

**DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 11, 2000**

MEMBERS PRESENT: Margaret Stevenson, Jerry Reese, Pete Lavoie, David Landry, Jeff Peasley, Tony McManus, Ron Cole

MEMBERS ABSENT: Paul Beecher, Charles Maglaras, Jeff Mason

STAFF PRESENT: Steven Stancel, Planning Director; Bruce Woodruff, City Planner, and Jacqueline Freeman Recording Secretary

Frank Torr made the motion to nominate Jerry Reese Chairman in the absence of Ron Cole.

Margaret Stevenson seconded.

VOTE U/A

Jerry Reese brought the meeting to order at 7:05 PM.

Jerry Reese stated that Northam Builders had withdrawn from the agenda for tonight.

Chairman Ron Cole took over the meeting.

ITEM #1: Approval minutes

Frank Torr made the motion to approve the minutes.

Jerry Reese seconded.

Tony McManus stated that he has a correction to a correction. Carol Foley's name should be Carolyn Foley.

Pete Lavoie stated that on Page 3 the street that they attempted to fix should be Columbus Avenue, not Tolend Road.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a Conditional Use Permit for Thomas Hopper, (Owner Bibian Plante, Living Trust), Assessor's Map L, Lot 95-1A, zoned R-20, located at 19 Landing Way.

Dana Lynch represented the owners and stated that the parcel is encumbered by two easements. They are here for a Conditional Use Permit because of the slope of the land. He explained the drainage and the type of retaining wall they would be building. He said they received approval from the Conservation Commission.

Frank Torr made the motion to accept the application.

Margaret Stevenson seconded.

VOTE 6 - 1

Opposed – Jeff Peasley

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

Jerry Reese made the motion to approve.
Margaret Stevenson seconded.

VOTE 6 – 1

Opposed – Jeff Peasley

ITEM #3: Consideration and acceptance of an application for a Conditional Use Permit for Robert & Eva Turgeon, Assessor's Map 24, Lot 134, zoned CWD, located at 73 Cocheco St.

Darlene Dillon stated that she is the daughter of the owners of the property. She said that they have been working with NH Soils Consultant, the NH Wetlands Bureau, the Army Corps of Engineers, as well as, a private engineer to design a retaining wall that would help protect the wetlands area and marsh grass and also provide shoreline protection. She stated that they designed a retaining wall that would protect from any further erosion and would help to save the existing tree line.

Jerry Reese made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

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

Jerry Reese made the motion to approve with the following conditions:

1. Provide the Planning Department with a copy of the State Wetlands Board permit and comply with any conditions of the permit.
2. Provide the Planning Department with a copy of the Army Corps of Engineers Permit.

Jeff Peasley seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an application for a minor subdivision and minor lot line adjustment of land for Albert & Christine Estes, Assessor's Map A, Lot 52 & 52C-1, zoned I-4 & R-40, located on Long Hill Road Ext.

Bob Stowell, Trittech Engineering, represented the owners. He explained the plan and the Variance that was received. He stated that the Conservation Commission gave them a favorable recommendation at their meeting last night.

Pete Lavoie asked if they would be using the wells on the property.

Al Estes stated that they would not.

Pete Lavoie stated that he was just concerned that they would be properly covered. He said that exploration was done in that area for a City well and a wetlands permit was gotten to put that driveway in.

Jerry Reese made the motion to accept the application.

Margaret Stevenson seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr made the motion to approve the minor subdivision and lot line adjustment with the following conditions:

1. Add the Owners signature to the plat.
2. Add surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a copy of the State Wetlands Board permit and add the permit number to the plat.
4. Approval includes the granting of the conditional Use Permit for the wetlands impacts with the following conditions recommended by the Conservation Commission:
 - a. That a reference be placed in the deed for the small lot Map A, Lot 52D-1 to indicate any wetland areas not disturbed by the driveway be allowed to go back to their natural state.
 - b. That the Conservation Easement on the largest parcel Map A, Lot 52-1 be enlarged for further wetlands analysis to the satisfaction of the Conservation Commission Chairman.

Margaret Stevenson seconded.

VOTE U/A

Jerry Reese stepped down.

ITEM #5: Consideration and acceptance of an application for a minor lot line adjustment of land for McEneaney Survey Associates, (Owners Gerard Reese Revocable Trust, Eugene & Maura Byrne, Olivier Family 199 Trust, Larry Lafond, Leslie & Kathleen Rosenau, Philip & Marion

Williams, Paul & Valerie Moreau), Assessor's Map D, Lots 21 A, 22C, 22-1 through 22-6, zoned R-20, located on Crestview Drive and Glenwood Avenue.

Kevin McEneaney represented the owners and explained the plan.

Frank Torr made the motion to accept the application.

David Landry seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Margaret Stevenson made the motion to approve with the following conditions:

1. Add all owners signatures to the plat.
2. Add surveyor's stamp and signature to the plat.
3. Revise plat to add building setback lines to all lots.
4. Revise plat to add the abutters across Glenwood Avenue.

Jeff Peasley seconded.

VOTE U/A

Chairman Cole called a 5 minute recess.

Chairman Cole brought the meeting back to order at 7:45 PM.

Jerry Reese re-took his seat on the Board.

Pete Lavoie stepped down from the Board.

ITEM #6: Consideration and acceptance of an application for a site plan of land for John B. Sullivan, Jr., Corp. of NH, (Owner city of Dover) Dover Ice Arena, Assessor's Map 26, Lot 2, zoned RM-10, located at 110 Portland Avenue.

Ron Cole stated that he was on the Selection Committee for the John B Sullivan Corp. when they were determining who was going to be hired to do this project and he was also on the Arena Committee for a portion of time and has since excused himself. He said he wanted to say publicly that he was part of the committee that selected the John B. Sullivan Corp. but he does not find in his mind that there is any conflict of interest.

Ron Cole explained that this item being a City project does not have to come before the Planning Board, however, in the spirit of cooperation it is being brought to the Planning Board for our assistance.

Pete Lavoie, stated that the ice arena was introduced as having a complete new sheet of ice and a multi-purpose athletic facility. He said as prices came in they saw the need to change the scope of the project and they downsized it. He said that the soil conditions of the area where the facility was going to go would have to be excavated to probably 15 feet and that was going to add several hundred thousand dollars to the project. He said by downsizing it to meet the goals and the money that they had received through the CIP (3.6 million), they proceeded to design a facility with a new sheet of ice and renovations to the existing facility.

Bob Blair, John B. Sullivan Corp., explained the plan and showed a schematic of the site. He said that Bill Hickey is the project engineer for the Turner Group and John Pettit is Project Architect and Jim Boucher is the engineer for the Turner Group.

Steve Stancel said that the parking shows on the plan as gravel but has been since changed to paved.

Pete Lavoie explained that the paving will be done as the funds come in. He said that they will have a major fund raising program to help them complete the renovations on the existing building and all the paving. Pete stated that the City Council has been made aware of the changes to the plan. He said that they will be voting tomorrow night on the funding aspects and the naming of the facility. Pete said that they also have some private investors that are interested and they are waiting to hear from them.

Frank Torr made the motion to accept the application.

Margaret Stevenson seconded

VOTE 4 – 2

Opposed Jerry Reese, David Landry

The public hearing was opened.

There were no comments.

The public hearing was closed.

Frank Torr stated that he has concerns with parking on Portland Avenue. He feels that this is going to be a safety issue.

Steve Stancel stated that that was a discussion at TRC. He said that people park there even though the spaces are not stripped and in talking to the Police Department, they agree that people are going to park there anyway, and striping it would create some organization to the parking. Steve said that 50 to 60 parking spaces can be picked up.

Tony McManus asked if there is a provision for runoff if the parking is going to be paved. He said that he would like to add a condition that they provide for drainage as recommended by the Engineering Department.

Bob Blair stated that they have added some drainage but it just did not make it to the set of plans that the Planning Board received.

Tony McManus made the motion to approve with the following conditions:

1. Lighting for the parking lots comply with Section 149-14E of the Site Review Regulations.
2. Steps be taken to provide additional parking spaces, including striping parking spaces along the east side of Portland Avenue and reconstructing the parking area adjacent to the softball field to provide additional spaces.
3. Consider staggering the starting and ending times of events to reduce traffic congestion.
4. Develop and implement a traffic operation plan in conjunction with the Police Department.
5. Obtain a Site Specific Permit from the NH Department of Environmental Services.
6. Pursue, in cooperation with the Planning Department, the use of CMAQ funds to construct a Park and Ride parking lot on the site.
7. The applicant's traffic engineer review the ingress and egress points and revise the design to the satisfaction of the Engineering and Planning Departments.
8. Provide on the plan provisions for drainage as recommended by the Engineering Department.

Margaret Stevenson seconded.

VOTE 3 – 3 Opposed - Jerry Reese, David Landry, Jeff Peasley

Chairman Cole voted to break the tie vote.

VOTE 4 – 3 Motion passed

Pete Lavoie re-took his seat on the Board.

ITEM 7: Old Business

- c. Dick Proulx submitted a letter asking for an extension to the approval of the Griffin Pit.**

Dick Proulx stated that he is in negotiations with Paul Griffin with regard to the sale of the property. He had a letter from Paul Griffin stating that he is in negotiations with Dick Proulx regarding the sale of the Griffin and Tyra lots off Mast Road and giving him permission to negotiate on his behalf for an extension to bring up the floor of the pit. Dick explained how the floor of the pit became flooded. He said that a week or so ago the Griffin well was started up again and the water in the pit is going down. He passed out some photographs of the pit taken last Friday the 7th, yesterday and this morning and it shows how the level of the water has dropped.

Pete Lavoie stated that he has no problem with what Mr. Proulx is requesting. Pete said the sooner it gets done the better but the water needs to go down more before it is attempted.

Dick Proulx stated that his objective is to keep his crew through the winter and use the off season to do this so he doesn't have to lay off his employees and also the availability of the trucks to move the materials.

Frank Torr suggested a date of April 1st, 2001.

Frank Torr made the motion to approve the extension subject to the condition that this be completed by April 1st, 2001.

Jerry Reese seconded.

David Landry stated that he is going to have to speak against this. He said that he can't understand why they can't comply now. He said that we are trying to protect the well and feels that this is wrong.

Pete Lavoie stated that he is more concerned with having heavy equipment run down in the existing water.

Jeff Peasley stated that he agrees with David Landry. He asked Mr. Proulx what was the probability that he would be coming in on April 1st for another extension.

Dick Proulx said it would be virtually zero. He said that he has plenty of equipment and plenty of materials to use to fill in the bottom of the pit.

Ron Cole stated that Mr. Proulx has got to be sure that the work is done because this will not be extended under any circumstances if the Board votes to approve this tonight.

Jeff Peasley stated that he wants a condition that specifically says that this will not be extended.

Frank Torr stated that he just talked to Pete Lavoie and Pete said that the harm is if they try to fill the pit in now, there could be some contamination. He said that there isn't any vehicle that is running that doesn't have some lubrication dripping from it.

VOTE 3 – 2

**Opposed – David Landry, Jeff Peasley
Abstained – Tony McManus**

a. Discussion on site plan for Motiva, located at 169 Silver Street.

Jerry Reese made the motion to remove this item from the table.

Frank Torr seconded.

VOTE U/A

Ron Cole reopened the public hearing.

Malcolm McNeill, stated that he is representing Motiva. He introduced John Christopher a representative of Motiva; John Keegan, with Ayoub Engineering; Don Rhodes, Traffic Engineer and said that Jim Callan was a board certified noise control engineer from Cambridge, MA and is the author of 3 books related to noise issues.

Malcolm stated that this is an existing use, but there are two issues related to noise that need to be addressed. One is the Dunkin Donut facility and the other is the car wash. He said both of these uses are permitted and they believe when the drafters of this Zoning Ordinance permitted these uses they expected that the noise that was reasonably incidental to those uses would also be permitted. He said that a major change is the angulation of the car wash which will mitigate against noise impact with regard to the adjoining property. Malcolm stated that they have attempted to work with McIntosh College and are fully prepared to work with the School Department if they will work with them with regard to issues that may affect their common concerns. He said they have always been willing to work with the City with regard to traffic related issues. This station is here because of traffic and a permit for its use was attained in 1966 by the Burns Law Office and subsequent to that time, uses have been made of this site for commercial purposes. He said that they were unable to deal with the adjacent gasoline station despite their best efforts because of their ability to gain permits to build without permits. This is a gateway to the City. There are numbers of projects for Dover such as an Aquarium etc., where this is presently a pathway. There is a great deal of background traffic that comes through this area and there may be greater traffic in the future. They have a legal responsibility to bear their fair share of that impact, but that is the extent of their legal responsibility.

John Keegan, Project Engineer with Ayoub Engineering, stated that they focussed their efforts on the abutting residential use where they brought levels or foot candles along the property line down to zero and that is without the influence of the vegetation. They have brought the canopy into full compliance with the bylaws. He said that the canopy will be 1/3 as bright as it is right now. He said that they will be bringing the site into compliance with the bylaws.

Jim Callan, Sentech Inc., Senior Consultant. He said that he has been teaching university level courses in acoustics for the past 13 years. He said he was hired by Motiva to investigate the noise impact of the facility. He said the best way to do that was to come up and monitor noise levels. He said that he came to the site on Sunday morning at 7:00 AM to get the quietest time period at the site to monitor the background levels so he could look at a worst case scenario with the car wash and the Dunkin Donuts facility operating at those quietest times. He went to Lee, NH to monitor the Dunkin Donuts loudspeaker. Mr. Callan said that the loudspeaker is about three feet off the ground and he couldn't get any readings on the other side of the car because the car was shielding enough of the sound that he could barely hear it and nothing showed up on the meter. He said he then went to Manchester, NH to a drive through carwash facility and took a reading with the facility fully operational, 50' from each side, the entrance and the exit. The loudest levels were generated coming out of the exit by the blower drying fans. The quietest levels were recorded on the sides because of the most shielding by the concrete

block building and at the entrance there is a fair amount of noise. He said that superimposing that carwash on this facility at the closest residential facility, would be 3 to 5 decibels above the background that he measured on Sunday morning. He said that at his suggestion, the people at Motiva tilted the carwash so it is tilted slightly away from the residential property. He said that in addition to that, he suggested that they add a layer of vinyl curtains that would be drawn together after the car gets into the carwash to give acoustic shielding. He said that that should set up a situation that the sound level at that closest residential property would be exactly the same as the background which translates to, if audible, barely audible.

Jerry Reese stated that he wished that he had monitored the Dunkin Donuts on Central Avenue instead of Lee.

Jim Callan stated that he can do that. He explained why he conducted the test the way he did. He explained how the ordering station was shielded by the car at the window. He said that cars idling do not add an incredible amount to the background levels, probably a couple decibels. Mr. Callan stated that they do not take into account loud stereos or sirens, just typical noises generated by moving or idling vehicles.

John Keegan stated that the Dunkin Donuts will be open from 6:00 AM – 9:00 PM and the car wash will be open from 7:00 AM to 9:00 PM, seven days per week.

Ron Cole asked if there is an accepted level of discomfort.

Jim Callan stated that he's been involved in writing noise ordinances all around the country and that 5 to 10 decibels above the backgrounds is generally the threshold of a problem as far as annoyance is concerned. Jim stated that a jet plane would be about 30 decibels above. He said that 3 is recognized as the point where you can just notice a difference, 5 is noticeable and 10 is very noticeable.

Steve Stancel said that there must be a volume control on the speakers. He asked how we can be assured that the noise from that speaker will not be heard by the abutting parcel.

Jim Callan stated that when the system is set up, with everybody's agreement, we can do a test and make sure that it isn't a problem and adjust it accordingly. After being asked about the affect of a fence, Jim said that it would have to be a solid wall to be effective.

Jerry Reese left the meeting at 9:00 PM.

Don Rhodes, Noway Plains Associates, stated that there is a wealth of traffic data available for this part of Silver Street. He said that NH DOT, in June of 1995, did a one week traffic count west of Towle Ave. He said that they did a count in same location in September of 1998. The average weekday traffic volumes for those two counts were 17,200 in 1995 and 17,400 in 1998. He said that they counted traffic for Motiva in July of 1999, and again in May of this year. He had several traffic charts and went over them in detail. Don stated that there is enough stacking room for 12 cars for the drive up

window. He said that they would redesign the entrance. He said that during the discussion with staff they indicated that they would widen the area of Silver St. from 36 feet to 38 feet in front of the Motiva property.

Steve Stancel stated that they are working with McIntosh so they hope if this is approved that there would be a turning lane that would begin on the offramp itself and run the entire length of Silver St. up to Towle Avenue. He said that one of the reasons for the location of the exit and the entrance would be to save the tree. He said that there is a site distance issue if you try to come out of that site with that tree.

Ron Cole asked if the vast majority of the business is incidental to the roadway or are we looking at people intentionally going there.

Don Rhodes stated that it is a combination of the two. It is predominantly a business that draws off the existing traffic. That the 30% figure that he sited is the proportion of new trips – people who live in the neighborhood and who live on the edge of downtown and would find it quicker to come to this facility than some other facility. Those would be the so called “new trips.”

Chairman Cole reopened the public hearing.

Atty. Donald Bryant stated that he is speaking for his wife and himself and they are opposed to this. He said that it is his opinion that under the Zoning Ordinance that this project is not permitted. He handed out a diagram that showed the division of the zones on the property. He said that a large part of this property is not in the commercial but is in a residential zone.

Anthony McManus left the meeting at 9:40PM.

Atty. Bryant said that Atty. Malcolm McNeill presented this proposal as grandfathered. Atty. Bryant stated that he does not agree with that. He quoted Chapter 170 Section 10-E. He said that the uses are prohibited uses in a residential zone. He said that under the Zoning Ordinance the applicant must show that the proposal meets the requirements of the Zoning Ordinance. He said that he intends to file with Tom Clark an Appeal of his ruling that this meets the requirements of the Zoning Ordinance. He said that this will be filed with the ZBA for an interpretation of the Zoning Ordinance. Atty. Bryant stated that the ZBA agenda has been filled up for July so this will be heard at the next meeting on August 17. He suggested that the Planning Board waits until the Zoning Board rules on this issue as to whether or not this plan meets the requirements of the zoning ordinance. He said that he feels it is unnecessary for the Planning Board to spend a lot of time on complicated matters regarding noise, traffic, lights, etc. if the plan does not meet the requirements of the Zoning Ordinance. He said that this plan would lead to the entire deterioration of the neighborhood to allow an extensive, expanded commercial use of the type that is being presented. He read Chapter 149 Section 5. He said that this plan is not in the best interest of the City of Dover with regard to traffic and other matters.

Dennis Duffy, 163 Silver Street, presented a letter from his parents, stating that they were in opposition to this project. He said that this project means more noise and more lighting. He said on a quiet night he can hear a conversation right across the parking lot. He stated that the chain link fence has not been maintained. No sign was supposed to be displayed on the 100' length of the retaining wall. He submitted a photo of the sign. He said that they were not supposed to put up a canopy, but they did it anyhow. He said that his father's property value has gone down. He said the bottom line is that this is residential property.

Carolyn Foley, 129 Silver St., spoke about the school children who will be drawn to the Dunkin Donuts and those who are late or early and won't have any supervision crossing the street. She said that she hopes the Board will consider Mr. Bryant's proposal.

A lady who didn't identify herself stated that she admires statistics and admires the people who do them patiently for us. She said that people came to the last meeting and spoke about their pride in the town and their heritage. She is opposed to the proposal.

David Slater, 102 Silver Street, stated that when a street such as Silver Street begins to change from residential to commercial, the beginning of the degradation of the gateway to our City has begun, giving a message that this is a town past its prime. He said that a 2' widening of the street, a turning lane, the increased traffic and the greater sense of commercial presence will have a deleterious affect, first on Silver Street and then the entire City.

Jim Schulte, stated that he and his wife live at 2 Towle Avenue, which is about 450 feet from the easterly entrance into this property. He said that it is an unfortunate fact for this project that the primary new enterprise, Dunkin' Donuts, hits exactly its peak hours at exactly the peak traffic hours of this street and the peak hours to and from the school. He said when you look at Mr. Rhodes analysis it tells you you go from 115 trips in and out of the current Texaco Station to 375 trips during that busiest hour. That is 250 new trips, 130 cars each hour during that busiest traffic time. His traffic study also tells you that at that time of day, the traffic inbound and outbound is pretty evenly divided. He said that with the increased traffic there will be many more opportunities for rear end collisions from the cars that come off the turnpike and have to wait on Silver to make a left hand turn. He said that the file contains memos from the State and from the traffic professionals in the Planning Department that indicate that both the State and the City are in favor of completely rebuilding the intersection where McIntosh comes out and Silver St. Extension comes in because it is acknowledged, even with today's traffic, to be a bad situation. Adding the extra traffic that Mr. Rhodes acknowledges will be added as a result of this project is going to make that worse. He said if that intersection is going to undergo a major reconstruction, this project should wait until that happens. He said that Mr. McNeill made the argument that his clients are entitled to develop their property and to use it as best as they can, that there are other enterprises in that area that have been able to expand and improve their properties without having to come back to this Board for permits. He said that his project which is going to take what is already a difficult situation and convert it to a dangerous situation because of the several hundred vehicles

that they are going to be added during the most critical rush hour. Mr. Schulte stated that according to Don Rhodes' figures, this site is inadequate to handle the Dunkin Donuts traffic he is projecting. Mr. Schulte stated that one of the overriding concerns for this Board is safety and if a project meets the technical requirements for parking and site coverage and all of those other things but it, nevertheless, results in a safety hazard which this one will because of the traffic, that this Board has the power and the responsibility to deny that. He said that they are also dealing with a problem with the vehicles that are coming out of this property and turning to the right, the site distance is only 325, where the State normally requires 400 feet of site distance. The other problem is that during peak hours when you look at the tables at the back of his book, it will show you that today with 115 vehicles per hour during rush hours in the AM, a vehicle that wants to head into town on Silver St. currently waits an average 40 seconds. With the increase, that same vehicle will have to wait 116.9 seconds. Anyone who wants to turn left out of that property during rush hour will have to wait 2 minutes. Mr. Schulte said that after a vehicle has waited 30 to 40 seconds, the operator cuts down the degree of safety that he insists upon.

Thomas Wells, 91 Belknap Street, stated that he uses Silver Street a lot. He said that there are businesses on the corner of Silver and Atkinson and they park on both sides of Silver St. and create a blockage. He said that he has a hard enough time getting out of Belknap St. as it is.

Don Bryant stated that there are plenty of unanswered questions so he would request that the public hearing not be closed tonight but be continued to a later date.

Ron Cole stated that the public hearing will be continued at the next meeting where this will be addressed.

Steve Stancel asked the Board for some direction. He said that he recommends that the Board approve that we obtain an independent traffic engineer to review the traffic studies that we have received so far. Steve said that he recommended to Atty. Bryant that he appeal the administrative decision and recommends that the Board wait until that appeal is determined. He said that he is a bit concerned that a month has gone by and the appeal still hasn't been filed. He said that he hopes that the appeal is filed expeditiously if one is going to be filed.

Atty. McNeill stated that they would like to respectfully request that the City hire the traffic consultant at their expense. He said that if there was any view on the part of the City that this use was not legal, this plan would not have been accepted. Nor would the Planning Director have permitted the matter to come forward. He said that this matter has been accepted, there is an avenue for appeal and any approval of this project clearly would be contingent if an appeal was brought upon that being resolved. He would like to be able to continue the process, fully recognizing that if and when the appeal is brought, it would have a bearing on the final result and not the processing.

Jeff Peasley stated that he feels that the process is contingent upon their decision. He said that we should do the traffic study, but he would not vote to approve without hearing if this is a valid issue or not.

David Landry asked if it is important for this Board to approach the Zoning Board to get clarification on this or do we just wait for someone to file an appeal?

Steve Stancel stated that staff feels confident that their decision is correct. He said that it is appealable, it could be wrong. Steve said it is the burden of the person that requests the appeal to prove that the original decision was wrong. Steve said that this decision was not made in a vacuum. He said that he did call the NH Municipal Association attorneys and discussed this with them as well.

Margaret Stevenson said that we should proceed very cautiously rather than attempt to process something that may never be.

Atty. Bryant stated that he plans to get the appeal in by Friday of this week.

Frank Torr felt that the Board was not in a position to proceed forward.

Steve Stancel stated that the ZBA meets on August 17th, unless they were to meet at a special meeting. Steve said that they generally make their decisions the same evening. Steve said that we could move forward and hire an independent traffic engineer. He said that the applicant will be paying for it. He recommended that the Board not make any final decision on the plan itself until the ZBA makes a decision. He said that he would recommend that we move forward with the process if the developer wishes to risk that.

Malcolm McNeill stated that they are willing to risk that and they are paying for the study. He said that they are willing to risk that rather than to lose a month or two of processing.

Frank Torr made the motion to authorize a peer review of the traffic study that was done by the applicant and to defer action on this until action is taken by the Zoning Board of Adjustment.

Jeff Peasley seconded.
VOTE U/A

ITEM # 7: Adjournment

Jeff Peasley made the motion to adjourn.
Frank Torr seconded.
VOTE U/A