



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, August, 23 2011**
Meeting Time: **7:00 pm**

Members Present: Marcia Gasses (Chair), Frank Torr (Vice Chair), Tom Clark, Dean Trefethen, Dave White, Linda Merullo, Lee Skinner, Gary Green (Alternate).

Members Not Present: Ron Cole, Jake Forget (Alternate)

Staff Present: Bruce Woodruff (City Planner), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:04 pm and announced that since Old Business Items B and C will not have public hearings, anyone wishing to speak should do so during Citizen's Forum.

1. CITIZENS' FORUM

Citizens Forum Open

Jason Wall, Hemlock Forest, spoke regarding the Appaloosa Project, requesting an update when the plans would be finalized. He voiced concern about storm water runoff towards the lot line. Mr. Wall also mentioned that the two additional buildings of five units and six units could have their roof lines rain guttered in such a way that water would run off to the parking lot side of the buildings as opposed to the back side of the buildings given the size and design of the buildings.

Sharon Cuddy Somers, - Attorney from Donahue, Tucker, and Ciandella, representing the interest of some of the homeowners of the Gladiola Way/Autumn Ridge development. She submitted a letter dated 8/23/11 (in file) from D.T. & C. Attorney's. Ms. Somers voiced concerns that the development was not constructed in conformance with the approved plan and that the applicant has not complied with the conditions of the approval. They concur with the action plan by the Planning Board in April, and also by the homeowner at the April 26, 2011 meeting. Three issues arose:

- #1 the roadway is in poor condition and requires repair;
- #2, the drainage is not working, and related to road conditions;
- #3 A need to form a Homeowner Association.

Ms. Somers stated that her clients, the homeowners, were unaware that there was a need to form an association when they purchased their properties. Ms. Somer urged the City to take enforcement actions to preserve the integrity of the approval process. She recommends the City bring an order against the developer under RSA 676:15.

The Chair closed the Citizens Forum

2. APPROVAL OF THE PRIOR MINUTES

- June 28, 2011 Regular Meeting Minutes.

M.Gasses explained that this item is to amend the June 28, 2011 minutes, to correct an address for Dover Housing Authority file P11-27. M.Gasses received a phone call from a resident of 2 Union Street to advise the Board that this project was not occurring at her home. After further research, it was found that the Assessing records had listed two "2 Union Streets". The amendment is to strike 2 Union Street from the file and replace it with the correct address, 31-82 Union Street.

Motion: T.Clark motioned to approve the June 28, 2011 minutes as amended. Seconded by L.Merullo.

Vote: U/A



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- July 26, 2011 Regular Meeting Minutes.

Motion: F.Torr moved to approve the July 26, 2011 minutes. Seconded by G.Green. Vote: U/A.
G.Green brought up some items missing from the July 26, 2011 minutes, regarding page 2 of 7, the 4th and 5th paragraphs, which were discussed in conversation but not mentioned and should be. He said his comments are missing regarding the waiver for this particular property – questioning “change of use” on the property in the future. After a lengthy discussion he feels these comments are important enough to have the minutes amended.

M.Gasses offered to table the approval of these minutes, review and amend the minutes.

Motion: D.Trefethen motioned to table the approval of the minutes of 7/26/11 and have the minutes updated correctly. Seconded by L.Skinner. Vote: U/A

1. OLD BUSINESS

- A. Update on a Site Review and a Conditional Use application of land for STF Development, Assessor’s Map I, Lot 18-1, zoned RM-SU/R-20, located on Durham Road/Route 108. (P11-13 and P11-14).

Motion: Mayor Trefethen motioned to remove from the table. Seconded by G.Green. Vote: U/A

Chris Berry with Berry Surveying & Engineering and updated the board on the progress of the plan and in regards to the abutters, giving them a chance to speak before the next meeting. Mr. Berry spoke about buffer replantings, and concerning storm water runoffs previously discussed – offered to look at a hard capture system with City Engineers. Stated he has appointments with staff in upcoming weeks. No questions from the board.

Motion: D.Trefethen motioned to put this item back on the table. Seconded by D.White. Vote: U/A

M.Gasses confirmed that re-notification to abutters would take place.

- B. Final compliance hearing for an Open Space Subdivision of land for Gladiola Lane Development, LLC, Assessor’s Map A, Lot 28, located at Gladiola Way related to Autumn Ridge Subdivision. (P06-40)

D.White recused himself to present to the board as staff. D.White reviewed the notice of decision for the compliance hearing held on April 26, 2011 which outlined a list of findings and an action plan. He reported on the Action Plan and Compliance Schedule Review of the applicant. The developer complied or partially complied with three items in the findings list. The developer failed to comply with the remaining items.

M.Gasses asked if there any questions on any items. M.Gasses went through each line item and asked board members as a group for a vote on each item.

- A. Formation of a Homeowner’s Association to provide for the care and maintenance of open spaces areas by the property owners. Vote: U/A
B. Extension of the Performance Guaranty to secure the performance of the installation and completion of the public improvements. Vote: U/A



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- C. Amending the scope of the performance guaranty to secure the performance of the installation and completion of the public improvements. Vote: U/A
- D. Increasing the amount of the performance guaranty to secure the performance of the installation and completion of the public improvement; M.Gasses addressed and asked what was dollar amount increase. D.White states existing letter of credit \$90,000. Board asked to increase to \$109,152.06 and developer did not increase. Vote: U/A
- E. Abating the placement of water on a street; D.Trefethen questioned evidence of action? D.White states no action from the developer. Vote: U/A
- F. Abating the violation of local ordinance regarding driveway cuts; D.White states driveway cuts have not been corrected. G.Green states importance due to management of storm water runoff; D.White states driveway cuts continues to be a contributing factor. Vote : U/A
- G. Abating the incorrect installation concrete curbing; D.White – no action has been taken. Mr. Green asks this would be a drainage issue? D.White states not a drainage issue: when curbing was installed, concrete was improperly installed. Vote: U/A
- H. Planting of trees; D.White states this has not taken place. Vote: U/A
- I. Planting of street trees; D.Whites states this has not taken place. Vote: U/A
- J. Correcting the cracks in the street paving; G.Green.questioned cracks were where 2 lanes of base pavement came together; D.White - won't speculate – could be drainage issue, but nothing has been done to correct the cracks in the street. G.Green not convinced. Vote: 6 to 1 (M.Gasses, F.Torr, T.Clark, D.Trefethen, L.Merullo, L.Skinner).
- K. Filing a compliance plan by June 1st. Vote: U/A
- L. Filing a status report for the compliance activities of the Developer by July 1st; Vote U/A
- M. Completion of the Compliance Schedule by August 1st. Vote: U/A
- N. Improper grading and failure to prevent ponding and erosion of property. D.Trefethen asked D.White if fixing the drainage system would require work on private property. D.White states that relating to the right of way and grading which occurred offsite, it contributes to water drainage in the street causing ponding in the future right of way. Can we correct without going onto private property? D.White states these issues can be corrected without access to private property. Vote: U/A.
- O. Improper design of the storm water drainage system consistent with acceptable engineering practices. It was found by the Independent drainage consultant improper installation consistent with acceptable engineering practices. Vote: U/A

M.Gasses asked for a vote from the board on the Notice of Decision provided by planning staff.
M.Gasses then requested a roll call vote on the Notice of Decision.

Motion: D.Trefethen motioned that the developer has failed to comply on all counts specified in the Notice of Decision. Seconded by G.Green.

F.Torr called the roll and all votes were in the affirmative. Vote: U/A

- C. Consideration and acceptance of a amendment to a previously approved (07/26/11) Open Space Subdivision of land for Changing Places, LLC, Assessor's Map A, Lots 45 & 45A-2-1, zoned R-40, located at Olive Meadow Lane. *(P10-50A)

Attorney James Schulte spoke in detail about the delay in the construction of the parking lot, and building permits. The City is still waiting for final approval from the State of N.H. L.Skinner asked about deadlines. Discussion ensued about buyers and the need for building permits. Two state agencies: Fish & Game and the



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Dam Bureau. Attorney Schulte stated his clients are prepared to post the bond to make sure work gets done. He asked the Board if there are any time limits. His Clients want to do the project and get building permits.

G.Green questioned – how was \$30,000 amount derived and is it sufficient. Additional discussion ensued from Attorney Schulte. D.White replied he had developed the costs in his role as City Engineer.

Staff Comments: Planning Dept. supports the amendment to condition #20 as requested.

D.White discussed a motion to change the condition of approval that will eliminate the requirement of building the Watson Road Trail head parking lot and gate system prior to the first building. Spoke about amount of bond, discussed ensued on amount. D.White wants two bonds – including \$30,000 for the trail head and also includes the other outstanding items on the site. M.Gasses stated that she would like both.

Motion: D.White amended his original motion to read: amending the condition of approval to eliminate the requirement of building the Watson Road Trail head parking lot and gate system prior to the first building permit and posting a letter of credit for outstanding items including the trail head system which would be \$30,000. Seconded by F.Torr. Clarification: There will be two separate letters of credit. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Aranco Oil Company, Assessor's Map 38, Lot 28, zoned B-3, located at 874 Central Avenue. (increase on site impervious area) *(P11-30)
- B. Consideration and acceptance of a Site Plan Review of land for Aranco Oil Company, Assessor's Map 38, Lot 28, zoned B-3 located at 874 Central Avenue. (demo existing structure & construct a 2,800 sq. ft. convenience store & gasoline sales) *(P11-35)

The chair requested to hear both items at the same time.

Attorney Malcolm McNeil introduced Floyd Hayes from Aranco Oil, John Chagnon from Ambit Engineering, and Steve Rickerich of Ranson Environmental. The project went to the TRC on July 28 and the Conservation Commission on July 11th.

Attorney McNeil gave a detailed description of current facility, showing existing conditions of property. Owners want to upgrade current facility with new facility including convenience store, changes to canopy. There are no wetlands on site. The plan is to convert existing gas station and service bay with convenience store, and 4 fueling stations with 65-70% drainage improvements. The underground tanks will be upgraded, and there will be 13 parking spaces. Detailed discussion ensued about easements, city wells, and increase in impervious areas. Attorney McNeil further discussed improvements to infrastructure.

G.Green confirmed no traffic study was necessary per B.Woodruff. L.Merullo concerned about traffic impacts and Conditional Use and canopy size. L.Merullo does not agree with two-way traffic pattern entering/existing site and safety issues. Detailed discussions from the board regarding canopy size, traffic patterns, and esthetics of the canopy were discussed.

G.Green commented on traffic pattern and increase in traffic – in two-way. G.Green suggested a traffic study as police were not present at the TRC meeting. The City did not require a traffic study.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, August, 23 2011**
Meeting Time: **7:00 pm**

L.Skinner made an observation that multiple businesses along the Central Avenue also have multiple entrances/exits – statistics show two exits on most businesses. Attorney McNeil requests this property not be treated uniquely. D.Trefethen states current pumps up-grade. Will also request new signage that will conform with current requirements for city.

J.Chagnon (Ambit Engineering, representing Aranco Oil) showing elevation of property. Entrances are on high point of Central Ave. He spoke in detail about runoffs and capturing from canopy and roof runoffs, surface drainage. He discussed improvements to impervious areas and runoff issues. Two pump islands now parallel to the road, proposed will be four pump stations perpendicular to the road. Entrances will be revised per recommendation of engineers to narrow the entrances for safety reasons. See supplemental analysis on driveway plans in file. Recommended 36 ft entrances to allow proper exiting flow. TRC reviewed the plan. Exhibits shown to the Board. M.Gasses asked about distances between two entrances – approximately 110 ft.

L.Merullo questioned if runoff will enter Central Ave from canopy and asked about ground grates to catch runoff and be treated. L.Merullo brought up additional concerns about high traffic patterns on Central Ave. and would like further review for future projects along that strip in the future. She is also concerned about Fuel Trucks exiting left out of the lot and north on Central.

Steve Rickerich of Ranson Environmental, VP and a professional geologist. He discussed land use and environment issues - going from existing service garage and gas pumps – spoke about improvements to site. Petroleum storage circa 1990 and 1998, with new upgraded 2011 tanks. He spoke in detail about containment of underground spills, leak monitoring, and above ground spills containment. There are regulatory requirements about leaks and system to check and correct leaks in the future. A larger canopy improves water management for runoff. L.Skinner asked about detention ponds. Steve Rickerich furthermore states the current oil-water separator which has a catch basin, serviceable unit and requires some maintenance. There are no detention ponds but some small catch basins that could breed mosquitoes.

Motion: D.Trefethen motioned to accept item A, Conditional Use Permit, seconded by F.Torr.
Vote U/A

Public Hearing Open - No public comments

Motion: F.Torr made the motion to table the public hearing and table this item to September 13, 2011.
Seconded by L.Merullo. Vote: U/A

Motion: – F.Torr made the motion to accept item B, Seconded by D.White. Vote: U/A

Public Hearing Open - No public comments

B.Woodruff noted that the Planning Department recommends the Planning Board accept the application, open the public hearing, and then table the application until the September 13th meeting. The Board could schedule a site walk if they feel a need for it.

Motion: F.Torr motioned to table the public hearing and table the item until September 13, 2011 meeting.
Seconded by G.Green. Vote: U/A

The Site walk was set for Tuesday, September 6, 2011 at 6:00pm. The board recommends using cones and caution tape to minimally interrupt business during the site walk.



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DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Time: **7:00 pm**

- C. Consideration and acceptance of a Minor Subdivision of land for LDSJ Holdings, LLC (Owner: Beulah Eldredge & Betharlene, Weeden, Miller, Trustees, Weeden Family Revocable Trust) Assessor's Map D, Lots 16 & 16-A, zoned B-4, located at 385 Sixth Street. (1 new lot) *(P11-36)
- D. Consideration and acceptance of a Site Plan Review of land for LDSJ Holdings, LLC (Owner: Beulah Eldredge & Betharlene Weeden Miller, Trustees, Weeden Family Revocable Trust) Assessor's Map D, Lots 16 & 16-A, zoned B-4, located at 385 Sixth Street. (Construction of a 5,544 sq. ft. Dental Clinic Building) * (P11-37)

The chair requested to hear both items at the same time.

Dr. Josh Howard, introduced the project. Business since 1975 which his father started and will create local construction jobs, and new employees for the facility. He explained to the board that a digital site walk and a virtual drive-by will be shown to the Board. Dr. Howard then turned over to Jonathan Ring and Jonathan Halle. They showed a virtual drive by tour from the intersection by Liberty Mutual towards Measured Progress, and again from opposite direction. Stakes on property where building will be, also showing parking lot location, the barn is falling down and will be removed. The site has been cleaned up, and the lot is open to the back by the marsh. The Site Plan was discussed by Jonathan Halle of Warren Street Architects and Jonathan Ring of Jones & Beech Engineers. At the TRC meeting it was suggested consolidating two curb cuts to one, removing 9 spaces, and suggested moving the building to the right but due to setbacks, parking setbacks, and 100 ft residential setbacks, they were unable to move the building or parking spaces. Additional comments were discussed about the drop off and pick up for patients on the plan, concrete sidewalks, landscaping, and a future maximum 3 room addition. Discussed in detail the drainage and catch basins on south side and gravel wetlands. Underground power, electric, cable, natural gas from Sixth Street were also mentioned. Lighting details were shown, 12 ft poles, and signage with two lights will be installed. Jonathan Halle spoke in detail about the landscaping plans including trees and perennials. A building floor plan was shown and interior plans of the building were shown. Jonathan Halle discussed the neighborhood plan along Sixth Street. A traffic analysis was done. Discussion ensued about traffic flow, which can handle 134 to 216 trips per day. Mr. Halle stated patient access to the building; the doctor's and deliveries all have separate entrances.

Dr. Howard stated that he would like to break ground by October 1st and obtain a conditional approval today.

M.Gasses entertained acceptance of the subdivision plan at this time.

D.Trefethen asked if the Transfer of Development Rights (TDR) is part of the subdivision. B.Woodruff responded that it is part of subdivision. The grading and drainage to buffer the site was also discussed. D.Trefethen spoke about the property in question and noted that he didn't feel that a site walk was necessary as the site in question is well known. The Board concurred that the site walk is not necessary as the board is familiar with the site.

Motion: T.Clark made the motion to accept the application (Item C - P11-36). Seconded by L.Merullo. Vote: U/A.

Public Hearing Open



CITY OF DOVER

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Meeting Type: Regular Meeting
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Meeting Time: **7:00 pm**

Jeff Weeden of 387 Sixth Street stated that he is an owner of the property and also an abutter. This was his grandmother's house. He spoke on behalf of himself and his wife and feels it would be beneficial to the city for the new dental facility.

Public Hearing Closed

B.Woodruff stated that the Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the subdivision application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall add the surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning file number, P11-36 to the title block.
5. The applicant shall revise the plat to change "Town" to "City" in the title block.
6. The applicant shall revise the plat to add a note explaining the history of lot 16A as it relates to the City tax maps and deeds that were filed.
7. The applicant shall revise sheet #1 of the plat by changing "Proposed Conservation Easement" to "Proposed Conservation Restriction".

Motion: D.Trefethen motioned to approve the application with staff conditions. F.Torr Seconded. Vote: U/A

Item D – P11-37 was then discussed.

L.Merullo questioned the existing grade being 3-4 ft below street level. Engineering states existing grade falls off, the proposed site would be filled higher to elevation to avoid ledge on the property. She also questioned the landscape with seasonable plantings and is concerned about the plant list. She wants to make sure there is year-round coverage including evergreens and shrubs. Discussion from the Board about the site walk ensued. D.Trefethen feels a site walk is not necessary as the Board is familiar with the site.

M.Gasses entertained a motion to accept the application.

Motion: F.Torr made the motion to accept the application. Seconded by D.Trefethen. Vote: U/A.

Public Hearing Open - No public comments - Public Hearing Closed

B.Woodruff recommends tabling the application until the September 13th meeting as staff is still reviewing the plan and the traffic study on this application.

Discussions by the board ensued about the topography, landscaping and walkways.

M.Gasses recommends foregoing the site walk and return on September 13th with concerns.

F.Torr mentioned the wide boards in the barn and the possibility of recycling them for future use.

Motion: D.White motioned to table the item until the September 13, 2011 meeting. Seconded by T.Clark. Vote: U/A.



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Meeting Date: **Tuesday, August, 23 2011**
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Meeting recessed at 9:32 pm, Resumed at 9:37 pm.

- E. Consideration and acceptance of a Site Plan Review of land for MSC Civil Engineers & Land Surveyors, Inc. (Owner: The New Meadows, Inc.) Assessor's Map 4, Lot 35-D, zoned RM-SU/B-4, located at 1 Lilac Lane. (Proposed storage units) *(P11-38)

B.Woodruff informed the Planning Board that the applicant wanted them to vote to postpone this application until the September 27, 2011 meeting, which would give them the time necessary to make plan revisions in response to TRC comments made on August 11, 2011.

Motion: D.Trefethen made the motion to postpone until the September 27, 2011 meeting. Seconded by F.Torr. Staff recommended no certified mail notices, but all abutters will receive first class notification only. Vote: U/A.

- F. Consideration and acceptance of a Conditional Use Permit for Berry Brook Condominium Association (Owner: Cynthia Dupuis), Assessor's Map 30, Lot 19B, zoned I-1, located at 34-40 Ash Street. *(P11-39)

Steve McNally from Raymond Peterson Engineers represents the applicant, Cynthia Dupuis for the Conditional Use Permit. The plan calls for replacement of a retaining wall that is currently rotted. He states the Conservation Commission supports the plan. He discussed the plan, the type of wall load, and the geotextile materials to be used. The Conservation Commission asks that an opinion be obtained by DES which permit is appropriate. Permit by Notice not appropriate. He states the Expedited Minimal Impact Permit, or Standard Dredge and Fill Permit are appropriate. NH DES recommends the Expedited Minimal Impact Permit. We are waiting for additional feedback from the Division of Historical Resources and the Natural Heritage Bureau.

He discussed the areas of disturbance, which are minimal.

D.White asks about the plan, and who owns the pipe. D.White wants to amend the plan to remove the name City of Dover.

Motion: L.Merullo motioned to accept the application. Seconded by T.Clark. Vote: U/A

Public Hearing open - No public comments - Public Hearing closed.

B.Woodruff states that The Conservation Commission recommended approval on August 8, 2011 to replace the retaining wall and the planning staff recommends the approval of the Conditional Use Permit conditional use with one condition:

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:

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

Motion: D.White made the motion to approve the application with the staff recommendations from Planning and to remove the wording "owned by the City of Dover" from the pipe shown on the plan. Seconded by L.Skinner. Vote: U/A



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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Meeting Date: **Tuesday, August, 23 2011**
Meeting Time: **7:00 pm**

G. Consideration and acceptance of a Minor Subdivision of land for Kelley Nelson, Assessor's Map I, Lot 25C, zoned R-40, located at 48 Basil's Place. (1 new lot) *(P11-40)

Kevin McEneaney, with McEneaney Survey, represents Kelley Nelson for a 2 lot subdivision on Basil's Place. He presented the proposed plan. The original Basil's Place subdivision was approved in 1988 as a 7 lot subdivision with a private road. He discussed current and proposed acreage and frontage size. The Nelson home is currently on 14.15 acres. The lot with the Nelson home will be 12.08 acres and the new vacant lot will have 2.70 acres.

One note to add to the plan is that a new easement is required. A portion of the paved road of Basil Place actually encroaches on Nelson property and the Nelson's will grant easements to current residents of Basil's Place affected to continue to use the roadway as it is located right now.

D.White asks if the easement should be on two parcels or one parcel. K.McEneaney states it should be on both parcels.

L.Skinner asked if the original parcel would not already have a signed right of way from the original approval. Discussion ensued about the roadway portion and that it is not within the existing right of way of Basil's Place, but goes outside of the existing right of way. The area will increase to include the constructed portion of the driveway.

Motion: T.Clark motioned to accept the application. Seconded by F.Torr. Vote: U/A

Public hearing open - No public comments - Public hearing closed.

B.Woodruff noted that the Planning Department recommends approving the application for subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall add the surveyor's stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning file number, P11-40 to the title block.
5. The applicant shall provide the Planning Department with a copy of the NHDES Subdivision Permit and add the permit number to the plat.
6. The applicant shall revise the plat to add a note indicating that the owner of Map I, Lot 25C and -25C-8 will grant an access easement to the other lot owners on Basil's Place.

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

7. Any new house shall be subject to the current impact fees in place at the time of building permit application.

Motion: T.Clark motioned to approve with staff recommendations. Seconded by L.Skinner. Vote: U/A

Motion: G.Green motioned to amend to add both lot numbers, Lot 25C and 25C-8. Seconded by T.Clark. Vote: U/A

2. STAFF COMMENTS



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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Meeting Time: **7:00 pm**

B.Woodruff spoke.

- There will be a van tour on 9/13/11 at 6:00 pm;
- Strafford Regional Planning Commission (SRPC) will give a presentation on Flovial Erosion Hazards, and the board needs to address new business and items A, B, and D for the next agenda.
- 9/27/11 revisit zoning amendments

3. COMMITTEE REPORTS

M.Gasses congratulated the City of Dover for being recognized for being in the top 100 communities to live in – in the United States.

M.Gasses congratulated Chief Driscoll for his 30th anniversary at the fire station.

L.Merullo congratulated Mayor Trefethen as the new Mayor, and staying on the planning board.

B.Woodruff mentioned the community trail event. They are looking for volunteers for September 8th for the Community Trail Servapalooza..

4. ADJOURNMENT

Motion: L.Merullo motioned to adjourn the meeting at 10:00 pm. Seconded by L.Skinner. Vote: U/A