

**DOVER PLANNING BOARD
MINUTES OF MEETING
APRIL 25, 2006**

MEMBERS PRESENT: Donald Andolina, Tony McManus, Marcia Colbath, Perry Plummer, Kirt Schuman, Frank Torr, Dennis Ciotti, Ron Stock

MEMBERS ABSENT: John Swartzendruber, Bryan Cahoon, Ron Cole, Doug Steele, Dean Trefethen

STAFF PRESENT: Steve Stancel, Planning Director and Jacqueline Freeman, Recording Secretary

Tony McManus chaired the meeting in Ron Cole's absence.

ITEM #1: Citizens' Forum

No one spoke.

ITEM #2: Approval of the minutes.

Frank Torr made the motion to approve the minutes.

Donald Andolina seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of a site plan for South Dover Investment Group, LLC, Assessor's Map K, Lot 37, zoned R-12, located on Dover Point Road*(P05-63)(28 units of Congregate Care)

Atty. Jim Schulte, represented the applicant. Last June the ZBA granted a variance to allow a Congregate Care. They went to TRC in December and found that the building was taller than the 35 foot limit. They went to the ZBA to get a Variance for the height limit and the ZBA made it clear that the height of the building not exceed the zoning provision of 35 feet. The ZBA preferred that that they slightly expand the footprint instead. There will be 3 levels of residential living in the facility. There is parking underneath the building for approximately 30 spaces and another 14 or 15 spaces outside. Four of the total spaces are for handicap parking. The zoning requirement is 1 space per unit and they are allocating 1 ½ spaces per unit between the inside and the outside parking. The building will be serviced by an elevator which is in the center of the building. There will be a number of different size units; some will be 1 bedroom and some 2 bedroom. Each unit will have its own kitchen, as allowed for Congregate Care facilities but there will be a central kitchen and dining area. Meal service plans will be provided on the same type of arrangement as been approved for the congregate care facility on Mast Road. The approval of the food service plan is scheduled to be part of the final approval for this facility. This will be an age restricted facility where at least one resident for each unit will have to be age 55 or older in accordance with State, federal and local requirements.

Paul Connolly, CivilWorks, explained the location of the 6 inch water line and stated that the building would be hooked into the sewer line with a 6 inch service. He added that there would be no spillage of lighting on the abutting properties. He went over the landscaping plan pointing out the areas on the northeasterly sector of the property that would be screened and also the screening on the southeasterly sector of the property in the form of arborvitaes. He said that the dumpster location is on the inside of the building, almost to the end of the indoor parking garage, so it is not visible. He went over the drainage plans. To treat the runoff, they will install a couple of leaching catch basins. He said that there will be no measurable difference between post development as compared to predevelopment. They are running the sewer and utilities along the front of the property for the sole purposes to service house #37, located just to the south of the subject premises. They are also installing an empty conduit/pipe underneath the drive entrance so that in the future, if the folks at #37 Dover Point Road want to tie into municipal sewer as opposed to having onsite sewerage disposal, they will be able to tie into proposed manhole #4.

Kevin McEneaney stated the size range of the units will be approximately 950 sq. ft. up to 1,425 sq. ft. for the 2 bedroom units. He pointed out the handicap accessible ramp location. The common dining room will be in the rear of the building and adjacent to that will be the kitchen, a fitness room and a media room for the residents, all accessed by the central elevator.

Kevin McEneaney stated that there will be approximately \$40,000 worth of landscaping. He asked for some degree of flexibility with regard to the exact location and maybe even the type of some of these trees and shrubs. He said that the landscape architect that did the plan would like to see the building after it is mostly constructed to be able to make changes if need be to some of the locations of some of the trees. The way this Board has left it in the past is that once the Board approves the landscaping plan as submitted, the Engineering Department does the final inspections and Mr. Dews counts every single tree to make sure they are in the exactly in the same location and if the location is changed they have to come back before this Board for a re-approval. He asked for flexibility to work with the Planning staff and the landscape architect to make the site really look as good as it can and to make this project very desirable for the neighbors, as well as from the street side.

Tony McManus asked if the units will be apartments or condominiums.

Jim Schulte answered that they will be a combination of both, as there are a variety of ways to deal with the ownership. The units will be laid out as garden style apartments but the project may be condominiumized. They haven't figured out how many units the developers will retain to rent out and how many will be subject to purchase. It shouldn't affect the operation because they have to have operating procedures of requiring the meals since that will be a condition of approval.

Dennis Ciotti was concerned that the dumpster truck would have to go all the way to the end of the building and then have to back out of the building.

Jim Schulte explained that they are going to be rolling units so that the trash will be put into large plastic containers on wheels and they will be rolled out by hand as he understands it and then emptied into the truck.

Paul Connolly said that there is a host of means by which the trash removal contractors can accommodate containers and service them. They can drive all the way inside with a smaller truck unit, or for the larger trucks the containers can be rolled the length of the building as well.

Dennis Ciotti said that he sees no way for any vehicle to back out of the building and back out towards the southerly side and drive out. There is no provision for a turn around on the southeasterly corner. He asked Chief Plummer to address the fire truck access.

Paul Connolly said that there is adequate room. They have provided two areas that are designated as no parking to allow for back up and turnaround areas unimpeded by spaces occupied by vehicles. He stated that there is 39 feet from the edge of the building to the edge of the paved area. Mr. Connolly explained that each unit will be allocated 1 space and he believes that an additional space will be made available on a limited number basis should they want to secure that through rent or purchase. For the most part, the outside spaces will accommodate visitors and employees.

Donald Andolina asked if all the 26 TRC issues have been met.

Paul Connolly said to the best of his knowledge all have been addressed except for the lighting plan that shows the foot candle intensities, which is in process and will be submitted to the Planning Department.

Ron Stock asked what the height of the garage is for clearance of vehicles.

Paul Connolly answered that the basement elevation calls for an 8 foot clearance for vehicles and still allows for another 2 ½ feet for structural elements. The space within that 2 ½ feet provides the room for HVAC components, plumbing, electrical conduits, etc. The whole front of the building is pretty much at grade and as such, they are proposing to construct a retaining wall from the left side which will start at a minimum of 6 inches and go to a total height of 7 foot 6 inches. The shrubbery will cover the foundation so it will not be visible.

Perry Plummer said the fire truck issue was brought up at TRC. He added that the access into the site is not an issue for the Fire Department. He said that access out might be a bit tight but they can back into the no-parking area and leave that way. He asked if the garage would be heated and if they were going under Dover Point Road so that the road would have to be disturbed.

Paul Connolly said that the garage would be heated and with the new technology, they are going under Dover Point Road.

Jim Schulte said that there will be provisions for ventilation in the garage to deal with exhaust of the automobiles. It will operate on a sensor basis as needed to make sure that the air is maintained.

Dennis Ciotti asked if there would be access to the garage from the front door of the building.

Paul Connolly said that there would be. He explained that a provision has been made for a trench drain that runs almost the entire length of the building to catch the discharge for any snow and ice brought into the building in the wintertime. That discharge will run into an oil separator before it is allowed to run off into the basin in the southeast corner of the property.

Ron Stock asked for the reason for the two exit lanes.

Paul Connolly said that it is not a matter of volume but a matter of convenience and ease.

Frank Torr said that they have done an excellent job with the landscaping but with the type of development that is occurring on Dover Point Road he felt more landscaping should go on the north boundary. He said that it might be a concern down the road.

Paul Connolly indicated that they could do that.

Frank Torr made the motion to accept the application.
Donald Andolina seconded.

VOTE U/A

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road stated that there is a need for this type of facility. She also likes the location for several reasons. She said that she is tired of fighting for keeping this area residential. She is happy with the underground parking and felt that the project would be an asset to the City.

Tony Kretsepis, 15 Dover Point Road, asked how much traffic Dover Point Road could take. She said that the project looks nice but give it another couple of years and it will be apartments with some for sale. Who will be in charge of it? She felt that there is not enough area for parking. She asked how the 55 and over would be controlled. Who will tell people that they have to get out if they become pregnant? She said that it doesn't sound right to her that they can tell people who can live there and who can't. They are saying that they won't have a store, give it time, they'll come in for a Variance. Dover

Point Road is beautiful and Mr. Paolini has a nice building but it is all dollars and cents and back scratching. She said when you are concentrating on the greenery, don't forget the person at 15 Dover Point Road that abuts Mr. Paolini. There were promises made to her that she was to have spruce and no pine trees. She said that they are having problems with a 55 and over development in Rochester. She said she doesn't see why her tax bill increases if all these developers are bringing in money. Lastly, do not forget her greenery.

Karl Heller, 10 Dover Point Road, said that he came to support Tony Kretsepis. This Board is going ahead with the overdevelopment of Dover Point Road. This is his third year of coming before the Board. He said that he always has the option of leaving Dover since he has nothing to tie him here. He has plenty of money to move and has lived around the world and doesn't have to stay here but there are a lot of people that do. This Planning Board is allowing the developers to come in. The south side of Dover will be crammed with cars and people. He said that the apartment buildings will start to fall apart because of lack of upkeep and the taxes will get too high for the people that they were built for to stay in Dover. Mr. Heller said that this development is what the Board is doing to Dover. He said that after he's long gone, because he can't stand the traffic, the Board can say "I did that." He said that the Board would not have to hear from him again because he'll just sell his property as land is going very well around here. He will stick around as long as he can get out of his driveway. He said he's not complaining for himself but for the community – for Dover.

The public hearing was recessed.

Steve Stancel, stated that it is too bad that Mr. Heller chose to leave the meeting. In his opinion, this is not what the Planning Department has planned for Dover Point Road. This Planning Board has consistently recommended rezoning Dover Point Rd. to a more commercial/retail use. If that had happened you would have seen a much more controlled and master planned development process occur. Every time the Planning Board recommended rezoning this area, it was the City Council that chose not to rezone it based on the comments of the people in the neighborhood. He said what is going to happen is what you are beginning to see now where individual property owners are receiving Variances and development is occurring in a hodge-podge manner on Dover Point Rd. The ZBA gave a Variance for these 28 units on this site. The Planning Department spoke against that variance. If the ZBA had turned it down you would be seeing 6 or 7 single family house lots instead of 28 congregate care units. It's not all the Planning Board's fault. It's unfortunate that it is occurring on Dover Point, but in many respects, it's the result of people not having the wherewithal on the political scene to make the tough decisions and that's where we are at today.

Tony McManus asked if the Variance for the use of the Congregate Care facility approved any number of units.

Steve Stancel said that they approved 28 units, at 3,000 sq. ft. of land per unit.

Tony McManus thought that the Variance would simply be for the use because we've heard the argument a number of times that they are only asking for a Change of Use and it is going to be up to the Planning Board to decide what will be done when they look at the site plan. He's not sure that the ZBA, in approving a Variance, approves a Variance for the project itself.

Steve Stancel stated that it was a Variance to allow 3,000 sq. ft. of land per unit and specifically, they approved between 25 and 30 units. When the ZBA approves something it is very specific. When the project originally came before the Planning Department and the TRC, it was sent back to the ZBA because the footprint and the height of the building was not the same as what the ZBA had originally approved. He is recommended tabling for a site walk.

Frank Torr made the motion to table.

Marcia Colbath seconded.

VOTE

The site walk was scheduled for **Tuesday, May 2, 2006 at 5:30 PM** with parking in Marilyn Follansbee's driveway. She said that they can pull up on the grass.

ITEM #4: Consideration and acceptance of an amendment to an OSS Subdivision of land for Paolini Brothers Development (High Point Subdivision) Assessor's Map K, Lot 34, zoned R-12, located on Dover Point Rd.*(P04-60)(11 units)

Paul Connolly, CivilWorks, said that High Point Village was approved a number of months ago for a 12 unit subdivision for the Paolini Brothers. He explained the path of the proposed sewer line. Since then, a new opportunity has arisen whereby the sewer line can run through the Williams parcel and tie into a manhole in a much shorter distance with no impacts at all. They are making a provision for a 30 foot wide sewer utility easement for the purpose of servicing the Drapeau property to the south. The pipe sizes are the same and there is no difference in terms of capacities, etc. It's a minor change.

Frank Torr made the motion to accept the application.

Donald Andolina seconded.

VOTE U/A

The public hearing was opened.

Mrs. Follansbee, 25 Dover Point Road, said that it makes sense and she has no problem with this application. She addressed Steve Stancel saying that she would still fight him all the way if he tried to fit in anything commercial.

The public hearing was closed.

Donald Andolina made the motion to approve subject to the following conditions:

1. Add the owners' signatures to the plat.
2. Add the engineer's stamp and signature to the plat.
3. The applicant shall grant a sewer easement in favor of the owner of Map K, Lot 38, across Map K, Lots 36 & 37 prior to the issuance of a certificate of occupancy.

Dennis Ciotti seconded.

VOTE U/A

ITEM #5: Old Business

a. Discussion and possible vote on a site plan for Tri County Realty, Inc., located on Central Ave./Williams/Henry Law Avenue. (P06-07)

FX Bruton, Attorney with McNeill, Taylor and Gallo, represented the applicant. The project involves the rehab to the current Foster's Building, which currently consists of the lease of the building as office space and warehouse space. The applicant has come up with a plan that will not only work for the applicant but for the City of Dover in terms of the types of things the Master Plan calls for. The uses involve restaurant space, retail space, office space and apartment uses and a very small portion of storage. They had a site walk on April 4th. They have 10 spaces of internal parking. There are 6 apartment units proposed along the Henry Law side of the building and located on the 3rd floor. The two-story atrium will have an elevator inside and will provide an open feel as people walk into the structure. The facade of the building will be rehabilitated. The only issue that the Board raised is parking. Because this is in the B-2 zone it complies with zoning but the Planning Department felt that they needed to explore that issue in more detail. In response to that, they presented some information with respect to existing uses, some historical uses, as well as the proposed uses. The B-2 zone presumes that a lot of foot traffic will occur and a lot of parking won't be needed because of the location. They have calculated the number of spaces that would be needed. They looked at the different uses and the times of day that they would be used. The need for office, retail and storage space would have the peak use from the 9:00 AM to 4:00 PM period. At this time there are 125 parking spaces needed under the regulations. The second time period is the 5:00 PM to 10:00 PM, which are the restaurant and the residential use. If you calculate those uses separately, you would need about 113 spaces. There will be some overlap but many people that will use this facility will not be parking at the facility but at a different part of the City and will come down and utilize this facility.

Atty. Bruton stated that the City asked them to consider offsite parking and they considered the use of a lot of Kirkland Street, which is owned by the applicant adding 52 parking spaces. This lot is within 1,000 feet. The Rizzo Report talked about Henry Law Avenue as a one-way street, southbound. That opens up the opportunity for additional street parking. The report contemplates street parking on the Foster's side of the street and looks at about 10 to 12 added spaces. They were asked to look at what they could do to add more parking to this area and came up with a calculation of 95 additional spaces.

If the parking was moved to the other side of Henry Law Ave. and the parking was angled, the result would be a benefit not only to this project but also to the Children's Museum which is intended to be located across the street. Those additional spaces add up to about 147 spaces including their 46 parking spaces of 36 outside and 10 on the inside. When you add that all up they are looking at a very significant amount of parking for the use. If you consider the peak time of when the parking is needed it would seem that the combination of parking would far exceed what is needed. The applicant is still working with the City with respect to its plans, to look at space for garages, and things like that. In the Rizzo Report there is a reference to the rapid transit system and the applicant would certainly participate with the City in the future with respect to those issues. He sees this plan as being an important step in creating a vibrant downtown.

Donald Andolina asked for a clarification of the parking spaces that could also be used by the Children's Museum.

FX Bruton explained that they are on-street parking so anyone can use the spaces.

Barry Gier pointed out the location of the Kirkland St. parking lot.

Kirt Schuman asked for the projected completion and occupancy date.

FX Bruton said that they are looking at a schedule of about 2 years.

Steve Stancel stated that the Henry Law upgrade is scheduled for 3 years down the road, but once the new vehicular bridge goes in at the end of Washington St., Henry Law Ave. could be made one-way, and could be moved up a year or two. He said that they feel that it will come within that timeframe. The Children's Museum is scheduled to open its doors in January of 2008. The City hopes to begin work on some type of a parking facility within the next couple of years.

FX Bruton explained that the Recreation Department will be moving fairly soon and will free up quite a bit of parking.

Tony McManus said to keep in mind that when Henry Law Ave. is being redone there will be no parking there for however long that it takes.

Perry Plummer asked Steve Stancel for his thoughts on moving the parking on the Foster's side of Henry Law to the opposite side of the street.

Steve Stancel stated that they have talked with the Rizzo people and they thought that it would work. He said that the staff will recommend a contribution for the engineering and redesign of making that happen. The Rizzo Report had Henry Law being one-way just between Washington and Williams St. but once the vehicular bridge is in at the end of Washington St., Henry Law Ave. could easily be made one-way from Washington St. to River St. or to George St., at a minimum. That would allow an increase in the parking all the way down to where that one way section would end.

Perry Plummer said that he doesn't believe that project will help the parking issue but it is his feeling that it won't make it any worse. He said that he is excited about the project and that it will be a big anchor for downtown.

Marcia Colbath asked if the Kirkland St. lot be completed before occupancy of the building.

FX Bruton stated that it would be a condition of approval that it would need to be completed prior to the issuance of a Certificate of Occupancy.

Dennis Ciotti asked if the Kirkland St. parking lot, owned by Mr. Foster, would be encumbered or deeded to this new project and would remain with that building in perpetuity.

FX Bruton stated that it would be dedicated for this project, but not deeded in a legal sense. As a condition of approval it will be dedicated to this project. If at some point the City wanted to put a garage there, it would be a positive for everyone and would be subject to this Board's review.

Ron Stock asked if the parking lot would be public or only for the tenants of the building.

FX Bruton answered that the parking would be for the tenants and the intent that most of the employees would probably park there. It would not be a public parking facility.

Dennis Ciotti stated that he hopes that the parking on Kirkland St. stays designated to the Foster's property. He asked if anyone thought of a small parking garage on the hill side with 3 different levels.

FX Bruton stated that it is the intent that the internal parking be reserved for the residents. He added that a three-level parking garage would be cost prohibitive but if the City wanted to do something they would be willing to work with the City in terms of that being a location.

Tony McManus asked if there would only be one elevator in the building on the Central Avenue side.

Wayne Chick explained that the access to the elevator would also be through the garage. That elevator will go down into the garage level so anyone parking in the back lot would only have to walk about 80 or 90 feet to get to the elevator. He said that there is a contingent plan for a second elevator depending on the kind of tenancy that they get in the building.

The public hearing was reopened.

There were no comments.

The public hearing was closed

Steve Stancel stated that they don't necessarily agree with everything that is in the TriTech Parking Report. They do agree with several items including, historically, this site has housed more than 200 employees in the past. The existing uses do employ about 97 individuals. They agree with the total projected maximum number of spaces required for this building of roughly 238 spaces and they also agree that they will be spread out with roughly 113 spaces during the day and 125 spaces required at night. They do think that there will be periods of overlap that will probably create some problems. They also think that the percentage of utilization outlined in the Rizzo Report represents something close to capacity. The City's regulations are set up to exempt existing space downtown from providing parking, even with a Change of Use, unless they are expanding or creating new vending units. Even then, users are allowed to provide parking up to 1,000 feet away. They feel that the regulations in the City are set up and recognize that the City's responsibility is to provide parking for existing space downtown. As existing space redevelops, it becomes time for the City to seriously consider more parking facilities downtown if we are to continue this growth. This is an issue that the City will need to address in the very short term. From a practicality standpoint, property owners downtown need to step up and assist when they can to partner with the City towards these parking endeavors. He believes that the Foster family has done this, in this particular case, in agreeing to work with the City with any future parking structures and public transit initiatives. Additionally, they have agreed to two conditions of approval.

Tony McManus said when they took the tour there was some conversation that there had been some engineering previously done looking toward a parking facility as part of the building.

Wayne Chick explained that they had approached the City to let them know that if the City was interested in some sort of a partnership in a parking garage, they would be more than happy to talk to them because they think that their site has a lot of positive benefits with it. The cost of building a parking garage on a private basis, unless you are like the hospital or a very huge company, is out of whack. The latest number that he received less than a week ago was that the City of Lowell bid out a parking garage with 800 spaces and the cost was going to be \$20,000 per space. There is no way to recover that kind of a cost. They are willing however, to talk to anybody at any time if somebody has a better idea that would work financially. Mr. Chick explained that they just had a line drawing showing several options and those options range somewhere between \$15,000 and \$19,000.

Tony McManus asked if they could make that material available to the City.

Wayne Chick stated that they would be more than happy to make that available.

Dennis Ciotti asked what percentage of the of the restructuring of Henry Law Avenue is \$10,000.

Steve Stancel stated that the total cost of re-engineering and designing that portion of the Henry Law Reconstruction is about \$7,500. There is a \$2,000 built-in for future construction. Paul Vlasich didn't think that there would be a large construction number because, initially, they were showing parallel parking on both sides of the road in that section so the road width itself was already going to be constructed. It's just a matter of adjusting curbing and width in certain areas. He indicated that there is a curve in Henry Law Ave. which will need to be adjusted. The \$10,000 goes to cover a large portion of the street.

Frank Torr made the motion to approve subject to the following conditions:

1. That the lot located on Kirkland Street shall be designated, designed, engineered, paved and striped for 52 potential spaces to be designated for this building. This shall take place prior to the issuance of a Certificate of Occupancy.
2. The applicant submit the sum of \$10,000 prior to the issuance of a Building Permit to used to design and engineer angle parking spaces on the east side of Henry Law Ave. as part of a new one-way design outlined in the Rizzo Report.

Donald Andolina seconded.

Frank Torr complimented the Foster Family for this development and hopes that it becomes contagious to other property owners within the City.

Kirt Schuman echoed that thought. He was concerned with street scaping and sidewalk trees just to make sure that what is there stays.

VOTE U/A

ITEM #5: Old Business

Steve Stancel announced that there were about 11 or 12 people that volunteered for the Master Plan. He said that Ron Cole will be meeting with the volunteers at 6:00, on Monday, May 1, 2006 in the Conference Room at City Hall to explain what a Master Plan is and what the process is likely to be.

ITEM #6: New Business

ITEM #7: Committee Reports

ITEM #8: Adjournment

Frank Torr made the motion to adjourn.

Ron Stock seconded.

VOTE U/A