



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 28, 2020**
Meeting Time: **7:00 pm**

IN RESPONSE TO THE COVID-19 CORONAVIRUS, AND IN ACCORDANCE WITH RECOMMENDATIONS BY STATE AND FEDERAL HEALTH OFFICIALS LIMITING PUBLIC GATHERINGS, THE PUBLIC IS ENCOURAGED TO TEMPORARILY ACCESS PUBLIC MEETINGS REMOTELY, INCLUDING CABLE TELEVISION AND ONLINE STREAMING, AND SUBMIT COMMENTS FOR PUBLIC HEARINGS AND CITIZEN'S FORUM IN WRITING BY EMAIL: PlanningBoard-All@dover.nh.gov OR POSTAL MAIL ADDRESSED TO: PLANNING DEPARTMENT, CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NH 03820. THE PUBLIC MAY ALSO SUBMIT COMMENTS BY LEAVING A VOICE MESSAGE AT: 516-MEET (6338). PRECAUTIONS IN PUBLIC MEETING ROOMS WILL INCLUDE LIMITING THE NUMBER OF PEOPLE TO 10, THE USE OF OVERFLOW SPACE IF NECESSARY, AND THE REMOTE PARTICIPATION BY SOME BOARD MEMBERS.

Members Present: Gina Cruikshank (Chair)

The following Board members called into the meeting: Dennis Ciotti (Councilor), Lisa McGunnigle (Alternate), Hayley Harmon (Vice Chair), Matt Sullivan, Dave White, Dave Landry, F. Torr, Jackson Kaspari, Ellen Brooks (Alternate)

Members Not Present (excused): Erin Allgood (Alternate), Tom Clark

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:09 p.m. and noted Lisa McGunnigle will be sitting for Tom Clark.

1. CITIZENS' FORUM

Citizens Forum Open. No one spoke. And no comments were received to the office. *Citizens Forum Closed.*

2. APPROVAL OF THE PRIOR MINUTES

- April 14, 2020 Regular Meeting Minutes

Motion: H. Harmon moved to approve the minutes as submitted. Seconded by F. Torr.

Roll Call Vote: L. McGunnigle-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, D. Landry- yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, F. Torr-yes

3. OLD BUSINESS

A. Public Hearing to consider amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include revising terms, syntax and numbering. The full text of the amendments is available through the Planning Department. View the amendments on the City's website at <https://bit.ly/2QBNiZq> or request a copy be emailed. This the first of 4 public hearings on these amendments.*

C. Parker explained the amendments and explained that the public hearings for these amendments tonight and the next two meetings are to allow the public to give feedback. No votes will be taken until after the stay at home directive has been lifted and more opportunities for public hearings are given.



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Public hearing opened.

No public spoke.

C. Parker summarized the comments received. The board has received copies of the comments.

- Liz Goldman, 44 Rutland St, asked that LEED standards be required and that businesses not put form over function. Dover should have high standards for both.

The Chair read the following into the record:

IN RESPONSE TO THE COVID-19 CORONAVIRUS, AND IN ACCORDANCE WITH RECOMMENDATIONS BY STATE AND FEDERAL HEALTH OFFICIALS LIMITING PUBLIC GATHERINGS, THE PUBLIC IS ENCOURAGED TO TEMPORARILY ACCESS PUBLIC MEETINGS REMOTELY, INCLUDING CABLE TELEVISION AND ONLINE STREAMING, AND SUBMIT COMMENTS FOR PUBLIC HEARINGS AND CITIZEN'S FORUM IN WRITING BY EMAIL: PlanningBoard-All@dover.nh.gov OR POSTAL MAIL ADDRESSED TO: PLANNING DEPARTMENT, CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NH 03820. THE PUBLIC MAY ALSO SUBMIT COMMENTS BY LEAVING A VOICE MESSAGE AT: 516-MEET (6338). PRECAUTIONS IN PUBLIC MEETING ROOMS WILL INCLUDE LIMITING THE NUMBER OF PEOPLE TO 10, THE USE OF OVERFLOW SPACE IF NECESSARY, AND THE REMOTE PARTICIPATION BY SOME BOARD MEMBERS.

Public Hearing Closed.

B. Public Hearing to consider amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include revising the Transfer of Development Right's Ordinance, creating an Alternative Energy Ordinance, creating a Gateway Zone from existing areas of the Office, Downtown Gateway, and other zones, eliminating the I-1 and B-1 zones, merging the B-3, B-4 and B-5 zones into a Commercial (C) zone, rezoning the I-2 zone to Commercial Manufacturing, merging the I-4 and ETP zones into an Innovative Technology (IT) zone and updating the Residential Commercial Mixed Use Overlay District. The full text of the amendments is available through the Planning Department. View the amendments on the City's website at <https://bit.ly/2QBNiZq> or request a copy be emailed. This the second of 4 public hearings on these amendments.*

C. Parker explained the amendments.

Public hearing opened.

The Chair read the following into the record:

IN RESPONSE TO THE COVID-19 CORONAVIRUS, AND IN ACCORDANCE WITH RECOMMENDATIONS BY STATE AND FEDERAL HEALTH OFFICIALS LIMITING PUBLIC GATHERINGS, THE PUBLIC IS ENCOURAGED TO TEMPORARILY ACCESS PUBLIC MEETINGS REMOTELY, INCLUDING CABLE TELEVISION AND ONLINE STREAMING, AND SUBMIT COMMENTS FOR PUBLIC HEARINGS AND CITIZEN'S FORUM IN WRITING BY EMAIL: PlanningBoard-All@dover.nh.gov OR POSTAL MAIL ADDRESSED TO: PLANNING DEPARTMENT, CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NH 03820. THE PUBLIC MAY ALSO SUBMIT COMMENTS BY LEAVING A VOICE MESSAGE AT: 516-MEET (6338). PRECAUTIONS IN PUBLIC MEETING ROOMS WILL INCLUDE LIMITING THE NUMBER OF PEOPLE TO 10, THE USE OF OVERFLOW SPACE IF NECESSARY, AND THE REMOTE PARTICIPATION BY SOME BOARD MEMBERS.

No public spoke.

C. Parker summarized the comments received. The board has received copies of the comments.

- Liz Bratter, 75 Spur Rd, suggested alterations to the proposed Gateway District

Public Hearing Closed.



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- C. Consideration and acceptance of a Lot Line Adjustment for 150 Venture Drive LLC, Assessor's Map D, Lots 9A and 11A, zoned IT (formerly I-4) and located at 150 Venture Drive. *(P20-21)

Chair Cruikshank recused herself from this case. E. Brooks sat for Chair Cruikshank.

Motion: D. Ciotti made a motion that the Board remove the application from the table. Seconded by F. Torr.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, E. Brooks - yes, M. Sullivan- yes, J. Kaspari- yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

Public hearing opened.

No one spoke.

No public comments received for this case.

Public Hearing Closed.

STAFF RECOMMENDATION

Chapter 157-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the 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 revise the plat to:
 - a. Add Planning file number P20-21 to the title block
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures
 - d. Revise note 5 to update zoning information.
 - e. Add common note 13.

D. Ciotti asked some questions about the remaining frontage and easements needed.

Christopher Berry, representing the applicant addressed the concerns and explained they are not changing the frontage.

Motion: M. Sullivan made a motion that the Board approve the Lot Line Adjustment with staff recommended conditions. Seconded by L. McGunnigle. Vote U/A.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, E. Brooks - yes, M. Sullivan- yes, J. Kaspari- yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

- D. Consideration and acceptance of a Subdivision for STF Development Corp., Assessor's Map 32, Lot 35A, zoned R-12, and located on Snow's Court. (One new lot) *(P20-22)

F. Torr recused himself from this case. E. Brooks sat for Mr. Torr for this case.

Motion: D. White made a motion that the Board remove the application from the table. Seconded by D. Ciotti.



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Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari- yes, D. Landry - yes, H. Harmon- yes, D. White- yes, E. Brooks- yes

Public hearing opened.

No one spoke.

No public comments received for this case.

Public Hearing Closed.

STAFF RECOMMENDATION

Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the subdivisions of existing lots. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve with the following conditions:

Condition to Be Met Prior to the Signing of Plans:

1. The applicant shall provide the Planning Department with a revised plan with:
 - a. The Licensed Land Surveyor signature and stamp
 - b. Owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. File number P20-22 on title block
 - d. All applicable minor subdivision common notes and update existing notes about one plan sheet rather than CUP set
 - e. A note shall be added to the plan and deed that no further development shall occur on the parcel.
 - f. Add topography lines

Motion: E. Brooks made a motion that the Board approve the Minor Subdivision with staff recommended conditions. Seconded by D. Ciotti. Vote U/A.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry - yes, H. Harmon- yes, D. White- yes, E. Brooks- yes

4. NEW BUSINESS

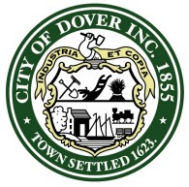
A. Consideration and acceptance the ability to do a Voluntary Open Space Subdivision for Lawrence E. & Cheryl J. Mulcahy, Assessor's Map D, Lot 20, zoned R-12, and located at 71 Glenwood Avenue. (7 new lots) *(P20-18)

C. Parker explained the applicant has submitted a preliminary plan to do an Open Space Subdivision on an existing lot to allow seven residential homes including the existing home at 71 Glenwood plus an open space lot. Staff reviewed the preliminary plans and feels it meets the requirements of both the yield plan and Open Space Subdivision Regulations. The applicant is requesting the Board's feedback on if it would allow a voluntary open space subdivision as proposed in these preliminary plans on this lot. The applicant would need to come back through the TRC and Planning Board process for Open Space Subdivision approval.

The lots would be serviced by municipal water and private septic systems.

The lot is just below the threshold in size for an open space subdivision to be required.

Christopher Guida, Fieldstone Surveying and Engineering represented the applicant and reviewed the plan.



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The land is very sandy and very well drained. It will use on-site septic and meet all state requirements. By having the open space, they are able to shorten the road about 200' and keeps the open space near the wooded area.

D. White asked why the yield plan road layout was changed. The applicant looked at the regulations closer with staff and realized the original plan wasn't going to be viable to have eight lots.

D. White wondered if the street would be private. No, it would be public.

D. White recommended a right-of-way to the abutting lots to the west for future development.

Motion: D. White made a motion that the Board accept the application. Seconded by H. Harmon.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry -yes, H. Harmon- yes, D. White- yes, F. Torr- yes

Public hearing opened.

The Chair read the following into the record:

IN RESPONSE TO THE COVID-19 CORONAVIRUS, AND IN ACCORDANCE WITH RECOMMENDATIONS BY STATE AND FEDERAL HEALTH OFFICIALS LIMITING PUBLIC GATHERINGS, THE PUBLIC IS ENCOURAGED TO TEMPORARILY ACCESS PUBLIC MEETINGS REMOTELY, INCLUDING CABLE TELEVISION AND ONLINE STREAMING, AND SUBMIT COMMENTS FOR PUBLIC HEARINGS AND CITIZEN'S FORUM IN WRITING BY EMAIL: PlanningBoard-All@dover.nh.gov OR POSTAL MAIL ADDRESSED TO: PLANNING DEPARTMENT, CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NH 03820. THE PUBLIC MAY ALSO SUBMIT COMMENTS BY LEAVING A VOICE MESSAGE AT: 516-MEET (6338). PRECAUTIONS IN PUBLIC MEETING ROOMS WILL INCLUDE LIMITING THE NUMBER OF PEOPLE TO 10, THE USE OF OVERFLOW SPACE IF NECESSARY, AND THE REMOTE PARTICIPATION BY SOME BOARD MEMBERS.

No one spoke.

C. Parker stated three public comments were received for this case. One was in favor, one was opposed and one person had some questions about previous lot line adjustments and deed restrictions. Those were forwarded to the applicant so research can be done.

Mr. Guida addressed the comment C. Parker had summarized. He looked into the deeds and those easements and restrictions are for Crestview Ter and don't affect this parcel.

The Chair read the following:

New testimony can be provided on May 12th during the resumed public hearing. Abutters are able to call 603.516.6338 (meet) and leave a voice mail, or email staff at Dover-Planning@dover.nh.gov and their comments will be summarized into the record.

Public Hearing Recessed.

Motion: D. Ciotti made a motion that the Board table the application to May 12th. Seconded by M. Sullivan.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

D. Ciotti requested the connecting road be shown on the plan prior to the next meeting and final vote. (for the previous case)



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B. Consideration and acceptance of a Conditional Use Permit for Revision Development, LLC, Assessor's Map 31, Lot 15, zoned CBD-G and located at 10 Grove Street. (Proposal is to convert 50 % of first floor office space to two residential units, within a four unit building where residential is not permitted on first floor). *(P20-23)

C. Parker explained the applicant has applied for a Conditional Use Permit for relief to the conversion of 50% of the first floor existing office space to residential which is a use not allowed on the first floor in the CBD-G.

The applicant submitted a narrative explaining how they meet the criteria of 170-20.B(2).

There are no changes being proposed to the exterior of the building and the residential use is proposed to be in the rear of the building as shown on the attached floor plan with streets labeled.

Shawn Peters, the applicant, reviewed the plan.

The applicant is trying to utilize the property in the best way possible and residential seems best. He explained the parking situation. They can add parking in the rear, but are not sure yet how many spaces will fit. There are no impacts to the criteria and no changes to the exterior except for an added egress point in the back.

D. Landry wondered if the owners had experienced hardship operating those spaces within the regulations.

C. Parker listed the last several owners and businesses in the space.

D. Ciotti would like to see an updated parking plan.

Motion: D. White made a motion that the Board accept the application. Seconded by L. McGunnigle.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

Public hearing opened.

The Chair read the following into the record:

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No public spoke.

No comments were received for this case.

The Chair read the following:

New testimony can be provided on May 12th during the resumed public hearing. Abutters are able to call 603.516.6338 (meet) and leave a voice mail, or email staff at Dover-Planning@dover.nh.gov and their comments will be summarized into the record.



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Public Hearing Recessed.

Motion: D. White made a motion that the Board table the application to May 12th. Seconded by D. Ciotti.
Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

C. Consideration and acceptance of a Minor Lot Line Adjustment for Paula J. Lavoie, Trustee Lavoie Family Revocable Trust, (Owners: Lavoie Family Revocable Trust & 1110 Salmon Falls Road, LLC), Assessor's Map C, Lots 50C-2 & 50A-OPN, zoned R-40, and located at 96 Watson Road and Campfire Drive. *(P20-24)

C. Parker explained the applicant is proposing to adjust the lot line between the two existing lots. Lot 50C-2 (96 Watson) and 50A-OPN (open space lot for Campfire Drive subdivision).

This lot line adjustment would move the access to the Open Space Subdivision from the Open Space Lot to 50C-2, via an easement. The lots that are part of the Campfire Drive subdivision would keep the rights to access lot 50A-OPN via lot 50C-2 as indicated on a note on the plan.

The Conservation Lot does not require frontage. Lot 50C-2 has no frontage today and would be made less non-conforming with the addition of 50' of frontage.

Neither lot changes in its buildability or development potential. Lot 50A-OPN lot remains in conservation, and 50C-2 remains a single family home lot.

Bob Stowell, Tritech Engineering represented the applicant and reviewed the plan.

D. Ciotti asked about the utilities above and if they are for this parcel or others. They are for other parcels. C. Parker will double check all easements and licenses are current.

Motion: D. White made a motion that the Board accept the application. Seconded by L. McGunnigle.
Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

Public hearing opened.

The Chair read the following into the record:

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No public spoke.

No comments were received for this case.

The Chair read the following:



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Public Hearing Recessed.

Motion: D. Ciotti made a motion that the Board table the application to May 12th. Seconded by D. White.
Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

D. Review and possible posting of amendments to previously posted zoning amendments (ie TDR and sign)

C. Parker explained that since the zoning amendments that were posted in February there have been some additional editing or work associated them, and staff would like the Board to post these amendments as well. They are in the amendments that were placed on the City's web site.

The amendments are as follows:

Amendment 2, page 5: add the words "or Gateway" to the definition of "lot"

Amendment 2, page 2: add Map 29 lots 1, 5, 6 and 7 and Map 30 lot 141-B to the Gateway District.

Amendment 10, page 14: replace ETP with IT in screening requirements

Amendment 12, pgs 22 – 29: Update TDR Amendment replacing B-4 with CM, I-4 with IT, clarifying the submission process for a sketch plan, and Cons Comm review, and clarifying the frontage and paved access requirements

Amendment 14, pages 35 – 39: Updating sign ordinance to mimic changes to the zones ie Downtown Gateway to Gateway, eliminate B zones.

Motion: D. Ciotti made a motion that the Board post the additional zoning amendments. Seconded by L. McGunnigle.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank - yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry - yes, H. Harmon- yes, D. White- yes, F. Torr- yes

5. STAFF COMMENTS

- TRC is occurring electronically, retail at Silver Square, 1 Washington Residential conversion and an addition on an existing business.
- Most staff is working remotely coming into the office one day a week.
- Dover Cares loan program (\$5,000) for small businesses

6. MEMBER COMMENTS

NONE

7. ADJOURNMENT

Motion: H. Harmon made a motion to adjourn at 8:20 p.m. Seconded by D. Ciotti.

Roll Call Vote: L. McGunnigle- yes, D. Ciotti- yes, G. Cruikshank- yes, M. Sullivan- yes, J. Kaspari - yes, D. Landry – yes, H. Harmon- yes, D. White- yes, F. Torr- yes