

**DOVER PLANNING BOARD
MINUTES OF MEETING
SEPTEMBER 13, 2005**

MEMBERS PRESENT: Dennis Ciotti, Frank Torr, Donald Andolina, Dean Trefethen, ,
Beth Thompson, Tony McManus, Ron Cole, John
Swartzendruber

MEMBERS ABSENT: Pete Lavoie, Bryan Cahoon

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

Vice Chair Tony McManus brought the meeting to order at 7:04 PM. He announced that **ITEM #4**, the extraction permit for Paul Griffin would not be heard because of a notification problem.

ITEM #1: Citizens' Forum

There were no speakers.

ITEM #2: Approval of minutes.

Frank Torr made the motion to approve the minutes.

Beth Thompson seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an amendment of an OSS subdivision of land for Douglas Dodd General Contractor, Inc, Assessor's Map E, Lot 35, zoned R-40, located on Watson Road.*(P05-50)

Paul Connolly, represented the applicant and gave the history of this subdivision. He said that they are slightly increasing Lot 1, 4, and 10 and adjusting the location of the sewer easement across one of the lots.

Chairman Cole arrived and took over the meeting. Tony McManus went back to his seat.

Paul Connolly stated that the increase of the lot is to allow slightly larger houses with master bedroom suites on the first floor. The affect on the overall open space is about 1% or less. The open space is in excess of the 50% required by the ordinance and is more than the 60% allocation when you are getting a density bonus point. It remains about 69% of the gross parcel area.

Frank Torr made the motion to accept.

Beth Thompson seconded.

VOTE U/A

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

Steve Stancel stated that he had received a complaint from an abutter indicating that there had been some tree cutting in an area where there shouldn't be. The Building Official and Chris Parker went out and saw no evidence of any tree cutting and/or clearing in the open space or in the Conservation District.

Donald Andolina 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.
3. Revise the plat to correct the notation indicating the size of the open space lot (Map E, Lot 35).
4. The applicant shall grant to the City a 50-foot wide conservation easement along the Cochecho River to allow public access along a trail. Said easement shall be granted prior to granting the first occupancy permit. Negotiations to take place with the State of NH for potential trail head location.

Dean Trefethen seconded.

VOTE U/A

ITEM #4: Public hearing and consideration of a request for an extraction permit by James P. Griffin and Tyra, Inc., will not be heard this evening but will be heard at the next meeting.

ITEM #5: Consideration and acceptance of a request for a minor lot line adjustment of land for South Dover Investment Group, LLC, Assessor's Map K, Lots 36 & 37, zoned R-12, located on Dover Point Rd. *(P05-52)

Kevin McEneaney explained that the intent is to reduce the size of Map K, Lot 36 down to approximately 12,000 sq. ft. which is the minimum lot size in the R-12 zone, in anticipation of future development of Map K, Lot 37.

Dean Trefethen asked about the structures and pavement on the reduced size lot and if the new configuration meets the lot coverage requirement.

Steve Stancel said that the maximum requirement is 30% and that does not include pavement. He said that he would add that as a condition of approval.

Frank Torr made the motion to accept the application.

Beth Thompson seconded.

VOTE U/A

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Rd., stated that she has no objections.

The public hearing was closed.

Dennis Ciotti 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.
3. Revise the plat by correcting the map and lot number labels for the two lots.
4. Add a note to the plan indicating the percent of lot coverage for existing house #31.

Beth Thompson seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of a request for a minor lot line adjustment of land for Paolini Brothers Development, LLC, (Owner Elliot Rose Company of Dover, Inc., Assessor's Map K, Lot 19 & 22, zoned B-3 & ETP, *(P05-54)

Kevin McEaney stated that this was a minor lot line adjustment to add a parcel of land of approximately ½ acre to 48 Dover Point Road, Map K, Lot 22. This will allow for access to the municipal sewer. The front is zoned B-3, the rear portion, which is the portion that will be added to K, 22 is zoned ETP. The next proposal coming up is for a condominium project.

Frank Torr made the motion to accept the application.

Beth Thompson 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 conditions:

1. Add all of the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the plat.
3. Revise the plat by adding two GIS points tied into the City coordinate system.

Frank Torr seconded.

Tony McManus stated that he is voting against this to be consistent with his vote on the next item coming up. The plan is for 7 condominium units to go on this lot. B-3 does not allow single family dwellings—it allows multi-family dwellings and you must have 5,000 sq. ft. for each unit. The original lot on Dover Point Road has only 21,000 sq. ft. He said

that this proposal is not a single family dwelling but is 7 single family units. The mere fact that they have common walls doesn't change the character of what is actually being built. He said that he has a problem with combining land from the ETP which doesn't allow residential development of any kind for expanding a residential use. He said that to him it is improper and contrary to the spirit and intent of zoning. B-3 requires a minimum frontage of 125 feet and this lot only has 107 feet. For those reasons he is voting no. His vote on the next item is to not even accept the application.

VOTE 5 – 2

Opposed – Tony McManus, Donald Andolina

ITEM #7: Consideration and acceptance of a request for a site review of land for Paolini Brothers Development, LLC, Assessor's Map K, Lot 22, zoned B-3, located at 48 Dover Point Rd.*(P05-47)(7 units)

Paul Connolly, CivilWorks, explained that the proposal is to construct 7 townhouse-style, attached single-family dwellings with 14 parking spaces. Along the southeasterly boundary they will plant screening of arborvitae and on the northwestern side of the units there will be a 7' high, solid wood fence. He said that the fence will allow for more room for patio and living space. Each unit will be serviced by a 1" water line which is capable of providing domestic fire sprinklers. The parcel as it exists could support 5 units based on the B-3 density calculations. They are proposing 7 with the additional land. With the additional land they could get 8 or 9 units but the proposal is for 7. Within the Zoning Ordinance you are allowed to use the 50' dimensional override over a zoning district boundary. He said that they will add the unit calculation on the plan. They secured a Special Exception from the ZBA. The units will be 1,500 to 1,600 sq. ft., 2 bedroom units. He pointed out the playground area.

Dean Trefethen was concerned that there was no guest parking. He thought that 14 spaces were not adequate and there should be at least 3 more spaces. He said that parking is a problem at all the multi-family developments with parking at the absolute minimum.

Paul Connolly stated that he can see adding 2 spaces to the rear. By default they have at least one space by the turnout area. He stated that there are similar units on Washington St., across the street from each other and there are the minimum of 2 spaces per unit.

Steve Stancel interjected that there is a difference between this area and the urban core because the urban core allows parking on the street. He said that they probably need additional parking spaces.

Frank Torr made the motion to accept.

Beth Thompson seconded.

VOTE 5 – 2

Opposed – Tony McManus, Donald Andolina

The public hearing was opened.

There were no comments

The public hearing was recessed.

Dean Threfethen made the motion to table.

Frank Torr seconded.

VOTE U/A

A site walk was scheduled for Tuesday, September 20, 2005 at 5:50 PM.

Kevin McEneaney agreed to stake out the parking spaces and the corners of the building.

Steve Stancel said that they have always treated a multi-family unit as any building that has 4 or more units in it so they treated this as multi-family, as opposed to single family.

ITEM #8: Consideration and acceptance of a request for a minor lot line adjustment of land for McEneaney Survey Assoc., Inc. (Owners Donna Joyce and Anthony McManus) Assessor's Map C, Lots 21F & 21G, zoned R-40, located on Glen Hill Road.*(P05-53)

Tony McManus recused himself.

Kevin McEneaney went over the history of the project in order to explain the various plans. He said that he spoke to staff with regard to whether this should be a lot line adjustment or a correction plan or some other terminology. He said that the original subdivision plan was approved in 1978. He said that there was a 25' wide R-O-W to be deeded to the City of Dover to access open space that is located in the rear. In 1980 the 1st conveyance took place but the deeds did not follow the recorded subdivision plan at all. He pointed out the various discrepancies. He said that the 25' right-of-way was relocated from this plan to 3 or 4 lots north of this site. There was never a conveyance to the City of Dover for the 25' right-of-way. He said that he is here tonight to confirm that these are the lines, as they exist by deed today. There is a common right-of way for the two lots to access each other over the 50' strip with the lots each owning half of the 50' strip. There is no 25' right-of-way that was ever deeded to the City of Dover. That right-of-way is now located northerly about ½ miles from this site. He said that the way that these lots are going to look is the way that they are described by the deeds recorded at the Registry of Deeds.

Don Andolina asked if the City still owned the back land.

Kevin McEneaney said that they do and the right-of-way is located between lots 3 and 4 which are a little bit north of this.

Dennis Ciotti made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

Tom Fargo, Conservation Commission Chair, asked Kevin McEneaney to affirm that it is true that the deeds to the lots 3 & 4 and the right-of-way has been captured. He said that as a Conservation Commission, they have responsibilities for monitoring this parcel in the rear which was donated to the City by the developer. Their records show that there is this right-of-way and he just wants positive affirmation that it is in the deeds to the land to the north.

Kevin McEneaney said that he has reviewed the deeds and it could be made a condition of approval that he gives the Planning Staff a copy of those deeds.

Steve Stancel said that the Planning staff did verify that but it would be good to have a copy of the deed.

The public hearing was closed.

Donald Andolina 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.
3. Provide a copy of the deed for public access between lots 3 & 4.

John Swartzendruber seconded.

VOTE U/A

Tony McManus took his seat.

Frank Torr asked Chairman Cole if he could take up Item 9. c. first.

ITEM #9: Old Business

- c. **Impact Fee Waiver request for Ryan & Shannon Knowles, 1 A Whittier Falls Way, Assessor's Map E, lot 67A, located on Whittier Falls Way.**

Ryan Knowles stated that they read a story in Foster's of a similar situation as theirs had received a school impact fee waiver. He said that this lot has been in their family for three decades. The Bibbers bought the land in the '70's and have been paying taxes since that time. He said that they have paid their School Impact Fee in full but after reading the Board's decision on the other case; they felt that they might be able to argue it. Since it has been subdivided and there are now two homes on the same amount of land, the City of Dover will be receiving two times the tax money for the same amount of land each year.

Steve Stancel stated that the lot in question was part of a two lot subdivision approved by the Planning Board on 10/12/04. The plat was signed by the Planning Board Chair on 10/21/04 and recorded at the Registry of Deeds on 10/22/04. The Impact Fee Ordinance was approved by the City Council on 1/22/03 and the Planning Board adopted the School

Impact Fee on 2/25/03. RSA 674:39 states, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for four years, provided that substantial completion of the improvements on the plat have occurred and that active and substantial development has begun within 12 months. Since this lot was not created until 20 months after the school impact fee was in place and does not meet the criteria for a waiver outlined in Chapter 170-28.7G, the Planning Department recommends that the wavier request be denied.

Ron Cole said that he is assuming that the other situation that Mr. Knowles is referring to doesn't fall into the same classification as this.

Steve Stancel said that that is a matter of opinion and that the staff spoke against the waiver on that particular request also.

Dean Trefethen said that in his mind the difference in these two cases is that the Weeden's owned the property and did subdivide off additional lots but they received a waiver for the lot that they retained. That was the reason that the waiver was granted. The lot that they were going to move on is in effect the same lot that they had owned for a long time. In this case this is a new lot that was created and the original owners are still there so there is a substantial difference.

Dean Trefethen voted to deny the waiver.

Donald Andolina seconded.

VOTE U/A

Dean Trefethen said that he wanted to explain so that it is clear what happened between these two different cases. He has been very consistent about going against requests for a waiver. The Weeden case was the one exception that he made. The reasoning was as he stated before is they were the original owners. They were living and building on their original piece of land and he doesn't believe that any of the other requests have met that same criteria.

a. Discussion and possible vote on an Open Space Subdivision for Paolini Brothers Development, LLC, located on Dover Point rd.*(11 lots)(P04-60)

Beth Thompson made the motion to remove this item from the table.

Frank Torr seconded.

VOTE U/A

Kevin McEneaney went over the history of this OSS stating that they have had two site walks and have gone to TRC twice on this project. He said that one of the main issues was the screening for the Kretsepis land and they have denoted that screening on the plan. They had extensive discussion with Mrs. Kretsepis and the plan was agreed to by her. He stated that the intent is for the City to take over the sewer in the public right-of-way and when it gets to the Follansbee property then it will be maintained by the homeowners association. He said that the only other discussion was the possibility of sound screening

along the turnpike but the elevation of this site is quite a bit above the turnpike and there is very good existing vegetation.

The public hearing was opened.

Marilyn Follansbee, 25 Dover Point Road, thanked everyone who came for the site walk. She added that she approves of this project.

The public hearing was closed.

Steve Stancel stated that the Planning Board approved the concept plan for this development on January 11, 2005, accepted the application on August 9, 2005, and conducted a site walk on August 16, 2005. The applicant has submitted a waiver request for a driveway with a slope of 9.57%. The Planning Department supports the waiver request because this is a private road and reducing the slope of the road would require excessive cuts in the existing topography. He read the recommended conditions of approval.

Frank Torr made the motion to approve the subdivision plat 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.
3. Add the surveyor's stamp and signature and the engineer's stamp and signature to the appropriate sheets.
4. Approval includes the granting of a waiver to the road slope requirement.
5. Revise the plat by adding the landscaping along the boundary with Map K, Lot 33, as set forth in a letter and plan from Kevin McEneaney and agreed upon by the abutter.
6. Revise sheet #5 of the plat by correcting the abutter label for Map K, Lot 19B.
7. Revise the plat by adding a note that the open space will be owned by a Homeowners Association and permanently preserved as undeveloped open space.
8. The applicant shall provide a copy of the proposed homeowner's association documents to the Planning Department for review and approval prior to the signing of the plat. Said documents shall address open space preservation, maintenance of the cul-de-sac island, and the limits on clearing of vegetation within the 30-foot external buffer.
9. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency's Notice of Intent Permit has been filed.
10. In lieu of providing on-site recreation, the applicant agrees to contribute the sum of \$4,400 to the City of Dover for use in upgrading existing recreational facilities, prior to the issuance of the first building permit.
11. Any other conditions recommended by the City Engineer on memo of 9/12/05 as follows:
 1. Outside drops are required on sewer manholes with a drop of 2 feet or more.
 2. The underground electric and telephone utilities need to be designed and shown on the plan.
 3. What portion of the sewer main will become public?

Beth Thompson seconded.

VOTE U/A

b. Discussion and possible vote on a site plan for PRPC Development Group, located on Mast Road Ext. (P04-46)(21 units)

Beth Thompson made the motion to remove this item from the table.

Frank Torr seconded.

VOTE U/A

Malcolm McNeill represented the applicant and went over the history of the project. He said that it is a project of 21 units consisting of 6 duplexes and 9 single units. The roadway is designed to be private. The applicant proposes to construct a walkway from the cul-de-sac area to the ballfield area. They have reached an agreement with Mr. Lavoie about the disposal of the sand. They proposed to construct a sewer line from Shaw's Lane up to the site along the perimeter of the field. It will be the City's sewer until it reaches their site and then they pay the customary tie in fees.

Another issue is the utilization of the sidewalk in this property. Initially it appeared to have been the position of Public Works Director that it was desired. He said that there was some discussion at the site walk by abutters as to how children get to school. As a result of those discussions the Planning Department will recommend the elimination of the sidewalk within the project, as well as, the elimination of the concept of public access through this project. He said that in the late '80 and early '90's all of these condominiums as you enter them have signs saying "Private Property." None of these projects have sidewalks. In each one of those projects the roadway systems are the responsibilities of the owners. It is a benefit to the community in terms of maintenance. The idea of a private project with a public way, yet being maintained by a private entity, seems inconsistent with the prior practice in the community and would not be consistent with what people would expect when they buy into a condominium. They propose to eliminate the sidewalk in the project but will build the bituminous concrete pathway from the cul-de-sac down to the playing field. He said that they will maintain that walkway to the property line and the City will maintain their portion of it on the sloped area. He said that it is very clear that during the winter months this won't be maintained by the City but it is desired to provide the facility to people within this community to get down to the playing field area. He spoke about the landscaping. He also said that they made some minor improvement to the retention pond system.

Steve Stancel said that there was a misunderstanding because he is in favor of not earmarking the sidewalk as a public access but he is not in favor of eliminating the sidewalk altogether.

Malcolm McNeill said that it is clearly a misunderstanding; his presumption was that in all of the discussion they would have the sidewalk going down the side of the hill, but

this is a private road 24 feet in width, with no significant traffic. Their preference would be not to have the sidewalk. He said that it is clearly a misunderstanding.

Steve Stancel stated that there is a difference between this project and some of the other multi-family projects in that there are single family houses here that are likely to generate school age children and there are not a lot of school age children in the other multi-family projects. There are sidewalks along Back River Rd. and it makes sense to him that you would want pedestrian accessibility from this project to the existing pedestrian walkways. He agrees that he is not sure for the sidewalk to be public because there are not a lot of children in this area, but there are children that are walking through the area south of Mast Road Extension and he suspects that they will continue to do that and probably will want to take this sidewalk.

Packy Campbell stated that they would like to get the approval tonight so they can begin the project before the snow falls. He said that sidewalks are probably reasonable in most circumstances, but he doesn't feel that they are needed in this circumstance. They are also contributing to a traffic study as an off-site cost, so the elimination of the sidewalk is fair in the light of the fact that they are contributing to the intersection study. He said that they are also doing a sidewalk going down the hill which is outside of the project. His understanding when they agreed to this it would be one or the other, but not both. He added that whatever you decide, please make a decision tonight.

Malcolm McNeill said that the offsite fee generated by this project is a \$6,000 contribution to the intersection study fund, the maximum of a \$15,000 contribution to the ultimate fix there. There is also an assessment of \$200 for recreation fees. The sole reason for the walkway was at the request of the Public Works Director to facilitate access down to the ballfields. There is also a great deal of open space with regard to this project. If he didn't have the misunderstanding with Mr. Stancel today, he would have said that there should be some offset for the fact that they are providing access for recreation at their own cost. He said that he does not usually make arguments opposed to Mr. Stancel's positions because these matters are usually worked out in advance.

Dennis Ciotti asked if the City required sidewalks within 1 mile of a school.

Steve Stancel stated that the regulations requires a sidewalk on at least one side of the street in the Urban Core and may be required by the Planning Board on both sides of the street where it is deemed appropriate. He said that there is a difference between this project and the condos next door. Condos generate less than .18 students per unit where as a single family unit would generate about .61 students per unit.

Malcolm McNeill said that it is a private road. The ways that the kids can go to school does not have anything to do with the sidewalk system, they can walk down the sidewalk that you are asking us to build off the site.

Don Rhodes stated that there are about 800 feet from the cul-de-sac to the bottom of the hill.

Steve Stancel read the definition of Urban Core which is in the Zoning Ordinance.

Frank Torr asked for the cost of the sewer line from Shaws Lane to the project.

Packy Campbell said that the cost is significant – approximately \$30,000.

The public hearing was opened.

Tom Fargo, 14 Coble Hill Dr., said that he has been involved with this project as a unpaid volunteer. He said that Coble Hill, which is an ADS subdivision, is quite similar to this project with 14 single family homes. They were blessed with a sidewalk on one side. The only thing that happens with the sidewalk is that people park on it and place their trash bags on it. Everyone walks in the street. He would like to get rid of the sidewalk.

Arthur Golden, Tideview Condominiums, stated that he has no objection to people wanting to build condos, however, privacy is a potential problem. Tearing down of existing growth and trees will have an affect on the privacy in the area. He said that he would like some consideration to the issues of the existing trees and the chain link fence that separates the property. They are also concerned with the cross path into Tideview.

The public hearing was closed.

Ron Cole asked if the chain link fence was going.

Packy Campbell said that he is not familiar with the chain link fence but leaving the chain link fence is reasonable.

The public hearing was closed

Steve Stancel gave the recommended conditions of approval.

1. Add all of the owners' signatures to the plan.
2. Add the engineer's stamp and signature to the appropriate sheets.
3. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency's Notice of Intent Permit has been filed.
4. The applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plan.
5. Sewer man hole cover be placed at the location between the private section of the sewer line and the public section of the sewer line.
6. The applicant shall enter into an agreement with the city regarding the extraction and purchase of sand from the contiguous City property, as outlined in a letter from Attorney Malcolm McNeill, dated September 8, 2005, prior to signing of the final plan.
7. Revise the plan to remove the proposed recreation area. In lieu of providing on-site recreation, the applicant agrees to contribute the sum of \$4,200 to the City of Dover

for use in upgrading existing recreational facilities, prior to the issuance of the first building permit.

8. Revise the plan to include the recommendations from the hydrogeological study prepared by Tom Fargo.
 - a. The infiltration capacity of the proposed stormwater detention recharge basin shall be enhanced by the addition of two dry wells located within the basin.
 - b. Applicant will develop a stormwater management system operation and management plan for the routine cleaning and inspection of the systems components, including the detention recharge basin and potential dry wells.
9. Revise the plan to add additional landscaping for screening purposes along the eastern property boundary, to the satisfaction of the Planning Department. The Existing fence will be maintained.
10. The applicant shall provide a copy of the proposed homeowner's association documents to the Planning Department for review and approval prior to the signing of the plat. Said documents shall address the maintenance of the retention basin, roadway, sidewalks and other improvements.
11. The applicant, in recognition of the potential traffic impacts attributable to this development, agrees to contribute \$6,000 required to complete a comprehensive corridor traffic study of Back River Road and Durham Road and a portion of the funds required to implement recommended transportation improvements to a maximum of \$15,000. The applicant's fair share of the transportation improvements will be determined by the Planning Department. Funds for the study will be due prior to signing the final plat and funds for transportation improvements will be due prior to the issuance of the first certificate of occupancy if the fix hasn't been determined yet.

Steve Stancel stated that within the next 10 to 15 days they anticipate the corridor study will be completed as part of their larger projects that will be coming in within this corridor area.

Dean Trefethen asked to have "the existing fence should remain" added to #9.

Malcolm McNeill asked for consideration to the deletion of the sidewalks.

Dean Trefethen made the motion to approve the project with the conditions set forth by the Planning staff and **to include that internal sidewalk will be deleted from the plan.**

Frank Torr seconded.

Don Andolina felt that the Board should excuse the sidewalk to the ballfields rather than go against the ordinance for the required sidewalks in the project.

Dean Trefethen felt that it was a tradeoff. The sidewalk to the ballfield would be more beneficial than a sidewalk within the development. He said that urban core is subject to a lot of interpretation.

Steve Stancel reminded the Board that the school is within walking distance to this project. He said that the sidewalk is not just for young families but for elderly also.

Dennis Ciotti said that he is opposed to walkway to the ballfields because that would invite outsiders from other neighborhoods to go through the project and there is a liability issue. He absolutely felt that the sidewalks are a must. He said that the sidewalks in his condo development get used every day.

Donald Andolina made the point that no one would be maintaining the walkway to the ballfields in the winter.

Chairman Cole stated that the motion was to approve with the deletion of the sidewalks.

VOTE 4 – 2

Opposed – Dennis Ciotti, Donald Andolina

Abstained – Tony McManus

d. Discussion and update on Liberty Mutual.

Malcolm McNeill stated that traffic and offsite improvements continue to be major issues that were under study both by an independent consultant retained by the City as well as the State. He said at the City's request Liberty facilitated the meeting with the State to have discussion based on an agenda formulated by the City with regard to traffic. In attendance at the meeting last week, were representatives from NHDOT, Turnpike Authority, the City, Liberty and other technical people attached to the DOT with regard to traffic. Discussion revolved around the City's concerns about the Park n' Ride, Members Way, Sixth St. improvements, Indian Brook Drive and Spaulding Turnpike improvements. He felt that it was a productive meeting. He said that the State is likely to resolve their issues in the next few days. There are no significant wetland issues with regard to this site. The NHDES permit will be here any day. They are working actively with the City's Engineering staff and have not come up with any major problems. He asked to be on the next agenda.

Donald Andolina asked about the Park 'n Ride.

Malcolm McNeill stated that the entrance to the Park n' Ride and a possible connection between the Park n' Ride and Liberty Mutual are part of the discussion. One of the issues for the City was the extent to which the Park n' Ride should be considered in the overall process and whose responsibility that should be where this is a State sponsored program.

Tony McManus stated that there are two major projects going on side by side and both involve substantial traffic and parking issues. He suggested that an effort be made to get Liberty Mutual and Measured Progress together for some kind of common planning for

parking. He felt that it would limit the amount of land that would be paved over. He said that there is a huge first shift of 364 people but the second shift will be 55 people and there is an enormous paved area that is not going to be used for 16 out of 24 hours.

Malcolm McNeill stated that there has been discussion with regard to a possible emergency connection between the two facilities. The idea raises other issues such as security issues.

Dean Trefethen asked if Malcolm McNeill had the zip codes and the number of employees. He said that there is an official flex time policy at Liberty Mutual, however there are a number of managers that don't want to allow flex time. He said that he would like to see Liberty Mutual make the policy more of a formal public policy so that more employees can take advantage of it.

Malcolm McNeill stated that they have provided that information to the City and he will make sure that he gets a copy. He said he will bring in a Liberty representative to speak to the Board about flex time.

Steve Stancel stated that he feels that Tony McManus makes a good point because there is some concern with the amount of pavement. The staff has been working with Liberty with regards to the trail system, public transit systems, and transportation demand management matters. In regard to parking garages it is a difficult situation in reality because of economics. An average parking space in a parking garage costs \$15,000.

Malcolm McNeill said that the cost of the building is anticipated to be 40 or 45 million dollars.

Measured Progress

Steve Stancel stated that during the Measured Progress site walk last week, they indicated that there is a time concern on their approvals. He told them that he would bring it up under Old Business for the Planning Board's decision for approval.

Ron Cole asked about the abutters being notified.

Steve Stancel stated that an item can be brought up even if not specifically listed on the agenda.

Frank Torr made the motion to remove this from the table.

Beth Thompson seconded.

VOTE 6 – 1

Opposed – Tony McManus

Steve Stancel stated that you can bring up any project that's been tabled under Old Business even though it is not specifically listed as an agenda item. The Board has not usually done that but he will let Measured Progress explain their concerns.

Nathan Allison, TF Moran, stated that there has been a site walk since the last meeting and the plans have been revised. They removed 14 parking spaces and brought in the buffer infringement. He said they are moving the dumpster away from the building and out by the roadway. They have made the revisions that they were asked to do.

Steve Stancel asked Nathan Allison if he received a copy of the City Engineering comments dated 9/12/05

Nathan Allison stated that he has not received the Engineer's comments but received the TRC comments from Steve Bird.

Chairman Cole called a 5 minute recess at 9:10.

Chairman Cole brought the meeting back to order at 9:20

Nate Allison stated that he had no problems with the Engineering comments. Item #6, with regard to the sidewalk was discussed.

The public hearing was opened.

Tom Fargo stated that Conservation Commission met last evening and the general consensus was that they were happy to see the changes described by Mr. Allison for minimizing the encroachments from the 50 foot setback and reducing the number of parking spaces around the daycare area. They endorsed the proposed encroachments that are shown on the revised plan. They were not aware of the Engineers request that the sidewalk be extended but he doesn't see an issue there. If for some reason the Phase IV area across the wetlands crossing is not built, the encroachment should be reversed. They endorsed the wetlands application to NHDES.

The public hearing was closed.

Ron Cole explained that he is uncomfortable hearing a case like this for fear of repercussions but he recommends that the Board vote this evening in part because of the sense of immediacy that has been given to them by the applicant, plus the fact that the Board has had two public hearings and haven't had any comments from the public.

Frank Torr stated that it was a known factor at the site walk that Measured Progress would be discussed it this evening and there were no abutters attending the site walk.

Tony McManus said that this is Phase III B and that we are also going to be asked to vote on Phase III A which is the parking. He said that he still has a lot of questions on the long range parking and will be reluctant to vote on III A.

Dee Wilson, Measured Progress, stated that III A is part of Phase III. They are looking for approval on the daycare, as well as the additional parking.

Tony McManus asked how many parking spaces are there now servicing the processing center.

Dee Wilson said that there are 220 spaces to date. Phase I was approved for 264 spaces of which they only built 220. At that time they had some low estimates of their staffing and they did not want to over build on asphalt.

Tony McManus stated with the potential first shift figures of 395, the proposed parking lot would still be short by 35 spaces.

Dee Wilson said the code says that we can have 688 people in the building at any time. The site plan estimates suggested 359 for the first shift, 55 on second and 20 on the third shift. This summer they have almost 576 total employees. He explained the various shifts with regard to the parking spaces.

Steve Stancel brought to the Board's attention an issue that has come up on Phase I & II. The first thing is that the staff asked the traffic consultant to verify some of the traffic numbers because there are some discrepancies between the Liberty Mutual traffic study and the Measured Progress traffic study. He said that there were some assumptions initially made by the consultant for Measured Progress in terms of existing conditions for offsite improvements. They asked the consultant to look at that again and it may result in a change of Measured Progress' contribution to offsite improvements for Phase I & II. It will depend on what the traffic analysis says. They feel confident that they will work through those issues prior to the issuance of the Certificate of Occupancy for the second building.

Steve Stancel stated that the applicant appeared before the Conservation Commission on August 1, 2005 and was on the September 12, 2005 agenda. The Planning Board conducted a site walk on September 6, 2005 and the Planning Board recommends approval of the site plan and gave the recommended conditions of approval.

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

1. Add all of the owners' signatures to the plan.
2. The applicant shall provide the Planning Department with a copy of the DES Site Specific Permit and add the permit number to the plan.
3. The applicant shall provide the Planning Department with a copy of the DES Wetlands Permit and add the permit number to the plan.
4. The approval includes the granting of a Conditional Use Permit, with conditions as recommended by the Conservation Commission.
5. The applicant shall prepare a stormwater management and maintenance plan for review and approval by the Planning Department and Dean Peschel of the Community Services Department.
6. Revise the plan to label sheet #2 as "For Planning Purposes Only".
7. The applicant shall provide an architectural rendering of the day care building.

8. Any other conditions recommended by the City Engineer on Memo dated 9/12/05 as follows:
1. Water gates should be located at the main for the side tees (station 0+25, 4+15)
 2. The water service should be located prior to the hydrant tee and the mainline gate should be located just passed the hydrant.
 3. A 2" blow off should be located at the end of the main in the 8" end cap.
 4. Recommend swapping the locations of the water and sewer for better alignment of the forcemain tie in to the sewer manhole.
 5. The forcemain should be DR26, not SDR35.
 6. Maintain the grass strip and 5 foot sidewalk along the road until station 4+30 where the grass strip can be eliminated and the 5 foot sidewalk will be against the road and curb.

Detail Sheets

1. The hydrant detail should call out 'Eddy' mfg, and the drain t be plugged.
2. The typical road cross section should show a 6" crushed gravel and 12" bankrun gravel road base and a 5 foot wide sidewalk.
3. The bituminous sidewalk detail should show a 2 ½ pavement thickness.
4. Provide pump calculations for the pumpstation.

Beth Thompson seconded.

VOTE 6 - 1

Opposed – Tony McManus

f. Request for revision to approved landscaping plan for Seacoast Geriatrics (P03-69) on Garrison Road.

Tony McManus recused himself because of contacts with the applicant in the past.

Steve Stancel stated they have had a request from the applicant to make some revisions to the landscaping plan. He said that they feel that this is something that could be approved this evening as a revision to the original plan.

John Hopkins, Seacoast Geriatrics, introduced Steve Silver of Lasell Architects. He said that the landscaping that was approved was more like a finished hotel look and seemed to be too much landscaping. He passes out some photos with views of the building from different locations. Friends, staff and some of the people who are going to live at the home would like to do gardening and participate in the plan as a work in progress rather than have it finished. He said that the Planning Department requested some reinsertion of trees.

Donald Andolina made the motion to approve the revised landscaping plan.

John Swartzendruber seconded.

Steve Stancel stated that the revised plan does reflect the Planning Department's recommendations. They took a look at it and focused on the front of the building and the northern property line of the building because that is where abutters faced. They made

them keep probably 95% of the growth and allowed the cut back on the other side of the building.

VOTE U/A

Steve Stancel pointed out the educational opportunities for lectures and courses being given. He said that if anyone wants to attend the City will pay for it.

Dean Trefethen stated that he read Tony McManus's letter from the last meeting. He said that there are many points and comments that he made that he agrees with. He said that as a Board we should expect more than the minimum on our requirements from our applicants. We need to be better balanced. He said that with regard to the proposed zoning district we need to have a workshop to sit down and tweak the Zoning Ordinance. If we are going to change something in the Zoning Ordinance it might be the time to get everybody's issues on the table.

Ron Cole felt that the Board should wait until we get a couple more alternates on Board. He added that Eric Tooke did resign and will be moving out of state.

Steve Stancel suggested a workshop 1 hour before the next meeting at 6:00 PM, on the 27th. He said that he plans on having the developers who wish to develop the parcels there to assist with the zoning proposals. He said that it may be time to look at the density regulations again. In terms of some of our policies he recommends that we think about sitting down with the Conservation Commission. He felt that we should look at the Conditional Use Permits and maybe change our way of thinking.

ITEM #11: Adjournment

Donald Andolina made the motion to adjourn.
John Swartzendruber seconded.

VOTE U/A