

**DOVER PLANNING BOARD
MINUTES OF MEETING
AUGUST 8, 2006**

MEMBERS PRESENT: Marcia Colbath,, Donald Andolina, Doug Steele, Tony McManus, Frank Torr, Ron Stock, Kirt Schuman, Ron Cole, Dean Trefethen, Marcia Colbath

MEMBERS ABSENT: Perry Plummer, Bryan Cahoon, John Swartzendruber

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

Chairmain Cole brought the meeting to order at 7:00 PM.

Chairman Cole announced that **ITEM 8: Old Business a. and b. for Lawrence Dubois, and c. and d. for VC Dover Investments and ITEM # 9: a. Pierce Impact Fee Waiver**, would not be heard.

ITEM #1: Citizens' Forum

There were no speakers.

ITEM #2: Approval of the minutes

Frank Torr made the motion to approve.

Doug Steele seconded.

VOTE U/A

Abstained – Tony McManus and Donald Andolina

ITEM #3: Consideration and acceptance of a mobile home subdivision of land for Frank & Brenda Turner, Assessor's Map M, Lot 58-1, zoned R-40, Located on Middle Road.*(P06-39)

Kevin McEaney stated that this subdivision came before the Board in January of this year as a conventional subdivision. The Turners filled out a Building Permit to put in a house that was termed a manufactured home, which is not permitted except in a mobile home subdivision or in a mobile home park. They are asking to modify the original plans to a Mobile Home Subdivision. The home will be placed on a full foundation and will have a peaked roof.

Discussion ensued with regard to the difference between a modular home which is stick built at a factory and brought in pieces to the site and is approved by BOCA. The manufactured home meets the HUD standards and still comes on a chassis.

Donald Andolina made the motion to accept the application.

Tony McManus seconded.

VOTE U/A

The public hearing was opened.
There were no comments.

Tony McManus made the motion to approve with the following conditions:

1. Add all of the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.

Donald Andolina seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an amendment to the conditions of a minor subdivision approval, for Fenton Groen, Assessor's Map 28, Lot 26A, zoned RM-20, located on Oak Street.*(P06-38)

As no one was present for this item, Steve Stancel explained that it was a simple plan that came before the Board at one time with the house to be located on Oak Street. They would now like to place the house of High Ridge Drive.

Tony McManus made the motion to table as no one was present to represent the applicant and it could be taken off the table later in the meeting, if necessary.

Donald Andolina seconded.

VOTE 6 – 1

Opposed – Frank Torr

ITEM #5: Consideration and acceptance of a site plan and Conditional Use Permit for Measured Progress, Assessor's Map E, Lots 27, 27B & 27D, zoned ETP, located at 100 Education Way.*(P06-35)

Bob Mertz, stated that they added two expansion wings and received a Certificate of Occupancy. He introduced Jeff Kevan, of TFMoran.

Jeff Kevan, pointed out the existing parking and the area of the proposed 147 parking spaces. He said that the Conditional Use is for a wetland impact of 7,042 sq. ft. The Conservation Commission had a few concerns. He handed out a letter that responded to those concerns. They have hired 60 new people for the past two years and they plan to hire another 60 people. The capacity of the building is 497 people and they have parking for 341 people. They are asking for 147 new spaces. They run a flextime schedule and there is a variation of the workforce on a seasonal basis. The Conservation Commission suggested that they build the parking on some other site and shuttle people. He said that it is human nature to want to park 50 feet from the front door. 1,500 feet is too far to walk and for 150 spaces, shuttling is not viable. They want their parking at a safe location. He also said that a parking garage is not viable either.

Jeff Kevan stated that the wetland involved does not have a great value. It is a depression on the side of a hill. It doesn't have a high wildlife value either. After looking at the value of the wetlands, they felt that it was the only possible location to service the office building.

Dean Trefethen expressed concern that this was the second time they have come in for expansion of the parking. He felt they were trying to shoehorn in more employees and asked how the Board is going to know if this is truly it. He said it is great for Dover that the business is thriving but they should have planned better.

Jeff Kevan explained the use of the various buildings and how the numbers of employees vary depending on the time of year and how they are expanding quicker than originally anticipated. This expansion addresses the fit out of the second building.

Bob Mertz explained how the business grew faster than anticipated and they are putting more people to work. He said that they have taken space in Rochester and hope to bring that back to Dover eventually. He said that growth just got ahead of them.

Jeff Kevan stated that initially, they thought with flex time they could use the parking that they have. He said that they did agree to the fire access road.

Donald Andolina was concerned with the existing stormwater system.

Jeff Kevan explained the system at the easel.

Tony McManus asked if there is any part of the day when parking is a problem.

Bob Mertz stated that there is a 4 to 5 hour period where everyone is there. They haven't grown into the building and they have not yet fully absorbed the parking that they have. They have not reached capacity.

Tony McManus stated that he drove to the site and saw there were parking spaces available. He asked if they thought of working with Liberty Mutual with regard to parking.

Bob Mertz stated that they are working with Liberty Mutual on the water line. He said that there is not a lot of room to share parking.

Marcia Colbath had concerns that they would be asking for more filling of wetlands for other buildings.

Jeff Nason stated when they come forward with the building it may go down in size.

Bob Mertz explained that when they first came in they were concentrating on the building itself rather than the parking and they know that they need to do a better job of planning ahead. He said if they get approved they will have 5 parking spaces for every 1,000 sq. ft.

Marcia Colbath stated that this is a campus and a campus does shuttle their employees. She added that they should be encouraging ride sharing.

Bob Mertz stated that a Conservation Easement was given along the Cochecho River which will be mutually beneficial and opened to the public.

Ron Stock asked if there was any reason why they are not doing a second shift.

Bob Mertz explained that their employees have families and children and they would lose many if they took a chunk of them and put them on a second shift. It would be a major change and they wouldn't have a workforce.

Ron Stock stated that was just an assumption and they could take a percentage of future employees.

Bob Mertz explained that they have to be very competitive, as they are competing against other business for their employees and a second shift would put them at a great disadvantage.

Frank Torr made the motion to accept the application.

Marcia Colbath seconded.

VOTE U/A

The public hearing was opened.

Tom Fargo, Chairman of the Conservation Commission stated that Measured Progress appeared before the Conservation Commission on July 10th. The Commission is an advisory Board to the Planning Board and they advised the applicant to take a look at the parking and provide the Planning Board with justification. He said that NH DES will reject their application. He said that the Conservation Commission motioned to not endorse the applications for the Conditional Use and the NHDES Dredge and Fill Permit for the following reasons:

1. Concerns related to the efficacy of the existing stormwater, management system and its inability to accept additional discharges;
2. Poorly demonstrated need for the proposed wetlands impact. Other non-wetland areas are available and are designated as future parking areas in the overall multi-phase site development Master Plan;
3. Poorly demonstrated need for additional parking. From a planning perspective applicant is requesting double the amount of parking spaces specified in zoning requirements per square foot of office space. The applicant has not expressed a willingness to explore administrative measures to reduce parking demand such as ride share, subsidized bus or enhanced public transit service, staggered shift changes, or other mechanisms.

The public hearing was recessed.

Bob Mertz stated that he respected Tom Fargo's point and admits that they miscalculated the parking. Their employees come from a radius of 75 miles. They might be able to do with less parking but how many less is not known at this time. They don't want people parking in the road. He reiterated that a shuttle is not practical. He said that employment is voluntary and they would be putting themselves at risk of competitors who have a site that is more convenient.

Tony McManus asked about the day care facility.

Bob Mertz said that they have been looking at construction estimates and have suspended the beginning of the daycare Construction at this time. They will continue to occupy the Watson Road property.

Steve Stancel explained that it is important to know the parking rates in the parking lots at different times of the day. They must compare the original calculations for what is currently there. It is not only a concern of the parking spaces but of the traffic trips.

Chairman Cole scheduled a site walk for Monday, August 14, 2006, at 5:30 PM.

Ron Cole asked that the Planning Department get the measurements from Liberty Mutual's parking lot to their front door.

Frank Torr made the motion to table.

Doug Steele seconded.

VOTE U/A

ITEM #4: Consideration and acceptance of an amendment to the conditions of a minor subdivision approval, for Fenton Groen, Assessor's Map 28, Lot 26A, zoned RM-20, located on Oak Street.(P06-38)

Donald Andolina made the motion to take the item off the table.

Tony McManus seconded.

VOTE U/A

Fenton Groen was ready to explain his application.

Steve Stancel pointed out that there was a woman in the audience that he felt had some questions and left when the item was tabled. He said that he didn't feel comfortable to hear this at this point.

Tony McManus made the motion to return this to the table.

Donald Andolina seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of a site plan of land and Conditional Use Permit for Mark Investments, Inc. (Walgreens), (Owners Perez Dover, LLC; Jeffrey Mitchell, Stephen K. Wiles) Assessor's Map 38, Lots 31, 33, & 33A, zoned B-3, located at 856 Central Ave., 1 & 3 Glenwood Ave.*(P06-32)

Bill Tanguay, with the firm of McNeill, Taylor and Gallo, explained that the project includes three different parcels and is located at the corner of Central Ave. & Glenwood Ave. He said that the TRC had concerns with the setback from a cemetery. They will

revise their plans to accommodate the 25 feet from the cemetery and submit them later in the week. They will need some waivers.

Jim Bernadino, represented Mark Inv., stated that they need the Conditional Use Permit because this is in the Groundwater Overlay District. The building will be 14,823 sq. ft. with a proposed drive through lane. There will be two site accesses one from Central and one from Glenwood. They require a waiver for the allowance of curb cuts of more than 24 feet to 36 feet to allow for independent turning lanes. They have had discussion with the Conservation Commission and their concern is the protection of the groundwater. He went over the drainage system. He said that the TRC had a number of issues and the new plan will address all the issues. They will include a formal waiver list. They do need relief of landscaping of deciduous trees on the frontage because visibility is a hardship. They need relief from signage of 100 feet from the travel way because they are dependent on pass by traffic. They need an offset to the access way as the intersection is a-typical. Also need relief from the drive-through facility to be non-audible. They want a small microphone. He explained that test studies say that 61 decibels are conservative. The sound will be muffled because of the retaining wall and the vegetation.

Chairman Cole asked how far the drive-through is from the Dean property.

Jim Bernadino stated that it is about 160 to 200 feet. He said that they are also asking for a Special Exemption as they are proposing 87% impervious surface.

Dean Trefethen asked if the revised plan would show the outline of the structures on Glenwood Avenue. He inquired on the improvement to the sidewalks on Glenwood Ave. He said that other drug stores chose a telephone system for the privacy of their customers.

Jim Bernadino stated that the system is designed to be low intensity so the car behind would not hear. He said that the drive through is limited to pick up and drop off and the work hours will be 7:00 AM to 10:00 PM.

Dean Trefethen said that 60 decibels doesn't seem high but it can be annoying.

Jim Bernadino stated that they are not proposing to be a 24 hour store.

Dean Trefethen asked about the trucks and the delivery dock.

Jim Bernadino stated there would be smaller box trucks that come independently.

There was discussion on the possibility of a tractor trailer delivery interfering with the drive-through.

Jim Bernadino explained why it wouldn't happen and showed the path that the trucks would take to come into the site and then they would back up.

Steve Stancel asked for a colored rendition of the elevations to get some feed back from the Board. He emphasized the need to be sensitive because of the adjacent residential neighborhood.

Tony McManus was concerned with the design because he has never seen an attractive chain yet.

Kirt Schuman felt that the choice of lighting and landscaping would go a long way.

Ron Stock thought that the building looked like a warehouse.

Kirt Schuman felt it would be nice to see something that would fit into the neighborhood

Doug Steele stated that he was concerned with the existing homes on Glenwood Ave.

Jim Bernadino stated that there would be minimal impacts on Glenwood Avenue.

Dean Trefethen stated it is deceiving to look at the plan as it looks like there is a lot of open space. He asked that the City owned lot be delineated

Dean Trefethen made the motion to accept the application.

Kirt Schuman seconded.

VOTE U/A

The public hearing was opened.

Tom Fargo, Conservation Commission Chairman, said that the applicant came before the CC on July 10th and they have a couple of recommendations as follows:

1. Applicant will provide the City with an Operations and Maintenance Plan for routine inspection and cleaning of the stormwater management system. The plan should include annual reporting of inspection and maintenance activities to the City's environmental division.
2. Applicant to install 2 to 3 monitoring wells to be added to the City's monitoring system.

Tom Fargo, as a Dover citizen, stated that this site is not the most ideal because of all the waivers that are being sought. He felt that they could take over other vacant sites. He was concerned with the entrance on Central Ave. He said that he is a pedestrian and with the oversized entrance, it would make it a very dangerous place to try to cross.

Brian Kelly, stated that he agrees with Tom Fargo. He has lived in the area for 31 years and with that development, the front portion will not longer be residential. This project will affect the neighborhood and the quality of life. Who would want to live there? He is not in favor of this project. The traffic will become unbearable.

Steve Mone, 10 Glenwood Ave., stated that the distance between the speaker in the drive-through and the adjacent residence needs to be confirmed. He said that he bought his house 4 years ago and now the traffic will be unbearable and it will make it impossible to get out of his driveway. The lights from the project will shine in his living room. It is a quality of life issue. He put a lot of work into his home and he is concerned layout all the waivers. He hopes that the Board rejects the plan.

The public hearing was recessed.

Steve Stancel stated with regard to the empty buildings across the street, that he is not sure that the owners would want them there as Walgreens would be looked at as competition. He said that the Department recommends a site walk.

Chairman Cole set the site walk for Monday at 6:30. He asked that the corner of the building, site of the microphone for the drive-through, the 100 feet on Central, and the curb cuts, and the City's property lines be delineated.

Donald Andolina made the motion to table.

Tony McManus seconded.

VOTE U/A

ITEM #7: Consideration and acceptance of a site plan and Conditional use Permit for David Bamford, Assessor's Map 6, Lot 46, zoned B-2, located at 488 Central Ave.*(P06-37)

Paul Connolly, Civilworks, represented the applicants. They are seeking a decrease of offsite parking, a Conditional Use Permit, a waiver from the 22 foot isle width to 21 feet. The building is on the corner of Central Avenue and Third Street. The building contains 13 units, the Holy Rosary Credit Union, Bold Faced Books and a drive through banking facility. They wish to construct additional building space that would increase the total number of dwelling units to 19. This would include 9 two bedroom apartments, 9 one bedroom apartments and 1 studio apartment. The commercial space will also increase by 3,000 sq. ft. for another financial institution. The dumpster will remain as it is. He said that the lighting is not shown on the plan but there will be lighting along the walls. He said that the concrete wall will be clad in stone veneer and the lighting will be Williamsburg type of lighting. He said that Mr. Bamford has received a Variance for the setback. They are seeking to acquire a triangular piece of land from the City. They want to improve the aesthetics and are seeking to acquire the island on Third Street so they can maintain it and landscape it. They went to TRC on July 27th and received comments which will be addressed. He explained how they would have a counter clockwise motion through the parking lot. He said they are required to supply 46 spaces and they are providing 43 spaces. He said that they will look at the municipal parking lot next door that has a utilization of 75%.

Tony McManus asked if the building is going to be 1 ½ foot higher than existing. He asked if they would match the existing building.

Paul Connolly stated that it will be 1 foot higher.

Mr. Bamford said that they are not sparing cost and the design won't match but will upgrade and dress up the building.

Paul Connolly explained how the fire trucks would enter the site and go through the portals and would back out of the site.

Dean Trefethen asked how the parking lot would be monitored and enforced.

Paul Connolly explained that they would have a sticker system and the spaces would be labeled. For an example spaces E through J would be allocated to the Credit Union.

Mr. Bamford went over the parking plan and the number of employees of the various businesses. He said that there is no problem at night, except when there is a good movie at the Strand Theater.

Paul Connolly explained how the entrance and the exit will be one way.

Kirt Schuman stated that he couldn't see a parking issue and this is infill development and he felt that it was a good project.

Kirt Schuman made the motion to accept.

Tony McManus seconded.

VOTE U/A

The public hearing was opened.

Kevin McEaney, 8 Gold Post Rd., spoke in favor of this project. He said that Mr. Bamford's properties are very well kept and impressive from an architectural perspective.

The public hearing was closed.

Paul Connolly showed renderings of the 3 ¾ story building and the Third St. elevation.

Mr. Bamford stated that the looks of the building is of great importance to them and with the Williamsburg lighting, it will create a very good look at night and a compliment to the area.

Dean Trefethen made the motion to table.

Donald Andolina seconded.

VOTE U/A

Tom Fargo wanted to let the Planning Board know that his term on the Strafford Planning Commission is expiring and that there are two vacancies.

ITEM #8: Old Business

e. Request for an extension of approval for an OSS for Ray Martineau, located on McKone Ln. (P06-04)

Steve Stancel explained that they were given an administrative extension and they need an additional extension because of a hang up with NH Fish & Game.

Tony McManus made the motion to approve the extension.

Donald Andolina seconded.

VOTE U/A

ITEM #9: New Business

Steve Stancel stated that they are changing the sign regulations so that the illumination of any sign shall be non-flashing except when the content changes no less than once every 10 minutes. He stated that there is a law suit against the City with regard to an existing flashing sign on Central Avenue. This amendment will define the flashing sign as: "Any directly or indirectly illuminated sign which changes the intensity of illumination so as to result in changes in light, color, direction or animation. Included in this definition shall be electronic changeable message boards or signs of similar technologies, excluding those deemed necessary for the public safety and welfare by Federal, State, or municipal authorities."

Donald Andolina asked if the existing signs would go with the land or the business.

Steve Stancel answered they could be kept as long as it is the same sign.

Tony McManus made the motion to approve and send to a public hearing.

Dean Trefethen seconded.

Ron Stock said, as a business owner, he felt that the sign regulations are too stringent and he is in favor of flashing signs. He felt that this is creating a hardship on businesses.

VOTE U/A

ITEM #10: Committee Reports

Frank Torr said that there is a Waterfront Subcommittee Meeting tomorrow at 11:00 to 1:00.

ITEM #11: Adjournment

Marcia Colbath made the motion to adjourn.

Doug Steele seconded.

VOTE U/A