

**DOVER PLANNING BOARD
MINUTES OF MEETING
FEBRUARY 10, 2004**

MEMBERS PRESENT: Beth Thompson, Margaret Stevenson, Tony McManus, Frank Torr, Ron Cole, Dennis Ciotti, Dean Trefethen, Donald Andolina, Eric Tooke,

MEMBERS ABSENT: Allen Schintzius, Pete Lavoie, John Swartzendrubber

STAFF PRESENT: Steven Stancel, Planning Director; Chris Parker, City Planner, and Jacqueline Freeman, Recording Secretary

Chairman Ronald Cole brought the meeting to order at 7:00.

Chairman Cole announced that Seacoast Geriatrics, **ITEM #6 a.**, would not be addressed this evening.

ITEM #1: Citizens' Forum

Rick Hebbard stated that he and his wife Mary wished to discuss the Portsmouth Christian Academy and their school busses.

Mary Hebbard went over the background of the issue of the busses and read from the minutes of the September 24, 2003, Planning Board meeting when PCA came before the Board. She stated that one of the conditions of approval was that the applicant agreed to direct all regular and visiting school busses to use Garrison Rd. and not Spruce Lane. She stated that by agreeing to direct all the school busses, Mr. Runey has been given the authority to make that demand on the bus company. She said that they came before the Board on two different occasions and provided lists documenting the violations. Since October of 2002 they have a total listing of 45 violations of busses using Spruce Lane. She said that she feels that the Board is setting a tricky precedence with regard to PCA because other applicants will see the Board as being "soft." She suggested that all of the bus drivers, with exception to the Dover bus drivers, sign a document stating that they understand and will comply to using Garrison Rd. They are only asking that the condition that was set forth, which they did not demand, be upheld.

Ron Cole asked if it was the same bus drivers who are taking Garrison Rd.

Rick Hebbard stated that there were two busses on Spruce Lane today and they were male drivers and there were two last week and they were female drivers.

Mary Hebbard said that it is an issue of compliance or noncompliance. The switch is either on or it's off.

Dennis Ciotti suggested a sign posted at the end of the road.

Steve Stancel stated that his recommendation was that the Hebbards give him the list of violations and staff will follow up with them as they did the last time. He said that they

discovered with the last list that most of the violations were not necessarily correct. Mr. Runey was sent the last list and Mr. Runey responded on every single bus. Steve Stancel asked Rick Hebbard to follow the procedure and file a complaint with the Department and they will follow up.

Rick Hebbard stated that he will bring in a video of the violations. He said that he doesn't feel that anything will be done.

Ron Cole said that he doesn't know if the Traffic & Safety Committee of the Council would be some place where that might need to be discussed.

Steve Stancel stated that it is something that can be reviewed if this can't be resolved. He said that this Board saw the response from PCA and appeared to be satisfied with it. He said that they will follow through with this latest list.

ITEM #2: Approval of the minutes of the previous meeting.

Frank Torr made the motion to approve.

Beth Thompson seconded.

Tony McManus stated that there was a typo in Gary Bannon's name. On page 5, 1st paragraph, second line, what he said was "you have given the developer the ability to say that the ordinance," etc.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a minor subdivision of land for Deborah Reed, (Owners William & Sheila Dube Revocable Trust) Assessor's Map K, Lot 42, zoned R-12 & B-3, located on Middlebrook Rd., Dover Point Rd.*(P04-3)

Chairman Cole stepped down stating that he was directly affected by this item.

Vice-Chair Tony McManus took Ron's seat as Chair.

Eric Tooke took a seat on the Board.

Attorney Jim Schulte represented Deborah Reed and the Dubes. He introduced Kevin McEneaney and Paul Connolly who would be doing most of the discussion and Chip Downing, the representative of the company that is selling the car wash equipment and Jeremy Gagnon who represents Weathervane Seafood. This subdivision is partially in the R-12 zone and partially in the B-3. Both lots meet the zoning requirements.

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.

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

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

Beth Thompson seconded.

VOTE U/A

ITEM #4: Application for a site plan of land for Deborah Reed, (owner William & Sheila Dube Revocable Trust) Assessor's Map K, Lot 42, zoned R-12 & B-3, located on Dover Point Road. (P04-02)

Attorney Jim Schulte represented the applicants. He said that the proposal is to put a four-bay carwash on the site. He showed a rendering of the carwash depicting the location of the equipment room, the two self-service bays and the two automatic carwash bays. The automatic bays will be furthest away from the Weathervane Restaurant. The Weathervane is joining in this application for the parking and driveway arrangements. The parking for the Weathervane is being increased by about 16 spaces. The plan shows by a dashed line that the restaurant, at some point in the future, will be expanded. This will not be adding seating but it is intended to be improvements to the kitchen area. The actual improvements to that building are not present before you. There is a note on the plan that says that this does not necessarily imply approval of a future application for changes to the restaurant building. All changes to the parking area are being designed with the intention that someday the drainage and all the utilities will be ready for that expansion of that kitchen facility.

Kevin McEneaney explained that the automatic car wash bays will be touchless. The building is 40 X 80 feet. The entrance will be a two-way entrance that will access both the new parking lot for the Weathervane section as well as the carwash facility. He pointed to the lighter shaded places on the rendering stating that they are concrete pads that will be heated so that any excess water that comes off of the cars in the inclement months won't freeze. Two parking spaces have been provided for the attendant or any maintenance vehicles that may arrive on the site. They are working together with the Weathervane in the application to enhance their parking area and to facilitate a better flow of the traffic to allow the traffic into the carwash site as well as the Weathervane site. He went into the details of the traffic flow. He said that they will be required to get a Conditional Use Permit because a portion of the project is in the wetland buffer. They have been to the Conservation Commission and have received approval with a couple of stipulations.

Paul Connolly stated that this type of facility is not considered to be a traffic generator and there are no peak hours for this type of facility. Their constituency will come from drawing off of the existing traffic. He said after the water is discharged from the carwash

it is contained entirely within the building into drains which contain sumps. He explained how they contain sand, salt etc., which would be taken care of in an environmentally safe way and in a licensed way. He said that the dumpster will be located in a screened enclosure. They are proposing shade trees along Dover Point Road and a solid living screen, most likely arborvitaes, that begins on the street side of the building and will run to the back of the lot to provide a visual barrier and a means to mitigate any noise generation drifting onto the abutting properties.

Donald Andolina was concerned with the 24/7 hours of operation and if any consideration had been given to noise abatement with regard to the driers in the automatic bays.

Paul Connolly stated that the design for the site takes everything into consideration by placing the building closest to Dover Point. The plantings were specifically picked to muffle any residual noise that runs off the site.

Donald Andolina read that OSHA is taking an interest in noise that is generated by this type of operation such as the drier noise. He said if he had to live next to this operation he would appreciate some sort of noise filters.

Paul Connolly said that during the colder months there are doors that reduce the noise generation by 15 decibels. He said that the driers are possibly the quietest elements of the operation.

Dean Trefethen asked if they were proposing other signs.

Kevin McEaneaney stated that beside the sign on the building there will be a free-standing sign at the entrance which will conform to the sign regulations.

Jim Schulte stated that one of the reasons for the 24 hour operation is for security. The self service bays will not have doors and will stay lit all night so that police driving by will be able to see any vehicles. The other two units do have doors that will be used seven months of the year.

Dennis Ciotti asked if the carwash would be cash operated from a stand outside.

Jim Schulte explained that that there is a drive-up terminal. He said that they don't expect much business overnight but it has been recommended to stay open for security.

Tony McManus asked if the automatic bays make the most noise why wouldn't they be put on the south side of the building rather than on the north side and be even further away from the residential area. He asked if there would be a water recycling system.

Paul Connolly stated that reason was to manage the traffic flow and to manage queues. There will be an attendant there during normal work day hours (day shift). He said that there are plans to secure the building electronically so that the cash boxes and the

equipment room will be hardwired into the Police Department and there will be a concealed camera to monitor activity. They will not be recycling water because the non-recycling of water leads to a cleaner wash and that appeals to a particular segment of the car washing population. Water usage per day will be in the vicinity of 10,500 gallons per day which is equivalent to a 16 lot subdivision.

Discussion ensued with regard to the proposed driveway between the Weathervane lot and the carwash lot. An easement will be granted for access.

Eric Tooke asked why the doors would only be closed in the winter.

Jim Schulte stated that it is because it would be steamy in the summer and it has to do with the effectiveness of the operation. He said that they were told that the operation was very quiet since there are no brushes. The blowers come on for a minute at the end and the design of the carwash equipment is such that the blowers are built into the carriage that slides back and forth to wash the car. There are no big exit blowers that you see in other carwashes so they are quieter. It would probably be possible to have the doors closed in the back year round and just have the front open during the warmer months. If it ends up being an issue, probably just for Diana Markham's house that is immediately behind the project so that it creates a problem, then they can deal with it but they don't think that it will be a problem.

Steve Stancel said that they asked for some data on how much noise will be generated by this project and the applicant has submitted some data. He asked if the decibels listed in the brochure were measured with the doors open or closed.

Paul Connolly answered with the doors open.

Beth Thompson made the motion to accept the application.

Frank Torr seconded.

VOTE U/A

The public hearing was opened.

Diane Markham, 5 Middlebrook Rd., stated that she was invited to a meeting but she was very dismayed with what she heard. She submitted a letter with her concerns stating that she hoped that they would be taken into consideration.

Ken Foye, 1 Elliot Park, directly across the street from the carwash. He had concerns mostly with noise. He moved there in 1995 and loves the neighborhood. He said that he hears the Weathervane and the car dealership PA systems during the day and he can live with that. He hears the big bang from the dumpster for the Weathervane early in the morning but the summer months are the only times when that is an issue. He doesn't think that the doors to muffle the noise would be an issue in the winter because the windows are closed but the summer is when he has the windows open. People would rather have it quiet in the summer. He is concerned with the 24 hours of operation. He said that the

vacuum cleaners would be a concern being open 24 hours a day also cars with their radios making a lot of noise. He said that he doesn't want to come across as a complainer but he doesn't want to have to start making phone calls to the police every night about disturbances. His other concern would be lights shining into his windows at night. He said that he would like to see some screening along the front.

Paul Connolly said that the lights that are proposed are as far away as they can be from his parcel and the type of lighting does not spill off site. He explained how the lights are in the ceiling of the bays and shine directly down with the doors acting as shields.

The public hearing was closed.

Steve Stancel recommended that the application be tabled for a site walk. He read through some of the Technical Review Committee items. He copied for the Board with some information on physical methods for decreasing noise levels for blowers in carwashes and some listings of decibel level noises for common everyday items to give an idea as to how loud the decibels that are going to occur there would be. The applicant does require a Conditional Use Permit and they did go before the Conservation Commission and the project was received favorably with a couple of conditions.

Donald Andolina made the motion to table

Peg Stevenson seconded.

VOTE U/A

The site walk was set for 9:00 AM on Saturday, February 14th. The abutters were invited to attend.

Jim Schulte stated that the closest similar car wash is in Meredith, NH. It is not the same as the one in Somersworth or the one on Route 155.

Chairman Ron Cole resumed his seat as Chairman. Tony McManus went back to his seat and Eric Took went back to the audience.

ITEM #5. Public Hearing and possible vote on amendments to Chapter 155- "Subdivision of Land" of the code of the City of Dover. The amendments, to 155-22, clarify requirements (zone, original lot size) for an Open Space Subdivision (OSS). The amendments require financial documentation demonstrating that the proposed yield plan is realistic and practical. The amendments also remove utility, preliminary hearing and impact statement prerequisites for mandatory OSS, while leaving the preliminary hearing and impact statement prerequisites for non mandatory ones. Finally, the amendments change the minimum lot size for R-12 lots, within an Open Space Subdivision, from 10,000 square feet to 8,000 square feet and change the setbacks from 15-10 feet. The full text is available for public inspection in the Planning Department and on the City's website at www.ci.dover.nh.us.

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

Peg Stevenson made the motion to approve.
Dean Trefethen seconded.
VOTE U/A

ITEM #6: Old Business.

a. Discussion and possible vote regarding Seacoast Geriatrics, located on Garrison Rd. (P03-69)

The application remained on the table.

ITEM #7: New Business

a. Impact Fee Waiver Request for Jaclyn Claxton, Assessor's Map 19, Lot Number 70, for property located at 6 Lancaster Street.

It was determined that the lot was not grandfathered.

Beth Thompson made the motion to deny.
Don Andolina seconded.
VOTE U/A

Chairman Cole stated that he received a note from Tony McManus stating that he would no longer be serving as the Planning Board Representative to the Chamber Government Affairs Committee due to the change of meeting times.

Donald Andolina volunteered to represent the Planning Board at the meetings.

Steve Stancel stated that there will be a Strafford Regional Planning Commission workshop on February 19th. Also NHDES is offering the fourth annual Land Resource Management workshop in February and March at the DES offices in Concord.

ITEM #8: Adjournment

Beth Thompson made the motion to adjourn.
Frank Torr seconded.
VOTE U/A