



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, November 15, 2006**
Meeting Time: **7:00 pm**

Mayor Myers opened the meeting at 7:05 p.m.

Councilors Present: Mayor Scott Myers, Deputy Mayor Jason Hindle, Councilors Doug DeDe, David Scott, Dean Trefethen, Catherine Cheney, Harvey Turner and Dennis Ciotti. Also Present: City Attorney Allan Krans.

Absent: Councilor Bob Keays and City Manager Mike Joyal.

1. PLEDGE OF ALLEGIANCE

Councilor Trefethen led the Pledge of Allegiance.

Mayor Myers reminded the Council of the upcoming tour of the Turnkey Landfill on 11/18/06 at 8:30 a.m. Also, the Holiday Parade will be on 11/26/06 at 3:00 p.m. and there will be a collection of canned goods as well which is being coordinated by Steve and Sue Hodgson, this year's citizens of the year.

2. COCHECHO WATERFRONT DEVELOPMENT AUTHORITY COMMITTEE (CWDAC) UPDATE

The Mayor began by giving a brief history of the various waterfront development committees and activities for the past 20 years and stated the previous City Council formed the current Committee as it is now. He introduced Jack Mettee, Chair of the CWDAC to speak.

Mr. Mettee stated he has been involved since the beginning and stated that in February 2005 the Dover Housing Authority was given authority of this project which was meant to keep the process non-political and allow them to make decisions that could not be undone after an election of new Councilors. He then gave a brief history of each of the committee members (see 11/15/06 meeting folder). He also reviewed the History of City Investment in the Waterfront Area, Cochecho Waterfront Timeline and the Timeline of the Current Process (all documents in 11/15/06 meeting folder). He continued to explain that the committee has always wanted to ensure a connection between the waterfront and the downtown and reviewed the objectives of the committee which include:

1. Realizing a great project that by means of a vibrant mix of uses, high quality design and effective plans for ongoing management will, in a manner generally consistent with the recommendations of the Charrette, provide both a great public open space and a great new neighborhood, and to act as an amenity for and spur further development of the downtown and the entire community.
2. Working with a selected developer that has the capability to complete a successful project and the proposed project has the reality-based potential to be implemented in a timely manner and that the project will not impose a net cost to the City beyond the cost already budgeted by the City for on and off-site project elements.



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3. Seeking to maximize the City's financial outcome from the project in the form of land payments, developer funding of construction, management/maintenance of public improvements and real estate tax benefits.

Mr. Mettee continued by stating that although they have selected a developer there is still a long way to go in the process with continued negotiations and more public comment. He stated that Dickinson was chosen based on their track record of success and financial backing. He stated there has been some discourse regarding it being an all-residential development, but explained that is not the case as it is a mixed-use development. Also, this is only a concept but the goal is a successful development for the long term and we don't want to have empty stores. Finally, he stated that the City has hired Barry Abramson to represent our interests throughout the process.

Barry Abramson of Abramson Associates, stated he is a real estate advisor and has been hired to be the "watchdog" through the process and to help negotiate the best deal.

Mayor Myers clarified that Mr. Abramson is representing the City of Dover interests and is not a part of the Dickinson team.

Mr. Abramson continued by giving his background and explaining how he came into the process a year ago. He stated that he has also concluded that residential space is what will drive this development and not retail and feels that the plan that Dickinson has proposed provides the maximum to realize the goals of the Charrette process but also to be viable both in marketability and economically. He stated that we are fortunate to have a developer who does have a focus on retail and not just residential so that if there is something that can be done, they will do it. He then reviewed the power point presentation (see 11/15/06 meeting folder) which included Private Development Program broken out by phases and type of unit; financial benefits including estimated tax revenues of up to \$24,000,000 over 20 years; a Cost benefit analysis comparing what the City has spent and will spent to the development contribution; and a Proposed Public Benefits Budget.

Mark Dickinson of Dickinson Development Corp. began by introducing Chris Wyskiel who is their local legal representation and several other people from his team.

He stated that he came into town at 3:00 p.m. today and visited the site and was pleased to see that the dredging has been continued. He stated that at 4:00 p.m. there was a sub-committee meeting of the newly formed waterfront park design committee which included Joyce El Kouarti, Jack Buckley and Councilor Trefethen and stated that they will be meeting again on December 4th and 18th and invited the public to attend and give their opinions as well. He then began reviewing the power point presentation which outlined the project opportunities as follows:

- Extend and expand a growing and vibrant downtown commercial area
- Expand the residential base of downtown to help support commercial business for the future
- Continue and expand Waterfront Park
- Bring approximately \$1,000,000 additional tax revenues to the City annually.
- Many new construction and permanent jobs.



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The Development Components are as follows:

- Public Waterfront Park
- Excursion Boat Landing and Visitor Dock Area
- Retail/Office 40,200 sf
- Restaurant 5,000 sf
- Residential Units – up to 184
- Boulevard Street Park

He then turned it over to John Sheskey of Sheskey Architects to review the proposed parcel plan. Mr. Sheskey stated he is impressed with the vibrant downtown area and feels that this is a great development opportunity. Regarding the proposed parcel plan, he explained that at this point it is just a “seed” and is meant to quantify and measure a financial pro-former to it. He stated that this plan is flexible and will be market driven. He continued to review the power point presentation of the aerial photos of the site, proposed parcel plan and Architectural Character and Scale.

Mr. Dickinson then explained that the thinking for the first parcel will be to put all infra-structure in place with the front space being developed first and a model of the residential unit included so that they can market the rest of the parcels. He stated that he wants them to understand that the market is not here for retail space, a restaurant yes because of the river view, but not retail. He stated they are projecting selling 3 units a month up to 184 units over 5 years and there will be 50,000 square feet of mixed used including office space. He stated he doesn't want to compete with other projects in the area and feels that the Foster's project will be great. He then discussed the public park portion stating that at the meeting this afternoon it was stated that they can't finish unless they start, which is true. He gave Reading Mass as an example of being similar to Dover i.e. building on a landfill type area, but stated the difference there was that they got a pre-lease agreement with Home Depot and Jordan's Furniture but had 3 failed starts prior to that. He concluded by stating he feels that this project is right for this area and compromises have been made and feels that they address most of the concerns.

Mayor Myers opened the floor for Council comment:

DeDe stated that Dover has access to a lot of great places within an hour's drive, but wonders why they are building condos instead of townhouses, which may not be beneficial in the long run.

Dickinson stated that townhouses will be built in the bluff area but feels that condos and townhouses are basically the same thing. He stated that condos are marketable and the primary market will be 45-65 year olds with an income of 70,000+.

DeDe asked what is the financial ramification if they are townhouses instead of condos.

Dickinson replied that there is less density and less units and more cost per unit.

DeDe asked if there will be gaslights along the riverfront walk area.

Dickinson stated they haven't designed that part yet and is what the committee that met this afternoon is doing.



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DeDe asked about parking.

Dickinson stated that there will be parallel and perpendicular parking spaces on the public street and there is residential parking underneath each building of 1½ cars each unit.

DeDe stated that at a previous meeting Thom Hindle discussed an artisan approach to these units i.e. having a shop space in the first floor and living on the 2nd and he wonders if the zoning will allow for that or are there ADA requirements that may prohibit that.

Dickinson stated they are not planning on placing any restrictions and there will be elevators from the garage area which should address ADA requirements. He continued to explain the parcel concept in that one parcel can be developed differently from the next but that it will be the market that will continue to drive the rest of the phases.

Mr. Sheskey explained the concept of shape zoning stating that it is not so much about use and is flexible, but there is a collective control document of what is and is not compatible.

DeDe stated that with the elevation of this building he feels that retail would be impractical and feels that condos have more restrictive language than townhouses. He stated he does agree that this should be mostly residential and will benefit the downtown area but feels that they have drifted away from the original charrette and feels that the committee should come back before the Council if they want to loosen that concept.

Cheney asked about the buildings running north to south and asked if these buildings will need additional flood insurance.

The reply was they do generally run north to south but no, they don't need additional flood insurance.

Turner asked if the first building is built and has some retail business will the work on the buildings behind it be able to be done without disruption.

Dickinson stated that phased in work is always difficult but they do use fences and dust control methods. He stated they would hope to keep the Maglaras Park access open until the project is done.

Turner asked about the public boat ramp.

Dickinson stated this was never part of their proposal.

Turner stated he always thought that this was going to be a destination spot but it really ends at the restaurant/retail area even though there are public walkways to the back parcels, there is no destination after that and he doesn't want to feel like he is walking through someone's yard. He wonders why this isn't reversed and have the restaurant at the back.

Dickinson explained that the park itself will be a destination area as well as the "Commonwealth Avenue" down the middle of the project which will be 40' wide. He stated he understands the idea of reversing the restaurant but there will be better access from Washington Street and the restaurant will already have a good view at this site. He stated it is also important to the marketing of the condos that they also have a good view especially since many of the other amenities were eliminated.

Sheskey stated that at the sub-committee meeting today they discussed many ingredients needed for the park including electrical outlets for vendor carts, art shows, etc. They also discussed excursion boats loading and unloading passengers there as well as the kayaks and canoes.



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Trefethen stated that the proposed park area on this plan is approximately the same size as Henry Law Park and there are lots of options. He stated that this developer is willing to leave that space for public use which most developers are only in it for the money and these guys won't be making as much as they could have. He stated that this will all tie together with Maglaras Park and the 50+ acres of Fish and Game land, so we already have a lot of park space. Regarding the boat launch, the problem is where do people park their cars and trailers and he stated that when you go by Hilton Park and Pierce Island on busy days, its not a pretty sight. He stated that he also feels that everyone wants to play junior designer which generates discussion, but detracts from the real issue which is, are we going to develop the area or not. Everything else is just a backdoor way to oppose it and he would rather have people say they are opposed and exactly why. We have been talking about this for years but some people are asking "what's the rush", but it's been 20 years and decisions to move it forward have been made by every Council. He stated the other night there were some former Councilors who spoke against this but even they voted in favor of things that helped facilitate this. Also, he hears the comments that this should be put to a vote but what would we put to a vote when no one can agree on why they are opposed. He stated that any proposed change to a community would be voted NO and he stated we are not a town and do not have town meetings, we are a city with elected representatives to make the decisions. People choose to live here and therefore, they choose to accept this form of government and our Charter was reaffirmed by an 85% vote to keep it this way.

Ciotti asked about the park development and the city expense for it and will the city own it.

Dickinson stated the park improvements up to the baseline will cost \$1.9 million.

Ciotti asked about the odor remediation of the area and has it been tested ahead of time and what happens if it runs over the \$500,000 estimated.

Dickinson feels that it is an adequate sum but they have not done a total soil analysis as that alone would cost \$100,000.00 and since they haven't been secured as the developers, they will not spend that money. Obviously if it is not enough they will have to come back for more.

Scott stated that there were some interesting suggestions made at the public hearing by various people and asked if there was any intention to incorporate any of those ideas.

Dickinson stated he will listen to the ideas, but it is his investment.

Scott asked why this plan is so different from what was presented before and is not the same as the charrette.

Dickinson stated it is his understanding that this does follow the charrette.

Mayor Myers stated that he and Councilor Trefethen are on the committee and it is one fantastic committee. There have been many hours of dedication and they have ensured that it has met the charrette design intentions. He stated when they got to a point that they needed professional advice, they brought in Barry Abramson who has been very responsive. He stated that he has been on the committee since the late 1990's but many of them have been working on this for 20 years. He asked Jack Mettee to clarify that there has not been any TIF set up for this as has been suggested.

Mettee stated that this is a committee of volunteers and there are no experts in financing. He stated that there were different financing options explained to them including a TIF, but they



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found that they didn't need any additional funding above the CIP because it would be on the developers and any revenue from the taxes will go to the City.

Myers clarified that the task of the committee was to update the charrette and go out for an RFP and at this point we are early in the negotiation stages with Dickinson.

Mettee confirmed this.

Myers stated that there are still opportunities for people to participate such as on the sub-committee.

Mettee stated that at the last public hearing he asked the public to participate and 4-5 people have expressed an interest and will be e-mailed. He also spoke with Cheney regarding the historical architecture and have noted Turner's concern with celebrating Dover's cultural history which can be incorporated into the waterfront. He stated all of these ideas will help make this more successful.

Mayor Myers then asked Barry Abramson about the park and that there are certain allowances for that and could some of that money be used for fountains, etc.

Abramson stated it is up to the Council and feels that the developer would be very happy to have the value given to the city put back into the property. He stated that in the analysis there is over 900,000 allocated for various things that could also be reallocated.

Myers then addressed the odor issue stating that comments have been made that we are taking care of that just for the waterfront development but asked shouldn't that be done anyway.

Abramson stated that on certain days it does not smell good down there so yes it should be addressed especially if it is impacting other areas as well.

Myers then asked Dickinson about the hotel discussed during preliminary talks.

Dickinson stated that they have to take into account that there is another hotel going in on the north end but he has talked to some developers and feels that the other side of the street from this project will be a better place for the hotel.

Myers thanked everyone for coming and stated that he echoes Councilor Trefethen's comments regarding the park space which are never at full capacity. He referred the Council to read the Nashua Telegraph article regarding riverfront development and stated Portsmouth is taking similar steps to connect the downtown to other areas of the city. Finally he stated that the Council decided to transfer this to the Dover Housing Authority in order to take the politics out of it as the Council changes every 2 years and developers need to be able to count on the decisions made along the way. He stated that there will continue to be lots of community involvement and stated that this proposal does meet the directions of the updated charrette.

Cheney thanked the committee for their hard work and feels it is healthy that the public is giving their input, both positive and negative. She then addressed the dredging of the river and asked if Maglaras closes the marina do we need to have access to gas for the boats. She also asked if they will sell any of the parcels of land to just anyone?

Dickinson stated there are no plans to have powerboat ramps or gas stops and hopes that Maglaras's Marina is staying. Regarding parcelization, he can't predict the future and he is young enough to see this through to the end, but old enough to not have to, but if he didn't intend to develop the area he wouldn't be here. He stated that the infrastructure and zoning will be in place if he isn't here to develop the later parcels.



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Cheney then asked Barry Abramson what his qualifications are.
Mr. Abramson reviewed his qualifications and experiences in various cities.

Turner stated that it has been stated that this is still in the early stages and so is the Rizzo Plan, so how closely tied to the Rizzo plan is this project.

Dickinson stated he is aware of the Rizzo Plan and feels the changes will help the project but it isn't dependent on the implementation.

DeDe stated that they have heard the allegations that there is toxic waste down there and he has contacted Dean Peschel who has been dealing with that issue.

Stancel reviewed a map of the level 2 analysis.

DeDe stated he has asked the question if this is toxic waste and the EPA has said no. Also, we need to build a road ramp onto the spoil cell and the Army Corp of Engineers would have to purchase fill for that so Peschel asked them if they wanted to use the spoil cell fill and it was determined that there would be no difference in cost to the Army Corp so they will use it and refill it at their expense. Finally, he stated that the city has moved to convert the area from the city garage and dump as there was a better use for this area which he couldn't agree more. The city has invested money to open up the area and the WWTP had to be moved from there in order to handle the capacity. So now we have a chance to get 1.2 million a year in taxes and we are all here to reduce the tax rate. He stated that plowing and maintenance costs are also lower with this type of development. He stated he has been told to not spend money on this development, but it is the developer who is putting the money in and the city is going to finally get a benefit for the taxpayers after 20 years.

Myers opened the floor to the waterfront committee members.

Joyce El Kouarti, 112 Bellamy Woods – addressed Councilor Scott's comments regarding the comments of various people at the public hearing stating that they are welcome to attend the next sub-committee meeting on 12/04/06.

Cheney asked when they (Dickinson) will be back.

Myers stated they will not be back before the Council unless something changes drastically, but they will continue to hold CWDAC meetings.

3. ADJOURN

Hindle moved to adjourn at 9:25 p.m., seconded by Trefethen.
Motion passed unanimously.