

**DOVER PLANNING BOARD
MINUTES OF MEETING
DECEMBER 23, 2003**

MEMBERS PRESENT: Dennis Ciotti, Pete Lavoie, Tony McManus, Margaret Stevenson, Donald Andolina, Ron Cole, Frank Torr, Beth Thompson

MEMBERS ABSENT: Parks Christenbury, Eric Tooke, Allen Schintzius, John Swartzendruber

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

Chairman Cole brought the meeting to order at 7:03.

Chairman Cole announced that the major subdivision for Northam Builders, Inc. (Emerald Woods) would not be heard because of issues that have not been resolved.

ITEM #1: Citizens' Forum

There were no speakers.

ITEM #2: Approval of minutes.

Beth Thompson made the motion to approve.

Dennis Ciotti seconded.

Tony McManus stated that the word sighting on the first page should be siting.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a Conditional Use Permit for NH Soil Consultants, Inc. (Owner John & Nancy Royce), Assessor's Map E, Lot 19-14, zoned R-12, located at 21 Conifer commons.*(P03-67)

Amanda Barker, of NH Soil Consultants, represented the applicants. She stated that the wetland impact occurred prior to the owners purchasing the property. They are proposing to offset the wetlands impact by creating a mitigation area. They have studied the functions and values of the wetlands impact and found that the wetland would still retain its function to a certain degree. The newly created area would be excavated and native shrubs and seedlings, that are compatible to the area, would be installed.

Dennis Ciotti asked if the Royces own both lots.

Amanda Barker explained that they do not own both lots. They have agreed to an easement which would allow the Royces to construct this on the other property. A legal document has been drafted by an attorney and would be executed if this is approved.

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. Provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands permit.
2. Provide the planning Department with a copy of the recorded abutter agreement.

Dennis Ciotti seconded.

VOTE U/A

ITEM #4: Old Business

a. Discussion and Possible vote on a site plan for Kane Co., Assessor's Map E, lots 27, 27B & 27D, zoned ETP, located on Sixth St. (P03-56)

Frank Torr recused himself because of a possible conflict.

Steve Stancel stated that they have been working with the applicant toward resolving several of the TRC comments. He said that the applicant is requesting approvals of Phase I of the plan which includes the road and the first building. He said that he believes that Phase II, or the second building that is closer to the water, is still in flux in terms of the design phase. The applicant will be coming back before the Board in the next few months with the final design plan.

Mike Palosa, on behalf of the applicant, stated that the results of two TRC meetings have been submitted on their plan. He said that they have also provided a traffic study, a detailed drainage study and another rendering of the building. It will look more like a school house than a warehouse.

Beth Thompson made the motion to take this item off the table.

Peg Stevenson seconded.

VOTE U/A

Tony McManus stated that he has a problem with voting on Phase I without knowing what the plan is for Phase II. He said that the long-range plan for three more buildings of

50,000 sq. ft. each would result in a tremendous impact on the traffic. He asked about the discrepancy in the square footage of the two buildings.

Bob Duval explained that 45,000 sq. ft. is the footprint of the building and with the mezzanine level there is 55,000 sq. ft. of gross floor area. With regard to the traffic study, they have looked at the impacts of Phase I and II. Phase I is the processing building 50,000 sq. ft. and Phase II is the corporate headquarters, approximately 90,000 sq. ft. He said that all of their traffic is coming up their driveway and coming out on Sixth St. They looked at it as 50,000 sq. ft. and 90,000 sq. ft., combined in the traffic analysis. They were then asked by the City to look at, even though Measured Progress has no plans to develop the excess land, what would happen if the site was fully developed to the greatest reasonable extent. They could roughly fit three new sites of 50,000 sq. ft. each. They were also asked as a worst case, if this site were built out, what the amount of those trips would be. He said the fact that they have included them in an analysis doesn't mean that they will ever be brought forward. This was just to provide a context.

Tony McManus said that his problem is that one of those 50,000 sq. ft. buildings, theoretically, might come back as 100,000 sq. ft. building and we have already built in Phase I and II at that point without any idea of what the future development of that property is going to be and all the traffic could end up being dumped on Sixth St. Tony asked for an explanation of the trips.

Bob Duval explained that this type of facility, on average, based on a number of studies, will generate a certain percentage of trips during the 7:30 to 8:30 peak hour. This is based on flex time with drop offs, absenteeism and shifts factored in. This particular case differs from the average because they have a very aggressive flex time and the employees have a very broad arrival time. He said that he feels very comfortable with these trip generations. He said that they need so many parking spaces because even if the trip arrivals are staggered, the parking spaces have to deal with the accumulation so you do need more parking spaces than you have at peak hour arrival and you have to be able to handle your maximum accumulated trips.

Chad Kageleiry, the applicant, stated that the final size of the Phase II building is still undetermined. It will be between 55,000 and 90,000 and it will have a huge impact on parking areas, drainage, traffic, etc. One of the reasons that they are not seeking that approval right now is because that project is still being refined and designed. They can't say how many employees, parking and trips because they are not sure what size the building will be yet.

Bob Duval said that the number that they used in the report is the highest number which is about 300 people and 90,000 sq. ft. For the sake of conservatism that is what they used for Phase II.

It was estimated that Liberty Mutual has approximately 1,200 to 1,300 employees.

Discussion ensued with regard to the full build out of the site and the amount of traffic it would generate. Tony McManus thought that it would amount to 75% more traffic on Sixth Street in 10 years. He said that the report shows that the intersection at Indian Brook and Sixth St., under those conditions, to be in failure. He said that he wondered if anyone has projected what the cost would be to remedy that in the next ten years.

Bob Duval stated that Measured Progress, Phase I and Phase II, is adding approximately 250 trips in the PM peak hour. There is about 1,2000 existing trips on Sixth Street so they are not adding 75% and the 2.5% growth rate is just a conservative estimate of growth. That is the Dover growth, not the facility growth.

Tony McManus asked if any of the projections give any consideration to potential expansion on the Liberty Mutual property and development of the Conway and Shaheen property on the corner of County Farm Road.

Bob Duval said no and if you continue to grow in the area these developments all add trips. He said that they are trying to show what would happen if Measured Progress is built and what would happen if Measured Progress and some additional facilities were built. Their conclusions are very straight forward. The existing network, provided they re-stripe Sixth St. to provide a left turn pocket, can handle anything that Measured Progress will be adding. The Venture Drive intersection and the Liberty Mutual intersection can take that. It starts adding congestion if another 150,000 sq. ft. of offices is added, whether on this site or an adjacent site, or anywhere else. That is when you start to reach saturation in year 2014.

Tony McManus asked if Liberty Mutual was aware that the applicants are asking for a waiver to allow metal material for the proposed building.

Steve Stancel stated that Liberty Mutual has been sent certified mail and no one has responded or come into the office to show interest.

Bob Duval explained that the metal panels are used by upscale builders and is a high end product that provides a flush look and very high R-value and unit costs. What is being proposed here works very effectively with the masonry product which provides a very appealing picture.

Steve Stancel stated that they have done a tour of Pease International Tradeport to view similar buildings and it became clear that it couldn't be detected that certain portions were made of metal. He said that the regulation states that buildings with exterior walls that are made of metal or corrugated steel shall not be permitted. He said that they also saw buildings that were made out of blocks and they were a lot less attractive and the regulation do allow that type of material. He said that more than getting into the type of material metal vs. block, we should be looking at the aesthetic quality of the material. Perhaps our regulation is a little too broad by just saying no metal.

Beth Thompson stated that she also found the buildings very attractive.

Ron Cole stated that he found that the buildings were very attractive and didn't realize that there were portions that were made of metal.

Peg Stevenson asked about the possible future connection that appears to be coming off of Sixth Street and Watson Road.

Bob Duval stated that lining up an access with Venture Drive and having it signalized would be ideal. Looking at the full buildout, it would be the preferable solution. Unfortunately, it is private property and Measured Progress has been working very earnestly with that abutter to try to acquire the land or work out an agreement whereby that landowner could develop his land and Measured Progress could develop their land and they could share a drive. He said that there would be a future connection should that land become available. He said that the plans now show that for Phase I and II this driveway works in a safe manner.

Peg Stevenson asked about a statement in the report that Measured Progress does not intend to sell or reoccupy the Watson Rd. building and whether that meant that the building would remain dormant when this new project is complete.

Chad Kageleiry said that that is one of the reasons why the size of the second building is not determined. They may be using the Watson Rd. building for an indefinite period of time until they decide exactly what the size of the second building will be.

Bob Duval stated that the context of that statement is that if they build the 90,000 sq. ft. building, there will be no need for the Watson Rd. facility but they do not intend to sell it off. They intend to hold the land and keep the existing facility.

Tony McManus asked about the conservation easement to the City.

Steve Stancel stated that there have been negotiations that have been going on between the applicant, the City and the Open Lands Committee. He said that they are looking at an area that runs south of the existing railroad right-of-way that is approximately 14 acres. They are not sure whether it will be an easement or an outright purchase. The numbers have been negotiated and they feel confident that there is an agreement forthcoming. He added that at the moment Liz Foster owns the land. He said that this is not part of the approval of Phase I but they hope to have it nailed down prior to Phase II.

Tony McManus stated that there is a significant tax benefit for the grantor for giving the land at less than full value.

Donald Andolina asked about the life cycle of the metal panels compared to masonry.

Bob Duval stated that it comes with a 30 year warrantee and is designed for the long term. He added that masonry is not without maintenance and after 30 years it can start to

look pretty old and require washing and maintenance. He said that this product is certainly comparable.

Beth Thompson made the motion to reopen the public hearing.
Dennis Ciotti seconded.

VOTE U/A

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

Steve Stancel stated that the traffic analysis shows something similar to what the Liberty Mutual design plan showed when the original improvements were made to Indian Brook and Sixth St. He said that, at that time, they built in an additional 300,000 sq. ft. of future capacity into that intersection. What this study shows is that the first two buildings appear to work ok, but when you start to put the additional 150,000 out there, you start to get into the E and F's in the intersection and there would have to be improvements. His quick answer to Tony would be that those buildings wouldn't get approved unless there were major offsite improvements included as part of the plan. He said that while they feel confident with the approval of phase I and when the applicant does come in with phase II, they would likely be recommending some additional offsite contributions for that building to go towards of future upgrades of the Sixth Street corridor and or the traffic signal that would be required with the 4-way intersection at Venture Drive and Sixth Street. He said that they have been working with the applicant and the abutter in regards to attempting to get that road moved over. One of the advantages would be that you would get everything running like clockwork. When you start dealing with owners from the private sector and try to manipulate and get the same thing constructed, it can be difficult some times. He said that they will get it right out there and he read the Planning staff recommendations of approval as follow:

1. Add owner's signatures to the plan.
2. Approval includes the merger of the existing lots (E-27 & 27B). A Lot Merger form shall be submitted by the applicant to be signed by the Planning Board Chair and recorded at the Strafford county Registry of Deeds.
3. Approval includes the granting of a Conditional Use Permit for the placement of the road within the wetlands buffer.
4. The applicant shall provide the Planning Department with a copy of the NH Site Specific Permit and add the permit number to the plan.
5. The applicant shall provide the Planning Department with a copy of the EPA Notice of Intent permit application filed with the EPA.
6. The applicant shall prepare an Environmental Management Plan for the parking lot maintenance, which shall be reviewed and approved by the Environmental Projects Manager.
7. Revise the plan to add the standard site plan notes #8, 9, 12, 13, 15, 16, 17, 19-22.
8. Revise the plan to add the number of employees for each shift per building.

9. Revise the landscaping plan to increase the interior parking lot landscaping to ten percent.
10. Provide the Planning Department with proof that the lighting plan complies with Chapter 149-14-E, 2 and replace the high-intensity wall mounted lights with low profile lights. The height of the pole lights shall be reduced to a height acceptable to the Planning Director.
11. Revise the plan by adding a road name that is acceptable to the City.
12. The applicant agrees to either grant a conservation easement or deed to the City the area of the property south of the northern edge of the existing sewer easement, including the spur of land that leads to Watson Road. The applicant and the City shall agree on a fair price for the easement or outright purchase after an appraisal is completed. This agreement shall be finalized prior to approval of the site plan for phase 2.
13. Approval includes the granting of a waiver of Chapter 149-14.1-B(1) & (2), to allow the proposed building material and design, which includes limited metal material.
14. Rooftop mechanical units and ventilating fans shall be screened from view.
15. The applicant shall prepare engineering plans and implement the turning lanes with appropriate signage on Sixth Street adjacent to the proposed site drive.
16. The applicant shall dedicate a right-of-way on their property as access to a future fourth leg of the Venture Drive/Sixth Street intersection.

Engineering issues:

17. Is the water and sewer to remain private? Easements may be needed in future build out/subdivisions unless City is to assume ownership of water and sewer mains.
18. It is understood by engineering that when the future road is installed that the current road and access off of Sixth St. will be discontinued.
19. A more detailed plan is required for the improvements on Sixth St. i.e. stripping.
20. A street light is required at the intersection with Sixth St. if one does not currently exist.
21. Accommodations need to be made for looping of the water main, in the future, for build out of the Liberty Mutual site and the site of the Northwest.
22. The 50' easement at Sixth St. should be adjusted to encompass the road and sidewalk.
23. The landscaping may block the sight distance at the entrances to the parking lots.
24. The sewer main is to be SDR 35, PVC.
25. The drainage report needs minor revision:
 - i. Revise pond storage limits and starting point.
 - ii. Break up subcat 300 into more subcats.
 - iii. Include pre construction phase II area in this report.
26. Note that maintenance must be done on the four box culverts for phase I.
(Limited to cutting vegetation, removing debris build up, and remove/replace any stones at the entrance/exit.)
27. Headwalls should be built parallel with the contour lines.

28. The stone check dam heights need to be revisited to prevent water from backing up into the road.
29. Please add missing notes in regards to Asbuilts, Preconstruction meeting, and erosion control letter of credit.
30. Revise the catch basin detail for a tee with a cap or hood.
31. Show the tie-in of the UGE&T and the gas main on Sixth St.
32. Note to cut and cap the water and sewer to the existing buildings to be demolished.
33. Note to remove pavement, landscape, and install curbing along Sixth St. after removal of the buildings.
34. All water gates should be attached to the tees for services and hydrants.
35. There is a possible conflict with the Hydrant, water service and utility box by station 22+00.
36. Show match lines on the plans.
37. Revise and include more detail on the sewer manhole drop at the tie in.
38. Show all utility crossings on the profile to avoid conflicts. i.e. water, sewer, drain mains and services.
39. Show sewer services to future lots.
40. Show a definitive end of the watermain and road for phase I.
41. Revise the end of watermain detail to show a hydrant tee, 12" gate and three lengths of pipe with a cap.
42. Revise hydrant detail Mueller or Eddy brand.

Note: The applicant understands that additional traffic information may be required including contributions for offsite road improvements prior to approval of future phase.

Chairman Cole thought that it was a little unusual for the Board to receive the conversational Engineering issues and he requested, in the future, that the Planning Department flesh these out a bit more. He has absolute 100% faith in the cooperation and communication between the Engineering Dept. and the Planning Dept. but he felt that the terminology needs to be made clearer. For example, condition #23 should be worded differently, such as the landscaping will not block the sight distance at the entrances to the parking lots. He said that he would rather that the recommendations be a little neater and cleaner. He asked if the department would work with the Police and Fire on #10.

Steve Stancel stated that they likely would work with an architect because in the ETP Zone, low profile lights are required. He said that there is no definition of low profile but they are sure that it is not 24' high pole lights which are shown on the plan. They will come to an agreement before the plan gets signed

Beth Thompson made the motion to approve with 42 recommended conditions from Planning and Engineering staff.

Dennis Ciotti seconded.

VOTE U/A

Frank Torr took his seat on the Board.

b. Discussion and possible vote on a plan for a major subdivision of land for Northam Builders, Inc. (Emerald Woods) Assessor's Map F, Lot 22A, zoned R-40, located on Littleworth Rd. (P02-01) (25 Lots)

Ron Cole stated that this item would not be addressed this evening.

ITEM #5: New Business

Steven Stancel stated that at the next meeting, on January 13th, there will be representatives from the Law Firm of Ciandella, as well as George Wattendorf, to update the Planning Board on the out of court settlement between the Meadows and the City of Dover. He said that the abutters will be notified of the decision that has been made and that anything that happens in the future would have to come back before the Planning Board for site review and public hearing. They wanted to make sure that the Planning Board and the abutters were made aware of the agreement.

Tony McManus asked if the question was the number of units that they were entitled to.

Steve Stancel stated that the Meadows maintains that they are entitled to the full 600 and the City maintains that the project was no longer vested and so that is where the compromise is.

c. Extension of approval for Cornerstone Crossing (P02-26)

FX Bruton, with McNeill & Taylor requested an additional extension of 90 days associated with the Cornerstone Crossing subdivision. He said that this request is made in light of a request made by DES to extend their review period of the materials involved.

Steve Stancel asked FX Bruton to clarify if the original wetlands application got turned down by the Wetlands Board.

FX Bruton stated that he thought that it did subject to a motion for reconsideration where they provided additional information for them to consider. They have asked for an additional month in November but they have not yet heard from them. The original 90 day extension expires in early January and they thought that it would be prudent to ask for an additional 90 days.

Steve Stancel explained that the Board made changes to the regulations that allowed him to give an original 90 day extension, which occurred, but after one time, it has to come back to the Planning Board so that is why they are back.

Tony McManus asked if the City received a copy of the rejection notice so that we know why it was rejected and asked Steve Stancel to provide the Board with a copy.

Steve Stancel stated that he believes that there is a copy of the rejection notice but he said that he doesn't know if it was made clear why it was rejected. He said that it will be interesting if they continue to turn it down. You then have this interesting issue where past history in the Courts would say that that project is vested but what they are trying to do is have less of an impact on the wetlands with this new plan. The question would be if the new plan gets rejected, do we fall back on the old plan.

Tony McManus stated that his feeling was that the Board still has jurisdiction of the plan until all of the conditions have been met.

Frank Torr made the motion to grant an additional 90 day extension.

Beth Thompson seconded.

VOTE U/A

ITEM #6: Adjournment

Beth Thompson made the motion to adjourn.

Frank Torr seconded.

VOTE U/A