

DOVER PLANNING BOARD
MINUTES OF MEETING
APRIL 27, 2003 ✓

MEMBERS PRESENT: Donald Andolina, Otis Perry, Anthony McManus, Dennis Ciotti, Frank Torr, Beth Thompson, Pete Lavoie and Ron Cole (late)

MEMBERS ABSENT: Margaret Stevenson, Eric Tooke, John Swartzenbruber

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

Tony McManus, in Ron Cole's absence, brought the meeting to order at 7:02 PM.

ITEM #1: Citizens' Forum

Marilyn Follansbee, 25 Dover Point Road, stated that she wanted her concerns and thoughts with regard to the proposed rezoning of Dover Point Road to be heard in this forum tonight since she was not certain that she would be back from a trip in time for the May 11th public hearing. One solution to the problem would be to change Lot K19A, to R-12 rather than have the whole area rezoned to match that lot. She stated that the B-5 zoning will allow a gas station to be built where a B-3 zoning would allow a gas station by Special Exception. The area has come up for rezoning many times since they moved there in 1976. She felt that any rezoning would necessitate that the road be widened and a possible traffic light. The traffic will not subside unless the toll goes down. She was concerned that the fields that surround them that absorb the water to fill their wells would be turned to blacktop for parking lots for businesses.

Ms. Follansbee stated that many businesses opened in Thornwood and soon closed. There is not much demand for business in the area. She ended by asking the Board to let the area between Dover Auto and Thornwood to remain residential, and include lot K-19A in that plan. She said that she does not know of any homeowner in this area who thinks that a gas station or any other business would add to the quality of the area or value of their home. Ms. Follansbee handed over a petition of signatures of people who wished to have the area remain R-12.

Toni Kretsepes, 15 Dover Point Road, stated that everything that Marilyn stated was correct. She said that she doesn't understand spot zoning. She said that she doesn't know what the intent of the rezoning is. She said that the amount of traffic (14,200 cars) as quoted is not generated by their residential area but from the people trying to save the 50 cent toll. She said that they were there first. She said that in the past they gave variances for other businesses, so for being good neighbors, this is the result. She will be back for the May 11th meeting.

Beth Thompson 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.

Tony McManus 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 final plat.
3. Revise the plat by adding the surveyor's signature to the seal.

Otis Perry Thompson seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of Driveway Waiver, for Stephen Copp, Assessor's Map D, Lot 28, zoned R-12, located at 15 Evergreen Valley Drive *(P04-12)

Steve Copp stated that their driveway does not meet the 5' setback. When the developer put in the driveway it was put on the property line. He provided photos for the Board.

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

VOTE U/A

Steve Stancel stated that the Planning Department recommends that the driveway waiver be granted because without the waiver, it would be very difficult to drive into the garage and the impact to the direct abutter is limited due to the locations of the garages.

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

VOTE U/A

ITEM #6: Consideration and acceptance of a Conditional Use Permit for Dover Building Partners, Assessor's Map H, Lot 18, zoned R-20, located on Knox Marsh Road.* (P-04-16)

Reuben Hull, Civil Design, introduced John O'Neill from Dover Building Partners. He explained that the Conditional Use is for a driveway. He said that ITEM #10 is a Notice of Merger that is needed to make this project happen. He explained that the original plan of commercial doesn't work with the configuration of the wetlands on the lot. They will merge the two lots and add 3 units total to the existed 45 units that have been approved. The driveway will serve as an access to the City owned Bellamy Park. They have taken the one unit that was approved as Unit 45 and combined the three units to create a 4 unit

condominium. He stated that they do have a Wetland Permit, approved in 2002, when they were looking at doing this as a subdivision. They also have the driveway permit that was approved in 2001. They are looking for the approval of the Conditional Use Permit and the Voluntary Notice of Merger.

Steven Stancel stated that the developer came to them and started talking about different options. They thought about using Open Lands' money to buy the parcel. The current access and entrance into Bellamy Park is somewhat dangerous because of the sight distance on Bellamy Road. This seemed to make sense to combine this lot with the bigger lot and instead of the developer building a couple of single family homes on this parcel, why not take that development and put it on the existing project. The entrance road will be an easement and it will be used by the City to enter and exit the park.

Pete Lavoie stated that it is a win, win situation. They wanted a new access.

Tony McManus stated that he is assuming that there will be no further development.

Reuben Hull stated that that is correct and he had no problem with making it a condition of approval.

Tony McManus made the motion to accept the application.
Donald Andolina seconded.

VOTE U/A

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

Steve Stancel gave the Planning Department recommendations and stated that there is no need for a public hearing for the Notice of Merger.

Ron Cole asked for the motion for both items, Item #6 and Item #10 Notice of Merger.
Otis Perry made the motion to vote on both items with the following conditions:

1. The applicant shall grant an access easement to the City that would allow for the construction of a driveway to Bellamy Park by the City.
2. There shall be no further development of the site.

Frank Torr seconded.
VOTE U/A

ITEM #7: Consideration and acceptance of a Minor Lot Line Adjustment of land for NRBA Realty, Inc., (Robert Richard) Assessor's Map 24, Lot 2A, zoned I-1, B-3, located at 85 Broadway.*(P04-14)

Paul Connolly, Civil Works, represented NRBA, (D.F. Richard) and also on behalf of B&M Corp. He explained the various areas of land that were outlined in color on the plan. Paul Connolly stated that the existing wood-frame building, that looks run down is quite a substantial structure and is being used by DF Richard. This building, as a result of the lot line adjustment, will end up being about 4.9' off the rear property line where 25' is required. They have, on the 18th of April, received a variance to allow that rear line setback to be diminished to the 4.9'. He said that on top of the City's Zoning Ordinance, Boston & Maine Corp. has a minimum requirement of a lot line being 25' away from the center line of the railroad tracks. He said that they are requesting a waiver to not survey both parcels and another to not show the building setback lines on this plan because it's a busy plan and they felt that any further line work add to confusion on the plan.

Tony McManus made the motion to accept the application.
Otis Perry seconded.

VOTE U/A

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

Beth made the motion to approve with the following conditions:

1. Add both of the owner's signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. Revise the plat by adding the surveyor's seal and signature.
4. Revise the plat by adding the information regarding the variance granted for the rear setback.
5. Provide the Planning Department with proof that the portion of the platform to be removed has been removed, prior to recording the plat.
6. Approval includes the granting of two requested waivers.

Dennis Ciotti seconded.

VOTE U/A

Chairman Cole mentioned the passing of Kerry Forbes, a former Planning Board Chairman. He said that Kerry was a true gentleman and will be missed.

ITEM #9: Old Business

a. Discussion and possible vote on the Dube Car Wash, located on Dover Point Road. (P04-2)

Chairman Cole stepped down.
Tony McManus took Ron's seat as Chair.

Frank Torr made the motion to take this off the table.
Dennis Ciotti seconded.

VOTE U/A

Atty. Jim Schulte, represented the Reeds and the Weathervane. He stated that in discussing the screening with Mrs. Markham they have agreed that they will put up a wooden fence along her property line. It has the same effect as screening and provides more security. It will connect to a wooden fence which runs along the back left-hand corner of the carwash property. The plan shows that along the northerly boundary line of the carwash is a fence in the corner and that fence will be extended within 40 feet of Stark Avenue. There will be some arborvitaes but not as many as shown on the plan as they will be used more for landscaping and appearance. An environmental assessment was done and it indicates that there are no recognized environmental adverse conditions on the property. Storm water management plan has been submitted but he is not sure if it has been approved. The lighting plan has been done and is compliant.

Atty. Schulte stated that the equipment that is going to be installed is manufactured by Mark 4 and a representative of the company is here tonight. Charts were handed out to the Board. The Board does not normally get involved in the method which the business owner uses to operate his business. It is of significant concern to his clients that they be able to use clean water to run their operation because it does have an impact in the ultimate quality of the service. If you go to a carwash and your car comes out spotted, you don't go back and you don't get many second chances in this industry. Most of the water usage would happen in the winter and spring when 82% of the business is conducted. 8% of the total business is done during the summer months and 10% is done during the fall months. During those months which typically see higher water consumption, these are the months when this business sees its least use. He said for good or bad most people are in their driveways washing their own cars. He discussed the figures on the chart. They use about 40 gallons per cycle with the maximum usage for this system. The average person washing their car in the driveway will use about 100 gallons and the water run off goes into the storm drain system and out to the river. With this system and because they are collecting everything that doesn't evaporate, it goes into the wastewater treatment facility where the water will be cleaned and then sent out to the river.

Atty. Schulte stated that there is ample water supply and wastewater treatment capacity in this City. The system that they are getting uses 32 to 55% less water than the other systems do. The Planning Board recommendations do not include recommendation that there be recycling on this site. They think that they have taken a responsible approach toward conserving water usage by using the equipment that they are using.

Pete Lavoie stated that the last time they were before the Board there was probably a maximum of 6,000 gallons per day.

Jim Schulte stated that it may be as much as 10,000 gallons during those several days where you would have maximum use, and there are probably one dozen a year. The self-service bays would add 700 or 800 gallons to that.

Pete Lavoie stated that doing the comparisons using 6,000 gallons a day would be a total of 2,190,000 gallons per year. Southside Carwash right now for 1 years' time has used 1,425,000 gallons and TriCity Carwash has used 600,000 gallons. Two million is roughly what the City consumes in one day.

Atty. Schulte asked how many days that he used in his multiplication.

Pete Lavoie stated that he used 365 days.

Atty. Schulte stated that in a normal year there are about 202 days per year where they do car washes because you don't do carwashes on rainy or on very cold days or when it's snowing. The figures that they quoted was for the maximum days.

Steve Stancel wanted to be sure that the Aqua Jet GT700 is the same model that they received the noise information on in the past.

Jim Schulte said that it was and they also gave noise information on the vacuum cleaners. The period that the vacuums were tested background noise levels were 65 decibels. He said that 65 is within the range of normal conversation.

Tony McManus asked if the plantings and shrubbery in the front of the carwash would be carried onto the front of the new parking lot at the Weathervane.

Paul Connolly stated that it was an omission on his part and they would be filling in the gaps between the trees on the Weathervane parcel also.

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 the signatures of both owners' (Dube and Weathervane) to the plan and include Weathervane in all documents requesting waivers.
2. Approval includes the granting of a Conditional Use Permit for the encroachment into the wetlands buffer.
3. The applicant has prepared a storm water management system maintenance plan, which must be reviewed and approved by Dean Peschel prior to signing the plan.
4. The applicant shall prepare and submit to the Conservation Commission, a follow-up report after the installation of the sanitary sewer and subsequent seeding and planting.
5. The applicant shall prepare a flowage easement for stormwater runoff across Map K, Lot 42A for the benefit of Map K, Lot 42-1 and Map K, Lot 30N, and provide proof that such easement has been recorded at the Strafford County Registry of Deeds.
6. The applicant shall prepare an access easement for the common driveway and provide proof that such easement has been recorded at the Strafford County Registry of Deeds.
7. Revise the plan by extending the fence along the northerly property line so that it is within forty feet of the front property line. The density of the arborvitaes can be reduced.

8. Revise the plan by adding shrubs between the pin oak trees, from the sidewalk in front of the Weathervane, along the parking lot to the shared driveway.
9. Approval includes waivers for the reduced aisle width in the Weathervane parking lot and to allow the pavement within five feet of the side property line for the shared driveway.
10. The applicant agrees that the doors of the automatic car wash bays will be programmed to close during the wash and drying cycles during the months of September to March, and close from 9:00 PM to 7:00 AM during the rest of the year.
11. The applicant shall conduct a noise study that will measure the noise levels before the car wash is built and after the facility is operational. The noise levels shall be measured at the location of the homes at 5 Middlebrook Land and 1 Elliot Park, once during the day with the car wash bay doors open and once during the night with the doors closed. If the study finds an increase in the noise levels during operation of the car wash, the Planning Board reserves the right to review the noise issue and require additional steps to reduce the noise such as closing bay doors and placing limits on the hours of operation.
12. Removal of the chimney located on the house on Map K, Lot 42.

Beth Thompson seconded.

VOTE 5 – 1

Opposed - Pete Lavoie

Ron Cole took over as Chair.

Tony McManus resume his seat.

b. Discussion and possible vote on Emerald Woods Subdivision, located on Littleworth Road (P02-01)

Beth Thompson made the motion to remove this item from the table.

Frank Torr seconded.

VOTE U/A

Bob Stowell, Tritech Engineering, represented Northam Builders. This item was before the Board in early December and at that time has worked through many of the issues that were a concern at the site. One persistent issue was the concern over the drainage. They have worked diligently since that meeting with the Engineering Department to provide them with adequate studies and mitigation measures to provide adequate drainage at the site. They have received their State Site Specific Approval which is tied to the drainage issues at the site. They have their State Driveway Permit and their State Wetlands Permit is still pending at this point but should be forthcoming soon. They still need to file upon approval of the Board a Notice of Intent with the Department of Environmental Services.

Doug LaRosa stated that they have worked with Engineering to ensure the runoff does not exceed the existing rate of runoff. He explained that there is a large water shed that exists. Water currently comes down at Westwood Circle all the way down toward Old Stage Road and goes across Route 9. He explained page C-1 and stated that they have gone over everything with Paul Vlasich. He then went over page C-2 and explained the

drainage and how they worked with Engineering. Doug LaRosa stated that when they started out their original premise was that it was all one area that was flowing towards Route 9. Then they cut their development into 5 chunks. Engineering requested that the pre-development areas match the post-development areas. They went over the drainage several times and Mr. Vlasich did a high level review.

Paul Vlasich, City Engineer, stated that the first time that they reviewed the drainage, knowing that there are extra eyes on this particular project, they wanted to make sure that there was no increase in flows off the site in the post-development. They asked him to moderate it at a different rate. They noticed a few inconsistencies or maybe disagreements with some of the assumptions. He said that finally they allayed his fears that there was any increase in the post-development flows. He said that he feels that the drainage concerns are adequately addressed. Paul Vlasich explained that the roadway situations where the culverts are located are not designed detention ponds. They act as detention ponds and he explained why. He ended by saying that there is not maintenance needed other than normal keeping the pipe open for maintenance of the ends of the culverts.

Doug LaRosa explained that what mitigates the drainage issue for the abutters is that there are areas where there is a channel flow that is like a fine wetlands so since it is a wet area already, there will not be any construction near these areas and that is an added protection.

The public hearing was opened.

Purnell Ross, 82 Littleworth Road, stated that this is their third or fourth trip here to speak on the same subject. He said that water flows down hill and engineering studies will not cause water to flow uphill. He said that as taxpayers, he doesn't feel that they should be treated unfairly for the benefit of builders and developers. They did not have any problems until 4 years ago when Ezra Green was built. He doesn't object to the project but he does object to any water coming onto his property. If you don't fix the water problem, then you can buy his property. He believes that a big catch basin on the project side will keep the water over there. Do not bring water onto his and his neighbor's property.

Clara Ross, 82 Littleworth Road, thanked Ms. Freeman and Mr. Stancel for their cooperation and courtesy. She said that the developer channels all the water under Littleworth Road into Kelly Brook. She said that Kelly Brook is in their back yard and also on their property. She said that they would like to request that the water be contained where it accumulates. She gave an example of Shaw's Ridge Equipment where they have detention pond to contain the drainage. They are not looking forward to a drainage ditch in their front yard, lawn chemicals, and drainage from rain, water from lawn sprinklers, carwashes any more than they would like drainage from them. She said if the engineer takes care of this problem like they have taken care of the one before, they do not need it.

The public hearing was closed.

Steve Stancel stated that he feels confident that the City Engineer has made the right decision and the Planning Department recommends approval of the subdivision plat and the Conditional Use Permit with the following conditions:

1. Add the owner's signatures to the plat.
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 digital version of the final plat.
4. Provide the Planning Department with a copy of the NH Wetlands permit and add the permit number to the plat.
5. Provide the Planning Department with a copy of the NH Department of Transportation Driveway Permit.
6. Provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent permit application has been filed.
7. The applicant shall pay the Community Services Vehicle Capital Improvement Program fee, in the amount of \$10,772, prior to the issuance of the first building permit.
8. In lieu of providing on-site recreation facilities, the applicant shall make a contribution for improvements to existing recreational facilities, in the amount of \$5,000, prior to the issuance of the first building permit.
9. Revise the plat to add a note that the property is in the Secondary Groundwater Protection District.
10. Revise the plat to add a note explaining how the end of the watermain at the cul-de-sac will be restrained.
11. Prior to recording of the final plat, the applicant shall provide proof that an agreement has been reached with Ezra Green's Farm LLC to permit access to their sewer line in Littleworth Road which has not yet been accepted by the City, as well as access issues on Susannah's Lane. The alternative to that is that the City may accept the road and utilities prior to that occurring.

Otis Perry said that it seems to him that the engineer for Tritech did not address the issues brought up by the Ross's. He said that it sounded like they are counting on the ability of the water going under the street to solve the problems on their side of the street.

Paul Vlasich stated that it boils down to flow. He said that detention on the other side of the road meets the requirements so that when you are done with the calculations, there is no increase in the post development flows.

Dennis Ciotti, asked what has become of the new pipe laid across the Ross' property.

Paul Vlasich stated that there was a drainage pipe installed from the Ezra Green project down to the outfall toward the rear of their property. The project is not finished yet there still needs to have final grading.

Steve Stancel stated that he knows that this meets the technical aspects for approval. Does the developer have an alternative that they could maybe hold more water on the site.

Paul Vlasich stated if you hold more water on site you make detention ponds. It meets the criteria as it is right now. If you require detention ponds to be constructed, he sees no value in doing that. It is not like these detention ponds are going to allow the storm runoff to soak into the ground. With the soils that are out there that is not going to be happening.

Donald Andolina stated the engineers are satisfied that the potential water problem has been addressed and we have abutters who are concerned and have experienced some additional water runoff from this other development. He thought that it would be appropriate if they add an additional condition which indicate that the Board reserve the right to look at this development as it develops and require additional steps if it is needed.

Frank Torr stated that he remembers Ezra Green when it was a farm and the ground was heavy and water never percolated. He has great faith in Paul Vlasich but the project was basically a failure as far as the water leaving the site and jeopardizing someone else's property. He is going to vote against it.

Tony McManus stated that he is going to vote against it as well. He said that when they first did a site walk of this site he found that it was one of the wettest areas that he has seen in any of the site walks. He said that looking at the map the wetland is substantial. He said that he was hoping that the engineers had figured out a way to reduce the amount of runoff from the property. He said that this is poor planning and doesn't think that the Board should support it.

Beth Thompson stated that she would support this because there are engineers on both sides that are assuring the Board that it will not increase the flow. Our standards do not require us to decrease the flow so they are meeting the rules. She said that she has to abide by those rules and will support this.

Steve Stancel suggested that an alternative would be to hire an independent engineer to look at the project and make suggestions or recommendations at the expense of the applicant.

Otis Perry stated that he is having a lot of trouble from both sides. He trusts the City's engineers and the standards are reasonable, but at the same token, he does not have enough information to feel comfortable supporting the application.

Otis Perry made the motion to hire an independent engineer to take a look at this project to confirm what the water situation is there and especially to look at the neighbors' property.

Tony McManus seconded.

Ron Cole stated that his concern is to do the right thing. He said that an independent study that will look at the history prior to Ezra Green to where we are now so we can ascertain what has happened. He said that he finds no problems whatsoever with Paul Vlasich and his staff but something happened during the Ezra Green project that is causing us to be in this position. He said that we owe it to everyone to have a study done that will be definitive.

Frank Torr stated that he wanted the study to include the Ezra Green project because that is the portion that stimulated the problem and this project will exacerbate the problem.

Steve Stancel stated that we could have the consultant look at the situation that is occurring on the Ross property and the abutting parcels across the street. He said that he is not sure about bringing in the Ezra Green project but he felt that they could make recommendations based on what is occurring out there today.

Otis Perry stated that he doesn't think that we can ask the current applicant to pay for any investigation of what happened with Ezra Green. His motion was intended to investigate the current application's water impact upon the people across the street, not just what is happening on the property itself. If we wanted to add other projects, it could not be at the expense of the current applicant.

Bob Stowell stated that he just wants to be clear as to what the purpose of the study is. He said that he feels that Paul Vlasich is an independent study. He said that what Tony McManus is indicating is that they are going to raise the bar on this development. They are meeting the subdivision regulations to provide no net increase off the property line. That is what they have done so far and that's what the applicant intends to do. They are not going to raise the bar on this specific applicant. If that is the intent to review those standards then they would be in favor of that.

Beth Thompson asked if this is a completely new review or a peer review of what has already been done.

Steve Stancel stated that he was thinking of someone go look at the project to suggest possible alternatives as opposed to a peer review. It may be that the applicant doesn't pay the entire fix and maybe there are some problems out there that need to be fixed regardless of this project going in. Those are things that we need to look at.

Dennis Ciotti asked if the new pipe that has been installed onto the Ross's property is effective and if it is doing the job. If it is not alleviating the problem then that needs to be addressed as well. The one thing that kills him is Doug LaRosa's own words that the peak rate out there now does not exceed the present rate. The present rate is not acceptable. He said that he is worried about the Ross' and the people across the street. He said that the project meets the minimal requirements, absolutely, but are the minimal requirements enough to satisfy the people across the street. He said that we may have to raise the bar.

Ron Cole stated that the motion is to refer this to an independent study using the history necessary to give the Board an accurate report considering the impact on the receiving properties.

VOTE 5 – 2

Opposed – Beth Thompson and Pete Lavoie

Discussion ensued with regard to the trail system and the parking areas that were part of the approval and the trade off of the Theodore piece of land.

c. Discussion and possible vote on a plan for Measured Progress Phase II, located on Sixth Street.

Frank Torr recused himself

Beth Thompson made the motion to remove this item from the table.

Dennis Ciotti seconded.

VOTE U/A

Nichole Cheney, TF Moran, represented the Kane Co. She stated that they have made requested revisions.

Steve Stancel stated that the developer has been meeting with the Open Lands Committee and Tom Fargo with regards to the access and conservation easement to the rear of the property and there has been an agreement met with a handshake, subject only to getting an appraisal and going to the City Council for final approval to reserve the area, including the old rail right-of-way to the riverfront and out to Watson Road. This is significant because it will complete the link of trail system from Watson Rd. to the Downtown area and connecting to the waterfront walkways. In the future working with the City's TIP program will connect to the Sawyer Mills area. They have agreed on offsite improvement fees.

The public hearing was opened.

Kathy Schlenrick, 67 Watson Rd., asked if anything been determined about the sewer placement and the cutting of more trees to make the sewer possible. She was concerned about the buffer zone of trees between the parking lot and the river. She asked if the plan showing the trees and the building was realistic. She asked about lighting. She was concerned that there be no motorized vehicles.

Nichol Cheney explained the location of the sewer.

Chad Kageleiry said that part of her concern was answered with the previous discussion that Steve brought forward but since they are selling the Conservation easement to the Open Lands Committee, all of the property between the existing sewer easement and the river will be under the jurisdiction of the Open Lands Committee and the Conservation Commission so that any significant cutting will require an approval. He said that close to

the parking lot there is no additional plantings that are planned right now. To have an impact on that line of sight you are talking about planting a tree that would be 60 or 70 feet tall. The City will control what happens on that conservation easement. He elaborated on the lighting plan and said that it was done with the City standards.

Steve Stancel stated that there is a lighting plan and it deals with having realistic light without a lot of glare. He said that the plan for the walkway do not include motor vehicles.

The public hearing was closed.

Steve Stancel gave the following recommended conditions of approval:

The applicant appeared before the Conservation Commission on April 5, 2004 for the Conditional Use Permit and received a favorable recommendation from the Conservation Commission. The Planning Department recommends that the site plan and Conditional Use Permit be approved with the following conditions:

1. Add the owner's signature to the plan.
2. Revise sheet 2 by adding the metes and bounds to the property lines for lot 27D.
3. The applicant shall provide a detail sheet on the retaining wall when applying for a building permit.
4. The Environmental Management Plan for the parking lot maintenance that was approved for phase one shall apply to phase two.
5. The applicant shall construct the driveway shown on the plan, including the required striping on Sixth Street, and shall pay a fair share fee, equal to 13.8% of the total cost, towards a future four-way signalized intersection at Venture Drive, as well as a fair share fee, equal to 5.9% of the total cost, for upgrades to the Sixth Street/Indian Brook Drive intersection, for phase one and two. The fair share contributions from Measured Progress are due at such time that the City begins construction of the improvements. At the time that a four-way intersection is constructed at Venture Drive/Sixth Street, Measured Progress shall use the reserved right-of-way to tie into the new intersection and discontinue their driveway onto Sixth Street. As an alternative to this condition, Measured Progress may chose to purchase the necessary property or right-of-way and construct their driveway entrance directly opposite Venture Drive and install the required striping on Sixth Street, prior to obtaining a certificate of occupancy. Measured Progress shall sign a written agreement committing to the contributions for whichever option they chose.
6. The applicant agrees to grant a conservation easement to the City for the area of the property south of the northern edge of the existing sewer easement, including the spur of land that leads to Watson Road. The applicant and the City shall agree on a fair price for the easement after an appraisal is completed, subject to approval of the expenditure from the Conservation Fund by the City Council. This shall be completed prior to the issuance of a certificate of occupancy.
7. The applicant shall revegetate the area previously cleared for the sewer line from sewer manhole #8, prior to the issuance of a certificate of occupancy.

Tony McManus congratulated the City and thanked the developer for coming to terms on the conservation easement. This will be a long lasting benefit to the City.

Beth Thompson made the motion to approve with the recommended conditions of approval.

Donald Andolina seconded.

VOTE U/A

ITEM #10: New Business

Ron Cole stated that he received a letter of resignation from Allen Schintzius today stating personal reasons. He said that he was sorry to see him go because he did a nice job. He said that he did an exceedingly good job with the gravel pits. He said that he would advise the City Council that a new regular member will be needed and an alternate member will have to be appointed.

ITEM #11: Adjournment

Frank Torr made the motion to adjourn.

Beth Thompson seconded.

VOTE U/A