

Dover Zoning Board of Adjustment
Thursday, April 20, 2006
MINUTES

Members Present: Richard Callaghan, Bill Colbath, Frank Landford, John Levasseur, Ruth Gorton, Otis Perry

Members Absent: Sam Reid, Masi Denison

Staff Present: Tom Clark; Building Official, Steve Bird; City Planner, Jean Glidden; Recording Secretary

Otis Perry confirmed that a full quorum was present; therefore was excused from the meeting.

ITEM # 1: CALL TO ORDER

Richard Callaghan brought the meeting to order at 7:08 p.m. He announced that a letter was submitted regarding case Z 06-06 stating that the application has been withdrawn and proceeded to read the letter.

ITEM # 2: APPROVAL OF MINUTES

A. Approval of the minutes for regular meeting of March 16, 2006

Motion: Bill Colbath made the motion to accept the minutes. John Levasseur seconded the motion. **VOTE: U/A**

ITEM # 3: OLD BUSINESS

- A. Z 05-35 Neale A. Hubbard, Earl St., a/k/a Tax Map 40, Lot 12, zoned Office & R-12, requests a variance from the terms of Article V, Section 170-16, to subdivide a parcel into 2 lots, one of which a frontage of seventy-five (75) feet along a public right of way, where a minimum of one-hundred (100) feet is required.**

Motion: Frank Landford made the motion to remove the case from the table. John Levasseur seconded the motion.
VOTE: U/A

Attorney Schulte represented the applicant. He stated that a copy of the plan prepared by Kevin McEaney was submitted for the members to review. One of the issues was how many wetlands are on the property that would affect the building envelopes for the proposed lots and what the dimensions of the lots would be. Kevin McEaney and the Soil Scientist, Lenny Lord determined that the only wetlands are around the perimeter of the pond. The plan shows that the one of the lots will be 10,000 square feet as originally proposed and would be 100 x 100 feet. The other parcel is in the range of twenty-five to thirty thousand square feet. The building envelope is scaled off as being 50 feet along the front and 55 feet deep with 40 feet in the back and it could become larger if the applicant requested a conditional use permit, which would allow construction within 100 feet of the pond. He proceeded to read through the criteria submitted. The proposal for the first variance, which is a request for an area variance, is to subdivide the property into two parcels. The request for the variance is related to the second parcel, which is the one that contains the entire waterfront and the request for the variance is because it does not have a 100 feet of frontage on Earl Street, it has 78 feet of frontage. The proposed use for each lot is a permitted use and the ultimate plan for these two lots is to construct a duplex on each lot. The existing structure could be converted into a duplex and we will be requesting a variance to allow the applicant to remove the existing single-family residence and relocate it further back from the pond and construct a new duplex. The existing home on the waterfront lot is serviced by a well and some sort of inground septic disposal system. The applicant's intention is to have these two lots serviced by City water and sewer. This request for variance is only for the waterfront lot and only for the frontage because they otherwise meet all setback requirements. The lot is irregularly shaped and has 178 feet of frontage along Earl Street and extends out onto a peninsula into Willand Pond. It is a larger lot than the other lots that are in this neighborhood and is substantially larger than what zoning requires. The applicant needs

200 feet of frontage to subdivide, they do not have it, and they cannot obtain it because the City will not provide it to the applicant therefore need a variance in order to subdivide.

John Levasseur confirmed where the duplex would be built.

Public Hearing Open

Brian Athearn abutter at 2 Earl Street stated that he has not changed his mind. He is not in favor of this variance request and a petition was submitted by the neighborhood at the first hearing. This would cause extra traffic in this area. He stated that he spoke to a couple of Real Estate Agents and they informed him that it might help you or it may hurt you, they are not sure until the units are actually constructed.

Greg Patch 31 New Rochester Road stated that he also has been before the Board. The main concern of the petition that was first submitted by the residents of the neighborhood was for the environment and the wildlife around Willand Pond and did not mention property values. He stated that in his professional opinion the project being proposed would bring the values of other properties up, not down. This project has substantial opposition to it but one of the things being overlooked is that within this zone there are a number of permitted uses that the applicant would not even have to come before the Board to be approved. He proceeded to read the permitted uses in this zone. All of those uses would create a far greater impact on the area. Mr. Hubbard is a skilled investor and he is going to build something out there that gives him a return on his investment. It would behoove the Board to approve something that allows the current residents the least amount of impact. It is his belief that this project would enhance the surrounding properties.

Public Hearing Closed

Steve Bird stated that the Planning Department has the same position as stated on February 16, 2006. As you know, Chris Parker did an analysis of the frontage of the lots in this neighborhood and informed the Board of his findings which indicated that there is one other lot that had inadequate frontage in the neighborhood. The department does not feel that there is a hardship in this case. They have not seen that the area variance is needed for a reasonable use of the property. There could be a duplex in the office zone on this property without a subdivision. The petition submitted by the abutters is an indication that they do not feel it is in their best interest; therefore, the department is opposed to this variance request.

Bill Colbath stated that by granting the subdivision it would be creating a lot that would have a hardship. The lot that would be created would be 26,000 square feet and you would get a 2500 square foot building envelope. The lot has a viable use at this time but the applicant wants to use it for something entirely different. The applicant wants to take a single house lot and divide it into two duplexes. He would have to keep coming back for either a variance or conditional use. There has to be a reasonable use.

Frank Landford said that as stated by him before the owner is looking for maximum use instead of reasonable use. Reasonable use is that he can demo the existing home and build a duplex on the other part of the lot.

John Levasseur and Ruth Gorton agreed.

Richard Callaghan stated that his concern is the same. He has a problem creating a lot that will create a need for more variances. He said that it would be negligent of them not to consider how this would affect surrounding properties and what can happen next.

FIVE CRITERIA FOR AREA VARIANCE:

1. The Applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance

would result in an unnecessary hardship. a) AREA: i. Did the Applicant demonstrate that the area variance is needed to enable the proposed use of the property given the special conditions of the property? No, Vote 4 to 1 (Richard Callaghan voted yes). This conclusion is based on the following findings of fact: There is reasonable use of the property by making the existing house a duplex. ii. Did the Applicant demonstrate that the benefit sought cannot be achieved by some other method reasonable feasible to pursue without the area variance? No, Vote U/A. This conclusion is based on the following findings of fact: The request is unreasonable and there are alternatives that are feasible and reasonable.

2. Did the Applicant provide proof that demonstrates how granting the variance will result in substantial justice? No, Vote U/A. This conclusion is based on the following findings of fact: Taking a conforming lot with substantial buildable area and creating two lots, one of which would be of absolute minimum size, and one lot that would be nonconforming in frontage. They would have a severely restricted building area, approximately ¼ acre of the building area of the minimum size lot in the zone.
3. Did the Applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? No, Vote U/A. This conclusion is based on the following findings of fact: Spirit and intent is to regulate and maintain density and spacing of structures all but a few lots in the neighborhood are conforming.
4. Did the Applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? No, Vote 3 to 2 (John Levasseur and Richard Callaghan voted yes). This conclusion is based on the following findings of fact: The applicant provided one witness; a Real Estate Agent who stated it would help or hurt property values. The abutters presented more information to the contrary.
5. Did the Applicant provide proof that demonstrates the variance would not be contrary to the public interest? No, Vote U/A. This conclusion is based on the following findings of fact: The information presented about alternative uses was not reasonable enough to show that granting the variance would allow for a better use.

Therefore, based upon the foregoing, it is ordered that the application for the variance be denied.

ITEM # 4: NEW BUSINESS

- A. **Z 06-03 Neale A. Hubbard, Earl St., a/k/a Tax Map 40, Lot 12, zoned Office & R-12, requests a variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.**

Attorney Schulte represented the applicant and asked that this case be postponed pending final resolution on the request for area variance for the same property.

Recess at 8:15 resumed at 8:20

Richard Callaghan explained to the general public how the cases should be represented to the ZBA.

- B. **Z 06-05 Leonard Silver IV, 105 Locust St., a/k/a Tax Map 9, Lot 54, zoned Office requests a variance from the terms of Article V, Section 170-16, to construct a second story addition on an accessory structure with a side setback of approximately thirty-one (31) inches, where a minimum of ten (10) feet is required.**

Leonard Silver 14 Pearson Drive stated that this is an existing storage garage and he is looking to construct a second story for storage.

John Levasseur confirmed with the applicant that he would not be looking to convert this into living space.

Ruth Gorton confirmed that this property is a boarding house and the garage is being used for lawnmowers and backup appliances for his apartment business. She stated that according to the criteria submitted, item number five

says, "The improvements will provide increased storage for the occupants of the boarding house." Is this storage for people who are living at the boarding house?

Leonard Silver said that it could be but occasionally needs storage for tenants because they leave items behind and it needs to be stored for 28 days. He does not plan to rent it out for storage.

Richard Callaghan confirmed with Tom Clark that the house and the garage are close to each other and if this is approved the applicant may need a fire separation assembly inside the garage. This will be determined when reviewing the building permit.

Motion: Bill Colbath made the motion to accept. Frank Landford seconded the motion. **VOTE: U/A**

Public Hearing Open

Nobody spoke

Public Hearing Closed

Steve Bird stated that the Planning Department is in favor of this variance request. This garage sits behind the boarding house, which is a substantial building; you may not even be able to see it from the street. This is a pre-existing building, the need for storage is a result of the use of the property, which generates a need for that storage, and the fact that there is no abutter opposition, the department is in favor of this variance request.

Bill Colbath asked the applicant if he would be willing to accept that this is not going to ever be used for living space.

Leonard Silver said yes.

FIVE CRITERIA FOR AREA VARIANCE:

1. The Applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship. a) AREA: i. Did the Applicant demonstrate that the area variance is needed to enable the proposed use of the property given the special conditions of the property? Yes, Vote U/A. This conclusion is based on the following findings of fact: It would be difficult to move structure and the surrounding area is wet, also the building age is a factor. ii. Did the Applicant demonstrate that the benefit sought cannot be achieved by some other method reasonable feasible to pursue without the area variance? Yes, Vote U/A. This conclusion is based on the following findings of fact: The space is needed to support the business and alternative would be very expensive.
2. Did the Applicant provide proof that demonstrates how granting the variance will result in substantial justice? Yes, Vote U/A. This conclusion is based on the following findings of fact: Allow the building to be better utilized for its purposes with the second story.
3. Did the Applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? Yes, Vote U/A. This conclusion is based on the following findings of fact: Very little impact, visually and by size of the surrounding area.
4. Did the Applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? Yes, Vote U/A. This conclusion is based on the following findings of fact: Plans depict an esthetically pleasing structure and the building upgrade would also improve values.
5. Did the Applicant provide proof that demonstrates the variance would not be contrary to the public interest? Yes, Vote U/A. This conclusion is based on the following findings of fact: The request because of building location will not have any effect on neighborhood and will also provide storage for the boarding house use.

Therefore, based upon the foregoing, it is ordered that the application for the variance be granted with conditions.

1. The structure will not be used for residential purposes.

Motion: Frank Landford made the motion to approve the condition. Ruth Gorton seconded the motion.

VOTE: U/A

- C. **Z 06-06 Peter Russell, Gavin & Christianna Jackson, Richard & Donna Brownly & Gerald Cormier (Applicant: Lafrance Hospitality, Old Rochester Rd., & Hotel Dr., a/k/a Tax Map 39, Lots 76, 77, 77-A, 93 & 97, zoned B-5, requests a variance from the terms of Article V, Section 170-16, to construct a building (hotel) with a height of fifty-seven (57) feet, where a maximum of forty (40) feet is required.**

Richard Callaghan stated that this case was withdrawn by the applicant.

- D. **Z 06-07 STF Development Corp, Atlantic Ave., a/k/a Tax Map 25, Lots 56-1 through 56-5, zoned RM-10, requests a variance from the terms of Article V, Section 170-16, to subdivide a property into five (5) lots, with the lots having no frontage on a public right of way, where a minimum of eighty (80) feet is required.**

Attorney Schulte represented the applicant. He stated that the applicant had prepared subdivision plans showing a public street. After considerable discussion with the Planning Department, the applicant is proposing that instead of constructing a public street they will construct a private street and ask for a variance. As presented on the plans lot 56-1 has sufficient frontage on Atlantic Avenue and either lot 56-4 or 56-3 could have sufficient frontage on Portland Avenue by adjusting the lot line between the two of them. Lots 56-2 and 56-5 under any condition will not have sufficient frontage on a public street. They are asking for a variance to allow this project to be developed with a private street as opposed to a public street because not all of the lots will have sufficient frontage. The advantages of that will be that the City will not have to maintain the street. The five buildings proposed will be more compactly located towards the rear of the property, which will be further away from the existing residences along Atlantic Avenue. Although this is possible to do with a public street and without a variance, that would be worse for the neighborhood and the City. He proceeded to read through the criteria as submitted for the file. He stated that he has a copy of what the layout might have looked like if they had gone with the public street.

Steve Bird asked to see the layout and the Board members reviewed the plan.

John Levasseur confirmed with Attorney Schulte that a homeowners association will be created and they would be responsible to maintain the roadway and the parking area.

Frank Landford asked why the lot is being split into five lots instead of being kept as one.

Attorney Schulte stated that if this is five lots, with a special exception they could construct a four unit building on each lot. This zone does not allow multi-family but it does allow up to four units.

Richard Callaghan confirmed with Attorney Schulte that these are expected to be condominiums and they will have two bedrooms in each unit.

Bill Colbath confirmed with Attorney Schulte that this case was before the Board in 1998 and was granted a special exception by the same applicant.

John Levasseur asked Tom Clark if he has seen a problem with multiple lots sharing the same driveway.

Tom Clark said no, as they go through the planning procedure it would be designed accordingly based on the number of units. Site Review regulations require a right of way of a certain size and the construction depth, etc., he does not anticipate it being a issue.

Motion: Ruth Gorton made the motion to accept. Frank Landford seconded the motion. **VOTE: U/A**

Public Hearing Open

Gino Filicetti 5 Atlantic Avenue stated that he is in favor of this request. He would rather see the private street as opposed to the public street. The area that would be left untouched is a wooded area and it would be a benefit in leaving this as contiguous green space as opposed to spreading out the buildings. The only concern would be Atlantic Avenue and its access to pedestrians as there is no sidewalk located here. In addition, the sewer and water system is an old system. He stated that the City has talked about upgrading and replacing the system since he has been living here for two years but it never seems to happen. He would like to see an improvement in that area.

Richard Callaghan stated that a project this size would go to a Technical Review Committee and many of those issues would be addressed, such as traffic congestion, sidewalks, and sewerage issues.

Tom Clark stated that TRC is not a public hearing but it is open to the public; however, there will be a public hearing in front of the Planning Board for Site Review assuming this goes forward. As an abutter, you would receive notification.

Allen Storms 11 Atlantic Avenue stated that he is in favor of this project. As a benefit to the City, they do not have to build another road. Development is going to happen and this is a good use of the property and asked the Board to vote in favor of the request.

David Paolini clarified that they went to TRC with a plan that was similar to this project. We anticipate putting a sidewalk that will connect the private subdivision to Portland Avenue.

Public Hearing Closed

Steve Bird stated that this particular piece of land has quite a history and did receive a special exception in 1998 for two four-unit buildings. Since that time, it has been before the TRC for a development that contained thirty-two units and the applicant withdrew that project; there was some opposition to the transfer development rights procedure. The Planning Department reviewed the public road layout that was shown to the Board tonight and they feel that this alternative is beneficial to the City and to the abutters. This will provide better separation of the buildings from abutting properties and it reduces the number of units from what we have seen previously. Given the alternative of a public street, we believe this is a better alternative and support the variance request.

John Levasseur stated that this plan is more beneficial for the people in the area because it will keep more green space available and less maintenance for the City.

Frank Landford asked if they could make a condition that nothing else will ever be built on this lot.

Tom Clark said it is not necessary because the maximum per lot is four units.

Frank Landford asked if this is a variance for the two smaller lots.

Bill Colbath said that the agenda should have read that it is to create one lot with sufficient frontage, two with substandard frontage, and two with no frontage.

Tom Clark said that when he wrote the agenda item, he did not have the plans to review so he did not think any of the lots had adequate frontage. Come to find out one of them does.

Richard Callaghan asked if the City would ever have more than two required parking spaces per unit, as he is concerned with that requirement.

Dave Paolini said that the units would also have garages underneath.

Steve Bird said that they are not legal spaces because you have to move one vehicle to get to the other.

Tom Clark said minimum is two spaces per unit. You could propose a zone change.

Dave Paolini stated that possibly three of the lots show additional parking and they would not have a problem with that request if this were approved.

Bill Colbath asked if it is possible to suggest that this is the last of the subdivision of this property and request it as a condition.

Dave Paolini said yes.

Discussion ensued regarding parking spaces.

FIVE CRITERIA FOR AREA VARIANCE:

1. The Applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship. a) AREA: i. Did the Applicant demonstrate that the area variance is needed to enable the proposed use of the property given the special conditions of the property? Yes, Vote U/A. This conclusion is based on the following findings of fact: The applicant demonstrated alternative plans that would have a greater negative impact on surrounding properties. ii. Did the Applicant demonstrate that the benefit sought cannot be achieved by some other method reasonable feasible to pursue without the area variance? Yes, Vote U/A. This conclusion is based on the following findings of fact: The applicant demonstrated that this was better than the public road plan.
2. Did the Applicant provide proof that demonstrates how granting the variance will result in substantial justice? Yes, Vote U/A. This conclusion is based on the following findings of fact: This plan reduced the impact versus an allowed public road.
3. Did the Applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? Yes, Vote U/A. This conclusion is based on the following findings of fact: Design allows for open green space.
4. Did the Applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? Yes, Vote U/A. This conclusion is based on the following findings of fact: Provides less congestion and the abutters are in favor of this plan.
5. Did the Applicant provide proof that demonstrates the variance would not be contrary to the public interest? Yes, Vote U/A. This conclusion is based on the following findings of fact: This plan does not provide another public street for the City to maintain.

Therefore, based upon the foregoing, it is ordered that the application for the variance be granted with conditions.

1. No further subdivision of any of the five lots is allowed.

Motion: Bill Colbath made the motion to approve the condition. Ruth Gorton seconded the motion. **VOTE: U/A**

- E. **Z 06-08 STF Development Corp, Atlantic Ave., a/k/a Tax Map 25, Lots 56-1 through 56-5, zoned RM-10, requests a special exception from the terms of Article VI, Section 170.25.1 and Article XII, Section 170-52.C (3) to construct a four-family dwelling on each of the five (5) lots.**

Attorney Schulte represented the applicant. He stated that they have addressed two separate groups of requirements as addressed in the application. The plan is to have a sidewalk going to Portland Avenue. In a conversation with Dave White, he felt that the City water and sewer is adequate to accommodate these residences, but was unable to obtain the letter for the meeting tonight but will make sure one is submitted for the file. He stated that they would have off street parking and garage space. They will have additional spacing on lot 5 and all of these issues will be addressed at the Site Review process.

Motion: Frank Landford made the motion to accept. Bill Colbath seconded the motion. **VOTE: U/A**

Steve Bird stated that he is concerned with one area that the Board should pay special attention to and provide some screening, either vegetation or fencing. The TRC process will review it but felt that the Board members should address it since the applicant needs to meet screening criteria. With the private road coming in the back corner of that first lot, it is very close to the back corner of that house and it gets very narrow in that area.

John Levasseur confirmed with Steve Bird that any pavement supposed to be a minimum of 5 feet from a property line.

Public Hearing Open

Gino Filicetti 5 Atlantic Avenue stated that he would also like to raise the same concern about the screening.

Allen Storms 11 Atlantic Avenue stated that he urges the Zoning Board to accept this request by the applicant.

Public Hearing Closed

Steve Bird stated that with the caveat on the screening of that one lot the Planning Department feels that the special exception criteria has been met. He stated that he spoke with Dave White about the water and sewer issue on Wednesday and he indicated as the applicant indicated that he did not see a problem with water and sewer for this project. He was not working today so they were not able to get it in writing from him.

Richard Callaghan asked if it was safe to assume that because the size of this project is going to TRC it would have to be addressed anyways.

Steve Bird said yes.

Bill Colbath asked how are they going to satisfy the parking areas shall be screened by both the street, and abutting lots. Each of these lots is abutting lots. How do you screen from each other. How will it be accomplished?

Tom Clark said that you have to go with the spirit and intent of the regulation and it is to protect the existing abutters from the proposed development, not buildings within the proposed development from each other.

Bill Colbath asked if they could get an agreement that screening from the existing abutting properties and not worry about anything in between.

Tom Clark said that the screening is only for parking areas. Are you suggesting expanding that?

Bill Colbath said no. He said he is not comfortable with having TRC handle that situation, as he is concerned with screening for the last two abutters and a little bit of the third. He is not asking to screen the roads but wants to make sure they are protected. The applicant is asking the Board to grant the special exception based on the information that is presented and they are not complying with the information submitted, it is not on the plan. The Board has to make sure that the intentions are covered and need an agreement that this is going to happen. He stated that this is part of the criteria. In order to get a yes vote you need to satisfy the criteria.

Discussion ensued regarding screening.

Richard Callaghan confirmed with Dave Paolini that he would put in one row of five-foot white pines along the buffer to the lot closest to the road and the lot next to it. They would be spread anywhere from eight and ten feet apart, whatever the landscaper would suggest and it would buffer the back two lots.

Bill Colbath discussed conditions to be placed on the approval of the Special Exception and questioned the proposal of the sidewalk.

Discussion ensued regarding the conditions being placed on the approval and the sidewalk.

Gino Filicetti stated that the applicant is talking about a pathway through the existing trees to Portland Avenue versus upgrading the non-existing sidewalk on Atlantic Avenue, which would be more likely to be used by these people.

Frank Landford stated that the pathway would probably be a better alternative as it would be away from the busy street.

Bill Colbath stated that he did not realize they were talking about a pathway. The applicant kept stating sidewalk.

Steve Bird stated that the previous plan through TRC showed a path leading from the units that were proposed on their property to Portland Avenue. There was discussion at TRC about the possibility and feasibility of that versus a sidewalk on Atlantic Avenue. Abutter input is important in that kind of discussion, so if a sidewalk on Atlantic Avenue is preferred it would be up for discussion. If the Zoning Board feels that in order to meet the criteria for pedestrian safety it is essential, it is up for discussion with this Board.

Bill Colbath stated that he thought he understood that they were proposing a sidewalk to Portland Avenue. He said that a sidewalk to him does not go through the property.

Gino Filicetti stated that he wanted to make sure that the Board members knew that this was a sidewalk versus a pathway. He is in favor of a sidewalk on Atlantic Avenue going to Portland Avenue.

Richard Callaghan said that he brought up a concern that they were confused about and thanked the abutter.

Attorney Schulte said that the criteria is under the general special exception requirements which asks that the requested use not create undue traffic congestion or unduly impair pedestrian safety. He stated that he always understood it to mean is this going to have an impact on the existing pedestrian safety. The proposal is to construct a paved 5-foot strip of pavement on this property from this project out to Portland Avenue.

Frank Landford said in his mind, it would be safer for the pedestrians.

Bill Colbath said that it is disturbing to him that the abutter knew more about this sidewalk versus a pathway. A sidewalk has nothing to do with being a pathway through the back of the property to the street. He is also concerned that they did not receive a letter from the Engineering Department regarding if the water and sewer is adequate for this proposed project. This is part of the criteria and needs to be submitted before a decision is made from this Board.

Discussion ensued regarding pedestrian safety.

Richard Callaghan asked if the Board agrees that they should require some form of sidewalk. He stated that he has a couple of concerns with the pathway. He does not agree that the pathway is safer, especially at night.

Frank Landford said he was looking at it from a vehicle point of view. He agrees that it may not be safer at night but also believes it would be used more in the daylight than at night.

Motion: Bill Colbath made the motion to approve the special exception with four conditions listed below. Ruth Gorton seconded the motion. **VOTE: U/A**

The conditions are as follows for the approval of the Special Exception.

- 1) Screening which consists of five foot of white pines eight to ten feet apart. One row for screening on the rear of lots 11 and 19.
- 2) Screening also be installed on lots 19 side adjacent to the new driveway as adequate for privacy.
- 3) Provide a safe public right of way pedestrian path to Portland Avenue.
- 4) Engineering provide to the ZBA a letter that the services are adequate. Approval from ZBA is pending on this letter.

ITEM # 5: OTHER BOARD BUSINESS

Richard Callaghan asked if the Board members reviewed the material from case Z 05-12. He stated that Attorney Krans should be told if you may or may not agree with what he perceived the Board's opinion to be on that particular case. He also reminded the Board about the workshops that are available in the area.

**ITEM # 6: ADJOURNMENT
MOTION TO ADJOURN**

Bill Colbath made the motion to adjourn at 10:10 p.m. and was seconded by Ruth Gorton. **VOTE: U/A**

<u>List of Members</u>	<u>Term Expires</u>
Richard Callaghan-regular member	04-13-09
William Colbath-regular member	10-23-06
Frank Landford-regular member	04-10-08
Ruth Gorton-regular member	11-12-06
John Levasseur-regular member	11-12-06
Masi Denison-alternate member	09-08-07
Sam Reid-alternate member	04-13-08
Otis Perry-alternate member	02-08-09