



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, October 25, 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, Jake Forget (Alternate), Kirt Schuman (Alternate).
Members Not Present: Dean Trefethen, Ron Cole.

Staff Present: Christopher Parker (Planning Director), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:01 pm

1. CITIZENS' FORUM

Citizens Forum Open. Nobody addressed the board. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- September 27, 2011 - Regular Meeting Minutes
- October 11, 2011 – Workshop Meeting Minutes

Motion: T.Clark motioned to approve the September 27, 2011 minutes. F.Torr seconded. Vote: U/A.

Motion: F.Torr motioned to approve the October 11, 2011 workshop minutes. T.Clark Seconded. Vote: U/A.

3. OLD BUSINESS

- A. Consideration and possible vote on a Site Plan Review of land for Changing Places, LLC (Owner: Marcia Wentworth Revocable Trust) Assessor's Map 28, Lot 9-C, zoned Office, located at 6 Brick Road. (24 Townhouse Units w/parking spaces & infrastructure) *(P11-42)

F.Torr motioned to remove from the table. Seconded by G.Green. Vote: U/A.

Atty. J.Schulte, represents the applicant, approached the podium, and gave a brief description of the plan – which was continued until after the site walk. After the site walk and speaking with some of the residents of the neighborhood, he had spoke to the Pontbriand's of 4 Brick Rd. and discussed a proposed driveway, removing a tree, and installing fencing, but have not come to an agreement; a proposal to residents of 10 Brick Rd. exchanging easements adjacent to their fence, but no response. They have had several conversations with the residents at 12 Brick Rd. about easements behind their property and discussed landscaping – all still being discussed. Further discussions between residents continue as well as landscape proposals. He stated that during the site walk on Brick Rd. and behind 12 Brick Rd. they took notice of a group of trees which had been cut. The developers are willing to grant “use easements” and move the fence line back 20 feet if they can reach an agreement with the residents. Atty. Schulte mentioned a concern that Mr. McQuade had for his apartment complex with traffic issues; the developers have proposed parking control signage “residents only – no through traffic” which might alleviate that issue. Additional comments from the site walk and the last planning board meeting was not to upgrade the trails; however, they continue to propose some passive recreation in the back left side of the property. He discussed contributions in lieu of passive recreation and active recreation. There will still be an impact regarding the Floral Ave area, which the CIP plan calls for Floral Ave. upgrades – and proposed \$15,000 in upgrades by the developer. There would be 76 parking spaces, including one garage for each unit, and two out front parking spaces for each of the 24 units. The developer is requesting two waivers: one for the sidewalk and one not to provide a streetscape plan. He mentioned conditions proposed: fences, water



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retention areas, and a traffic study. The fiscal analysis provided shows that 4-5 students would live in the proposed homes – net result to the City is an increase in tax revenues.

C.Parker asked about the timeline.

Atty. Schulte stated construction is expected to start in the Spring of 2012 and then continue in phases. The expectation is roadway and utilities built up to the hammer head, the building on the left would be the first built, with a turn-a-round. The main reason for phasing is due to financing for prospected buyers and the number of units under construction.

G.Green asked about the storm water management plan, and asked if a 100 year study had been done. He asked if historical data was used. He stated NRCC is what the board typically uses. He also stated interest in Strafford County has 23% more precipitation and 58% more rain events. His next question is about pervious pavement.

Doug La Rosa responded they use two methods to infiltrate: Bioretention basins and deep stone drip edges along the buildings (*French drains*).

Public hearing open

Dylan Fransway of 12 Brick Rd., stated his concerns for the project. He stated how long he owned his home and why he purchased it. His concerns were trees being removed, drainage with retaining wall, new view out his window, the new building heights, and additional traffic adding 16 per hour.

Valerie Lester of 2 Floral Ave., wants the Planning Board to reconsider the development, to review the impact statement – she felt was “generally answered”, such as public safety and the environment, traffic statistics, blasting and its impact to her property. She appreciates G.Green’s comments on impervious pavements and she mentioned the storm water study commission in regards to pollution. She asked if plans could be reviewed with the UNH storm water group.

Bryan Frobese of 6 Floral Ave., stated his concern as “negative growth” and feels the development cramps into the abutting neighbors and is squeezing apartments between single family homes. He states, for the record, his home has a dry basement now with no water issues and he is concerned about blasting and damages to foundations. He asked about a previous request if all State/local agencies have been involved and he is waiting for an answer.

Wendie Al-Ghaithy of 1 Abbey Sawyer, who was at the previous planning board meeting, continues to be opposed. Her concern is the proposed plan lowers her property value and those of other residents in the neighborhood, additional traffic, overcrowding of public schools, and a burden on the school systems. She feels the proposed setbacks are not sufficient, and the retaining wall part of the construction is currently beyond the setback line. The development will destroy landscape vegetation, birds and other wildlife. She feels there is a potential for intruders walking through the neighborhood due to partial fencing. She also has lighting concerns.

Adam Al-Gaithy Yusef of 1 Abbey Sawyer, has concerns with the number of people packed into the development, the traffic congestion, and disruption to nature. He requests fencing around the property, trees for privacy, and lighting.



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Gregory Hede of 4 Floral Ave, attended the last meeting and the site walk. He urged the board to review the previous Zoning Board Minutes on the project. He is concerned about blasting and impact on properties, sidewalk proposal at Brick Rd. and Central Ave., and the utility pole to the entrance of Brick Rd. owned by PSNH. He also had concerns about property managers and will they be onsite.

Norman Pontbriand of 4 Brick Rd., mentioned he was told the construction timeframe would be 3 years and is concerned about the length of time of construction. He has concerns about sidewalks, and a 33 ft wide x 39 ft piece of land owned by PSNH, he wants this checked on. He thanked the board for the site walk.

Public bearing closed

C.Parker responded to list of items:

Regarding the blasting, The City has requirements on blasting - Chapter 149 Section 10 outlines City requirements on blasting and makes sure the abutters are protected. The developer can address further.

Lighting: The City has requirements on lighting - Chapter 149-10E which has parking lot standards for outdoor lighting.

Drainage: Chapter 149-14A has a storm water management section to encourage low impact development practices.

Students in schools: The last impact fee review they found that .28 students are generated from each townhouse. (1/3 student per unit) .5 students is for a single family dwelling, apartments a little higher.

Utility Poles: PSNH owns the utility poles and controls where the poles go.

Sidewalks: which are valuable and help define the road and slow down traffic and improve pedestrian safety.

The Zoning Board minutes were requested; asked for a recess to obtain the proper minutes as wrong minute were printed.

L.Merullo questioned office district in regards to the project.

C.Parker responded. The office zone is a mixed use zone (commercial and multi-family uses). Across from Brick Rd. is a multi-family district. In the office zone, commercial should be on the first floor and residential above. This project went to the Zoning Board to request a variance to have residential on the first floor. They also went to the Zoning Board to allow four buildings without a public road.

Atty. Schulte confirmed - If they were required to subdivide, there would have been more paving and impervious areas for the same number of units. The variance was to allow up to 24 units on one lot, allowing buildings closer together and further away from the neighbors, less pavement and less impact on the environment.

C.Parker continued. The office zone is an infill zone – a multi-purpose mixed use zone looking to promote to urban density. He pointed out different office zones within Dover. This zone is in more high traffic areas. The idea is in this density, you would have had some commercial on the first floor if they did not obtain the variance. One side of Brick Rd. is multi-family district, which allows greater density. This office zone was created approximately 40 years ago. He asked for the developers to show the hill on Abbey Sawyer.



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Doug La Rosa and Bob Stowell discussed that the residents on Abbey Sawyer have some conservation slope (greater than 20% slopes). He states Garrison Hill is quite steep and slopes upwards to 40% on the back side of the old trail at the end of Brick Rd. He went onto discuss the retaining wall. The plan of construction for the retaining wall; dig out the existing soil, they anticipate no blasting, start the wall, you add several feet of crushed stone, and then you lay down a layer of filter fabric which encourages the water to go into the wall through 4" weep holes, and drops down into ditches which have redirect the water to the bio-retention areas and infiltrate. The retention wall helps with the draining issues.

C.Parker stated that all State and local authorities have been informed.

D.LaRosa spoke about storm water runoff, retention areas, and drainage from the hill.

T.Clark mentioned fencing. C.Parker mentioned LA1 landscape plan for fencing.

L.Skinner mentioned signs for parking control.

Mr. William McQuade of McQuade Realty emailed C.Parker and said he does agree to have them on his property.

Chair Gasses asked the Board if they wanted to review the ZBA minutes.

G.Green stated he printed out and read the June 16, 2011 minutes prior to tonight's meeting and said he could not find anything conflicting in the minutes.

L.Skinner feels the Board should look at the minutes.

Recessed 8:12pm Resumed 8:20 pm

Setbacks are being met on the project. It does meet side and rear setbacks. He also reminds the Board that there are civil agreements between property owners and that the applicant and the abutter have a private civil matter.

The Zoning Board minutes of June 16, 2011 were reviewed by Board members as previously requested at the 9/27/11 meeting.

C.Parker noted that staff recommends that the Planning Board grant the Site Plan approval with the following conditions:

Conditions to Be Met Prior Signing of Plans:

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 add the surveyors and engineers stamps and signatures to all appropriate sheets.
4. The approval includes the granting of the waivers for a driveway width of 20 feet and to forgo the streetscape plan for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 149-19-A have been met.
5. The applicant shall have the Storm water Management Maintenance and Inspection Plan approved by the Community Services Department.



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6. The applicant shall revise the plan to add a street name acceptable to the Building Official.
7. The applicant shall revise the plan to specify what passive recreational facilities are proposed.
8. The applicant shall add a landscape architect stamp to sheet LA-1.
9. The applicant shall submit proposed Homeowner's Association or condominium documents, addressing driveway maintenance, storm water maintenance, and recreation maintenance. These documents shall be reviewed by the Planning Department, with consultation by the City General Legal Counsel on the proper form of the documents.
10. The applicant shall revise sheet LA-1 to add a note stating that if agreements w/abutters are struck for easements, the fence locations will be revised and approved by the Director of Planning and Community Development.
11. The applicant to revise the plat adding a note that any blasting for the property shall conform to Chapter 149-10F.

Conditions to Be Met by the Applicant Prior to Any Land Clearing:

12. The applicant shall have the surveyor mark the trees that are to be preserved on the lot. This shall be checked and approved by the Building Official and City Engineer.
13. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 8 AM-5 PM, with 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.

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

14. The applicant shall contribute the amount of \$2,000 to the City to support the Fast-Trans public transportation service.
15. The new dwelling units shall pay the current impact fees in place at the time of building permit application.
16. The new building shall be assessed the current water/sewer investment fees in place at the time of building permit application.

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

17. In lieu of on-site active recreation, the applicant shall contribute the amount of \$10,000 to the City for improvements to recreational facilities at Garrison Hill Park.
18. In lieu of one half of the required on-site passive recreation, the applicant shall contribute the amount of \$5,000 to the City for improvements to recreational facilities at Garrison Hill Park or amend the plan to show an additional 1,200 square feet of passive recreation on the site.
19. The applicant shall contribute their fair share of off-site road improvements to Floral Avenue to the City, in the amount of \$15,000. This amount is the development's fair share based on an impact calculation using a rational nexus approach.
20. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: L.Merullo motioned to approve with recommendations. Seconded by F.Torr Vote: U/A

G.Green thanked the neighborhood residents for their input and concerns for the project. He commented on ZBA hearing, and the traffic. He commented on the water runoff and states the land qualifies to use pervious pavement. There are available specifications that could be done, but this Board will not use additional specs in this case.



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Chair Gasses echoed Mr. Green's comments.

4. NEW BUSINESS

A. Consideration and possible posting of amendments to the land use ordinances and regulations.

C.Parker went through a list of changes to land use regulations. Site Regulations were discussed first.

G.Green mentioned the UNHSC Design Specifications for pouris asphalt pavement and infiltration beds. He requested changes that we use guidelines from the stormwater management system.

C.Parker went through the subdivision changes regarding roadways.

M.Gasses mentioned energy efficient lighting alternatives and the power source itself.

C.Parker mentioned solar panels – being more energy efficient.

L.Merullo mentioned lightings regulations.

G.Green questioned the wording of “underground pedestrian traffic.” A board discussion followed. It was suggested to list as “pedestrian traffic and underground utilities” instead.

C.Parker went onto Zoning ordinances and regulations.

C.Parker discussed election signs and a general discussion followed.

L.Merullo asked about sign complaints, private property and right of ways.

C.Parker discussed how he handles sign complaints – he follows State regulations when handling.

Motion: T.Clark motioned to post the Zoning amendments to Chapter 170, which is the land use ordinances and regulations. Seconded by L.Skinner Vote: U/A

B. Public hearing to hear comments on the City's proposed Capital Improvements Program (CIP) FY 2013 – FY 2018. The CIP can be found on the City Web Site at www.dover.nh.gov under Online City Archives – Financial Information.

C.Parker reminds the board on November 8, 2011 to be ready with any concerns and comments and discuss the CIP at that time. Board members are encouraged to watch the DVD and read the CIP book.

Public hearing open. Nobody spoke to the board. Public hearing closed

L.Merullo will not be present on November 8th, but requested the School Superintendent; and G.Green wants Chief Colarusso also present on November 8th.

~~C. Consideration and acceptance of a Minor Subdivision of land for Maureen & Michael Ryan, Assessor's Map 10, Lot 162, located at 15 Arch Street. *(P11-50) **WITHDRAWN**~~



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D. Consideration and acceptance of a Minor Lot Line Adjustment of land for Changing Places LLC and Dale & Glenna Drake, Assessor's Map A, Lot 45A-2-5 & 46, zoned R-40, located at Olive Meadow Lane & 513 Sixth Street. *(P11-51)

Chair Gasses recused herself as Chair. F.Torr replaces M.Gasses as Chair. K. Schuman replaces F.Torr.

Robert Stowell, Tritech Engineering represented the applicant and gave a brief overview of the plan. He showed the boundary line adjustment taking the Drake parcel excess land and bringing into the Olive Meadow subdivision. They then take the existing three lots along Olive Meadow Lane, reconfigure them, and turn them into much better buildable lots. The Drake lot becomes the fourth lot. The roadway will be widened from 20 ft to 24 ft. wide.

L.Skinner questioned where in the plans the street would be changed to the new width. Second question, he asked about boundary lines to be abandoned and questioned if they really would be abandoned.

R.Stowell stated this was an error, and would be corrected.

Motion L.Skinner to accept the plan. Seconded by L.Merullo. Vote: U/A.

Public hearing open. Nobody spoke. Public hearing closed

The Planning Department recommends that the Planning Board accept the application and approve the minor lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plat

1. The owner's signatures 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 stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-51 to the title block.
5. The applicant shall revise the plat to label the lot lines for lot 45-OPN as "Boundary Lines to be Abandoned"
6. The applicant shall have the subdivision plat (P10-50A) and the minor lot line adjustment plat (P11-34) recorded at the Strafford County Registry of Deeds.
7. The applicant shall revise the plat to correct the lot line to be abandoned.

L.Skinner mentioned a waiver which is no longer necessary. This will be discussed on the subdivision plan.

Motion: T.Clark motioned to approve with staff recommendations. L.Merullo seconded. Vote: U/A

E. Consideration and possible vote on an amendment to a previously approved (July 26, 2011) & amended (August 23, 2011) Open Space Subdivision of land for Changing Places, LLC, Assessor's Map A, Lot 45A-2-4, 45A-2-5 & 45A-OPN, zoned R-40, located at Olive Meadow Lane. *(P10-50B)

Robert Stowell, Tritech Engineering and Attorney James Schulte represented the applicant and discussed the open space subdivision. He pointed out to the Board the new boundary lines.

Motion to accept by T.Clark. Seconded by L.Skinner. Vote: U/A.



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Public hearing open. Nobody spoke. Public hearing closed.

The Planning Department recommends that the Planning Board approve the lot line adjustment with the following conditions:

Conditions to Be Met Prior to Signing of Plat:

1. The owner's signatures 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 approval includes the granting of the waiver requested for the reasons stated by the applicant and the Planning Department. The Board finds that the criteria of Chapter 155-51-A have been met.
4. The applicant shall add the surveyor stamp and signature to the plat.
5. The applicant shall revise the plat to add the Planning File #P10-50B to the title block.
6. The applicant shall revise the plat to increase the side setback on the southern side of map A, lot 46 to be 50-feet.
7. The applicant shall revise the plat to label the lot lines for lot 45-OPN as "Boundary Lines to be Abandoned".
8. The applicant shall have the subdivision plat (P10-50A) and the minor lot line adjustment plat (P11-34) recorded at the Strafford County Registry of Deeds.
9. The applicant shall revise the existing conservation easement for Map A, Lot 45A-2 (Book 3940, Page 348) to recognize the additional area. This document shall be reviewed by the Planning Department, with consultation by the City General Legal Counsel on the proper form of the document. The revised conservation easement shall be recorded at the Strafford County Registry of Deeds at the same time as the plat.
10. This approval removes the approval for the previously granted waiver to reduce the width of the roadway to 20 feet.

T.Clark asked about the side setback increase to 50 feet.

C.Parker responded according to open space subdivision it must be 50 feet. Existing structure is already grandfathered, and that the barn will most likely be within the 50 feet.

G.Green asked about approval of the community trail head.

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

Chair Gasses returned as Chair. F.Torr steps down as Chair and returns to Vice-Chair. K.Schuman stepped down.

F. Consideration and acceptance of a Minor Lot Line Adjustment of land for Dover Point Properties LLC, Assessor's Map L, Lot 89 & 89-1, zoned R-20, located at 200 Dover Point Road. *(P11-52)

Chair Gasses states that items F, G, and H will be discussed all at once and then open the Public Hearing.

Robert Stowell, Tritech Engineering represented the applicant and gave a brief overview of the three items – Items F, G, and H. He pointed out the lot line adjustment on the map, lot 89 has the house on it; lot 89-1 gets larger; and two new additional lots are created off Shore Lane. He stated there are three applications, and two plans.



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G.Green asked about the driveway that is going to be abandoned, is it a current driveway, or will it service a new lot.

R.Stowell responded that the driveway would be completely abandoned.

D.White questioned if the second house on city sewer and where the septic is. He also wanted to know about a small fenced in area to the north of the house.

The applicant, Bill McCullen states it's was the previous owners fenced in catch area/shelter for wheelbarrow and yard supplies.

Chair Gasses asked about setbacks. She stated if it's a non-conforming lot; her other concern would be having an accessory structure without a primary structure. She asked for clarification about the shop coming down.

C.Parker asked about the accessory structure and when a primary would be built. He asked about the septic system behind the patio, referred to subdivision plan, behind the patio – an easement on drawing S2 to connect to city sewer and the old septic would be abandoned.

D.White wants to make sure subdivision and new septic is done.

C.Parker stated he would take care of these items as conditions of approval.

G.Green asked if there would be four investment fees.

C.Parker responded that impact fees are only on the new structure, investment fees are separate.

Motion: T.Clark motioned to accept all three items - items F,G, and H. Seconded L.Merullo, Vote: U/A

Public hearing open. Nobody spoke. Public hearing closed

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures 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 stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-52 to the title block.

Motion: G.Green motioned to approve with staff recommendations. Seconded by J.Forget
Vote: U/A

G. Consideration and acceptance of a Minor Subdivision of land for Dover Point Properties LLC, Assessor's Map L, Lot 89, zoned R-20, located at 200 Dover Point Road. *(P11-53)

Public hearing open. Nobody spoke. Public hearing closed



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The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plat:

1. The owner's signatures 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 stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-53 to the title block.
5. The applicant shall revise the plat to add a note that requires the two lots to share a single driveway.
6. The applicant shall revise the plat to add a note that no building permit shall be issued for lots 89-1, 89-2 and 89-3 until lot 89 has connected to City sewer.
7. A surety shall be submitted to the City Engineering in the amount of the cost to demolish the "shop" from lot 89-3. The surety shall be returned, if the shop is demolished or construction has begun on a principal structure within 6 months of the signing of the plat.

Motion: L.Merullo motioned to approve with staff recommendations. Seconded by G.Green Vote: U/A

- H. Consideration and acceptance of a Minor Subdivision of land for Dover Point Properties LLC, Assessor's Map L, Lot 89-1, zoned R-20, located at 200 Dover Point Road & Shore Lane. *(P11-54)

Public hearing open. Nobody spoke. Public hearing closed

The Planning Department recommends that the Planning Board approve the subdivision plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signatures 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 stamp and signature to the plat.
4. The applicant shall revise the plat to add the Planning File #P11-54 to the title block.
5. The applicant shall revise the plat to show the driveway onto Dover Point Road to be removed and add a note that requires that the driveway for lot 89-1 be off of Shore Lane.

Motion: F.Torr motioned to approve with staff recommendations. Seconded by G.Green. Vote: U/A

5. STAFF COMMENTS

- December meeting schedule: The December 27 meeting is changed to December 20 due to the Christmas holiday.
- Chair Gasses mentioned a Low impact development 40 minute presentation that would be available.
- Educational opportunities – sign up with Director of Planning & Community Development.

6. COMMITTEE REPORTS

- Open Space Master Plan – L.Skinner gave a brief report.

7. ADJOURNMENT

Motion: L.Merullo motioned to adjourn the meeting at 9:50 pm. Seconded by D.White Vote: U/A