

DOVER PLANNING BOARD MINUTES

October 20, 2008, Approved as Amended, February 9, 2009

Chair Jane Remsen called the meeting to order at 7:30 PM in the Dover Town House. Also present were Board members Mark Sarro, Charles Ognibene, Greg Sullivan, Henry Faulkner, Consulting Planner Gino Carlucci and Administrative Assistant Susan Hall.

1. SPECIAL PERMIT RENEWAL, 9 COUNTY STREET, STC SIX CO.

Present was Attorney Dan Klasnick representing the applicant. Upon agreement of those present, the chair dispensed with the reading of the legal notice.

Mr. Klasnick apologized for the oversight of the original special permit expiring. He explained the applicant is applying for renewal of the expired special permit for the existing personal wireless communications facility at 9 County Street that was granted by the Zoning Board of Appeals, dated October 28, 1997. The decision was appealed, and on January 8, 1998 a settlement agreement was signed, so the 5-year term of the original permit expired on January 8, 2003. He is also requesting expansion of the permit to allow up to six carriers on the tower.

With five members present, on a motion duly made and seconded, the Board voted to approve the application for STC Six Co., 9 County Street. The motion passed unanimously 5-0.

2. ANR, 21 CLAYBROOK ROAD

Consulting Planner Gino Carlucci presented the plan to the Board. After a brief discussion the Board agreed to make a motion.

With five members present, on a motion duly made and seconded, the Board voted to approve the application as presented with the exception of adding the note as follows: "Endorsement by the Planning Board is not a determination of compliance with the Zoning Bylaw." The motion passed unanimously 5-0.

3. SPECIAL PERMIT, METRO PCS, 9 COUNTY STREET

Present was attorney Frank Parisi representing the applicant. Mr. Parisi gave a detailed description regarding the application.

After duly considering the proposed expansion of the existing facility to accommodate an additional antenna array and ground equipment as presented on Sheets C-2 and A-1

as they were most recently amended on October 9, 2008, and the comments and information presented at the public hearing, the Board made a finding that the proposed expansion is in the best interests of the Town. A motion was made to approve the Special Permit and Site Plan subject to the following conditions:

- **The special permit shall not be valid unless the new special permit granted by the Planning Board to STC SIX for the underlying wireless communication facility becomes applicable, or if appealed, is upheld. Provided, however, that the applicant may proceed with construction of its added facilities at its own risk, such facilities to be removed within 30 days after written request of the Planning Board in the event that no special permit for the existing facility has not become final and non-appealable. In no event shall the facility be operated until such time as a special permit has been granted to STC Six Company c/o of Global Signal Acquisitions II LLC or its successor for the original facility (if ever).**
- **The facility must strictly comply with the representation provided in the submitted materials dated, July 29, 2008, including without limitation the Radiofrequency Radiation requirements as represented by the RFR engineer in the application.**
- **The facility shall not generate noise in excess of 50 decibels at the nearest existing house (located approximately 450 feet away according to Applicant's plans and a site inspection).**
- **The expansion of the fenced in area shall be limited to an area not exceeding a polygon with sides of 41' x 14.2' x 23.7' x 17' x 7' on the northeast side of the facility as shown on Sheet A-1, dated June 18, 2008 as revised through October 9, 2008.**
- **The equipment building and any ground-based equipment shall be of a neutral color to minimize visibility and blend into the existing surroundings as much as possible.**
- **Construction activity may take place only on week days from 7:30 AM until 5:30 PM.**
- **Applicant must remove, at its own expense, all structures erected pursuant to this special permit within 90 days from the date such structures are abandoned or the use thereof is discontinued and the property shall be returned to its pre-construction condition to the maximum extent possible. If the applicant does not remove all structures and return the property to its pre-construction condition within 90 days of abandonment or discontinuance of use, the Town may undertake applicant's obligations and applicant would be obligated to reimburse the Town for 150% of all reasonable related expenses, including attorney's fees and costs incurred in removing such structures and restoring the property. The facility will be considered abandoned or discontinued if it has not been used for the purpose for which it was constructed for a period of six (6) months or more or if a period of six (6) months or more has passed after the expiration of this special permit.**
- **This special permit shall expire five years from the date of issuance of the new special permit for the underlying tower owner as contemplated by**

condition (1) above, and may be renewed by the Board upon timely application for renewal.

The motion passed unanimously with five members voting.

4. CONTINUATION OF SPECIAL PERMIT, 36 STRAWBERRY HILL STREET
Chairman Remsen recused herself from this matter since she is a resident of Strawberry Hill Street. Henry Faulkner also did not participate in the decision because he missed the first public hearing.

Property owner John Polcari presented some photos showing gates of properties in the neighborhood. He would like to design one similar for his property. He also expressed that he would like to rebuild the entire length of the existing stone wall. The Board decided that they would like to schedule a site visit. Mr. Polcari agreed to the site visit and it was scheduled for Saturday, October 25 at 8:30 AM. The hearing was continued to November 3 at 7:30 PM.

The meeting adjourned at approximately 8:50 PM.

Respectfully submitted

Susan Hall, Administrative Assistant