



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, November 16, 2010**
Meeting Time: **7:00 pm**

MEMBERS PRESENT: Frank Torr (Vice Chair), Jan Nedelka (Councilor), Linda Merullo, Marcia Gasses, Tom Clark, Dave White, John Swartzendruber, Lee Skinner (Alternate), Jake Forget (Alternate), Gary Green (Alternate)

MEMBERS NOT PRESENT: Ron Cole (Chair), Dean Trefethen, Don Andolina

Frank Torr sat in for the Chair. Jan Nedelka sat in for Dean Trefethen. Lee Skinner sat in for Don Andolina. Jake Forget sat in for the Vice Chair.

STAFF PRESENT: Christopher Parker (Planning Director), Lisa Ertle (Recording Secretary)

1. CITIZENS' FORUM

Nobody Spoke.

2. APPROVAL OF THE PRIOR MINUTES

- October 26, 2010 Regular Meeting Minutes

T.Clark noted a typographical error in the minutes.

Motion: J.Nedelka motioned to approve the October 26, 2010 Regular Meeting Minutes. L.Skinner seconded. Vote: Unanimous approval.

3. OLD BUSINESS

- A. Public Hearing and possible vote on a Citizen Petition for an amendment to the Zoning Ordinance (Chapter 170) to rezone 30 acres adjacent to Arch Street from Urban Density Multi-residential (RM-U) to Medium-Density Residential (R-12) and 3 acres of Map 11, Lot 2 from RM-U to Thoroughfare Business (B-3). The full text of the amendment and a map are available in the Planning Department and at www.dover.nh.gov located under City Documents & View Current City Reports.

This item will not be heard and is scheduled for the December 7, 2010 meeting.

- B. Consideration and possible vote on a Site Review of land for Heron Bay Partners, LLC, Assessor's Map H, Lot 4, zoned B-4/I-4, located at Mast Road & NH Route 108. (72 Congregate Care Units within 2 Structures & 72 Residential Housing Units) (P06-25D)

Motion: L.Merullo motioned to remove the item from the table. J.Swartzendruber seconded. Vote: Unanimous approval.

Nick Golan, of TF Moran Inc., represented the applicants. The revised site plan is now a proposal for 47 single family units, as opposed to 67 units, and to make room for congregate care. The decrease of units is due to meeting the needs of diversity in this mixed use development. He further discussed the design layout, and parking spaces available for the duplex units.

C.Parker noted the Planning Board conditionally approved the Site Plan on January 9, 2007. The residential portion contained 63 single family units that were age restricted to 55 plus. On April 27, 2010, the Planning Board conditionally approved an amendment to the Conditional Use Permit for this project. The CUP will not be issued until the Developer's Agreement is amended. The Planning Board accepted the application on September 28, 2010 and conducted a site walk on October 12, 2010. The Planning Department recommends the Planning Board approve the application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:



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1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall revise the plan by adding the project number to the title block on all sheets.
4. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
5. The applicant shall add the NH Department of Environmental Services Alteration of Terrain Permit number to the plan.
6. The applicant shall provide the lighting analysis to demonstrate that the proposed lighting for the congregate care parking lots complies with Chapter 149-14-E-2.
7. The applicant shall prepare a detailed narrative covering the services typically provided to elderly persons, including the provision of food service for the congregate care residents. This information shall be included in the amended Developer's Agreement.
8. The applicant shall prepare amendments to the Developer's Agreement to add new conditions subsequent and submit the document for review by the Planning Department, with consultation by the City Attorney on the proper form of the document.
9. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent has been filed.

Conditions to Be Met Prior to Issuance of a Building Permit:

10. The new congregate care buildings shall pay the current impact fees in place at the time of building permit application.
11. The new duplex and triplex units shall pay the current impact fees in place at the time of building permit application, except that the school impact fee shall be reduced to twenty percent of the school impact fee.
12. Any new building shall be assessed the current water/sewer investment fees in place of the time of the building permit.
13. Construction hours shall be limited to Monday-Friday 7am-6pm, Saturday 8am-5pm, No Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.
14. A sign shall be erected on the site alerting those traveling the roadway that they are on a roadway that is not accepted or maintained by the City of Dover. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development prior to land disturbance.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

15. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: L.Merullo made the motion to approve with staff recommendations. M.Gasses seconded. Vote: Unanimous approval.

- C. Consideration and possible vote on a Site Review of land for Kevin & Lydia Cooper, Assessor's Map H, Lots 33 & 33A, zoned B-4, located at 67 Knox Marsh Road. (two story, 25,368 sq. ft. of Mixed-Use Commercial Development) (P10-16)

Motion: L.Merullo motioned to remove the item from the table. J.Swartzendruber seconded. Vote: Unanimous approval.

G.Green recused himself as he is an abutter to the applicants.



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Dana Lynch, of Civilworks Inc., represented the applicants. He discussed the site walk that was held on November 6, 2010. An application for Alteration of Driveway Permit has been submitted to the New Hampshire Department of Transportation (NHDOT). They have received comments from VHB in regards to a traffic study. They were recommended to make adjustments to the entrance, to help prevent future problems. He discussed the comments received by the New Hampshire Department of Environmental Services (NHDES), in regards to their Alteration of Terrain Permit. The applicants feel that all conditions from the Planning Department are manageable and acceptable.

M.Gasses noted her concern with traffic queuing and would like to know whether this has been addressed. D.Lynch noted the applicant will be extending the right hand lane that turns into this site. This should reduce the delays, and should not affect drainage.

L.Merullo noted her concern with the insufficient amount of pervious surfacing. D.Lynch noted they are trying to use as little impervious paving as possible, and any runoff will be treated before it gets into the pond.

Public Hearing Re-Opened

Ed Morin, of 77 Knox Marsh Road, discussed his concerns with run off and would like to know how this will be addressed. He also noted his concern with traffic and the parking lot, in regards to his property.

Karil Morin, of 77 Knox Marsh Road, noted her concern with the parking lot in regards to wildlife habitat, and traffic safety. She asked for clarification on the following topics: screening of light, control of noise pollution, fencing, vegetation and types of signs to be used for the facility, and how traffic will be addressed. C.Parker discussed the requirements for signage in this commercial area of Knox Marsh Road.

Martha Green, of 18 Footbridge Lane, noted her concern with safety and the increase of traffic the drive thru will create. She noted the applicant has obtained a waiver from the Zoning Board of Adjustment (ZBA), which the abutters were not notified of. Due to this issue she suggests the application be tabled, and sent back to the ZBA.

Samantha Backus, President of the Board of Directors for the association of Village at Bellamy Commons, represented this association. She noted their concern and discussed the legal case that is filed in contest of the ownership of sewer lines.

C.Parker discussed the work that has been put into researching the ownership of the sewer system located.

Public Hearing Closed

C.Parker noted the applicant has applied for site plan review for a mixed use commercial building (Office, Retail, Fast Food with drive-thru, dry cleaner with drive-thru & Restaurant). This is a two-story building with a total of 25,368 sq. ft. There are 97 parking spaces proposed. The applicant had a traffic impact and access study prepared by TEPP, LLC on October 18, 2010. A peer review of the study was performed by VHB, a consultant selected by the Planning Department. A copy of the peer review of the study, dated 10/26/10 (copy in file). The Planning Board voted to accept the application on October 26, 2010 and conducted a site walk on November 6, 2010. The Planning Department recommends the Planning Board approve the site plan with the following conditions:



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2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall add the engineer's stamp and signature to all sheets of the plan.
4. The applicant shall revise the plan by adding a note stating the drive-in facilities will comply with the hours of operation standards in Chapter 149-15-G.
5. The applicant shall revise the plan by adding a note that only the portion of the sewer main up to PSMH1 will be public.
6. The applicant shall revise the plan to show a 30-foot wide utility easement to the City along the frontage of the property.
7. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.
8. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Alteration of Terrain Permit and add the permit number to the plan.
9. The applicant shall provide the Planning Department with a copy of the NH Department of Transportation Driveway Permit and add the permit number to the plan.
10. The applicant shall provide a copy of the final engineered plans for the road improvements to Knox Marsh Road to the Planning Department and the City Engineer.
11. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent has been filed.
12. The applicant shall revise plat to take into account the comments by the peer review to the satisfaction of the Director of Planning & Community Development.
13. The applicants Lot Line Adjustment plan shall be recorded prior to signing the site plan.

Conditions to Be Met Prior to Issuance of a Building Permit:

14. The new buildings shall pay the current impact fees in place at the time of building permit application.
15. The new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.
16. Construction hours shall be limited to Monday-Friday 7am-6pm, Saturday 8am-5pm, No Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.
17. The applicant shall work to ensure that the Maple trees behind the Morin lot are retained.

Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:

18. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
19. The applicant shall execute a sewer easement to the City for the sewer main from Knox Marsh Road to PSMH1.
20. The applicant shall execute a 30-foot wide utility easement to the City for future utilities along the frontage of the property.

The Board members discussed abutters concerns, and the additional conditions of approval in correlation to the minor lot line adjustment.

D.Lynch noted the runoff will be caught by catch basin and the retention pond. The landscaping will include pine trees and berm groundcover. This will allow screening to the abutting property. The applicant is willing to keep existing maples trees on the property. He noted the traffic impact study is being reviewed by the NHDOT and a copy submitted to the Planning Department (copy in file). The applicant was given a



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recommendation to add an extension of the right hand turn lane. The applicant will be adhering to this recommendation.

L.Merullo, C.Parker, and D.Lynch clarified the hours of operation for the drive-thru, which will be 6 am to 9 pm.

J.Nedelka asked for clarification of sewer ownership. C.Parker discussed the history of the ownership of the sewer system dating back to 2001, and is currently owned by the City.

L.Merullo and C.Parker discussed the possibilities of a crosswalk. C.Parker noted he will be willing to work with abutters to help them communicate with the NHDOT. The state owns the road, which means all decision of crosswalk implementation is decided by the NHDOT.

M.Gasses and D.Lynch discussed the existing bike path on Route 155.

Motion: J.Nedelka motioned to approve site review application with staff recommendations. L.Skinner seconded. C.Parker discussed the condition that included the peer review and lot line adjustment. He asked if the Board if they would like to add to the conditions of retaining the 3 Maples trees under the conditions to be met prior to the building permits. The Board agreed. J.Nedelka motioned to approve with staff recommendations. L.Skinner seconded. Vote: Unanimous approval.

D. Consideration and possible vote on a Conditional Use Application for Kevin & Lydia Cooper, Assessor’s Map H, Lots 33 & 33A, zoned B-4, located at 67 Knox Marsh Rd. (to fill 3,520 sq. ft. of wetlands) (P10-15)

Motion: L.Merullo motioned to remove item from the table. J.Swartzendruber seconded. Vote: Unanimous approval.

C.Parker noted the Planning Department recommends that the Conditional Use Permit be approved.

Motion: L.Merullo motioned to approve conditional use application. L.Skinner seconded. Vote: Unanimous approval.

4. NEW BUSINESS

A. Consideration and acceptance of a Minor Lot Line Adjustment of land for Kevin & Lydia Cooper, Assessor’s Map H, Lots 33 & 33A, zoned B-4, located at 67 & 85 Knox Marsh Road. (P10-17)

Dana Lynch, of Civilworks Inc., represented the applicants. The applicants are applying for a lot line adjustment to acquire adjacent property, which is owned by them, for the use of a parking area and to make an adjustment of the right turn lane. They will be co-operating an easement for the sewer line, as suggested by the City of Dover.

Motion: M.Gasses motioned to accept the application. L.Merullo seconded. Vote: Unanimous approval.

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

C.Parker noted applicant has submitted an application requesting approval of a lot line adjustment plan to reconfigure lot lines between two lots, with no change in the number of lots. The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owner’s signature to the plat.



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2. Add the surveyor's stamp and signature to the plat.
3. Provide a digital version of the plat to the Planning Office.
4. The applicant shall revise the plat to correct the abutter address for Map H, Lot 18.
5. The applicant shall prepare the proposed sewer easement deed in favor of the two abutting properties (Map H. Lots 33-D and 32-A-1) and submit the document for review by the Planning Department, with consultation by the City Attorney on the proper form of the document.
6. The applicant shall submit the Lot Line adjustment prior to signing of the Site Plan.

Motion: L.Merullo motion to approve with staff recommendations. J.Swartzendruber seconded. Vote: Unanimous approval.

- B. Public Hearing to solicit public input on Dover Land Use regulation changes and areas that may need to be reviewed.

C.Parker noted this is a quarterly request of the public to speak on any ideas of areas of land regulations, site review, or subdivision regulation that the Board should take a look at in the new year.

Public Hearing Opened- Nobody spoke-Public Hearing Closed

- C. Consideration and acceptance of a Conditional Use Permit for Sawyers Mill Associates, Assessors Map 16, Lot 13, zoned R-12, located at 1 Mill Street. (Impact 144 square feet of riverbank in Conservation District for installation of rip-rap at south end of dam.) (P10-47)

C.Parker noted the applicant Sawyer Mills is looking to do shore land restoration. He noted the applicant has submitted a set of plans for review. The applicant wishes to impact 144 square feet of shoreland to install stone rip rap at the south end of the dam to stabilize 24 linear feet of riverbank. The work would be within the Conservation District. The applicant appeared before the Conservation Commission on November 8, 2010 and they voted unanimously to endorse the application.

Duncan Mellor, of Waterfront Engineers, represented the applicant. The applicant, per request from a yearly inspection by NHDES, is repairing the lower dam at the Sawyer Mill complex. They will be installing stone rip-rap. A certified wetland expert has been out to the site, and confirmed there are no vegetative wetlands near the work area.

D.White asked about the low water level. D.Mellor confirmed, and also noted the dam has an annual draw down and the lower dam has no control gates.

Motion: M.Gasses motioned to accept the application. L.Merullo seconded. Vote: Unanimous approval.

Public Hearing Opened - Nobody Spoke - Public Hearing Closed

C.Parker noted the Planning Department recommends that the Conditional Use Permit be approved with the following condition:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetland Permit.

Motion: L.Merullo motion to approve with staff recommendations. M.Gasses seconded. Vote: Unanimous approval.



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- D. Consideration and acceptance of a minor subdivision of land for Peter & Susan Rousseau, Assessor's Map K, Lot 1, zoned R-40, located at McKone Lane, Henry Law Ave. & Back Road. (2 lots) (P10-46)

Kevin McEneaney, of McEneaney Survey Engineering, represented the applicants. They are looking to subdivide a parcel into 2 lots. He discussed the timeline of development on each of the parcels. An application for subdivision of land has been submitted to the NHDES. They are asking for one waiver to not survey land that is located by McKone Lane.

D.White asked K.McEneaney how the right of way on Henry Law Avenue was determined. K.McEneaney stated he established the right of way by research of deeds, and road books from the City of Dover. There was no written width indicated, so they based their line on parole evidence of the owner Mr. Rousseau (occupant of the property). He discussed the areas of concern in regards to where the right of way is located, and discussion with abutter for agreement on an established line. He suggested if no agreement can be made on established line, that a note should be indicated on the plan that this established line is in dispute.

D.White, K.McEneaney and C.Parker discussed the width of the right of way and the dispute of established lines in regards to a possible motion to move this application forward. Suggestion was made to have plan recorded in the registry with a notation on the line saying "this line is in dispute", and to add a note (on the plan) saying insufficient deed information to back up the location of this line at this time.

Motion: J.Nedelka motioned to accept application. M.Gasses seconded. Vote: Unanimous approval.

Public Hearing Opened

Daniel Ayer, of Daniel & Jacqueline Ayer Trustees of residence on McKone Lane, noted he is in support of the subdivision.

Public Hearing Closed

M.Gasses and K.McEneaney discussed the size of the building envelope. M.Gasses, C.Parker and K.McEneaney discussed the request for a waiver, and the necessity of Henry Law Avenue being shown on the map for this project. K.McEneaney noted applicant would be willing to show the line that Dubois and King surveyed for the City, on this plan, and make a notation that line establishment is in dispute.

L.Skinner noted his concern with the impact of the project, and approval of a resolution for this project.

C.Parker noted that the applicant has submitted a set of plans asking to subdivide an existing lot into two lots. The new lot on McKone Lane would be 2.01 acres and would be serviced by an on-site well and septic system. The Planning Department recommends that the Planning Board approve the minor subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plat:

1. Add the owners' signature to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Add the surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat by adding the project number to the title block.
5. The approval includes the granting of the waiver requested for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 155-51-A have been met.



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6. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and add the permit number to the plat.
7. The applicant shall provide an updated Current Use Plan to the Assessor’s Office.
8. The applicant shall revise the plat indicating the right of way along Henry Law Av in dispute and enough information exists to document the right of way, the plans shall also be amended to show Dubois/King Right of Way on it.

Conditions to Be Met Prior to Issuance of a Building Permit:

9. Any new house shall be subject to the current impact fees in place at the time of building permit application.
10. The applicant shall submit \$2,500 to the City to pay for upgrades to McKone Lane.

Motion: L.Merullo motioned to approve with staff recommendations. J.Swartzendruber. Vote: Unanimous approval.

- E. Consideration and acceptance of a minor subdivision of land for a conservation lot for the Cochecho Country Club, Assessor’s Map N, Lot 15, zoned R-40, located at 145 Gulf Road. (2 lots) (P10-48)

Kevin McEneaney, of McEneaney Survey Associates, represented the applicant. The minor two lot subdivision is under the Conservation Lot Subdivision regulations that the Planning Board recently passed. This file will be reviewed by the City Council on December 8, 2010. The Country Club will convey this land to the Nature Conservation, to forever not be developed. The right of way for the Cochecho Country Club will be accessed on Gulf Road. They are asking for a waiver to not survey the back nine of the golf course. He noted in condition 5 it requires applicant to provide the Planning Department with Subdivision Approval from the NHDES Subdivision approval. This lot is exempt from this requirement due to this being a Conservation Lot. He suggested to revise condition 5 to say the lot is exempt based on RSA-485 A; 33, and add that it is exempt from the state subdivision approval.

T.Clark, C.Parker and K.McEneaney discussed the zoning amendment which was to create a conservation lot.

L.Skinner asked C.Parker if Condition number 5 can be deleted. C.Parker suggested revising condition 5 to reflect the recommendation from K.McEneaney.

Motion: M.Gasses motioned to accept the application. J.Forget seconded. Vote: Unanimous approval.

Public Hearing Opened

Daniel Ayer, of Daniel & Jacqueline Ayer Trustees of residence on McKone Lane, noted he is in support of the subdivision.

Public Hearing Closed

C.Parker noted the applicant has submitted a set of plans asking to subdivide an existing lot into two lots. The new Conservation lot along the Cochecho River would be 14.74 acres with no frontage on Gulf Road. The Conservation lot can only be used for conservation purposes. The Planning Department recommends that the Planning Board approve the minor subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owners’ signature to the plan.



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2. Provide the Planning Department with a digital version of the plat.
3. Add the surveyor's stamp and signature to the plat.
4. The approval includes the granting of the waiver requested for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 155-51-A have been met.
5. The applicant shall revise the plat to indicate that the lot does not require state subdivision permit, per RSA 485.
6. The applicant shall provide an updated Current Use Plan to the Assessor's Office.
7. The applicant shall prepare the proposed access easement deed in favor of Map N, Lot 15-1 and submit the document for review by the Planning Department, with consultation by the City Attorney on the proper form of the document.
8. The Conservation Lot shall be transferred or sold only to a private nonprofit organization, which has as its purpose the preservation of open space, or to a public entity. The lot shall be used solely for the purpose of land conservation.

Motion: L.Merullo motioned to approve with staff recommendations. J.Swartzendruber seconded. Vote: Unanimous approval.

- F. Public Hearing to hear comments on the City's proposed Capital Improvements Program (CIP) FY 2012 – FY 2017. The CIP can be found on the City Web Site at www.dover.nh.gov under Online City Archives - Financial Information.

C.Parker noted this Public Hearing is as a follow up from the Joint City Council Meeting, in regards to the CIP.

Public Hearing Opened – Nobody Spoke -Public Hearing Closed

C.Parker noted on December 7, 2010 a Special Meeting will be held for the Planning Board to discuss the CIP. He asked the Board if there is any Head of Departments they would like to recommend to attend at this meeting. L.Merullo noted she would like Director Gary Bannon to be here, and would also like to discuss school impact concerns at this meeting.

- G. Public Hearing, per Chapter 155-24, for consideration of a request for a 2nd one-year time extension for completion of required improvements and a request to amend conditions of approval for the Cornerstone Crossing Subdivision (Cornerstone Dr. & Meeting House Way), off of County Farm Cross Road, by Tay Tav Partnership, LLC, Assessor's Map B, Lots 18, 26-34, 39-47, zoned R-40. (P05-13) (18 lots)

Public Hearing Opened – Nobody Spoke - Public Hearing Closed

5. STAFF COMMENTS

C.Parker discussed the quarterly sign cleanup, of illegal posted signs in Dover.

C.Parker noted the grand opening for the Dover Community Trail head was a great turnout. There were 150 attendees, and the utilization of a "Zero Waste" event was successful. This project was the final project for Planning Department intern Michele Alexander. He commended her great work with and for the City of Dover.

C.Parker noted he has posted a temporary position for a Sustainability Coordinator to work with the Planning Department staff and the Energy Advisory Committee. He discussed the job responsibilities for this position.



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C.Parker noted he has mailed out the Planning Board By Laws to the Board Members. If Board members would like to discuss any questions of the By Laws he suggests a workshop be held on with Steve Bird (City Planner) in attendance. After further discussion the Board members felt that they did not want to schedule a workshop. A regular meeting is scheduled for December 7, 2010. At the meeting the Board will be given the opportunity to give input, and ultimately approve the minutes from the joint City Council meeting.

6. COMMITTEE REPORTS

No Committee Reports were discussed.

7. ADJOURNMENT

Motion: M.Gasses motioned to adjourn the meeting at 8:39 pm. L.Skinner seconded. Vote: Unanimous approval.