

**DOVER PLANNING BOARD
MINUTES OF MEETING
OCTOBER 28, 1997**

MEMBERS PRESENT: Otis Perry, Brian Preston, Charles Maglaras, Ron Cole, Anthony McManus, Reuben Hull, Mike Bobinsky, Paul Beecher, and alternates Karen Crittenden and Margaret Stevenson

MEMBERS ABSENT: Dennis Ciotti

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

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

Chairman Cole introduced Margaret Stevenson, a new Planning Board Alternate, and asked her to be seated on the Board.

ITEM #1: Approval of minutes.

Otis Perry made the motion to approve the minutes.
Anthony McManus seconded.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a minor lot line adjustment and site plan for Richard Kay, Map H, Lot 28-1, zoned R-20, located at 25 Littleworth Road.

Bruce Pohopek represented the applicant. He said this plan shows the proposed expansion of the garage service area. Bruce stated that the plan also shows a lot line adjustment which will bring the lot up to conforming standards. He said the new addition will allow them to do repair work, that was once done outside, into the new garage area.

Otis Perry made the motion to accept the application.
Brian Preston seconded.

VOTE U/A

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

Anthony McManus made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.

2. Add a standard surveyor's statement to the plat.
3. Add screening to the dumpster location on the plan.
4. Provide septic system design approved by the state to the Planning Department.
5. Pin the new property corners in the field.

Otis Perry seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a Driveway Waiver for Ellen K. LaGrassa, Map I, Lot 79B, zoned R-12, located at 9 Riverdale Avenue.

Vincent LaGrassa, stated he is proposing to keep his existing driveway for parking during the winter months.

Reuben Hull made the motion to accept the application.

Otis Perry seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel stated that he had concerns at first, but stated they have over 200 feet of safe stopping distance from each driveway.

Otis Perry made the motion to approve the application.

Brian Preston seconded.

VOTE U/A

ITEM #4: Public hearing on proposed zoning amendment for Telecommunications Facilities, Chapter 170 Zoning.

Steve Stancel went over the zoning ordinance highlighting certain points. He stated that all but two of the lots included in the ordinance are on City-owned land. He said by placing towers on City property it gives the City an added layer of protection in terms of controlling the placement of these towers, what they look like, and how tall they can be. He said in addition to the 18 parcels, we are also allowing them within the City as a co-locations on any pre-existing towers, antennas and alternative tower structures. He said, for example, the antennas that are used for WTSN or WOKQ could have a telecommunication antenna added to one of the existing towers. An alternative tower structure might be a church steeple or some other tall structure within the City. This ordinance establishes procedures for application which includes going through the site review process and public hearing process. He stated that the maximum height allowed for a new tower is 180 feet. Co-location on pre-existing towers can exceed that height up

to 200 feet, and co-location on existing structures can exceed the existing height, plus 40 feet. He went over the setback, security and landscaping requirements. He stated that certification of safety standards and continued need will be on an annual basis. He said this ordinance exempts antennas or towers that are used for city purposes, amateur radios, receive-only antennas and essential services and public utilities. He said there is a restriction to any new towers on Garrison Hill, as well as, siting of additional antenna media on the existing two towers that are on Garrison Hill. He said this ordinance provides a mechanism for the demolition of towers and antennas in the future. There will be an up-front security bond required for the demolition of the tower. Steve said that it is anticipated that in the future these towers will not have to be 180 to 200 feet and many of the towers may be able to be taken down entirely.

Steve added that there were a couple of typos in the ordinance which has led to a few abutters not being notified. He requested the Board recess the public hearing to the next Planning Board meeting which will be held on Thursday, November 13. He said he will notify the abutters who were not notified so they can have an opportunity to speak at the next meeting.

The public hearing was opened.

Chuck Townsend, 170 Garrison Road, asked how the lots were identified, and if the City will receive any revenue from the towers?

Steve Stancel stated that two of the lots are privately owned and currently have communication towers, the other lots are City-owned. Steve said they tried to stay within the turnpike corridor and within the elevation that is needed. He said it is anticipated that the City will be receiving lease and tax payments. Steve stated that the restrictions for Garrison Hill is a Telecommunication Committee decision, and added that it is a National Historic site.

Jim Andrews, of Vertical Realty Properties and Communications Specialists Co., stated he has entered in a lease agreement with the City for the property on Garrison Hill. He said his business is providing tower space to clients such as Cellular One, Sprint and many of the paging companies. He said he sees a smoking gun in this ordinance. He said it is like the City regulating the medical community without a doctor on board. He said the regulations on antennas and telecommunications facilities will affect companies such as oil companies, landscape companies, security companies contractors, taxis, florists, contractors, car dealers, plumbers, service stations, surveyors or any commercial or non-commercial entities that want to put up a base station on a house or telephone pole. He asked if the City wants to micro-manage this type of operation? He also sees this as a red herring or a witch hunt. He said they have a lease agreement with the City to the year 2015 and all of a sudden someone targets Garrison Hill. Mr. Andrews said they have lease agreements being signed for placement of antennas on the structures on Garrison Hill. He said this ordinance might a violation and breach of contract of the lease. Jim said that the last tower on Garrison Hill was approved by the Federal Historic

Commission. He asked the Board to review the ordinance. He said there are a lot of things that can be used, but there is a lot of micro-management. He said it would affect the different businesses because of the need for variances which would affect the cost of putting in a system. He said there are costs required by the FCC and co-location group for placement of a tower. Due to technological changes and constantly changing types of antennas, locations will now have to submit to the Board and have someone look over an application. He said this presents a hardship. He asked that the Board proceed carefully because you cannot undo what is already done. His concern is that if a business wanted to put up a base station antenna, they would have to submit to the Board.

Bill Gadzoulis, 25 Rogers St., asked the Board to reconsider the 1500 ft. separation limitation. He said he thinks it's contrary to what the City is trying to achieve with the clustering concept and it restricts the existing properties.

Barry Hobbins, from Saco, ME, stated that he is an attorney and is representing Cellular One. He said there is a possibility of 7 more licensed carriers. He said he wants to commend the Board for taking a pro-active step. He said companies like Cellular One would rather have a set of guidelines to follow and most of the carriers will cooperate and work within the system that is developed. He said what he asks of the community is to listen to the input. He said they can provide good coaching information that communities need to make decisions. He said he has a secondary interest in Garrison Hill, as his landlord is Mr. Andrews. He said the issue of prohibiting of any switch-over is very problematic to a company like Cellular One who continues to upgrade its equipment. He urged the Board not to make an absolute prohibition and to have some type of review process. He said that yearly certification would be a discriminator to the Telecommunications Act of 1996. He stated that you cannot be more discriminatory than you would be to other businesses. He added that it is a field that we all need to have a better knowledge.

Mike Polakerwich, lives in Maine, and does telecommunication consulting. He went over the ordinance and made several comments. He said the FAA is very strict on flight corridors. He said that he agrees with the schedule and inspections. He said the performance bond for the life of the lease should be there as a condition of approval. He said that carriers are heavily regulated by the FCC and if they should get out of frequency, the FCC would be notified. He said that the City has the type of tower on Garrison Hill where co-location is a good thing. Mr. Polakerwich stated a co-location is a lot cheaper than finding a site and going through the permitting and building process. Mike said the problem with the 180 foot maximum height is that it limits co-location. He said that towers are engineered structures and will not fall over.

Chairman Cole recessed the public hearing until Thursday, November 13, 1997.

ITEM #5: Old Business

a. CJ Court Subdivision plan.

Paul Beecher stated that the City reached an agreement with the developer. He stated that the Board has to approve the changes before Ron Cole can sign the plan.

Mike Bobinsky handed out copies of the agreement. He said that the developer was looking for relief in looping of the water line. He added that this settlement will contribute \$16,000 for the improvements. He said he feels he can install the line to allow it to be looped in the \$15,500 guideline. He said the applicant will pay the City in cash for the materials of the line and the balance will be paid after the sale of 3 lots. Mike said a P & S cannot take place without the restriction occurring. He said the applicant had to agree to give the City easements to be on the property. Mike said the applicant agreed to change the property street name. He said that this is somewhat after the fact but this case was headed for a court date.

Otis Perry stated that it is a bad agreement and will not vote in favor.

Paul Beecher made the motion to amend the plan to fall into order with the agreement. Mike Bobinsky seconded.

VOTE 5-3

Opposed - Chuck Maglaras, Brian Preston, Otis Perry

ITEM #7: Adjournment

Otis Perry made the motion to adjourn.
Anthony McManus seconded.

VOTE U/A