

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
NOVEMBER 8, 2005**

**MEMBERS PRESENT:** Frank Torr, Dean Trefethen, Ron Cole, Perry Plummer, Doug Steele, Tony McManus Bryan Cahoon

**MEMBERS ABSENT:** Dennis Ciotti, John Swartzendruber, Donald Andolina,

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

Meeting brought to order at 7:00 PM.

**ITEM #1: Citizens' Forum**

No one spoke.

**ITEM #2: Approval of minutes**

Frank Torr made the motion to approve.

Perry Plummer seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of a lot line adjustment of land for Dean Fournier Revocable Living Trust, (Owner Robert MacDonald), Assessor's Map 12, Lots 155 & 160, zoned R-12, located on Towle Ave./Clifford St.\*(P05-62)**

Rick Hebbard said that he was curious if he would be able to speak on the item on Back River Rd.

Ron stated that he would reopen the public hearing for that item. He announced that the site plan for Liberty Mutual would not be discussed this evening.

Kevin McEaney represented the applicant, Mr. MacDonald, who owns both lots. He said that Mr. MacDonald is selling the house at 4 Towle Ave., which is the larger of the two lots. Mr. Macdonald lives at the house at 3 Clifford St. and wanted to adjust the line to add 12,000 sq. ft. in the rear of his house at 3 Clifford St.

Frank Torr made the motion to accept the application.

Doug Steele 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 conditions:

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 by adding the zoning district to note #3 and the parcel number to note #5.

Dean Trefethen seconded.

**VOTE U/A**

**ITEM #4: Public Hearing to hear comments on the City's proposed Capital Improvements Program – FY06-FY12 (CIP). The CIP can be found on the City's Web Site [www.ci.dover.nh.us](http://www.ci.dover.nh.us) under City Services, click on Financial Info.**

Greg Burdwood, 1 Cedarbrook Dr., and Director of the HUB Family Center, stated that for the last year that he has been involved in the McConnell Center Reuse Committee. He spoke on the vision for the McConnell Center. He said that investing in our families is investing in the City's future. He asked the Board to support the funds for the McConnell Center.

Lisa Murphy, 56 Sandpiper Dr., spoke as a parent and a concerned citizen to address the CIP funding for the renovation of Woodman Park School. She said that the improvements to Woodman Park can not be put off any longer. She said that when the doors opened at Woodman Park it was the largest educational facility in the State of NH and was considered to have features that were state of the art. It has served the City well for 52 years. She wanted the quality of the job, as well as the cost of the project, to be considered when the bidding process gets under way. She supports the renovation of Woodman Park School.

Lori Thompson, 86 Knox Marsh Rd., stated she has a son at Woodman Park School and she was asked to speak on behalf of the P.T.O. Nothing has been done to this school as far as renovation for 50 years. She wondered if they are nearing capacity with the amount of additional space that they are asking for. She said that the cost will only go up if the renovations are delayed. She supports the renovation of the Woodman Park School.

Ed Murphy, Chair of the Recreation Advisory Board, asked for the Board's support for the reconstruction of Woodman Park tennis courts. He spoke on the disrepair of the tennis courts. They have received many complaints from the citizens of Dover. He said that they are dangerous because of the vertical and horizontal cracks.

Chairman Cole stated that he also has received a complaint with regard to the danger of the tennis courts.

Audra Lurvey, 12 Cedarbrook Drive, is a member of the Dover School Board and served on the Woodman Park School Renovation Committee. She asked for the Board's support

of the Woodman Park School Renovation. She said that Woodman Park School is structurally sound and in a fantastic location on 17 acres of park land. She asked the Board to support the Woodman Park renovation.

Ron Ouelette, President of the Board of Directors of the Health Family Resource Center and the Chairperson of the Future Tenants Committee for the McConnell Center, said he was asking the Board for their support for the McConnell Center.

Alexis Discoulis, 36 Hill Street, said that she was representing the Coheco Arts and Technology Academy (CATA). She bought a number of people with her whom she was representing. The CATA is pleased to announce its commitment to being a part of the McConnell Center community campus. She said that the CATA will bring energy and young adults who would be involved with the community center through artistic and volunteer outreach. She asked the Board to support the McConnell Center funding.

Ron Cole took a count of the hands of the supporters from CATA. There were approximately 30 hands that were raised.

Marsha Colbath, Chairman of the Open Lands Committee, asked for support and funding for the preservation of open space. With the addition of the historic Tuttle Farm Preservation, their funds may fall short without the one million dollars slated for FY 2007. She asked for the Board's support for the funding of \$1,000,000.00.

Nick Skaltsis, 6 Eric Drive, Chair of the Woodman Park Architectural Design Committee and has served on the McConnell Center Oversight Committee, asked for support for the Center.

Chris Wyskiel, 15 Lexington Street, has 3 sons who all attended Woodman Park School. He supports the funding for the Woodman Park Renovation.

Richard Hayes, 57 County Farm Cross Road, and Executive Director of Strafford County Community Action, said that the programs that they operate help with the fuel assistance, they deliver meals on wheels, weatherize homes, etc. They are a potential tenant at the McConnell Center and he echoes and supports all that has been said about the McConnell Center. The building is a local treasure and if you can get all these organizations in there the community will benefit greatly. He supports the McConnell Center.

Jim Verschuren, 102 Sixth Street, supports the McConnell Center. He said that there is no other place in the country that has the potential for what is being done in Dover with the McConnell Center. The partnership between the City and the non-profits is extraordinary. The Dover Adult Learning Center has outgrown the church and they are looking forward to being in the McConnell Center. He asked the Board for support.

The public hearing was closed.

Ron Cole stated that he would set up a workshop for next Tuesday, the 15th.

**ITEM #5: Old Business.**

- a. **Discussion and vote on a site plan of land and conditional use for Raymond Martineau, Jr., (Phase I) Assessor's Map I, Lot 56, located at 47 Back River Rd.(48-unit independent living congregate care)(P05-48)**

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

Bryan Cahoon seconded.

**VOTE U/A**

Bob Stowell represented the applicants and said that he would be speaking on the cottages first. Number one on his list are the traffic issues, site distance and corridor issues. They have modified their trip generation report and they handed out a copy of the study from TECH LLC. Their original study addressed traffic generation for the two uses, the 150 unit congregate care building as well as the 48 unit cottage. Through discussion with staff, it was decided that the 62 years and over owners would be more active than the people in the main building so a more aggressive trip generation for those units was needed. The 62 and older Congregate Care category would be put into a 55 and older category, which they have seen a lot in this area of New England. They have some pretty solid numbers based on existing facilities of 55 and older. The study makes that adjustment by beefing up the traffic generation for the more active people in the cottages. The study talks about the site distance and how they achieved the 300 feet sight distance in both directions for a design speed of 40 mph. The road is posted at 30 mph. They will be putting down some traffic tubes and traffic counters on Back River Rd. so they can find out what the actual speed is and to see if 300 feet is appropriate or if they should be looking at a larger site distance at the entrance. This project has agreed to contribute financially for a corridor study that is being spearheaded by another project proposed at the intersection of Mast Road and Route 108. That project is in the design process with TFMoran. They handed out copies of that report to the Board members. They will have a representative from TFMoran present at the next meeting to answer any questions relative to that study.

Chris Wyskiel said that on the punch list for the cottages is to have some documentation of the food service. He spoke of the letter from Bellamy Fields agreeing to prepare meals off site and deliver them for further preparation to the common dining facility of the independent cottage. He said that at some point, it's going to be more practical to prepare meals on site. They will be delivering revised floor plans of the common facility as the kitchen will be enlarged slightly for on site meals preparation. That will also provide the capabilities, if they decide, to have an outsource vendor. Mr. Wyskiel stated that Steve Stancel asked for some documentation about the meals. They will get the condominium documents out.

Frank Torr asked Bob Stowell to address the issue from Dave White, with regard to the retaining wall that would necessitate grading on the adjacent property.

Bob Stowell stated that they have looked at the grading and he felt that they could accomplish that without disturbing the abutter. Bob Stowell stated that it is true that the wall has to come down for the entrance and to achieve their sight distance. He said when you stand out there today; you have the 300 feet of sight distance that they are trying to achieve without modification on the frontage. Although some of that wall is in front of the abutter, it's within City right-of-way.

Frank Torr felt that if they were going to do grading on the adjacent property, there would have to be some negotiations.

Chris Wyskiel said that, legally, there needs to be permission of some sort.

Bob Stowell stated that they are asking for a Conditional Use Permit. He said that they have pulled all of that construction out of the 50 foot buffer for the cross-country water/sewer line that goes through a wetland. They also asked for the impact to the 20% slopes. They did receive a favorable recommendation from the Conservation Commission with three conditions. He said that 2 are already incorporated in their plan set.

Steve Stancel stated that the staff recommends that this item be placed back on the table. They just received the corridor analysis and that is the primary reason that it be placed on the table.

Chairman Cole stated that he will open a public hearing to hear both a. and b. at the end of the discussion on b.

Tony McManus made the motion to place this on the table.  
Dean Trefethen seconded.

**VOTE U/A**

**b. Discussion and vote on a site plan of land and conditional use for Curry Brandaw Architects (Phase II) Assessor's Map I, Lot 56, located at 47 Back River Rd. (115-unit congregate care facility)(P05-49)**

Frank Torr made the motion to take this item off the table.  
Doug Steele seconded.

**VOTE U/A**

Bob Stowell stated that the discussion with regard to the traffic for Item 5 a. also applies here. The major change is the fire lane access and the continuation of the parking lot drive for access behind the building. Those will be paved drives and maintained year around for emergency access to the building.

Dean Trefethen asked if he would consider pervious pavement for those areas around the building. He said that in this situation traffic is not the issue.

Dan Roach stated that they would certainly consider that.

Steve Stancel said that the staff recommends tabling after the public hearing. He stated that the list of issues remaining are on the desks.

The public hearing was opened for items **a. Phase I, Raymond Martineau 48 unit congregate care and item b. Phase II, Curry Bradnaw, 115 Congregate Care, the located at 47 Back River Road.**

Rick Hebbard, 97 Spruce Lane, felt that it was inappropriate to have this meeting tonight because it is Election Day and two members of the Board are out this evening. He said that Frank Torr was correct when he spoke about the stone walls in NH. He said that they are sacred to the State of NH. He said that there are RSA's referring to the preservation of those stone walls and the law is clear and the spirit and intent of the law was to forever preserve the stone walls. He said that it would be a crime to remove the stone walls to profit one man. The traffic engineer negligently misled the Board at the last meeting when he said that only 4 trips would be generated during the AM peak time. He later said that there would be 11 trips generated and continuing later he said that it may be 15 trips. All these numbers leave out the fact that there will be dozens of trips generated by those who will be living in those units. The traffic is backed up every week day to Wingate Lane, at peak time. Models are only as good as the information put into it. He said that at this time the plan shows one lot and dozens of condos. He asked if anyone had a clue as to how the City would assess taxes on this facility. He felt there were numerous issues that need to be reworked to bring to the community a useful facility that wouldn't infringe upon the area. He requested that the Board vote no to the project as it stands today. He asked that they not be allowed to remove any stone walls and made to work around them.

Mary Hebbard, 97 Spruce Lane, stated that she had many questions about the project. She said that she had a problem with the project as it concerns traffic. It is like a square peg going into a round hole. This proposal is a condos project next to a congregate care facility. She doesn't see the condo part of it having any relation to the main facility. She said when Bellamy Fields came before this Board for approval they were not set up to do catering services and it was not part of their plan. She asked that they come back before the Board because it will have an impact on traffic.

The public hearing was recessed.

Frank Torr said that he believes that this is a subdivision because there will be individual owners of each condominium and to him, that is clearly a subdivision. He said that they lack frontage but could purchase the property sufficient to have the frontage. They need to get an agreement from an abutter to take care of the grading for the removal of the wall. He was in the Legislature when the stone wall revision was passed and it goes beyond the boundaries and they are sacred. There is no collusion between Rick Hebbard and himself. He said that there should be a legal opinion on the walls. During the site walk there was talk of removing the stone wall boundary separating the property to the

north. Mr. Torr said that there are two legal issues, the issue of the subdivision and the issue of the stone walls.

Tony McManus stated that he agrees with Frank Torr.

Ron Cole asked if anyone has done any research with respect to the RSA's and the stone walls.

Steve Stancel stated that the staff has and if the Board wants it in writing they will get it in writing. They spoke with Susan Slack from the NH Municipal Association and she indicated that there are only two State laws pertaining to stone walls. One is the Scenic Road laws and the other regards stone walls that act as boundary lines. He will contact another attorney and get a legal opinion in writing prior to the next meeting.

Ron Cole said that he was assuming that the stone walls that they are referring to on the site walk were not boundary walls.

Frank Torr stated that he doesn't agree. The stone walls to the northwest, is the boundary line between the property to the northwest and the property proposed to be developed. It was clear that one of the engineers said that they would be removing some of that stone wall.

Bob Stowell stated that the plan has been revised to fix that situation. It wasn't their intent but their plans did indicate that it was going to be necessary. Because of the comments that they heard on the site walk, they have reworked the plan so that they do not have the impact on that particular wall. He said that they are not going to disturb the wall.

Steve Stancel stated that he will also get a legal opinion regarding the subdivision issue. He said that there are any number of condominium projects out there, today, that as far as the City is concerned, are treated as a single lot. He said that the alternative is to put in a public road.

Tony McManus made the motion to table.

Dean Trefethen seconded.

**VOTE U/A**

- c. Discussion and possible vote on Liberty Mutual. Would not be addressed this evening.**
- b. Discussion and possible vote on a site plan for Paolini Brothers Development, Assessor's Map K, Lot 22, located at 48 Dover Point Rd. (P05-47)(7 units)**

Frank Torr made the motion to take this item off the table.

Doug Steele seconded.

**VOTE U/A**

Kevin McEaney stated that this is a 7 unit condominium project. This project received ZBA approval for a Special Exception to allow residential units within the B-3 zone in June of 2005. The Board had a public hearing and did a site walk. The number of parking spaces was an issue. By the ordinance they are required to provide 2 parking spaces per unit and they are providing 4 additional spaces. This project is partly within the B-3 zone and partly within the ETP zone. This Board previously approved the lot line adjustment which provided additional area and for access for municipal sewer. They have currently applied to NHDOT for an expanded driveway permit. He said that the density calculations are noted on the plan in the upper left hand corner. He explained how the density was counted with the two different zones. The Conservation Commission approved the 145 sq. ft. of temporary impact last night.

Dean Trefethen asked about a dumpster.

Kevin McEaney stated they would have curbside pickup.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated that the Planning Board conducted a site walk on September 20, 2005. They appeared before the November 7 Conservation Commission for a temporary wetlands impact for the sewer line. The Planning Department recommends approval of the site plan and Conditional Use Permit. He read the staff recommended conditions of approval.

Chairman Cole asked if the \$1,400 requested for recreation was specifically earmarked for that area and would not go into the general recreation fund. He asked Steve Stancel if there has been anything done with the play area that is off of Applevale?

Steve Stancel answered that the funds would go to that specific area, and that he would find out if anything has been done off Applevale.

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

1. Add the owner's signature to the plan.
2. Add the surveyor's stamp and signature and the engineer's stamp and signature to the appropriate sheets.
3. Provide the Planning Department with a copy of the NH Department of Transportation Driveway Permit and add the permit number to the plan.
4. Provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit and add the permit number to the plat.
5. Revise the plan to indicate the size and/or caliper of the proposed landscaping shown on sheet #4 on the plan.
6. Revise the plan to add a private road name approved by the Building Inspector.

7. In lieu of providing on-site recreation, the applicant agrees to contribute the sum of \$1,400 to the City of Dover for use in upgrading existing recreational facilities, prior to the issuance of the first building permit.
8. Revise the plan to add the location of a mailbox cluster.
9. Conservation Commission condition:
  - a. Prepare wetland restoration documentation report for the wetlands disturbed by the utility line installation.

Bryan Cahoon seconded.

**VOTE 5 – 1**

**Opposed – Tony McManus**

**d. Discussion and possible vote on a major subdivision of land for Jonathan & Melissa McCallion, located on Old Rochester Rd. (P05-51) (7 lots)**

John Berry, of Berry Surveying, represented the McCallions and stated that since the last presentation they have gone from the proposed 8 lots to 7 lots. He said that the loss of the lot is due to the result of the frontage on the cul-de-sac. They have gone on a site walk. One concern of one of the abutters was the tree line along the boundary line with Maplewood Ave. The boundary markers along those lots have been flagged and it was clear to see that most of the tree line is on the abutting properties. They are willing to agree to a no cut buffer to prevent any clearing on their side of the line within the building setback of 15 feet. He reviewed the Engineering comments and it doesn't appear that there are any major problems.

Mr. Berry said that they found that the catch basin, located across the street at Oxbow Lane, was a self leaching catch basin that collects all of the water from 5 driveways and  $\frac{3}{4}$  of the first stretch of Oxbox Lane. They are proposing to replace that self leaching catch basin and pipe the water across Old Rochester Rd. into their proposed system and then it will flow down to the detention pond on the back side of the property. He said that there was some discussion at the site walk on who should be responsible for the maintenance. He said that Dave White suggested that it should be the owners of Lots 32-3 and 32-4. They are willing to agree to some agreement but it seems that the City should have a little responsibility for collecting some of their drainage and help to solve the problems on Oxbow Lane. They will be extending the water line approximately 700 feet up to the end of their proposed roadway. It was suggested that they meet with Engineering to come up with a real plan for house tie ins and cross tie ins and to determine how this water line will be constructed. They are specifying medium size street trees according to the tree list.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel said that the Planning Board conducted a site walk on October 22, 2005 and he read the staff recommended conditions of approval. He then brought up the detention pond maintenance for discussion and said that it should be regulated by a lot

owner or by some other method. He said that, traditionally, any detention pond created as part of a subdivision is to be maintained as part of that subdivision, either by a condo association or by the property owner that the pond is on. This is unique in that it will be taking some drainage from off site into it.

Dean Trefethen indicated that he would not have a problem with assigning maintenance of the detention pond to one landowner but he would have concerns with it being divided between two landowners. He asked if the property line could be adjusted so that the detention pond would be within one lot.

John Berry said that it would probably be possible to end up with the pond on one lot. The only thing that may complicate that is the discharge and having to maneuver the lot line around that outlet. He said that it could be made the responsibility of 32-4 by putting everything on that lot. He agreed that joint ownership would not work.

Steve Stancel stated that one of the conditions of approval could be changed to say that the detention pond is to be relocated entirely onto one lot. He said that they have been researching City lots that might have the potential to accept the existing house. There may be one off of Glenwood Ave. and they are in the process of determining the cost of moving that house.

Dean Trefethen 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.
3. Add the surveyor's stamp and signature and the engineer's stamp and signature to the appropriate sheets.
4. Approval includes the granting of a wavier to the road width requirement to allow 24 feet.
5. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency's Notice of Intent Permit has been filed.
6. In lieu of providing on-site recreation, the applicant agrees to contribute the sum of \$1,400 to the City of Dover for use in upgrading existing recreational facilities, prior to the issuance of the first building permit.
7. The applicant shall contribute the sum of \$1,450 to the Community Services Vehicle Fund prior to the issuance of the first building permit.
8. Revise the plat to add street trees as required by Chapter 155-36-E.
9. The detention pond to be relocated entirely onto one lot.
10. Revise the plat to add a note specifying that a "no cut zone" be established along the northern property line for a width of 15 feet and label the rear setback areas of lots 1, 2, & 3 accordingly. This 15 foot wide area is to be preserved as a buffer for the abutting homes.
11. Any other conditions recommended by the City Engineer as follows:
  1. The underground electric and telephone utilities need to be designed and shown on the plan.

2. A light should be installed at the entrance and one at the cul-de-sac.
3. The hydrant should be specified as Eddy hydrants.
4. Add another sewer manhole (SMH) at station 1+20 Rt 6', with straight runs of pipe between the SMH's.
5. Run the 8" sewer main at minimum slope of 0.004. This will place the last SMH at station 2+50 with 4 ft of cover. All gravity sewer services should tie into the main. The two forcemain services can tie individually in to the last SMH. This will eliminate the need for a common forcemain. The catchbasin locations should be adjusted to station 2+55 to avoid the new SMH location.
6. Relocate Catchbasins (CB) #1&2 onto the radii points at the intersection of Old Rochester Rd.
7. I recommend adding a drain manhole at station 1+20, Lt 14'. This will avoid utility conflicts and allow the drainline to be deeper. We would like to more cover over the drainline at the Oxbow intersection.
8. Detention pond maintenance should be regulated to the lot owner.
9. Coordinate with the engineering department on the design and layout of the proposed watermain reconstruction in Old Rochester Rd. (i.e.; house services, sidemains, cross ties)
10. Show the street trees and any landscaping.

Frank Torr seconded.

**VOTE U/A**

**Abstained – Tony McManus**

**e. Discussion and possible vote on a site plan of land and Conditional Use for Appledore Engineering, located at Shaw's Plaza, Central Ave. (P05-58)**

Frank Torr made the motion to remove this item from the table.

Dough Steele seconded.

**VOTE U/A**

Jennifer Viarango, stated that they held a site walk on October 22, and one of the main concerns was the location of the existing crosswalk and whether there was a need to move it. She said that Steve Bird notified her of the Lot Merger form that needed to be signed to consolidate the two lots. Another concern was the architectural drawings. She had two 11 ½ X 17 showing the front view of the proposed restaurant and the view from Central Ave. She said when a tenant is chosen if it is any thing different from this plan, they have to come back before the Board for review. She said that they have included an Operation Maintenance Plan. Their drainage study includes who will maintain the underground detention system, catch basins, who the contact person is and how often the systems will be cleaned, etc.

Steve Stancel gave the recommended conditions of approval.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve the plan and the Conditional Use Permit with the following conditions:

1. Add the owners' signature to the plan.
2. The property owner shall submit a Lot Merger Form for the Planning Board Chair's signature.
3. The applicant shall revise the lighting plan to reduce the lighting to comply with Chapter 149-14-E2(b).
4. The applicant shall prepare a stormwater management and maintenance plan for review and approval by the Planning Department and Dean Peschel of the Community Services Department.
5. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency's Notice of Intent Permit has been filed.
6. The applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plat..
7. Since the type of restaurant is not known, the applicant shall return to the Planning Board for review and approval of the architectural design for the specific restaurant if it is substantially different from the submitted elevations.

Perry Plummer seconded.

**VOTE U/A**

**ITEM #6: New Business**

**a. Lot merger for Shane Moores and Hadley Moores, Assessor's Map G, Lots 6A & 6D, located on Littleworth Road.**

Frank Torr made the motion to accept.

Doug Steele seconded.

**VOTE U/A**

Steve Stancel stated with regard to the letter to James Griffin, that they were given a 30 day extension of approval of a gravel permit with the condition that they would fill the areas of operation up to 91' elevation to eliminate any standing water. The approval was given on October 5<sup>th</sup>, 2005 which means by November 5<sup>th</sup> this should have taken place. Staff has been out there about 3 times and the problem with this past month is that it has been the wettest October on record and with the torrential rains they have not been able to accomplish this. The pit owners have been trying to fill it in but they are not having any success because of the rain. Staff went out again today and witnessed them working feverishly. Bruce Woodruff suggested that they be given another two weeks and then come back to the next Planning Board meeting. In the meantime they will have their hydro geologist go out there and find out what is going on. Steve Stancel felt that all the rain has affected the groundwater elevation.

Ron Cole said that his recommendation would be to extend the permit until the 22<sup>nd</sup> of November.

Tony McManus made the motion to grant the extension of two weeks, and if it is not completed within two weeks to ask the City to revoke the permit.

Dean Trefethen seconded.

Dean Trefethen asked that if it was determined that the groundwater has risen in that area what would the status be of the 91 feet elevation that we have established be.

Steve Stancel stated that they would first get the report from the hydro geologist to see what he thinks. He said that the regulations are geared on the average elevation. It is possible that it is higher temporarily because of all the rain and it will go back down below the 91.

Dean Trefethen asked if it would it be logical to assume that the other pits adjacent to him have the same situation occur if the elevation has risen.

Frank Torr stated that he can attest that they have because he can see it when he goes to recycling center.

Perry Plummer asked if they could complete this in two weeks if the elevation is higher.

Steve Stancel stated they need to get it completed or do a report that tells us why they can't within the two weeks. He added that he would like to see in the hydro geologist report if the elevation is high, if it would be likely to remain high, or if it would go back down and for how long.

**VOTE U/A**

Steven Stancel reminded the Board of the Planning Board Workshop, next Tuesday, at 7:00 PM.

Tony McManus suggested the Board consider putting another million into Open Space for future years such as the 2008 Budget. He asked that the Board give that some thought before the workshop.

Steve Stancel asked if anyone has any specific question to let him know so that the proper department head could be present.

Ron Cole said that he has a couple of recreation questions and asked that Garry Bannon be present.

**ITEM #8: Adjournment**

Frank Torr made the motion to adjourn.

Doug Steele seconded.

**VOTE U/A**