



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Tuesday, March 27, 2007**  
Meeting Time: **7:00 pm**

**MEMBERS PRESENT:** Donald Andolina, Tony McManus, Perry Plummer, Kirk Schuman, Marcia Colbath, Ron Stock, Linda Merullo, Ronald Cole, Frank Torr, John Swartzendruber, Doug Steele

**MEMBERS ABSENT:** Ronald Cole

**STAFF PRESENT:** Steven Bird, City Planner and Jacqueline Freeman, Recording Secretary

In Chairman Cole's absence, Vice Chair Tony McManus brought the meeting to order at 7:00.

### 1. Citizens' Forum

Rick Hebard, 97 Spruce Lane did a presentation on the benefits of pervious concrete. He demonstrated how water penetrates the product and handed out brochures.

### 2. Approval of the minutes.

Frank Torr motioned to approve the minutes of the meeting of March 13, 2007.

Perry Plummer seconded.

**VOTE U/A Abstained – Dean Trefethen**

Frank Torr motioned to approve the minutes of the workshop of March 13, 2007.

Marcia Colbath seconded.

**VOTE U/A Abstained – Dean Trefethen**

### 3. Consideration and acceptance of a Conditional Use Application of land for The Children's Museum of New Hampshire, (Owner: City of Dover, NH) Assessor's Map 23, Lot 15, zoned RM-8, located at 6 Washington St.\* (P07-15)

Paul Bonacci, ARQ Architects, explained they will be making changes to the inside of the building, replacing outdated structures along the river. They will be installing a new exterior exit stair and an interior exit stair for access to the riverwalk. They are adding a vegetative buffer for erosion control and for wildlife. The net result is an increase in pervious area between the building and the river of 24 square feet.

Ron Stock asked about the plantings under the overhang.

Paul Bernachi explained they would be plantings for dense shade. They will be collecting water from the roof that will go to a cistern inside the building and which will be good for erosion control. That water will be used for irrigation. They have a waiver with NHDES and a minimum impact application.



CITY OF DOVER

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Meeting Type: Regular Meeting  
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Meeting Date: **Tuesday, March 27, 2007**  
Meeting Time: **7:00 pm**

Frank Torr made a motion to accept the application.

Perry Plummer seconded.

**VOTE U/A**

The public hearing was opened.

There were no comments.

The public hearing was closed.

Kirt Schuman made the motion to approve with the following conditions:

1. The applicant shall obtain a NH Department of Environmental Services Wetlands Permit and provide a copy of the permit to the Planning Department.
2. The applicant shall install and maintain proper erosion and sediment control measures during construction.

John Swartzendruber seconded.

**VOTE U/A**

**5. Consideration and acceptance of a site plan of land for Appledore Engineering, Inc. (Owner: St. Thomas Aquinas High School) Assessor's Map L, Lot 15 & 15A, zoned R-20, located at 197 Dover Point Road.\*(P07-14)**

Perry Plummer stepped down because of a potential conflict because of his relationship with the school.

Ron Stock sat in his place.

Paul Connolly, Civilworks, represented the applicant. They have been involved on this site starting back in 1998. He introduced Jeff Quinn Principal of St. Thomas High School and Skip DeVito, the architect. Steve Pernaw, the traffic engineer and primary contact with NH DOT on this project was not present.

Paul Connolly explained the plan saying their goals is to improve the access into and out of St. Thomas and to eradicate the traffic problems that exist on Dover Point Road. The St. Ann's parcel which is about 11 acres in size is not part of the project except for the lower 9 acres of the parcel, which is enabled by a set of easements that has been granted to the Roman Catholic Bishop of Manchester owner of St. Thomas School. Those easements are for allowance of athletic fields as well as for parking and for future parking. The high school comprises of about 70,000 sq. ft. of floor space and accommodates 700 students, as well as faculty and staff. This is not to increase the enrolment of the school

Mr. Connolly stated there are presently 305 parking spaces and the ordinances show that roughly 200 are required. He said that they have applied for a Conditional Use Permit because there are



CITY OF DOVER

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slopes that are at a grade greater than 20%. They will meet with the Conservation Commission on April 2, 2007. He pointed out the new access that has a center island allowing two lanes exiting the site and one wide lane entering the site. They have a south vent which will take some of the heat off the main exit point. The new entrance is located a bit to the north of the existing entrance and will be realigned vertically to make it easier to get back onto Dover Point Road. The existing pitch is kind of steep and the new alignment will eliminate that. He spoke about the new vehicle storage area that will eliminate all of the queuing that now happens on Dover Point Road. There are 17,000 cars per day on Dover Point Rd. They will be widening Dover Point Rd. with the addition of a third turning pocket in the middle. They have been working with Verizon to remove some of the poles so they can widen Dover Point Road.

Paul Connolly explained the circulation plan that had several colors depicting traffic patterns and bus routes. He said that the PM conditions are worse because everyone leaves at about 2:30 pm. Some park along Dover Point Road and to discourage that they have added an ornamental black fence on top of a retaining wall that will be built to effect the grade change. They will be a dedicated walkway from the school building down to the athletic fields. They will be screening on Royer Lane. On the north side of the site there is dense vegetation and a grade change that allows for screening. The south western part of the site will be for faculty and staff parking so there won't be student movements that would go through Royer Lane. There will be some lighting on the site for safety. He pointed out a location for a future science lab. Another future improvement is a field house. They met with TRC on the 15<sup>th</sup> and are presently revising the plan to address all the comments. Mr. Quinn, the principal, has met with all the neighbors to present the plans. They have applied for NHDES site specific Permit and a NHDOT Amended Driveway Permit.

Dean Trefethen asked about traffic control with the new entrance and exit.

Paul Connolly stated that they don't meet enough warrants for a traffic light but will hire a police officer or traffic control person to handle the traffic in the morning and afternoon.

Doug Steele questioned if the gate could be moved closer to Royer Lane to force faculty and students to use the one entrance. He asked if the gate would be closed during sporting events to prevent people to use the Royer Lane exit.

Paul Connolly explained the gate is to discourage cut-thrus. The placement does allow for faculty and staff to leave through this way. He said that they would be open to discussion with regard to closing the Royer Lane exit during large sporting events.

Linda Merullo, asked if there would be signage with the new traffic pattern to prevent people going out the south entrance and going north.



CITY OF DOVER

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Paul Connolly assured her that the site would be heavily signed.

Donald Andolina made the motion to accept the application.

Dean Trefethen seconded.

**VOTE U/A**

The public hearing was opened.

Robert Gosse, 10 Royer Lane, stated he was representing the residents of Royer and Ayers Lane. They are very concerned with the parking spaces that have direct access to Royer Lane. He submitted a packet outlining their concerns. They feel the site plan is a major improvement with the exception of the area directly across from Royer Lane. They asked that no construction traffic be allowed on Royer Lane or Ayers Lane. He asked why 7 mature trees were being removed as they are not on the school property and why shade trees are not being placed at the required 40 foot spacing under the code for the remainder of the perimeter landscaping. He asked how tall the lighting poles would be. The parking lot to the south of Notre Dame Hall is paved right up to the property line, leaving no room for perimeter landscaping. The Planning Department suggested allowing the required screening to be planted in the strip of land south of the property line, within the Royer Lane right-of-way. That property belongs to the taxpayers and not St. Thomas. He doesn't have a problem and the abutters don't either if they put the perimeter landscaping in the little strip of land within the right of way of Royer Lane. As taxpayers, they request the following improvements be incorporated into the site plan adjacent to Royer Lane: 1. The perimeter screening on the taxpayer owned strip of land south of Notre Dame Hall be planted on an earthen berm with granite curbing on the street side. 2. The white Pine trees (type PS on the plantings schedule) proposed as perimeter screening along Royer Lane be changed to one of the following white Fir (type AC on the plantings schedule), White Spruce (type PG on the plantings schedule) or Emerald Arborvitae (type TO on the plantings schedule) spaced appropriately to provide the proper screening and noise barrier. He read the petition signed by the abutters asking for the removal of staff parking spaces directly south of Notre Dame Hall. The revision would eliminate student access onto or off of Royer Lane. They would like a performance bond to cover the cost of landscaping and all other proposed improvements that are adjacent to Royer Lane as described in section 149-11, article 3. He spoke about the screening that they were promised with the last expansion and show pictures of dead trees. He spoke of the danger with regard to the children walking on that road. He has enclosed a revised site plan that he would like to speak to someone about. He can't see the need for the entrance and exit on Royer Lane.

Chris Boldt, 4 Evans Drive, supports the project wholeheartedly. His concern is the northerly most parking area that will be added and seems to be located where there is a large retention pond associated with St. Ann's. He is concerned with the details of the lighting and with the



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vegetation that will be eliminated and the amount of drainage that will go into the woods. They don't want to lose the hardwood trees.

Paul Connolly said that he has taken notes and will take the comments into consideration. He apologized for the trees that were planted at the time of the last parking lot. He explained that the post development drainage from the site cannot exceed flows in the existing conditions. It is one of the State requirements. They will be taking up some of the football field to place a detention basin to manage the drainage flow. The comments will be incorporated in the plan revisions.

The public hearing was recessed.

Steve Bird asked to have Steve Pernaw at a future meeting to give a presentation. The applicant is working with NHDOT on their review of the improvements to Dover Point Road. He asked that the issues brought up tonight be addressed. Given that the traffic is a major concern, he asked if it would be feasible to go out there during the high traffic period.

Paul Connolly said that the worst condition occur in the afternoon. The arrivals are from 6:30 a.m. until 8:00 a.m. but in the afternoon they all leave the site at 2:30 pm.

Frank Torr said that it would be good for the members to individually see the afternoon traffic but he felt that there should be a site walk so the abutters can be there.

Tony McManus scheduled a site walk for 6:00 pm, Tuesday, April 3, 2007. He asked that the most northern corners of the parking lot be staked.

Dean Trefethen made the motion to table.

Ron Stock seconded.

**VOTE U/A**

Perry Plummer took his seat.

Ron Stock went back to the audience.

**5. Consideration and acceptance of a minor subdivision of land for Charles Kageleiry, John O'Neill, Michael Brigham (Owner: Elliott Rose Company of Dover, Inc.) Assessor's Map M, Lot 4 & Map K, Lot 19, zoned ETP/RCM, located on Thornwood Lane.\*(P07-16)(1 lot)**

Bob Stowell explained that this subdivision plan will take care of some loose ends that are necessary to facilitate the transfer from the Elliott Rose Company to the developers. They are subdividing 5 ½ acre from the larger tract to create a separate lot of record for housekeeping matters. He said that the last discussion for this lot was a possible veterinarian.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Time: **7:00 pm**

Frank Torr made the motion to accept the application.

Doug Steele seconded.

**VOTE U/A**

The public hearing was opened.

Carl Heller asked if it was for more housing.

Bob Stowell stated it will be low intensity commercial use.

The public hearing was closed.

Donald Andolina made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. The applicant shall provide the Planning Department with a digital version of the survey.
3. Add the surveyor stamp and signature to the plat.
4. Both lots created are subject to the conditions and stipulations imposed by the Planning Board in its approval of the conditional Use Permit on December 19, 2006

Dean Trefethen seconded.

**VOTE U/A**

### **6. Old Business**

#### **a. Discussion and possible vote on an Open Space Subdivision plan and Conditional Use Permit for Six High Street LLC, located on Back road. (P06-54)(10 lots)**

Frank Torr motioned to take this off the table.

Donald Andolina seconded.

**VOTE U/A**

Kevin McEaney introduced Atty. Chris Bolt and Paul Connolly of Civilworks. He said they have had a meeting with the Planning staff to discuss several issues. They have addressed the grading plan with regard to the septic systems to the staff's satisfaction and submitted revised plans. They met on site with Mr. Pasquerella, whose house is the most affected by this subdivision. They walked to where the closest house was going to be built in relation to Mr. Pasquerella's house and came to a consensus of planting twelve 6 to 8 foot tall Hemlock trees in a staggered fashion to expand into a solid screening area. They found the best site was within the 50' buffer area that is required in the OSS subdivision. They will not remove any existing vegetation but will weave them into the plan to get the optimal screening. They have submitted a forest management plan which addresses the edge of the Cochecho River and the individual



CITY OF DOVER

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Meeting Type: Regular Meeting  
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Meeting Date: **Tuesday, March 27, 2007**  
Meeting Time: **7:00 pm**

homeowner requirements as far as removal of vegetation. It was a condition of the Conservation Commission.

The public hearing was opened.

Karl Heller, 10 Dover Point Rd, he is opposed to more houses that will impact Dover Point Road. He wants the development to slow down. He said the OSS subdivision crams more houses in a spot. He said there are warning signs such as drainage problems at Willand Pond, lack of water pressure in Northend, all are problems of overdevelopment. The Board keeps allowing developers into the City. The City should do the right thing and slow it down! Once it's built it is too late to say it was a mistake. He asked that the Board think about the plan before approving it. The reason everyone moved here is the New England concept.

Thomas Pasquerella, 7 Cullen Bay Rd., said that he lives 3.7 acres of land. Cullen Bay has 6 homes averaging 3, 4, 7 acres each, plus 40 acres in common that they use as a barrier. He knew that some day there would be homes built but they would adhere to the R-40 zone. He did not realize there was an OSS concept. He met with the owner and asked to be shown where the proposed home would be located and was appalled to find it would be 205 feet from his front door. His privacy will be lost. He's not present to stop this but he would appreciate some modification. He said that Lot 8 dips down and feels it was put in his front yard on purpose. It is so intrusive to his house that he can't believe it is legal. He paid for privacy and has one million dollars in his house. He pays \$17,000.00 in taxes. The appraiser said the effect to his property is 25 to 30% depreciation if this goes through. They have 24 acres to work with and felt that they could find a different location; not 200 feet from his house. There is no one else on Back Road that has someone 200 feet from their home. This subdivision does not conform to this area. It does impact other people on Back Road but it impacts him to the greatest degree. If approved he will do everything legally that he can do to stop it. We can go that route or we work on a different proposal.

Don Medbury said that he listened to Mr. Pasquerella and asked everyone to put themselves in his place. His complaint is legitimate and it is ludicrous that this could take place. The developers in this City have had their way. The OSS concept is only smoke and mirrors to increase density. He felt this site could be rearranged so Mr. Pasquerella could have his privacy that he has been paying for. It is time to heed the citizens of this community. It will be a new planner and we need to plan a bit more for the community. He wants to be on record that Mr. Pasquerella's complaint should be taken care of. This should go back to the drawing board so he has the privacy that he is paying for. Dover citizens would like to see the love affair with the developers go away. The postage stamp condos that are jammed between buildings should go away. We have enough of them and we don't need any more. There is nothing wrong with R-40 zoning. He said he is against the special waivers.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Time: **7:00 pm**

Jeff Hollinger, 346 Back Road, made a presentation on February 13, regarding his deed and Purchase and Sales Agreements and other concerns. On the 15<sup>th</sup> of March, Atty. Battles registered an amended Quit Claim Deed and a Purchase and Sales Agreement. Another concern is traffic. There have been numerous accidents at the proposed entrance location. The dumpster has not been addressed. It creates obsolescence to him and his neighbors. They have bears rabbits, skunks, and coyotes. They should move the dumpster closer to their residences so they can enjoy the wildlife also. He was concerned with the intrusiveness that comes with the OSS subdivision on only 24.77 acres. There have two million dollars of assessed property directly abutting this and there are intrusions in the wells and the leach field radiuses. It is considered legal by the State but he feels that it can be avoided. The yield plan stated that the lots would be selling for between \$200,000 and \$400,000. The community has been compliant with the R-40 zoning with the exception of the previously grandfathered lots. The proposed lots of this development are smaller than the tennis courts at Woodman Park School. There are rights that go with ownership. The rights of the current property owners are not being addressed. No attempt to contact the concerned abutters has been made.

Steve Tate, 328 Back Road, stated that he is opposed to this development for the increased traffic and the historic qualities of Back Road that goes back to the 1640's. The road is rural with curves. He has had 2 accidents on his property. He spoke of the danger for the school bus stop just before the entrance road. People walk their dogs, jog and bike on the road which is very quiet. This development will change the character of the road.

The public hearing was closed.

Steve Bird stated that he has spoken to the city engineer this afternoon and he has completed his review of the drainage study and finds it to be acceptable. He has a couple of minor tweaks to it but the design meets the criteria. The Planning Department recommending approval with the following conditions:

1. Add the owners' signatures to the plat.
2. Add the Surveyor and engineer's stamps and signatures to applicable sheets.
3. Approval includes the granting of waivers for a road width of 20 feet and a road slope of 10%. The waivers significantly reduce the amount of road fill and wetlands impact.
4. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Subdivision Permit and Septic System Design Permit and add the permit numbers to the plat, prior to signing the plat.
5. The applicant shall provide the Planning Department with proof that the Environmental Protection Agency Notice of Intent Permit has been filed, prior to signing the plat.
6. The applicant shall revise the Homeowner's Association Documents, addressing road and utility maintenance, open space preservation and maintenance, 50-foot buffer remaining in its natural state, and shoreland management. These documents shall be reviewed by the



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Date: **Tuesday, March 27, 2007**  
Meeting Time: **7:00 pm**

Planning Department, with consultation by the City Attorney on the proper form of the documents, prior to the signing of the plat.

7. The applicant's forestry management plan shall be reviewed and approved by the Planning Department and the Conservation Commission, prior to the signing of the plat. Said plan shall govern the removal of vegetation within the shoreland protection zone.
8. In lieu of providing on-site recreation, the applicant shall contribute \$1,600 to the City for use in improving existing recreational facilities. Such contribution shall be paid prior to the issuance of the first building permit.
9. The applicant shall revise the drainage study to the satisfaction of the City Engineer prior to the signing of the plat.

Perry Plummer asked under the yield plan how close would a house be if the yield plan was accepted compared to where it is located.

Steve Bird said a subdivision in this district has to be an OSS. In the conventional subdivision the setback for a dwelling is less than what it is in an OSS. In an OSS you are required to have a 50 foot perimeter setback. In theory someone could build 25 feet to a property line in a normal R-40 lot.

Perry Plummer asked if it is safe to say that the houses could be closer than they would be with the OSS, and if we did away with the OSS and adhered to the R-40 zone.

Steve Bird stated that they could be 25 feet in the R-40. He said that the OSS has a 50 foot buffer requirement so there is less impact on the abutting properties.

Doug Steele asked if Mr. Pasquerella considered buying the property to protect himself and still allow the project to go forward. Possibly, a lot line adjustment would give him more privacy.

Kevin McEneaney stated that Mr. Donner said that he could purchase Lot 8. He said that he doesn't see the options for the Lot Line adjustment.

Doug Steele asked if the dumpster had been discussed with the abutter if there is something that would appease the abutter.

Kevin McEneaney stated that it is the applicants' desire to create a nice neighborhood. With regard to the dumpster, it is the opinion of the applicant and the land owner that having a screened dumpster in an area that is out of the way of Back Road would be much more desirable than to have 22 green bags sitting on the side of the road. It is a marketing thing.



CITY OF DOVER

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Meeting Time: **7:00 pm**

Kirt Schuman asked if the dumpster would be the most logical target for tampering. Has there been any consideration of putting the dumpster behind the gate. It just seems it would be the most secure location.

Paul Connolly stated that the dumpster was placed so the trash removal truck will be able to turn and back up to get the dumpster. If they were allowed through the gate they would have to have some sort of method to do so with a code or a key, etc. It might be possible but with the turnover of employees of the trash removing contractor, it doesn't seem to be a feasible or a viable option. If you have the enclosure screened and gated shut and the solid waste in an enclosed container it obviates the possibility of vermin getting at that. If you have 22 bags of trash sitting on Back Road as we've seen in other subdivisions, it is open season for the raccoons and other vermin to get at the trash. He feels they have done the right thing. It is an effort to do the right thing.

Kirt Schuman said that he understands the reason why it was done the way it is being done.

Perry Plummer if you should move the dumpster back towards the development, it looks like you would have to fill wetlands to do it.

Paul Connolly said that it is highly probable that they would have to do that. He pointed out the wetland impacts and said it is pretty tight.

Marcia Colbath asked how often the container would be emptied. She said having had a dumpster that closes vermin can't get into it.

Mr. Donner stated that he is the owner and a resident and the dumpster will be emptied at the minimum of once a week. He said he built his home there and he is half owner of Sixth Street LLC and the other owner will also be building his house there. If they find that the dumpster should be emptied twice a week, they will do that. It is their neighborhood and they want it to stay pristine. If you come across Cullen Bay Road on Thursday morning, there are green bags everywhere and the recycling bins usually stay there until Saturday. So they are trying to eliminate that.

Dean Trefethen said that Lot 8 seems to have a small section that is directly on the proposed right-of-way and the rest of the lot goes towards Mr. Pasquerella's land. There is limited topo on the plan. Is there some reason why that lot can't be more against the right-of-way instead of going away from it? .

Paul Connolly said that the reason is because the neck of Lot 8 is in an area that you won't see a swale, but there is a very gentle 30' wide drainage way through there. Their calculations have shown that in the 25 year storm event, they would get about 5 or 6 cubic feet per second of



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

Meeting Type: Regular Meeting  
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Meeting Time: **7:00 pm**

runoff. To reconfigure the lot would be ok on paper but as a matter of practicality, it is an unbuildable part of the parcel.

Donald Andolina is concerned with the entrance of the development on Back Road. He said that he feels that Mr. Pasquerella should be given more consideration as he has a million dollar parcel and pays \$17,000 in taxes. He felt that they should be more neighborly.

Paul Connolly stated that they have they have the available site distance in either directions. Southerly they have 380 feet and northerly they have 445 feet. The state minimum is 400 feet, which is a distance that is able to accommodate up to if not beyond 40 mph. He said that this would be considered on a straight away. He said that they are on the outside of the curve. He said it might be different if they were on the inside of that curve. If the road is posted 30 miles per hour the site required site distance is 300 or 320 feet. He said in either direction for the posted speed they have a good deal more. He said that he used the (AAHTO) standards, which stands for the American Association of Highway & Transportation officials.

Doug Steele said that he has a great deal of compassion for Mr. Pasquerella and he certainly wouldn't want it happening in his backyard. What we have before us meets all the zoning regulations and everything that we are govern by.

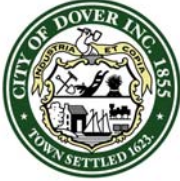
Steve Bird said that there is no variance necessary.

Doug Steele said that if this Board was to deny the developer, there would be reason for legal recourse. The developer has met all the requirements that we base our decisions upon. How can he vote against this, other than for his concern and compassion for the gentleman on Cullen Bay Road.

Steve Bird said that is the issue the Board struggles with every time there is an application that is difficult and complies with the Zoning Ordinance. You have to make consideration to the abutters to the extent that you feel comfortable with. In the case of the screening that was added in response to the concern raised. It is up to this Board to determine whether it is an adequate response.

Doug Steele stated that he is not comfortable with the issue of that one lot.

Frank Torr said that he has the same problem and there is always room for middle ground on any issue. He isn't sure that twelve 6 to 8 foot Hemlocks satisfies that middle ground. In his mind, it doesn't. He asked if 70 feet of trees screens a two-story house.



CITY OF DOVER

## DOVER PLANNING BOARD - MINUTES

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Meeting Time:	<b>7:00 pm</b>

Kevin McEneaney said that they made an effort to meet with Mr. Pasquerella on site. The number of trees was a non-issue with the owner. Kevin explained how they came to the location of the buffer of trees.

Frank Torr asked how many years it would take for total screening. Hemlocks are not a fast growing tree. He said that he is thinking of tabling so everyone can sit down and try to work out something that is more acceptable for all of us.

Kevin McEneaney said that Mr. Pasquarella's driveway is 10 feet from the property line. Every tree has been cut on that side. His house is 70 feet from the property line.

Marcia Colbath said that she empathizes with Mr. Pasquarella but this complies with all our regulations and the house distance of 200 feet is a considerable distance. She lived in Dover all her life and has owned her home for 26 years. They built their home and had the option to buy the lot next to them and they chose not to and a 4-unit building was built next to them. That was their choice. They had every right to build that 4-unit building as was her right to build on their R-40 lot. In addition to that, her family later built a barn and low and behold, the new neighbors became upset because the barn was blocking their view of their field. Although you have property rights, the person who owns the property next to you also has property rights. If Mr. Pasquerella had kept the trees or planted some new ones, it would have increased his buffer and would have helped to protect his rights. She added that the Board also has to look at the abutter's property rights. You both have property rights. We have to go by what is in the regulations.

Kirt Schuman stated that he feels for the abutter but if you look at the ordinance, the OSS is nothing new. There is talk of bad planning; he feels that the Board has done some good planning. If it was still done the conventually, you could have one house 25 feet from the property line one 50 feet from the property line and one house 100 feet from the property line. The applicant meets all of the requirements and has no variances. He can sympathize but cannot see any reason why it should not be approved.

Donald Andolina said that it is one thing about having the development meet all the requirements but the courts have upheld situations where they felt the development was inconsistent with the surrounding area. He said that he thinks that Frank Torr is right and that we need to give more time to have Mr. Pasquerella try to work this out with the developer. He moved to table this.

Frank Torr asked to let Dean Trefethen speak because his hand was up.

Dean Trefethen said that the OSS is something they are reviewing in their Master Plan Review. What do we do about the bonus lots? Do they stay or do they go. We had already decided to not have bonus lots, in theory Lot 8 goes away. It is still up to the developers as to which lot goes



CITY OF DOVER

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Meeting Date: **Tuesday, March 27, 2007**  
Meeting Time: **7:00 pm**

away. He suspects that the desirability of lot 8 remains because of its views and its proximity to the river. When he looks at the topo and listens to the explanation he believes that something can be done about Lot 8 to lessen the impact to the abutter. He felt that the swale theory doesn't make sense. He agrees with Donald Andolina that we need to protect the future residents but we do need to protect the existing residents. Even if this meets all the requirements of what our minimum requirements are, this Board is perfectly within its powers to enforce something that is greater than our minimum. The 50 foot buffer is there but we could say in that circumstance we want a larger buffer. The courts have upheld those reasons. He was leaning toward a no vote. He recommended that the developer take another look at this for options and solutions.

Donald Andolina made the motion to table.

Frank Torr seconded.

**VOTE 7 – 2**

**Opposed – Kirt Schuman, Tony McManus**

Frank Torr stated that he was not sure that the public hearing should have been closed.

Tony McManus stated that there has be three public hearing on this item and if the Board wants it reopened at the next meeting they can move to reopen it but he would leave it as is for now.

### **7. New Business**

There was none.

### **8. Committee Reports**

Frank Torr stated that the Liberty Mutual tour was extremely interesting. They saw some quality workmanship out there.

Kirt Schuman stated that the Economic Land Use Committee will be meeting on Saturday at 8:00 AM in the McConnell Center cafeteria.

### **9. Adjournment.**

Frank Torr made the motion to adjourn.

Donald Andolina seconded.

**VOTE U/A**