

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
MARCH 9, 1999**

**MEMBERS PRESENT:** Jeff Peasely, Margaret Stevenson, Anthony McManus, Jerry Reese, Charles Maglaras, Mike Bobinsky, Reuben Hull

**MEMBERS ABSENT:** Paul Beecher, Karin Crittenden, Frank Torr, Ron Cole

**STAFF PRESENT:** Steven Stancel, Planning Director; Steven Bird, City Planner; Jacqueline Freeman, Recording Secretary

Vice Chair Reuben Hull brought the meeting to order at 7:06 PM.

**ITEM #1: Approval of minutes.**

Jerry Reese made the motion to approve the minutes.

Mike Bobinsky seconded.

**VOTE U/A**

**ITEM #2: Old Business**

**a. Extension for Captain's Landing Subdivision, Dover Neck Road**

Steven Stancel stated that Tritech Engineering Corp. is asking for an additional 60-day extension. They are waiting for the State Wetlands Board to act on their Dredge/Fill Application.

Jerry Reese made the motion to grant the 60-day extension.

Mike Bobinsky seconded.

**VOTE U/A**

**ITEM #3: New Business**

**a. Discussion of site plan review amendments.**

Steve Bird stated that they did an extensive literature search, spoke to other planners throughout the State and at OSP, and had about ½ dozen sub-committee meetings where all Planning Board members were invited to attend. He said that they focussed mainly on controlling access to the site, limiting the number of driveways, and encouraging shared driveways. He said that placing these amendments in the Site Plan Regulations will give potential developers and the Planning Board more flexibility in terms of waiving the regulations in cases where they might be too strict. Steve said that driveway location and spacing is based on two variables; one is speed limit and the type of road. Steve explained that the list of arterial roads and connector roads is an updated list from the old Master Plan.

Steve Bird stated that an arterial road is a main highway whose primary function is mobility. Steve explained that the list of roads that was in the packets is a draft and to look at the streets as they function. Do they function as a collector road or are they a main arterial road or main route. He said that most of the state roads are in the arterial category. He said that one of the principals in driveway location spacing is that you want a certain amount of stopping distance depending on the type of road you're on and the speed that your car is traveling. These distances give you at least a two-second stopping distance at a minimum. The basis for some of these numbers came from the Route 16 Corridor Study. He said there are three components of this table, one is the number of driveways, the spacing of the driveway from a public intersection, and the third is the spacing between driveways. He said it is important to note that there is a paragraph below that table that grandfather's existing driveways that don't meet the standard.

Steve Stancel said that this is aimed primarily at thoroughfare districts. He asked about possibly exempting the urban core zones, such as CWD, UMUD and maybe the B-2 zones from these regulations?

Steve Bird said that could be looked at. He said the UMUD is so developed today, that the number of new driveways or new buildings would be low. He said that we should look at each zoning district in the community to see if this would apply. These are aimed at Commercial and Industrial districts.

Jeff Peasely asked who would decide where the driveway would go. He thought this might be too burdensome.

Steve Bird stated that driveway permits are obtained through the Community Services Engineering Dept. and they are discussed at TRC. Steve stated that there is a waiver procedure in the site regulations

Charles Maglaras said he has a problem with the Planning Board being able to waive the requirements, only after we get a negative recommendation from the City Engineer. He said it gives the City Engineer too much authority over this Board. He said he does not see why we have to get the City engineer involved in writing recommendations. He asked about liability.

Steve Bird stated that the City Engineer has input, it was never our intent to give him veto authority. The City Engineer is involved in the driveway permitting process now.

Mike Bobinsky stated that the City Engineer would make comments on all projects that come before the Board as they have in the past. He said that on driveway requests, if it's a denial, the written correspondence identifies the reasons why. Either it doesn't meet the distance or there's a distance between property lines that is outside the normal. The Engineer is just absolving himself from taking any action on that. He said legally, if staff through traffic engineering, denied stop signs or traffic signals because they don't meet standards, those are the type of things where there are some gray areas where we could be

exposed if there are accidents. He said that he feels that this does not apply in this case. Mike stated that the only reason we require a written recommendation is that the letter provides written documentation that gives the reason why it was denied. He said the letters are a record-keeping item and is consistent with how we function right now.

Steve Bird said that the second amendment is an attempt to provide some incentives for reducing the number of driveways by sharing driveways, eliminating existing driveways and constructing fewer driveways than would otherwise be permitted. The intent is to reduce the amount of vehicle conflicts in a particular parcel or a stretch of road. He went over the details on how the incentive system would work. He said that these are voluntary and the applicant can choose to utilize any or all of the three provisions. He said that some of these provisions are pretty common in some communities. He said that the issue here is if the additional 5% lot coverage is enough of an incentive for developers to take advantage of this option. He said they are looking for some input from the Board and the public on this to see if that number makes sense.

Chuck Maglaras asked how you would force someone to help maintain a shared driveway?

Steve Stancel explained that at the Planning Board stage they would require some type of easement document that would be perpetual. He said that this is very similar to the projects that we do now where we require an association be established for maintenance of drainage ditches on private property. He said that the easement document is recorded as part of the approved plan.

Jeff Peasely asked if a developer would be restricted to the shared driveway.

Steve Bird stated that if there was enough frontage for a second driveway further down the road, he does not think this would prohibit that. He said that shared driveways are not that uncommon. He said that this provides for the cross connections through an easement document. We want this inter-connecting driveway into the overall design of their parking lot. He said if the adjacent parcel is vacant, all we ask for is an easement for future access.

Chuck Maglaras asked what criteria the connector road would have to meet.

Steve Bird stated that this does not require any new construction requirements. He said that he would look at the driveway standards to see if it makes sense in light of the connector part, and if not, we could add something that gives the minimum standards for interconnecting driveway.

Discussion ensued regarding the Shaw's and Shop & Save. Steve Stancel stated that the road that runs in front of Shaw's and in back of Friendly's, is a private connector road. He said that that road is built at a higher standard than the normal private drive standard, as it should be. Steve stated that signs on these roads should also be looked at. Steve Bird stated that this would not force anyone to connect but we would try to encourage it.

Steve Bird stated that the 4<sup>th</sup> change is to attempt to promote adequate design of the driveway entrance so that as vehicles are exiting the City Street, they have a safe entrance onto to the property. He added that there should be a depth to the throat of the driveway so that as the vehicle enters it, it can come on the property far enough so that it then has a choice of going left or right. He added that it would prevent the cars from queuing up.

Discussion ensued on the queuing up of cars at Dunkin Donuts.

Steve Stancel stated that they did meet with the owner of Dunkin' Donuts and he did agree that during the morning hours they will not be serving breakfast sandwiches at the drive-up window. He said the problem is that through the years they have added products that resulted in a longer period in ordering and receiving food at the drive-thru.

Discussion ensued on the use of consultants.

Steve Stancel stated that our regulations and the State RSA's allow us to hire an independent person to do an analysis and then charge the developer. He said we did that with the tower but for the most part, what we've done is provide the applicant with a list of independent people and let them hire them. He said if it becomes a concern of the Board we can certainly do it the other way.

Steve Bird said that the 5<sup>th</sup> amendment addresses the location of parking lots. For parking lots where you have 100 or more spaces, half of those spaces must be located to the side or the rear of the building. This is one of the techniques that is commonly used to try to improve the appearance of commercial development along corridors. For lots with under a hundred spaces it's optional, but we do provide an incentive for a reduction of the landscaping requirement. We would like some input on the 40% reduction. He said there was some discussion at the community level and asked if 40 too much?

Jeff Peaseley said that it seems like we are penalizing larger businesses. His idea is to make them both optional.

Steve Bird stated that the rationale was that the more parking spaces, the bigger the sea of pavement.

Anthony McManus stated that the idea is to see the building, not the parking.

Steve Stancel asked if it would make sense to hand these proposed site review amendments to some non-residential developers to get their input.

Steve Bird thought it would be a good idea. He said that these are stricter standards than the City ever had and we should hear the reactions before we go to a public hearing. He said that the 6<sup>th</sup> amendment has to do with landscaping. He said that one of the concerns at the rezoning meetings was how commercial and industrial development would look. He said that the first section requires a percentage of the interior of a parking lot to be

landscaped. These standards were taken from some examples we received from the American Planning Association. Steve explained that for every four rows of spacing you have to provide a 6' wide landscaped planning strip. He said that it is up for discussion whether it should be 4 feet or six. He said that this encourages the islands at the end of the rows to have some landscaping, it doesn't require it but encourages it. It also sets some standards for perimeter landscaping and the type of landscaping that is required in those areas. He said it encourages alternative methods of screening such as earth berms, fencing or walls to give us more flexibility. We also encourage preserving existing vegetation wherever possible and that loading docks, generators, etc., have to be screened.

Reuben Hull asked about an actual open space requirement. Will this achieve what we want without saying that we want 20% of the lot to be open?

Steve Bird stated that it achieves the same goal. There are some zones that already require some open space. This is a bit more particular to landscaping a parking lot. Steve said that you could comply with the open space requirement of 33% and have it all behind the building and still have a sea of asphalt in front, so this would better address that situation. He added if we were going to go with the open space amendment that would be a zoning amendment.

Charles Maglaras asked what takes precedence, the landscaping or the number of parking spaces. He used a restaurant as an example.

Steve Bird stated that the number of parking spaces required is in the Zoning Ordinance and the Landscaping is in the Site Review. He said the Board could waive any requirements, or the amount of seats in the restaurant may have to be reduced in order to reduce the number of parking spaces required so the landscaping can be done.

Steve Stancel stated that if you don't have enough parking for the users, then you have a real problem because they are parking in the street. He said if we are talking about more than 100 spaces, you are looking at possibly waiving the location of those spaces in terms of if they are in the front or not, or possibly waiving the landscaped islands. He said the beauty of having this in the Site Review regulations is that it allows some flexibility to the Planning Board to work with the engineer and the developer.

Jerry Reese said that he has a problem with part B. He asked how we can dictate what kind of trees people must have and will we have a tree patrol to make sure that someone is taking care of them. He said that he thinks that 6 feet for islands is too wide.

Steve Bird stated that when a business comes back to add on, we can say that we looked at the site and all the landscaping has died. He said it is one of those areas that would probably be monitored on a complaint basis. Steve added that the reason that we went with deciduous is that it provides year around screening.

Steve Bird stated that the last amendment has to do with outdoor lighting. He said that a lot of communities are starting to address lighting. He said that it could be more complicated than the Board may want to get into in terms of regulating outdoor lighting, but he wanted to provide the Board with the Cadillac and it can be scaled back to make it less complicated. He said that this uses standards from an organization called the Illuminating Engineering Society of North America.

Discussion ensued on foot candles as a level of measurement. Steve Bird said that we already require in the site plan regulations lighting on all four sides of a commercial building and this does not change that. Steve said that the Electrical Inspector does have a light meter and it gives a reading on how many foot candles are generated by the lights. He did suggest that if we were to pursue this type of an amendment, he would recommend purchasing a digital light meter which is much more accurate. The concept is that as these site plans come in, we ask for a lighting plan so we can check that they comply with these standards.

Steve stated that if the project does not trigger the site review process, then the building inspector makes sure that the requirements of the Site Review Regulations are still met for the building permit process. It would be handled administratively.

Maglagras asked what if a person does not want to use these types of lights?

Steve Bird stated that the Planning Board is the only board that can waive these types of lights. He said that gas station canopies are specifically addressed and that seemed to be the most common area of concern. Steve explained that recessed light fixtures under the canopy have a big effect in cutting down on the amount of light that spills out onto neighboring properties and public rights-of-way.

Reuben Hull commented that there is nothing about internal lit signs. He said when people think of commercial areas that is the thing that people don't like.

Steve Bird stated that there is support for looking at the sign ordinance and the Building Inspector would like to take a look at the whole sign ordinance. He said that the committee made a decision early on that looking at the sign ordinance is a larger task than we have time to deal with. He said in regard to architecture that the only advantage he could see is if you had some general statements in your regulations you could say this gives us something to hang our hat on in terms of working with the developer on getting him to change the design. It is very hard to put "taste" down on paper but if the Board wants something we could tackle it. He said that these are the areas that we thought that we had the time and resources to address. He said that the committee put a lot of work into these proposed amendments. He thanked Jack Mettee, Dana Lynch and Beth Thompson.

Steve Stancel stated that we could send the proposed amendments out to several developers and invite them to another workshop.

Steve Bird stated that Jack and Dana in their professional capacity represent development companies in addition to working with the community. He said that their input was from both sides.

Reuben Hull stated that developers would rather see something in writing than something that is up to interpretation. He added that something in black and white makes it easier.

**A workshop was scheduled for March 30, 1999 at 6:30 PM.**

**b. Goals and objectives for the Planning Board**

Steve Stancel stated that he is looking for some direction on what the Board would like to accomplish this calendar year.

Tony McManus stated that his concerns are that we get into the Transportation and Recreation & Open Space portion of the Master Plan. He said that we should take a look at the rezoning of the riverfront property. He said the City ought to be doing the planning not waiting for some developer to tell us how it should be developed. He said that we should be putting pressure on the City to take the steps necessary to get this thing underway. He said that we need to get it rezoned.

Steve Stancel stated that he agrees. He said that we held several neighborhood meetings because we were attempting to rezone both sides of the river to try to create some consistency. He said that we should hold back on that concept. He said that he thinks we did come to some agreements on some issues but it's clear that it would be rough going attempting to rezone the other side of the river. He said that his recommendation would be to forget the idea of rezoning the other side of the river and to focus on the River Street parcel.

Tony McManus said we would have better luck on the other side of the river if they see that we're serious about the City owned land. Tony McManus stated that he understood that the vote of the City Council was to send the rezoning of Littleworth/Columbus Ave. area back to us for further review. He asked if we need to take a look at strengthening what regulations we have on impact fees, and whether we need to take another look at cluster zoning.

Steve Stancel stated that a lot of this is going to be based on the completion of the Master Plan. He said that once it is completed, it gives us the grounds to attempt to put forth some possible impact fees. He said that he has some money from CDBG set aside and he has been working with Mike Bobinsky in coming up with some other money for the Open Space and Recreation section. He said that we may have enough money to go out to bid within a matter of weeks. He said that we may be able to get the Community Facilities and Utilities and the Open Space & Recreation complete by the end of June or July. He said that he put money in his budget for the Transportation section. If that is approved it would not be available until July 1. Steve stated we could look at what

sections of the City that we never plan on extending utilities, and should we change the zoning from R-40 to R-80 or R-120.

Reuben Hull said that he would like to look at the whole zoning ordinance and the way that it is set up. He said that we have too many types of zones and it could be simplified. He said he would like to see cluster by right and single 1 acre lots the alternative. He said that he doesn't agree with the zoning that we have in place.

Steve Stancel stated that the cluster design that we have needs to be looked at. He said it is very advantageous to have a cluster design because of the open space and it allows the developer to work with the natural tendencies of the parcel but it has also causes some premature development. He said there is going to be a 50 lot ADS coming in, and it technically meets with the intent of the ADS but if we didn't have an ADS, the cost of the infrastructure to put in 50 lots would not allow this developer to do the project. This is benefiting this developer by making it cheaper for him to put in his 50 lots. If we are going to continue to have an ADS how do we strengthen it so we don't get the Cornerstone Crossings and this project.

Jerry Reese stated that we should look at the rezoning parcels on Littleworth and Columbus. He said that the City Council definitely wants those two parcels to come back before the Planning Board and he said we would be remiss not to take the opportunity right now. He said that we need some type of dialogue with those folks.

Steve Stancel stated that he agrees. He said that it is important that we get the Master Plan done first. He said that he has some concerns, it may not make economical sense to just rezone those two parcels. He said that it is important that we try to get the utilities section of the master plan done. He said that realistically, it could be done by mid July.

Tony stated that we should take a look at Exit 8A.

Mike Bobinsky stated that we need to take a look at the number of cul-de-sacs and dead ends because of the maintenance burden. He spoke on the maintenance of the Sixth Street Connector.

Reuben Hull asked how the State roads fall into the arterial and collectors roads.

Steve Bird stated that we work closely with the State in the site review process oftentimes DOT will work with the Planning Department.

Steve Stancel stated that the State will usually defer to the local community, particularly if it is stronger than what they have.

Tony McManus made the motion that a letter be drafted in support of the Main Street Proposal and forwarded to the committee that is putting the application together.

Jerry Reese seconded.

**VOTE U/A**

Tony said that he understands that the Council is going to vote tomorrow night and they are going to recommend contributing \$20,000 per year to the program contingent upon the balance being funded from the community.

**ITEM #4: Adjournment**

Jerry Reese made the motion to adjourn.

Margaret Stevenson seconded.

**VOTE U/A**