

**DOVER PLANNING BOARD WORKSHOP
MINUTES OF MEETING
MAY 18, 1999**

MEMBERS PRESENT: Anthony McManus, Mike Bobinsky, Jeff Mason, Reuben Hull, Ronald Cole

MEMBERS ABSENT: Paul Beecher, Margaret Stevenson, Karin Crittenden, Charles Maglaras, Jeff Peasley, Frank Torr, Jerry Reese

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

Ron Cole opened the workshop at 7:05 PM.

Tony McManus stated that the revisions that Steve Bird made regarding changing feasible to reasonable makes sense. He said that he feels there might be a problem with increasing standards if we feel that is necessary. On amendment #10, about the design features, he said that he is not sure if we shouldn't leave that in. He said he is saying that because of the information that Steve Bird provided us from the other communities. He said that the proposal that we made is sufficiently general so it allows the City and the developer get together on design, while giving some general direction. His suggestion is to keep it in there and have the Board continue to work on refining specifics.

Ron Cole stated that we have had a public hearing and the public has had an opportunity to speak, however, he is going to ask for any input that we haven't heard before and asked that it be kept to 5 minutes each.

Mike Bobinsky asked if we would create a subcommittee or an architectural review board, or would the Planning Board be the architectural review board.

Steve Bird stated that the way it is written, it would be the Planning Board's responsibility and an additional item would be requested to be submitted with the application.

Tony McManus stated that he never considered that it would be a separate committee. He said he would like to look at other communities to see what they are doing.

Steve Bird reviewed his memo listing the four recommended changes.

Mike Bobinsky used Dominos Pizza as an example, and stated that the staff worked with the developer of that franchise to make it pleasing. He asked under what authority did we have to make that happen?

Steve Bird stated that there is nothing specific in the Site Revue Regulations to give us that authority. He said the general language in the enabling legislation under Site Plan

Regulations talks about one of the aspects of site plan review. He read RSA674:44 (b) Provide for the harmonious and esthetically pleasing development of the municipality." He added that it is very broad. He stated that this new proposal would give us something in the Zoning Regulations would give us more guidance in the whole review process. It's a process of negotiations at this point. We work with the developer and try to convince them that these changes would be in the best interest of themselves and the city as a whole.

Reuben Hull stated that he agrees with Tony in leaving the architectural design section in. He said there is really not any teeth that he can see and it needs to be reworked. He said that at the last meeting Atty. McNeill said that most developers will want to have pleasing buildings, those are not the ones that we are worried about, it is the others, the ones that don't care if their buildings is a piece of metal in the gateway to our community. He said that's why we need this in here.

Tony McManus said that for the fact that this is in the State Statutes doesn't necessarily give us the authority to do it. He said that you have to adopt it on the local level.

Malcolm McNeill, 180 Locust St., said they appreciate the efforts that have been made. His concern is that despite that responsiveness, that his first reaction to that response is a comment by Atty. McManus that the waiver provisions, that we are proposing should not apply to this parcel of real estate, so it is a meaningless provision, if that is the general sentiment of the Board. He had an aerial photo of the Miracle Mile and Weeks Crossing area and stated that these are his competitors. He said that many of you might say that this is exactly what we would like not to see happen in the remainder of Dover. He said that after great efforts, the area of Mr. Russell's property and Mr. Foster's property was rezoned to be competitive with these other market places. Atty. McNeill stated that this provision with regard to parking and placement of the building, will severely compromise our pending and future projects at this intersection and create the circumstance where this intersection will not be an attractive place to bring the users that they believe this area was rezoned for. He said that perhaps there are other sections of town and business zones where it would be appropriate to have these regulations, downtown, Durham Road, and perhaps other areas that have not been as significantly developed as this area. He said that perhaps it would be appropriate to exempt out the B-3 and B-5 zones because of their circumstances and the competitive factors that they face with regard to development in their region. Malcolm said that they are not here just sounding the alarm, they have a basis for the alarm. He said the crux of what they are here for is the parking, 50% on the side and 50% in the back creates serious problems for them.

Phil Paston, Richmond Co., stated that with these changes, if they go through, their anchor tenant would be unable to justify putting their store here. Mainly because of the competitor issue in the retail industry, convenience and access is a vital part of their success. Everybody is selling a product but they need to be accessible and visible to do it and these changes would put them at a major disadvantage. He spoke of the convention of International Convention of Shopping Centers that he attended, and said that there is not one tenant who could live with these changes. He said that in downtown locations

and very urban areas those could be considered, but in suburban areas or the Miracle Mile, parking in the front, receiving delivery in the back and easy access are fundamentals of development.

Ron Cole said that the way this is structured or may end up being structured, there will always be the ability of the Board to waive the conditions. He said that, possibly, we can make some arrangements for a portion of the community which is already challenged. He asked if a prospective tenant could be interested if these regulations were modified or are they so black and white that they have to have all the parking in the front and would they just walk away from it?

Phil Paston said that parking is pretty much a black and white issue. Regarding the architectural, most national companies have a prototype building.

Ron Cole asked if a national tenant could live with some parking in the front and some parking on the side so that everything doesn't look like an Ames.

Phil Paston said that that would be very difficult since the environment is already established, it is very difficult to change that.

Fred Sprague, Engineer for Millette, Sprague, Engineers, said that he has been working with Phil Paston for about a year and a half looking at different potential layouts for the parcel, and recently did a layout which is sensitive to the changes in the regulations. He said he has been doing this for about 20 years and they do seem to fall back to the same scenario, the road, parking field, the building and loading in the rear. He said that as they start to move the building closer to the road and move the parking around the building, they start to run into problems on this particular site, associated with traffic flow, intermix of traffic from tractor trailers entering the site and loading and unloading and particularly the interaction of the truck traffic with cars and pedestrians. He said there were other problems that have popped up that are associated with safety, traffic flow, accessing the building and bringing people in and out safely.

Ken Linsman, lives in Hampton, owner of the property at the corner of Blockbuster, and works for the Kane Co. as a broker said he deals with national tenants exclusively, and they all have their prototypical layout and they rarely will vary. Everything that he has tried to develop or bring somebody to a property, if it doesn't fit on there with their parking layout, they won't do it. Bringing national tenants to NH and getting them interested in this area has been very tough. They won't do it unless they have their perfect layout.

Peter Russell, 1 Old Rochester Road, said he has owned some property at Weeks Crossing for 27 years and he has worked with the Fosters to get the design of the Weeks Crossing that was acceptable for retail development. We started in 1984 and now he is hopefully, going to be able to develop his quadrant in retail, complimenting the Foster's parcel. He said that he noticed in the comments made by Tony McManus, that he believes national tenants should not dictate, and the Planning Board should dictate. He

said the he hopes the Board wouldn't look to dictate but look at using guidelines to work out development for these parcels. He said he recently met with a major tenant for his parcel and he tried to put a large building on his site which would necessitate cutting the corner off the building. He said when he confronted the national representative, he said "no way". Mr. Russell said that from his experience, these national tenants have their designs and layouts, their fine tuning of their merchandise and they know human nature and that people want to park in front. He said they realize that people want to approach the store in a certain way, and to try to force them to make a compromise would delay getting prime tenants in here, and at worst, it will keep them away completely. He said we would have to settle for second rate competitors and then there would no chance of getting the quality tenants that we want. He said that he can't add anything to what Malcolm has said because he is the expert in this field.

Reuben Hull asked if their tenants would be amenable to parking numbers bigger than the tenants really need, if the building were pulled up even closer to the road with a 0 foot or 10 foot setback. Is this anything they would be interested in or are they just set in their ways?.

Phil Paston stated that the later is true, in his experience the parking requirement is absolutely imperative.

Malcolm McNeill stated that they attempted to look at that when the regulations came out and it created all of the conflicts that Fred Sprague spoke about. Do you put the tractor trailer trucks bays in the back, which is literally in the front. How does that affect the circulation within the site? Where is the front of the store and how are the people who park on the side of a big store going to find the means to get around to the front of the store? How do you address the conflict between the traffic flows within the site itself? We attempted to look at that and didn't find a way that we felt would work. He said on the specific piece that they are talking about in its uniqueness, they are in two different towns, on one side they can fully develop the property in a commercially reasonable fashion, and on the other side they can't. He said that Hannaford was in last week, to put an addition on the back of their store, they didn't put parking on the side or on the back and nor were they required, because that would not have been the commercially reasonable lay of their continuing to develop their property.

Mike Bobinsky said that we all recall the master planning public hearings where residents were concerned about changing zoning and also concerned with strip mall concepts. He asked if the Planning Board would be seeing these plans soon.

Malcolm McNeill stated that they contemplated filing the plan before these regulations were posted but the engineering was not finalized. He said what he is hearing is that the placement of the building and parking are areas of the greatest issue.

Jeff Mason stated that the purpose of the changes is to make commercial development more aesthetically pleasing and he does not see a problem with seeing landscaping for

parking in the front as an alternative. As far as the parking, he doesn't see that as a huge issue.

Steve Stancel asked about taking out the B-5 and the B-3 from the 50% parking section because of the nature of existing businesses of the surrounding properties. He said that we should concentrate on the 108 borders and the 155 or the Sixth borders.

Tony McManus stated that Dover is not unique in attempting to deal with the proliferation of urban sprawl and strip malls. This is not an original thought that this subcommittee came up with. Communities all across the country are finally saying that these things are ugly, they do not add to the cityscape or the landscape and are devising various ways of dealing with this problem so this is not something that Dover is attempting to foist on individual lot owners or developers. There are problems with existing malls that people don't want to go to them anymore, and they are going out of business because people don't enjoy them any more. They are coming down to the downtown areas because they are more attractive and the amenities are better. It is his belief that many of the national companies are beginning to respond to this and are beginning to change design. He said that McDonalds is coming up with different designs. People come in and say that this can't be done, it has to be the parking in front and the stores in the back, etc. He said that he has done a fair amount of traveling around the country and he knows that that is absolutely not true. He has seen shopping centers and commercial developments where the configurations are different. Buildings that are being put out close to the road because they become more visible by being closer to the road. He said that a lot of that can be taken care of by increasing signage or creativity in signage. He said that if an engineer has no more imagination than to say this is the only proposal we have and this is the only way we can do it, then you ought to get a different engineer. He said he has great faith in engineers in solving problems and figuring out traffic designs. It is easier just doing things the way we have been doing things for the last 20 or 30 years, its cheaper, the owners make more money, people putting up the building make more money, but that's not showing much consideration for the wishes of the community. He said that we had a lot of people come before us saying they don't want any more of this development in the City of Dover.

Phil Paston stated that in Norfolk, MA a supermarket and drugstore and a couple of restaurants wanted to come in and their bylaws said "parking in the back and building in the in the front" and they would not compromise. He said the site is still vacant.

Ron Cole stated that statistically, people are drifting away from the malls, but not rapidly. Percentages say that if you can grow a nice downtown with the right goods, people would much rather be downtown. The fact of the matter is that well over 85% of the people still prefer to go to the mall as opposed to going downtown. This is a serious challenge for the Board. We are the guardians of Dover's future to a great extent. What determinations that we make today, hopefully, those buildings will be there and still be occupied by the same tenants in twenty years. We want to do the right thing for the community aesthetically. He said Russ Thibeault threw out a bunch of figures with regard to what we don't have in this community and that is an adequate commercial base,

which is one of the reasons why we want to rezone. He said that we have people who paid serious money and have paid serious taxes over the years on these properties and through our rezoning we are giving them an opportunity to develop their property and now we're saying "wait a minute". Ron said the challenge that we have is that we owe nice things for the community, and we owe the community an opportunity to pay its bills as well. Malcolm made a good argument with respect to the proximity of this piece of property to the highway. He felt that this area is an aberration relative to the rest of the community. Ron said he felt that the Board could work on this proposal to make something happen that would help both sides.

Phil Paston explained the new trends in shopping centers now that no one has the time to shop anymore. Over the last 10 years the trend has gone to the community and neighborhood shopping centers because of the convenience. Now drug stores all have a drive through. If a CVS or Wallgreen cannot get a drive through in an urban area, it won't get approved.

Robert Foster, stated he has been a resident for 78 year. He stated that Mr. Thibeault found that Dover is very slim on retail. He said that Weeks Crossing is a major intersection that has a limited amount of remaining commercial land. He said that the developers won't come, they'll just go to Somersworth. He said this is your last chance to get any degree of commercial presentation in Dover. You want the dollars to support your school systems and everything else.

Ron Cole closed the discussion and the workshop at 8:10 PM.