

**DOVER PLANNING BOARD
MINUTES OF MEETING
JUNE 28, 2005**

MEMBERS PRESENT: Donald Andolina, Anthony McManus, Beth Thompson, Frank Torr, Dennis Ciotti, Pete Lavoie, Ronald Cole, Bryan Cahoon, John Swartzendruber, Dean Trefethen

MEMBERS ABSENT: Eric Tooke, Mindy Anderson

STAFF PRESENT: Steve Bird, City Planner and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:03 PM and announced that **Emerald Woods III** was postponed at the request of the applicant for two weeks. Ron Cole said that he abutters would be notified. **ITEM #5 b. Impact Fee Waiver for Ann Marie Sacca & Samuel Sawyer**, for 34 Waterloo Circle was also postponed at the request of the applicant.

Chairman Cole announced that he would hear ITEM #4 before ITEM #3 because ITEM #4 would take much longer

ITEM #1: Citizens' Forum

No one spoke

ITEM #2: Approval of minutes

Beth Thompson made the motion to approve the minutes.
Tony McManus seconded

Dean Trefethen stated that Otis Perry was not listed as being present.
Don Andolina stated that his name was misspelled on the last page.

VOTE U/A

Abstained – Dean Trefethen

ITEM #4: Consideration and acceptance of a minor lot line adjustment of land for Bonnie Leavitt, Patricia Roberge, Larrie Upton, Jerrie Upton, David & Deborah McCann, Linda Gray, City of Dover, Assessor's Map 36, Lots 29A, 29B, 29C, 30, zoned R-12, located on Horne Street*(P05-39)

Chairman Cole said that he has had business dealings with some of the applicants but didn't feel that it would affect his judgment.

Kevin McEaney explained how the land was distributed among the abutters. He said this was especially good for the City because it added land to Horne St. School. He said that all the lots meet the minimum requirements except for the McCann lot, but the addition of the land will make it less non-conforming. He stated that the sheds would be

removed from the portion going to the City before being conveyed to the City. He explained that there is a retaining wall in disrepair between the Leavitt homestead and the McCann homestead. The homeowners will work it out between themselves.

Frank Torr made the motion to accept the application.
Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.
There were no comments
The public hearing was closed.

Beth Thompson made the motion to approve with the following staff recommended conditions:

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

Pete Lavoie seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of a conditional use and site plan of land for Vanasse Hangen Brustlin, Inc. (Owner Liberty Mutual), Assessor's Map E, Lot 24, zoned ETP, located on Liberty Way*(P05-33)

Malcolm McNeill represented the applicant. He explained that they were before the Board on March 8th with a conceptual plan. They are seeking acceptance of the plan tonight and scheduling for a site walk. He introduced Michael Kerns, Director of Corporate Real Estate at Liberty Mutual; Atty. Phil Roman, Corporate Council for Liberty Mutual; Kelly McGowan, Architect; Gordon Leedy, VHB; Robin Bousa, Traffic Consultant and Mike Leo, Profession Engineer. Atty. McNeill went over the history of Liberty Mutual in Dover.

Malcolm McNeill stated that Liberty Mutual now employs 1,400 people with high quality jobs. There was a cost sharing agreement with the City with regard to roadway improvements, as well as discussions and agreements with the State with regard to issues related to areas along the Spaulding Turnpike. This project brings a substantial presence to the community and they have been very generous with their contributions to the community. They presently pay taxes for their existing site approaching ½ million dollars.

The new facility was initially for 300,000 sq. ft but the company decided that an additional 50,000 sq. ft. would be more in keeping with their long-term plans. This new facility will employ 2,050 employees, along with the 1,400 already working at Liberty Mutual. When this project is complete, which they hope will be in the first quarter of 2007, Liberty Mutual will have approximately 3,400 employees in the City of Dover. Their employees will represent more than 10% of the population of Dover.

Atty. McNeill said they would like to begin construction in August. The project will be a 47 million dollar project and will be one of the largest in the State and creating between 200 and 250 local construction jobs and allowing Liberty to continue to tap the strong job pool and work ethics that exists in this region. When Liberty completes this project, its tax contribution will exceed one million dollars per year and they will be the largest employer in this City. They filed an application with the State DES for a Dredge & Fill Permit and have appeared before the local Conservation Commission on June 6th and June 20th. They have received a conditional recommendation from the Conservation Commission which are all acceptable to them. On June 23rd they met at length with the TRC and they expect to meet with them again either this week or next week. They have commenced discussions with the State of NH regarding off-site highway improvements. The traffic study has been supplied to the State. They have had several meetings with the NHDES and with the highest levels of NH DOT.

Malcolm McNeill stated that the City has made very good provision with regard to water and sewer. They are aware that there are traffic issues as there were in 1996 and 1997. They will assure the Board that they have had and will continue to have meaningful discussions with the City with regard to the issues of traffic. When these issues arose in 1996 & 1997, given the benefits of a project like this to a community, they worked out an equitable arrangement with improvements to Indian Brook Drive and the area around the highway system. They will continue to have those discussions with the City and bring reports in a timely fashion as to how they are proceeding. There were agreements in '96 and '97 with regard to giving Liberty Mutual credit regarding future expansion on this site. He said that there has been tremendous growth that they feel was spurred by the quality of the City and the quality of developments such as Liberty. He said that they have completed the application to the State. For a project this size, the environmental impacts are minimal. There is significant effort to provide for conservation easements, and effective treatment for runoff in regard to the Cochecho River. They are aware of issues with regard to public use of the railroad right-of-way for walking and biking trails. As part of the previous approval, they agreed to the trails but it was never fully effectuated because of connections. Those trail connections have advanced and they wish to go forward and encourage walking and biking along the River. With regard to public transit, park and ride issues and other issues related to the logistical access to this site, they will continue those discussions with staff and the Board.

Kelly McGowan, Gorman Richardson Architects, stated that the new building is west of the existing facility and sited between the Cochecho River and Indian Brook Dr. The building will be complimentary to the existing building. The building is sited on the higher portion of the site and reduces the impact of the building on the surrounding wetlands. The building orientation takes advantage of the views of the surrounding landscape, particularly the river corridor, as well as maximizes the amount of natural light that penetrates into the building. The additional light enhances the environment of the occupants and reduces the requirement for artificial lighting resulting in less energy consumption. The intention is to create a balanced site. The building is divided into three distinct sections. The majority of the utilities and the loading dock come into the west portion of the building. All employees will come in through the back of the

building. The west wing will house the cafeteria for 450 people. The remainder of the floor plan is open office spaces that are flexible to serve the various needs of the tenants and occupants. She described the façade of the building and the various features of the building materials and windows. She said that the height of the building complies with the ordinance of 55 feet. The elevation and the landscaping will obscure most of the building from Sixth Street. They are creating a campus and a feeling of unity and identity for the Liberty Mutual group. They are registered on the USGBC website (United States Green Building Council).

Gordon Leedy, landscape architect with VHB, pointed out the location of the stubs for the utilities. They will have to make some changes to the existing driveway to provide additional capacity for the users of the new building. The driveway will be relocated and widened to four lanes. He showed the location of the brook crossing, which will be necessary. They anticipate installing an arched culvert causing as little impact as possible to the brook. He said that the way they accommodated the larger building of 350,000 sq. ft. without increasing the impact on the site, was to include a single level parking deck which is a drive in – drive off parking deck. At the entrance elevation, you come in and drive onto the top of the deck and as you enter the lower area of the parking lots, you park underneath. There is no ramp connection and they found that to be the most efficient way of providing parking. They have provided about 1,700 parking spaces. That is based on the same ratio of parking at the existing facility and it has proven to be adequate. They would provide a convenient pedestrian pathway to get to this building. The landscaping will be similar to the style at the existing facility. They are limiting the amount of disturbance by providing some retaining walls to make sure that they don't disturb or hinder the pathway or the sewer line. In terms of wetland impacts they do have about an acre, 41,000 sq. ft., where there are pockets of wetlands throughout the upland area of the site with the exception of the crossing.

Mr. Leedy said that they took a lot of time and care in designing a state of the art drainage and water quality enhancement system. It involves a number of lines that convey that water to a series of underground storage facilities. For the surface runoff, they are proposing powerful separation units that remove up to 80% total suspended solids as well as floaters that may be in the stream, as well as up to 67% of phosphorus in the runoff which then goes into the storage galleries. There will be perforated pipes that will allow some level of infiltration. The water is finally settled into a small detention basin allowing further settlement and then outlet into treatment swales that are sized and designed according to standards. There will be a need to construct an overflow weir. He explained the schematic of the drainage system saying that this, along with the system of on-site maintenance, is a state of the art system.

Robin Bousa, Senior Project Manager at VHB, stated that they will need to make some changes to the driveway and realign the entrance to the site. She said that they have submitted a comprehensive report. She noted that there are other development projects that haven't been built yet that will contribute to the growth. She went over the traffic counts and levels of service of the various intersections which are listed and depicted in their Traffic Impact and Access Study, dated June 2005. She said that the staff wants

them to do some additional analysis scenarios and they are in the process of doing that and will be submitting that soon.

Mike Currans, Director of Design and Construction for Liberty Mutual Real Estate stated that the project reaffirms Liberty Mutual's commitment to this area. He gave a history of Liberty in the surrounding area. He said that they continue to house about 1,400 at the Borthwick Avenue, Portsmouth facility and they also lease space for 1,100 employees in the Portsmouth area. They also house over 1,400 employees already in Dover. This project will bring 2,000 more jobs to Dover. The jobs in question are white collar, professional jobs dealing with information systems, corporate services, commercial and personal lines of insurance. The Board can be sure that they will carefully manage their wetland and stormwater issues. Pending all approvals, the desired groundbreaking is August of 2005, and completion in the first part of 2007. They are prepared to work closely with the City and State to navigate through the approval process.

Malcolm McNeill stated that the City has requested a further review of the traffic study, which is ongoing. The State is continuing its review of the project as it relates to the Spaulding Turnpike. They are also processing the NHDES Permit with DES officials. They have provided the City with a copy of the development agreement that dealt with traffic that was executed between the City and Liberty Mutual in 1996. With regard to the previous project, the study that they did in 1996 concentrated on a 200,000 sq. ft. building on this site and made certain projections with regard to growth in Dover. The background growth exceeds expectations. Additionally, there is an excess vehicle capacity allocation agreement that was also executed between the City and Liberty. He said in 1996, they were given a credit for some of the improvements that existed that were not necessary at that time. The lease agreements and other components for the project are certainly the subject matter for discussion with the administration. He said that they are requesting a site walk so they can show the Board the corners of the building, the roadway system going into the site and any other appropriate components. He said that they will work closely with the Planning staff on coming back before the Board as they progress.

Tony McManus stated that the floor plan shows that the employee entrance is at the back of the building but he noted that the greatest amount of parking was at the front of the building. He asked if the employees would be allowed to park in the front and walk in the main entrance. He felt that this plan shows a staggering amount of paved area and asked about making the decking two levels to reduce some of the impervious area.

Kelly McGowan stated that the back of the building should be marked for employee only entrance and visitors at the main entrance for security purposes.

Gordon Leedy explained that on a flat piece of paper it looks like this is a large parking area and what happens is that these are significantly tiered down as is the case at the existing office facility. They have also included landscaped islands that will provide some green area in a very large parking area. The issue with a deck is that it is a lot more expensive to build structure parking. Liberty Mutual determined that this would be a

reasonable accommodation to their desired expansion without creating still more parking that would be further away from the building. He said that going up another level gets even more expensive. He said that he didn't think it was justified for the relief that you would get and would not significantly reduce the coverage of the site. There would be some potential issues with visual impacts.

Kelly McGowan added that the plan on the easel is a close up and if you look at the campus plan, the actual allotted site area for this building is much larger than what is shown on this plan. They came to the determination that the site is 60% green.

Tony McManus asked if facilities for daycare for the employees have been contemplated and was there any kind of medical facility on site. Tony asked about staggered starting times and if there has been any consideration to solar power with regard to the building and whether the building oil or gas.

Mike Currans stated that they do not have a day care on site. There is a nurse on staff. They informally have staggered starting times. He explained that these are not straight hours, there are development teams that sometimes have to work 12 hours a day and need to come and go as the work requires. The work is primarily daytime work. The solar is years away from being effective for a building and it will be heated by gas.

Tony McManus asked about the reconfiguring of Exit 9 and if their plans were consistent with the State plan for the exit. He asked if they were looking at any impacts on the exits and entrances off the turnpike.

Robin Bousa said that she is not aware of any long-range plans. The short term plan that the State was looking at was sort of their starting point because it is a great idea. The proposed improvements that they are looking at do not provide for any bridge widening. They are working within the existing width of the bridge. She spoke on the existing levels of service (LOS).

Dean Trefethen asked if the Board could receive the elevation views of the parking deck and if the proposed traffic plans could be made available to the Board on paper or PDF. He asked if the extra lanes of traffic would fit on the bridge over the turnpike.

Dean Trefethen was assured that they would receive the traffic plans.

Robin Bowser answered that there are three lanes and they are proposing four and they would be narrower.

Dean Trefethen asked of the 2,050, employees, how many were new employees and how many of these employees were already living in Strafford County as opposed to elsewhere.

Mike Currans stated that the majority of the jobs are coming from this region there is a small number that are relocating from another part of the country. The vast majority are from the Seacoast Region.

Dean Trefethen asked if the Board could be provided with information on where these current employees that are going to be relocated live at present.

Mike Curran stated that they are providing for TRC, as part of the traffic study, a zip code analysis of all of their current employees which should show where everyone is coming from.

Frank Torr made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

Tom Fargo, Chair of the Conservation Commission, stated that they met two times to review this project. He said that he has not yet completed the minutes from the meeting. He said that he is also Chair of the Strafford Regional Planning Commission and with that hat on he expressed his interest in having this Board make a determination on whether this project is considered a Project of Regional Impact. As a member of SRPC there are certain RSAs that state that it is this Board's responsibility in receiving input of abutting communities. He said that he discussed this with an executive committee member of SRPC and there were concerns relayed to him by the Planning Department in Rochester and also a selectman in Rollinsford. They are very interested with the traffic impacts. He said that the traffic mitigation measures are limited to Indian Brook Drive and a small portion of Sixth St. The concerns that he has heard from other communities is that many of these employees that will be coming to this project area, will have to traverse through some of the abutting communities and potentially impact their traffic impact measures. He said that Rollinsford was particularly concerned. He said that his wife is a Liberty Mutual employee and will probably be working in this facility. He discussed whether he has a conflict of interest with the City Attorney and Planning Director and also with the applicant as to whether he could lead an objective discussion of this project. He believes that the applicant has endorsed his discussing this. He said that many of his wife's colleagues, who will be transferring to this facility, live in the southern Maine area. There is interest that not everybody is going to access this project from the Spaulding Turnpike. He felt that it is important that this Board look at the RSA regarding Projects of Regional Impact. If you don't decide to declare it as such, he would hope that the Board takes into consideration the concerns of abutting communities with regard to traffic impact.

Brian Stern, 201 Tolend Rd. was concerned that they are talking about beginning construction in August. He hears that the Conservation Commission has already made their recommendations and the application has been accepted tonight by the Planning Board. That raises some concerns for him. He is an abutter but has received no notice of

the Conservation Commission meeting. He felt that a project of such magnitude should have triggered a notice of the Conservation Commission meeting. He is concerned with the amount of impervious surface that is very close to the river. The drainage plan leaves a substantial impact on the river and the comments from the applicant acknowledge that this was the best that could be done. The drainage plan may be as good as possible but it will have a significant impact on the river. He was concerned with the impact on the 10 year peak flow. The Cochecho is challenged and the recovery area for the Cochecho River is between the Watson Road Dam and Whittier Falls. He discussed the impound area. The State uses the Cochecho as a model. He stated that Indian Brook is also challenged and that its recovery area is from Sixth St. to the Cochecho River. He felt that these things need to be considered. He felt that there is no question that this project will negatively impact the river. He felt that it is not adequate to accept the applicant's representation that this is as good as they can do. He spoke about the study of the Tolend Road Landfill and the impacts on the river. The City should work with knowledgeable people. There is a lot of grant money that has been given with regard to the river regarding water quality, etc. The City should work with the coalition and DES and look at this issue. The amount of impervious surface is enormous. It is not just 2 acres of building but an additional 10 acres of parking. There is an enormous amount of wetlands disturbed for construction. There is an enormous amount of landscaping that will be grass that will need fertilizers and pesticides, etc. The applicants' written documentation says that the performance of the drainage system in a large part depends upon them clearing out of basins. He said that he thinks that Liberty's performance on its existing drainage system should be looked at. The fact of the matter is that the catch basin that is on the existing project has been bone dry. He said that the lower catch basin is clogged with cat tails and he is not sure if that has been remedied or not. He said that the drainage is going to be dependent on continuous cleaning and he feels that that is something that needs to be considered. He said that the swale that they are talking about should be looked at the site walk. He said that with Measured Progress the trees were cut right down to the easement. It's not a good model of what has occurred down the road. The site walk has to take a look from this area to Upper Factory Falls. He spoke of the rapids and several water falls and said that the river is absolutely beautiful. He feels that everyone should look at that because it will be greatly impacted. He said that the applicant should consider satellite parking away from the river and run shuttle service for the employees. He has concerns with the amount of impervious surface. He felt that the trails should be finalized now, independent of this application. He is also concerned with the building height. The rendering shows 5 levels but it is being considered as four levels because there are four levels of occupancy. He sees a height of 56 feet, which would be one foot over the guidelines. He said that it may just be to hide air conditioning, but it is height none the less. The visual is compromised whether it is balusters or occupied space.

The Public hearing was recessed.

Malcolm McNeill said that they have taken notes and will address them. He said that this is not a Project of Regional Impact. RSA36:55 states the criteria for regional consequence relate to issues such as shared school systems, shared boundaries, shared

infrastructure, shared natural resources, etc. Of all of the criteria that is related to shared resources and the proximity to the borders of neighboring communities or anticipated emission such as light, noise, smoke, odors or particles, this project is really not one that affects those types of issues. He said it could be argued that the Cochecho River is in the proximity to aquifers and transcends boundaries, but in terms of impacts, they have been well addressed. The only arguable issues could be transportation networks. He said that the Fox Run Mall was a Project of Regional Impact. When other projects along the Spaulding Turnpike have been done they were not Projects of Regional Consequence. When the Weeks Crossing project was done, it was not a Project of Regional Impact, although it was a project in two communities. He can assure the Board that all of the information that they generate will get to Mr. Fargo and he is in a position to come forward and deal with those issues. It has been customary in this community for projects such as this to be determined and acted upon by the Planning Board. The determination on whether this is a Project of Regional Impact is the Board's determination. You have a professional staff. We think that this is a Dover project that will be very well addressed.

Brian Stern said that it was interesting to note that the confluence of Indian Brook and the Cochecho River is south of the original cotton mills, prior to the textile miles and there is a lot of stonework. He said that this is something that needs to be considered.

Steve Bird stated that a lot of the issues that were raised were discussed at the Technical Review Committee and were included in the notes in the packets. He said that they appreciate the input and it would take it into consideration.

Chairman Cole set the site walk for Saturday, July 9, 2005 at 9:00 AM. The meeting place be at end of the existing parking lot – visitor parking.

Ron Cole asked that the runoff area of the culvert, building corner and the corners of the parking deck be staked off.

Frank Torr made the motion to table.

Beth Thompson seconded.

VOTE U/A

ITEM #5: Old Business

Items a. and b. have been postponed at the request of the applicants.

Ron Cole announced that letters have been sent out to the gravel pit owners. The staff will deal with the Griffin pit issue.

New Business

Ron Cole noted that the meeting on the community trail has been changed to July 18th.

ITEM #7: Adjournment

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

VOTE U/A