

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 26, 2005**

MEMBERS PRESENT: Dennis Ciotti, Frank Torr, Donald Andolina, Dean Trefethen,
Bryan Cahoon, Beth Thompson, Pete Lavoie, Tony McManus

MEMBERS ABSENT: Ron Cole, Mindy Anderson, Eric Tooke, John Swartzendruber

STAFF PRESENT: Steven Stancel, Planning Director and Jacqueline Freeman,
Recording Secretary

Vice Chair Tony McManus chaired the meeting and brought it to order at 7:00 PM.

ITEM #1: Citizens' Forum

No one spoke.

ITEM #2: Approval of minutes.

Donald Andolina made the motion to approve the minutes.

Dennis Ciotti seconded.

VOTE U/A

Tony McManus announced that ITEM #8: Conditional Use Permit for David Della Penta, items b and c under Old Business have all been withdrawn and would be heard at a later meeting.

ITEM #3: Consideration and acceptance of a minor lot line adjustment of land for Bonnie Leavitt, Patricia Roberge, Larrie Upton, Jerrie Upton, David & Deborah McCann, Linda Gray, City of Dover, Assessor's Map 36, Lots 29A, 29B, 29C, 30, zoned R-12, located on Horne Street*(P05-39)

Kevin McEneaney stated that this item was approved about a month ago. After that approval he was informed by Mr. McCann that the line that was agreed upon by two of the abutters on Horne St., was different than what was depicted on the plan. It was a miscommunication on his part. They have relocated the line to allow Mr. McCann to add a breezeway and garage in the future.

Frank Torr made the motion to accept the application.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

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

1. Add all of the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.

Pete Lavoie seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of a minor lot line adjustment of land for Ann Goodwin and Joseph & Shirley Robidas, Assessor's Map I, Lots 20 & 20K-6, zoned RM-20, located on Mast Road and Caileyanna Lane*(P05-40)

Kevin McEneaney represented the applicants and stated that the location of this lot line adjustment is in front of the Paddock Condominiums. He explained that 14,500 sq. ft. is being conveyed from the Robidas lot to the Goodwin lot.

Donald Andolina made the motion to accept the application.

Dean Trefethen seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Beth Thompson made the motion to approve with the following conditions:

1. Add all of the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.

Dennis Ciotti seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of a revised minor subdivision of land for Free Trade, Inc., Assessor's map 30, Lots 7, 8 & 18, zoned RM-10- & I-1, located on Horne St.*(P05-41)(1 Lot)

Kevin McEneaney explained that this is a lot consolidation and a subdivision plan. They are consolidating some lots and then subdividing a 10,000 sq. ft. parcel out in the RM-10 zone on Horne St. for a single family home or a duplex. The plan also shows they are consolidating a parcel which has frontage on Horne and on Maple Streets. The frontage on Maple Street is in an I-1 district and supports a 30,000 sq. ft building. The area fronting on Horne St. is zoned RM-10. They wish to consolidate lots 8, 7, and 18. A concern was that sufficient parking would be available for the industrial building. Mr. McEneaney handed out a breakdown of the businesses that occupy the building with the ratio of the parking spaces required per square footage of the use. The uses would require 69 parking spaces and there is a potential for up to 85 parking spaces available.

The actual usage out there is less than the 69 spaces. Kevin McEneaney stated that the new lot would be a fenced.

Dennis Ciotti recused himself from this item stating that he is a direct abutter.

Frank Torr made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

Charlene Calahan, 32 Horne St., handed the chair a letter for the Board to read in opposition to this project.

Peter Malia, 17 Horne St., was concerned that it might be a two family house and felt there are enough two family homes in the area and it is getting very crowded. The current fence is located about 6 ft. into his property. Mr. Malia stated that he doesn't want someone on the other side of his house right on top of him. He hopes that the Board takes that into consideration. He would like to see their property cleaned up and a decent fence put up to replace the chain link fence with barbed wire on the top. He wouldn't have an issue if the lot was for a single family house. He said that they deal with enough noise with trucks coming and going at all times. He added that they are big trucks. He said that the property should be studied to make sure that the building is occupied by the proper uses.

Tony McManus asked Charlene Callaghan to explain her letter because the Board members would not have the opportunity to each read the letter.

Charlene Callaghan asked the Chairman to read her letter out loud because she forgot her glasses.

Peter Malia read her letter for her. The letter was in opposition to this application, stating that it was an attempt to preserve and expand the I-1 status. They felt that this application was contrary to the public interest. They believed that the Planning Board has the responsibility to protect the intent of the RM-10 land and restrict the use of the I-1 zone to areas within the zone and to allow access to that I-1 zone only through the street access that is on Maple Street. They were against deleting the lot lines because it could lead to a request for rezoning. They would support the new lot or any subdivision that includes the RM-10 properties, supporting single family units only. They would like to see the parcel cleared of debris and graded to provide adequate parking and access from Maple St. They felt that the Board should discourage further development of an I-1 use within an RM-10 zone. They requested the following:

1. The subdivision as submitted be denied.
2. That the existing residential RM-10 lot lines remain at the zoning line.
3. The use, of any kind, of the RM-10 zone for I-1 support be negotiated out.

4. Establish a plan with the owner that over the long term converts all the subject property to single family residential house lots.

The public hearing was closed

Steve Stancel stated that the lot that is being subdivided is in the RM-10 zone and it is part of an existing RM-10 lot. It meets the minimum requirements for the RM-10 and is greater than 10,000 sq. ft. He said that he can't see a real reason to deny the application. He said that there were some concerns that were expressed in the letter about the truck traffic. He said that it is a difficult piece of property. The area was zoned I-1 strictly because that was an existing building when the zoning went in. The question is do you keep it I-1 and continue to allow the uses that are in there, or do you eventually rezone it to something that would allow multi-family uses. He said that it is an area that they might want to revisit at some time in the future in terms of zoning. He said that their recommendation tonight is to approve with conditions.

Donald Andolina felt that the letter was stating that this would expand the I-1 zone.

Steve Stancel stated that it would not expand the I-1 zoning. The zoning boundaries will stay the same.

Pete Lavoie was concerned that the plan shows the fence clearly on the parcel.

Peter Mailia stated that the fence is about 6 feet onto his land. He explained that it is the other person's land but he has been maintaining it since he lived there. He just found out that it wasn't his land.

Kevin McEneaney stated that the intent is to put a new fence up around the residential lot.

There was discussion on combining of the individual parcels.

Beth Thompson said that they would not be able to put in another residential lot because it would not leave sufficient parking for the industrial building.

Kevin McEneaney stated that the frontage on Horne St. is insufficient to create a separate residential lot within the RM-10 zone and that is why they are combining it with 21 Maple St. There are businesses that strictly access the building from Horne St. because of where the entrances of the businesses are. Kevin McEneaney explained that there is a brook that goes underneath the building and for the businesses to operate they need the Horne St. access.

Pete Lavoie asked if there was any way of screening that would alleviate the neighbor's concern.

Steve Stancel asked what kind of fence would be put up.

Kevin McEneaney said that he anticipates it would be a 6 foot white vinyl, stockade and privacy fence just around the proposed lot and not around the entire property.

Beth Thompson 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. Revise the plat to add a note indicating that the lot will be served by municipal water and sewer.
4. Revise the plat to show the existing property lines that are being eliminated.
5. Revise the plat to add a note that the portion of the existing paved driveway that is on lot #1 will be removed so that the driveway is at least five feet from the proposed property line. This removal of pavement shall be completed prior to the recording of the plat.

Frank Torr seconded.

Pete Lavoie asked if any stipulation would be put it that the lot can definitely not be built on.

Steve Stancel explained that the RM-10 area that is left doesn't have enough frontage to create a lot.

Tony McManus asked if the existing industrial building could be expanded into the RM-10 zone.

Steve Stancel said that realistically, you would see parking there. He pointed out that there is some history to this application. Originally, the applicant did want four to six units in this location. Through discussion and through concerns of the Department about making sure that sufficient space remains on this lot for parking so that the building does remain viable as an industrial use, the applicant did agree to 2 units.

Kevin McEneaney explained the number of businesses that access off of Maple St. and the number that access off of Horne St. He added that the accesses are crucial to the businesses. He said that the entire parcel is owned by Free Trade.

VOTE 3 – 3 Opposed – Dean Trefethen, Donald Andolina, Pete Lavoie

Donald Andolina said that he would be more comfortable if there was a covenant that would keep the access open.

Kevin McEneaney stated that if they decided to close the access the Planning Department would say that there is insufficient parking for the uses that are in the building. He said that he is not sure that is a concern.

Tony McManus stated that the vote is 3 to 3 and there is no legal prohibition to subdividing that lot, and on that basis, he voted in favor of the approval.

VOTE 4 – 3

ITEM #6: Application for a minor subdivision of land for Frank & Maureen Wentworth, Assessor's Map I, Lot 25B, zoned R-40, located on Drew Road. (P05-42)(1 lot)

Kevin McEneaney handed out pictures of the structure that currently exists on the lot. This parcel of land is a mobile home subdivision lot. He said that you cannot have a mobile home with the exception of being located within a mobile home park. A mobile home cannot be located on a single owned lot unless it is designated as a mobile home subdivision lot. This proposal is sort of a two stage proposal. It is part an open space subdivision and in addition to that, the open space subdivision is going to be requested as a mobile home subdivision. They are requesting one additional lot. He said that a waiver is requested. This being a two lot subdivision is only a minor subdivision and therefore, falls between the cracks. It is the desire of the owner to have it as an OSS because they wish to access the lot from one driveway as they lack sufficient frontage to make two frontage lots. Therefore, you have a two lot open space subdivision.

Kevin McEneaney said the unit in the picture is considered a mobile home even though it looks like a modular or stick built home. That is the type of unit that will be placed on the second lot. The only reason that it is classified as a mobile home is that it is on its own chassis and will be put on a slab. The yield plan shows a potential roadway and indicates that 3 and perhaps even 4 lots could be had. He said that putting in the roadway would be feasible. He said that at \$150.00 per linear foot, it would cost approximately \$75,000 for the road and the lots are worth in excess of \$100,000.00 ea. He said that Mr. Wentworth's son wants to build behind his father and that is why they are here. He said that behind this is a lot of approximately 50 acres that Paul Martel owns and a large chunk of that is developable. This is really the only way to access it so if in the future this open space subdivision is not used, an acquisition of that land could be had for a subdivision. He said that this application will require a waiver and they are here so they can proceed to the next step. He said that the notification went out to the paper as a minor subdivision and not as an OSS. He said that it will be re-notified for the next meeting.

Frank Torr made the motion to accept the application.
Beth Thompson seconded.

VOTE U/A

The public hearing was open.

Carla Fritz, an abutter, stated that she doesn't have a problem with them expanding to include family members. Her concern would be that if the mobile home park designation is utilized and they decide in the future to move on, then it would make a difference. If it's family owned she's fine with that. As far as the easement, they would also have to purchase rights to Basil's Place, which is a private road and owned by three separate

individuals. Basil's Place would have to be upgraded to a private road. She said that she is just not certain about all of the gray areas.

Steve Stancel explained that you can put in a mobile home in one of two ways. You can create a mobile home park where you have to have a large project and you put in 10,000 sq. ft. lots per mobile home. The second way is by creating a mobile home subdivision. In the R-40 zone you can put a mobile home anywhere as long as you subdivide the lot as a mobile home subdivision first and it meets the same regulations as a single family house. We can require that there be special notification to the abutters so they know that it is a mobile home subdivision. He said that this is a OSS subdivision that allows smaller lots with access on a private drive, as long as you set aside a chunk of land for open space. They are showing that they could do a conventional subdivision of 3 lots total, but what they really want to do is just create one additional lot and access it by driveway. The back portion of the land is put into open space, which would be preserved in perpetuity. He said that Ms. Fritz would be protected from additional units.

The public hearing was recessed.

Frank Torr made the motion to table.

Dennis Ciotti seconded.

VOTE U/A

Tony McManus announced that there would be a further notice of the OSS subdivision.

ITEM #7: Application for a concept Transfer of Development Rights (TDR) subdivision plan of land for STF Dev. Corp., Assessor's Map 25, Lot 56, zoned RM-10, located on Atlantic Ave. (P05-36)(8 lots)

ITEM #8: Application for a concept Transfer of Development Rights site plan of land for STF Dev. Corp., Assessor's Map 25, Lot 56, zoned RM-10, located on Atlantic Ave.(P05-37)(32 units)

Atty. Jim Schulte, stated that it made sense to do both items 7 and 8 together because they are all connected. He said that there have been a number of development rights projects that the Board has seen in Enterprise Park, where chunks of land were laid out on the survey plan and identified as non-buildable. He said that as a consequence, the receiving lot in the industrial park has allowed more intensive development. This is the same concept. Residential lots on this side of the turnpike can have greater density of development if land on the other side of the turnpike is going to be protected. In this case there is a lot of land on Littleworth Rd., a little ways past Columbus Ave. on the right hand side, which is 5.9 acres and has the potential to be developed into 5 or 6 residential lots. The owner of that property has agreed to sell the development rights on his land so that this land, which is in the RM-10 zone, would receive a few more units that otherwise would not have been possible. He explained the location and scope of the development pointing to the driveway off of Atlantic Ave. and directly opposite of Magnolia Drive for 16 unit condominiums, 4 buildings. The land extends all the way to Portland Avenue,

adjacent to some other lots in the RM-10 zone, which have 4 units each. Lots in the RM-10 zone, can be developed up to 4 units per lot. With this TDR process, the Board has to approve the concept. If the Board accepts this as a concept, they then have to go to the ZBA and obtain a Special Exception for each of these lots. If it's going to be 3-4 units per lot, we need a Special Exception from the ZBA. If it is granted they would come back to Planning Board with whatever condition the ZBA approves. He said that Steve Stancel raised some concern with them about one of the buildings that is closest to the other residences. In order to preserve the feel of the neighborhood, there is a concern with the size of that particular building. When the developer comes back before the Board, it will be presented as a duplex. He said that they probably will end up with a 30 unit project rather than the 32 units.

Atty. Schulte stated that the lot out on Littleworth Rd. was surveyed some time ago. It's a fairly long narrow lot about 1,000 ft. deep and 300 – 400 ft. wide. The intention is to take the back portion of that lot and have it subject to the restrictions. Once the development rights are taken, the land can be used for agricultural purposes but there can not be any kind of development out there. By approving this concept, you will be eliminating the construction of 5 to 6 single family homes out on Littleworth Rd., but you would be allowing 30 to 32 units, with ZBA approval, to be built on Atlantic Ave.

Frank Torr made the motion to accept the application.
Donald Andolina seconded.

Dean Trefethen asked if there are supporting regulations that allow this?

Steve Stancel explained that this is one of the new zoning changes that took place a couple of years ago. The concept of the TDR Ordinance falls under a term "Smart Growth." The concept is that you try to preserve land in the rural areas of the community so that you don't get a lot of sprawl and large projects in the rural areas. When you preserve your open space, you preserve your farm lands and your wetlands. You attempt to promote a higher density use closer to the urban core. The regulations 170:27.2 says in a residential TDR, the sending area is defined to be all land in the R-40 or R-20 residential districts and the receiving areas defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike. You have to have a minimum of 5 acres to be a sending area and the land that is preserved in the sending area has to equal the amount of land required in the receiving area. If you need 10,000 sq. ft. for each lot in the receiving area and you don't have that 10,000 feet, you can purchase the development rights of 10,000 sq. ft. out in the R-40 or R-20 zoning district and transfer those development rights. This developer is attempting to achieve a higher density for this project by purchasing and setting aside land off of Littleworth Rd. and has provided us with a map of the land that is going to be preserved and will become part of any approval of the project. It's at the discretion of the Planning Board and has to meet two criteria. The first criteria would be that this proposal be consistent with the Master Plan. The second is that the project be compatible with the land uses on neighboring lots. They are recommending a site walk.

Discussion ensued with regard to the TDR ordinance.

Steve Stancel explained that the minimum is 5 acres because they would not want people in the R-40 zones to sell 10,000 sq. ft. of their back yards. We are saying that the starting sending area has to be 5 acres but you are not preserving all 5 acres, you are only preserving the amount of square footage that you need for the receiving area.

Dean Trefethen asked what was being preserved out on Littleworth Rd.

Steve Stancel stated that the plan is showing that the beginning lot is 5.95 acres. They are purchasing more than they need for open space for the receiving area. They are going to take a portion for a future project. All they need for a sending area for this project is the 60,000 sq. ft. He said that they have asked for additional information on the lot as to whether it is uplands, or has any wetlands, because it is their interpretation that the sending area has to be somewhat usable area.

Dean Trefethen, said that the goal is to try to preserve the rural character from Littleworth Rd. and what is being preserved can not be seen from Littleworth Rd.

Steve Stancel stated that what the developer will argue is by purchasing the development rights of more than half of the parcel you are making it less developable. This parcel is up for sale now, to be purchased by a developer with the potential of several house lots but that won't be the case. It is up to the Board to determine whether this is consistent with the master plan. He said that it might not work consistently, but only approve a TDR if it is consistent with the Master Plan.

Dean Trefethen said that he remembers discussing this parcel of land a few years ago. He thought that they received a Special Exception. He said what he would like to see in this and future applications is what the contiguous upland is. He said that as land gets scarcer, swamp land should not be included because it can't be built on. He said that it has to be good land to be swapped for the right to add more units and increase the density. It needs to be shown so we know exactly what we are dealing with. He said that the sending area is steep as it stands.

Frank Torr asked if the site walk could also done on the sending area.

Tony McManus said that the sending lot area is 5.95 acres. He asked if that was the entire area including the existing building and if there was a plan to come in as a subdivision?

Jim Schulte said that there is an additional 2.3 acres. He pointed out the original subdivision. He said that the parcels in the back look like they could not be subdivided but restrictions would be placed on those. The restrictions say that they need to have a recordable signed survey plan that shows that area as a restricted area, much as the open space of an OSS subdivision. This is the equivalent of open space. It will be identified as can't be developed but it is not really being subdivided.

Tony McManus felt that the entire 5.95 acres should be designated as non-developable land.

Jim Schulte said that the two areas in the back would be identified as non-buildable. He said that the 2.3 acre parcel might have enough frontage to be developed.

Steve Stancel stated that realistically, given the depth of the lot and subtracting the 3 acres and 1.3 so that 4.3 acres is coming off these 5.9 acres. He didn't think that there would be enough square footage to realistically subdivide.

Dean Trefethen asked how many units would be possible if you didn't have the TDR.

Atty. Schulte said that he believes it to be 20. He said that they are actually creating 8 lots and each of those lots would require a Special Exception to have up to 4 residential units per lot. He added that the ZBA might not approve 4 per lot.

Steve Stancel answered that without the TDR you're looking at 20 units with a public road. This proposal adds 10 to 12 units, eliminates the public road and the access is by private drive. They are asking for a waiver on the road frontage.

Bryan Cahoon said that starting with 5 acres, a piece can be sliced off to send (60,000 sq. ft.), now he is still considered to have 5 acres. Can he send another piece after the 60,000 sq. ft., since he should have less than 5 acres, or can he keep sending piece after piece?

Steve Stancel said that you wouldn't be able to as the owner, but someone could buy a big chunk and land bank the development rights for future projects.

Jim Schulte said that the land would stay at 5.9 acres. It is just that increasingly larger portions would be restricted.

Jim Schulte explained that some people want to protect their property and it is not feasible to go through the Open Lands process where you apply for a federal grant and raise money from the city and the city buys those development rights. One way to preserve some of those large parcels on the other side of the turnpike is to allow those people to protect their land on a private basis.

VOTE U/A

The public hearing was opened.

Jan Lozo, 7 Atlantic Ave., stated that he is the abutter that will be most affected by this development. He said that he has no problem with the development of the other 5 units. He can't see him doing those 3 units that are there the way the land exists. He said that there needs to be a site walk. He said that he is not sure that they can fit all of the buildings on the land. He asked if the TDR actually gives him the right to cut down the

trees in the ravine to make the green space. The ravine has a waterway that goes through it. He felt that Chapter 170: 27.2 TDR is not clear. He said that it is hard to believe that you can take land elsewhere to greatly impact abutters somewhere else. He was also concerned that the proposed access road would flash lights into his house and would like to see it shifted. He asked for a privacy fence to stop pedestrians from walking across his lawn. Mr. Lozo felt that there should be a sidewalk down Atlantic Ave. He wants to see landscaping over the water & sewer easement. He said that a dumpster is a concern because of the view and the smell. He would like to see the lighting shining downward instead of outward. He asked if they will be filling the ravine. He stated that he wanted to participate in the site walk. He said that if this should go through there should be a walking path to Portland Ave. for the three units so the residents do not cut across abutting property.

The public hearing was recessed.

Frank Torr made the motion to table.

Beth Thompson seconded.

VOTE U/A

The site walk was set for Tuesday, August 2, 2005 at 5:30 with the meeting place at the Atlantic Avenue site he said that they will then go from there to the Littleworth Rd. site.

Steve Stancel asked them to stake the Center line and the corners of the buildings.

**ITEM #9: Application for a Conditional Use Permit for David Della Penta, Assessor's Map N, Lot 8-2, zoned R-40, located on Gulf Road.(P05-43)
THIS ITEM WAS WITHDRAWN FROM THIS AGENDA**

ITEM #10: Old Business

a. Request for an Impact Fee Waiver for Ronald & Juanita Weeden, located on Garrison Rd.

Juanita Weeden, 41 Bellamy Rd., gave the history of the lot and said that they have paid taxes on the land since 1966 and are requesting a waiver of the school impact fees. The City has a right-of-way on this land and will have an easier access through their new driveway. She said the taxes have been paid on this land for 31 years and the City will collect impact fees from the other three lots of the subdivision.

Steve Stancel explained that the lot in question was part of a four lot subdivision approved by the Planning Board on 6/22/04. The plat was signed by the Planning Board Chair on 9/28/04 and recorded at the Registry of Deeds on 10/4/04. The Impact Fee Ordinance was approved by the City Council on 1/22/03 and the Planning Board adopted the School Impact Fee on 2/25/03. RSA 674:39 states, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for

four years, provided that substantial completion of the improvements on the plat have occurred and that active and substantial development has begun within 12 months. Since this lot was not created until 19 months after the impact fee was in place and does not meet the criteria for a waiver outlined in Chapter 170-28.7G, the Planning Department recommends that the wavier request be denied.

Tony McManus asked if the impact fee was intended to be applied to someone who was building a house on their own lot.

Steve Stancel stated that it applies to any lot in the City of Dover. They are all treated the same.

Dean Trefethen said that it could be argued that the lot has been there all along and it's the other 3 lots that are the new lots and are subjected to the School Impact Fee. If they had not subdivided, they could build and wouldn't be subjected to the impact fee.

Steve Stancel stated that they still would be. He said that you can own a lot in the City of Dover for 100 years and if you come in tomorrow for a building permit, you're going to be assessed the impact fee. The concept of the impact fee is that the person building the house which is going to create the impact on the school pays the fee.

Dean Trefethen asked if any of the impact fee credits have been considered.

Steve Stancel stated that according to the Zoning Regulations there are only 3 ways that the Planning Board can grant a waiver and he read from the ordinance. 1. Units that are age restricted to senior citizens age 62 or over. 2. A subdivision or site plan approved by the Planning Board prior to the effective date of the ordinance. 3. The Planning Board may agree to waiver all or part of the impact fee assessment in lieu of a cash payment or proposed contribution of real property or improvements of equal value and utility to the public.

Kimberly Lyons, 151 Garrison Rd., she said that the Weedens are her parents and she just paid her school impact fees and moved to 151 Garrison Rd. She said that she went on line and looked up the methodologies for the calculations for impact fees. She said that they believe that having them pay taxes on this property for 39 years would entitle them to the waiver.

Steve Stancel stated that the document that she read from is the document that establishes and discusses in great detail on how the impact fee came about. What it is saying is that there is already a discount put into the impact fee for taxes that were paid by this lot in advance, as well as, anticipated future taxes. If you were to go through the document in detail the impact fee for single family detached homes would be \$4,732., however, there is a credit determined in the methodology of \$1,537. for past and future payment for existing schools. Steve said that the reasons stated where the fee may be waived are on line at Chapter 170:28.70(G) Waivers. In a nut shell if the house was part of a project that was for elderly housing (62 and over). Or, if the project met with RSA 674:39

which says that if you were approved within a 4 year time period before impact fees you are protected. There was a change in the law last year that took away that grandfathering on many of the projects because there was a cry throughout the communities in NH that a lot of houses were built within that 4 year period that the communities weren't receiving impact fees on. The last is that the Planning Board may waive all or part all of impact fee assessment and accept in lieu of cash payment, a proposed contribution of real property or facility improvements of equal value and utility to the public. Prior to acting on a request for a waiver that would involve the contribution of real property, etc., the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent. The value of contributions or improvements shall be credited only toward facilities of like kind and shall not be credited to other categories of impact fee assessment.

Dean Trefethen made the motion to approve the request for the waiver.

Dean Trefethen explained that he consistently voted against every impact waiver. In this case he has to vote his conscience.

Dennis Ciotti seconded.

VOTE 5 – 2

Opposed – Bryan Cahoon, Beth Thompson

Steve Stancel stated that the Board has to write down the reasons for the waiver in case the Board is challenged. He said the reasons for granting a full or partial waiver have to be stated for public record in case this is appealed.

Dean Trefethen stated that over the years they have paid enough on this property to cover any of the uses.

Pete Lavoie stated that he voted for it because of the sewer easement and the maintenance of the sewer easement that the City has over their property. He said that he is sure that they never got paid for this. It was part of the Morningside development and the City still has access to it.

Dennis Ciotti said that they were moving from Bellamy Rd. to this new lot so they are staying in Dover and for that reason, we are retaining a long term Dover resident. They have paid their dues, paid their taxes and City has gotten some use out of this property over the years. It is about time we did something for some of the people of the City of Dover. This is our chance to do something for the people of Dover.

Tony McManus stated that the other two items under Old Business would not be heard tonight.

Beth Thompson reminded everyone about the workshop on the TIF tomorrow night at 7:00 PM.

ITEM # 12: Adjournment

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

VOTE U/A