

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
NOVEMBER 25, 1997**

**MEMBERS PRESENT:** Brian Preston, Mike Bobinsky, Anthony McManus, Ron Cole, Karin Crittenden, Margaret Stevenson, Charles Maglaras, Reuben Hull

**MEMBERS ABSENT:** Otis Perry, Paul Beecher, Dennis Ciotti

**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**

Brian Preston made the motion to approve.

Mike Bobinsky seconded.

**VOTE U/A**

**ITEM #2: Old Business**

**a. Discussion and possible vote on proposed Telecommunications Ordinance.**

Steve Stancel went over the changes that were made to the ordinance. Steve stated that he doesn't think the Board will be ready to recommend approval tonight as there are a couple of minor issues that are still outstanding. Steve stated that Map J, Lot 3, located on Garrison Road, has been deleted because it has a conservation easement on it that does not allow towers. Steve said it would be advantageous for the City to have an expedited approval process for co-locations on existing towers and for locations on pre-existing alternative tower structures. He said it would make it much easier for the users to go through the administration to get approval rather than go through a Planning Board process. He said he has revised the ordinance to provide for this. He said all agreements for co-locations shall outline a procedure requiring disputes on terms and conditions be submitted to a recognized commercial arbitration board for their review, and the arbitration board's decision shall become final and binding. Steve said they added, that in no event shall the applicant provide fewer than three additional co-locations from three additional providers. He said this is an attempt to quantify the number of possible co-locations that these towers will be required to provide. Steve emphasized that the ordinance does not apply to amateur radio users.

Steve said that should someone want to tuck a tower in a corner of a lot, that may end up being closer than the height of the tower, but may make more sense in terms of visibility, the Planning Board may consider waiving the setbacks. He said the 1500 ft. distance between towers has been taken out. He said the Planning Board will have to make a decision on whether to cluster the towers or to spread them out. He said given the limited locations that we are providing, it would

be very hard to keep the 1500 ft. setback. He said a concern that came out at the last meeting, under exemptions, was the amateur radio receive only antennas. He said there was significant testimony from citizen band operators regarding the limitation of the height. Steve said he asked Attorney Rob Ciandella to give his opinion on that and he felt that this ordinance only pertains to wireless mobile services. He said we still need to clarify that amateur radios would not be covered under this ordinance.

Steve stated that Rob Ciandella didn't feel that we could limit the co-locations on the existing towers on Garrison Hill because the City has entered into some lease agreements and there could be a conflict or a legal issue. He said we could allow them with a Conditional Use and put some added protection in the ordinance. Steve said there are standards for antennas and equipment shelters. He added he is attempting to insure that vistas, view sheds and view corridors are protected.

Mike Bobinsky asked if the Tolend Road Landfill and gravel pit sites should be deleted or would there be enough control through the ordinance to reject an applicant. He said with the pilot work that is going on at the landfill, it is going to be desirable to stay clear. He added that the task could take as long as three years. Mike stated there are monitoring wells on the site and he feels it will be problematic. He said it is possible the EPA will just say no.

Steve Stancel stated that there are some possibilities for a tower placement on the sites. He said there are some requirements in the ordinance that the project meets environmental and safety standards. He said it is up to the applicant to approach the EPA and go through the approval standards. Steve stated that, in his mind, towers are a compatible use.

Brian Preston asked about the revenue from the towers and co-locators.

Steve Stancel stated that those are issues that have to be addressed through negotiations between the companies and the City. He said this is something that is better left out of the Ordinance.

Chuck Maglaras asked if the antennas on top of Garrison Hill will have to be changed if someone decides that they don't like the looks of them.

Steve said that if they were replacing an existing antenna, they would have to meet the criteria.

Anthony McManus stated that he feels that there should be something in the ordinance that would allow the City to set fees. With regard to arbitration, he said he is not sure that you can require contracting parties to agree to that as binding and preclude them from going to court if there's a dispute that isn't settled by arbitration. He said he is not sure you can force people to do that as part of the agreement. He said regarding number 4, should the administration turn an applicant down, there should be something to allow them to come before the Board to seek approval or a waiver of the denial.

Ron Cole asked Tony if he meant the Planning Board would be a Board of Appeals.

Tony McManus said yes. He said they could go before the Zoning Board but he feels they should come before the Planning Board first.

Reuben Hull asked if there has been any feedback from any of the providers on the sites that have been selected? He said this may be the time to look at other sites because the way the Telecommunications Act is written, there is a condition about unreasonable discrimination. He said if all sites only allow them half of what they need to put their system together, they can claim discriminatory exclusion and override our authority. He felt we need to be thinking about this.

Steve stated that he has not received any positive or negative feedback on the sites. Steve said there are some things we can prepare for, but this should be kept separate from the digital communications. He added that he will clarify that this ordinance does not pertain to amateur radio.

**b. Revisions to the Cocheco Waterfront District**

Steve Stancel stated that this revision takes the parcel that the City owns on River Street, and puts it into the CWD. He said it takes a look at the existing criteria for the CWD and proposes some changes. He said the staff and the Riverfront Committee feel there needs to be some continuity on both sides of the river for what we are trying to achieve downtown. He announced that there is an informational meeting set up for the neighborhood on Dec. 4th at 6:30.

Steve stated he hopes that the changes will make the area more developable. In the CWD the minimum lot size is 10,000 sq. ft. with frontage of 100 ft., but there is no maximum coverage of the lot. He said someone could cover the lot 100% with a building. We are going to establish a setback from the water of 25 ft. but if it is a water related use, it can be waived by the Board. We do create a maximum coverage of the lot starting at 60%, with incentives to increase based on the developer providing public access and open space on his lot. He said, also changed is the maximum height, it starts out at 50 ft. but goes to 75 ft. with incentives, providing the developer gives certain open space or pedestrian access along his property. This is an attempt to create a walking corridor along the river, as well as, visual corridors. He said they have talked to some of the property owners, and for the most part, they're happy with this. He added that there is a little concern about the 25 ft. setback requirement from the water line and there may be some room for some adjustment. There is also a set of design standards that follow very closely with the Design Charette and the goals and objectives of what the Waterfront Committee is attempting to create.

**ITEM #3: New Business**

Steve Stancel said that he does not see the need for two meetings in December.

Anthony McManus stated that we should wait until the next meeting to see if we need a second meeting.

**ITEM #4: Adjournment.**

Anthony McManus made the motion to adjourn.  
Brian Preston seconded.  
**VOTE U/A**