

**DOVER PLANNING BOARD
MINUTES OF MEETING
SEPTEMBER 29, 1998**

MEMBERS PRESENT: Reuben Hull, Margaret Stevenson, Brian Preston, Jerry Reese, Mike Bobinsky, Ronald Cole, Frank Torr, Anthony McManus

MEMBERS ABSENT: Paul Beecher, Karin Crittenden, Charles Maglaras

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

Chairman Cole brought the meeting to order at 7:08 PM.

ITEM #1: Approval of minutes.

Frank Torr made the motion to approve the minutes.
Jerry Reese seconded.

Jerry Reese stated that on page 7, "approval" should be added to the sentence [Reuben Hull called for the motion for the "approval" of the 60 day extension.]

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a Site Review of Land for Telecorp PCS (Owners Greek Cemetery Association), Assessor's Map K, Lot 35A, zoned R-20, located on Spur Road.

Kevin Mason, represented Telecorp PCS, a wireless phone service provider. He stated that they are in the process of extending ATT wireless phone service from Massachusetts into NH and this application is for the stretch between Newington and Dover. He said that Telcorp is joined by Star Cellular, another wireless provider, that needs coverage in the area. Kevin said that Blain Hopkins is here to answer any questions that are specific to the Star Cellular portion of the project. He said the application is for a 150' tower near an existing tower owned by Sprint. Kevin said that Telecorp did work with Sprint on a structural analysis which was included in the application. The analysis showed that Telecorp could not attach their antennas to the tower as it was structurally at capacity. The Sprint tower is a two carrier tower designed for a carrier at 150, which is Sprint, and Omni Point at 130. He said there is some question of a third carrier going in between the two carriers at 140. He said there are also some questions about City antennas being located on the Sprint Tower. He said that Betsy Ware has been dealing with that issue through the TRC. The location is 324' from the existing monopole. This location provides excellent connectivity to the Spaulding Turnpike and this tower will allow them to compete and provide wireless service to residents of Dover.

Blaine Hopkins stated he is speaking on behalf of Star Cellular, and introduced Robert Carr, President and David Metcalf of their Engineering Dept. He said they are in

complete support of the Telcorp proposal as a co-applicant. In 1997 Star Cellular identified this site as being conducive to their network and contacted the Planning Department. He stated that Star Cellular directed their efforts to other areas while the city's telecommunications ordinance was being formulated. He said that Telecorp has entered into a written agreement with Star Cellular allowing them to share space on this tower. He said that mobile communications are moving from the traditional car phone to truly mobile and does require additional locations.

Kevin Mason said that Betsy Ware has offered space to the City on the proposed tower if things do not work out on the Sprint tower. He said they would reserve that space at 103 for Dover and would have the mount put up at the time of the installation. He said they are proposing to have room for 5 carriers if you count the City as a carrier. He stated that they prefer that the tower remain galvanized instead of painted. The tower is 213 feet from the boundary of the Bellamy River. He stated that as far as the possibility of using the PSNH power lines to attach antennas to, their in-house attorney Catherine Wren, has been dealing with PSNH. He said that at this time, they do not consider the PSNH alternates reasonable due to leasing and coverage requirements. He added that the FAA requirements limit them to 150' in height

Jerry Reese stated that he is not convinced that the Sprint tower will not structurally support another PCS carrier as stated in a letter to Mr. Beecher.

Kevin Mason stated that the analysis showed that the structure would fail. He said they have a problem with 140 on the Sprint tower due to interference issues between three PCS carriers. He added that it is not to say that a cellular or a megahertz could not squeeze in there at 140. He stated that he is not saying that the tower could not hold one more carrier but that would be squeezing 3 carriers on a 2 carrier tower.

Jerry Reese asked when the Board will find out if this tower can take more and when the current owner is going to lease out the space that is vacant right now.

Kevin Mason said it is Sprint's decision if they are reserving space for the City or if they will open it up for another carrier. Kevin said that they can't go in at 140 on that tower. He said the horizontal separation is about 200 feet. He said they need the vertical separation between Cellular and PCS because of the different frequencies, 800 megahertz vs. 1900.

Reuben Hull wanted to state that he has a professional working relationship with Mr. Hopkins on another site and he will refrain from any discussion and vote on this item.

Anthony McManus made the motion to accept the application.
Mike Bobinsky seconded.

VOTE U/A

Abstained – Reuben Hull

The public hearing was opened.
There were no comments.

The public hearing was closed.

Steve Stancel stated that the Planning Staff recommends that this application be tabled. He said that eventually there will probably be a second tower on this site, but he thinks it is important that we have exhausted all possible options prior to voting to add a second tower. He said we need to be certain that we don't end up with 4 or 5 towers out there. He said there are three main concerns with the application.

1. Need to verify exactly what is available on the existing Sprint tower because of conflicting reports. The City was supposed to have some space reserved on the tower. If Sprint is in violation of their approval, the City has some leverage for possibly forcing Sprint to work with the new applicants and possibly taking down the existing tower and putting up a new tower.
2. Verification that the existing PSNH stanchions wont work in writing, including possibly using extenders. He said they were told that the PSNH stanchions could possibly work but that PSNH was not willing to allow venders to go on. He said he received a letter saying that they were in the negotiation process and it might take 4 to 6 months, and now we are being told that the stanchions are not high enough. We would like to see that in writing.
3. We would like further verification that the 210 foot figure as the maximum height above mean sea level is correct.

Steve stated that he recommends that the Board authorize the City to hire an independent communications engineer to verify that all the information that has been presented at the expense of the applicant as allowed in the RSAs and our own tower ordinance.

Mike Bobinsky made the motion to table until the questions that have been raised have been addressed under the conditions of the Planning Director and that an independent consultant be hired at the cost of the applicant.

Brian Preston seconded.

VOTE U/A

Abstained – Reuben Hull

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for John Reeves (Owners John Reeves & David Peterson), Assessor's Map A, Lots 47-4, 47-6 & 47-8, zoned R-40, located at 3 & 9 Reyners Brook Drive.

John Reeves explained the application. He stated that in speaking with the state there is no problem because the square footage of the two lots is not impacted significantly. He said there is a difference of about .01 acres between the existing and the proposed.

Brian Preston made the motion to accept.

Jerry Reese seconded.

VOTE U/A

The public hearing was opened.

There were no comments.
The public hearing was closed.

John Reeves stated that the State would not supply a letter indicating that the reduced lot size complies with the State Subdivision requirements for subsurface waste disposal systems.

Steve Stancel stated that he could just submit the name of the person that he spoke to and the Planning Department will call him.

Frank Torr made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Tie the plat into the City's GIS system and add the coordinates to the plat.

Jerry Reese seconded.

VOTE U/A

ITEM #4: Public hearing to consider the rezonign of three parcels and a portion of a fourth parcel at the corner of Cataract Avenue, Central Avenue and Locust Street, to Thoroughfare Business (B-3). There of the parcels are now zoned as Restricted Industrial (I-1) and one is zoned as medium Density Residential (R-12).

Ron Cole stated that the Board will not be taking any action on this item this evening. He said this is part of the process to update the master plan. He said the public hearing comments will be limited to 3 minutes.

The public hearing was opened.

Mr. Gitschier, 7 Cataract Avenue, submitted a revision to a letter to Ron. He stated that the traffic conditions on that corner of Cataract Avenue, Central Avenue and Locust Street are atrocious. He stated that there is runoff in front and in back of his house and he would like to see the people who are making the proposal improve the run off conditions. He said that this has the appearance of spot zoning and zoning creep. He said he wanted off street parking to be considered.

David Landry, 5 Trakey Street, and Councilor of Ward 5, stated he has no serious objections about rezoning from I-1 to B3 the 2 parcels that are on Locust Street, but he has concerns with rezoning any of the parcels from residential on Cataract Avenue. He said that Cataract is a residential neighborhood the rezoning would increase traffic. He said there are a lot of children who walk to school and it would be a serious safety issue.

Betty Lapointe, lives on Cataract Ave, said the area was rezoned to allow Rutland Manor, Dover Bingo and the Odd Fellows Hall. She said "No More".

Chad Kageleiry, Dover Neck Rd., owns Map 15, Lot 53, which is split between a residential zone and an industrial zone. He stated that this rezoning is appropriate. He said the City is looking for opportunity to strengthen the tax base and this area would serve the purpose.

David Dupont, owner of the Exxon Station, stated that he has been there for many years and whether people like gas stations or not, they have to be located in areas that are favorable to traffic going by. He is for the rezoning.

Marsha Lyford, owner of Map 15, lot 17, wants to be included in the rezoning because she believes in future growth for the City and herself.

Ron Cole read a letter from Mr. Hazen who owns Map 15, lot 18, saying that he is in favor of rezoning his property.

The public hearing is closed.

ITEM #5: Consideration and acceptance of an application for a Conditional Use Permit for Spencer & Linda Struble, Assessor's Map L, Lot 113-C, zoned R-20, located at 316 C Dover Point Road.

Atty. Malcolm McNeill represented the applicants, and gave a brief history of the property. This property was condominiumized in 1981, and in 1984 a boat dock was built in the center unit. Malcolm stated that in 1987, the City passed an ordinance that allowed only 1 boat dock per lot. He said there are no provisions for the sharing of this dock for common space. He stated that they went to the ZBA and were granted a variance on Sept. 7, 1998, for a dock and a retaining wall to be installed. He said they got Wetlands approval on Sept. 16, 1998 and he believes the provisions will be satisfactory from the Army Corps of Engineers.

Anthony McManus made the motion to accept the application.

Jerry Reese seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Jerry Reese made the motion to approve with the condition that they adhere to all general and specific conditions included in state and federal permits, and the variance granted by the ZBA.

Frank Torr seconded.

VOTE U/A

ITEM #6: Consideration and acceptance of an application for a Lot Line Adjustment of land for Northeast Credit Union, (Owners: New Homes,

Inc. and Mrs. Walter Ham) Assessor's Map D, Lots 17 & 18, zoned B-4, located on Sixth Street and Sixth Street Connector.

ITEM #7: Consideration and acceptance of an application for a Site Plan of Land on Map D, Lot 18 and a Conditional Use Permit on Map D, Lots 17 & 18 for Northeast Credit Union, zoned B-4, located on the Sixth Street Connector.

Ron Cole stated that he is going to combine Items number 6 and 7.

Atty. Malcolm McNeill represented the applicants. He said that it will be a 56 acre piece with a 58,000 sq. ft. building, and later an operations center of approximately 23,000 sq. ft. He introduced Rick Parks, Vice President of Finance; Devon Parker, Facilities Supervisor; Hal Henry and Ethan Jennings are doing the architectural work; Kevin McEneaney did the survey work; RSL Site Engineers did the site plan work; Mike Parsant, of NH Soils, did the soils work; and the contractor for the project is Ed Jewett. He stated that VHB has been retained for the traffic study. He said the Ham property is under option and contains provisions to share the infrastructure. The terms of those sharing arrangements are between the developer and Mr. Ham. He said the Planning Department has indicated the desire to know that future development in this area will be able to be facilitated with the sharing of infrastructure improvements. Atty. McNeill stated that the operations center will eventually employ 123 people and will be built later. Malcolm stated that the Connector Road is presently under the jurisdiction of the State of NH, and they are dealing with them in regard to traffic studies and access issues. He said that the road will be taken over by the City of Dover in the near future. He said they are proceeding with DOT and attained from them a temporary access permit until the City takes over. The water and gas will be extended from 6th Street along the Connector Road, and the sewer which will be an oversized 12" for future growth, will come from 6th Street over the Ham property by easement. The traffic study reveals that a left turn lane into the site as you come from Liberty Mutual will be necessary. Malcolm stated that the project will commence as soon as the project is approved.

Kevin McEneaney explained the Transfer of Development Rights and how the land has been divided.

Mike Parsant, NH Soils Consultant, stated that they need a Conditional Use Permit to cross the wetlands with the sewer line. He said they are temporary impacts, and they will be recreated and re-seeded. He said the Conservation Commission had no problem with the sewer impact.

Marty Kennedy, VHB Engineering, stated that he did the traffic counts and the design is being reviewed by the State and the City. He said that the counts include the build-out of the vicinity of the site. He said that a right turn lane is not warranted.

Malcolm McNeill stated that the credit union will be open 6 days per week. He said there will be some tree cutting for visibility of the building in terms of security. He said they

are looking at all issues of future built-out of the area and they are not looking for approval tonight.

Jerry Reese made the motion to accept the application.

Brian Preston seconded.

VOTE U/A

Theresa Fusilier, 13 Alder Lane, stated she was concerned with how far the building will be set off the road, the lighting, and the location of the Fire Station in relation to the traffic on the Connector Rd.

Rick Ladd stated that the building is 125 feet from the road and the lighting is directed on the site. There will be no lighting going off the site.

Jim Ellis stated that he is concerned that there be an adequate sidewalk.

Rick Ladd stated it is a drive-up facility and there are sidewalks around the building but no plans for a sidewalk on the Connector.

Phillis Johnson, Wilbrod Avenue, stated that she had the impression that the Connector Road was a protected wetlands areas. She stated that she is dismayed that Dover will allow exits and entrances from the road. She doesn't feel it is a safe concept. She feels that the Fire Station is a poor idea also.

The public hearing is closed.

Jerry Reese made the motion to tabled to a site walk.

Margaret Stevenson seconded.

VOTE U/A

Chairman Cole scheduled the site walk for 5:30PM, on Tuesday, October 6, 1998, prior to the workshop. The meeting place will be at the dirt fire road at the site.

Mike Bobinsky stated that the Department of Community Services received a grant from the State DES for the purpose of studying the impacts of development on the Smith and Cummings Well.

ITEM #8: Old Business

a. Discussion and possible vote on a major subdivision for MJS Engineering, located on Varney Road. (19 lots)

Steve Stancel stated that he is still working with the engineer. The developer did received a variance at the last ZBA meeting.

Jerry Reese asked about the lot clearing at the subdivision site on Glenwood Avenue.

Steve Stancel stated that the trees that were supposed to be planted were planted and they have been taking the brush off.

b. Possible discussion on proposed zoning changes.

Ron Cole recommended a workshop at 7:00 PM, on October 6, 1998.

ITEM #9: New Business.

a. Lot merger of land for Richard and Robin Ellis, Assessor's Map A, Lots 39-5 and 39-6, located at 17 Fieldstone Drive.

Steven Stancel stated that the RSAs require that they come before Planning for approval. He said that no public hearing is required.

Jerry Reese made the motion to approve the merger.

Frank Torr seconded.

VOTE U/A

b. Steve Stancel stated that the department received a letter dated September 21 from Atty. Bernard Pelech, regarding the proposed development on Watson Road. Steve said Atty. Pelech is saying that he feels there was a concerted effort on behalf of the Planning Department to delay the subdivision application and he would like his project to be accepted under the old zoning, similar to Captain's Landing and Country Homes. Steve stated that in his opinion, there is no parallel to these projects. He said both Captains Landing and Country Homes Estates submitted an application and both went to TRC prior to the posting of the zoning changes and were much further along. Steve stated that he never received an application from the Watson Road project. Steve Stancel stated that the project on Varney Road meets all the zoning requirements. He said he asked the applicants of the project on Dover Neck Road to get easements from the abutters and that took them 2 months to do. He said he feels that was a valid delay.

Frank Torr asked if Steve could review the acquisition of the Greek Cemetery property. He said it was acquired by the Greek community for a dollar to be used as a cemetery.

Reuben Hull thought that the Board may want to think about some sort of lighting ordinance or regulations.

Steve Stancel stated that the regulations state that the lighting has to be on site only.

Ron Cole stated he received a letter from Jeff Taylor, of the Office of State Planning regarding the fall conference. He asked if anyone was interested.

Ron Cole congratulated Bruce Woodruff on being awarded SRPC's Great American Station Scholarship. He will be taking the train to Washington DC.

Brian Preston asked if Steve could see if there is any merit to the deeded conditions of that land north of Week's Crossing.

Jerry Reese made the motion to adjourn.

Reuben Hull seconded.

VOTE U/A