

**DOVER PLANNING BOARD
MINUTES OF MEETING
MARCH 28, 2006**

MEMBERS PRESENT: Ron Cole, Anthony McManus, Perry Plummer, Dean Trefethen, Doug Steele, Marcia Colbath, Ron Stock, Kirt Schuman, Frank Torr, Bryan Cahoon, Donald Andolina

MEMBERS ABSENT: John Swartzendruber

STAFF PRESENT: Steven Stancel, Planning Director; Chris Parker, City Planner; Rick Jones, Community Development Coordinator and Jacqueline Freeman, Recording Secretary.

Alternate Bryan Cahoon took John Swartzendruber's seat on the Board.
Chairman Cole brought the meeting to order at 7:04 PM.

ITEM #1: Citizen's Forum

Janet Perry, 37 Arch St., co-owner of Nichole's Hallmark, and a representative of Dover Main Street, spoke in favor of the Foster's Building on Lower Square. Main Street always welcomes new opportunities for retail expansion. The residences in the second or third level will add to the vitality of the downtown. People who live in the downtown tend to shop and participate in the restaurants and are a good source of income for the downtown. They feel this reuse of this building will spur other renovations in the lower square area and will be a link to the development of the Cochecho River.

ITEM #2: Approval of the minutes of March 14th.

Dean Trefethen made the motion to approve.

Tony McManus seconded.

VOTE U/A

Approval of the minutes of March 21st.

Dean Trefethen made the motion to approve.

Tony McManus seconded.

Perry Plummer noted that he was down for being present and absent – he was absent.

VOTE U/A

**ITEM #3: Consideration and acceptance of a minor subdivision of land for Dover Business & Industrial Development Authority, Assessor's Map D, Lot 11-1, zoned I-4, located on Quality Way.*
P06-14)(3 lots)**

This item was withdrawn.

ITEM #4: Public hearing regarding a proposed amendment to the Dover Zoning Ordinance. The amendment would add an overlay district encouraging a mixture of residential units for older persons, and commercial uses. The district would overlay any parcel located within the I-4, B-4 and ETP zones, which is greater than fifty (50) acres, and within 500 feet of a road maintained by the State of NH. The amendment is available on the City's website at www.ci.dover.nh.us.

ITEM #5: Public hearing regarding proposed amendment to the Site Review Regulations. The changes are relative to the proposed Residential Mixed Use (RCM) Overlay District. The amendment is available on the City's website at www.ci.dover.nh.us.

Chairman Cole announced the Board would not be taking action on these items tonight.

Chris Parker spoke on some of the comments and the myths of the Overlay District.

#10: Residential is too dense for the neighborhood.

The surrounding zones for the Overlay District is R-40. That density is 1 dwelling unit per 40,000 sq. ft. of contiguous upland. In the Overlay District you get 1 dwelling unit per 40,000 sq. ft. of contiguous upland. Mobile homes are allowed in the R-40 zone. You can have a mobile home park and the mobile units are one unit per 10,000 sq. ft. As an example, next to this is the Applevale Subdivision which is 86 houses within 28 acres. The Overlay doesn't follow the strict rigid conventional zoning but is flexible, innovative and progressive.

#8: It will only be residential and we will never see the commercial development.

The phasing requirements maintain that we have some, if not all the non-residential done. There is a phasing requirement and the Board has the power, through the Planning approval process, to make sure that those phases are adhered to.

#7: This ordinance was written by developers.

The idea was suggested by developers and the landowners at one point but the Planning Board and the Planning staff did create these regulations. There have been numerous public hearings and numerous meetings with all of the developers, as well as the public in attendance.

#6: Traffic will be outrageous.

Looking at the traffic engineer guidelines, the peak traffic hours for AM and PM for an office complex would be much higher than the residential 55 & older, or for retail. You will have a self-contained community.

#5: This is a back door deal

This has been in the public eye since August 23, 2005. There have been numerous meetings and public hearings. It has been on line as well, so it has not been out of the public eye.

#4: The developers' dream.

It is not a developer's dream. The Conditional Use processes that we've incorporated into these regulations strictly say they have to come before you and prove that it will not be detrimental to the neighborhood. They will have to adhere to architectural controls and prove that it is a cost-neutral project for the citizens of Dover.

#3: This is a mobile home mecca.

Mobile homes are allowed in this project as they are allowed in the surrounding projects at one dwelling per 10,000 sq. ft. of contiguous upland. Mobile homes are allowed in the surrounding R-40 district which means on Middle Road, Back Road, and on Durham Rd. There is a 40 acre piece of land on Dover Point Rd. with 90 units on it. On Durham Road there is a 53 acre parcel with 187 units on it, across the street from the proposed project.

#2: This is a rushed ordinance

It was introduced 7 months ago and there have been 3 public hearing including tonight and one public hearing at the Council level. If the Board sends this back to the Council there will be an additional public hearing. There has been a methodical process that has taken a comprehensive look at revamping the zoning.

Chairman Cole asked the audience to not come up stating that this is a done deal or a back-room deal. It is disrespecting the Board as your neighbors, as residents of this community, as tax payers of this community and residents of that area. He added that the Planning staff is a talented, experienced staff. Having developers come before us is not a bad thing. They are doing their homework up front by getting together with the Planning staff and with the Planning Board to bounce things off of us. The Board looks for public input, but please there are no back-room deals and no done deals. It wouldn't happen on his watch. He said that he spends too much of his own time (12 years) for someone to say there is a back room deal.

The public hearing was opened.

Atty. Malcolm McNeill, represented Changing Places LLC., one of the proposed developers of the Elliott Rose property and Chad Kageleiry, who is a resident of Dover and a proposed developer of that area. This ordinance is generic and based on acreage and proximity to a State highway. There are only two areas of Dover which would be affected by this zoning change. One is the Elliott Rose property which consists of 95 acres of which the vast majority is zoned ETP. The other property is located across from the Jensens' development on Rte. 108 and consists of approximately 50 plus acres and is proposed for similar use.

Atty. McNeill said for anyone to suggest that the developer got what they wanted out of this ordinance was not part of the discussion process. There have been compromises. This Council felt there were three areas of concern. The first was that the City might be caught holding the bag on residential development without the benefit of commercial uses. Secondly there was concern that the open space should be more expansive in terms

of its upland characteristics and thirdly, that the residential component should be limited and phased.

Malcolm McNeill stated that the Conditional Use Permit is similar to communities that have Historic Districts. It deals with style, building orientation, pedestrian amenities, vehicular circulation, signage, landscaping, grading, and lighting. The project must provide a fiscal impact analysis to prove that the project is cost neutral for better for at least 10 years. He felt that the phasing plan would make it impossible to acquire a loan because of the wording saying that you can build no residential until 50% commercial is built. This is not a financially viable approach. He asked the Board to consider that there be a phasing plan that provides that no more than 50% of the residential area may be occupied prior to the conclusion of active and substantial development of the commercial property. He said that means that the residential developer can build up to 50% of that residential but would not be permitted to go further until at least 50% of the non-residential was built. It gives the developer a financable project. What is not acceptable and is just not environmentally feasible is the requirement in the new draft that 100% of the required open space must be usable uplands. Previously, the Board approved 50% and he wants to suggest in his draft that 50% is an appropriate number in light of the fact that the components of residential use are reduced to 35% and the components of industrial use are 40%. He felt the Elliott Rose Co. is miszoned as ETP and would not work in that area. He and the developers have been working with the Department for 11 months and dealing in drafts for 6 months. The Elliott Rose property is under an option agreement and they would like to close. The property is in receivership. Its development potential as an organized and predictable development entity is uncertain. Mixed use zoning is the zoning of today and exists in the surrounding area. This applicant proposes approximately 60 stick-built houses for people 55 and over, in the price range of \$350,000 with the primary access off of Middle Road. This development will be more regulated than any other development that has been approved in the City in terms of the layers of approval that must be undertaken. There will be less traffic for the uses that they are proposing than the traffic that would be permitted as a matter of right under the ETP zoning. Having services, stores, banks, restaurants in the south end of Dover off of the State highway in an area that otherwise may not be used effectively. He said that it is a win-win for the City. They have reserved the Lecture Hall at the Dover Public Library for April 10th at 6:30 PM. The room has the capacity of 70 people and they will be happy to respond to questions. They appeared at the City Council meeting to indicate this in a public forum session. They have set up a website at thevillage@elliottrose.net.

Todd Black, off Back Road, said that the Board and staff have been very helpful and open. He is concerned about the mobile homes and a whole lot of residential development. There is a minimum frontage for the private homes of 40 feet and front yard setbacks of 10 feet, distances between buildings 20 feet, etc. He and his neighbors feel that a Liberty Mutual or Measured Progress type of development is wonderful. The fact that this property is not developed is not a negative thing. It's a large open space and it's a beautiful area of south Dover. He hasn't seen a lot of folks screaming that they have to drive 10 minutes to Portsmouth to get to a Shaws. He encourages keeping it as ETP.

Atty. Bill Tanguay represented Jensens', who is the proposed developer of the residential component of the Route 108 project. The Dover Ordinance and the Overlay District carries the term Mobile Home. They tried to amend the definition of the Mobile Home Ordinance. The definition of a mobile home is transportable, single-family structure on a chassis of which wheels are an intrinsic part and the structure is designed to be used without a permanent foundation. The homes being proposed in the Overlay District must have peaked roofs, architectural shingles, full basements and garages. It is unfortunate that we are carrying around this tag of mobile home. That definition of Mobile Home would not be allowed under the Overlay District. He said in the last round of changes there was an addition to the language that said that all mobile homes shall adhere the standards outlined in Chapter 126, Mobil Home Parks, unless noted below. If you look at the Mobile Home Park Ordinance and compare it to the Overlay District, in many places, they conflict with one another. It says that they are to be located only in the Agricultural Zone and we know that is not so because they are permitted in the Overlay District. In 126-4 it talks about permits and a Special Exception. Under the Overlay District it doesn't require a Special Exception. There are site requirements that are different between the two for example, in 126-5 Site Requirements, says that the homes must be boxed or skirted. The Overlay Ordinance requires full foundations. Similarly with streets, walks and parking, the standards between the two are different. With regard to utilities, there has to be a playground established. They are not looking for a playground for 55 or older. A memo was sent to the Planning Office offering suggestions. He said that they think that mobile homes, as they have been worked into the Overlay District, requiring that they be on full foundations, architectural shingles, peaked roofs and garages presents a very good product. It is not the old fashioned style mobile home that is defined in the Mobile Home Park regulations.

Robert Cruess, developer of the parcel on Route 108, said that this project has been ongoing for two years. They have a piece that is already zoned commercial in the front and industrial in the back. One of the best things that can be done for the environment is locating people near retail and work so they can commute by bicycles and golf carts. This would save a huge number of trips every day. They have been working with these regulations and they have had to pay non-refundable money to keep extending their option and it is getting very expensive. Mixed use is the future and is the right thing. He is about ready to give up and go back to the commercial and the industrial. Doing the analysis as called for in the regulations, they could get 115 units and they are proposing around 80 – 85 units. Major boulevards that will be used in the middle of the project. It is very hard to do good design without some flexibility. People have asked for a medical office building. They have gotten these businesses but the way that the regulations have been written it appears it knocks out two of their uses. They would like to see this go ahead but they may have to go back to the commercial and the industrial.

Atty. Nicholas Lazos, representing Mr. Cruess and his partner, explained that they asked for some direction from the Planning staff and found that there is some ambiguity and confusion as to what building and parking setbacks would apply to the commercial portion of the development. In the draft there is a provision that says that the minimum

structure and parking setback from the external lot line is 50 feet. The difficulty they have is in the underlying B-4 zone, the parking setback is 25 feet, rather than 50 feet. The other problem is that the minimum structure and parking setback from the external right-of-way is 100 feet. In the underlying zone the building setback is 75 feet from the right-of-way and the parking setback is 25 feet from the right-of-way. The effect of that is to eliminate their proposed medical building, a smaller commercial building and the proposed restaurant from their site. They recommend that the dimensional requirements including setbacks that apply to the non-residential portion of the project, be those standards that are required by the underlying zone. In that case, their project would conform to the requirement in the commercial zone, which the front part of the property is currently zoned. Based on that, they can meet the minimum 40% commercial use for the overlay. Without it, they would lose anywhere from a quarter to a third of their commercial space because of the configuration of the property. He handed out a memo that specifies the setbacks and redrafted the dimensional requirements to distinguish between non-residential and residential. They have been able to design the residential portion to meet the setbacks and open space requirements. Mr. Cruess would like to have some flexibility in terms of wider roads, landscaping, and the open space between the clusters of buildings. They request that the Board consider returning the maximum residential and the minimum commercial back to the percentages that existed originally which was the draft that the Board approved unanimously before the Council rehabbed the project. The new draft of the ordinance provides that the pedestrian, bikeway and segway pathways be a minimum of 10 feet. They request that it be narrowed to 5 feet because they would look like small streets, which is more pavement than is necessary. They would like some feedback on whether the 28 foot minimum width of pavement for roadways applies the aisles between parking spaces. The final issue is whether a coffee shop with a drive-thru service would be allowed on the site. They have a sit down restaurant in the front of the project as their primary goal, but they also have a back up plan of a coffee shop with a drive-thru service. The drive-thru is now a substantial part of business of any coffee shop that would go on site. He handed out a memo delineating his proposed changes. They are committed to providing neighborhood services that would benefit the whole residential area including a small scale market, which they have commitment for. They asked that the ordinance and the overlay be more amenable to good planning and allow them to go forward with this project as soon as possible.

Al Johnston, 410 Middle Road, stated that he owns a three story home on an acre of land and it is time for him to downsize. He and his wife toured Mr. Cruess' project in Hookset and they liked what they saw. They are looking to cut their expenses and maintenance to have a freer type of lifestyle. He is concerned about the lot rents and if it would go up yearly. They are looking for inexpensive living. He is concerned that the City of Dover is not going to provide services such as rubbish collection. He asked why he should pay the same taxes if he doesn't get City services. He urged the Board to approve the Overlay District.

Marilyn Follansbee, 25 Dover Point Road, said that she doesn't like the idea of homes being 20 feet apart. She fought to keep this area residential. She said that somebody said to her that they would have liked to have seen a grocery store on Dover Point Road but

never went to a meeting to voice their idea. She would like the remainder of Dover Point Road to stay R-20. The people in the neighborhood do not want a McDonald. She said that she likes the principal uses and thinks that there is a need for an adult daycare. She didn't like the idea of drive-in services because by allowing it at Jensen's you would have to allow it on Dover Point Road.

Scott Minella, Back Road, concerned with the Overlay District and the Elliott Rose parcel and the precedence that this sets for the remaining open parcels that are in that part of the City. There are 4 or 5 other large open parcels that would allow this type of development. He was concerned with the traffic of the 150,000 sq. ft. commercial and retail development on Dover Point Road. He said that he is trying to understand who this would help. Mr. McManus wrote how this is being done to address the perceived need of those in the south end of Dover to have commercial and retail closer to their homes, yet they are very same people who let Prescott Farms and Thornwood Farms Market go out of business. There is a Care Pharmacy and Tuttle's Red Barn nearby. None of the people that he has spoken to are pleading for 70 townhouses to be built off Middle Road. The people out there feel they are carrying their weight and it is going to become condo alley simply because the City tax rolls might benefit from it. The 55 and up is not about elderly housing. These village concept designs elsewhere around the country typically involve 1000 home and full size Targets, movie theaters and supermarkets because the development can support them. This will open up all the other open areas to this type of development of cluster homes and as many units as you can fit. It raises a lot of tax money and makes a lot of money for the developer. This concept seems to have nothing positive in it for people currently living in south Dover and will just benefit developers and possibly the City coffers.

The public hearing was closed.

Chairman Cole stated that this won't be the last public hearing. He reminded everyone of the meeting on April 10, 2006, at 6:30 PM, at the Dover Public Library with regard to the Dover Point proposal that Mr. McNeill spoke of.

Chairman Cole called a 5 minute recess at 8:10.

Chairman Cole announced that the Board would be discussing the Overlay District after the recess.

Chairman Cole brought the meeting back to order at 8:20.

Steve Stancel recommended taking the Overlay District up again at the next meeting.

Dean Trefethen explained that it has clearly been defined that there are only two parcels in the City that qualify for this Overlay District. One parcel is at the corner of Mast Rd./Durham Rd. and the other is the Elliott Rose property on Dover Point Road. There are other large parcels but they do not meet the criteria. There should not be any fear that

this is going to be used or imposed on other parcels of land in South Dover – it can't happen.

Tony McManus felt that the general proposals that we have are good but we are talking about a mixed-use district and both proposals before us consists of a commercial clump and a residential clump and to him that is not a mixed-use. One developer is going to do the residential and another will do the commercial. That was not what he had in mind. Mr. Cruess' proposal has made a real effort to integrate the two by having the pathways and walkways but the proposal on Dover Point only has a single road connecting the two areas. He said that the City is trying to be inventive in doing the mixed use and having people live near the central commercial/retail uses that they will need and be able to walk to and access easily. He said that he is not sure if the designs that we have are being as creative as could be to integrate those two uses. He envisioned a design having residential units as part of the commercial areas so that people would be living there. What he sees on Dover Point Road is basically a strip mall. He would like to see the developers try to be more inventive in the spirit of creating a village atmosphere by combining the two uses.

Marcia Colbath said that Mr. Follansbee made some very good comments. With regard to development in the Dover Point Area, the Open Lands Committee is looking for more money to preserve the open space. She said that the only way to stop development is to support the conservation of open space.

Frank Torr felt that landscaping was not discussed. He felt that the requirement in the Ordinance is rather general and should be tightened up.

ITEM #6: Consideration and acceptance of a site plan of land for Jim Hageman, Leo A. Daly Company, (Owner Went-Douglass Hospital) Assessor's Map 37, Lot 1, zoned O, located at 789 Central Avenue.*(P06-10)

Frank Torr recused himself from the next item as his wife is a trustee for the hospital.

Ron Stock took Frank's seat in his absence.

Mr. Walker, President of Wentworth-Douglass Hospital, said there are three components, a 16,460 sq. ft. addition to the 3rd floor of the ambulatory services building and a 8,490 sq. ft. free standing central utility plant on the hospital's main campus and construction of a two- story, 202 space parking deck. They have received approval from the State of NH on March 10th for the proposed uses. He explained they needed the expansion for pediatric care and sleep disorders. He said that the utility plant is the backbone and support structure of the hospital. The parking deck is located over the line in Rollinsford. They are adding 302 new parking spaces adjacent to the existing deck. They have received approval from the Town of Rollinsford on March 1st for the construction of the deck. The hospital is committed to study and modify the signal at the Central Avenue/Old Rollinsford Rd. intersection. They will contribute \$40,000 to the City of Dover for funding a study to determine long-term solutions and assist with the overall

transit problem. The hospital will contribute \$7,000 to the Department of Planning for further analyzing of the proposed Dover Transit Project.

Dana Lynch, Civil Works, gave a brief overview of the improvements that Mr. Walker went through. The parking deck is located in Rollinsford. They have made some drainage improvements requested by the Town of Rollinsford. They will not be increasing any impervious area but they will be improving the quality of the stormwater discharge. The power plant will be adjacent to the existing childcare center and will meet the power and the HVAC demands for the long term. The third level addition will be placed over the exiting footprint and will blend with the existing architecture. There are currently 832 parking spaces on the site and there is a need for a little over 1,011 parking spaces, 21 of which need to handicap accessible. The new parking deck will accommodate 1,134 spaces including 53 handicap accessible spaces. There is the capability in the future for additional decks on this particular structure which would add another 450 spaces if the need should arise in the future.

Marty Kennedy, Director of Traffic at VHB, explained that the traffic impact study addresses both the existing operational traffic issues along the corridor, as well as the additional traffic that would be generated by this proposed extension. He spoke of collecting traffic volume counts in October of 2005, along Central Ave., as well as Old Rollinsford Rd. at the signalized intersection, as well as the driveways to the hospital. He went over some of the traffic volumes. At the AM peak hour along Central Ave. there are approximately 1,600 vehicles traveling in both direction and at the evening peak hour there are approximately 2,300 vehicles total, in an hour timeframe. In addition to conducting traffic counts under existing conditions, they estimated the amount of traffic that would be generated by the proposed expansion during the two peak hour conditions would be 35 additional trips in both directions during the AM peak hours, and in the evening peak hours approximately 40 new trips would be generated. There are two primary issues with respect to traffic; one is the existing driveway to the hospital, which is not signalized, where it is very difficult to take a left hand turn. They are recommending that the left turn exiting movement from the hospital at that driveway be prohibited. The intersection of Rollinsford Rd./Central Ave., at the signalized intersection, there's a long vehicle queue along Central Avenue. It has to do with the limited capacity of the corridor and in particular, the amount of green time that is set for that approach at that signal. The volume every 15 minutes is almost the same, which means that it's set by the green time and it is at capacity. The long-term solution would be to do some major widening along Central but there is not enough right-of-way and it would require some land acquisition. The hospital is contributing to a long-term term fix to the overall corridor. They will address that signal timing and come up with a better plan and contribute \$40,000 to the City's evaluating of the longer term plan for Central Ave. and contribute \$7,000 that the City can use in evaluating its transit project.

Steve Stancel asked if Mr. Walker could address how things have changed in the hospital in terms of patient care and the parking need during the course of the day.

Mr. Walker said that there will be over 40,000 visits in their emergency department this year. He said that he felt that most of the traffic generated from this project is not during peak time. There will be parking pressures in the future and that's why they are structuring the deck to accommodate 3 floors in the future.

Tony McManus asked if anyone knew what the per-space cost was.

Mr. Walker said that the parking deck cost is about 6.8 million dollars and there are 302 spaces which means that it cost \$20,000 per spot.

Steve Stancel commended Wentworth-Douglass Hospital because of the discussions that have begun on this problem on Central Avenue could be alleviated and they are addressing the long-term need with this study. Not only will the study address the Central Ave. corridor but potential alternatives of trying to tie the back end of the hospital to the Shop & Save signal through some properties or perhaps going out through Rollinsford. Those are some of the types of things that this study will look at which is very badly needed.

Donald Andolina made the motion to accept the application.

Tony McManus seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel said that they are recommending tabling because they just recently received the final set of plans and have not had the chance to go through them.

Marcia Colbath made the motion to table.

Perry Plummer seconded.

VOTE U/A

Frank Torr took his seat on the Board and Ron Stock returned to the audience.

ITEM #7: Consideration and acceptance of a site plan of land for Tri County Realty, Inc., Assessor's Map 2, Lots 19, 20, 21, zoned B-2, located on Central Ave./Williams St./Henry Law Ave.*(P06-07)

Ron Cole stated that he has done business with the Foster family but it would not be a conflict of interest.

FX Bruton, with McNeill, Taylor and Gallo, represented Tri County Realty. He described the project as exciting. He showed a rendering of the building. The building is used for office space and light manufacturing. The proposal is to create a two-floor atrium in an area that is currently an open space and to create a mixed use. The existing uses have

about 40,000 sq. ft. of office space with about 10,000 sq. ft. of light manufacturing. The proposal would be to add residential space of approximately 15,000 sq. ft., 17,000 sq. ft. of retail space, 10,000 sq. ft. storage space and keeping 13,000 sq. ft. of office. They will be adding a third floor on the Henry Law Avenue side, which will add 6 residential apartments. This represents a complete rehabilitation of the façade of the building and is an important step in the revitalization of the lower square area of Dover.

FX Bruton stated that they have worked with the Planning Department regarding parking issues that may arise. This project currently has 36 exterior parking spaces and some parking in the interior. They will present an analysis regarding the parking need and how that might be accommodated. They have provided an initial analysis to the Planning Department. They don't expect having to ask for waivers and they are looking for acceptance tonight.

Tony McManus asked if the atrium would take up all of the space between the building and the sidewalk and if there was an entrance on the Henry Law Ave. side.

FX Bruton answered that he thought that the atrium would take up most of the open area and they are considering an entrance on the Henry Law Avenue side of the building.

Bob Stowell, Tritech Engineering, pointed out the 36 parking spaces that would be reconfigured to have islands and landscaping. Bob said that they looked at the current uses in the building and the parking needs that are there now and then looked at what the Change of Use would do to that need. They have 36 parking spaces outside and approximately 10 spaces in the interior with the rest currently being accommodated on the street and would need to be accommodated on the street in the future. They have lots that are available within 1,000 feet and land on Kirkland St. that could accommodate 64 spaces. Under the current configuration, they need 157 spaces. The Change of Use will increase that number of required spaces. The mixed use brings people in at different times. The retail and the office are daytime uses and the restaurant and residential uses are nighttime uses.

Donald Andolina was concerned because parking in the downtown area is not plentiful especially with the Children's Museum coming in.

FX Bruton stated that the B-2 zone is unique in that it is the Central Business District and technically doesn't require much additional parking. In this case, it only requires parking for the additional residences and the additional floor space added. Which adds up to be relatively few spaces? FX Bruton stated that the issue of a traffic study was not raised at TRC.

Donald Andolina felt that it would be important.

Doug Steele spoke about the preliminary design for the reconstruction of Henry Law Avenue that would add parking.

Steve Stancel stated that it is time that we start to think about a parking structure within the downtown area to address some of these parking needs.

Kirt Schuman commented that this is a very exciting project and has the potential to set the bar for what is going to happen in Lower Square. He felt that a provision for outside dining would make a vibrant streetscape. He asked for clarification on what would happen to the northern façade.

FX Bruton answered it would be revitalized to be consistent with the rest of the building.

Donald Andolina made the motion to accept the application.

Bryan Cahoon seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was recessed.

Chairman Cole scheduled a site walk for 5:00 PM on Tuesday, April 4th, meeting in the parking lot on Henry Law Avenue.

Perry Plummer made the motion to table this application.

Frank Torr seconded.

VOTE U/A

ITEM #8: Old Business

a. Discussion and possible vote on a minor subdivision, site plan and Conditional Use for Krishna Realty Group, (Prime Circle, LLC), Assessor's Map D, Lot 2A-1, zoned B-3, located on Webb Place (P06-09)

Dean Trefethen made the motion to remove this item from the table.

Bryan Cahoon seconded.

VOTE U/A

FX Bruton stated that they are looking for final approval. He said that there was a subdivision plan, as well as a site plan application for the hotel and an application for a Conditional Use permit, as well with two requests for waivers. One waiver is for pavement within 5 ft of a property line, and the other is for more than one driveway within the 125 foot frontage. The Conservation Commission had no objection. They have considered the proposed conditions of approval and had a few comments.

Tony McManus left the meeting and Kirt Schuman took his seat.

FX Bruton has an issue with Condition #7 with regard to signalization, their concern is the timing. Their request would be that condition be based upon the issuance of the Certificate of Occupancy and not the Building Permit. It would give them more time dealing with the work but would also give the Planning Department the control to be sure that it was done prior to the hotel being in operation. Condition #8 is a request for certain surety to make sure that the Starbucks drive-thru is operating properly. The recommendation is that surety be held for 6 months and they would like it revised to 3 months, which would coincide with the site work. Condition #9 deals with the addition of a sidewalk. They differ with respect to this condition. There is an existing sidewalk that would be close to that area going up a pathway. He said that they have suggested a proposed sidewalk that would go on Webb Place or an alternative that would go up along Indian Brook Drive. Both of them would end at a crosswalk area location that would bring someone across the street to the restaurants.

Bob Stowell, Trittech Engineering, said there are very few times that their opinion differs from staff but this is one that they look at differently. They wanted to get a sidewalk from the hotel out to the sidewalk system for the apartments and the office building. He said that they only have 4/1/2 feet from the limits of the curbing to the property line to deal with. There are 4 light poles and there is landscaping that was installed when Boston Market was put in about 2 years ago. They investigated other options and they came up with a route that would go along Webb Place, close to the public right-of-way that would be more appropriate. They can't construct a sidewalk at the requested location because of the light poles and vegetation and without the proper easements from their abutter R&W. He pointed out the alternative route that they felt would be a viable alternative to what staff has presented.

Dean Trefethen said that he walked the property. There currently is a stand of trees at the end of the parking lot and the State Highway Department. It appears that practically all of them will be gone, as well as the buffer for noise. He wanted to be sure that the owners understand the noise that they will subject their clients to. The State Highway Garage runs 24 hours per day during a storm. They are out a lot with salting runs, etc. They all have back up horns on their trucks, plus there is the highway. The noise source is not going away.

Bob Stowell stated that it came up at TRC whether there needed to be a buffer. There isn't a buffer requirement but it might be a good idea. They have discussed it with their clients.

Marcia Colbath asked what the reason was for not recommending the sidewalk on Webb Place. It seemed to her it would be the natural way to walk.

Steve Stancel felt that the natural way for people to walk is to make a straight line to the intersection. You could put a sidewalk on Webb Place but it wasn't going to be used very much. The people would be coming from the apartments and office building and want to get something to eat and unless they wanted to go to McDonald's, they would go

straight. Once they got to Central Ave. they would go either north or south to either signalized intersection.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated regarding their issues of the signal being completed prior to the issuance of the Building Permit, he would be willing to go to a CO if that's what the Board would like to do. As far as #8, Bruce Woodruff went out there at 6:30 one morning along with the applicant, and they observed the queuing lengths at Starbucks. They determined that the largest queue was about 6 vehicles. The queuing length in this proposal is about 7. In talking with the manager he indicated that it can sometimes take 3 to 6 months in time to really see how many cars would be queued there and that is why they are proposing 6 months. In terms of the sidewalk there were 3 proposals and what it boils down to is the sidewalk should be where you think that people are going to walk; otherwise they end up not being used. Realistically, they thought that people would take the shortest route to the intersection. He said that they understand that the sidewalk may be only 4 ½ feet wide instead of 5 feet but many of the sidewalks along this corridor are a maximum of 4 feet wide. He said this project is a substantial enough, with enough capital to be able to move the trees that are there and the light stanchions.

Minor Subdivision for minor subdivision for Krishna Realty Group (P06-09)

Perry Plummer made the motion to approve with the following conditions.

1. Add the owners' signature to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Provide the Planning Department with a digital version of the plat.
4. The applicant shall revise the plat to label the proposed lot lines.
5. The applicant shall execute a deed to transfer the area of the lot that is part of Webb Place, as shown on the plat, prior to the signing of the plat.
6. The applicant shall resolve the Old Rochester Road right-of-way issue with the City.

Frank Torr seconded.

VOTE U/A

With regard to the site plan for Krishna Realty Group (P06-09)

The applicant has requested two waivers to the Site Review Regulations, one for pavement within five feet of a property line (Chapter 149-15-C) and one for more than one driveway per 125 feet of road frontage (Chapter 149-14-H(1)). The Planning Department recommends that the site plan be approved with the following conditions:

1. Add the owners' signature to the plan.
2. Add the engineer's stamp and signature to the plan.
3. The applicant shall revise the lighting plan to conform to Chapter 149-14-E-2(b).

4. The approval includes the granting of the two requested waivers.
5. The approval includes the granting of a Conditional Use Permit.
6. The applicant shall provide the Planning Department with the proposed cross access easements, prior to the signing of the plan.
7. The applicant shall prepare revised signalization plans for the Webb Place/Weeks Lane/Central Avenue intersection for review and approval by the Planning Department. The plans shall use the signalization plan prepared for the Winshire Gardens site plan by Dirk Grotenhuis of Kimball Chase as a starting point. The signal retiming shall be completed prior to the issuance of a Certificate of Occupancy.
8. The applicant shall submit a form of security to be held in escrow, in an amount and form acceptable to the Planning Department, for the purpose of ensuring that the driveway configuration and drive-thru for Starbucks is operating safely. The duration of the security shall be for a minimum of six months from the date of issuance, which shall be prior to the signing of the plan.
9. The applicant shall revise the plan to show a sidewalk to be constructed along the southeastern property line of Map D, Lot 2A, extending from Webb Place to Central Avenue, and provide the City with an access easement for the sidewalk, prior to the signing of the plan.

Donald Andolina seconded.

VOTE U/A

b. Discussion and possible vote on Community Development Block Grant (CDBG) funding requests for Fiscal Year 2007.

Donald Andolina made the motion to approve and forward the recommendations to the City Council.

Dean Trefethen seconded.

VOTE U/A

Ron Cole stated he would get together with Steve Stancel with regard to contacts to work on the Master Plan and to start setting up the neighborhood meetings.

ITEM #11: Adjournment

Doug Steele made the motion to adjourn.

Frank Torr seconded.

VOTE U/A