



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, July 10, 2007**  
Meeting Time: **7:00 pm**

**MEMBERS PRESENT:** Donald Andolina, Tony McManus, Perry Plummer, Marcia Colbath, Ronald Cole, Frank Torr, Dean Trefethen, Perry Plummer, Doug Steele, John Swartzendruber, Ron Stock, Linda Merullo

**MEMBERS ABSENT:** Kirt Schuman,

**STAFF PRESENT:** Christopher Parker, Planning Director; Jacqueline Pease, Recording Secretary

Chairman Cole brought the meeting to order at 7:03.

### 1. Citizens' Forum

**There were no speakers.**

### 2. Approval of the minutes.

Donald Andolina made the motion to approve.

John Swartzendruber seconded.

**VOTE U/A**

**Christopher Parker announced that item #5.a. The New Meadows would not be heard.**

### 3. Consideration and acceptance of a minor subdivision of land for Bill Dube, Inc., (Owner: Elliott Rose Co. of Dover, Inc.) Assessor's Map K, Lot 19, zoned ETP, located on Thornwood Lane.\* (P07-37)(1 lot)

Ron Cole stated that he is employed by a competitor of Bill Dube Inc. and considering what the application is, he sees no reason to step down. If anyone on the Board or in the audience has a concern, he would be more than happy to discuss it.

Bob Stowell, Trittech Engineering, represented the applicants. This proposed expansion of the existing dealership has been part of the master plan for the Thornwood project, on the Elliott Rose property since day one. The footprint has not changed. They went to TRC and discussed a page worth of comments on engineering and planning items and there are some outstanding issues. They continue to work with a landscape plan and the final drainage plan has not been reviewed by Engineering. The subdivision application creates a 10 acre lot with frontage on Thornwood Lane and is contiguous with the existing Bill Dube facility and then extends to the sewer easement just shy of the Dover Brook Project. The Master Plan was well thought out and they are working out the details. As part of the site plan, they show the proposed connection to the existing facility. The NH DES Permit is pending. They have gone from the standard culvert



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to an open arch culvert that provides the natural flow of the stream to continue and allows them to build more of a bridge-type design. They had originally proposed a 24 foot wide connection between the two facilities. Going through the process with the Conservation Commission, they were encouraged to shrink that to an 18 foot driveway. At TRC they were encourage by the Fire Department to expand that from 18 feet to 20 feet, for fire access. Bob Stowell said they were able do that without changing their wetland impact.

Chris Parker asked for the timeline for removing the greenhouses.

Bob Stowell answered that he didn't have specifics, but they have tried to keep the Board abreast of the processes. They are waiting for their final State approvals, for wetland impact, Site Specific, as well as some of the remediation for the solid waste, that is still being formulated before the transfer of the property can take place. They are moving forward as fast as possible.

Ron Cole explained that both the subdivision and the site plan would be discussed at the same time but they would be vote on separately.

Tony McManus asked if the building on the new lot would be a showroom.

Bob Stowell stated that it was something that was discussed at TRC and it's a phased program. It addresses their needs in sequence. Their new submission shows phase lines. Their immediate need is to get more pavement for car storage and display area in phase 1. The next phase would be to provide additional service for the facility. The third phase would be providing a new dealership or a transfer of an existing dealership.

Tony McManus stated if they are going to have more storage space, he hopes that they would consider moving some of the vehicles from the front of the building on Dover Point Road back some distance from the road. It would make a more attractive entrance to the City.

Bob Stowell stated this would give them more options as they are very cramped.

Dean Trefethen asked what the guarantees are that the building actually gets built and the development doesn't stop after the parking lot.

Bob Stowell stated that they anticipate more and more service demands from the dealership but he is not sure there is any mechanism that would guarantee the start of construction on the building.

Frank Torr asked if the clearing of the greenhouses had occurred yet?



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Bob Stowell stated that none of that has taken place yet. The process is still taking place to develop the final remediation plan and they are waiting for some state approvals on the original Thornwood. The transfer of the property has not gone to the new owner yet. Bob Stowell said that the plan demonstrates that the greenhouses must be removed in order to conform to zoning for the subdivision, as two greenhouses overlap the boundary line.

Christopher Parker asked if they could get that underway within the 90 day approval window.

Bob Stowell stated that he doesn't believe that could be done before the signing of the plat.

Debby Reed, President of Bill Dube Toyota, stated with regard to the building, that they are under some pressure from the manufacturers to increase the size of their facility as soon as possible. She can't give a time frame because they are trying to lay it out and it takes time. Both manufactures have very strict requirements. They are working with them and will hire an architect to configure the building to be sure it fits in. It will be a process that will take some time but they have every intention to put something up because they are going to need the facility.

Frank Torr asked if there would be any impact on the sewer line that crosses Varney Brook, which is also on the Dube land.

Bob Stowell stated that there would not be any impact.

Perry Plummer asked if there would be any access to Thornwood Lane during phase 1.

Bob Stowell stated that the phase 1 expansion of the display area won't require anything to happen on Thornwood Lane, as it will be accessed from the existing Bill Dube facility. Their lighting, etc. will be controlled from the existing facility. They need to bring utilities in from Thornwood Lane. For the showroom section it will require access and full build out of Thornwood Lane to their site, at least.

Christopher Parker explained they are still working at how that will be phased because it needs to be looked at in context with the larger Thornwood project. They will continue to work with the applicant and with Bob Stowell on how that phasing will work. It will be delineated better on the final plan.

Tony McManus asked if the Board would be in the position of approve this before the environmental approvals have been given with regard to the brook, the dam and the pond.



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Christopher Parker explained it is one of the reasons that approval was not recommend tonight. More research must be done to get a better handle on how that is going to fall. He said that the subdivision meets the regulations of the ETP.

Frank Torr made the motion to accept the application for **Item 3. Minor subdivision of land for Bill Dube, Inc.**

Tony McManus seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Dean Trefethen made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Add the surveyor's signature and seal to the subdivision plat.
4. Revise the plat to update the map and lot identification to be K, Lot 19-2.

Tony McManus seconded.

**VOTE U/A**

**4. Consideration and acceptance of a site plan of land and Conditional Use Permit for Bill Dube, Inc. (Owner Elliott Rose Co. of Dover, Inc.) Assessor's Map K, Lot 19, zoned ETP, located on Thornwood Lane.\* (P07-38)**

Frank Torr made the motion to accept the application.

Marcia Colbath seconded.

**VOTE U/A**

The public hearing was opened on the site plan.

There were no comments.

The public hearing was recessed.

Christopher Parker stated that they will work with the applicants as this is part of a larger project. They are coordinating the two efforts.

Frank Torr made the motion to table.

John Swartzendruber seconded.

**VOTE U/A**



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### 5. Old Business

**Chairman Cole announced that item 5 a. would not be heard.**

**b. Discussion and possible vote on a subdivision of land for Back River Road Realty Trust, (Picnic Rock), located on Back River Road. (P07-32)(20 lots)**

Dean Trefethen made the motion to remove this from the table.

Donald Andolina seconded.

**VOTE U/A**

Bob Stowell represented the applicant. He said that he went to Conservation Commission last week. Doug LaRosa conducted the site walk. They spoke with staff since the site walk and have reviewed the proposed conditions of approval and they are content with them as described. The plans are, basically, identical from the first time around. They spoke with Christopher Parker about the buffer behind the residences along Back River Road. They are cutting just what needs to be cut for the roadway and leaving the balance in its natural state. In some areas it is well over 100 feet and it's closest point is still 75 feet or so of natural area between the construction and the backs of the residences along Back River Rd.

Doug Steele asked if there is anything written in the deed to alert the homeowners they are buying property on a private street and won't be receiving all City services.

Bob Stowell stated that this is a condominium so they will belong to an association. It will be clear that they are paying for maintenance of the roadway. He doesn't know if there is a specific language that says, no city services will be provided. It is one of the conditions that they will review the language before they sign off.

Doug Steele asked if there was language that could be put in the conditions that would prevent the homeowners' association from coming to the City and requesting that their street become a City accepted street in the future. He doesn't have a problem with the private streets but he does have a problem with, 10 years down the road, they are asking the City to take the street over. Is there something that can be done to prevent that from happening in the future?

Bob Stowell said that they are aware that it does not meet City standards to become a City street.

Discussion ensued with regard to residents getting disenchanted with their private streets and asking the City to take it over.

Chris Parker stated that condition #6. states that the applicant shall provide a copy of the proposed Homeowners' Association documents and a sample individual deeds to the Planning



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Department for review and approval prior to the signing of the plat. He said that he would be happy to add in a line that says, "Documentation shall include notation of a private road." He said that he doesn't know, legally, if this helps, but it could be added on the intent note on Sheet S-1. Currently, it says the intent is to develop the newly configured Tax Map 16, Lot 21 into 21 open space units, including the existing house. Units shall be serviced by a private road and the detail sheets make it clear. He asked Bob if he had any issue with adding the intent clause.

Bob Stowell stated that he didn't have a problem with that.

Linda Merullo, Alternate Member, asked about the current house on Back River Rd. She wanted to be sure that it was kept within the development because she felt they have the manpower and the materials to make it look very nice. From a marketing strategy it would be done in a timely manner so when the development is ready to begin they would work on that house at the beginning of the project.

Donald Andolina asked if these private roads were going to be built to City specifications.

Bob Stowell stated that the width is 24 feet and it has a sidewalk but it has a grade that exceeds the 6% that is required by the City. The standard construction and the gravel base will meet City standards.

Dean Trefethen said, in his opinion, the house should be removed. If it were removed the center of the proposed street could be moved more in the center of the lot and further away from the adjacent home on the south. Perhaps more vegetation could be planted for noise and light screening, etc. His concern with the present house is that it will be subject to more noise than the other units because it is on the corner and that it is a completely different unit than the other units and will be the odd ball of the development. It is the Board's job to protect abutters and to protect future owners. It will create a very narrow situation with limited use of the yard, etc. He believes that it should be removed.

Bob Stowell stated that they had this discussion last time around. One of the reasons for keeping it was to keep the existing streetscape along Back River Road. It was felt that it created a more conventional entrance. Originally, they looked at the changes that would need to be made to the layout to accommodate moving the house within the project. They feel that it can fit with the Back River Road streetscape and can be rehabbed to make a respectable entrance to the project. They could be the oddball or they may be the sought after one.

Dean Trefethen said that he is not saying that the unit should be moved or an additional unit be added. He said remove that unit and you have 20 units, not 21.



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Chris Parker stated they had a discussion with the Arnolds and Mr. Mairs about the little finger that juts out between their properties.

Bob Stowell stated that the developers did talk with the abutters at the time of the original approval and there didn't appear to be any interest. This last round they haven't specifically contacted abutters to see if there is any interest. It has no functionality for this project and if an abutter would like to own it, he would be happy to participate in transferring it.

Tony McManus said that condition #10. says the applicant agrees to grant a trail easement to the City on the existing trail. He asked if it means 6 feet wide, as there was some discussion at TRC of 30 feet wide.

Bob Stowell stated that the easement is a 30 foot wide easement.

Tony McManus said the paragraph above it says the applicant agrees to contribute the sum of \$4,000 for off-site recreation. He would like to see the \$4,000 be committed to upgrading that trail. He said if would be an incentive for the City to actually do something.

Chris Parker said that one of the concerns would be that the trail is only accessible from the parking the lot into the project. The parking lot is owned by Sawyer Mills and unless there is an easement from Sawyer Mills allowing people to park there, it is not going to be a well used trail. He said that he has not walked the trail but agrees there are slopes.

Tony McManus stated that there is a good portion of the trail that is steep but some of it, with very little work, could be used. If the City talked to Sawyer Mills about contributing, because it would be a good amenity for the people who are living there, they may be willing to do this if there is \$4,000 for the project.

Chris Parker said that he wasn't adversed to changing that condition. He said that he likes the idea of saying where the money is going but wants to make sure that the trail will be used by the general public.

Tony McManus said in view of Dean's comments, if we adopt the recommendations of the Planning Department it would include keeping the house.

Ron Cole stated it is the intent of the developer to keep the house and fix it up and make it part of the project.

Doug Steele stated he would hope that they would not have to install the trail. He doesn't know of any trails that they are currently maintaining. He prefers not to take on any trails.



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Marcia Colbath said currently, none of the trails other than those that are part of the sewer easements are mowed by Community Services. Now they are focused on the trail behind Liberty Mutual and Measured Progress because they have the Fish and Game folks that are really stepping up and want to help them do this. The trails are not to the point that they have to be maintained. This part of town is not included in the Community Trail. They have some volunteers stepping up to the plate for the other end of town.

Ron Cole stated that his dream has been for years that the City links a trail system through the community for the benefit of the citizens and the enhancement of the image of the community.

Tony McManus felt if the City is able to do something with the trail on this property, there is the potential to being able to start on upper Sixth St., make a jog on the old railroad bed to Sawyer Mills, and end up all the way to the end of Old Garrison Rd.

Chris Parker asked if the applicant would be willing to install the trail in lieu of the \$4,000.

Bob Stowell did not feel that the applicant would. It was discussed at Conservation Commission with Tom Fargo and his indication was that he felt the easement was a step forward. In addition to getting to the trail through Sawyer Mills, once it leaves their site from the south, it deteriorates. There isn't any where to go after you get through their property. The concept was more long-range. They can do a lot of work to a trail for \$4,000 but it may be a while before you can get the next property to come in.

Chris Parker said that he is trying to mitigate the use of the \$4,000 towards the trail. Another side is why not have the developer build it and turn it over as part of the easement. There would be maintenance in the future but the trail would be in place and usable for the time being.

Bob Stowell asked what the standard would be.

Marcia Colbath said that her personal feeling is that portion of the trail, at this time, is a trail to nowhere. There are very steep embankments that would make it very difficult for that trail to ever connect to Old Garrison Road. She would prefer that they put in the easement and put the \$4,000 to the work behind Measured Progress and Liberty Mutual because it is walkable now without too much difficulty, other than going under the turnpike. She felt the money would be better served elsewhere.

Chris Parker stated #9. should be amended to use the \$4,000 on an off-site trail, if we wanted to identify it specifically for a trail.

Tony McManus said by saying off-site we preclude the \$4,000 from being used on this property. If it is changed to say that it would be used for recreational purposes it will go into the fund.



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Chris Parker asked if the Board wanted to remove off-site but leave the rest to say to use on a recreation facility.

Ron Cole explained that the Board has been doing this for years and letting the professionals determine where the money is best used.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Chris Parker stated at this time the Planning Department recommends approval of the open space subdivision with the following conditions:

1. Add the owner's signature to the plat.
2. Add the surveyor's signature and stamp and the engineer's signature and stamp to the appropriate sheets of the plat.
3. The applicant shall revise Sheet # C-1 of the plat to add a note requiring the existing vegetation to remain as shown along the common boundary with lots 21, 22, 23, 24, 25, 26, 27A and 29 of Map 16. **This vegetative buffer shall be staked in the field by the surveyor, checked and approved by staff, prior to any road or land clearing.**
4. The approval includes a granting of a waiver to allow the existing house to remain within the 100-foot front buffer.
5. The approval includes the granting of a Conditional Use Permit with the condition that the Homeowner's Association documents and individual deeds contain specific conservation restrictions designed to protect the open space and riparian buffer area.
6. The applicant shall provide a copy of the proposed Homeowners' Association documents and a sample individual deed to the Planning Department for review and approval prior to the signing of the plat. Documentation shall include notation of the private roads.
7. The applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plat.
8. 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 signing of the plat.
9. **The applicant agrees to contribute the sum of \$4,000** to the City of Dover for use on a recreation facility, prior to the issuance of the first building permit.
10. The applicant agrees to grant a trail easement to the City to allow public access along the existing trail along the river and to allow the trail to be upgraded if the City finds it necessary to do so in the future.
11. The applicant shall revise the plat to add a different road name for the short road accessing units #2-5.



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12. The applicant, in recognition of the traffic impacts attributable to this development, agrees to contribute a portion of the funds to complete a comprehensive corridor traffic study of Back River Road and Durham Road and a portion of the funds required to implement recommended transportation improvements. The applicant's fair share of the NH Route 108 Corridor Analysis, as prepared by TF Moran, Inc. (revision date May 25, 2006) is \$1,800, payable to TF Moran, Inc. The applicant's fair share of the transportation improvements, according to the analysis, was calculated to be \$6,963. To account for increases in construction costs, that figure has been increased to \$9,143. The applicant shall provide proof that the funds for the study have been paid prior to signing the final plat. The funds for transportation improvements will be due prior to the issuance of the first certificate of occupancy.
13. Each new dwelling unit shall be subject to the Impact Fee Ordinance (Chapter 170-28.7) and the school impact fee shall be assessed prior to the issuance of a building permit.
14. Each new dwelling unit shall be subject to the water and sewer investment fee in place at the time of issuance of the building permit.
15. Amend the intent note on Sheet S1 to clarify that the road will be private. Correct note 1 to identify the map and lot number to be Map 16, Lot 20, not lot 21.

Donald Andolina suggested a small change to # 9. It starts "In lieu of providing on-site recreation" and he doesn't feel that it is needed any longer and should start with "the applicant agrees to contribute the sum of \$4,000 to the City of Dover for use of any recreation facility prior to the issuance of the first Building Permit."

Tony McManus said he would second that if it was a motion.

Dean Trefethen though that in Item 11, if the name of the little driveway was changed, it would be a road that no one knows where it is. He wondered why there couldn't be a directional sign at the intersection of the two driveways saying that the numbers of those units are in that direction, as opposed to having a separate street name.

Chris Parker said that they discussed it with the Fire Department and they felt that this way was a clearer definition to reach these units. He said he would leave it up to the Fire Chief.

Perry Plummer explained that street signs with the numbers end up missing all the time. If there is a street name, they constantly do street drills so they know where that street is even if it's a small street. There is less possibility of them making a mistake and going to the wrong number.

Dean Trefethen asked if it is possible to have a similar name such as court, lane, etc.

Perry Plummer said that they would rather not, and in his experience, different street names are better for them.





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Tony McManus asked if this would involve public access or would it be a land locked lot.

Ron Cole stated that it is public access and it is supposed to involve the continuance of the walk from the waterfront.

Chris Parker said that The Nature's Conservancy has the adjacent easement. So maybe it is public access from there. He will check it out.

### **VOTE U/A**

Chris Parker said that there are two requests for extensions. Thornwood Commons - the actual concept plan (**P06-51**), and there is one request for the Villages at Thornwood (**P06-55**), which is the residential. Both are dealing with DES approval and State approvals that are taking longer than they anticipated. They are still dealing with the cleanup of the property. One is eligible for an administrative extension and the other needs to come from the Board.

Bob Stowell stated that the permits are getting fairly complicated with the various State agencies involved. They have Site Specific, wetlands issues with the dam, and the ongoing plans for the solid and hazardous waste. To get everyone to agree makes it difficult to put a timetable on it.

Ron Cole said that his recommendation would be to grant the Director to extend a 90 day extension starting today. He said considering what it is and what they are trying to do. Will someone make a motion to that?

Frank Torr made the motion to grant the extension for 90 days from today.  
Perry Plummer seconded.

### **VOTE U/A**

Tony McManus stated that he isn't sure you can do that. He said that, technically, the approval ran out and terminated and it should be from the date of approval.

Ron Cole said if you feel more comfortable he will change the 90 day extension to September 17<sup>th</sup>.

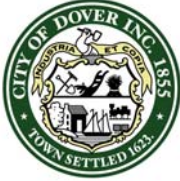
Tony McManus said if they need additional time beyond that, it would be fine with him.

Marcia Colbath said that it needs to be legal.

Frank Torr made the motion to grant the 90 day extension for (P06-51) to September 17, 2007 and the other request (P06-55) the residential to September 11, 2007.

Perry Plummer seconded.

### **VOTE U/A**



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Christopher Parker suggested a workshop on the 24<sup>th</sup> to hear a presentation on the results of the Master Plan Telephone Survey and starting the workshop at 6:30 pm, before the regular meeting would be enough. As part of the contract, the UNH survey Center will do a presentation of the survey results. The City Council and the Master Plan Committee would be invited to review the report of the findings. In addition, it will be put in a PDF form on the website. No further submittals will be accepted so it will be legitimate and scientific. He felt 6:30 would be sufficient for their 15 minute presentation and to have question and answer period.

### 7. Committee Report

Dean Trefethen stated that the Chair of the Conservation Commission, Tom Fargo was here a few meetings ago concerning outdoor wood boilers and what we could do to control them. He wondered what has gone on since he brought that to the Board's attention.

Chris Parker said that he would get Plumbing Inspector Dean Miles' opinion on how he feels and what issues he sees for Dover. He will have him work with Tom Fargo.

Marcia Colbath stated that Eric Kelsey is very interested in starting a community garden. If anyone is interested they should contact the Planning Department.

Christopher Parker explained that a community garden is a joint garden plot that anyone can come and till some of the land. It is a community building exercise. Eric's goal is that it fits in with the energy advisory group, as well as, the Conservation Commission and the Open Lands Committee. It promotes agriculture uses, promoting sustainable living and looks at ways that the land that the City has already preserved for agricultural uses be used by the citizens. The plot he has identified is a piece that the City preserved and would be accessible to all. It's a social project. In this case, it would be a vegetable garden. There is talk about doing a flower garden also.

Tony McManus said that a few years ago there was space set aside at the Community Complex.

Chris Parker said that they suggested to Eric Kelsey that he get in touch with the UNH Extension Service. He has a few sites in mind and the Open Lands Committee and the Conservation Commission will help guide him.

### 8. Adjourn

Frank Torr made the motion to adjourn.

Doug Steele seconded.

**VOTE U/A**



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