

DOVER PLANNING BOARD
MINUTES OF MEETING
JULY 28, 1992

MEMBERS PRESENT: Bob Corsetti, Dan Markey, Ron Cole, Mike McDonnell, Jerry Reese, Jim Richards, Paul Beecher, Kendra Maroon

MEMBERS ABSENT: Lionel Martel

STAFF PRESENT: Bill Collins, Planning Director and Jacqueline Freeman, Recording Secretary

ITEM #1: Approval of minutes

Jerry Reese made the motion to approve the minutes of the meeting of July 14, 1992 as presented.

Ron Cole seconded.

VOTE U/A

Kendra Maroon was seated in Lionel Martel's place.

ITEM #2: Determination of parking spaces for land owned by Leo H. Schwartz, M.D., Assessor's Map 28, Lot 11, located at 749 Central Avenue.

Bill Collins stated that this property received a variance to allow an office in an existing house. He said that this item is only before the Board for a determination of parking spaces. There are two formulas by which the spaces can be determined. The first formula is determined by the amount of square footage which would result in requiring six spaces. The second formula is determined by the number of employees and would require 8 spaces. Mr. Collins stated the staff is comfortable with 6 spaces.

Public hearing opened.

Brian Stanley, of 751 Central Avenue, stated that he has a signed agreement to buy the property adjacent to Dr. Schwartz and came here to be informed and to listen to what Mr. Hamel had to say.

Mike McDonnell stated that a letter was received from Mr. Tasker stating that he is in favor of the application.

Public hearing closed.

Jerry Reese moved to approve the plan for 6 parking spaces. Dan Markey seconded.

Jerry Hamel arrived at 7:10 PM. He stated that Dr. Schwartz is an Ophthalmologist. He resided and had his practice on the site. Dr. Bennett is also an Ophthalmologist and will

have his practice there but will not live on the premises. There will be a one bedroom apartment upstairs.

VOTE U/A

ITEM #3: Consideration of acceptance of a request for a minor lot line adjustment of land owned by Leo G. Croteau, Richard Downing, Alfred Catalfo and Sidney Robbins Family Trust, Assessor's Map 10, Lots 64, 63, 55, 56 and 62, located on Fern Court and former railroad track location between Folsolm St. and Washington St.

Kevin McEneaney represented the applicants and owners. He stated the land was formerly the Boston & Maine Railroad right-of-way which is approximately 300 feet long. Mr. Croteau bought the parcel and has an agreement to convey to the abutters portions of the right-of-way retaining a portion for himself.

Kevin stated that the line of Parcel A is free standing, not to be connected with Lot 10-64, but this will be changed to encompass lot 10-64 so as not to create a nonconforming lot.

Jerry Reese made the motion to accept the application. Ron Cole seconded.

VOTE U/A

Public hearing opened.

Mrs. Dorothy Desmond, owner of Lot 10-65, stated this lot line is 18" from the back of her house. She asked Kevin how he arrived at his figures as she didn't realize she had so little land in the back of her house.

Kevin McEneaney explained that he started out by doing deed research. He stated that the railroad right-of-way was laid out in the mid 1800's. He said some of the buildings are encroaching on the railroad right-of-way.

Mrs Desmond read a letter she received from Mr. Donald Bliss, NH Department of Safety, telling her to contact the Dover Fire Chief and he would look into her concerns. She stated that she has concerns in the fencing of her land. It has always been open to safety vehicles. All the houses have a right to park on Fern Court, leaving no room for a safety vehicle to pass. She wants to go on record saying she is very concerned about her tenants. She stated she cannot see how they will be able to get out in an emergency with the fence a foot from the back of the house.

Barbara Croteau stated the Fire Department has been there. She said she has taken the locks off the gates and the Fire Department has no problem with this arrangement since anyone

can walk in or out.

Mr. Viel, 3 Railroad Ave., stated that he has no problems with the lot line adjustment.

Mrs. Barbara Russell, 46 Cushing Street, suggested a sign be put up at each end of the right-of-way stating it is not a thru way. She said people are using it for a short cut and when they get to the fence they cut through her yard.

Public hearing closed.

Bill Collins stated that he walked the property with the Fire Chief. He said there are some concerns from lack of access to these properties. Bill said that he has the following suggestions:

1. On the end of the fenced area, which is on the right hand side of parcel A, the fence be moved back 20 feet so that it roughly corresponds to the boundary line N 86° 22' 57", thereby, allowing emergency vehicular access.
2. The fence be moved 5 feet away from the back of Parcel 10-65 to allow anyone to come out of the back windows in case of fire.

Jim Richards suggested a gate in lieu of moving the fence 20 feet.

Dan Markey asked if this was in the Board's jurisdiction.

Bill Collins stated that it is in the Board's jurisdiction to look at the broad issues. The threat of access is pretty obvious.

Kevin McEneaney stated that you have to separate the lot line adjustment from the safety issue. Mr. Croteau can put up a fence right now. There is no approval necessary from the Building Inspector. B & M could have put up the fence and any one of the abutters could have bought the property. He would hate to see the Croteaus have to move the fence if it is not necessary.

Jerry Reese stated that he agreed with the comments, but the safety issue has been brought up and now it has to be dealt with.

Ron Cole felt it was not so much a legal issue as a moral issue; a good neighbor issue.

Leo Croteau stated that he talked to Mr. Downing and Mr. Downing requested that the fence abut his house.

Mr. Croteau stated that the Board can have his assurance that the gates are unlocked. He said the reason for the fencing is to keep the riff-raff out and the neighbors are in favor.

Jerry Reese stated that he would be in favor of Bills's suggestions.

Joe Etelman stated it is more an issue of having the abutters satisfied. He would not be in favor of approval without signatures of all the property owners on the plan. He said they should make up their minds before we make up our minds.

Bob Corsetti made the motion to approve with the condition of moving the fence back 20 feet on the Washington St. side and moving the fence 5 feet away from the Desmond property.

Jerry Reese seconded.

Jerry Reese stated the motion should be to accept the lot line adjustment as proposed; move the fence back 20 feet, as Bill suggested; move the fence 5 feet away from the Desmond property and to get the owners signatures on the plat.

Kevin McEneaney stated that Mr. Croteau has no intentions in starting problems in the neighborhood. He would be willing to put up a gate somewhere accessible to the Desmond property rather than move the fence 20 feet.

Bob Corsetti withdrew his motion and made a motion to approve with the following conditions:

1. A second 10 foot gate be added at the Washington Street end.
2. The fence running along the back of the Desmond property be moved 5 feet from the house.
3. Parcel A and Parcel 10-64 be combined.
4. Neither gate is to be locked unless there is a knock box arrangement established by the Fire Department.
5. The signatures of all the owners be added to the plat.

Jerry Reese withdrew his second to the original motion and seconded this one.

VOTE 8 - 1 Joe Etelman opposed

ITEM 4: Old Business

Bill suggested that a workshop on the following items be added to the agenda of August 11, 1992:

1. CIP
2. Street specifications
3. Elderly housing

ITEM 5: New Business

Mike McDonnell took this time to welcome Mr. Beecher to the Board.

Jerry Reese made the motion to adjourn.
Ron Cole seconded.
VOTE U/A

Meeting adjourned at 8:20.