



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, March 12, 2013**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), Frank Torr, Lee Skinner, Gary Green, Dave White, Dean Trefethen, Mayor; Dexter Tarbox (Alternate)

Members Not Present: Tom Clark, John Leggett

Staff Present: Steve Bird (City Planner); Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:00 pm.

1. *CITIZENS' FORUM*

Citizens Forum Open.

Rick Hebbard, 97 Spruce Lane, asked the Chair if he would consider reopening the public hearing due to the recent site walk for PSNH. He mentioned that the date of the Assembly Permit posted in City Hall had expired. He also mentioned Roberts Rules for tabling with a date certain vs. postponing a case, and that the Planning Board should be familiar with the fundamental facts on road ownership in this case.

Mary Hebbard, 97 Spruce Lane, followed up on the previous comments and read sections from Roberts Rules about motions and postponing. She feels that what Mr. Trefethen stated at the last meeting about tabling to a date certain was incorrect and thinks the Board should be familiar with Roberts Rules and have a copy on hand at each meeting. She commented that site walks should be part of regular procedures in a case like this.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- February 26, 2013 Regular Meeting Minutes

Motion: K.Schuman motioned to approve the February 26, 2013 meeting minutes. Seconded by F.Torr.
Vote: U/A.

3. OLD BUSINESS

- A. Consideration and possible vote of a request by Public Service of New Hampshire to trim and remove trees and brush along the right-of-way of scenic roads (Old Garrison Road and Rochester Neck Road) (P13-04)

Motion: F.Torr motioned to remove from the table and reopen the public hearing. Seconded by L.Skinner.
Vote: U/A.

Reopen the public hearing.

Mary Hebbard, 97 Spruce Lane, thanked the Board members who attended the site walk which was held on March 2, 2013. M.Hebbard spoke on behalf of the Perkin's. She stated that the site walk benefited the Perkins' who could not attend and they feel comfortable that PSNH will notify them prior to tree cuttings.



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Mr. Burner from PSNH has agreed to meet with the Perkins' prior to any cuttings. M.Hebbard encouraged the Board to approve the tree cutting as outlined by the PSNH request.

Public hearing closed.

S.Bird mentioned the site walk was held on March 2, 2013 and per staff recommendations, the Planning staff recommends approval.

D.Trefethen commented that at the previous meeting an abutter mentioned they were willing to pay more to leave the trees; Trefethen stated that there is no mechanism to do that and the reality is everyone shares the cost in a power failure and that there are no charges to restore power as it is built into everyone's bill. He stated that years ago the City had designated Old Garrison Road and Rochester Neck Road as scenic roads and it is has been enforced including with building permits and new construction. He feels there is no reason to change the course of action.

D.Tarbox recused himself from voting because he was unable to attend the site walk. However, in reviewing the application, D.Tarbox mentioned that in his perspective, the documents were insufficient, there were no pictures and the Planning Board has to do due diligence in the future.

D.Ciotti commented that he agrees with Tarbox, and that he had spoken to the Planning Director in regards to the application having insufficient documentation.

Motion: F.Torr motioned to approve the application. Seconded by L.Skinner. Vote: U/A. (Tarbox abstained).

4. NEW BUSINESS

ITEMS A & B WILL BE DISCUSSED TOGETHER.

A. Consideration and acceptance of a Conditional Use Permit for Liberty Mutual Insurance Company, Assessor's Map E, Lot 24, zoned ETP, located at 100 Liberty Way. (287 space parking lot expansion – 11,764 sq. ft. of grading within the wetland buffer and 19,887 sq. ft. of grading within 20% slopes). *(P12-39)

B. Consideration and acceptance of a Site Review for Liberty Mutual Insurance Company, Assessor's Map E, Lot 24, zoned ETP, located at 100 Liberty Way. (Motor Vehicle parking lot expansion (287 additional spaces). *(P12-38)

K.Schuman recused himself from this matter.

Atty. Malcolm McNeill of McNeill, Taylor & Gallo represented the applicants. He introduced Carl Cressey, Regional Manager. Gordon Leedy of VHB, Inc. who is also a landscape architect; Mike Leo, of VHB Inc., who is also a professional engineer.

Atty. McNeill gave a brief overview of the Site Review and the Conditional Use application. He discussed on the site plans where the previous helicopter pad is located which is no longer used. Liberty Mutual needs additional parking to allow for 152 new seats for employees being added due to employee restacking. The new parking is primarily for the Dover East building. There is no change in the footprint of the Dover East



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building. The maximum number of spaces proposed without burdening environmental impacts is 287 spaces. There will be a new proposed walkway and bridge. He outlined the number of employees in the three buildings on the Liberty campus and the number of current parking spaces for the three buildings. The total number of employees at Liberty Mutual in Dover will be 3700. This company is an active corporate company within the city. These proposals went to TRC on December 13, 2012, and the Conservation Commission meeting on February 11, 2013 voted in favor of the plan.

One of the waivers originally requested was for lighting but has been withdrawn because the plan been revised to comply with regulations from the city. The lighting waiver has been withdrawn.

The third waiver was for pervious pavement. Atty. McNeill read the letter received from the Planning Dept. (copy of the letter) He discussed the location of the vehicle recharging stations. The traffic demand management report was discussed. Efforts have been made by Liberty Mutual to keep employees on campus and 75%-80% of employees use the onsite cafeteria which provides traffic relief. A number of options are available for traffic relief by carpool sharing, the COAST bus system, alternate transportation including bicycles. The changes being made will be beneficial to the city and to Liberty Mutual. He stated that all conditions of approval have been reviewed and are acceptable to the applicant.

Gordon Leedy, of VHB, Inc. and a certified planner, and a licensed landscape architect discussed the parking issues, the additional 152 seats, and the general parking issues on the site. He stated that the current ratio on site is .8 spaces per seat but they found that actual utilization was more like .9 spaces per seat in terms of demand. 287 is the goal for additional spaces. He identified the old helicopter pad which has only been used a few times. There will be 287 spaces in four bays of parking with significant screenings of evergreen near the main entrance. He discussed limiting the grade in the existing area, and using natural no-cut grasses and wildflower plantings, and plantings in detention basins. There will be a permeable pathway, a small bridge over the wetlands area, and the new section of pathway will tie into the existing pathway and an island to the front of the building and tie into the main entrance. The recharging stations were discussed.

Mike Leo, an engineer with VHB, Inc. discussed the conditional use impact plan, the impact to wetland buffers, and steep slope impacts. He discussed the grading and drainage, and the storm water basins will have deep sump catch basins, underground filtration systems, micro pools and catch systems. In regards to the waiver on the porous pavement, they are going with a more conventional system vs. porous pavements taking into consideration of the long term use and maintenance of the property.

Atty. McNeill summarized the request, and believes that the system designed will work well. They feel it is a reasonable addition, limiting adverse impacts on site and providing reasonable parking for employees.

D.Trefethen asked about the steep slopes and what percentage of the total is manmade.

M.Leo responded that out of the 20,000 sf. approximately 12,000 sf. is manmade or about 60%.

L.Skinner asked how many spaces there are currently and he asked what data has been compiled about carpooling and what the statistics are.

Attn. McNeil responded that there are 1,158 spaces for the Dover East building, and 1,701 spaces for the Dover West building. He explained that with the restacking the number would go to 1,600 spaces. He explained that there is an attempt to provide options for transportation. They don't have an exact number of people that carpool or take alternate transportation.



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Carl Cressey, Regional Facility Manager, stated that there is no hard data, but they would conduct future employee surveys, and provide incentives to get employees to carpool, use alternate transportation and bicycles. There are no current carpool spaces, but the proposed number is 6. He also confirmed for D.Ciotti that there is not any data about employees using electric vehicles.

G.Green commented that he read the Conservation Commission minutes and there were concerns about a waiver for the porous pavement. Past recommendations by board members wanted to see this put into our regulations. He compared a site in Greenland at the Lowe's that has mixed pavement and uses many systems. The city is facing new mandates on storm water and it is an issue. He feels it is an excellent presentation.

Gordon Leedy spoke about the new standards Mr. Green discussed. The DES issued new storm intensity data standards in January 2013 and this project had to deal with it. Because of this, the drainage system was enlarged to accommodate the larger flow requested by the DES.

Mike Leo further discussed what DES required.

Atty.McNell confirmed for D.Ciotti that the lighting plans waiver has been withdrawn.

Motion: F.Torr motioned to accept the application. Seconded by G.Green. Vote: U/A.

Open public hearing. Nobody spoke. Public hearing closed.

- A. Consideration and acceptance of a Conditional Use Permit for Liberty Mutual Insurance Company, Assessor's Map E, Lot 24, zoned ETP, located at 100 Liberty Way. (287 space parking lot expansion – 11,764 sq. ft. of grading within the wetland buffer and 19,887 sq. ft. of grading within 20% slopes). *(P12-39)

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Alteration of Terrain Permit.
 2. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Dam Bureau Permit.
 3. The applicant shall revise sheet C-4 to add straw wattles at ten foot vertical intervals on the slopes on the south and west sides of the parking lot to increase the erosion control.
- B. Consideration and acceptance of a Site Review for Liberty Mutual Insurance Company, Assessor's Map E, Lot 24, zoned ETP, located at 100 Liberty Way. (Motor Vehicle parking lot expansion (287 additional spaces). *(P12-38)

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the site plan application with the following conditions:



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Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall revise the plan to change the Planning File number from P12-39 to P12-38.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Alteration of Terrain Permit and add the permit number to the plan.
5. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Dam Bureau Permit and add the permit number to the plan.
6. The applicant shall prepare a Stormwater Management Maintenance and Inspection Plan and have it approved by the Community Services Department.
7. The approval includes the granting of the two waivers requested for the reasons stated by the applicant and by staff. The Board finds that the criteria of Chapter 149-19-A have been met.
8. The applicant shall prepare an annual report on the status of the implementation of the Transportation Demand Management measures, including the number of employees participating in each. Said report shall be submitted to the Planning Department by January 31st of each year.

L.Skinner commented that with respect to the carpooling data, he is concerned with the number of spots allocated for carpooling, and what stats are needed. He withheld the rest of his comments until the end of the meeting.

D.Trefethen commented that when Liberty Mutual came in to the Planning Department a number of years ago, in regards to the Dover West project, a traffic management and flex time policy were discussed and assurances from the applicant were that those policies would have been implemented and they would get as much participation from the employees as possible. He is disappointed that Liberty Mutual does not have any statistics on a transportation management plan which was supported and should have been enforced.

G.Green commented this is an excellent proposal with regards to the stormwater management plan and vehicle recharging stations and the environmental impact.

D.Ciotti commented on the transportation management demand system and the use of vehicle recharging stations and if there is no data to back it up then is there a need.

Motion: F.Torr motioned to approve both the Conditional Use Permit and Site Plan subject to conditions. Seconded by G.Green. Vote: U/A.

C. 2013 Legislative update:

Tim Corwin, Assistant City Planner gave an overview of the (7) bills that are pending approval with the state legislature.

Board discussion ensued.

D. Gateway Rezoning Study update:

Tim Corwin, Assistant City Planner gave a brief update to the Gateway Rezoning Study. The City received a grant made possible by the Housing Finance Authority for \$50,000, with a goal to ensure that the gateways to and from the City will provide for robust growth to the suburban areas and the urban



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core. The City held two design sessions (February 2nd and March 2nd) and participants shared their thoughts and ideas. Detailed design concepts from the engineers were presented and conceptual designs will be uploaded through the projects web page accessible through the Planning Dept. webpage online. Results from the survey will be tabulated and shared. The original online survey has been closed. There will be a second survey for additional feedback after the conceptual designs are made public.

5. STAFF COMMENTS

The CDBG block grant books are available for Board members. The public hearing is scheduled for the March 26, 2013 meeting.

D.Ciotti asked if it is required for all the applicants to come in and speak.

S.Bird commented that it is normal operating procedures to invite all the applicants in and give them time for their presentation.

L.Skinner stated that although it is tedious everyone deserves their time to present their need, and it is the right thing to do.

F.Torr stated that all past applicants have been brief and he feels they should be allowed to present their cause.

D.Ciotti stated it was not to preclude anyone.

L.Skinner commented about the Liberty Mutual application and his feeling about pervious pavement. In previous cases, many plans have come forward with pervious pavement. In past cases, with regard to pervious pavement, what they the Planning Board has recommended in the past is that pervious pavement is good and plans should include it. McDonald's had it, Planet Fitness had it.

G.Green stated this is the first application that has come before us that needed a waiver not to do it.

Mayor D.Trefethen commented on his comments about tabling vs. postponing at the last meeting. He was thinking more of Council rules vs. Planning Dept. rules. This Board has tabled numerous applications to a date certain, or when the applicant is ready to come back. If you call it tabling or postponing – there is no law, there is no rule, Roberts Rules are good guidelines and common sense should prevail.

D.White commented on the tabling. He made a motion at the last meeting to table for a site walk which was appropriate. Discussion ensued about when to schedule the site walk and when to continue the case.

D.Tarbox commented that tabling is irrelevant to a Planning Board.

There will be a non-public session immediately following this meeting.

6. COMMITTEE REPORTS

G.Green gave an update to the RCM Report (Residential Commercial Mixed Use District). On March 6, a meeting was held. Market conditions discussed at both meetings do have an effect. No vote was taken at that meeting and another meeting is scheduled for March 20, 2013 at 4 pm.



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Motion: K.Schuman motioned to enter Non-Public Session. Seconded by L.Skinner. Roll Call Vote.

The Board voted on a roll call vote (8-0) to enter into non-public session to discuss matters involving consideration or negotiation of pending claims or litigation.

The Board resumed the public meeting at 9:49 pm.

Motion: D.Trefethen motioned to seal the minutes as divulgence would render the proposed action ineffective. Seconded by D.White. Vote: U/A.

7. ADJOURNMENT

Motion: F.Torr motioned to adjourn at 9:50 pm. Seconded by D.White. Vote: U/A.