

**DOVER PLANNING BOARD  
MINUTES OF MEETINGS  
DECEMBER 10, 2002**

**MEMBERS PRESENT:** Parks Christenbury, David Landry, Dennis Ciotti, Joyce El Kouarti, Beth Thompson, Allen Schintzius, Ron Cole, Pete Lavoie, Tony McManus, Margaret Stevenson

**MEMBERS ABSENT:** Chuck Maglaras, Frank Torr

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

Alternate Dennis Ciotti sat out.

**ITEM #1: Citizen's Forum**

Cheryl Niles, 200 Sixth Street, stated that the citizens of Dover and it's volunteers were recognized last week at the Fleet Center by the Gulf of Maine Council for their efforts to help protect the environment and encourage smart growth. The City of Dover Planning Department and Conservation Commission co-sponsored the Growing Greener Workshop series which emphasized protecting the cultural resources and encouraging Smart Growth. She said that Anna Boudreau, Joyce El Kouarti and other members wanted to present the award to the Dover Planning Board and Planning Department for supporting the workshop. She read the award and presented it to Steven Stancel. She added that they hope that the Planning Board will vote to bond 2.5 million for the protection of Open Space in the FY 2004 CIP budget.

Tom Fargo, Chair of the Conservation Commission, said that the workshops addressed two things that had an influence on the Gulf of Maine Eco System; the efforts for land protection within the City and also the efforts that are coming to fruition with regard to the zoning changes for smart growth issues. The Gulf of Maine Council recognizes that land use and smart growth issues do have an impact on water quality.

Ron Cole stated that over the years they have heard over and over that people have moved here for the quality of life and the most important thing for them and their family is maintaining that quality of life.

Matt Mayberry, Dover Point Road, stated that he came to thank the Board for their service and time.

Jason Hindle, Silver Street, stated that he is asking for the Planning Board to vote for the \$400,000 for the improvement of Bellamy Road. He said that he hopes to have the blessing of the Planning Board.

Brian Stern, Chairman of the Open Lands Committee, thanked the Open Lands Committee for doing a great job. He spoke about the Jensen property and how they were

interested in protecting that property. He said that it now will have approximately 10 lots where it could have been 10 to 30. He stated that he hopes that the Board approves this plan because there is a lot of open space with no cost to the City. He said that it was a parcel worthy of protection on the Bellamy River. He stated that he hopes that the Planning Board moves the 2.5 million to FY 2004. He spoke on how the Open Space Committee would have to go before the City Council for approval of any property purchase. He read from the Master Plan and then ended with stating that he hopes that the Planning Board supports the 2.5 million in FY 2004.

Citizen's Forum was closed.

**ITEM #2: Approval of Minutes**

Beth Thompson made the motion to approve.  
Peg Stevenson seconded.

Joyce El Kouarti stated that on page 2 the name of the speaker should be Cheryl Niles, not Miles, and on page 3 the speaker, second from the bottom, should be Beverly Shadley.

**VOTE U/A**

**ITEM #3: Public hearing to hear requests for Extraction Permits.**

**a. Public hearing and consideration of a request for an extraction permit by George Dowaliby, Assessor's Map H, Lot 56, located on Mast Road.**

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

Bruce Woodruff stated that Planning staff and the Conservation Commission have been out reviewing the gravel pits. He passed out photos of the various gravel pits. Bruce Woodruff stated that the Planning Dept. recommends approval and gave the list of recommended conditions.

David Landry said that this just gives recommendations. He asked about #3 and #7. He said that he is assuming that there are no present issues.

Bruce Woodruff stated that there were no present issues. He said that when Mr. Dowaliby is done with the pit he would recommend that he coordinate his reclamation plan with the Conservation Commission and Community Services Department.

Ron Cole asked if we would be doing this again in April.

Bruce Woodruff stated that they would unless the Board says otherwise.

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

1. Add a stamp of a licensed land surveyor or engineer to the plan submitted, within 30 days of approval.
2. Submit a letter to the Planning Department providing an estimate of the amount of materials (in cubic yards) to be removed during 2002, within 30 days of approval (amount missing on Notice of Intent to Excavate).
3. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board. Any on-site refueling operations approved shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
4. The applicant shall obtain the annual license renewal from the Dover City Council for permission to cross City property to access this pit.
5. The provisions contained in the letter to the Planning Board received November 19<sup>th</sup> are considered part of the application and serve as requirements thereof.
6. That it is understood that the applicant wishes to conclude excavation this permit year and begin reclamation in 2003. Recommend that the Planning Board grant request to "daylight" to Mast Road and Severino pits.
7. The importation of off-site construction-site soils into the pit for storage or for use in reclamation shall be prohibited unless the applicant provides documentation that demonstrates that the material is not contaminated. The "City's Environmental Projects Director shall be responsible for making such a determination.
8. Since this property is located within the secondary groundwater protection zone, the applicant shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. The applicant shall prepare and submit to the Planning Office an annual report (to coincide with the extraction permit application submittal) documenting compliance with this provision.

Joyce El Kouarti seconded.

**VOTE U/A**

**b. Public hearing and consideration of a request for an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53, zoned R-40, located on Mast Road.**

Kevin McEaney stated that he was representing Mast Road Sand and Gravel.

The public hearing was opened.

Tom Fargo stated that the operators are going from extractions to accessory operations and the activities may or may not have an impact on groundwater. The operators are starting to do things like mixing items in the pit. They found that piles of sewerage sludge were placed around the property. While the importation of sewerage is not a problem in regard to 155-b, it is a special problem in terms of groundwater protection. Some of these items, especially not knowing where they come from could be an issue.

Tom said that the DES does not regulate asphalt paving materials unless they are pulverized. He said that they also observed stockpiling of stumps, this may or may not be allowed. He said that he would like to talk about the requirement for the four foot separation between the seasonable high water table and the bottom of the pit.

There were no comments  
The public hearing was closed.

Bruce Woodruff stated that the Planning Department staff recommends approval subject to the conditions which he listed as follows:

1. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board. Any on-site refueling operations approved shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
2. The 2002 reclamation and operational plan documents shall be considered as part of the permit and the hours of operation hours are as follows: 7:00 AM – 5:00 PM on weekdays with the gates opening at 6:30 AM, and 7:00 AM – 2:00 PM on Saturday.
3. Limit excavation at the property lines of disapproving abutters to no closer than 50 feet.
4. Continue the condition from the lot line adjustment plat that states no excavation shall take place beyond Cold Springs Road (So-called).
5. Revise plan to show the large piles of composted sludge material located adjacent to Mast Road and piles of recycled asphalt product to the rear of the pit. Insure that the material piles are properly stabilized to prevent erosion and control dust. Add the boundary line between the Severino (City) pit and this property to the plan. Submit the revised plan to the Planning Office within 30 days of approval.
6. Provide the Planning Department with a copy of the state permit for a stump disposal site or submit a timetable for proper grinding and storage/disposal of the stumps within 30 days of approval.
7. Cease the importation of off-site construction-site soils into the pit for storage or for use in reclamation. Such importation shall be prohibited unless the applicant can demonstrate that the material is not contaminated. The City's Environmental Projects Director shall be responsible for making such a determination. Contact Dean Peschel within 30 days of approval for his review and report to the Board.
8. Identify the areas of the pit that have been undercut and have a grade of 1:1 on a revised plan, and install a fence or other suitable barricade within 30 days of approval. Submit the revised plan to the Planning Office within 30 days of approval.
9. Since this property is located within the secondary groundwater protection zone, the applicant shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. The applicant shall prepare and submit to the Planning Office an annual report (to coincide with the extraction permit application submittal) documenting compliance with this provision.

Tony McManus asked what would happen if the applicant doesn't comply.

Bruce Woodruff said that if the applicant doesn't comply with these conditions within thirty days, then we would bring it back to the Board. He said that there are composted materials on site and there is a large stump dump and a large pile of recycled asphalt product. He has not spoken with the pit operator so he doesn't know what his plans are for this. He said he doesn't know if the asphalt product will be ground up and sold to make asphalt for other products or if the stump dump will be buried or ground up.

David Landry said that there are those that operate properly year after year like Dowaliby and others that don't. It seems like the same issues year after year. He said that he doesn't know why we should wait for a serious problem to act. It's not clear why we have conditions that say do certain things and then not follow through.

Tony McManus thought that the Board should table this application rather than approve.

Peg Stevenson stated that she agrees with David Landry and Tony McManus and that she is very concerned.

Ron Cole stated that if the Board does plan on tabling this, he is assuming that it won't prohibit Mast Road Sand & Gravel from continuing to operate as a business. He said with respect to the teeth in the conditions, that we can put teeth in it.

Kevin McEneaney said that there were several things that he can be sure will be taken care of within 30 days, but he is not sure what will be done with the stockpiled materials.

Tony McManus made the motion to table this application.

Peg Stevenson seconded.

**VOTE 7 -1**

**Opposed - Pete Lavoie**

**c. Public hearing and consideration of a request for an extraction permit by Brox Industries, Inc.,**

David Cluff, Manager of Brox Industries, stated that he is present to request a permit.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff stated that an onsite inspection was conducted. There is no importation of soils, no offsite materials and he said that no toxic materials were found. He gave the recommended conditions of approval as follows:

1. Add a stamp of a licensed land surveyor or engineer to the plan submitted, within 30 days of approval.

2. No off-site materials, fuels, lubricants or other toxic or polluting materials be stored on site without being in compliance with State rules and regulations pertaining to such materials and receiving approval by the Dover Planning Board. Any on-site refueling operations approved shall comply with the Best Management Practices contained in NHDES Technical Bulletin WD-WS-22-6.
3. The importation of off-site construction-site soils into the pit for storage or for use in reclamation shall be prohibited unless the applicant can demonstrate that the material is not contaminated. The City's Environmental Projects Director shall be responsible for making such a determination.

Dennis Ciotti asked how close they can store toxic material to a property line.

Bruce Woodruff stated that there is nothing specific in RSA 155-e but they can excavate up to 15 feet of a property line or 50 from a disapproving abutter but there is nothing mentioned specifically to storage.

Beth Thompson made the motion to approve.

Peg Stevenson seconded.

**VOTE U/A**

**d. Public hearing and consideration of a request for an extraction permit by James P. Griffin and Tyra, hnc., Assessor's Map H, Lot 60, zoned R-40, located off Mast Road.**

Paul Griffin stated that he is requesting a gravel permit.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff stated that the Planning Department at first recommended that this be tabled because of several outstanding issues.

1. Half-size plans submitted with the application are not legible and do not conform with all the provisions in Dover Zoning, Chapter 170, Article VII, Section 170-30, entitled Extraction Industries.
2. The City's Environmental Projects Director did not have any data on hand regarding the offsite materials imported into the pit; information and testing data should have been submitted with the application as per condition #8 on the 2001 permit and the permit renewal letter of October 23, 2002. He said that since that time Dean Peschel has done a review and submitted his memo.
3. At the time that they looked at the property the taxes have not been paid. Since that time they have been paid and the receipts place in the packets.
4. Required bond certificates have not been submitted.
5. Since this property is located within the secondary groundwater protection zone, the applicant shall not excavate below an elevation four (4) feet above the seasonal high

water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. The applicant shall prepare and submit to the Planning Office an annual report (to coincide with the extraction permit application submittal) documenting compliance with this provision.

Bruce Woodruff said that they are still recommending that the application be tabled. He added that he is not sure where the tractor trailers were located. He added that there was nothing stored in the trailers.

Tony McManus made the motion to table the application.

Peg Stevenson seconded.

**VOTE U/A**

Mr. Griffin stated that the tractor trailers were on Pruven land and explained the groundwater level was below 88 and they had established that the bottom of the pit was 92. He said with regard to the readability of his plans that the scale is 1" equals 100 feet.

**e. Public hearing and consideration of a request for an extraction permit by Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road.**

The public hearing was opened.

Kevin McEneaney stated that he sent a letter requesting this to be tabled. He said that Severino retained them to do the work but he has not had sufficient time.

The public hearing was closed.

Parks Christenbury made the motion to table the application.

David Landry seconded.

**VOTE U/A**

**f. Public hearing and consideration for an extraction permit by Pruven Aggregates, Assessor's Map H, Lot 61 and 59, located on Mast Road.**

The public hearing was opened.

Richard Proulx stated that the trailers are on his property and are construction trailers that are there temporarily and they come and go. He said that they are operating as they have since 1954. He said that Dean Peschel walked the land and found nothing of concern. Mr. Proulx stated that the hours of operation of his pit were 24/7. He said that he operates seven days per week and 24 hours per day. He said that the Planning Board approved house lots across from his operation and he was on record stating that they do make noise. He said that there is some dust that they keep down by a wet process. He said if you want to move near a rock crusher that's ok, but don't move in and say that you

can only operated from 8:00 AM – 4:00 PM. Mr. Proulx interjected that he was 10 years old when his name was put on this property.

The public hearing was closed.

Bruce Woodruff stated that the Planning Department recognizes that no permit is required for these contiguous properties to a stationary plant as per RSA 155-E:2, III (a), however, that same citation requires documentation on compliance with operational and reclamation standards. Therefore, the Planning Department recommends this item be tabled until the second meeting in January to give the owner sufficient time to prepare documentation certifying that he is in compliance with the operational standards expressly set forth in RSA 155-E:4-a; and the time to prepare reclamation plans in accordance with RSA 155-E:5 and 155-E:5a.

Bruce Woodruff said that he had one additional issue with Mr. Proulx, Mr. Martel and Mr. Griffin and that is that the gate is not being locked after hours of operation. He said that when he goes out there at 10:00 PM the gate is not locked. He said that there are four entities that have keys to this gate and one of the issues is that that the gate should be locked and that should be put on as a condition of the permit.

Mr. Proulx stated that they don't use that gate and with regard to that gate, he respects the time of operation and has no problem with it. He said that he owns the property that the gate is on and the City of Dover has an easement over it. He said that he thinks that they were given a key but they have never had to use it.

Tony McManus made the motion to table.

David Landry seconded.

**VOTE U/A**

Chairman Cole stated that they would be addressing these gravel pits again in about four months. He said that he would like to form a committee to tighten the gravel pit applications up. He said that it doesn't look like we have the proper regulations in place.

**ITEM #4: Consideration and acceptance of a minor subdivision of land for Victor & Ruth McElheny, Assessor's Map N, Lot 2A, zoned R-40, located on Gulf Road. 2 lots (P02-65)**

Kevin McEneaney stated that the next two items are something to be very excited about. He said that the first property is located on Gulf and Baer Road and consists of 2 separate parcels. He said that Map N, Lot 2A consists of 14 acres which contains all the frontage on Gulf Road. The second parcel is landlocked and is partly in Dover and partly in Rollinsford. The Dover portion of that parcel is 17.7 acres. Kevin said that this plan is a lot line adjustment and subdivision creating three 5+ acre lots. Kevin pointed out that the remaining 35 acres would remain under a permanent conservation easement. This 35 acres of conservation land is adjacent to an additional 35 acres of land that is owned by the Strafford Rivers Conservancy, for a total of 70 acres of land preserved in

Dover/Rollinsford area with approximately 2,000 feet of frontage on the Salmon Falls River. He said that the lots will be serviced by individual wells and septic systems. Lots 2 and 3 will be required to get approval from the State even though they are in excess of 5 acres because they are in the Shoreland Protection Zone.

Tony McManus asked if there is any public access to the protected land.

Kevin McEneaney stated that the Strafford Conservancy land has public access. He said that they have had no further discussion if they would grant public access over their land.

Joyce El Kouarti made the motion to accept the application.

Beth Thompson seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Joyce El Kouarti made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Revise the plat to add the Conservation District's 100-foot buffer to Garvin Brook.
3. Provide the Planning Department with a digital version of the subdivision plat.
4. Receive State Subdivision approval.

Peg Stevenson seconded.

**VOTE U/A**

**ITEM #5: Consideration and acceptance of an application for a preliminary concept plan for a major subdivision of land for Business Partners, Inc. (Owner Jensens, Inc.) Assessor's Map j, Lot 2, zoned R-40, located on Garrison & Seaborne Roads\*(P02-66)**

Steve Stancel stated that this is an Alternative Design Subdivision. He said that in the past we have given conceptual approval before a plan moves forward to the Technical Review Committee and then the project returns before the Board for a public hearing. This is just a concept at this point.

Kevin McEneaney stated that this is an exciting project. The owner of the parcel is Jensens Inc., but it is not a proposal for a mobile home park. The parcel of land is about 38 acres with approximately 1000 feet of frontage on the Bellamy River. The parcel is located directly south of Portsmouth Christian Academy and to the north is City of Dover land. The proposal is the first that the Planning Board has seen under the Open Space Subdivision Regulations and consists of 10 lots. Kevin McEneaney said that the land is mostly fields. Seven lots that are ½ to ¾ acres in size will be clustered on Seaborne Drive. He said that there are an additional 3 lots. The 21 acre lot will be preserved as conservation land and conveyed to the Nature Conservancy. He spoke about the natural

buffer that the houses would be placed behind. They will be asking for relief from the requirement of the 100 foot setback from Seaborne Drive. He said that moving the houses closer to the buffer actually enhances the property and opens up more field area. They will adhere with the 100 foot setback on Garrison Road. There is water in Garrison Road and new water line construction in Seaborne Drive. There is a limited amount of sewer in Garrison Road. He pointed out the area that would be conveyed to Portsmouth Christian Academy. He said that as part of the process, he showed a conventional subdivision of 25 lots that would be possible. Kevin McEneaney said that they are asking for 10 lots. He said that in the mid 80's there was a preliminary plan for this parcel for approximately 80 mobile home units.

Kevin McEneaney said that Brian Stern, chairman of the Open Lands Committee, said that this is land that needed to be preserved. Kevin said that this plan is a good example of business people, local interest and organizations such as the Natures Conservancy and Jensens, negotiating. Kevin showed the relationship of this property with the other conservation land making 600 acres of contiguous conservation land which is a significant corridor of open space. He pointed out the main point of access to the conservation land.

Kevin McEneaney stated that there is a possibility that two or three of those lots would be combined to locate an Assisted Care Facility. He said that there is an individual that wants to put a facility in and there is a need for that in the City. It would be a facility of approximately 40 beds for Altzimer patients. He said that Portsmouth Christian Academy is excited about that because they would like to do community service in that facility. It's down the road but he just wants to bring it to the Board's attention as a possibility. It is an allowed use in that zone with a Special Exception.

Tony McManus made the motion to accept the concept.

David Landry seconded.

**VOTE U/A**

Dennis Runey, Headmaster of Portsmouth Christian Academy, stated that he is strongly in support of this plan. He said that there was a real potential that that land could be developed as a mobile home park which is not a desired use near a school campus.

Tom Fargo, Chairman of the Conservation Commission, stated that the Conservation Commission had identified this land as far back as 1999 as a top priority for conservation. He said that they are very much in favor of this proposal.

The public hearing was closed.

Steve Stancel stated that the Planning Department recommends approval of the concept plan. They feel that this is a very creative plan. There are several different ways to protect open space, through regulations, to buy land or buy development rights. To be more realistic, as we go down the road, is the opportunity to create private/public partnerships where a significant portion of a parcel is preserved as open space but still

allowing developers some value in the land. It is a negotiated process that occurs. He said that he is glad that the regulations are flexible enough to see a project such as this.

Parks Christenbury made the motion to accept the concept application.  
David Landry seconded.

**VOTE U/A**

**ITEM #6: Old Business**

**2. Discussion and possible vote on a driveway waiver for Walter Lewis, 11 & 13 Elm Street (P02-51)**

Atty. Karen Forbes represented Mr. Lewis. She stated that Mr. Lewis is requesting a 2<sup>nd</sup> driveway at 11-13 Elm St. She said that at the last meeting the Board requested some alternative ways to create parking. She said that he has submitted a packet of information with letters from previous owners. He bought the duplex in 1980 and each side has 3 bedrooms. She said that there was always parking in the front of the house. She said that the lot is 90 feet deep and 43 feet wide and the building is 32 feet wide. She said that Mr. Lewis has not been able to get easements from the abutters. Atty. Forbes stated that the pictures show how little space there is on either side and even if he went out back to park they would not be able to turn around. The abutters were not willing to give easements.

Karen Forbes said that Mr. Lewis has tried all types of parking configurations and they would all need waivers. Mr. Lewis has done a lot of homework showing several properties with two driveways. She said that Mr. Lewis would need a waiver to pave both driveways. Karen Forbes said that Mr. Lewis looked into several options for a driveway such as textured asphalt, stone dust and gravel and grass pavers. He found out that grass pavers would be least obtrusive but do not last in this part of the country.

David Landry asked what the distance was between the porch and the car bumpers and the sidewalk.

Mr. Lewis stated that there is approximately 18 feet between to porch and the sidewalk and that a medium size car would fit there.

David Landry stated that he walks past this house and there are always cars blocking the sidewalks.

Mr. Lewis stated that he has a tenant that has a nice flower garden. He has notified his tenants to not park over the sidewalk. He said that the flowers will be moved to the side or the back of the property.

David Landry asked where the snow would be put.

Mr. Lewis said that they have always pushed the snow along the side of the house. He said that the neighbor next door has a 79 foot driveway and they can't put the snow along

their house and he has always allowed them to push the snow on his side. He said that the snow is not a problem for him as much as it is for his neighbor.

Steve Stancel stated that historically, this Board has given driveway waivers. He said that this is a difficult one.

David Landry said that he is going to have a tough time with this one. If he hadn't walked past this house a thousand times, he might feel differently. He said if the owner lived there, he would be able to police the cars parking on the sidewalk.

Parks Christenbury stated that he knew Dan Markey, the former owner of the building, and there was always four cars parked there. Parks said that 18 feet is standard for parking spaces. He said if the vegetation was cleared out from the front of the porch there would be enough room for cars. He said that if there is a car parked on the sidewalk, the Police Department could be called and they would receive a summons. He said that this is common practice. We have traditionally allowed people in Mr. Lewis's situation waivers. He said he isn't going to deny him the right to have two apartments since they invented cars.

Beth Thompson said that she supports this and she doesn't think that they have to penalize people for living in older neighborhoods. She lives in an older neighborhood that is more congested and said that she has neighbors that don't have any parking. She said if he is going to pave an area where his tenants can get off the street, it's great.

Parks Christenbury made the motion to accept the application.  
Beth Thompson seconded.

David Landry stated that he is going to vote against this. He said that this is not a denial of property rights because you deal with the property that you own and the way that you deal with this one is that you tell people how many cars they can have. It's very simple.

Parks Christenbury said that that when the property was bought it was allowing four cars to park in the front and then at some point this issue occurred.

**VOTE 5 –3                      Opposed – Tony McManus, David Landry, Peg Stevenson**

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

Steve Stancel stated that after much review the Planning Department is recommending approval of the waiver. This is a duplex with 3 bedrooms on each side and, realistically, there would be families and there would be more than one car. Steve Stancel read the 6 conditions of approval.

Parks Christenbury made the motion to grant the waiver with the following staff recommended conditions as follows:

1. The applicant, at his own expense, shall remove the granite curbing in front of the proposed driveway at 13 Elm Street, from the driveway at 15 Elm Street to the northern edge of the proposed driveway, a distance of approximately 18 – 20 feet. The granite curbing shall be salvaged and returned to the City.
2. The applicant shall install pavement from the edge of the street to the concrete sidewalk in the area that the granite curb was removed. The pavement shall be graded to match the elevation of the concrete sidewalk.
3. The bushes located in front of the porch shall be removed to provide the maximum parking area so the vehicles will not block the sidewalk.
4. All disturbed areas shall be loamed and seeded.
5. The parking spaces shall be paved.
6. All work within the City right-of-way shall be inspected and approved by the City Engineer.

Beth Thompson seconded.

**VOTE 5 – 3                      Opposed – Tony McManus, Peg Stevenson, David Landry**

**ITEM #6: Old Business**

**3. Discussion and possible vote on Capital Improvements Program (CIP).**

Chairman Cole opened the floor.

Parks Christenbury made the motion to move under General Government the 2.5 million to 2004, adding that this would say to the Council that the Board is serious about the 2.5 million.

Parks Christenbury stated that he supports Fire & Rescue for \$116,000 and Ambulance for \$120,000 but they are not Master Plan items, and should be financed out of the Operating Budget. He said that they should be struck from the CIP.

Parks Christenbury said that the Reconstruction of Henry Law Avenue for \$1,750,000 should be contingent upon the Waterfront development, traffic study, bridge placement, etc. and moved to FY2006.

Tony McManus stated that he would like to move an additional 2.5 million of Open Space Acquisition in FY 2006. He feels that the Planning Board should pass on to the City Council the Board's feeling that we are very serious about open space.

Joyce El Kouarti asked Tony McManus if meant 2.5 million in FY 2004 and then an additional 2.5 million in FY 2006.

Tony McManus answered yes.

Peg Stevenson had concerns with the Woodman Park school interior improvements.

Parks Christenbury stated that the School Board does not find Woodman Park to be a priority. He said that the priorities are the additions that they have put forward.

Ron Cole listed the Board's changes as follows:

1. Open Land Acquisition – \$2.5 million moved to FY 2004
2. An additional \$2.5 million for Open Land Acquisition be added in FY 2006
3. SCBA Replacement and Ambulance Purchase – removed from Debt Financing and placed in the Operating Budget
4. Reconstruction of Henry Law Avenue – moved to FY 2006

David Landry asked Parks Christenbury to pass on to the City Council that now is the time to set up a Capital Reserve Fund for a new fire truck.

Parks Christenbury made the motion to approve the CIP with the recommended changes and send it on to the City Council.

Beth Thompson seconded.

**VOTE U/A**

**ITEM #8: Adjournment**

Tony McManus made the motion to adjourn.

Joyce El Kouarti seconded.

**VOTE U/A**