

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Vice Chair), Frank Torr, Dave Landry, James Burdin, Dave White, Lee Skinner, Tom Clark, and Tristan Donovan (Alternate)

Members Not Present: Kirt Schuman (Chair), Dennis Ciotti (Councilor), Jackson Kaspari (Alternate), Hayley Harmon (Alternate)

Staff Present: Donna Benton, Assistant City Planner

The Vice Chair, acting as the Chair, called the meeting to order at 7:00 pm. She noted that item 4E would not be heard tonight, and that Frank Torr would sit in the Vice Chair's spot and Tristan Donovan would sit in for Kirt Schuman.

1. CITIZENS' FORUM

Citizens Forum Open. No One Spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- October 23, 2018 Regular Meeting Minutes

Motion: F. Torr made a motion to approve the minutes as submitted. Seconded by T. Clark. Vote U/A

3. OLD BUSINESS

- A. Consideration and possible vote of a Site Review for Marker 44 Holdings, LLC, Assessor's Map 24, Lots 114 & 115-B, zoned CBD-G & CWD, located at 87 Portland Ave. & Cocheco St. (Proposal is to leave the existing 2,176 sq. ft. two family dwelling and construct four 3,904 sq. ft. multi-unit apartment buildings containing a total of 32 units and construction of a 24 ft. wide driveway to access both buildings). *(P18-34)

Motion: F. Torr made a motion to remove the application from the table. Seconded by D. White. Vote U/A

D. Benton explained that the Planning Board accepted this application and approved conditional use permit and Lot Line Adjustment on September 25, 2018. The Board closed the public hearing and tabled the application for a site walk on October 13. Since the 13th, the applicant has worked to resolve issues, and provided documentation that an Integrated Pest Management plan is not required.

At the site walk a question was asked relative to the boundary lines an abutter disputes. Upon review, the City Attorney determined this is a civil matter. Revised plan sheets were supplied to the Board, and Mr. Haight can walk the Board through the changes. After the presentation, the Board should re-open the public hearing.

S. Haight, Civilworks New England, reviewed the changes made such as adding a fence along the lot line, adding additional lighting and addressing utility questions.
Discussion occurred regarding pest management mitigation.

Public hearing opened.

Mr. Printy, 46-50 Cocheco Street expressed concerns about water run-off, pests and maintenance of the pathway and gate. He also had an engineering firm look over the plans and they highlighted the following



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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potential issues: two storm open channels directed towards his property, porous pavement, salt and sanding, subsurface drain pipe/ corrosion- suggested using PVC rather than steel and retaining wall foundation stability. He also reiterated the topography runs downward toward his property.

Barbara Murphy, 90 Portland Ave is concerned about what will happen to the neighborhood. She believes the traffic study needs to be redone and is concerned about emergency vehicles getting into the new roadway. She believes the structure will be three stories rather than two. She is concerned about the wetlands and prefers Saturday be deemed a non-construction day along with Sunday.

John Hallworth, 68A Portland Ave expressed concerns about traffic, the driveway width relative to emergency vehicles, parking being eliminated at this lot, but not in front of his house and water flow.

Greg Pillette, 97 Portland Ave is concerned about the loss of privacy due to this structure facing his house along with the additional lighting and windows. He is also concerned about story height, lighting, sidewalk safety, distance of structure from abutters, trees and use of wood that will be cut down.

Karen Pillette, 97 Portland Ave explained about the pests and other wildlife in that area and wants to make sure the pests are managed.

Public Hearing closed.

S. Haight addressed the following public comment issues: Traffic, drainage, fencing height and location, pest management, story height, emergency vehicle access.

Discussion occurred about porous pavement and how the drainage system will work on this site.

STAFF RECOMMENDATION:

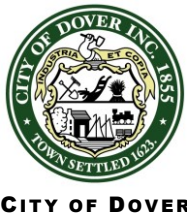
The Planning Department recommends that the Planning Board approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide:
 - a. A digital version of plan set
 - b. Cross-access easements for parking and access
2. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - b. Add LLS, PE, and Landscape Architect signatures and stamps to final plan
 - c. Substitute vinyl siding with a siding material consistent with the abutting properties, to the satisfaction of staff.
 - d. Revise note 10 on the demolition sheet to note lack of need for an Integrated Pest Management plan
 - e. Update the plan set with the revisions dated October 30.
 - f. Revise to Portland Ave
 - g. Revise architectural renderings to indicate accurate number of stories

Conditions to Be Met Prior to any Construction Activity:

3. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

4. Applicant shall complete Land Use Development Tracking Form, most recently revised version, utilizing the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal. <https://www.unh.edu/unhsc/ptapp>

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

5. The new dwelling units shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

Conditions to Be Met Prior to Occupancy:

6. Issuance of a certificate of occupancy.
7. Impact fees for new dwelling units and commercial space shall be paid per the invoice included with the Notice of Decision.
8. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: D. White made a motion to approve with staff recommended conditions. Seconded by T. Donovan. Vote U/A.

F. Torr noted that items B, C and D would be heard together

- B. Consideration and possible vote of a Conditional Use Permit for Dovester Holdings, LLC, Assessor's Map 20, Lot 41, zoned CBD-Residential, located at 24 Hanson Street. (Proposal is to construct a 6-unit apartment building and 17 parking spaces, with wetland buffer impacts of 127 sq. ft. and Conservation District (20% slopes) impacts of 830 sq. ft.) *(P18-01)
- C. Consideration and possible vote of a Conditional Use Permit for Dovester Holdings, LLC, Assessor's Map 20, Lot 41, zoned CBD-Residential, located at 24 Hanson Street. (Proposal is to allow a fourth story on a building where three is the maximum). *(P18-44)
- D. Consideration and possible vote of a Site Review for Dovester Holdings, LLC, Assessor's Map 20, Lot 41, zoned CBD-Residential, located at 24 Hanson Street. (Proposal is to demolish the existing garage and replace with a six (6) unit apartment building. The lot contains an existing five (5) unit building which would remain.) *(18-02)

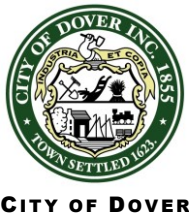
Motion: F. Torr made a motion to remove the three items from the table. Seconded by D. White. Vote U/A

D. Benton explained the applicant is seeking to demolish an existing garage and replace with a 6-unit apartment building which proposes to have 4 stories where 3 stories is the maximum in the CBD-Residential Zone. To properly install the driveway and parking lot, the applicant is requesting wetland buffer impacts of 127 sq. ft. and Conservation District (20% slopes) impacts of 830 sq. ft.

The applicant appeared before the Technical Review Committee on August 2, 2018. The Conservation Commission endorsed the Conditional Use Permit at their September 10, 2018 meeting. The Board accepted the three applications at its October 9th meeting, and tabled all three for a site walk on October 13th. Mr. Smith can walk the Board through the changes. After that presentation, the Board should re-open the public hearing.

Christian Smith, Beals and Associates, reviewed the changes to the plans including opaque fencing.

The applicant and the board discussed snow storage.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION – CUP - Environment:

The Planning Department recommends that the Planning Board approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Issuance of the Permit:

1. Site Plan (P18-02) is approved.
2. Specifications of the retaining wall be approved by the City Engineer.

Motion: F. Torr made a motion to approve with staff recommended conditions. Seconded by T. Donovan. Vote U/A.

STAFF RECOMMENDATION – CUP - CBD:

The Planning Department recommends that the Planning Board approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Issuance of the Permit:

1. Site Plan (P18-02) is approved with architectural materials indicated on site plan.
2. Conditional Use Permit (P18-01) is approved.
3. The applicant shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds per Chapter 170-20-B(3).

Motion: J. Burdin made a motion to approve with staff recommended conditions. Seconded by D. White. Vote U/A.

STAFF RECOMMENDATION – Site Plan:

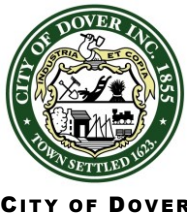
The Planning Department recommends that the Planning Board approve the Site Plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The conditional use permits (P18-01 & P18-44) shall be approved.
2. The applicant shall provide:
 - a. A digital version of plan set
 - b. A Pest Management Analysis from a certified pest control specialist regarding pest control needs on site
 - c. Letters to serve from Eversource and Community Services Department
3. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - b. Add PE signature and stamp to final plan
 - c. Indicate materials on architectural renderings with pointers
 - d. Add note that retaining walls 4 feet or greater require building permits
 - e. If Pest Management Plan is needed, add to demolition plan.

Conditions to Be Met Prior to any Construction Activity:

4. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

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

6. The new dwelling units shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

Conditions to Be Met Prior to Occupancy:

7. Issuance of a certificate of occupancy.
8. Impact fees for new dwelling units shall be paid per the invoice included with the Notice of Decision.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: D. White made a motion to approve with staff recommended conditions. Seconded by J. Burdin. Vote U/A.

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Review Amendment for Johnson Creek Village (Owner: Aramis Black/Real McKoy LLC), Assessor's Map H, Lot 1, zoned B-4, located at 301 Durham Road. (Proposal is to change the classification from Elderly Assisted Care to Assisted Living, increasing beds from 12 to 24, adding parking, lighting and other minor changes). *(P15-38A)

D. Benton explained that in 2015, the applicant received approval for a 12 bed Elderly Assisted Care facility, from the Zoning and Planning Boards. Subsequently, the applicant determined that an Assisted Living Facility with more beds would be a more appropriate use of the land.

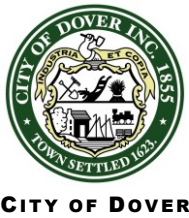
Staff was just made aware today that there were potential abutters in Madbury that were not notified for this meeting or for the Zoning Board meeting and after consulting the city's legal counsel would suggest to continue the item so that staff can review the abutters and re-notify. She explained that it appeared the applicant would like to still be heard this evening, so she asked that they indicate that they would be risking an appeal due to potential notification errors.

Discussion: The board discussed whether to table the item prior to any presentation and public hearing or to hear the presentation and give abutters present an opportunity to speak and then decide what to do after that.

S. Haight, Civilworks New England, addressed the abutter issue stating one aggrieved neighbor is outside the 200' boundary for notification and no one else notified in that area has attended any meetings thus far though all abutters have been notified.

S. Haight described the history of this case coming before town boards. All state permits have been submitted including septic, well and NHDOT.

He is looking to move this project forward tonight. They have been before TRC multiple times. He further clarified that the site plan has already been approved and tonight the applicant is looking for approval to increase the beds from 12 to 24.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

More discussion occurred among the board regarding the abutter notification as well as regional impact.

Motion: J. Burdin made a motion to accept the application. Seconded by T. Clark. Vote 7-1 with D. Landry opposed.

Public hearing opened.

Denis Robinson, Attorney with Pierce Atwood, representing Coldstream Properties, LLC- an abutter 203' from the Dover project and within the 200' leach field in Madbury. He is the one who raised the issue of abutter notification. His client was not notified of the ZBA meeting in the summer therefore that ZBA approval is nullified.

His client operates a school on their property. The Dover ordinance defines an abutter as being within 200' from a project under review by the Planning Board but because the project extends into Madbury, this property owner should have been notified of this meeting as well as the ZBA meeting. No other Madbury residents received notice. His concern is that the abutters are not here to listen to what's being said or participate. His proposal to the board is to table the case to December and send notices.

John DeStefano, President of DeStefano Associates-construction manager for this project
They started this project two years ago and completed ¼ of it. He is concerned about the project getting caught up in delays from legal issues when there's been no opposition to the actual project.

Aramis Black, Real McKoy Properties

In 2015, though the Coldstream Properties parcel was outside the official abutter scope, the owners of the property at that time were notified. That property has since changed hands. The leach field may not even be needed, it is being put in as a potential need. The Madbury boards are fully aware of the project and have participated in the TRC discussions.

Patricia Dell Isola, applicant explained some background information of her role in the project as well as some communications between the aggrieved abutter and herself. At the June ZBA meeting the land with the proposed leach field had not been purchased yet. It was not an issue that would have warranted a notice to that property owner. She is concerned that a personal vendetta has impacted other businesses and the timeline of this project.

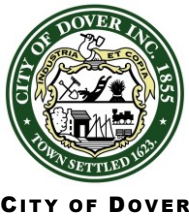
Public Hearing closed.

Motion: L. Skinner made a motion to continue the item to December 11, 2018 Regular Planning Board meeting. Seconded by T. Clark.

Discussion occurred regarding abutters and renotification.

Vote: 7-1 with F. Torr opposed.

- B. Consideration and acceptance of a Conditional Use Permit for White Water Car Wash & Detail Center, LLC, (Owner: Danvin Court One LLC & Danvin Court Two LLC), Assessor's Map 4, Lot 17, zoned CBD-General, and located at 525 Central Avenue. (Proposal is to remove self-car washing building and detail center, selective demolition of pavement and concrete, repave and install vacuum hoses. The building coverage will be approximately 22% whereas 75% is required.) *(P18-50)



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

D. Benton explained applicant is proposing to demolish the self-service car washing building and detail center to add vacuum hose stations which would not conform to the required lot coverage in the CBD-G district and therefore needs a Conditional Use Permit.

Matt Randall, Civilworks New England, explained the request.

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

Public hearing opened.

Gary Boisse, Pierce St. is an abutter to the site. He is not opposed to the project. He is just here to confirm no curbing or fencing is going in to prevent his tenants from parking in the parking area.

Public Hearing closed.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the Conditional Use Permit:

Conditions to Be Met Prior to Issuance of the Permit:

1. Revise Conditional Use Permit plan to:
 - a. Show existing buildings or provide demolition plan
 - b. Remove advertising logos from plan
 - c. Add planning file number (P18-50)
 - d. Add note calculating existing and proposed lot coverage vs. required
 - e. Add street names to the location map
 - f. Add north arrow and scale
 - g. Add name of abutting property owners
 - h. Indicate any stormwater changes to the satisfaction of the City Engineer
 - i. Add owner's signatures
 - j. Add common site notes: 1, 2, 3, and 8
 - k. The applicant shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds per Chapter 170-20-B(3).

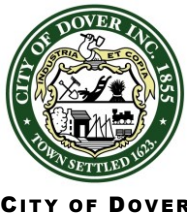
D. White spoke to M. Randall about working together to update the drainage if the applicant is going to repave the lot.

Motion: F. Torr made a motion to approve with staff recommended conditions. Seconded by L. Skinner. Vote U/A.

- C. Consideration and acceptance of a Lot Line Adjustment for Hot Corner Productions, LLC (Owner: Richard and Anna Kay Irrevocable Trust), Assessor's Map G, Lots 29 & 29-B, zoned I-2, and located at 45 Littleworth Road. (Proposal is to adjust the boundary lines moving a 50 ft wide strip of land to lot 29B from Lot 29). *(P18-51)

D. Benton explained applicant proposes a minor lot line adjustment moving a 50-foot wide piece of land to Lot 29B from Lot 29. Both lots are and will remain conforming.

Robert Stowell, Tritech Engineering, explained the request.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Rm 306 – 61 Locust Street
Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

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

Public hearing opened.

Kate Surman, 39 Sandra's Run wondered what is occurring with this request and how it might affect her property. She is just moving into her home in Dover and received the abutters notification.

Gary Dickerman, 39 Sandra's Run reiterated wanting to know what is happening to the land behind their property.

Public Hearing closed.

Robert Stowell expanded on the request for the benefit of the abutters.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the Minor Lot Line Adjustment with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat.
2. The applicant shall provide an updated current use plan.
3. The applicant shall revise the plat to:
 - a. Include the Licensed Land Surveyor signature and stamp
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Stafford County Registry of Deeds
 - c. Add Planning file number P18-51
 - d. Add common subdivision note 10
 - e. Add abutter information
 - f. Remove fence from abutting property

Motion: F. Torr made a motion to approve with staff recommended conditions. Seconded by D. White. Vote U/A.

D. Consideration and acceptance of a Minor Subdivision for Jennifer Morin, Assessor's Map C, Lot 48, zoned R-40, and located at 371 Tolend Road. (1 new lot). *(P18-53)

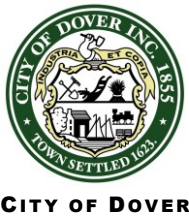
D. Benton explained applicant proposes to subdivide a 22.095-acre lot into two parcels. The new lot would be 1.68 acres and the parent lot would decrease to 20.41 acres. The new lot will have 150' of frontage, and the remaining lot will have 296' of frontage.

The applicant is requesting a waiver from connecting to City water and has provided the request in writing. The main items expressed are related to the availability of a well on site, and condition of Tolend Road. The applicant has agreed to tie in should the well fail.

Robert Stowell, Tritech Engineering, explained the request. He noted that the request for wetland placards will not work well as they will be in the yard, so he requested those notes be written into the deed.

Motion: D. White made a motion to accept the application. Seconded by J. Burdin. Vote U/A

Public hearing opened. No one spoke. Public Hearing closed.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, November 13, 2018**
Meeting Time: **7:00 pm**

STAFF RECOMMENDATION-Waiver:

The Planning Department supports the waiver and recommends that the Planning Board grant it per the reasons provided by the applicant:

Condition to be Met Prior to Signing of the Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 155-43.A (Municipal Water Connection) and that the Board found the criteria of Chapter 155-51.A have been met.
2. Revise note 27 on Sheet S-2 to include that should the applicant tie into the municipal water system in the future, investment fees shall be paid.

Motion: F. Torr made a motion to grant the waiver with staff recommended conditions. Seconded by D. Landry. Vote U/A.

STAFF RECOMMENDATION-Minor Subdivision:

The Planning Department recommends that the Planning Board approve the Minor Subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

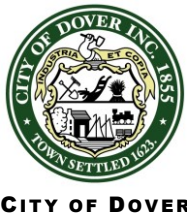
1. Provide:
 - a. Copy of NHDES Subdivision Permit to Planning Department and amend plan note to add permit number.
 - b. Updated current use plan to the satisfaction of the City Assessor
2. The applicant shall revise the plat to:
 - a. Add abutter information to the neighborhood plan
 - b. Include a sheet S-3 that combines Ex-1 and S-1 layers.
 - c. Merge note 27 with note 14 regarding the well and indicate that should the properties need to tie into public water, investment fees will be paid
 - d. Provide 2"x2" white space on lower right corner of Sheets S-1 and S-2 for approval stamp
 - e. Include the Licensed Land Surveyor signature and stamp
 - f. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - g. Add Planning File #P18-53
 - h. Indicate electric utilities
 - i. Add note to deed and plat about no-cut, no-disturb wetland buffer
 - j. Add common minor subdivision notes: 10, 13, 16, and 20

Conditions to Be Met Prior to Occupancy:

3. Issuance of a Certificate of Occupancy.
4. Impact fees for new dwelling unit shall be paid per the invoice included with the Notice of Decision.

Motion: J. Burdin made a motion to approve with staff recommended conditions. Seconded by T. Donovan. Vote U/A.

- E. Consideration and acceptance of a plat for Jason Magness and Rachel Engleman, Assessor's Map 33, Lot 100, zoned R-12 and located at Iona Avenue. (Proposal is to formalize an existing lot). *(P18-54)



DOVER PLANNING BOARD – MINUTES

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Meeting Time: **7:00 pm**

G. Cruikshank announced that this item is not ready for review and the Board should continue it until the December 11 meeting.

Motion: F. Torr made a motion to continue the application until December 11. Seconded by L. Skinner. Vote U/A.

F. Consideration and acceptance of a Minor Subdivision for Revern and Vethana Norasing, Assessor's Map G, Lot 24Q, zoned R-20, and located at 17 Atina Way. (One new lot). *(P18-52)

D. Benton stated the applicant proposes to subdivide 1.466-acre parcel into two lots. Lot 24Q would have 0.742 acres and lot 24Q-1 would have 0.724 acres. All dimensional requirements for the two lots are met.

Robert Stowell, Tritech Engineering, explained the layout of the plat.

Motion: D. White made a motion to accept the application. Seconded by J. Burdin. Vote U/A

Public hearing opened.

Vethana Norasing, 17 Atina Way wondered how large of a home could fit on that small lot and what style of home would be built there.

Robert Stowell stated at this juncture, they are just subdividing the lot. The City regulations will help determine what can be built on the lot at a later date.

Public Hearing closed.

Staff Recommendation:

Conditions to be Met Prior to Signing of Plans:

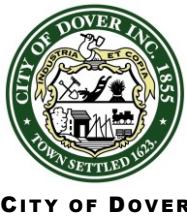
1. The applicant shall provide the Planning Department with:
 - a. A digital version of the final plat.
 - b. A copy of NHDES Subdivision Permit and amend plan note to add permit numbers.
2. The applicant shall revise the plat to:
 - a. Add abutter information to the neighborhood plan
 - b. Add Planning File # P18-52 to the plan set
 - c. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - d. Add PE, LLS and wetland scientist stamp and signatures to the plat
 - e. Show proposed leach field area on lot 24Q-1
 - f. Indicate test pit locations
 - g. Indicate location of wetland buffer placards
 - h. Add common subdivision notes: 14 & 16
 - i. Provide 2"x2" white space on lower right corner of Sheets S1 and S-2 for approval stamp

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

5. The new dwelling unit shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

Conditions to be Met Prior to Occupancy

6. Issuance of a certificate of occupancy.
7. Impact fees for new dwelling units shall be paid per the invoice included with the Notice of Decision.



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5. STAFF COMMENTS

- TRC occurred for a paving project at Middleton Building Supplies since the last meeting
- There is one meeting in December on the 11th, and it should be back in City Hall
- There was a change made to the CIP and any questions can be directed to staff

6. MEMBER COMMENTS

- L. Skinner spoke about changes to the Foster's building
- T. Clark congratulated D. Benton on passing her AICP exam
- D. White mentioned the change to the Broadway culvert project on the CIP and mentioned it will be voted on by Council on November 14, 2018.

7. ADJOURNMENT

Motion: F. Torr made a motion to adjourn at 9:29pm. Seconded by L. Skinner. Vote U/A