

**DOVER PLANNING BOARD
MINUTES OF MEETING
DECEMBER 22, 1998**

MEMBERS PRESENT: Chuck Maglaras, Mike Bobinsky, Jerry Reese, Anthony McManus, Margaret Stevenson, Ronald Cole

MEMBERS ABSENT: Paul Beecher, Brian Preston, Reuben Hull, Frank Torr, Karin Crittenden

STAFF PRESENT: Steven Stancel, Planning Director; Bruce Woodruff, City Planner and Jacqueline Freeman, Recording Secretary

Chairman Cole brought the meeting to order at 7:05 PM.

ITEM #1: Approval of minutes.

Jerry Reese made the motion to approve the minutes.
Chuck Maglaras seconded.

Jerry Reese stated that on page 1, Mr. Barafano should be changed to Mr. Garafano.
Chuck Maglaras stated that on page 4, he wants it noted in the record that he asked if the Police Vehicles were to be on line vehicles and that Mike Joyal answered that they were.

VOTE U/A

ITEM #2: Consideration and acceptance of an application for a minor lot line adjustment of land for Raymond & Norma Curti, and the City of Dover, Assessor's Map L, Lot 2A2, zoned R-20, located on Spur Road and Nute Road.

Raymond Curti stated that this is a simple land swap between himself and the City.

Jerry Reese 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.

Jerry Reese made the motion to approve with the following conditions:

1. Add both the owners' signatures to the plat.
2. Add surveyor's signature to the surveyor's seal.

Mike Bobinsky seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of an application for a minor lot line adjustment of land for Brian Carroll and Tasker Family Living Trust, Assessor's Map 24, Lots 41 & 45, zoned RM-8, located on Winter Street.

Kevin McEneaney explained the lot line adjustment. He stated that this lot line will decrease the nonconformity of the Carroll lot.

Jerry Reese made the motion to accept.
Mike Bobinsky seconded.

VOTE U/A

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

Margaret Stevenson made the motion to approve with the following conditions:

1. Add both of the owners' signatures to the plat.
2. Add building setback lines for both lots to the plat.

Mike Bobinsky seconded.

VOTE U/A

ITEM #4: OLD BUSINESS

a. Discussion and possible vote on a major subdivision of land for John Iafolla, Garrison Woods, located on Littleworth Road. (22 lots)

Jerry Reese made the motion to remove this items from the table.
Margaret Stevenson seconded.

VOTE U/A

Chairman Cole reminded everyone that the public hearing had been suspended and at some point he will reopen the public hearing.

Bob Stowell, of Trittech Engineering, represented the applicant. He stated that one of the issues was the easterly entrance to the subdivision. He said their original submission included a design that met the required offset distance from Westwood Circle by the Zoning Ordinance and Subdivision Regulations. He felt they were being held to higher standard. Bob said they had Kimbal Chase do an analysis of the intersection and it had been provided to the staff. Bob said their attorney submitted a legal opinion regarding the public access to the pond. He said that since that time, Planning staff received an independent opinion which coincides with our opinion. He said that they have addressed the concerns of the Board and they are hoping for approval.

Bob Stowell pointed out that the City would not be responsible for the maintenance of the detention pond. He said they will push it 10 feet or so out of the R-O-W.

Steve Stancel stated that included in the packets is an affidavit from Mike Iafolla regarding the public access to the pond and a legal opinion from his attorney stating that access by prescription was not something that could be applied in this case. It said that the public access could only be acquired for the lots in the subdivision but not for the general public. Steve said they sent that legal opinion to Attorney Peter Loughlin, and he concurs with Attorney John Ryan's opinion. Steve stated that the Conservation Commission approved the project and indicated that although the idea of public use is desirable, the public access as a condition would not be appropriate. Steve said they are proposing that the developer provide \$5,000 to the City of Dover to be used for public access to Barbadoes Pond. He said that the developer will continue to work closely with Mike Iafolla and NH Fish and Game in attempting to gain the 1.5 acre parcel across from the pond. The City will use the \$5,000 along with the NH Fish & Game money to improve that parcel. He said if that can't be achieved, the \$5,000 will be used to provide parking adjacent to the City's piece for access to the pond.

Bruce Woodruff stated that he agreed with the applicant's engineering analysis of the entrance to the site. He said that the most important point is that both streets are minor streets and not collector streets.

Steve Stancel asked Chad Kageleiry if he would be comfortable with a year or a year and a half time frame to resolve the issue of the public access.

Chad Kageleiry stated that it is a realistic time frame but with all the complications involved it is not one they can commit to.

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

Mike Bobinsky wanted it noted that that the Community Services Department is requesting a copy of the detention pond maintenance agreement for their records.

Chuck Maglaras asked if there would be any standing water in the detention pond. Bob Stowell explained that there should not be any standing water in the pond.

Chuck Maglaras made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. Provide Planning Department with copies of subdivision permit, site specific permit and NH DOT driveway permit and add permit numbers to the plat.
3. Obtain approval of the plat from the Madbury Planning Board.

4. Conservation Commission recommends that reference to the Conservation District and the Secondary Groundwater Protection Zone be included in the deeds of the six lots abutting the pond.
5. Add surveyor and engineers stamps to the plat.
6. Amend plat to show the underground electric, cable and telephone lines.
7. Amend plat to show a ten foot wide drainage easement on lot 43-17 along Littleworth Road for approximately 100 feet.
8. Amend plat to show a cross section detail of the detention pond.
9. Amend plat to move the detention pond out of the future city right-of-way at station 0+50.
10. Amend plat to add a note regarding the ownership and maintenance of the detention pond and submit a detention pond maintenance agreement to be recorded with the plat.
11. Contribute \$5,000 to the City to be used for the development of public access to Barbados Pond.

Margaret Stevenson seconded.

VOTE 4 – 1

Opposed – Tony McManus

b. Discussion and possible vote on site plan for Telecorp PCS, located on Spur Road.

Jerry Reese made the motion to remove this from the table.

Margaret Stevenson seconded.

VOTE U/A

Steve Stancel stated that this came before the board a couple of months ago and more information was needed. He said that the Planning staff hired an independent consultant named Mark Hutchins, who is a radio frequency broadcast engineer. He said that the applicant's report and Mark Hutchins' report were included in the board packets, and that Mark Hutchins concurred with all of the findings of the applicant's engineer.

Atty. Susan Dupuis, the attorney for Telecorp, stated that this will be a 5 carrier tower. She said they are willing to commit to the City in any form that would make the City feel comfortable, whether it be a note or a separate writing. She said that beyond the two carriers that are here tonight the tower will be structurally constructed so that three additional carriers can go on it. She said they are restricted to some degree about the height of the tower due to the fact that they are near Pease Tradeport. She said she was informed that they could go from 150 to 159 feet and they are prepared to do that if the Planning Board so desires. She said they would like to get from the Planning Board the exact location the City would want reserved.

Jerry Reese wanted it spelled out that 5 carriers means 4 carriers plus the City.

Steve Stancel stated that the City has officially applied to be on the Sprint tower. He said that the analysis to make sure that the City can build on the Sprint tower has not been

completed at this point, but it looks good because the City's needs are not that extensive. He added that the City is still reserving a spot on this tower. Steve stated that in talking to the FAA, given the height topography in that area, they could put a tower up to 159 feet. He said he would recommend allowing them to go up the extra 9 feet because it has the potential of possibly allowing another user in the future.

Atty. Dupuis stated that they are prepared to do whatever the City wants with respect to the height.

Chuck Maglaras stated that he supports going to the 159 feet.

Kevin Mason handed out a sheet showing the design for a 159' monopole with the heights of the 5 carriers. He explained that paging companies use whip antennae's and may be interested in the spot that the City doesn't use if they should end up going on the Sprint tower.

Susan Dupuis stated that when these carriers come into an area they survey what is out there and try to make accommodations on other structures. She said that no carrier wants to come in for a new structure.

Chuck Maglaras stated that Bruce Woodruff indicated that the City needs between 80 and 90 feet in height for their whip antenna but Telecorp is proposing 112 feet for the City. He asked if we should not specify the height and just state that we be allowed on the tower.

Steve Stancel stated that he is going to recommend that we not put a height on this and work with the applicant for some flexibility.

Steve Stancel gave the staff recommendations at the 159 foot height.

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

1. Add the owners' signatures to the plat.
2. Indicate on the plans that space has been reserved on the tower for a future city antennae.
3. Agree to incorporate the August 10, 1998, Request for Site Plan Review letter to the Board, the September 11, 1998 letter to Steve Stancel, and the September 16, 1998 letter to City Manager Paul G. Beecher as formal conditions of approval of this application
4. Add a note to the plat stating that the applicant agrees to submit all disputes on terms and conditions of co-location to a recognized commercial arbitration board for binding and final decisions on said plats.
5. Applicant provide insurance verification and bonding security in an amount to be established for the future removal and disposal of the abandoned tower.

Mike Bobinsky seconded.

VOTE U/A

Ron Cole stated for the record that although the City ordered the study for this item, the applicant paid for it.

c. Possible discussion regarding Capital Improvements Program.

Ron Cole stated that a representative of the School Department and Mike Joyal were not available this evening but there is time to do this at another meeting.

ITEM #5: New Business

a. Request for a sprinkler waiver.

Kim Varney Sidmore, stated that they are requesting a waiver from having to install a sprinkler system in the home they wish to build on land they purchased from Mr. Leavitt on Old Garrison Road.

Steve Stancel explained that 10 years ago, when the Leavitt subdivision was originally approved, there was a condition of approval that sprinklers be put in all the houses. Steve stated that there were additional lots subdivided adjacent to that lot and that condition was not added. He said there have been several other lots throughout the City that have been approved in the last 10 years outside of City water, that we did not require that there be sprinklers.

Chuck Maglaras made the motion to waive the condition to install a sprinkler system. Jerry Reese seconded.

VOTE U/A

b. Proposed revision of the Sign Ordinance.

Steve Stancel stated that this revision was handed down from the City Council for the Planning Board's review and recommendation. He said this changes the definition of sign and adds a stationary vehicle definition and is aimed at some problems that we are having in the community where people with trucks or vans have advertising on the sides and are parking them in City locations for advertisement purposes. He said that our regulations require that the Planning Board come back to the Council within 30 days of receipt of this. He said that technically, this is going to require a City-wide mailing at a significant cost. He said that Councilor Perry has suggested that the Board request additional time from the Council so we can attempt to work out some details on this proposal.

Chuck Maglaras asked if this is such a serious problem that it can't be set aside and done when we redo the sign ordinance.

Steve Stancel suggested that this be set aside until we have additional changes and do them all at once.

Jerry Reese stated that the city wide parking ban took effect on December 1, and this may solve the problem until April 1. Jerry Reese stated that the fines are more this year for parking overnight on the street than they used to be.

Anthony McManus made the motion to request to the City Council to get additional time to refer this to a public hearing.

Margaret Stevenson seconded.

VOTE U/A

Anthony McManus stated in regard to the CIP that it is his understanding that the Council voted to post pone the City barn for a year.

Steve Stancel stated that the vote was not to take it off for a year but to set it aside. He said that Paul Beecher is taking a closer look at the gravel issue, and whether some of those monies can be used towards the expense of moving the garages and still get some playing fields. He said that Paul intends to bring it back in February or March.

Tony said this would impact on going ahead with the entire riverfront development. He said he doesn't know whether it would be appropriate to urge the Council to make plans to move that facility within the next Fiscal year. He said that Board recommended a year ago that it be put in the first year of the CIP and it was taken out at that time and was set back. He said he doesn't want it to happen again.

Mike Bobinsky stated that last year we only approved the funding for the engineering and architectural work, not the construction. He said that the RFP's are out and the proposals are due after the first of the year. Mike said the Dept. of Community Services will probably come before the Council for authorization to proceed on an award for a firm, either in January or February.

Tony McManus stated that he wants to be on record saying that this should not be delayed.

Tony McManus stated that there was a positive response regarding the Main Street USA Program from the people who were present. He said they began setting up a steering committee and Pete Hamlet is going to be the chairman.

Peg Stevenson stated that the letter of intent is due the 20th of February, the actual application is due the 31st of March.

Jerry Reese made the motion to adjourn.

Tony McManus seconded.

VOTE U/A

8:20 PM