

**DOVER PLANNING BOARD
MINUTES OF MEETING
MARCH 9, 2004**

MEMBERS PRESENT: Margaret Stevenson, Beth Thompson, Dennis Ciotti, Pete Lavoie, Frank Torr, Tony McManus, Eric Tooke, Donald Andolina, John Swartzendruber, Ronald Cole, Dean Trefethen

MEMBERS ABSENT: Allen Schintzius

STAFF PRESENT: Steven Stancel, Planning Director; Rick Jones, Community Development Coordinator and Jacqueline Freeman, Recording Secretary

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

Alternate Eric Tooke sat on the Board.

ITEM #1: Citizens' Forum

No one spoke.

ITEM #2: Approval of minutes.

Beth Thompson made the motion to approve the minutes.
Frank Torr seconded.

VOTE U/A

ITEM #3: Acceptance and approval of a minor subdivision of land for Gudrun Smith and Althea Smith, Assessor's Map I, Lot 94, zoned R-40, located at 62 Drew Road. *(2 lots)(P04-06)

Peter Landry, Landry Surveying, went over the plan covering the size of the lots and the driveway locations. He stated that the recommended conditions of approval would be applied to the plan and he submitted a State Subdivision Approval for the file.

Beth Thompson made the motion to accept the application.
Frank Torr seconded.

VOTE U/A

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

Pete Lavoie stated that at some point in the future the City needs to improve Drew Road and there will be some ledge cutting in the location of one of the driveways. Their main concern is to make this driveway work with the road possibly being moved over and the removal of the hill that is presently there.

Peg Stevenson made the motion to approve with the following recommended conditions of approval:

1. Add the owners' signatures to the plat.
2. Provide the Planning Department with a digital version of the final plat.
3. The applicant shall provide the Planning Department with a copy of the NH DES Subdivision Permit and add the permit number to the plat.
4. Revise the plat by adding building setback and wetland lines to Lot #94.
5. Revise the plat by adding two GIS points.
6. Revise the plat by adding "Map I" to each of the lot labels.
7. Revise the locus map by correcting the road names.
8. Revise the plat to relocate the proposed driveway for Lot 94-1 approximately thirty feet to the west, so that it is at the crest of the hill. The existing driveway for Lot 94 should also use this driveway and discontinue the eastern leg of the driveway.
9. Revise the plat to relocate the existing western driveway for Lot 94 by eliminating the two legs and replacing them with one driveway that is perpendicular to Drew Road.

Beth Thompson seconded.

VOTE U/A

Ron Cole stated that he would like to move ITEM #5 a., the carwash, before ITEM #4, the CDBG applicants.

Chairman Cole announced that the Impact Fee Waiver Request for Ronald & Sue Burd has been postponed.

ITEM #5: Old Business

a. Discussion and possible vote regarding carwash for Reed/Dube, located on Dover Point Road.

Ron Cole stepped down.

Tony McManus took his seat as Chair.

John Swartzendruber took Tony McManus's seat.

Dennis Ciotti made the motion to remove this item from the table.

Beth Thompson seconded.

VOTE U/A

Atty. James Schulte stated that he is representing the Reeds and that this is a joint application between the Dube family and the Weathervane Restaurant. The drainage has been changed to be directed to the back of the Weathervane property. They have reduced

the size of the building so there will be a driveway along the northerly side so that people who come into that area and decide that they do not want to go through the carwash will have an easier way to exit. A lighting plan has been submitted and a drainage plan has been submitted and approved. There have been some revisions to the landscaping. Atty. Schulte addressed the amount of sound and the hours of operation. He said that he provided some data from the manufacturer of the carwash equipment and the vacuum cleaner equipment with regard to the noise levels. He said with regard to the vacuum data, at a distance of 40 feet from the vacuum cleaners the noise level has been reduced from 75 decibels down to 65 decibels. He said that it doesn't drop further than that because the noise from the traffic was at 65 so they could not measure a lower noise level. At every 10 feet the noise level drops down about 3 decibels. The driers in this machine are built into the carriage that slides back and forth over the car so that when the doors are down the entire drying takes place inside. He said that they will be using a 30 horse power dryer and that indicates that at 10 feet from the exit of the carwash, the noise levels are 89 decibels. When you get out to 50 feet it has dropped to 75 and the progression is that it drops about 3 decibels every 10 feet that you go out. The closest house to the carwash is at 5 Middlebrook and that house is 140 feet from the carwash building, which will bring the sound levels to about 45 decibels. Normal conversation at a distance of 3 to 5 feet ranges between 60 to 70 decibels. Jim Schulte stated that at night, with the doors open, the noise would be below the levels of normal conversation. The doors will be closed during the winter months but the other five months of the year they are proposing that the doors be closed during the hours of 9:00 PM to 7:00 AM only. The volume of business is that 8% of the business is generated during the summer months, 10% is generated during the fall months and the other 82% is generated during the winter and spring when the door are closed anyway.

Paul Connolly recapped some of the revisions that were made to the plan. They widened the throat of the access way into the Weathervane parking lot. They added two catch basins in the Weathervane parking lot. They moved the dumpster so it could be more easily accessed by the trash removal truck. They have added a solid wood fencing screen at the northwesterly corner of the property, adjacent to the Markam property, as well as the remaining Dube property. They have a generous amount of 8 feet tall arborvitae plantings to be installed along the northwesterly property line. They pulled the pavement back from the Dover Point ROW to at least 10 feet to be more in conformance with the Zoning Ordinance.

Jim Schulte stated that they are requesting two waivers. One is for the common driveway that straddles the boundary between the two properties and for paving closer than 5 feet from the property line. They are also requesting a waiver for the aisles in the parking lot for the restaurant from 20 feet to 17 feet. He said that also have a Conditional Use Permit because they are encroaching, not on the wetlands but the buffer area to the wetlands.

Frank Torr asked if there was any consideration of extending the arborvitaes a short distance so that the Markam backyard would not be exposed to the traffic.

Paul Connolly said that during the site visit there was a desire to keep as much of the existing vegetation at the rear of the Markam property. They have moved the sewer line over 10 feet within the 30 foot easement proposed on the plan. It is now a total of 20 feet off the rear property line of the Markam parcel.

Frank Torr said that he would still like to see some sort of a barrier there. The existing vegetation is not very good as far as screening.

Paul Connolly said if he was looking for some additional screening, they could weave the screening along with the existing vegetation.

Frank Torr recommended arborvitae and keeping them on the same property as the carwash

Paul Connolly said that they could continue the proposed arborvitae at the southwesterly corner about 30 feet until it meets the end of the guardrail which would provide a noise and a visual barrier.

Dennis Ciotti stated that his concern was headlights at night. He asked if the chimney foundation of the house on the corner has been addressed.

Steve Stancel stated that the chimney will be coming off the house. He said that it is considered part of the structure and it is in the setback.

Frank Torr felt that the dumpster on the Weathervane side next to the Dube property should be screened by a fence.

Jim Schulte stated that the detail for the screening for the dumpster on the carwash property will be applied to the Weathervane as well.

Pete Lavoie stated that it is good to see two businesses come together to work on the drainage. He was concerned that the water would not be recycled like the other car washes in the City.

Tony McManus was concerned that the carwash did not have a recycling component. He said that this project was represented as equivalent to a 16 house subdivision. It's a lot of water for a commercial use when you don't have to do it.

Jim Schulte explained that the carwash has three cycles and he estimated that on the busiest day the carwash would use 6,000 gallons of water. He said that there are only 10 days per year that you would use that many gallons. If they did recycling they would save about one half of that water because the wash cycle uses the recycled water but the rinse is always fresh City water. Their preference is that they not have to put in the recycling. The total usage is considerably less than they had originally thought.

Dean Trefethen asked if the Board were to require them to recycle would they had the space for the equipment.

Jim Schulte stated that he believes that they do and explained the equipment.

Tony McManus stated that they received a letter from Kevin McEneaney stating that on behalf of Debra Dube they are requesting a waiver from the parking width. He asked Kevin how Debra Dube could requests the Board to waive something for the Weathervane. Tony stated that the Weathervane is not an applicant.

Jim Schulte stated that the Weathervane will be required to sign the plan. Jim Schulte stated that Jeremy Gagne, the Vice President for Real Estate for the Weathervane is present tonight and he could have him come up so the question of the waiver could be addressed to him. Mr. Schulte explained that the Dubes took responsibility to do the planning and making the presentation. He added that he could get a letter signed by the Weathervane.

Tony McManus just thought that in future projects both parties should sign from the beginning.

Dennis Ciotti said that the waiver is for the Weathervane property and they have not applied for a waiver. He said that he felt that they just cannot give waivers to people who don't apply for waivers.

Steve Stancel stated that it could be made a condition of approval.

Tony McManus opened a public hearing to see if anyone present would like to be heard.

Marilyn Follansbee, 25 Dover Point Road, stated that Dover Point Road is the prettiest approach to the City because there are open lands and very few businesses. It seems a shame to have a carwash start up on Stark Avenue as there are others in the City and she sees no need for another. She would like to have the drive into Dover left as attractive as it is now. She said that the area from Yokens to Hampton was a beautiful drive at one time and now it is tacky and junky and with the addition of businesses it would eventually bring this about in Dover. She asked the Board to consider the drive.

Mrs. Markam asked if the soil was ever tested. She stated that it had been brought up on the site walk because of the commercial greenhouse use that was previously there and the possibility of chemicals being used.

Paul Connolly stated that a Level 1 or a Level II environmental study has not been performed.

Mrs. Markam stated that she had not planned any comments because she thought that there would not be a public hearing. She just wanted to remind everyone of the letter that

she wrote before and the reasons why she thinks that the carwash is not a good idea, especially not 24 hours a day.

The public hearing was closed.

Steve Stancel stated that the Planning Department recommends approval with the following conditions of approval:

1. Add the signatures of both owners' (Dube and Weathervane) to the plan and include Weathervane to the title of the plan as to all documents requesting waivers.
2. Approval includes the granting of a Conditional Use Permit for the encroachment into the wetlands buffer
3. The applicant shall prepare a storm water management system maintenance plan, which shall be reviewed and approved by Dean Peschel prior to signing the plan.
4. The applicant shall prepare and submit to the Conservation Commission, a follow-up report after the installation of the sanitary sewer and subsequent seeding and planting.
5. The applicant shall prepare a flowage easement for stormwater runoff across Map K, Lot 42A for the benefit of Map K, Lot 42-1 and Map K, Lot 30N, and provide proof that such easement has been recorded at the Strafford County Registry of Deeds.
6. The applicant shall prepare an access easement for the common driveway and provide proof that such easement has been recorded at the Strafford County Registry of Deeds.
7. Revise the plan by extending the fence along the northerly property line so that it is within forty feet of the front property line.
8. Revise the plan by adding shrubs between the pin oak trees, from the sidewalk in front of the Weathervane, along the parking lot and the car wash property and along the northern property line to meet the row of arborvitaes. Continue the arborvitaes along the northern property line to the installed guardrail.
9. Approval includes waivers for the reduced aisle width in the Weathervane parking lot and to allow the pavement within five feet of the side property line for the shared driveway.
10. The applicant agrees that the doors of the automatic car wash bays will be programmed to close during the wash and drying cycles during the months of September to March, and close from 9:00 PM to 7:00 AM during the rest of the year.
11. The applicant shall conduct a noise study that will measure the noise levels before the car wash is built and after the facility is operational. The noise levels shall be measured at the location of the homes at 5 Middlebrook Lane and 1 Elliot Park, once during the day with the carwash bay doors open and once during the night with the doors closed. If the study finds an increase in the noise levels during operation of the carwash, the Planning Board reserves the right to review the noise issue and require additional steps to reduce the noise such as closing bay doors and placing limits on the hours of operation.
12. Add a Do Not Enter sign at the one-way out lane and the Weathervane parking lot.
13. Add screening to the dumpster area located on the Weathervane property.

Dean Trefethen stated that he has some concerns regarding soil testing and whether the Board would want recycling of the water or not.

Dean Trefethen made the motion to table.

John Swartzendruber seconded.

VOTE 6 – 2

Opposed – Beth Thompson, Frank Torr

Discussion ensued.

Steve Stancel asked if it was the intent of the Board to require a Level I analysis of the soil. He said that he can recall when a Level I analysis was requested in the past and that pertained to a residential development going in where there was a greenhouse in the past.

Beth Thompson stated that because it is a commercial use the remediation of things that have been agriculture are less strict than they are for residential and most of the property is going to be impervious surface. She would assume that it should cover any issues and DES would approve.

Atty. Schulte stated that for financing, the bank will require a Level I analysis at that point.

Dennis Ciotti stated that the Level I has to be done and it might as well be requested by the City, simply because of what was on the site before.

Tony McManus stated that there were two outstanding issues, the Level I and the recycling.

Ron Cole took his seat.

Tony McManus went back to his seat.

John Swartzendruber went back to the audience.

ITEM #4: Public hearing to hear Community Development Block Grant (CDBG) funding request for Fiscal Year 2004 and the Goals and Objective of the CDBG program.

Rick Jones, Community Development Coordinator, stated that the CDBG Entitlement Grant will be \$425,000 and along with the Program Income it brings the amount to dole out to \$428,400. He explained the two criteria that have to be followed in spending the HUD funds. The Administration is capped at 20%, the second is capped at 15% of the grant amount plus 15% of the program income for the previous year. Rick Jones stated that they have received 14 public service grant applications totaling \$157,636. That is \$74,886 over what we have available to spend. He said that they have received one rehab application, two public facility applications and a Planning Department proposal for the McConnell Center along with the CDBG program administration proposals. All of these requests exceed the amount by over \$320,000 of what there is available.

Rick Jones explained that the Consolidated Plan is like a master plan of Community Development expenditures for a five-year period. He said that the activities included are rated as High, Medium and Low priorities. They are asking in the Board's review that the priorities are utilized for funding priorities.

Chairman Cole explained to the grant applicants that they would have five minutes at the microphone to explain their applications.

CITY OF DOVER SECURITY DEPOSIT

Rick Jones represented Janet Poulin and explained the program stating that the City is asking for \$15,000 to fund a Welfare Security Deposit Assistance Program.

BEHAVIORAL HEALTH & DSS

Heidi Howard, Development and Communications Coordinator, stated that their new trade name is Community Partners and explained that they are working with clients with mental health concerns, developmental disabilities and brain injuries. They are requesting \$18,908.

MY FRIENDS' PLACE & MY FRIEND'S PLACE TRANSITIONAL HOUSING

Bob O'Connell, Executive Director, of My Friend's Place and also the director of the Transitional Housing Program stated that they were requesting \$11,650 for MFP and \$4,350 for My Friend's Place Transitional Housing for a total of \$16,000.

THE HUB FAMILY SUPPORT CENTER

Mary Ellen Sheffield, Executive Director, explained their programs and stated that they are requesting \$15,000.

CROSS ROADS HOUSE

Chris Sterndale, Executive Director, stated that they are located in Portsmouth but serve the entire region. They are requesting \$5,000.

AIDS RESPONSE SEACOAST

Asia Russell, Director of Client Services, stated that they serve Rockingham and Strafford Counties and Southern Maine. They are requesting \$19,126.

A SAFE PLACE

Pam Hagerty, Executive Director, explained all there services and said that they are requesting \$7,380.

HOMELESS CENTER FOR STRAFFORD COUNTY

Bob O'Connell, Treasurer, stated that the Executive Director John Whiting-Grant was not able to make it tonight. He said that they were requesting \$12,000.

NH LEGAL ASSISTANCE

Joe Webster, Development Director, introduced Atty. Christine Lavalley with the Fair Housing Project who was present to answer any questions about the legal side. He gave an overview of what they did and stated that they were asking for \$4,000.

AVIS GOODWIN

Janet Atkins, Director of Finance, explained the program and stated that they are asking for \$5,000.

SEXUAL ASSAULT SUPPORT

Kimberly Lyons, member of the Board of Director, spoke on how she volunteers time to SAS. She said that they were asking for \$5,000. Kathy Beebe, Executive Director, stated that they were entering into their 25th year and went over their projects.

DOVER HOUSING AUTHORITY AFTER SCHOOL PROGRAM

Melissa Selby, Director of Family Services, stated that it is actually the Seamour Osman Community Center that is applying for \$30,222 to fund an expansion for classrooms and a community kitchen.

BIG BROTHERS BIG SISTERS OF THE GREATER SEACOAST

Kathy Bond, Program Director and Social Worker, stated that she is standing in for Dick Ingram who couldn't be present. She gave an overview of the program and stated that they are requesting \$5,000.

DOVER ADULT LEARNING CENTER

Jim Verschueren, Executive Director, explained that they would like to renovate the McConnell Center and use the church building for administration and childcare center. They are requesting \$227,775.

STRAFFORD COUNTY COMMUNITY ACTION PARTNERSHIP

Charles Wolfe, Weatherization Director gave an overview of the program and what they did last year and stated that they are requesting \$25,000.

DOVER DAY CARE LEARNING CENTER

MaryLou Beaver, Executive Director, explained that they are now known as Dover Children's Center, and is requesting \$35,000.

MCCONNELL CENTER ELEVATOR

Steve Stancel stated that there have been several plans developed for the reuse of the McConnell Center. Currently there is a group working on a 3rd plan for the building. The building will be used in some form in a community service capacity. There eventually needs to be two new elevators placed in the building. One would be located in the rear portion and one in the new portion of the building. They are requesting \$150,000 for the cost of a new elevator for the rear portion of the building. At this time that part of the building is not handicapped accessible.

Chairman Cole scheduled a Workshop to review the CDBG applications on March 16 at 7:00 PM, in the Council Conference Room.

Tony McManus stated that a year ago the City Council, the Chamber of Commerce and DEDC had a workshop on the development of the waterfront and the Planning Board was not notified in advance. He felt that the Board should be an integral part of that process because it involves a lot more than just the waterfront, such a parking, traffic and the bridge and development of the urban area. He said that he read in the newspaper that the City Council and DEDC had a workshop with some individual from out of state that came in and made a presentation on the development of the waterfront and the Planning Board was not notified and not asked to participate. He said that a project of this size should not be addressed without the participation of the Planning Department and the Planning Board. He feels that they should have been notified. He said that there is a proposal that is coming before the City Council to transfer ownership of the waterfront property from the City. He said that it was reported that the plan was that DEDC would work wholly with the developer and come up with a plan and then that plan would be presented to the City Council. He said that his personal opinion is that the Planning Board should not be left out of this process. He said that we are now in the middle of traffic and parking study that is going to relate directly to the bridge and the access to that property which he feels is vital to doing it right. He feel that it is appropriate that the Board be part of that process and if there are any meetings, workshops or presentations that the Board be notified so they can attend and participate.

Beth Thompson stated the Planning Board was involved because she was at the presentation that DEDC made and they made it clear that anything that is pursued on the waterfront would involve the Zoning regulations and the Planning Board input. It was a public meeting and they didn't feel obligated to send out a personal invitation. It was posted and was well advertised in the newspaper. She added that no one was purposely ignoring the Planning Board.

Ron Cole stated that there have been a couple of instances the Planning Board has not been contacted until the project was more than 50% completed. He said that we are the

Planning Board and he felt that it might be a good idea to include the Planning Board because they can probably make the process simpler and probably better.

Beth Thompson invited the Board to the City Council meeting tomorrow night because it will be addressed again.

Steve Stancel stated that there is a registration form in the packets for the 11th Annual Planning & Zoning Conference that is being held on Saturday, May 8, 2004. He said that for new members it would be great training and the City will pick up the cost.

Ron Cole reminded every one of the Workshop on Tuesday the 16th.

ITEM # 7: Adjournment

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

VOTE U/A