



CITY OF DOVER

DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, January 9, 2007**
Meeting Time: **7:00pm**

Members Present: Tony McManus, Ron Stock, Marcia Colbath, Ron Cole, Kirt Schuman, Perry Plummer, Doug Steele, Frank Torr, Dennis Ciotti,

Members Absent: Bryan Cahoon, John Swartzendruber, Dean Trefethen, Donald Andolina

Staff Present: Steve Stancel, Planning Director and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:04 pm.

1. Election of Officers

The nominations were opened for Chairman.

Frank Torr nominated Ron Cole
Perry Plummer seconded.

Frank Torr motioned to close the nominations.
Doug Steele seconded.

VOTE U/A

VOTE U/A Chairman - Ron Cole

Dennis Ciotti nominated Tony McManus for Vice Chair.
Kirt Schuman seconded.

Nominations were closed.

VOTE U/A Vice Chair – Tony McManus

2. Citizens' Forum

There were no speakers.

3. Approval of the minutes.

Tony McManus pointed out some typos to be corrected.

Dennis Ciotti motioned to approve the minutes.

VOTE U/A



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4. Consideration and acceptance of a minor subdivision plan of land for Ruth B. Wiggin Revocable Trust, Assessor's Map 14, Lot 11, zoned R-12, located on Cataract Avenue.*(P06-63)(1 lot)

Kevin McEaney represented the applicant, and explained the plan is a simple two lot subdivision. There will not be another curb cut as the existing driveway will be used for the new lot. The existing house will be provided with an easement to use the existing driveway.

Frank torr made the motion to accept the application.

Perry Plummer seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Tony McManus made the motion to approve with the following condtions:

- 1.Add the owners' signatures to the plat.
- 2.The applicant shall provide the Planning Department with a digital version of the survey.
- 3.The plat shall be revised to add a note indicating that the new lot will use the westernmost existing driveway for access to Cataract Avenue.
- 4.The placement of a house and driveway on the new lot shall be done to avoid any grading impacts to wetland and their buffers.
- 5.The applicant shall prepare an access and utility easement to benefit Map 14, Lot 11. Said easement shall be reviewed and approved by the Planning Department and the City Attorney prior to signing of the plat.

Dennis Ciotti seconded.

VOTE U/A

5. Consideration and acceptance of a minor subdivision plan of land for Andrew O. Perry (Owners: James & Joan Halley) Assessor's Map B, Lot 1, zoned R-40, located at 440 Sixth Street*(P06-64) (1 lot)

Andrew Perry, explained it is the subdivision of a large non-conforming lot and one that is less non-conforming. He said the water comes into the main lot and branches to the other lots. He will put in an easement. They are served by septic systems. A condition will be added in the agreement that if the system fails they will hook up to the City sewer line.

Frank Torr made the motion to accept the application.



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Tony McManus seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Discussion ensued with regard to digging out the pavement on the driveway located on County Farm Rd. as it will be eliminated.

Andrew Perry said there is adequate parking on lot 1 and explained where the spaces were located. The pavement will be removed to provide more yard space.

Steve Stancel explained that, normally, they require 2 spaces for each unit but these are existing structures with existing units so they didn't get into that issue with the subdivision.

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

1. Add the owners' signatures to the plat.
2. The applicant shall provide the Planning Department with a digital version of the survey.
3. The plat shall be revised to add a note that upon failure of any septic field, the owner of the lot shall be required to tie into the municipal sewer system.
4. The plat shall be revised to indicate the number of existing dwelling units in all buildings.
5. The plat shall be revised to show an easement for the water line to benefit Lot 2. An easement deed shall be prepared by the applicant and reviewed and approved by the Planning Department and the City Attorney prior to signing of the plat.
6. The plan shall be revised to add the proposed Map and Lot number for Lot 2, as assigned by the Tax Assessor.
7. The applicant shall remove any pavement within five feet of the proposed property line, prior to signing the plat or post a form of security to accomplish the same.

Perry Plummer seconded.

VOTE U/A

6. Old Business

- a. Discussion and possible vote on a subdivision plan of land for VC Dover Investments, Assessor's Map H, Lot 4, located on Mast Road/NH Route 108. (P06-24)(2 lots)**

Frank Torr said that he is a distant cousin to the Torrs and has no conflict but he will step down when Phase II comes up for the manufactured homes.



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Ron Stock made the motion to remove this item from the table.

Kirt Schuman seconded.

VOTE U/A

Deb Brewster, with TFMoran, stated they were presenting the subdivision, the site plan with regard to the retail portion and a site plan with respect to the residential portion of 63 residential units. She said they responded to the TRC comments and there is very little change from the previous plan. Because of the comments of the abutting property owner, they are adding a 7 foot vinyl fence for a distance of about 150' and some additional landscaping. In regards to the residential phase she brought two exhibits of the manufactured homes depicting the flexibility of the layout of the units. The basements on the downhill side will have walk out basements. She showed some elevations of the clubhouse which is the focal feature when coming in from Mast Road. It will be a New England style building of two levels. There will be 150 to 200 feet between the clubhouse and the drive into the mixed use development.

Ron Cole asked the Board for specific questions of **item 6. a.**, the subdivision plan.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated that the Board accepted the application on November 28, 2006 and then voted to table the application. He then gave the recommended conditions of approval.

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

1. Add the owners' signatures to the plat.
2. The applicant shall provide the Planning Department with a digital version of the survey.
3. The surveyor's stamp and signature shall be added to the plat.
4. The applicant shall dedicate 4,024 square feet of the property along Mast Road to the City of Dover right-of-way, prior to signing the plat.

Doug Steele seconded.

VOTE U/A

b. Discussion and possible vote on a site plan of land Phase I Commercial and Conditional Use Permits for VC Dover Investments, LLC, Assessor's Map H, Lot 4, located on Mast Road/NH Route 108. (P06-25)

Frank Torr motioned to take this off the table.



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Perry Plummer seconded.

VOTE U/A

The public hearing was opened.

Marty Coyle, organizer of the builders union, asked what the commercial uses would be. He stated that he was concerned that the general contractors may misclassify their workers and not pay into Social Security and unemployment and many of the benefits that are standards of the industry. He asked what measures would be taken to be sure the workers are going to be paid as much as other workers.

Ron Cole stated that it was not the purview of the Planning Board.

Scott Torr, 217 Durham Road, abutter to this project, said that he approached the Board with his concerns at the last meeting. He has been in touch with the developer and he understood that the fence was going to be 8 feet high. He felt that 150 feet was not long enough but the developer said he would work with him. He is making a concerted effort and he hopes that everyone will end up happy. He wanted to let the Board know what was going on.

The public hearing was closed.

Steve Stancel gave the recommended conditions of approval.

1. Owner's signature on the plan.
2. The applicant and the City shall negotiate and sign a formal Developer's Agreement, to be recorded at the Strafford County Registry of Deeds, prior to the signing of the plan.
3. The applicant shall be responsible for all of the Off-site Transportation Improvements as shown on the approved plan, as revised and approved by the Engineering and Planning Departments. All improvements shall be completed prior to the issuance of the certificate of occupancy.
4. The applicant agrees to pay to the City of Dover, its fair share contribution for off-site improvements for the Durham Road/Back River Road intersection in the amount of \$17,563, as determined by the TF Moran Corridor Study. Said contribution shall be paid prior to the issuance of the certificate of occupancy.
5. The applicant shall obtain a NHDOT Driveway Permit and add the permit number to the plan, and obtain approval from the NHDOT of all proposed roadway improvements outside the Urban Compact Area, prior to the signing of the plan.
6. The applicant shall provide proof that the EPA Notice of Intent has been filed, prior to the signing of the plan.



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7. The applicant shall revise the plans to finalize the proposed plan amendments as outlined in the TF Moran letter dated 1/9/07, to the satisfaction of the Engineering and Planning Departments, prior to the signing of the plan.
8. The applicant shall obtain easements for the encroachment of roadway improvements at the intersection of Mast Road and Durham Road from all property owners. Said easements shall be reviewed and approved by the City Attorney, prior to the signing of the plan.
9. The applicant agrees that all commercial buildings, other than the Hannaford building, will require architectural review and approval of the Planning Board.
10. Approval includes granting of the requested waiver for driveway width.
11. Approval includes the granting of a Conditional Use Permit for the medical office in the Groundwater Protection District, and for the wetland buffer impacts.

Dennis Ciotti made the motion to approve with the 11 conditions listed above:
Kirt Schuman seconded.

Tony McManus stated that it was his intention that the mixed use would be a truly mixed use development. He will vote in favor because it is an appropriate location for a supermarket. It's a good thing to have. He felt that the developer has worked very hard with the City but in reality, we have a very conventional subdivision and a very conventional strip mall development. This is not his idea of a mixed use development. He said that they have met all the conditions of the ordinance and they are entitled to this approval but he had hoped that the developer would have come up with something better.

VOTE U/A

- c. Discussion and possible vote on a site plan of land for VC Dover Investments, LLC, Phase II – Residential, Assessor's Map H, Lot 4,k zoned B-4/I-4, located on Mast Road/Route 108. (P06-25b)(63 units)**

Dennis Ciotti motioned to take this off the table.
Ron Stock seconded.

VOTE U/A

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

Steve Stancel stated that there is a couple more conditions that should have gone with the commercial (**Item 6 b.**). He asked that the following be added to the commercial as follows:



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12. The applicant shall provide an access easement that provides for vehicular and pedestrian access to Map H, Lot 4-1. Said easement to be negotiated with and approved by the Planning Department and City Attorney, prior to the signing of the plan.
13. The applicant shall revise the plan to add a minimum 7-foot high vinyl fence along the northern side property line, from the front property line for a minimum distance of 150 feet, to provide screening for the Torr parcel. Additionally the plan shall be revised to add additional landscaping along the northern side property line to screen the Torr house from the parking lot located to the southwest, to the satisfaction of the Planning Department.

He said that those are two additional conditions that should have gone with the **Item 6. b.** the commercial use.

Tony McManus said that it would be best to ask for reconsideration of the previous vote.

Tony McManus made a **motion of reconsideration of the previous vote (Item 6 b. commercial).**

Dennis Ciotti seconded.

VOTE U/A

Tony McManus made the motion to approve **item b. Phase I commercial** with conditions 1 through 13 as listed above.

Dennis Ciotti seconded.

VOTE U/A

Steve Stancel stated the recommended conditions of approval for **Item 6. c.** residential as follows:

1. Owner's signature on the plan.
2. The applicant and the City shall negotiate and sign a formal Developer's Agreement, to be recorded at the Strafford County Registry of Deeds, prior to the signing of the plan.
3. The applicant shall be responsible for all of the Off-site Transportation Improvements as shown on the approved plan, as revised and approved by the Engineering and Planning Departments. All improvements shall be completed prior to the issuance of the first certificate of occupancy.
4. The applicant agrees to pay to the City of Dover, its fair share contribution for off-site improvements for the Durham Road/Back River Road intersection in the amount of \$17,563, as determined by the TF Moran Corridor Study. Said contribution shall be paid prior to the issuance of the certificate of occupancy.
5. The applicant shall obtain a NHDOT Driveway Permit and add the permit number to the plan, and obtain approval from the NHDOT of all proposed roadway improvements outside the Urban Compact Area, prior to the signing of the plan.



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6. The applicant shall provide proof that the EPA Notice of Intent has been filed, prior to the signing of the plan.
7. The applicant shall revise the plans to finalize the proposed plan amendments as outlined in the TF Moran letter dated 1/9/07, to the satisfaction of the Engineering and Planning Departments, prior to the signing of the plan.
8. The applicant shall obtain easements for the encroachment of roadway improvements at the intersection of Mast Road and Durham Road from all property owners. Said easements shall be reviewed and approved by the City Attorney, prior to the signing of the plan.

14. The Homeowner's Association Documents shall be reviewed and approved by the Planning Department and the City Attorney prior to the signing of the plan.
15. Approval includes granting of the requested waiver for landscaping in the residential portion.
16. The Planning Department recommends that the Planning Board agree to reduce the school impact fee due to this being a 55 and over development. Since federal law permits up to 20 percent of the units to be excluded from the 55 and over requirement, the applicant has agreed to pay a school impact fee equal to 20 percent of the manufactured housing impact fee per unit, at the time of the building permit application. He said he believes that it is approximately \$600.00 per unit.

He said that items 9 through 13 don't need to be included in the residential portion and then go on to 14, 15, 16 as he read above.

Dennis Ciotti made the motion to approve with the conditions 1 through 8 and 14 through 16 as listed above.

Kirt Schuman seconded.

VOTE U/A

Frank Torr took his seat.

Chairman Cole called a 3 minute recess.

Chairman Cole called the meeting to order at 8:00

d. Discussion and vote on CIP.

Ron Cole explained that the Board's duty is to make sure that the items are consistent with the City's Master Plan.

Steve Stancel stated that the Council focuses on Year 1 of the CIP. What they will be voting on in the CIP is what is included in the handout on the desks. Items 1 through 21 are items that are debt financed as well as some of the water & sewer fund locations. If the project has been spread



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out in a 2 or 3 year period, the City Manager included the entire amount in year 1 for authorization purposes. It is to be understood that by funding year 1 you are funding future years as well.

Frank Torr stated it is his feeling that Maglaras Park has never gone through the Planning Board and it he doesn't feel it is a Master Plan item at this time.

Steve Stancel answered that the Maglaras Park Master Plan was recently completed by a consultant. It has not come before the Planning Board to be officially blessed but is something that should take place in the near future.

Frank Torr recommended that the Board not recommend the \$1.8 million in 2008. Year 2009 has \$2 million. The total project is \$6.9 million. The remainder has not been projected out in the CIP. His recommendation is that they don't recommend the \$1.8 million for the first year. The Recreation Department needs to come back with a game plan and it needs to go through the process like other projects.

Tony McManus said he agrees with Frank and that it is premature to have it in the CIP. He said that the Board approved a recreation master plan about 3 years ago and he's not sure that it has been completed yet. He would like to review the entire recreation master plan and see what has been accomplished, and to see if there is sufficient money to maintain what we already have.

Frank Torr motioned to not recommend the \$1.8 million in the 2008.

Tony Mcmanus seconded.

Kirt Schuman agreed with that we should look at what is in the current master plan to see if it has been addressed and take care of what we already have first.

Dennis Ciotti asked if the motion includes the second year \$2 million as well.

Frank Torr said it would include them both if Tony McManus agrees.

Kirt Schuman wants the message to get back to City Council that they need to fund the Recreation Department so they can maintain their facilities.

Ron Cole stated this is no reflection on Gary Bannon as he's been dealing with smoke and mirrors.

Ron Stock felt that it should be pushed back not taken completely out.

Steve Stancel recommended that it be pushed back rather than taken out.



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Frank Torr agreed that Maglaras Park improvements should be pushed back.

Tony McManus agreed saying that it could be looked at again next year.

Marcia Colbath said that she would rather see it pushed back two years. There are other projects in the loop that have been in the loop for years and have not been completed yet, including the community trail.

Perry Plummer said he has no problem pushing it back one year but was concerned that the Board would be sending the wrong message to the staff and staff would be working on something that the Board has no intent of going through with it.

Dennis Ciotti said that he has no problem with one year. He said the Tolend Landfill will cost \$4 million this year and \$7 million next year. The Tolend Landfill is the tail wagging the dog in the next two years and proposals like this are going to suffer. He agrees with not putting them off the radar but we need deal with the Tolend Landfill. He felt that the waterfront project would drive Maglaras Park. He suggested three years out, YR 2010.

Perry Plummer said that items in the CIP should be prioritized with the things that the City must do at the top of the list, giving an example as follows:

1. Tolend Landfill
2. Repair and maintain what we have.
3. Public safety
4. Anything that drives the City economically
5. Quality of life.

Discussion ensued with regard to debt financing.

Ron Cole asked for a vote on the motion to recommend to the City Council that the Maglaras Park be moved back two years.

VOTE U/A

Frank Torr said with regard to the Woodman Park Tennis Court and Shaws Lane bathroom, that there are many people using the facilities with many trades that could be utilized as volunteers. The City could be the clerk of the works. He said he recommends leaving the same amount of money in there but the source of funding would be different. He suggested that St. Thomas be charged for utilizing the tennis courts and the City should be charged for utilizing things from St. Thomas. That would leave a clear cut record of what takes place.



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Marcia Colbath agreed adding that the port-o-let situation is dismal. She can't see that we can ask that it totally be funded by donations.

Garry Bannon explained that the agreement with St. Thomas Aquinas High School. It's a piece of the puzzle and he can ask them to contribute a piece of the funding but it's a drop in the bucket. It is a major rebuild that is needed and the basket ball courts must be addressed or they will be shut down. The courts have been band aided so people won't be hurt.

Perry Plummer said that we already have them so we should maintain them. He explained that this wouldn't get bonded until the contracts are in place.

Ron Cole asked if the recreation department explored the potential of advertising. He said that we might have to look at things that might be considered distasteful to some. He said that they approach people for sponsorships. In a residential neighborhood signage as an option might be an issue.

Gary Bannon said with regard to Shaw's Lane he said that Bob Carrier has been carrying the ball with this. Gary said that if he was given \$100,000 he can guarantee that he can put up the building. The fit-out and kitchen areas are items that are used for soccer and softball and they would contribute. The materials would have to be purchased to have it work. The City should have to pay for the bathroom facilities.

Tony McManus asked why they would be considering bonding an item that is only \$175,000. He thought it should be in the operating budget.

Dennis Ciotti said it is being bonded because it has a lifespan over 20 years.

Steve Stancel said the general policy is anything that is over \$100,000 and has a lifespan of 15 to 20 years can be put under the debt financing. History has shown that once they get shifted to operating budget, often times it gets pulled.

Ron Stock had concerns about taking a \$190,000 line item and saying that we can get away with it for \$100,000. We need to think about putting in a range so they have 20% lee way in case it goes over what they have that available. If we find that it is not enough to finish the project we will have a project that is half started with no money to finish it.

Perry Plummer noted that Gary said on TV that he guarantees that he can do it for \$100,000.

Perry Plummer motioned to keep the tennis court in the budget.

Kirt Schuman seconded.

VOTE U/A



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Marcia Colbath motioned \$100,000 for Shaws Lane bathroom and concession
Frank Torr seconded.

VOTE 7 – 1

Opposed – Ron Stock

Kirt Schuman motioned to endorse all three Rizzo recommendations
Frank Torr seconded.

VOTE U/A

Marcia Colbath stated that she was not comfortable with the North End Water situation.

Marcia Colbath motioned to remove that \$6 million from the first year.
Ron Cole seconded for the purpose of discussion.

Doug Steele explained the sum was an estimate from an engineering firm that they hired. They looked at different scenarios and did testing of pressures in the North end to determine whether there was a problem. The firm determined that there is adequate pressure for fire flow and for what is considered enough pressure to be livable which is 35 psi. It is right at that number. They looked at various ways to boost the pressure and the recommended fix was to have the City construct a 1.5 million gallons water tower with a booster station and create a pressure zone in the northend. They would have to install 4 valves to maintain that pressure in that zone. If you just put in a tower we would be blowing water mains out of the ground at Dover Point. They suggested we go with a tower that is \$3.24 million for the tower itself. The booster pumping station is \$710,000, the pressure reducing valve system is \$250,000, and for engineering and contingency it is \$1,680,000 for a total of \$5.69 million. He said that the \$6 million is with the anticipation of land acquisition.

Doug Steele said that the psi would be in the 50s and that would be more desirable. The water pressure is adequate but it is not desirable. The other CIP item is the water main extension. It would provide additional water to the north end, increase fire flow and available water. They are hoping that the looping of the main will go through as proposed. He said it would be a great improvement.

Discussion ensued with regard to the water tower and the land that would be necessary.

Doug Steele stated that the DUC has recommended that the City provide funding to acquire property for a future tower.

Perry Plummer asked if the water main is the one for \$1.9 million.

Doug Steele answered yes.



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Marcia Colbath motioned to move the \$6 million for at least two years.

Kirt Schuman seconded.

VOTE U/A

Steve Stancel said that they received an e-mail from Councilor Trefethen asking that the Board consider requesting the rebuilding of Mast Road to Back River Road to Durham Road including curb and sidewalks. He indicated \$100,000 in YR 2010 and 750,000 in YR 2011.

Dennis Ciotti motioned to add \$100,000 in YR 2010 and \$750,000 in YR 0211 for rebuilding of Mast Road from Back River Road to Durham Road, including curbs and sidewalks.

Tony McManus seconded.

Doug Steele said that he has discussed it with engineering and their concern is that there are a lot of right-of-way issues and there would be a fair amount of land acquisition and areas that are quite steep. It will be quite expensive.

Dennis Ciotti said that there are \$2.2 million each year for the next 6 years for General Streets and Bridge Improvements and some of that money might be geared for this.

Doug Steele the \$2.2 is for the pavement management program. It is basically for the overlays that they are trying to do. He suggested that it should be a stand alone project in the CIP.

Ron Cole asked for the vote to add \$100,000 in YR 2010 and \$750,000 in YR 0211 for rebuilding of Mast Road to Back River Road to Durham Road, including curbs and sidewalks.

VOTE U/A

Tony McManus made the motion to recommend the CIP with the amendments.

Frank Torr seconded.

VOTE U/A

Steve Stancel stated that the Board recently approved some recommendations from the Class IV Road Committee and one was that a new bridge project be added to the CIP for the Transportation Master Plan along with improvements to approaches to County Farm Road and Rochester Neck Road to replace the previous covered bridge. He has a rough estimate of approximately \$2 million that can be put in YR 2013 to get it in the plan.

Tony McManus made the amendment to his previous motion to add \$2 million dollars to YR 2013 for the improvement to approaches to County Farm Road and Rochester Neck Road and to replace the previous covered bridge.

Dennis Ciotti seconded.



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VOTE U/A

8. New Business

Steve Stancel stated that there will be a presentation this Thursday at 6:00 p.m. on the Rizzo Report in the Council Chambers of City Hall. All the downtown business owners have been invited and it is open to the public.

Chairman Cole stated that he received the resignation of Bryan Cahoon, an alternate of the Planning Board because he is very busy. Coaching at St. Thomas has been keeping him very busy. He asked the Appointments Committee to supply us with another alternate.

9. Adjournment

Frank Torr made the motion to adjourn.

Perry Plummer seconded.

VOTE U/A

The Planning Board met on January 9, 2007 and voted on recommendations for the 2008-2013 City of Dover CIP. The board had previously held a public hearing in December and discussed the plan at subsequent meetings. The board voted to recommend the proposed 2008-2013 City of Dover Capital Improvements Program in its entirety with the following revisions:

1. Park Improvements – Maglaras Park \$1,800,000

The Planning Board recommends that this project be pushed back two years to the Year 2010. The Maglaras Park plan has yet to be officially adopted by the Planning Board as part of the City’s Recreation Master Plan. The board thought the proposal may be premature given the yet to be closed dredge spoil site and potential waterfront redevelopment.

2. Shaws Lane Bathroom/Concession Building \$155,000

The Planning Board recommends lowering the proposed amount to \$100,000. The general consensus was that volunteers and donations could be used to off-set the balance of the funds.

3. Water Pressure Improvements – North End \$6,000,000



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The Planning Board recommends sliding this project back two years to 2010. The primary reason seemed to be the high cost of the project and the board would like to see how the new watermain replacements and increased water tank levels affect the water pressure.

Two new items were recommended for addition to the CIP in future years.

1. Mast Road/Spruce Lane Reconstruction and Sidewalks \$850,000

The Planning Board recommends that Mast Road and Spruce Lane be reconstructed between Back River Road and Durham Road. Reconstruction would include sidewalks and curbing. This is listed as a priority in the City's Master Plan. The monies are recommended as follows:

\$100,000 for engineering, Year 2010
 \$750,000 for construction, Year 2011

2. Construction of New Vehicular Bridge over the Cochecho River
 County Farm Road \$2,000,000

The Planning Board recommends adding a new project to replace a bridge which burned down many years ago. Recommended in the City's Master Plan and recently a recommendation of the Planning Board's Class VI Roads Subcommittee, the proposal also includes upgrades to the approaches. The money is recommended to be placed in Year 2013.