific sign.

Mr. Tanguay said that they were not noticed of the sign amendment. They made a dramatic change in the look of the building. The waivers they are looking at are outlined in letters dated Aug. 10th and Aug. 28th. Some of the waivers are requested because this site doesn't front directly on the street.

Tom McKinster elaborated on the changes. He said they added shingle roofs and added trim work and gables. The windows are wood windows. The overhang has brackets in lieu of columns.

Bill Tanguay asked for the Board's comments on this elevation.

Dean Trefethen and Frank Torr stated that it was a big improvement.



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Jim Bernadino discussed the waiver requests asking for feedback as they are very crucial to the tenant. The requirement of interior parking lot landscaping is 5% and they are asking for 1 ½ % in order to maintain an open parking area for maneuverability and for ease of maintenance in the winter. They are seeking relief from installing trees within the buffer zone and on the perimeter for visibility, which is a major aspect of the site. This use relies on pass-by traffic and visibility is crucial. Some improvements could be made in the City right-of-way as part of granting the waiver. The applicant is not capable of agreeing to long term maintenance items at this time due to the fact that lines of credits and lease agreements are greatly hindered when there are long-term maintenance issues that are not related directly to the project. They would enhance the area and provide an acceptable upgrade of that area but irrigation and grass cutting is not feasible at this time. They would be willing to provide a fund for future enhancement of this area or another area down the road. He asked the Board for their thoughts. They will adjust the site plan if it is not acceptable and they get any negative feedback.

Steve Stancel said that the interior landscaping can be waived in lieu of the some landscaping plan for benches in the City's green area. He would like some sort of plan put forth. In terms of the perimeter landscaping, particularly Glenwood Avenue, it is important that the 40 foot distance be maintained between the trees, as well as additional landscaping. Additional landscaping can be put in the City's area but he feels that the perimeter is important.

Jim Coronati stated that another waiver request is the driveway offset location of the intersection to the proposed access. Based on a 35 mph speed limit 310 feet is proposed, they are requesting a waiver to allow 300 feet intersection separation to the proposed driveway. They need to provide a buffer zone to the cemetery and they are proposing a right turn restriction out only. They are looking for a waiver to allow for an audio system located within the drive-thru facility. They want a customer sensitive microphone to communicate with the customer only on pharmacy matters. The site regulations require a human contact or touchtone pad and they are requesting that they have a very non-intrusive microphone location. They anticipate a decibel reading below 60 decibels at a distance of 20 feet. He said that muffling will occur by the exiting vehicle that would be blocking audio sound, likewise a board on board fence, 8 feet in height. The fifth waiver is the waiver to exceed a 24 foot driveway width where 2 driveways are proposed to access one site. They are proposing a 30 foot width on Central Ave. They have taken the comments from TRC and did some modifications to that area and created a narrower width. On Glenwood Ave. they are proposing a 36 foot curb cut width. They have a 16 foot isle coming in and they have 2 isles of 10 feet coming out. He said that during peak hours they do have some stacking of vehicles. He explained how there would be a minimum of queuing on the site. They are asking for a conditional use for the hours of operation. The regulations restrict the hours from 6:00 am to 9:00 pm. They plan to adhere to that at this time, however to maintain a competitive aspect, seeing that there are abutting pharmacies down the street that are not affected by the current site plan regulations, they are asking that they be given a conditional approval to operate the drive-thru consistent with the surrounding pharmacies' operation hours. If a competitor decides to extend their hours to midnight they would like to be able to extend their hours also. They would like to have that flexibility to be competitive.

Tony McManus asked about the percentage of pavement.



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Jim Coronati said that this is not a waiver but a Conditional Use Permit because the site is in the Groundwater Overlay District. They have, since the TRC, submitted revised plans that greatly increased the green space and reduced the impervious area.

Steve Stancel explained that the regulations indicate that if you are in the groundwater zone and you're below 20% coverage you don't need a permit but if you are above 20% you have to show that you are capturing the runoff and putting it back into the aquifer. The Conservation Commission has given their approval with conditions.

Tony McManus stated that it is his impression that whoever looked at the lot should have seen that the lot is too small for what they want to do. He felt that they are asking for too many waivers. He sees the drive up as a problem and will be heard when everything else is quiet.

Jim Coronati explained that 58 decibels is a car driving by.

Dean Trefethen said of the drugstores that he patronizes, one has a window and the other has a closed telephone system so there is a normal conversation with the person in the car and no one can hear what is being said.

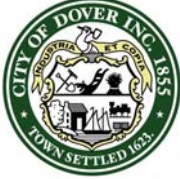
Jim Coronati stated that a sliding window poses a security issue as there are controlled substances involved. The closed phone is a long-term maintenance issue and a potential vandalism issue.

Dean Trefethen likes the idea of the green space improvement in front of this proposal. There is a great Adopt-A-Spot program in Dover where citizens maintain certain areas. He thought walkways with park benches would be very nice and to do that as part of the landscaping seems like a good trade off. He said that passers-by would feel that it was part of the Walgreen site. He was concerned with the driveways. He said he understands the driveway to Central Ave. but he has a hard time with the driveway on Glenwood Ave. He didn't think that there would be traffic to justify the right turn and left turn lanes. He felt that one lane would be sufficient and would decrease the pavement area. He said that the site is straining at the seams.

Kirt Schuman said that the new elevations are better than before and he appreciates the offer to do something on the City's parcel of land. The numbers of waivers indicate that this may not be the right use for the site.

Steve Stancel felt it was important to decide which waivers they were comfortable with and which they don't. It is important that they hear that to determine if they can live with the site or not. The staff went through the waivers and felt that the interior landscaping could be waived depending on what is proposed on the green space. They are not in favor of the non-audible waiver and they are not in favor of waiving the hours of oration. He said with regard to the Conditional Use Permit, the Conservation Commission is convinced that they are capturing the groundwater and has given their endorsement.

Dean Trefethen heard that there is the likelihood that one drug store might be bought out by the other and a store location may be empty. He asked the applicant if they could obtain ownership.



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Dean Holt, answered that the applicant has gained ownership of this parcel and the other proposal would not be a feasible alternative. They will have one company that controls both sites and they would not want a competitor. He doesn't feel that they could be forced to do that and it may be a long time before this buyout plays out. They need to move forward with this application.

The Public Hearing was opened.

Beth Thompson, Economic Director, encouraged the Board to continue working with this developer and stated that there is limited land left in the community and this land is zoned for the use. She said that the proximity of one store to another breeds success.

Charles Banian, 8 Glenwood Ave. stated he was concerned with getting out of his driveway and the increase in traffic.

The public hearing was recessed.

Jim Coronati explained that they have submitted a long term maintenance agreement with regard to the drainage.

Kirt Schuman said for clarification, there is room for negotiation in conjunction with the landscaping of the city parcel. He said a definite "no" to the audible drive-thru and hours of operation of the drive-thru. More information on the driveways is needed and a safe pedestrian passage on Central Avenue is a concern.

Frank Torr made the motion to table and seconded by Marcia Colbath. **VOTE U/A.**

Chairman Cole explained that Ron Stock owns a firm that could be regarded in the same vein as the drug stores. He said that he has asked him not to take part in any of the discussions on this item and he has concurred.

b. Discussion and possible vote on a subdivision plan for Changing Places, LLC, and Assessor's Map K, Lot 26, zoned R-12/ETP, located on Dover Point road. (P06-44)(2 lots)

Frank Torr motioned to take this item off the table and seconded by Marcia Colbath. **VOTE U/A**

Bob Stowell represented the applicant.

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road, stated that she was pleased with the residential. She wanted insurance that the lots not be used as access to the back land. She would like to see the trees preserved.

The public hearing was opened.

Steve Stancel explained that the ZBA approval was intended for two residential units. There will be no access for the commercial land through the front lot. There will be a shared driveway.



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Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Add the surveyor's stamp and signature to the plat
3. Revise the plat to add the Registry of Deeds book and page number for the sewer easement.
4. Revise the plat to show an access easement for a shared driveway and add a note requiring a shared driveway along the common property line

Ron Stock seconded. **VOTE U/A**

- c. Discussion and possible vote on a lot line adjustment for Lawrence Dubois, located on Fifth St./Lincoln St. (P06-34)**

Frank Torr made the motion to take this item off the table and Marcia Colbath seconded. **VOTE U/A**

Jim Schulte stated that the lot line will take a narrow strip of land and exchange it with a small piece on Lincoln St. to allow for back up space. Equal amounts of land were exchanged.

- d. Discussion and possible vote on a site plan of land for Lawrence Dubois, located at 17 Fifth St.(P06-33)**

Frank Torr made the motion to take this item off the table and Marcia Colbath seconded. **VOTE U/A**

Jim Schulte stated that this site plan is to remove the Ward House, put in drainage and put in a 10 space parking lot. He explained the deed, in 1894, conveyed an easement for a driveway, 9 feet wide, 4 ½ feet on each lot. He said since there were no automobiles it meant the driveway was for horses. Each side has a right of access. They offered parking to Ms. Whitham and she refused. They are proposing that the sale go through and he will go find a definitive resolution for the driveway issue. He believes that the driveway will be for driving through but not for parking in. With that resolution he asked that the blocked off area accommodate 3 parking spaces which Ms. Whitham may or may not have use of.

The public hearing was opened on the lot Line Adjustment (P06-44)

There were no comments.

The public hearing was closed.

The public hearing was opened on the site plan (P06-33)

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve the lot line adjustment with the following conditions:

1. Add the owner's signature to the plat.
2. The applicant shall provide the Planning Department with a digital version of the survey.

