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Town Planner's Recommendation
Wednesday, December 10, 2014

VIII. ***Public Hearing*** **- Automobile Service Facility – 3 Dover Road**. Redevelopment of former Cumberland Farms property into facility with 4 service bays, an office and 12 parking spaces. James Mitchell, Tropic Star Development, applicant; Cumberland Farms, property owner; Barry Gier and Wayne Morrill, Jones & Beach, Design Engineers. Map 4, Lot 49. Courthouse Zoning District. *Recommended action*. Continue discussion and public hearing to January 14, 2015.

- I recommend discussion and continuing the public hearing to the January 14 meeting

Please note the following:

Process

1) Plans. There have been 2 sets of plans submitted, one on August 27 and one on November 4. I would recommend a new set of plans be developed after the December 10 meeting for the January 14 meeting. The plans should be submitted within a few weeks to give time for the TRG to review them in advance of the TRG on January 6. Alternatively, the applicant could prepare the next set of plans after that TRG meeting.

2) Timeframe. The application was first on the Planning Board's agenda for September 17. The applicant requested it be tabled from that agenda. The application was brought back to the board on November 5. The applicant showed the updated plans to the board at that meeting. The board accepted the application as complete, set a site walk for December 5 and the public hearing for December 10.

3) TRG. The project was presented to the TRG on September 9. There were not many comments at that time. I have solicited additional comments from the TRG. The applicant should come to the TRG meeting on January 6 for further discussion.

4) Site Plan Regulations. The new draft regulations apply to this project. The notice for the regulations was published on September 20 and then on October 25 when the hearing was postponed. The notice for this project was published on November 29.

5) Purchase and Sale. The applicant has a contract on the property. He does not yet own it.

6) Leasing. The applicant expects to own the site and lease it to the user. The applicant does not yet know who will occupy the building.

7) Engineering review. I will confirm that April Talon, Town Engineer, can do the review, rather than sending to an outside firm.

Site

8) Cumberland Farms site. This is the site formerly occupied by Cumberland Farms. The building has been vacant for many years. The Planning Board will need to review this carefully given the very tight sight. It is only .25 acres with little room for landscaping and maneuvering.

9) Redevelopment. The site will be completely redeveloped, including removing the existing building. The proposal is for a 4-bay car service garage, with an office in the front and 12 parking spaces.

10) Variance. The applicant obtained variances on June 10, 2014 to allow for:

- 12 parking spaces where 16 spaces would be required;
- less than 5% of the parking and driveway areas to be landscaped;
- parking in the rear yard;
- an ADA parking aisle within the front yard; and
- a refuse container within the side and rear yards

11) Zoning. The site is zoned Courthouse. An automobile service station is permitted by right in this district. The maximum impervious surface ratio is 80%, which the applicant said is met. We will need to confirm that the turf block porous pavers count toward pervious surface (per the definition in the ordinance).

Plans

12) Legend. A legend is needed on each page. Include a label for the off-site fire hydrant.

13) Corrections. Change actual front setback shown under Notes.

Access, Circulation, and Parking

14) Access and circulation. There are some significant challenges with access into and through the site.

15) Traffic study. Some type of study is in order. What issues would the board like to see evaluated?

16) Urban compact. This lot is located in the urban compact, so the Town, not NHDOT, approves the driveway onto Route 108. The applicant should check with NHDOT to confirm this is correct.

17) Waiver - driveway spacing. The current (not proposed) Site Plan Regulations call for 1,200 foot spacing between driveways. The board may determine this is not applicable due to the existing driveway (which is being modified slightly) or, if it is applicable, then I recommend the board grant a waiver. The applicant has submitted a waiver request.

9.02 *Streets and Access*
Roads and/or driveways from development abutting the following main roads shall be spaced not less than 1,200 feet apart: Routes 4, 108, 155-A, Durham Point Road, Mill Road, Bennett Road, and Packers Falls Road. Where such spacing would cause undue hardship, the Board may modify this requirement.

18) Driveway Easement. There is an easement of only one lane on the westerly side of the Holiday Inn Express driveway and it does not extend through the Holiday Inn Express lot. Thus, it appears that the applicant could use this only for vehicles entering the site from that driveway. But it would require that vehicles enter through the garage, where customers should not be driving. Since this driveway also serves the Holiday Inn Express site the board could probably not restrict its use in general. The easement is described as a 12-foot wide right of way extending for a distance of 100 feet.

19) Drive-through bays. The applicant said that vehicles would be moved through the bays but the customers would not drive them through.

20) Access. The applicant said at the site walk that the grade at the entrance is a little steep. This will need to be clarified and grading details provided. The new Site Regulations stipulate a stopping platform with a maximum slope of 3%.

21) Truck access. The applicant should provide turning movement templates to confirm that trucks using the site could move through it adequately.

22) Parking. The applicant said that vehicles being worked on would be parked in the regular parking spaces, before and after the work is done. How functional are the 2 spaces at the rear? These vehicles probably cannot exit via the easement on the Holiday Inn lot.

23) Handicap parking. A handicap parking sign will be needed in front of the striped aisle next to the space.

24) Details. The turning radius at the rear should probably be removed since vehicles will not be traveling through the Holiday Inn lot. Likewise the R1-1 sign (a stop sign) at the rear should probably be removed. The small grass island between the garage doors may be desirable to break up the pavement a little but this could impede traffic flow.

25) Loading. How will loading be handled?

Architecture

26) Architecture. Elevations are provided. There are a number of elements that I do not believe meet the Architectural Regulations. I can enumerate these later, if needed (or could do so with the architect and/or a committee, if formed). One challenge is having the front public face of the building mesh well with the utilitarian rear section. For the Courthouse district the regulations state:

a) General character. With the exception of a few sites, the Courthouse District is largely geared toward automobile traffic, and indeed has sometimes been referred to as "Gasoline Alley." It is the only section in the Core Commercial area where highway-

oriented uses are appropriate, and this is reflected in the Zoning Ordinance. Nonetheless, within this rubric, strong design standards are still important.

Buildings shall be placed as close to the street as practical (in accordance with the Zoning Ordinance) and there shall be no parking situated directly in front of buildings. Parking shall be situated behind the building if practical. If not practical it may be placed on the side of the building provided the parking area is no closer to the street than the main wall of the building.

b) Signature buildings. Here are some signature buildings that help to define the character of the Courthouse District. It is noted, however, these buildings are not located in the automobile-oriented section of the district, along Route 108 heading toward Dover.

27) Style/material. I strongly recommend that a brick building with a parapet roof be used. This is the appropriate idiom for this building rather than an ersatz wood residential look. In the 1910s and 1920s one story automobile showrooms and small commercial buildings at village centers with a high parapet and ornate brickwork (sometimes called "tapestry brick" were built). This style, or even a more daring modern design, would fit in better with "Gasoline Alley," have more integrity, echo other brick buildings in the vicinity, and mesh better with the rear service area. The building at Durham Village Garage (at bottom left) – with adjustments in the design, including removing the garage doors from the front facade – would be a good model. Here are some other examples, though smaller windows would be in order.

28) Siding. The front building is shown as being fiber cement (such as Hardiboard©), which is an appropriate alternative for wood siding, if siding is to be used.

29) Color. Andrea Bodo suggested using a darker color, one that is harmonious with the Holiday Inn Express building.

30) Building overhang. The applicant asked if an overhang would be subject to the zoning setbacks. Tom Johnson asked to see a detail to make a determination. (I don't see any provision in the ordinance that allows for an overhang to extend over the setback line.)

31) Ad hoc committee. I recommend that the board establish an ad hoc committee to review the proposed architecture. In emails the applicant has implied a desire to not have a committee. However, the purpose of the committee is to advise the Planning Board about the design. The applicant and his architect would be encouraged, but not required, to meet with the committee. Beth Olshansky, Barbara Dill, Nancy Webb, and Andrea Bodo have expressed a willingness to serve on such a committee if one is established (Beth, Barbara, and Nancy serve on the Madbury Commons committee, along with Walter Rous and Planning Board members David Williams and Andrew Corrow). I can check with Walter Rous to see if he would be interested in serving.

Landscaping

32) Overall plan. A fairly minimal landscaping plan is included in the packets. The plan needs to be significantly enhanced with more locations for landscaping. As discussed at the site walk, a number of the existing trees on the westerly side of the site will remain. The trees at the rear of the site would need to be removed to accommodate the parking in the rear. The plan should identify the trees to remain and those to be removed, and include a plan for the protection of those to be preserved.

33) Landscaping regulations. The applicant should review the Landscaping section in the proposed site regulations to check for conformity with the requirements. Several waivers would be needed and should be identified, such as the requirement for a landscaping strip 25 feet wide along Dover Road.

34) Screening. The parking area must be screened per Section 5.8.2. Medium height shrubs should be used for this, rather than ground covers. Shrubs must be at least 2-1/2 feet in height at installation.

35) Parking and landscaping. Parking is allowed in the 10 foot side and 15 foot rear setbacks provided there is a 5 foot strip of landscaping and solid screening (per 175-111 G. 5.). The proposed landscaping and screening will need to be approved by the board. The Architectural Regulations state: "Parking shall be situated behind the building if practical. If not practical it may be placed on the side of the building *provided the parking area is no closer to the street than the main wall of the building*."

36) Other requirements. A planting peninsula at the end of the row of cars is required. At a minimum, the parking space closest to the road should be replaced. Assuming that some parking spaces must be eliminated to accommodate landscaping, the applicant will likely need another variance to reduce parking below 12. Planting details for the new landscaping are needed.

Site Details

37) Lighting. A lighting plan is shown. The maximum is 2.1 footcandles which is appropriate. The details of the proposed lights are difficult to read so separate cut sheets on each of the lights should be submitted. It should be made clear which light cut sheets correspond to which lights on the table. Note the height of the pole light on the plans. It may not exceed 20 feet to the bottom of the light fixture. The existing light pole base should be removed from the lighting plan.

38) Signage. Attractive, low key signage is in order. Andrea Bodo suggested using a carved wood sign, though there are other materials that are more durable and have a feel of wood (like urethane). The signage should be reviewed by the Planning Board or the parameters should be set as part of the site plan review. Note that freestanding signs are not permitted in the Courthouse District. 175-129 D. of the Zoning Ordinance does not allow a sign to be located "above the roof or parapet line of the building." It appears that the proposed sign does not meet this requirement. The sign will probably not be finalized until there is a tenant, which may not be secured until after Planning Board approval. The Zoning Ordinance permits only exterior-illuminated signs.

39) Bike rack. The zoning ordinance requires a bicycle rack for any site with 10 or more parking spaces. Information on the design, number of bikes to be accommodated, and location is needed. If the board thinks one is not need the applicant would need a variance (We can see if any other variances are needed to justify a return to the ZBA).

40) Curbing. It appears that all curbing is vertical granite curbing (VGC), except for the small bump out next to the bays. This should be confirmed, and note 12 modified as appropriate.

41) Snow storage. The plans call for snow to be stored at the edge of pavement or trucked off site. Snow could probably not be stored in the side buffers given the narrowness of

those buffers and the presence of trees. Is it acceptable to store it at the rear? It would likely runoff onto the adjacent property and ditch behind the lot.

42) Fire. The building will probably need to be sprinkled. The department will need to evaluate the ability of the underground stormwater chambers to support the weight of a truck.

43) Asphalt. The applicant said they would retain much of the existing asphalt on site. It needs to be clarified exactly which areas would be removed and which would remain, and how the existing asphalt would be handled.

44) Sidewalk. There should be a sidewalk from the front entrance to the Town's sidewalk. Also, are there any improvements to the Town' sidewalk that are appropriate to make (as an off-site exaction)? What is the purpose of the sidewalk easement in the front shown on the existing conditions plan?

45) Retaining wall. A wall is shown on the westerly side. How high will this be? A detail drawing is needed.

46) Porous pavers. The applicant should bring a sample of the pavers to the board to look at and a photograph of what they will look like. How will the turf be maintained?

Holiday Inn Express

47) Measures are needed to mitigate potential impacts upon and views from the Holiday Inn Express (of the service bays). Will vehicles be parked/stored in those aisles next to the hotel? The garage doors on the westerly side would need to be closed at all times except when vehicles are moving through. Would this be creating an enforcement problem?

48) Mark Beliveau, an attorney with Pierce Atwood, representing the Holiday Inn Express, contacted me in early November asking about the project. He expressed concerns about the potential impacts upon the hotel, including noise, lighting, hours of operation, circulation, the small amount of landscaping on the site, views toward the bays if the doors are open, the number of cars moving through the site, potential parking of cars on the hotel lot, the view of the site from the hotel. I understand that the hotel spoke against the variances at the ZBA meeting. John Formella, another attorney with Pierce Atwood, attended the site walk on behalf of the Holiday Inn Express.

Utilities

49) Utilities. April Talon suggested moving the water shut offs off the property and into the road right of way. Gas service is not proposed at this time. Will there be any new utility structures visible from Dover Road? If so they should be screened.

50) Drainage. An underground detention system is proposed. Is there any concern with having a catch basin behind the dumpster? What and where is the steepest slope on the lot? A scale is needed on the grading plan.

51) Dumpster. A note should be added to the site plan referencing screening and the screening detail shown elsewhere. The enclosure should probably be on all four sides of the dumpster. Should recycling facilities be included? The color for the fencing will need to be determined later. Section 9.4.2 of the new Site Plan Regulations has some standards for dumpsters – 20 feet from the property line and any stormwater inlet. The applicant should apply for waivers as appropriate.

52) Street light. Mike Lynch stated, "When we installed the new decorative street lighting along Dover Road back in 1999/2000, the Cumberland Farms Canopy did not allow us to install that street light. This needs to be part of the lighting plan for this parcel."

53) Dover Road. The applicant said they can handle all of the utilities on this side of the road and would not need to trench or tunnel across Dover Road.

54) Electric pole. The applicant intends for the electric pole on the easterly side of the site t remain. He estimated a cost of about $50,000 to bury the lines there.

Other issues

55) Management plan. We will need a management plan for the project. What sort of information would the board like to see included?

56) Specific uses. Though the tenant is not yet identified, we will need to establish specifics for the uses and activities, e.g. what kinds of work will be performed? The applicant has described it as "general automobile repair." Will work be performed only on passenger vehicles? Will work be performed on trucks, motorcycles, and other types of vehicles? The garage door on the right is taller, implying that larger vehicles will be accommodated.

57) Hours of operation. Should a limit be established for the benefit of the Holiday Inn Express?

Environmental issues

58) Monitoring Wells. There are two monitoring wells on the lot – one located toward the rear and one in the front left corner. Is this an active or closed file with NHDES?

59) Gas tanks. According to the applicant there are no tanks on site.

60) Chemicals, fluids, and waste. What materials will be used? How will they be stored? How will they be disposed of?

61) Soils/ledge. Have any soil tests been taken?

62) Permits. What state permits are needed for a service facility? A NHDES Sewer Connection permit will be needed.