

Bob Stowell stated that it is not designed for true loading docks with overhead doors because these are small users. If there is a need on an infrequent basis, it can be done. They have submitted cross easement language that will be recorded with the plan.

Beth Thompson made the motion to accept.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel gave the recommended conditions of approval.

Bob Stowell asked if the architectural drawing would be due at the time of the building permit or prior to getting the plans signed.

Steve Stancel stated that at the time of the building permit would be OK.

Peg Stevenson made the motion to approve with the following conditions.

1. Add the owners' signature to the plat.
2. Add the surveyor's stamp and signature to Sheet T-2
3. Add the engineer's stamp and signature to sheets SP-1-4
4. The applicant shall provide an architectural rendering of the proposed building.
5. The applicant shall record the Utility Easement Deed at the Strafford county Registry of Deeds and provide a copy to the Planning Department prior to final approval.

Dean Trefethen seconded.

VOTE U/A

ITEM # 4: Withdrawn

Tony McManus asked if anyone objected to going to ITEM #5: New Business before the discussion on the CDBG funding.

No one objected.

a. Impact Fee Waiver Request for Ronald & Sue Burd, for Assesor's Map M, Lot 76-21, located at 51 Waterloo Circle.

Steve Stancel stated that this lot was part of the Captain's Landing subdivision that was approved by the Planning Board on September 8, 1998, which was prior to the Planning Board's vote to adopt the school impact fee. The plat was signed by the chair on April 21, 1999 and recorded at the Registry of Deeds the same day. Substantial construction of the road began within one year of recording the plat and the first building permit within

the subdivision was approved on April 4, 2000. 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. The authority for impact fees was adopted as Chapter 170-28.7 in the zoning ordinance. Due to the fact that this lot was approved prior to the adoption of the school impact fee and is protected from zoning changes under RSA 674:39, the Planning Department recommends that the waiver be granted.

Frank Torr made the motion to grant the waiver
Beth Thompson seconded.

VOTE U/ A 6-1 Opposed – Dean Trefethen

**b. Impact Fee Waiver Request for Sylvia Fosco, for Assessor's Map L, Lot 63,
located at 301 Dover Point Road.**

Sylvia Fosco, 301 Dover Point Road, stated that her information has been submitted on her application.

Steve Stancel asked if there was any chance that Ms. Fosco's brother was older than 62.

Ms. Fosco answered that he is her younger brother and she is not 62 yet.

Steve Stancel explained that the problem with this waiver request is that this is a house that has existed for over 60 years and now they are adding a unit. He said that the impact fees indicate that any unit added to a single family, therefore, making a duplex requires an impact fee. There are ways to waive impact fees under RSA 170-28.7G. The first is if the unit will be occupied by a person who is 62 or older and there has to be a provision on the deed to stipulate that that is going to take place for as long as 20 years into the future. The second is if the parcel meets with RSA 674:39, which deals with recently approved lots within a four year time period of the zoning change and lastly, per 170-28.7G c. , the Planning Board can waive an impact fee or assessment and accept in lieu of a cash payment, a contribution of real property or the construction of capital facilities, which is not taking place. Mr. Stancel stated that this application doesn't meet any of the three waiver conditions and the Department recommends denial of the waiver application.

Dean Trefethen made the motion to deny the waiver.
Don Andolina seconded.

VOTE 4 – 3 Opposed – Frank Torr, Allan Schintzius, Peg Stevenson

Sylvia Fosco stated that she did not get any notice of the meeting until 3:00 PM. She said that the letter she received for the impact fees was dated January 25th and their contractor brought it to her on March 4th. She said that the waiver fee was addressed to her but it was not mailed to her. She said that she was annoyed that it was not mailed directly to her.

Steve Stancel stated that the fees are assessed at the time of the building permit application with an attached bill that has to be paid prior to the Certificate of Occupancy. He said that whoever picked up the Building Permit should have received the Impact Fee bill.

She said that she asked her contractor if he knew about the Impact Fee and he responded by saying that cities and towns have different fees. She added that that the Planning Board ought to be helping people who are seeking their help.

Tony McManus stated that the Board is limited in the conditions that they can approve a waiver and the circumstances of Ms. Fosco's application don't meet any of the three requirements.

She asked that she receive an apology.

c. Impact fee waiver request for Michael & Beth Beaudin, for assessor's Map M, Lot 76-9, located at Waterloo Circle.

Attorney Ferrini stated that he would like to agree with the City's assessment as Mr. Stancel indicated with regard to the Burd application. He said that it is the same situation as the Burd application as it comes from the same property. He respectfully requests the Board's approval.

Steve Stancel stated that this also a part of the Captain's Landing subdivision and therefore, the Planning Department recommends the waiver be granted for the same reasons as the above request for Waterloo Circle.

Peg Stevenson made the motion to grant the waiver.

Donald Andolina seconded.

VOTE 6 – 1

Opposed – Dean Trefethen

ITEM #4: Old Business

b. Discussion and possible vote regarding Community Development Block Grant (CDBG) funding.

Steve Stancel stated what is usually the case on an annual basis is that they try to go through all their CDBG allotments to find out if there is any outstanding monies left over from projects that have been completed during the last year. They were able to find some additional dollar amounts as well as some program income from the Joe Sawtelle Trust that came from the parking lot adjacent to the Pacific Mills. He said that they do have a little more money than they first thought and that has changed some of their recommendations.

Rick Jones, Community Development Coordinator, went over the reasons for the change in the fund amounts. They have been working with the Finance Office in closing out

some of the previous grant years. Projects that were complete or partially completed have been closed out and the funds have been brought forward into the next grant. He went over the list of Revenue Sources. The total funds available are \$629,801.00.

Tony McManus stated that John Swartzendruber could join into the discussions but he wasn't certain if he could sit in Pete Lavoie's seat.

Discussion ensued on the funding and the priority rating. Rick Jones responded to all the questions.

Tony McManus asked the Board how they wanted to vote on the various items.

Frank Torr made the motion to adopt the Planning Department proposals.
Peg Stevenson seconded.

Dean Trefethen made an amendment to the motion to shift the \$2,000.00 for NH Legal Association to Seacoast Big Brothers/ Big Sisters.

Donald Andolina stated that it might take a little more time but he would like to go through each item listed in Public Service Agencies. He thought that it would be worthwhile and would be informative.

Beth Thompson asked why the Department chose NH Legal Services vs. the other agencies.

Rick Jones stated that it came down to the fact that it was a medium/high priority. He said that NH Legal Assistance serves two functions. The medium priority activity from their perspective was the landlord educational part. The high priority was the eviction prevention part. They do tenant advocacy. He said that all of the agencies that apply for funds are good agencies, unfortunately there are a lot more requests than there are funds available.

Tony McManus listed each item individually and asked the Board if there were any amendments. There were none except for the original amendment to shift the money from NH Legal Association to Seacoast Big Brothers/Big Sisters.

Tony McManus stated that Dean Trefethen's motion has been moved and seconded to shift the \$2,000 from NH Legal Association to the Seacoast Big Brothers/Big Sisters.

VOTE 4 - 3 Opposed - Beth Thompson, Frank Torr, Peg Stevenson

Peg Stevenson made the motion to approve the Public Service Agencies as amended.
Donald Andolina seconded.

VOTE U/A

Tony McManus started with the Administration Item.

Dover Adult Learning Center

Steve Stancel stated that they are recommending that the additional funds that they are reprogramming as well as taking funds out of the HRL pool funds be used so that the Dover Adult Learning Center could be fully funded. He said that it is a first step in the eventual renovation of the McConnell Center. Something had to be cut out on the list so they are recommending that the elevator in the McConnell Center be put on hold with the idea that we come back next year after more definitive and final plans are in place.

Don Andolina asked if the amounts of money for the two items for the McConnell Center will they be used to supplement the CIP Program.

Steve Stancel stated that there was \$425,000 approved in this year's CIP that will be used to button up the building, to design the sprinkler system and to bring the sprinkler system head into the building. These particular funds will be more specific and will be used in an area of the building that has been identified for use for the Dover Adult Learning Center. There will be some connections with the sprinkler system but the system for the entire building has to be designed in order for DALC to tie in. The total cost to rehab the buildings has been estimated anywhere from 2 – 4 million dollars. Any monies that have been set aside are working towards that eventual master plan.

Dennis Ciotti made the motion to adopt the Administration, Rehabilitation, Public Facilities and Economic Development portion.

Beth Thompson seconded.

VOTE U/A

Dean Trefethen motioned to approve the entire package as amended in both categories.

Frank Torr seconded.

VOTE U/A

Dean Trefethen reminded the Board that the Council would be holding a workshop, Wednesday, to discuss the waterfront and stated that the Board was cordially invited to attend.

Peg Stevenson said that Headmaster Dennis Runey makes a very good point in his letter dated March 11, 2004, because looking at the percentages of the busses that have traveled on Spruce Lane, many of those that were sighted were mini busses. She thought that Mr. Runey has proved his point and that this issue should be put to bed. She said that his point is that he can request that the busses stay off of Spruce Lane but he can not enforce it. She said that she wanted to thank Mr. Runey for getting this information to us.

Tony McManus said if there were no objections he would like the Planning Department to forward this letter to Mr. & Mrs. Hebbard for their review.

Frank Torr stated that he would like to see a legal opinion. He said that the legal opinion is important because he thinks that the Board went overboard by restricting those buses

servicing PCA whereas they do not restrict any public ones. He thinks that the opinion should be forwarded with the letter.

Steve Stancel stated that he will contact the City Attorney.

Beth Thompson asked if there were any other complaints other than from that one family.

Steve Stancel stated that it was the only complaint they have received.

Tony McManus stated that the same night as the Council Meeting there is at the Newington Town Hall to discuss the Dover/Newington Bridge. He said that he thought that the time of that meeting is 6:30 or 7:00 PM.

ITEM #6: Adjournment

Frank Torr made the motion to adjourn.

Beth Thompson seconded.

VOTE U/A