

**DOVER PLANNING BOARD
MINUTES OF MEETING
OCTOBER 14, 1997**

MEMBERS PRESENT: Reuben Hull, Otis Perry, Dennis Ciotti, Mike Bobinsky,
Charles Maglaras, Karin Crittenden, Brian Preston, Ron Cole

MEMBERS ABSENT: Paul Beecher, Anthony McManus

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

Chairman Cole brought the meeting to order at 7:04 PM.

ITEM #1: Approval of minutes.

Otis Perry made the motion to approve the minutes.
Reuben Hull seconded.

VOTE U/A

**ITEM #2: Consideration and acceptance of an application for a driveway waiver
for Carl D. Coerdts, Assessor's Map 27, Lot 258, zoned R-12, located at
21 Pearl Street.**

Carl Coerdts stated he needs to widen the driveway to provide for another car.

Charles Maglaras made the motion to accept.
Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Dennis Ciotti made the motion to approve with the condition that the final grade of the
driveway prevents water run-off onto abutting property.

Mike Bobinsky seconded.

VOTE U/A

**ITEM #3: Consideration and acceptance of an application for a Conditional Use
Permit for Kenneth & Barbara Godin, Assessor's Map A-2, Lot 36-10,
Zoned R-40, located at 22 Parsons Lane.**

Barbara Godin stated they are building their house on Parson's Lane and part of the house
in on slopes of over 20%. She said they did not become aware of the situation until a

survey was done for the bank. She stated that they have spoken to the Building Inspector and have received approval from the Conservation Commission. She also stated that the slopes will be loamed and seeded as soon as the work is completed.

Steve Stancel explained that the surveyor that did the foundation survey was not aware of the Conservation District and the Building Inspector usually goes by that survey. He added that it was only when Kevin McEneaney did the bank survey that the error was discovered.

Chuck Maglaras made the motion to accept the application.
Mike Bobinsky seconded.

VOTE U/A

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

Reuben Hull asked if there are any provisions for hay bales.

Barbara Goding stated that there is already a retaining wall built and they will be seeding before frost.

Otis Perry made the motion to approve with the condition that no additional construction occur in the Conservation District without first securing review and approval by the Conservation Commission and the Planning Board.

Chuck Maglaras seconded.

VOTE U/A

ITEM #4: Merger of land for Janice Reilly, Assessor's Map L, Lots 16, 20 and 21, zoned R-20, located on Spur Road.

Steve Stancel stated that there is a new RSA 674-39A which requires mergers of 2 lots or more to come before the Planning Board.

Chuck Maglaras made the motion to approve the merger.

Dennis Ciotti seconded.

VOTE U/A

ITEM #5: Consideration and acceptance of an application for a Conditional Use Permit for Doug George Homes (Owner, Eldorado Corporation), Assessor's Map I, Lot 31C, zoned R-12, located on Mast Road.

Bob Stowell, of Trittech Engineering, stated he is representing the applicant. He said this is a Conditional Use for 1,900 sq. ft. of fill. He added that this subdivision was before the

Board in August. He said that the buildable part of the lot is rather small and he is asking to fill in a small portion.

Otis Perry made the motion to accept.

Reuben Hull seconded.

VOTE U/A

The public hearing was opened.

Jonathan Hill, direct abutter on Mast Road, stated that he is against filling the wetlands. He stated that he is recommending that the natural vegetation between 31C and his property, lot 33A, not be disturbed. He stated he is concerned that run-off may occur onto his property.

Bob Stowell stated that there is a 20 foot sewer easement between the properties that is beyond his control. Bob stated that the fill will be around the house and will taper to nothing when it comes to the wetlands. He said the fill will facilitate building and will create a yard.

The public hearing was closed.

Doug George stated that he is willing to leave the vegetation in the 20 foot easement.

Doug George stated that he does not have his wetlands permit because he thought that he had to come before the Planning Board before applying for the NH Wetlands Permit. He stated that there are no trees involved, the soil scientist described them as scrub vegetation.

Steve Stancel gave the Planning staff recommendations.

Mike Bobinsky said a 5th condition should be added as follows: There be no disturbance in the sewer easement area and the natural vegetation line should be maintained.

Otis Perry stated it should be added that the plan should be revised to show minimal disturbance of natural vegetation in the sewer easement.

Steve Stancel stated that Mr. George cannot get a Building Permit until he receives the Wetlands Permit from the State.

Mike Bobinsky stated if Mr. George can't fill to the side, he wants permission to fill to the back and that should be noted on the plan.

Chuck Maglaras asked if this would have to go back to the Conservation Commission if the location is changed?

Doug George stated that their concern is not the location, but the square footage of the disturbance.

Otis Perry made the motion to approve the plan with the following conditions:

1. The revised vegetation line on the lot be buffered with a ten foot planting of shrubbery to absorb anticipated fertilizer and other non-natural run-offs.
2. The deed for this and the others in the subdivision shall include a protective covenant or conservation easement restricting any incursion into the wetland unless reviewed and approved by the Conservation Commission and Planning Board.
3. Provide erosion controls such as silt fencing during the construction period.
4. Submit the NH Wetland Board Dredge and Fill permit to the Planning Department when received.
5. No disturbance in the sewer easement area with minimal disturbance of natural vegetation and revise the plan with 1,900 sq. ft. total impact.

Mike Bobinsky seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of an application for a minor lot line adjustment of land for Apple Crest Realty, LLC, Assessor's Map L, Lot 40-1 & 40-2, zoned R-20, located on Dover Point Road.

Bob Stowell representing Apple Crest, stated he is asking for a total 87 sq. ft. for each of the lots to work around an existing foundation that was put in the wrong spot.

Otis Perry made the motion to accept.

Chuck Maglaras seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Otis Perry made the motion to approve with the condition that the owner's signature be added to the plat.

Dennis Ciotti seconded.

VOTE U/A

ITEM # 7: Consideration and acceptance of an application for a minor subdivision of land for Smithfield Construction Co., Assessor's Map M, Lot 102-9, zoned R-40, located on Middle Road.

Bob Stowell represented Smithfield. He stated that lot #9, which is part of the Hills Farm subdivision, is an oversized lot. Bob said because the soils were marginal and they wanted to get the subdivision to the Planning Board, they left the lot to a later date when they had more time. They have submitted their State subdivision and State septic design applications to the State of NH and they do anticipate receiving them shortly. He said there are two knolls on the property and the one farthest from Middle Road will support the septic and the house. The soils do meet the guidelines for septic approval.

Steve Stancel stated that they went back and looked at the original approval of the subdivision and it showed quite a bit of Hydric B soils on this lot. He said the reason why it did not qualify as wetlands is because it did not have the vegetation on it. He said, for the record, he would like to have Bob verify again that he is going to be able to fit a septic system on this lot with its 50' setbacks and a house. He said he did not want the situation where this will be coming back to this Board for a Conditional Use Permit to fill wetlands.

Bob Stowell stated that his septic design is realistic. He said he feels that he can do all the work that is required without impacting the jurisdiction of the wetlands. He said that he just has to meet the proper setbacks from the Hydric soil.

Otis Perry made the motion to accept.

Dennis Ciotti seconded.

VOTE U/A

The public hearing was opened.

Barry Williams, 193 Middle Road, stated that at the initial subdivision this lot was specified as a wetland. He stated that he walks that property and it requires boots. He said that for 9 months out of the year there is standing water in that area. He said this year is one of the driest years in 20 years. He stated he was under the impression that there would be three lots on Emery Road and the fourth was coming through to Middle Rd. Mr. Williams stated that he is concerned with where they are going to displace the water.

Bob Stowell stated the test pits were done on July 25, 1997, by a licensed soil scientist of the State of NH.

The public hearing was closed.

Otis Perry stated that a 5th condition of approval should be added to read that a Conditional Use permit for this lot will not be considered in the future.

Reuben Hull stated that he would like a condition #6 stating that the subdivision parcel is not in the FEMA 100 year flood plain and doesn't fall within the Wetlands Protection District.

Mike Bobinsky made the motion to approve with the following conditions:

1. Add the owner's signature to the plat.
2. Add the Strafford County Registry of Deeds Plan number to reference one.
3. Add the NH WSPCC subdivision approval number to the plat.
4. Provide septic design test pit data to the Planning Department for review.
5. A Conditional Use Permit for this lot will not be considered in the future.
6. Note on the plan indicating FEMA 100 year flood plain information.

Dennis Ciotti seconded.

VOTE U/A

ITEM #8: Old Business

a. Discussion of Telecommunication Ordinance.

Steve Stancel explained that the staff worked with the Communications Subcommittee and the City Council in drafting this proposed ordinance which is co-sponsored by Mayor Pro Tem Kathleen Taylor and Councilor Howard Williams. The Telecommunications Act of 1996 recognized the importance of telecommunications to the Nation's economy and social well-being. At the same time, this act allows communities to regulate facilities provided they allow reasonable opportunities. He went over the ordinance, highlighting the more important points. He said a co-location cannot exceed 200 feet. He said the Planning Board can allow a Conditional Use Permit to waive height limitations only if the intent of the Ordinance is preserved and there are rigid requirements for that to occur. He said there are now 7 providers approved by the FCC. He said this ordinance restricts any future sitings of additional antennas on Garrison Hill or even the expansion of the existing facilities or co-locations onto the existing facilities. He said they initially started by allowing towers in the Industrial zones of the City and through discussions with Attorney Ciandella of Exeter, it was determined that City-owned parcels would be preferable.

Councilor Howard Williams stated that nobody knows what is going to happen with these towers. He said that we need high speed communications but we also need to be able to regulate them so it doesn't become a distraction to the community.

Mike Bobinsky asked how we would know if a new tower is necessary vs. a co-location? Mike stated that of the properties that were identified as potential tower sites, he would recommend taking the Minichiello site off the list due to a potential environmental tie in to Super Funds. He said the site on Tolend Road is obviously a Super Fund site and suggest some sort of delay on the acceptance of that one. He said he thinks he can work

with the gravel pit on Glen Hill. He said he felt the EPA would probably rather we stay off those sites.

Steve Stancel answered that an engineer would have to determine if a new tower was necessary. He added that it is cheaper to co-locate than to build a new tower.

Reuben Hull stated that the shorter the towers are, the more towers will be needed. Reuben was concerned with whether they would be allowed on roof tops.

Councilor Williams stated that the communications people told them to cover the City of Dover, it would take about 3 tower locations. Howard Williams stated the only building that he knows of that has a tower is City Hall. He said roof tops should not be a problem considering the distance requirement and the zones they will be allowed in.

Otis Perry asked if St. John's Church would qualify as a steeple and could a tower be put into the steeple?

Steve Stancel stated that that is a possibility.

Councilor Williams stated that one issue that hasn't been resolved is if someone wants to put up a 250 ft. tower to serve several communities. He asked the Board to look at this and possibly come up with some suggestions. Howard stated that these towers are not something that will beautify the community but they will serve the people and the businesses that are here and the others that will come.

Steve Stancel stated that the next step is the public hearing on the 28th. He said the notices went out to the abutters within 100 feet of the sites.

Brian Preston asked if there will be any profit sharing with the leasing of City property for towers?

Howard Williams said that we can generate some revenue when they are built on City property.

ITEM # New Business

- a. **Steve Stancel introduced Steve Bird, the new City Planner. He said he was formerly the Assistant Director of the Rockingham Planning Commission, and will be working on master planning and rezoning issues.**

Ron Cole stated that we are extremely lucky to have him in Dover.

- b. **Ron Cole read a letter from DEDC favoring the potential rezoning of the land north of the Weeks Traffic Circle.**

Ron stated that Bob Long wanted to know if he should come to the meeting and speak on this letter. Ron said he has to apologize because he forgot to call him back and invite him to the meeting.

Otis Perry stated he is not sure we are ready to continue the re-zoning and asked Reuben Hull how his committee is coming on this.

Reuben Hull stated he would like to get together with Steve Stancel, Ron Cole and Dennis Ciotti regarding the re-zoning.

Steve said it was his understanding that the Board would wait until Russ Thibeault was ready with the next section of the Master Plan before going on with any rezoning of that area.

ITEM #10: Workshop to discuss Historic Districts Ordinance.

Councilor Howard Williams stated that this ordinance needs some more work by staff. He said this ordinance was generated at the urging of Otis Perry. He said that buildings and sites of historical significance would be regulated by a committee so they would be protected. This would include the entire City of Dover not just a small section. Now a home built in the 1970's is treated the same as one built in the 1800's that has historic significance. He said this proposal will protect historical homes and sites throughout the City.

Otis Perry said he doesn't know why we don't appoint people to the Historic District Commission because it already exists.

Steve Stancel stated that the Historic District boundaries did not pass but the ordinance did.

Councilor Williams feels it is important to protect the history of the community. He said we must first distinguish between what is historically significant.

Brian Preston asked about land use enforcement RSA 31:89 h, j, k, and asked if the Board could receive a copy in the next few weeks.

ITEM #11: Adjournment

Otis Perry made the motion to adjourn.

Dennis Ciotti seconded.

VOTE U/A