

**DOVER PLANNING BOARD
MINUTES OF MEETING
SEPTEMBER 24, 1996**

MEMBERS PRESENT: Martin Smith, Otis Perry, Lionel Martel, Ron Cole, Brian Preston,
Mike Bobinsky, Dennis Ciotti, Jerry Reese

MEMBERS ABSENT: Charles Maglaras, Paul Beecher, Reuben Hull, Bob Belmore

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

The meeting was brought to order at 7:00:

ITEM #1: Approval of minutes

Mike Bobinsky made the motion to approve the minutes.
Brian Preston seconded.

VOTE U/A

**ITEM #2: Consideration and acceptance of an application for a driveway waiver for Anne
Marie Fournier, Assessor's Map 3, Lot 3, zoned B-2, located at 12 Portland
Street**

Dean Fournier represented Anne Marie Fournier. He stated he is requesting a waiver from the required width of 22 feet to a width of 25 feet and a waiver from the five foot setback requirement to have the driveway up to the property line. He said due to the limited road frontage and lack of parking for this parcel, it is imperative that he be allowed to park in the same manner as all the abutters on his side of the street.

Otis Perry made the motion to accept.
Mike Bobinsky seconded.

VOTE U/A

The public hearing was opened.

Garry Barnes, Berkland Mgt., 1416 Portland Street, was concerned with the drainage and runoff onto his property. He asked if there are any catch basins being proposed. He said it could create a hazardous condition under freezing conditions. He stated there should be a catch basin.

Fournier said the driveway is sloped as all the other driveways and the water runs into the street. He stated there will not be any runoff onto 1416 Portland Street.

The public hearing was closed.

Steve Stancel stated that the City Engineer was satisfied with the drainage.

Mike Bobinsky stated that the Engineering Division will look at this site as a part of the normal driveway permit process.

Dean Fournier stated that Pete Lavoie, of the Community Services Dept., looked at the site with him. Dean said the hydrant will be moved about 8' at his own expense.

Mike Bobinsky made the motion to approve the waiver from the five foot setback and of the 22 foot width to 25 feet.

Jerry Reese seconded.

VOTE U/A

ITEM #3: Consideration and acceptance of a site review of land and lot line adjustment for Charles Kageleiry, (Owner Boston & Maine Corp.), Assessor's Map 31, Lot 4 & 4A, zoned RM-8, located on Fourth/Fifth Street. (26 units)

Martin Smith and Otis Perry stepped down.
Councilor Rawding took Councilor Perry's seat.

Bob Stowell, Tritech Engineering, stated that they have downsized from 32 to 26 units. He stated a site walk was taken and they have consulted again with the Planning Department. He stated that in this proposal, the passage of Fifth Street is left and there is a completely separate parking lot and passage way as part of the project. He said he feels they have addressed all the major concerns but there are a few TRC issues that are outstanding. He said he is asking for acceptance of the project and would like to hear comments from the abutters.

Scott Rawding asked if we have any detailed plans. He said he wants to make a motion to table until the public has a chance to view the detailed plans. He said it is a violation of the rules since the agenda states that the plans and application are available for inspection in the Planning Office.

Scott Rawding made the motion to table until the public has a chance to view the detailed plans. This motion was not seconded.

Steve Stancel stated that the plans that are under consideration tonight have been in the office to review for the mandatory 10 days prior to the meeting.

Jerry Reese asked if Chad Kageleiry is going to deed the street to the City.

Bob Stowell stated that he is, if the City wishes.

Mike Bobinsky made the motion to accept the application.

Dennis Ciotti seconded.

VOTE 5 - 1

Opposed - Scott Rawding

7. Need additional deed reference information
8. Need additional topography
9. Need to identify soil types
10. Numbering of notes on sheet SP-1 are wrong
11. Identify type and construction of playground equipment
12. Identify passive recreational areas on plan
13. Add a note to the plan regarding areas of curbing
14. Locate trash receptacles on the plan
15. Paving setback from Fourth Street may be a problem and will be looked at closely
16. Add a note to the plan indicating number of units and bedrooms
17. Drainage from site should be treated prior to discharge
18. Eliminate landscape note 4 on SP-8
19. Provide a copy of Environmental Site Assessment
20. Need additional screening, particularly around parking areas; between Building 1 and Downeast Energy; and between Building 2 and Purdy Storage
21. Need environmental site assessment
22. Add upgraded traffic analysis

Scott Rawding asked if the traffic study has been brought to the Railroad Reconfiguring Committee. He added that he wants to make sure this traffic is figured in.

Jerry Reese made the motion to table.

Brian Preston seconded.

VOTE U/A

Chairman Cole called a 6 minute recess at 8:00 PM.

Otis Perry and Martin Smith took their seats.

ITEM #4: Consideration and acceptance of a site review of land for Sprint Spectrum, (Owners, George & Nancy Parsons) Assessor's Map A, Lot 36, zoned R-40, located off Parsons Lane. (Communication tower)

Steve Stancel gave a brief overview of the project. He read from the Telecommunication Act of 1995, which indicates that zoning may not discriminate. He added that it doesn't mean that municipalities cannot provide for the safety of the community. He said that Sprint has been very forthcoming and cooperative.

Ron Cole stated that there are three Sprint applications and they will be treated individually.

Blaine Hopkins, of Sprint Spectrum, gave a brief overview of the PCS network. He stated that the cellular service is at capacity. He said this project is in the initial phase. He said the three sites in Dover will serve the community. He said the Parson site is 700 feet from the cul-de-sac. He stated they are proposing a 190' lattice-type tower, tripod in nature, in a heavily wooded area. Mr. Hopkins stated that the need for someone to be there is one or two times per month. He said

the equipment at the base of the tower comprises of cabinets. He said the utilities are underground same as in the subdivision. He stated that the tower is not in a flight path or within 200 feet of an airport. He said there is no need to light the tower as it is less than 200 feet tall. Blaine Hopkins stated that co-locations would be available to other carriers. He said the towers are low power systems and need more locations. He said they will be building as soon as they receive a building permit and he expects it will take 6 weeks for construction.

Blaine Hopkins stated that co-locations on the tower would be available to other carriers to prevent the landscape from being dotted with towers.

Mike Bobinsky asked if the City would receive any revenue from this.

Steve Stancel stated that there are cases where municipalities are taking in revenue.

Otis asked Blaine if any effort had been made to co-locate at the existing tower on Long Hill?

Blaine Hopkins answered that there has, but towers that are five years old or older will not take any additional load.

Otis Perry made the motion to accept.

Jerry Reese seconded.

VOTE U/A

The public hearing was opened.

Harlan Cheney, owner of lots 3, 4, 5, and 6 of Parson's Lane stated he is concerned with the following: 1) security of the tote road leading to the tower and wants a gate at the entrance 2) when space is sold on the tower, there will be more traffic on the road. 3) the wetlands - there is a brook in that area. Mr. Cheney stated that he is not sure if the tower will adversely affects the property value.

Ken Godin, owner of lot 7, stated that he bought there because it is on a hill with a sweeping view. He said this will destroy the aesthetics and the property value. He was also concerned with the traffic. He asked about the health risks and if there would be any interference with personal electronics.

The public hearing was closed.

Steve Stancel went over the following outstanding issues:

1. Add the owner's signature to the plat.
2. Provide copies of easements to the Planning Department.
3. Address the drainage at the driveway entrance on the site plan.
4. Add another culvert pipe to the cross-section, note 3-C4.

5. Construct Parsons Lane to City standards or submit the required bond for the construction of the street.
6. Add required site plan notes 8, 11, 14, and 21 from the Site Plan Note List to the site plan.
7. A telcon with the Airport Manager of Skyhaven indicates that the tower may have to be lighted. The applicant should provide a written decision from the appropriate authority regarding whether the tower should be lighted or not.
8. Ensure that there shall be City access use of the tower.
9. The plan must address and ensure access by other vendors, i.e. co-location (per industry standards as set forth in the Federal Register).
10. Move the location of the tower away from the property line.
11. The coordinates need to be tied into North American Datum 1927 in digital form.

Blaine Hopkins stated there are no health and interference hazards. He said they are operating with less than 200 watts maximum and he can guarantee there will be no interference with personal electronics. He said the Conservation Commission is satisfied it is not in the wetlands.

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

VOTE U/A

ITEM #5: Consideration and acceptance of a site review of land for Sprint Spectrum, (Owner, City of Dover via Jim Andrews & Vertical Realty Properties), Assessor's Map 28, Lot 32-A, zoned R-12, located off Abbey Sawyer Memorial Drive. (Garrison Hill)

Blaine Hopkins of Sprint Spectrum, stated Garrison Hill is the highest point in the center of town. He said it is an ideal location for a monopole tower, which is a slightly higher tower. This tower will contribute to necessary emergency service for the City of Dover. He said the equipment at the base is very minor and will be protected with a chain link fence topped with barbed wire.

Mike Fenton, Dover Police Department, stated that the tower on Garrison Hill will be used for emergency dispatching for the City.

Brian Preston asked Mr. Hopkins if they had look into using the existing tower on Garrison Hill.

Blaine Hopkins stated that he did look into it and the existing tower will not handle the load.

Jim Andrews, of Vertical Properties, stated that this would change the pattern and the tower is already programmed. He said it would also be a hardship to other lessees on the tower.

Jerry Reese 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 gave the outstanding issues:

1. Show the covered reservoir at the top of Garrison Hill on the site plan.
2. Ensure the possibility of City access to the tower.
3. Ensure the right of access by other vendors per industry standards as set forth in the federal register.
4. Provide copies of easements and agreements to the City.
5. Needs screening of fenced in area shown on the plan.
6. The coordinates need to be tied into North American Datum 1927 and in digital form.
7. Show which trees will need to be taken down on the plan.
8. Show the amount of required fill on the slope, provide final grades, and indicate measures to be taken for erosion control.
9. Show electrical connection details on the plan.
10. Provide access easements and drive gravel specifications.

Jerry Reese made the motion to table.

Brian Preston seconded.

VOTE U/A

ITEM #6: Application for a site review of land for Sprint Spectrum, (Owner, Greek Orthodox Church), Assessor's Map K, Lot 35-A, zoned R-20, located off Spur Road. (Communication tower)

Blaine Hopkins, Sprint Spectrum, explained the exact location of the tower. He said it will be a monopole tower and will be hidden in the trees.

Jerry Reese made the motion to accept the application.

Marty Smith seconded.

VOTE U/A

The public hearing was opened.

There were no comments.

The public hearing was closed.

Steve Stancel sited the following conditions that are still outstanding:

1. Correct the setback from electrical distribution lines.
2. Ensure the possibility of City access to the tower
3. Ensure the right of access by other vendors per industry standards as set forth in the federal law.
4. Provide copies of easements and agreements to the City.

5. Show edge of pavement of the Spaulding Turnpike on the plan.
6. The coordinates need to be tied into North American Datum 1927 and in digital form.

Jerry Reese made the motion to table.

Mike Bobinsky seconded.

VOTE U/A

Ron Cole set the site walks fro the Sprint locations for Tuesday, October 1, at 6:00 PM, at the Parson site and proceeding to the Garrison and Spur Road sites.

**ITEM #7: Application for a revision to a Site Plan for Winstanley Enterprises Inc.
(Country Kitchen Bakery), (Owners, Paul Rinden & Margaret Rinden Kanost),
Assessor's Map D, Lot 14-3, zoned I-4, located on Venture Drive.**

Atty. Jim Schulty, stated he is representing the owners Rinden & Kanost. Mr. Schulty stated that the TDR Ordinance has no provision for review of the DEDC. He stated that it is unfair for the Board to say you have to go to your only competitor and ask for a review. He said the TDR Ordinance is to protect the wetlands and this condition has nothing to do with the ordinance. He said it is possible to have an architectural ordinance but this Ordinance does not do that. He said the architectural condition should be withdrawn.

Bob Stowell, Trittech Engineering, stated that the building is 15 feet above Venture Drive and is set back 230 feet from Venture Drive. He said there are considerable buffers around the property.

Atty. Mark Bennet, said he represents Winstanly. He stated that the building is a design that works for them. He requested that Condition 2 be deleted.

Paul Rinden, 1/2 owner of the property, stated he endorses the remarks of Jim Schulty. He said he has sold three prior parcels and there have been no problems. He said if the Board would come up with some specifics, it could be dealt with. He said he is bringing to the City a desirable business.

Steve Stancel explained the TDR Ordinance. He said Enterprise Park is a Class A, upscale park, which the City holds to the highest standards. He added that all the other businesses went to the DEDC and this is the first that doesn't want to comply. He said that a corrugated steel building does not meet with the standards. He said that they should go ride out to the park and see that they have not been too restrictive. He said with regard to the Ordinance, it is a trade off issue.

Brian Preston made the motion to accept the revision.

Jerry Reese seconded.

VOTE U/A

The public hearing was opened.

Beth Thompson, representative of the DEDC, stated that Enterprise Park is a Class A development and the DEDC has a vision for the park. She stated that the DEDC hasn't dealt with Country Kitchen on this issue, so they don't know what the DEDC wants.

The public hearing was closed.

Steve Stancel said the Planning Staff recommends that Country Kitchen go to the DEDC and return to the Planning Board. He stated that the applicant was fully aware of the condition of approval on the night of the meeting.

Otis Perry stated he would like to hear from our City Attorney. He said he feels it is an important precedent setting issue.

Brian Preston stated he would like to see DEDC get together with Country Kitchen and see if a compromise can be reached.

Martin Smith stated the Board is asking Country Kitchen to get approval from the DEDC with no authority. He said we should get our own Attorney.

Otis Perry made the motion to refer this to Old Business at the next meeting and in the meantime discuss this with the City Attorney.

Mike Bobinsky seconded.

VOTE U/A

Mike Bobinsky left his seat for an emergency call.

ITEM #8: Public hearing regarding proposed zoning changes to Chapter 170, Zoning, Subsection 170-44 entitled "Off Street Parking and Loading".

Steve Stancel stated that the ordinance, if approved tonight, goes on the City Council.

The public hearing was opened.

There were no comments.

Mike Bobinsky took his seat.

The public hearing was closed.

Jerry Reece made the motion to approve and send it on to the City Council.

Otis Perry seconded.

VOTE U/A

Lee Martel stepped down.

ITEM #9: Old Business

a. Discussion and possible vote on a major subdivision of land for Paul & Michael Martel, (Mathes Hill Phase II), located on Mast Road.

Kevin McEneaney stated he was here for final approval.

Steve Stancel said that Planning will be looking at some sort of recreation area and sidewalks along Mast Road for Phase III. He said that Paul Vlasich has some issues with Mast Road.

Mike Bobinsky stated we should expand on terms of definition of "maintenance of infiltration basins."

Dennis Ciotti suggested the developer post a bond to be sure that the maintenance gets done.

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

1. Add the owner's signature to the plat.
2. Identify the utility easements on the slopes as slope conservation easements on the plan.
3. The applicant shall place all sewer lines within proposed rights-of-way.
4. The following conditions from the City Engineer:
 1. Remove the Mast Road luminare from sheet 7.
 2. Add a note to sheet 2 that lot #13 will maintain the infiltration basin.
 3. Perc test data is required for the infiltration basin.
 4. Create a swale at the base of the slope on lots #9, #10, #11, and #12.
 5. Easement corners are to be pinned.
 6. The water main needs to be moved off the property line on lot #27.
 7. A 30" diameter cover is required on the air release manhole.
 8. Put the drain and sewer lines along the main entrance in the R.O.W. Current test pit data does not indicate any substantial cost savings by having the mains in an easement.

Jerry Reese seconded.

VOTE U/A

b. Discussion and possible vote on a major subdivision of land for the City of Dover, Alder Meadows (Owner, New Homes, Inc.), located off Wilbrod Avenue.

Kevin McEneaney stated there was a site walk last Tuesday. He said he is asking for a waiver for the configuration of the hammerhead at the end of Wilbrod Avenue.

Steve Stancel stated that the normal hammerhead needs to be 90' and this one is 70'. Steve said he is working with Mr. Loomis on a lot line adjustment. He said they are working on a lot line adjustment near lot 8 for exchange of a drainage easement. He said that prior to the lot going to Habitat for Humanity, they will negotiate the remainder of that lot for sale to an abutter.

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

1. Add the owner's signature to the plat.
2. State subdivision approval.
3. Put headwalls or flared end sections on all culverts.
4. Put a note on Sheet 5 that lots D-18L, D-18C, D-18E and D-18F are to be connected to the new 8" water main.
5. On Sheet 5, remove the blow off at the end of the 6" main, and install a hydrant at the end of the hammerhead. The Dover Water Department will supply the hydrant.

Also, the waiver for the hammerhead dimensions be approved.

Dennis Ciotti seconded.

VOTE U/A

ITEM #11: Adjournment

Jerry Reese made the motion to adjourn.

Otis Perry seconded.

VOTE U/A