

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, May 17, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF APRIL 19, 2018

3. HEARINGS

- A. Z18-07 Applicant Industrial Tower and Wireless, LLC and Owners Peter and Susan Rousseau, 200 Henry Law Avenue (Tax Map K, Lot 1), located in the Rural Residential (R-40) Zoning District, request a variance from **Section 170-22.C(1)** of the Zoning Ordinance to permit the construction of a new, 180-foot tall telecommunications tower on the above referenced property, where the construction of new telecommunications towers is only permitted on 15 parcels specified by the Zoning Ordinance.
- B. Z18-10 Applicant Kirt Schuman and Owner Schuman Family Revocable Trust of 2013, 136 County Farm Road (Tax Map C, Lot 3-B1), located in the Rural Residential (R-40) Zoning District, requests a variance from **Section 170-12.B** to permit a side setback of 20 feet, where a minimum of 25 feet is required.

4. OTHER BUSINESS

5. ADJOURN

Persons with questions or interested in reviewing the meeting materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm and Friday from 8:30 am to 4:00 pm. The meeting materials are also available online at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



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ZONING BOARD OF ADJUSTMENT - MINUTES

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1. ATTENDANCE

Members Present: Chris Prior (Chair), Bob Hall (Vice Chair), Frank Landford, Otis Perry, Rich Onufry (Alternate), Anthony Sillitta (Alternate)

Members Absent: George Reagan, Nicholas Couturier (Alternate)

Staff Present: Elena Piekut (Assistant City Planner, Zoning Administrator)

The Chair called the meeting to order at 7:03 p.m. He introduced the Board and staff present to the audience and explained the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF MARCH 15, 2018

Motion: Otis Perry moved to approve the meeting minutes of March 15, 2018 as written. Frank Landford seconded. Vote: 5-0-1 with Bob Hall abstaining.

3. HEARINGS

- A. Z18-07 Applicant Industrial Tower and Wireless, LLC and Owners Peter and Susan Rousseau, 200 Henry Law Avenue (Tax Map K, Lot 1), located in the Rural Residential (R-40) Zoning District, request a variance from Section 170-22.C(1) of the Zoning Ordinance to permit the construction of a new, 180-foot tall telecommunications tower on the above referenced property, where the construction of new telecommunications towers is only permitted on 15 parcels specified by the Zoning Ordinance.

Chair Chris Prior recused himself from hearing the case and left the tale.

Vice Chair Bob Hall recognized Otis Perry, who explained that the Applicant is also subject to federal review, and as part of that review the Dover Heritage Commission, of which he is chair, has been asked to comment on the project. He said there was no requirement to notify abutters but public notice will be provided.

Vice Chair Bob Hall stated that he felt the Board has been inundated with information, some being received as recently as today, and that the information is complex and will take time to digest. He wants to be prepare to ask appropriate questions and feels it is in everyone's best interest to continue the case to the next meeting.

Otis Perry disagreed and stated his opinion that out of respect to the public in attendance, the public hearing should be opened.

Frank Landford agreed that thought there is information lacking, he wants the opportunity to ask questions tonight.

Anthony Sillitta agreed that a public hearing should be held.

Rich Onufry agreed and wants to proceed.



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The Applicant was represented by Attorney Steve Grill, Kevin Delaney of Industrial Tower and Wireless, LLC, Jerry Squires representing T-Mobile, and Kevin Fadden of Industrial Tower and Wireless, LLC. He said that the T-Mobile radiofrequency engineer was unable to attend due to illness.

Attorney Grill provided an overview of the applicants and application, the need to improve coverage in an area lacking service, described how wireless service works, explained that none of the 15 parcels where towers are permitted would work and that existing towers don't suffice, and explained that the owner of WTSN radio station wouldn't enter into a long term lease that was commercially reasonable. He explained that the proposed tower location is in the 29-acre portion of the applicant's lot which also contains powerlines. He told the Board that no matter where the tower is located someone will oppose it but that is not a reason to deny the request.

Frank Landford noted that the site plan provided does not show the house or farm buildings in relation to the tower and its drop zone, as well as that the drop zone include the area of high tension lines. Attorney Grill said tower collapses are very unlikely, that they are designed for a category five hurricane, for ice loading, and to fall inward on themselves when they do collapse. Frank Landford would also like to see a statement from the easement hold for the power lines and distances from the tower to other structures.

Otis Perry said he had no questions.

Anthony Sillitta asked about the location of the existing 205-foot tower on Middle Road and whether it may be closer to the service area in question than the proposed location, especially when height is considered. Attorney Grill said that T-Mobile is a tenant of that tower, but does not own it.

Rich Onufry asked what the Applicant would do if they could use this lot, but the particular area proposed was not a possibility. Attorney Grill said he was not sure but it can be discussed further.

Bob Hall said he was concerned about the height of the tower given the limited area lacking service and asked about how tower height relates to coverage limitations. Attorney Grill said this is based on complicated computer modeling but he does not know the engineering specifics. Bob Hall asked for clarification about why the nearby towers that were evaluated were rejected, and whether it was because they couldn't provide coverage. Attorney Grill said that at some height that property would work but that the site is not available because the owner wants a lease terminable at will and that they tried to negotiate for a year. Bob Hall noted that T-Mobile has some coverage in the area and asked whether those antennas could be improved to provide coverage. Attorney Grill said he has been told "no" but that that is an engineering question. Bob Hall noted that though there may not an easy solution, there may be a solution.

Rich Onufry asked whether the tower would be available to other carriers. Attorney Grill said the tower would be owned and operated by Industrial Tower and Wireless, LLC and since colocation is generally preferred and required he would hope and expect other carriers to locate on the tower.

Frank Landford asked for confirmation that the intent is for a long term lease of the land, not a purchase and Attorney Grill confirmed that is the case.

Kevin Delaney, Regulatory Compliance Manager for Industrial Tower and Wireless provided additional details about the tower proposal, such as: it would be accessed from McKone Lane using an existing driveway in the power line easement that would be widened to 12 feet and would be approximately 670 feet long, that it would be served by underground utilities, that the lease area would be 100 feet by 100 feet, that the tower compound area would be 80



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feet by 80 feet surrounded by an 8-foot fence, containing up to five shelters and equipment cabinets for each carrier, with a base of 6 inches of 3/4-inch crushed stone. Frank Landford asked for confirmation that it is a self-supporting, tripod tower and Mr. Delaney said that it is. He said no tower beacon or lighting is required, that they have received FAA approval, and that the fall zone does not include any buildings but does intersect with the location of PSNH utility easement. They have an access and utility easement from PSNH.

Bob Hall referred to the drive test study and asked for explanation of how that is conducted. Attorney Grill explained that a vehicle is equipped with external antennas and measuring equipment, and a separate evaluation is also done through modeling. Bob Hall asked whether this is all internal work, without a third party involved. Attorney Grill confirmed that T-Mobile does the evaluation. Rich Onufry asked whether anything else initiated this need for a new tower or if it is standard to evaluate for gaps in coverage. Attorney Grill said it may result from customer complaints but he is not sure and that sometimes it comes from public safety making requests to the carrier.

Jerry Squires, consultant for T-Mobile, said that the company would prefer existing sites, and they he was given a two-mile search ring to look for a new location. He said they first consider colocation, new towers. He said they considered the existing silo at 200 Henry Law Avenue but that trees are in the way. At 101 Back Road, they could not come to an agreement with the property owner. He noted that there are also federal requirements for carriers to provide sufficient coverage for 911 in every area to maintain their license.

Bob Hall asked whether they know if there is a lack of emergency coverage. Jerry Squires said he doesn't know of any on record but that information may be available. Anthony Sillitta asked whether such a problem is a T-Mobile issue or one suffered by multiple carriers, and whether the current situation is jeopardizing T-Mobile's license. Mr. Squires said he would look into that.

Bob Hall asked if there are any plans to camouflage the tower. Kevin Delaney said they do not plan to camouflage the tower and do not like to do so as that can draw more attention. Mr. Hall asked whether a balloon has been floated yet. Mr. Delaney says it has not.

Attorney Grill said that if the Board would like a balloon test, he would like to schedule it sooner rather than later although after trees leaf out the visibility changes.

Public hearing opened.

Andrew Nanaa, of 5 Industrial Park Drive, representing Dianne Chalifour of 3 Mulligan Drive, explained that he worked for tower developers and in the tower industry for seven years and has reviewed the file and associated materials in person for three days in a row, with new documents being added each day. He told the Board that he had submitted a letter by email. Mr. Nanaa said that the Applicant seems to put a lot of faith in the drive test, but that results can differ depending on time of day and weather as well as the type of signal, such as 3G or 4G. He noted that the drive test is two years old. He said there is no demonstration that 180-foot tower height is needed, nor is there demonstration that upgrades aren't possible. He said some companies are upgrading from 4G to 5G to improve service. He stated that the Board does not have enough information to make a decision or to demonstrate a need. He said there is a vast difference between computer simulations and a drive test and that service is based on pure physics. He stated his belief that a rendering from a distance and a balloon test are needed. Mr. Nanaa believes that the wildlife assessment lacks detail, and that eagles and hawks love to nest in towers, but can also damage them. He believes that the NEPA short form, and possible a full phase one assessment, will be required. He said that the federal government will also review and approve or deny the project. He wants to see empirical data and that T-Mobile has committed to



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locating on the tower through a lease document. He explained that public safety operates in the 800 MHz zone and T-Mobile operates in the 1900-2000 MHz zone, with the high number representing lesser coverage. He said Verizon is at 750 MHz and police at 150 MHz. He said that by operating at the highest frequency T-Mobile covers the shortest distance, and other carriers may not need coverage using the proposed tower.

Tom Hackett, 43 Samuel Hanson Avenue, noted that the top of the tower will be 100 feet above the trees. He has looked into the effects of living near cell phone towers and there are health concerns including headaches, insomnia, ringing in the ears, and that RF radiation has been found to cause infertility, damage DNA, and accelerate the growth of cancer cells. He said that although studies are controversial and more research is needed, if people believe them they won't want to live there. He has found reports that indicate homes near towers are difficult to sell and thus property values will decrease. He said that the intent of the ordinance is to prevent towers everywhere and that dozens of homes will be impacted.

Eric Borrin, 117 Back Road, explained that he directly abuts the radio station, and upon choosing to live there investigated the effects of AM broadcasting. He asked the Board not to grant the variance, stating that some statements are suspect. He feels there is an illusion around federal requirements. He said that a 180-foot tower at 150 feet elevation, the fifth highest area of Dover, would create an eyesore. He believes the high radiofrequency output makes the project undesirable. He urged the Board not to close the public hearing at this meeting. He said it is clear that the volume of information provided is not available to all residents as it is changing on a daily basis.

Steven McCusker, Jenkins Road in Madbury, representing family living on Back Road, valued the process and gave an example of existing nonconforming industrial buildings in residential neighborhoods and spoke to the necessity of zoning. He said isolating 15 sites for new towers is forethought. He discussed the variance process and reasons for granting variances. He is concerned that granting this variance will set precedent and could encourage other requests anywhere in the City. Mr. McCusker described the Dover High School light towers visible near Exit 7, which are 90 feet tall. He addressed the likelihood of tower collapse with an example of a fatal tower collapse in Missouri that day. He asked the Board not to open the floodgates.

Melissa Clough, 41 Samuel Hanson Avenue, stated that hers is the second closest home to the site and that she can see the tower site through her back door. She is concerned both as a mother and a licensed real estate agent and asked whether it will be higher than Garrison Hill tower and if it will be visible everywhere.

Ann Marie Hackett, 43 Samuel Hanson Avenue, wants to know whether Dover Police and Fire Departments have any concerns about service in the area, and what data is available. She said that she sees bald eagles in the area regularly and they are still in danger. She is very against the project.

Tom Harris, 4 Mulligan Drive, asked whether federal law regarding emergency services requires T-Mobile to provide adequate coverage when it doesn't currently exist.

Donna Capern, 1 Mulligan Drive, asked that the public hearing remain open until the next meeting.

Carl Winn, 39 Samuel Hanson Avenue, noted that the site is at an elevation of approximately 145 feet, and the top of a 180-foot tower will be at 325 feet, where Garrison Hill is 291 feet and the Statue of Liberty is 305 feet tall.

Norm Fracassa, 1 Penny Lane, spoke against the variance request as neither he nor the Board have been able to digest the information yet. He believes the tower is out of character with the neighborhood. He believes that he and many



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others are impacted. He asked the applicant to prove that property values won't be adversely impacted. He said that comparing values of homes on Falcon Drive is irrelevant. He stated that the lot is not zoned for this and the neighborhood is not industrial and commercial. He said he has a very clear view of the site and that a 180-foot tower is a 15-story structure. He asked for clarification whether there is a gap in coverage or a weak signal. He asked whether a new tower is worth it to fix a small problem or if the applicant is profiting. He believes granting the variance would be to the applicant's benefit and his loss and that is why we have a zoning ordinance.

Tom Hackett, 43 Samuel Hanson Avenue, noted that he submitted a list of neighbors' signatures in opposition to the request.

Doug Eaton, 2 Penny Lane, described the rural nature of the neighborhood and expressed his concerns about visual impact of 180, similar to the Northern Pass. He has concerns about the health effects and young families and children. He is concerned about property values as a realtor and said the Association of Realtors website contains articles about how buyers are sensitive to cell towers and up to 20 percent of values can be diminished.

STAFF RECOMMENDATION:

Assistant City Planner Elena Piekut said that for the same reason that the Board is not prepared to make a decision she does not want to address staff opinion on each variance criteria but recommends that the Board keep the public hearing open, table the case to the date certain of May 17, and discuss scheduling a site walk, and that she is willing to answer questions.

Motion: Otis Perry moved to recess the public hearing. Anthony Sillitta seconded. Vote: U/A.

Public hearing recessed.

Otis Perry said that he wants to schedule a site walk and a balloon test, as well as require a third party review of the radiofrequency analysis. Discussion ensued regarding scheduling a site walk and Attorney Grill said the applicant will be available after May 7.

Motion: Otis Perry moved to recess to the next meeting. Anthony Sillitta seconded. Vote: U/A.

- A. Z18-08 Applicant and Owner Scott Coughlin, 19 Piscataqua Road (Tax Map I, Lot 94-B), located in the Rural Residential (R-40) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-40 Table of Uses and Dimensional Regulations to permit the use of an existing barn for the shelter of horses, where the barn is located 40 feet from the side lot line and the shelter of farm animals is only permitted where the shelter is located no closer than 100 feet to any property boundary.

Attorney FX Bruton represented the applicant. He explained that the only affected abutter supports the request. He said that previous to subdivision the barn was located 55.7 feet from the side lot line and now is located 36.6 feet from the side lot line. He said that the barn has been a horse barn in the past and that a buffer exists between it and the neighboring property. He provided a letter from the purchaser of the property. He described the area as having many horses as well as Green Acres Stables.



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Chris Prior asked if the sale of the property would be affected if the variance is not granted. Attorney Bruton said that at the time of subdivision, keeping horses was not planned and the request has been made due to the purchaser. Attorney Bruton addressed case law regarding the concept of a self-created hardship and that the Board must consider conditions as they are.

Chair Chris Prior asked Anthony Sillitta to vote on the case.

Bob Hall noted that a new structure could be screened as well as an existing barn.

Discussion ensued regarding the nonconforming use of keeping horses.

Public hearing opened.

STAFF RECOMMENDATION:

Assistant City Planner Piekut explained that the Planning Department opposes the request, primarily because the applicant created and worsened the condition through a recent subdivision and the condition could be cured through a lot line adjustment or lot merger.

Public hearing closed.

Motion: Otis Perry made a motion to grant the variance because the criteria have been satisfied and he does not agree with the idea of creating one's own hardship. Bob Hall seconded. Vote: U/A

- A. Z18-09 Applicant Thomas Strange and Owner Hambone, LLC, 44-46 Ham Street (Tax Map 27, Lot 88), located in the Urban Density Residential (RM-U) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance to permit the conversion of a two-family dwelling into a four-family dwelling, where three-to-four dwellings are permitted only by special exception and the Applicant cannot meet the special exception criterion regarding setbacks with the legally nonconforming, existing structure.

Chris Berry, Berry Surveying and Engineering, represented the applicant. He described how the property meets all criteria for the granting of a special exception for the proposed use except for one.

Rich Onufry asked for confirmation that the footprint is not altered on any side and Chris Berry confirmed that is true.

Frank Landford asked about the size of the proposed units and Chris Berry said they are planned to be one- and two-bedroom units.

Public hearing opened.

STAFF RECOMMENDATION:

Assistant City Planner Elena Piekut explained that the Planning Department supports the variance request as all but one special exception criterion cannot be met. She said that the criterion for setbacks may be changed to exempt existing structures such as this one.



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Public hearing closed

Motion: Bob Hall moved to grant the variance. Frank Landford seconded. Vote: U/A

4. OTHER BUSINESS

Otis Perry said he would like to schedule a meeting with legal counsel regarding case Z18-07 and reiterated the need for a third-party radiofrequency analysis review.

Chair Prior noted that the Office of Strategic Initiatives annual Planning & Zoning Conference will be held April 28th, 2018 at the Grappone Center in Concord.

5. ADJOURN

Motion: Otis Perry moved to adjourn. Frank Landford seconded. Vote: U/A. Adjourned: 9:25 p.m.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
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Meeting Date:	Thursday, May 17, 2018
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INTENT: The Applicant requests a variance to permit a new telecommunications tower, where telecommunications facilities are not permitted on this lot.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-A

ZONING DISTRICT: Rural Residential (R-40)

FILE: Z18-07

APPLICANT: Industrial Tower and Wireless, LLC

OWNER: Peter & Susan Rousseau

LOCATION: 200 Henry Law Avenue (Tax Map K, Lot 1)

ACREAGE: 55.18 acres

EXISTING LAND USE: Single-family dwelling/farm

PROPOSED LAND USE: Single-family dwelling/farm, with telecommunications tower

SURROUNDING LAND USE: Single-family dwellings, Cochecho River Wildlife Management Area, conserved open space, WTSN radio

PREVIOUS ZBA ACTION:
None

PLANNING BOARD APPROVAL REQUIRED: Yes

ATTACHMENTS: Application, site plans

STAFF RECOMMENDATION: See Staff Recommendations

TABLE OF CONTENTS

To aid the Board, a list of all materials submitted to date follows:

1. From Applicant:
 - a. 3/23/2018 – Initial bound Application for Variance
 - b. 4/13/2018 – Letter from Atty. Grill of 4/11/2018
 - c. 4/17/2018 – FAA Determination of No Hazard to Air Navigation Letter of 11/13/2017
 - d. 4/17/2018 – NH Natural Heritage Bureau Review issued 4/6/2018
 - e. 4/17/2018 – US District Court for Rhode Island *Industrial Tower and Wireless, LLC v. Town of Foster Zoning Board of Review*
 - f. 5/2/2018 – Letter from Atty. Grill of 4/26/2018 including answers to questions and computer model coverage maps (and cover letter of 5/1/2018)
 - g. 5/9/2018 – Letter from Atty. Grill of 5/8/2018 and Real Estate Consultants of New England, Inc. Market Study dated 5/4/2018
2. From the Public:
 - a. 4/16/2018 – Email from Daniel Spuches, 40 Samuel Hanson Avenue
 - b. 4/19/2018 – Email and petition from Thomas Hackett, 43 Samuel Hanson Avenue
 - c. 4/19/2018 – Letter from Andrew Nanaa, 5 Industrial Park Drive, on behalf of Burson/Chalifour, 3 Mulligan Drive
 - d. 4/23/2018 – Letter from Colleen and Matt Walker, 45 Samuel Hanson Drive
 - e. 4/30/2018 – Photographs of materials submitted to Dover Heritage Commission Chairman and Dover Planning Department, submitted by Andrew Nanaa

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The property subject to this variance request is an approximately 55-acre cattle farm located on the east side of Henry Law Avenue, north side of Back Road, and on both sides of McKone Lane. Although McKone Lane divides the property, it is one lot. Assessing records indicate the home dates to 1790. The property is located in the Rural Residential (R-40) Zoning District.

The Telecommunication Facilities section of the Zoning Ordinance, **Section 170-22**, permits the construction of new telecommunications towers on 15 specific lots around the City. This section also permits co-location, or the placement of facilities on existing towers or alternative tower structures, much more broadly, throughout the City. “Towers” include not only dedicated telecommunications towers, but also alternative structures such as steeples and smokestacks.



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The Applicant requests a variance to permit construction of a new, 180-foot tall tower on a lot where the use is not permitted. The Applicant is a tower developer who has identified a specific tenant, T-Mobile, but who has also expressed an intent to lease space on the tower for other wireless service providers' facilities.

The proposed tower height of 180', on land at an elevation of approximately 145', creates a total elevation of 325'. For comparison, the highest point in Dover, Garrison Hill, is at elevation 291'.

In addition to Section 170-22 of the Zoning Ordinance, the City of Dover, in its permitting processes, must also adhere to the requirements of the federal Telecommunications Act of 1996 (TCA), as well as NH RSA 12-K, Deployment of Personal Wireless Facilities, if the Applicant/Co-Applicant is a wireless service provider. Staff has been advised by the NH Municipal Association that sections of the TCA do not apply to developers of tower structures unless a licensed wireless carrier is a co-applicant. If the variance to permit this use is granted, Planning Board review and approval will also be required per Section 170-22.

At the April 19, 2018 meeting of the Zoning Board of Adjustment, the Applicant provided a brief overview of the variance request and responded to questions from the Board. The Board held a public hearing, which it then recessed to May 17, 2018. The Board indicated their desire to schedule a site walk and balloon test, and to obtain a third-party review of the submitted radiofrequency analysis, and directed Assistant City Planner Elena Piekut to arrange all three. The Board continued the application to the May 17 meeting.

REASON FOR STAFF RECOMMENDATION

The Board must schedule site walks during a public meeting. In order to accommodate both the public and the Applicant's request that the balloon be viewed in the morning, staff suggests

scheduling this meeting for a Saturday morning. Staff also suggests requiring that the balloon be in place for a few days, as the impact is better viewed from a distance than during the site walk itself.

In accordance with NH RSAs 673:16, II, 676:4-b, and 676:5, Staff has contacted three firms qualified to review the Application, has received proposals from two, and expects a proposal from the third. One will be selected and asked to provide a report for review at the June 21, 2018 meeting.

As has been discussed, and demonstrated through the submission of materials by the public, the Dover Heritage Commission was asked to provide comment on this proposal by the Applicant, through its client Public Archaeology Lab and through the NH Division of Historical Resources. This is a federal licensing requirement in compliance with Section 106 of the National Historic Preservation Act of 1966. This process is separate from the variance process, and the Heritage Commission has not yet met to review this material. However, per RSA 674:44-b.I(d), the Heritage Commission has the authority to "Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources." Staff recommends that the Board make such a request if it feels that advice may assist in making findings as to any of the variance criteria.

STAFF RECOMMENDATION

Staff recommends the Board:

- 1) Remove case Z18-07 from the table,
- 2) Provide the Applicant an opportunity to present additional information and review how the request meets each of the variance criteria,
- 3) Reopen the public hearing,
- 4) Recess the public hearing to June 21, 2018,
- 5) Work with the Applicant to schedule a site walk for a Saturday morning and a balloon test for a specified number of days prior,
- 6) Discuss requesting comment from the Heritage Commission and make a motion if needed, and
- 7) Continue the case to the June 21, 2018 meeting.

Staff recommends that the Board reserve deliberation on the five criteria required for a variance until the site walk, balloon test, and third-party review are complete.

The Board has discussed holding a non-public session in order to consult legal counsel. Staff would like to discuss potential dates.

LAW OFFICE OF STEVEN E. GRILL
PO Box 10186
Bedford, NH 03110
603.488.2371
sgrill@stevegrill.com

April 26, 2018

BY EMAIL AND FEDEX

Zoning Board of Adjustment
City of Dover, NH
City Hall - 288 Central Avenue
Dover, NH 03820

Re: Case No. Z18-07
Application of Industrial Tower and Wireless, LLC, for a Variance for a Wireless
Telecommunications Facility proposed to be installed at 200 Henry Law Avenue, Dover, NH

Dear Sirs/Madams:

This letter will follow up on our recent communications and address certain issues which were discussed at the first session of the public hearing on this matter, held on April 19, 2018.

Unfortunately, the radio frequency engineer for our co-applicant T-Mobile, Ryan Monte de Ramos, was unable to attend that hearing due to illness. We expect him to testify at the next session on May 17, at which time he will address T-Mobile's need for coverage in the area of Dover which is the subject of this Application, i.e., the area to the east of downtown Dover. He will also will explain the results of the drive test that was conducted in 2016 as well as the computer models (referred to as "coverage maps" or "plots") which were referred to during the first session. Although it can be difficult to interpret these coverage maps without technical testimony to explain them, we nevertheless are enclosing them herewith so that the Board and the public can have an opportunity to review them prior to the next session. As you can see, the first plot shows the coverage provided by existing T-Mobile facilities within Dover and the existence of a coverage gap. The second set of plots shows the coverage generated or which could be generated from the sites within Dover where antenna facilities are permitted. None of these sites allow for closing the T-Mobile coverage gap; thus, none of them is a feasible alternative.

Please also note that because several speakers who oppose this Application speculated that the proposed facility might have an adverse impact on property values, the Applicant has commissioned a Certified Appraiser to conduct a study regarding the potential impact of the facility on residential property values in the surrounding neighborhood. We hope to have the results of this study prior to the May 17 session and will make it available as soon as we receive it.

In addition to questions about the need for coverage and why T-Mobile's existing sites are not adequate to close the existing gap, questions were raised about other issues. We attempted to record those questions to

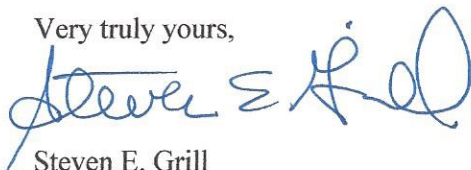
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the best of our ability and have prepared a document with the answers to them, which is also enclosed herewith.

Finally, as was discussed at the conclusion of the April 19 session, we request that the Board at its earliest convenience contact the Applicant to arrange for a balloon test.

Please do not hesitate to contact me or the Applicant's other representatives if you require any additional information or have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Steven E. Grill", with a stylized flourish at the end.

Steven E. Grill

Enclosures
SEG

FOLLOW UP TO APRIL 19, 2018 MEETING – QUESTIONS AND ANSWERS

Radiofrequency (RF) Issues

Q. Is the T-Mobile coverage problem a gap or just weak signals?

A. The term “gap” means any significant area where mobile device users cannot connect reliably to the provider’s 4G network from inside their homes or places of business in order to make and receive phone calls, access the Internet, etc. Weak signals can exist in an area but be inadequate to allow for reliable connectivity inside buildings, and this amounts to a “gap.”

Our national policy favors the deployment of wireless technologies in a manner which allows all citizens to use these technologies inside buildings. Although a full discussion of this legal and regulatory issue is beyond the scope of this paper, it is important to state that Section 706 of the Telecommunications Act of 1996 requires the FCC to report annually to Congress on whether advanced telecommunications capability “is being deployed to all Americans in a reasonable and timely fashion,” and to take “immediate action” if it is not. The Act also defines advanced telecommunications capability as “high-quality” capability that allow users to “originate and receive high-quality voice, data, graphics, and video” services. With these federal definitions in mind, there should be no doubt that the inability to use wireless devices inside buildings for phone calls, to access the Internet, etc., is a “gap” that the provider must be allowed to remedy.

Q. Why don’t existing sites, such as the antennas installed at 286 Middle Road, do the job?

A. 286 Middle Road is the WOKQ site and is over a mile to the southeast of the proposed site. T-Mobile’s engineer, Ryan Monte de Ramos, will explain at the May 17 hearing why factors such as topography prevent this site from being used to close the gap in the subject area.

Q. Can other sites be reconfigured, updated, etc., to close the gap?

A. No. Mr. Monte de Ramos will address this at the May 17 hearing.

Visual Impact

Q. Won't this tower be "as tall as the Statue of Liberty" and be "visible for miles around"?

A. No. The proposed tower is 180' feet tall, whereas the Statue is 305' tall and is on an island surrounded by flat topography (water), making it very visible from numerous vantage points. By comparison, topography and other features at the proposed tower site will make the tower difficult to see from most vantage points. We look forward to conducting a balloon test which will help all interested parties judge the impacts for themselves.

Property Values

Q. Doesn't the fear of electromagnetic radiation (EMR) from cell towers drive down the value of neighboring residential real estate?

A. Federal law provides that "[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." *See* 47 USC 332(c)(7)(B)(iv). Under this federal statute, since the proposed facility will comply with FCC regulations concerning radio frequency emissions, it is impermissible for Dover to consider the environmental effects of EMR, whether direct or indirect, in considering this Application.

It is important to note that wireless antennas transmit at relatively low power when compared to many other sources of EMR, and even if there were widespread fear of EMR as some opponents contend, those fears are not warranted.

The Applicant has commissioned a study regarding the impacts, if any, of wireless antenna towers on residential real estate values and will present the results of that study as soon as it becomes available.

Q. Won't this tower have a greater impact on real estate values than the nearby site which hosts four (4) tall AM radio station towers?

A. While no two properties are ever identical, it is highly significant that a developer chose to build several high-end homes next to the tower parcel. These homes are believed to have sold in the mid-six figure range with no apparent impact from the proximity to the four towers, which transmit at much higher power levels than cell tower antennas, are over 200 feet tall, and are lit at night. Thus, the radio towers did not have any apparent negative effect on property values.

It must be emphasized that concerns about property values will not go away or be less significant if an alternative parcel could be located. The coverage objective requires a facility in a part of Dover which includes residential real estate. There are very few large parcels in this area that would be suitable for this type of facility, and all of them are close enough to residences to make it highly likely that some owners of residential properties will feel that they are affected and they

will raise the same concerns. Thus, the concerns about property values, even if they were valid, will apply to any location that the Applicant might select. Federal courts have consistently held that a concern which will apply to any wireless facility regardless of where it is located, cannot be used as a basis to deny permission to construct such a facility.

Submission/Site Plan Issues

Q. The site drawings do not show location of farm buildings. Are there any within the fall zone (“drop zone”)?

A. This was addressed at the April 19 session. The final drawings will be revised to show that the farm buildings are not within the fall zone. It is important to reiterate that towers are engineered not to fail, even under extreme conditions, but nevertheless a fall zone is included. Providing for a fall zone dramatically increases the amount of land needed to build an antenna tower. (In this case, for example, the fall zone is more than two acres.)

Q. Does PSNH know that its transmission lines are in the fall zone?

A. This was addressed at the April 19 hearing. PSNH is aware of the project and does not object.

Q. Can we camouflage the facility?

A. This was addressed at the April 19 hearing. Camouflage is possible, but not advisable; due to the height and location of the facility, camouflage would actually draw more attention to the facility.

Miscellaneous (E-911 Coverage, Regulatory Issues, etc.)

Q. Won’t this tower harm wildlife, including the eagles that are known to nest nearby? Don’t eagles “love cell towers”?

A. The Applicant followed proper procedure and received a clearance from NH Wildlife. The statements about impact on wildlife during the April 19 hearing were speculative and not supported by any evidence.

Q. Do we have evidence of dropped E-911 calls? Do the first responders in Dover have concerns about coverage?

A. The Applicant does not have this data available to it. During the April 19 session, the Applicant answered a question regarding the decision to improve coverage in this particular area by stating that these decisions are *sometimes* driven by local first responders’ concerns about inadequate coverage. We did not mean to imply that any such concerns have been expressed in this particular location,

It is well known, however, that the E-911 and GPS capabilities of modern wireless devices are often used by first responders throughout New Hampshire to facilitate providing aid in cases of accidents and catastrophes.

Q. Do other carriers have the same coverage issues?

A. The Applicant does not have this data available to it. As a matter of federal law, however, all licensed carriers must be allowed to close significant gaps coverage. Whether or not their competitors have such gaps is not relevant.

Q. Has T-Mobile signed a lease with ITW?

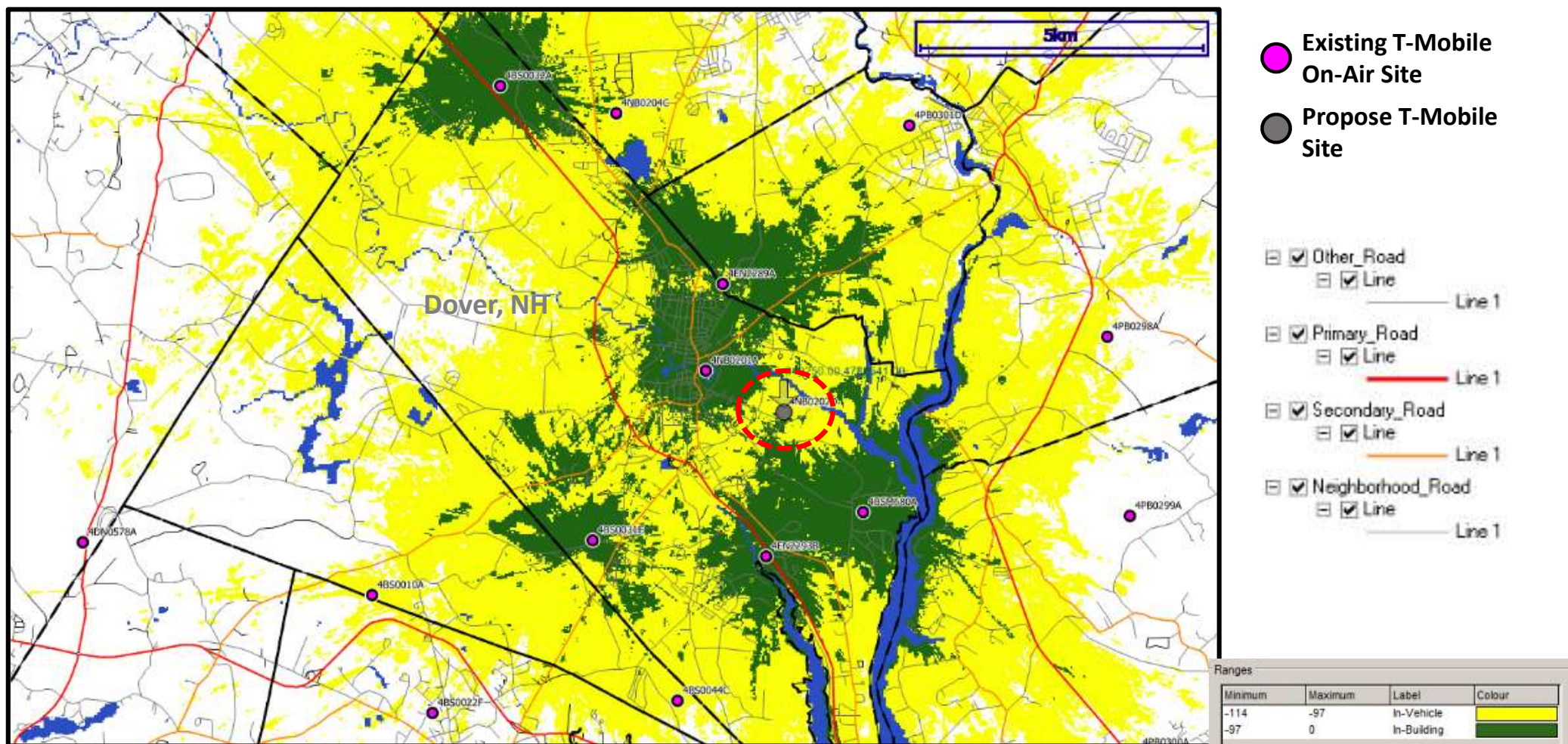
A. Not yet, but negotiations are being finalized. ITW will agree, as a condition of approval, not to apply for a building permit until it actually has a signed lease.

Respectfully submitted,

Steven E. Grill, Esq.

On behalf of the Applicant

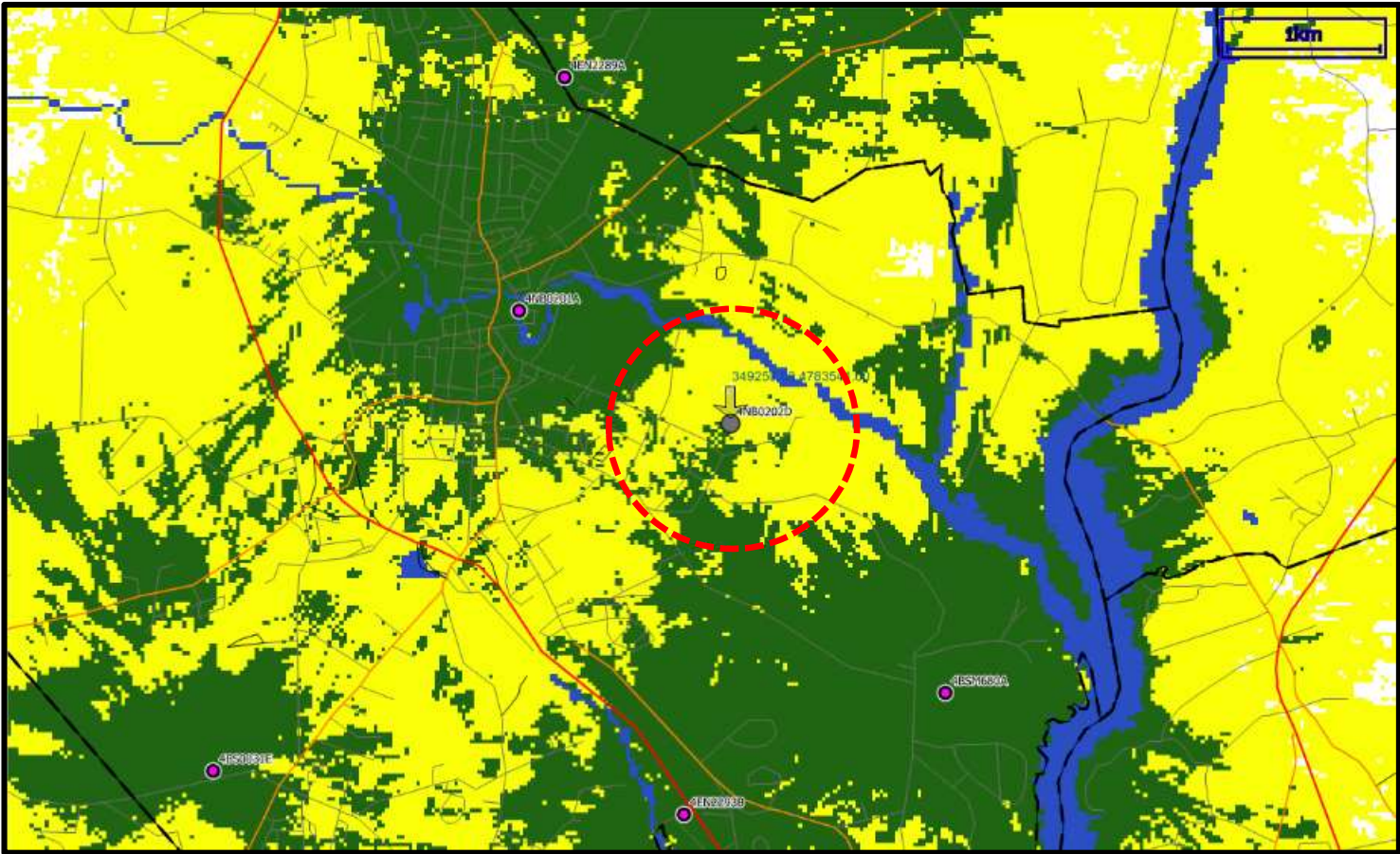
Existing T-Mobile On-Air Sites within City of Dover, NH



Existing T-Mobile On-Air Sites within City of Dover, NH

Site Code	Site Class	Latitude	Longitude	Height (Rad Ctr, Ft)	Address	County	City	State	Zip Code
4EN2293B	Monopole	43.1666	-70.8583	127	35 Spur Road Extension	Strafford	Dover	NEW HAMPSHIRE (NH)	3820
4BS0031E	Monopole	43.16852	-70.89618	143	273 Mast Road	Strafford	Dover	NEW HAMPSHIRE (NH)	3820
4BS0032A	Self Support Tower	43.24044	-70.91844	173	38 Parsons Lane	Strafford	Dover	NEW HAMPSHIRE (NH)	3820
4EN2289A	Self Support Tower	43.19111111	-70.89972222	132	45 Littleworth Rd	Strafford	Dover	NEW HAMPSHIRE (NH)	3820
4BSM680A	Guyed Tower	43.1740303	-70.8375015	205	286 Middle Rd	Strafford	Dover	NEW HAMPSHIRE (NH)	3820
4NB0201A	Smokestack	43.195939	-70.87243	150	43 WASHINGTON STREET	Strafford	Dover	NEW HAMPSHIRE (NH)	3820

Existing LTE 2100 MHz Coverage in Dover, NH

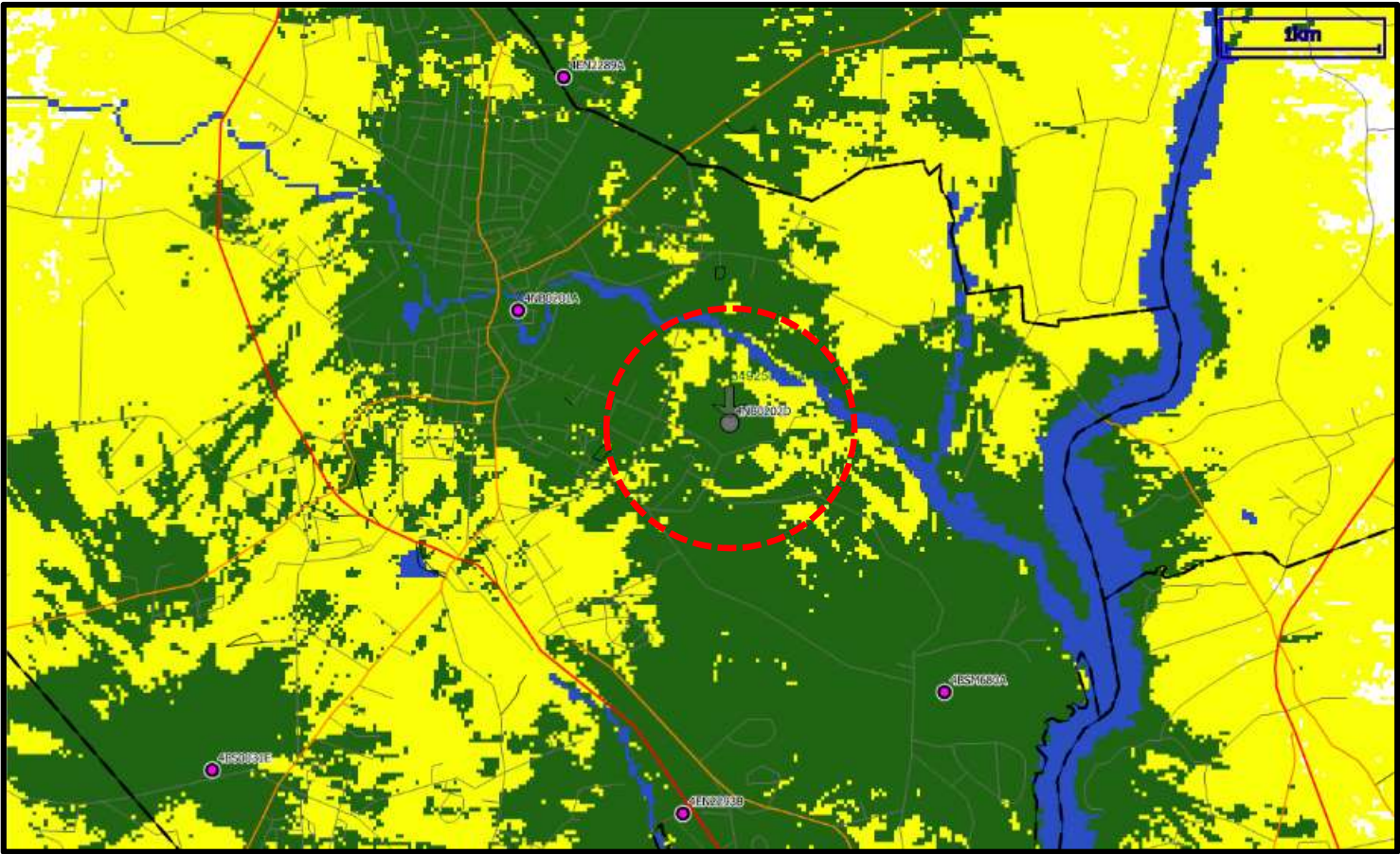


- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
- ☒ Line
- Line 1
- ☒ Primary_Road
- ☒ Line
- Line 1
- ☒ Secondary_Road
- ☒ Line
- Line 1
- ☒ Neighborhood_Road
- ☒ Line
- Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

Propose LTE AWS Coverage with Primary Candidate at 200 Henry Law Ave, Dover, NH
at Height of 177 Feet

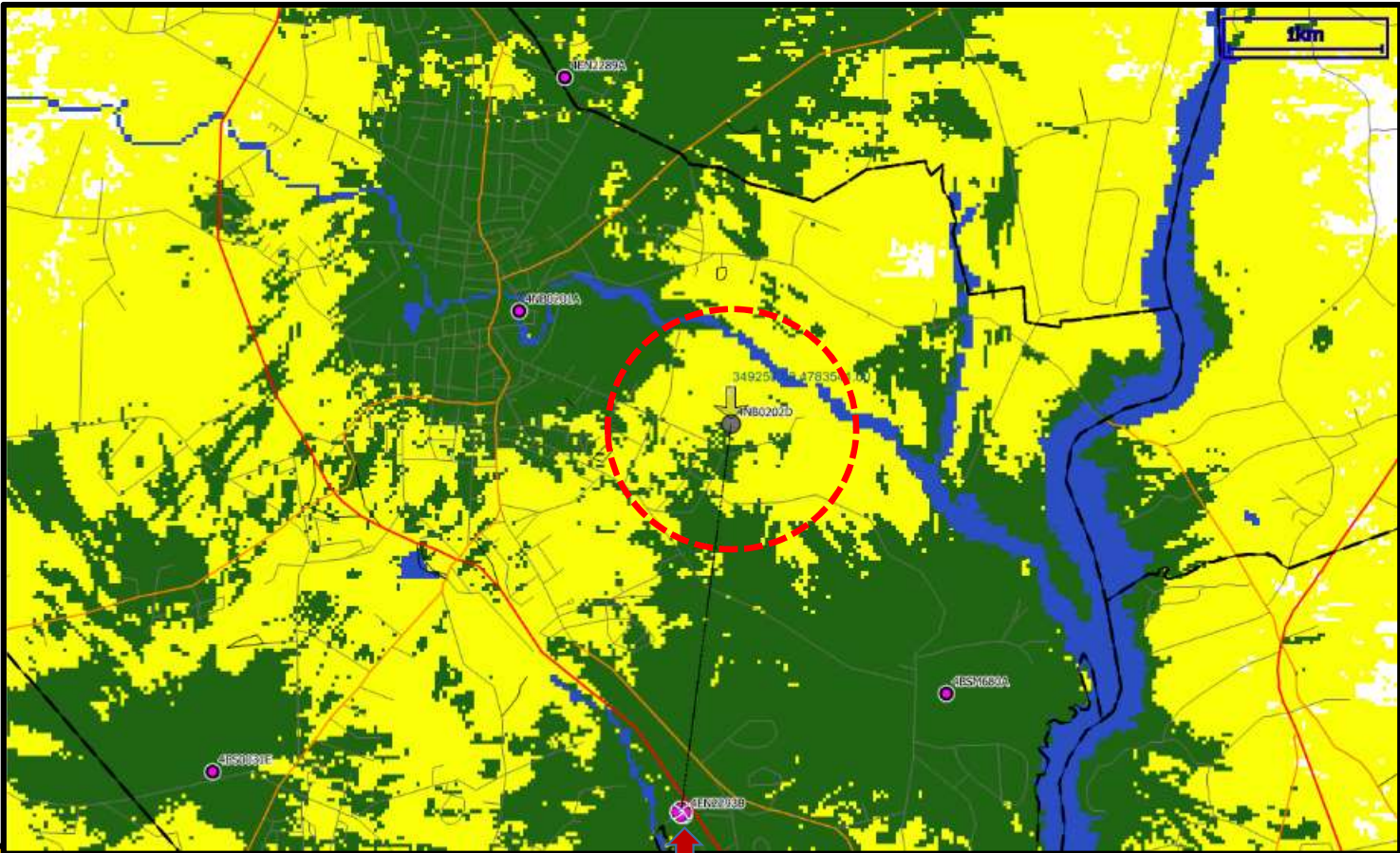


- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
☒ Line
Line 1
- ☒ Primary_Road
☒ Line
Line 1
- ☒ Secondary_Road
☒ Line
Line 1
- ☒ Neighborhood_Road
☒ Line
Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

Propose LTE AWS Coverage with Alternate Candidate at K-35A (Finch Lane), Dover, NH
at Height of 177 Feet



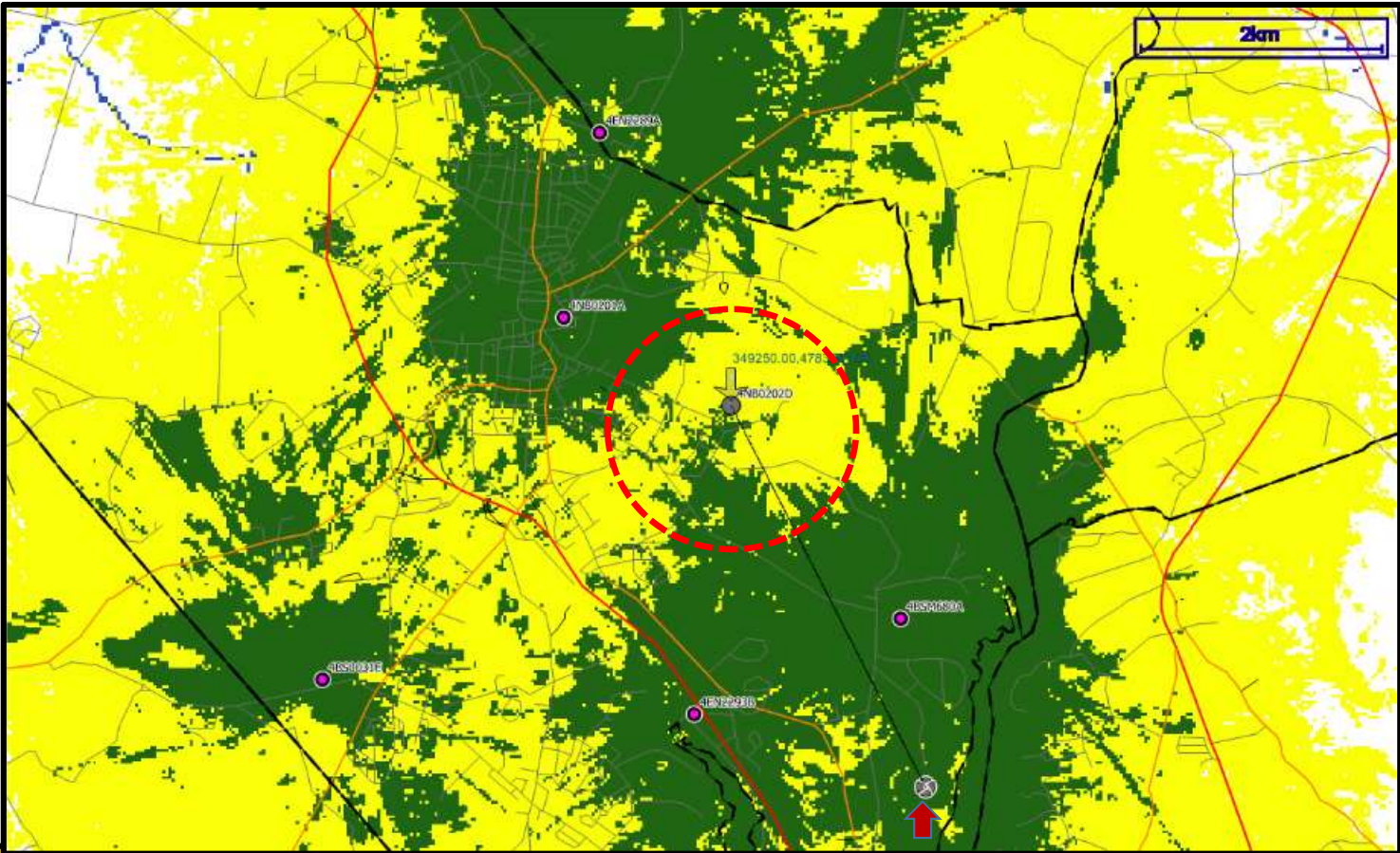
- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
☒ Line
Line 1
- ☒ Primary_Road
☒ Line
Line 1
- ☒ Secondary_Road
☒ Line
Line 1
- ☒ Neighborhood_Road
☒ Line
Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: Propose alternative candidate is already an existing On-Air T-Mobile site. Parcel is located 1.58 miles from Subject site and has 2 existing Crown Castle towers does not meet RF coverage objectives

Propose LTE AWS Coverage with Alternate Candidate at M-57 (Middle Road), Dover, NH
at Height of 177 Feet



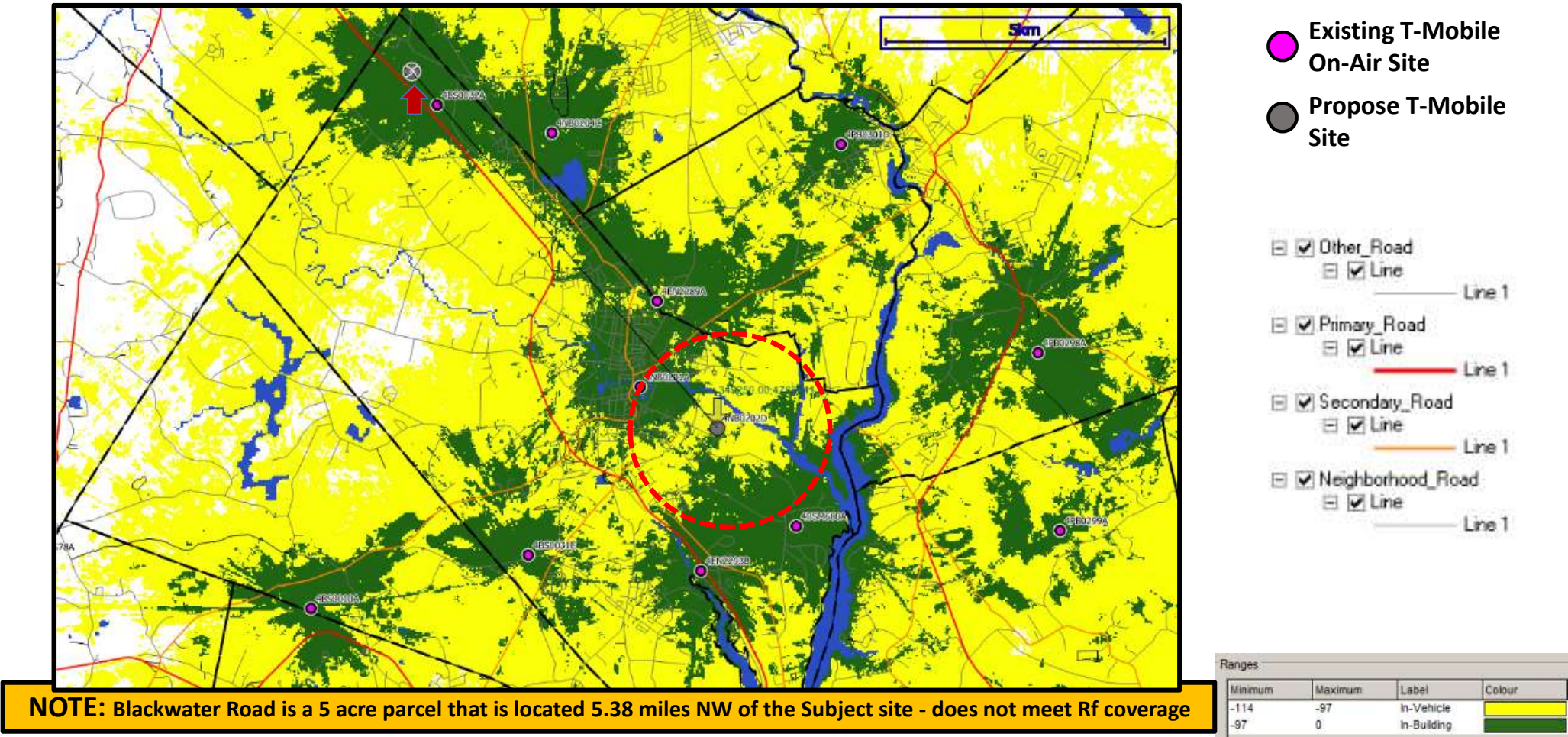
- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
☒ Line
Line 1
- ☒ Primary_Road
☒ Line
Line 1
- ☒ Secondary_Road
☒ Line
Line 1
- ☒ Neighborhood_Road
☒ Line
Line 1

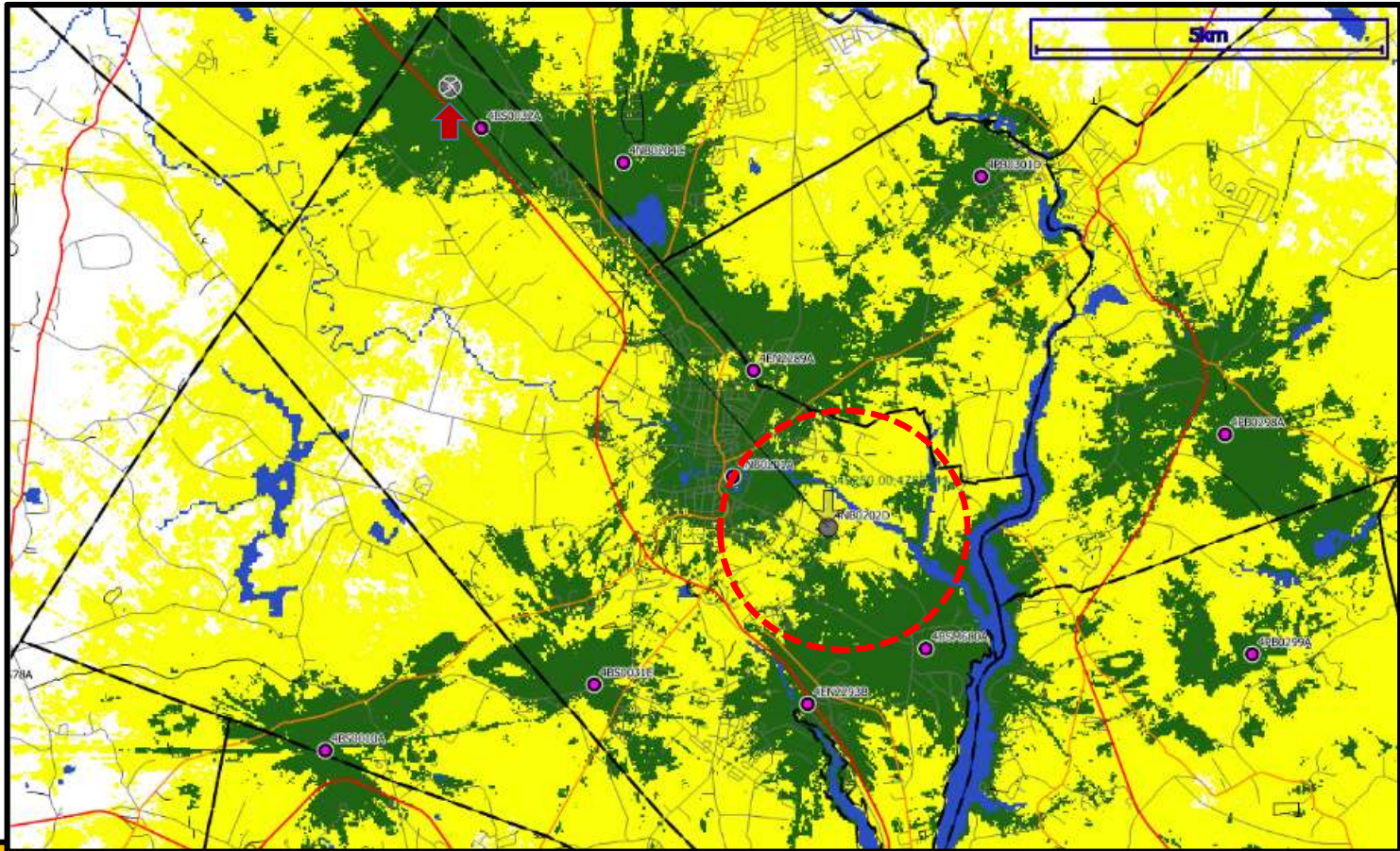
Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: Eversource 9.03 parcel behind City Waste Water Treatment -2.23 miles SE from Subject site - does not meet RF coverage

Propose LTE AWS Coverage with Alternate Candidate at A-29 (Blackwater Road), Dover, NH
at Height of 177 Feet



Propose LTE AWS Coverage with Alternate Candidate at A-1 (Blackwater Road), Dover, NH
at Height of 177 Feet



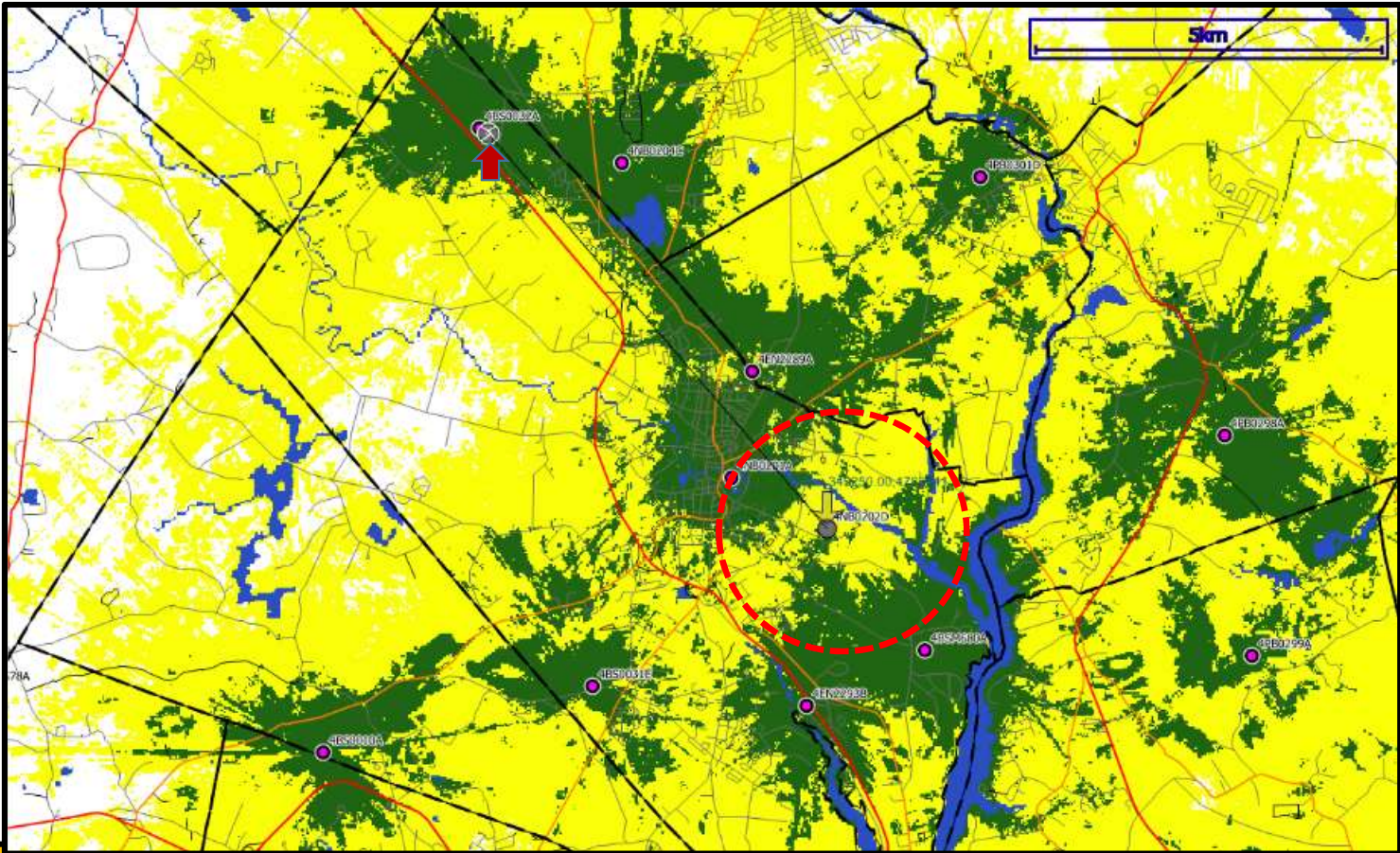
- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
☐ Line
Line 1
- ☒ Primary_Road
☐ Line
Line 1
- ☒ Secondary_Road
☐ Line
Line 1
- ☒ Neighborhood_Road
☐ Line
Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: City of Dover property - parcel A29-A1 is 42.26 acre located next to the Spaulding Turnpike 5.18 miles NW. Does not meet coverage

Propose LTE AWS Coverage with Alternate Candidate at A-36 (Parsons Lane), Dover, NH
at Height of 177 Feet



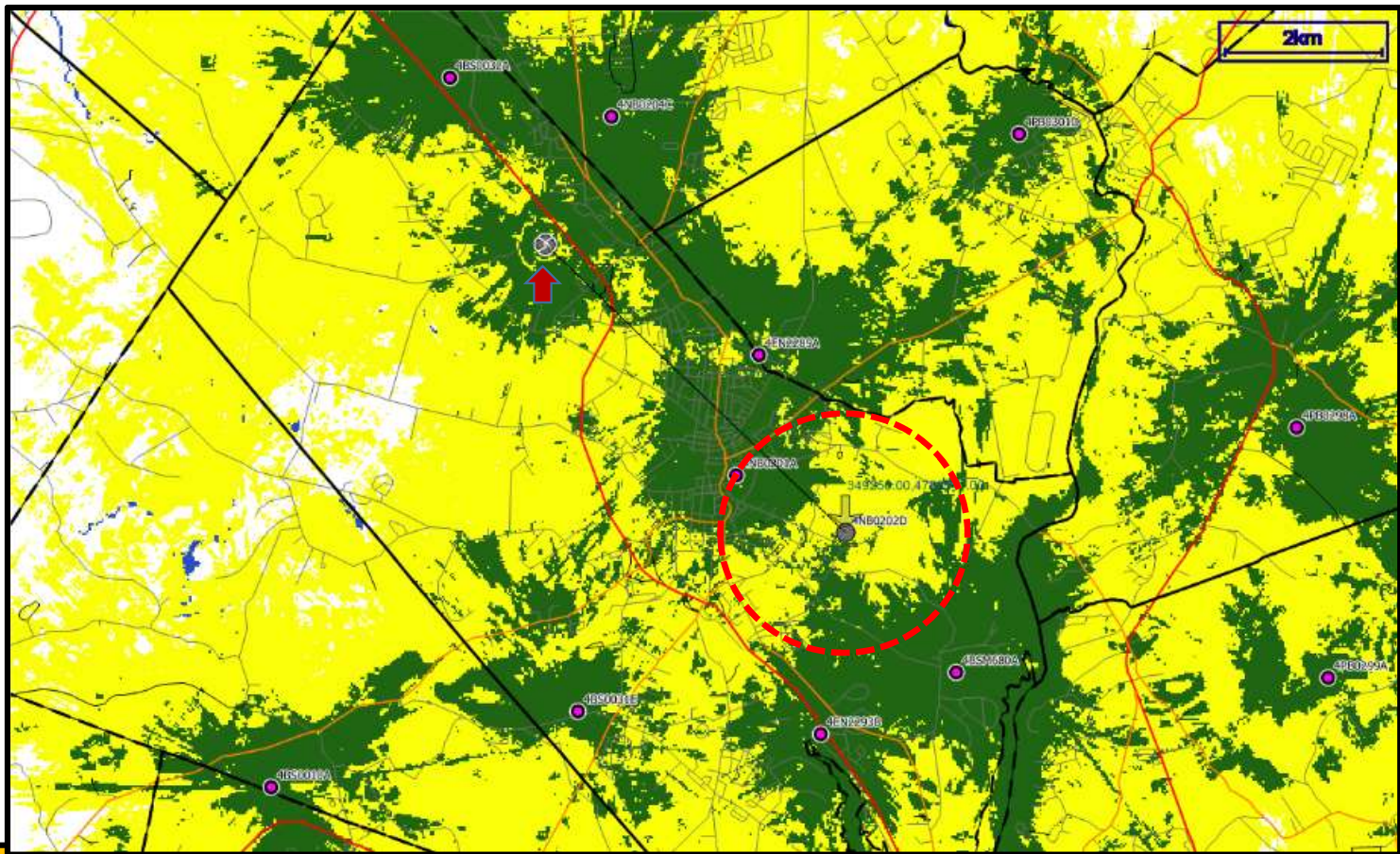
- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
- ☒ Line
- Line 1
- ☒ Primary_Road
- ☒ Line
- Line 1
- ☒ Secondary_Road
- ☒ Line
- Line 1
- ☒ Neighborhood_Road
- ☒ Line
- Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: Existing Sprint Spectrum tower located at 38 Parsons Lane 4.81 miles from subject site. Already an existing T-Mobile On-Air Site. Does not meet RF coverage objectives.

Propose LTE AWS Coverage with Alternate Candidate at D-7 (Venture Drive), Dover, NH
at Height of 177 Feet



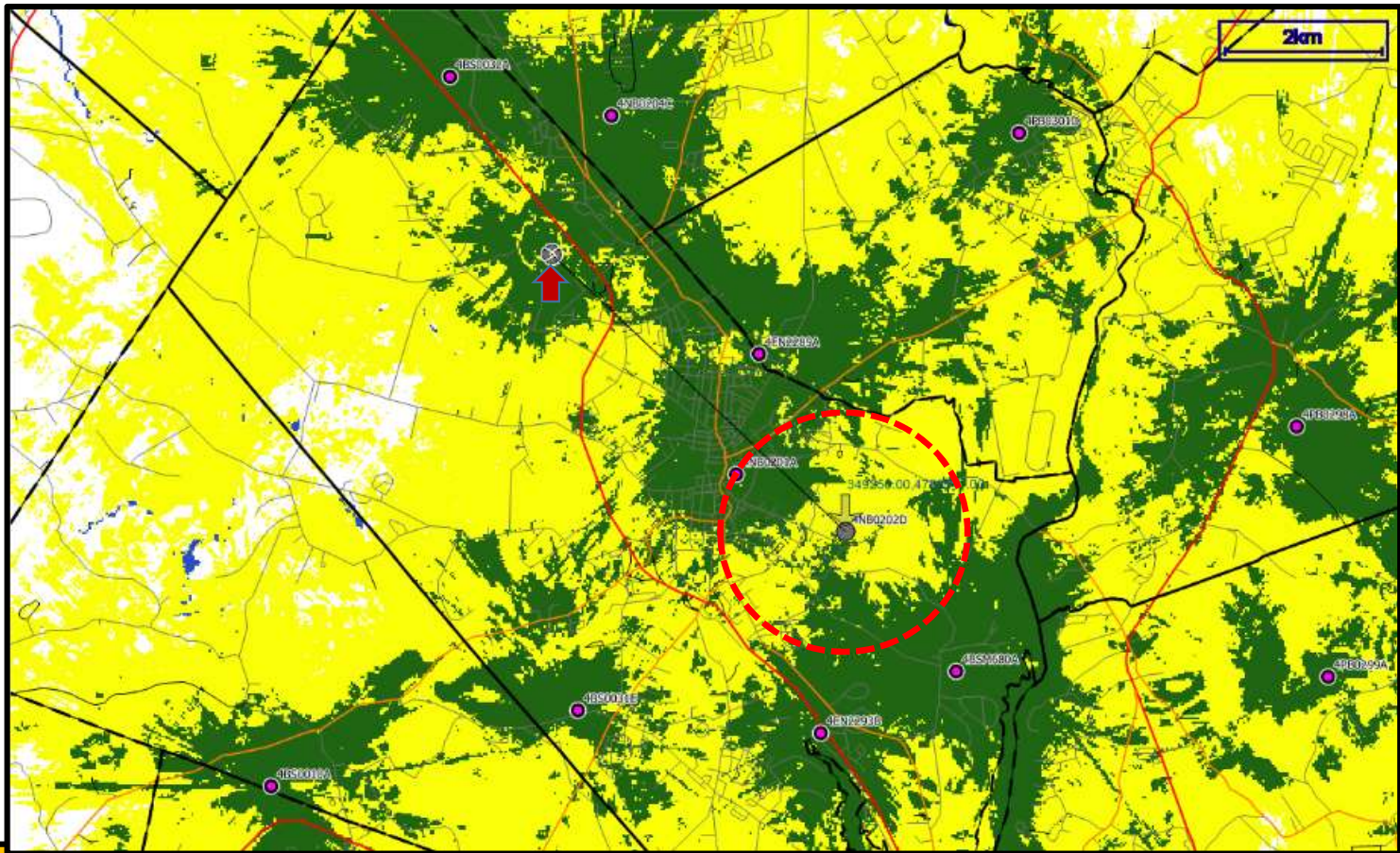
- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
- ☒ Line
- Line 1
- ☒ Primary_Road
- ☒ Line
- Line 1
- ☒ Secondary_Road
- ☒ Line
- Line 1
- ☒ Neighborhood_Road
- ☒ Line
- Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: Dover Business & Ind Development parcel containing 25 acres located 3.10 miles NW of Subject. Does not meet RF coverage

Propose LTE AWS Coverage with Alternate Candidate at D-5A (Venture Drive), Dover, NH
at Height of 177 Feet



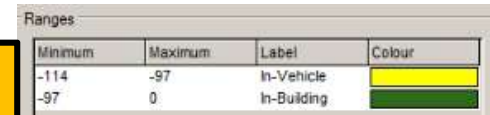
- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
☐ Line
Line 1
- ☒ Primary_Road
☐ Line
Line 1
- ☒ Secondary_Road
☐ Line
Line 1
- ☒ Neighborhood_Road
☐ Line
Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: City of Dover parcel containing 17.95 acres located 2.98 miles NW of Subject site. Does not meet RF coverage objectives.

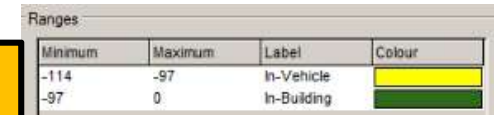
NOTE: Parcel C-0020-A is owned by the City. Glen Hill, Rochester Neck, and Tolend Road are more than 4 miles NW of Subject site.



-  Existing T-Mobile On-Air Site
 Propose T-Mobile Site

- ☐ ☒ Other_Road
 ☐ ☒ Line
 _____ Line 1
☐ ☒ Primary_Road
 ☐ ☒ Line
 _____ Line 1
☐ ☒ Secondary_Road
 ☐ ☒ Line
 _____ Line 1
☐ ☒ Neighborhood_Road
 ☐ ☒ Line
 _____ Line 1

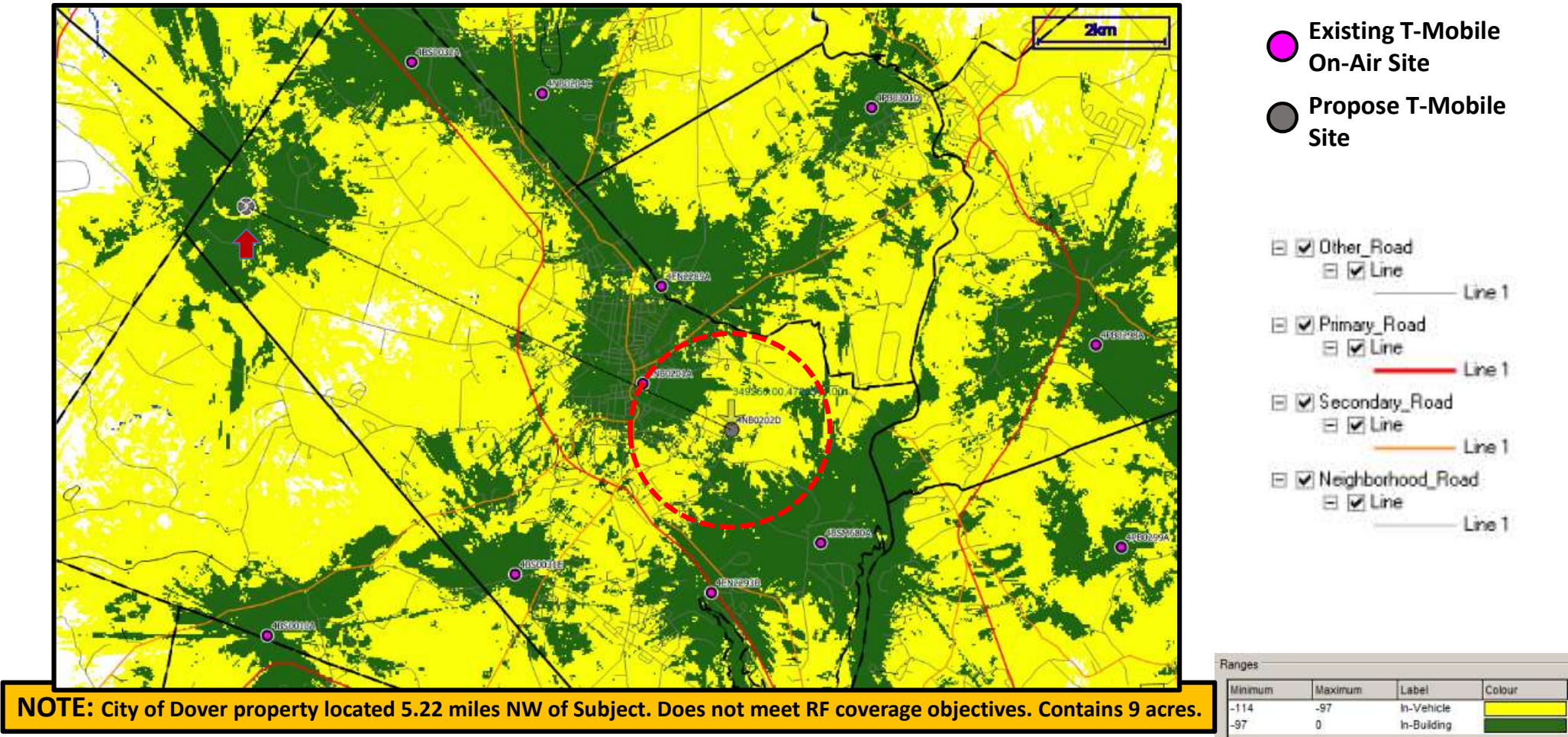
NOTE: City of Dover parcel located on Rochester Neck Road containing 21 acres. Is 5.26 miles NW of Subject. Does not meet RF coverage.



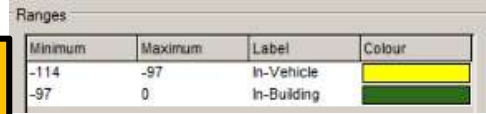
-  Existing T-Mobile On-Air Site
 Propose T-Mobile Site

- ☒ ☒ Other_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Primary_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Secondary_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Neighborhood_Road
 ☐ ☒ Line
 _____ Line 1

Propose LTE AWS Coverage with Alternate Candidate at C-8 (Glen Hill Road), Dover, NH
at Height of 177 Feet



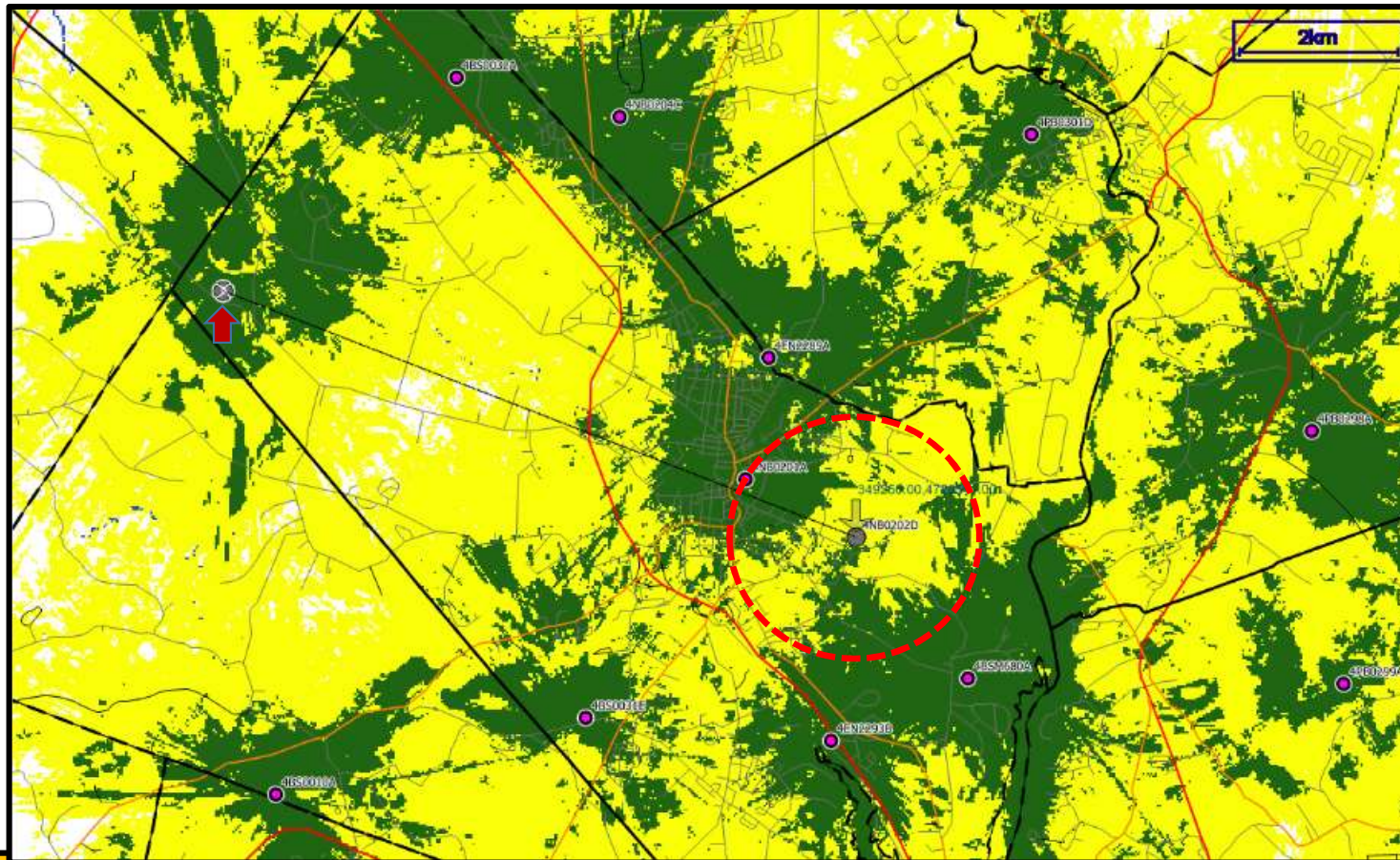
NOTE: City of Dover parcel containing 38 acres. Located 5.10 miles NW of Subject. Does not meet RF coverage objectives.



-  Existing T-Mobile On-Air Site
 Propose T-Mobile Site

- ☒ ☒ Other_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Primary_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Secondary_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Neighborhood_Road
 ☐ ☒ Line
 _____ Line 1

Propose LTE AWS Coverage with Alternate Candidate at C-19 (Glen Hill Road), Dover, NH at Height of 177 Feet



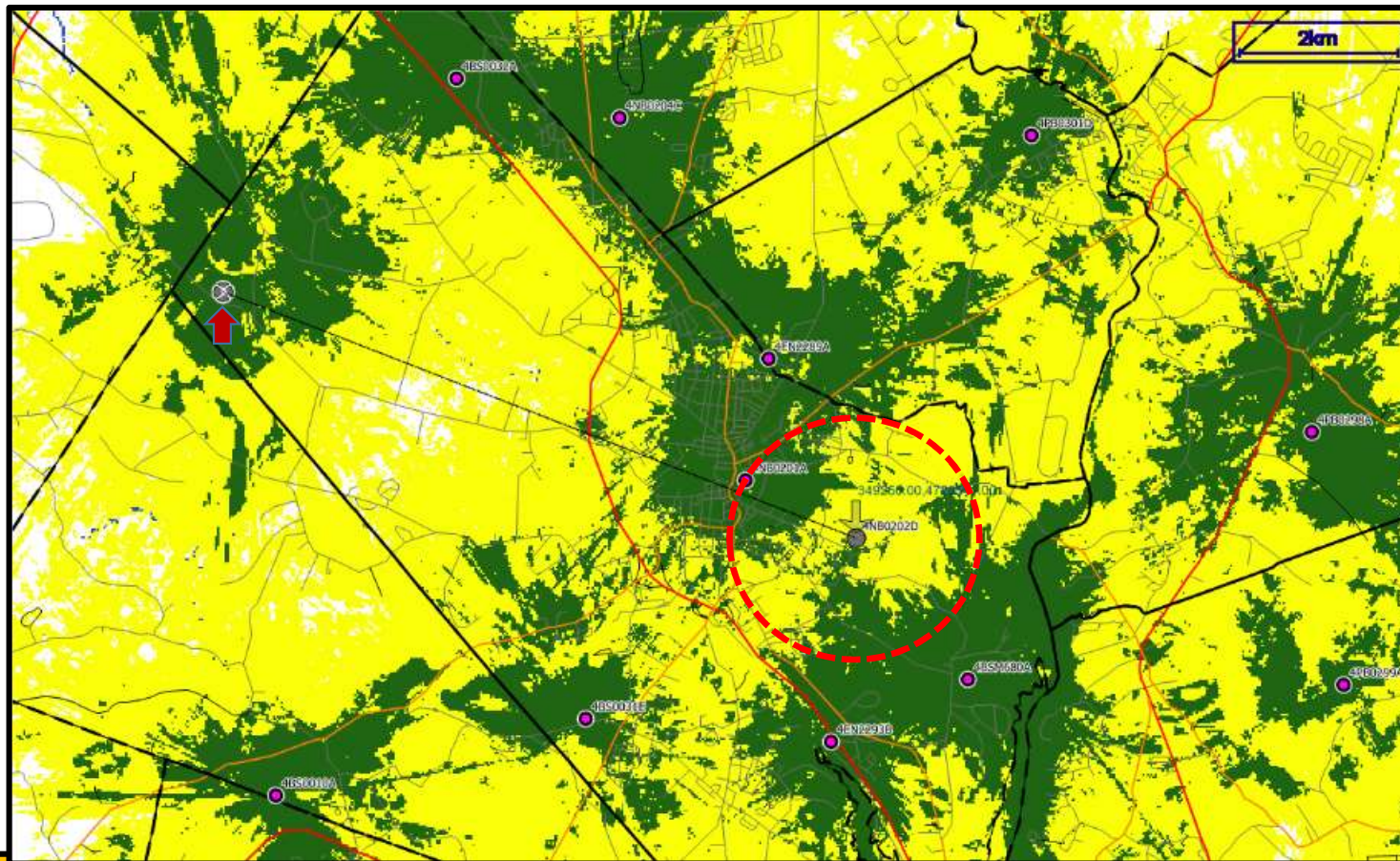
-  Existing T-Mobile On-Air Site
 Propose T-Mobile Site

- ☒ ☒ Other_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Primary_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Secondary_Road
 ☐ ☒ Line
 _____ Line 1
☒ ☒ Neighborhood_Road
 ☐ ☒ Line
 _____ Line 1

Ranges:			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: City of Dover 8 acre parcel located 5.06 miles NW of Subject site. Contains 8 acres. Does not meet RF coverage objective.

**Propose LTE AWS Coverage with Alternate Candidate at C-22 (Glen Hill Road), Dover, NH
at Height of 177 Feet**



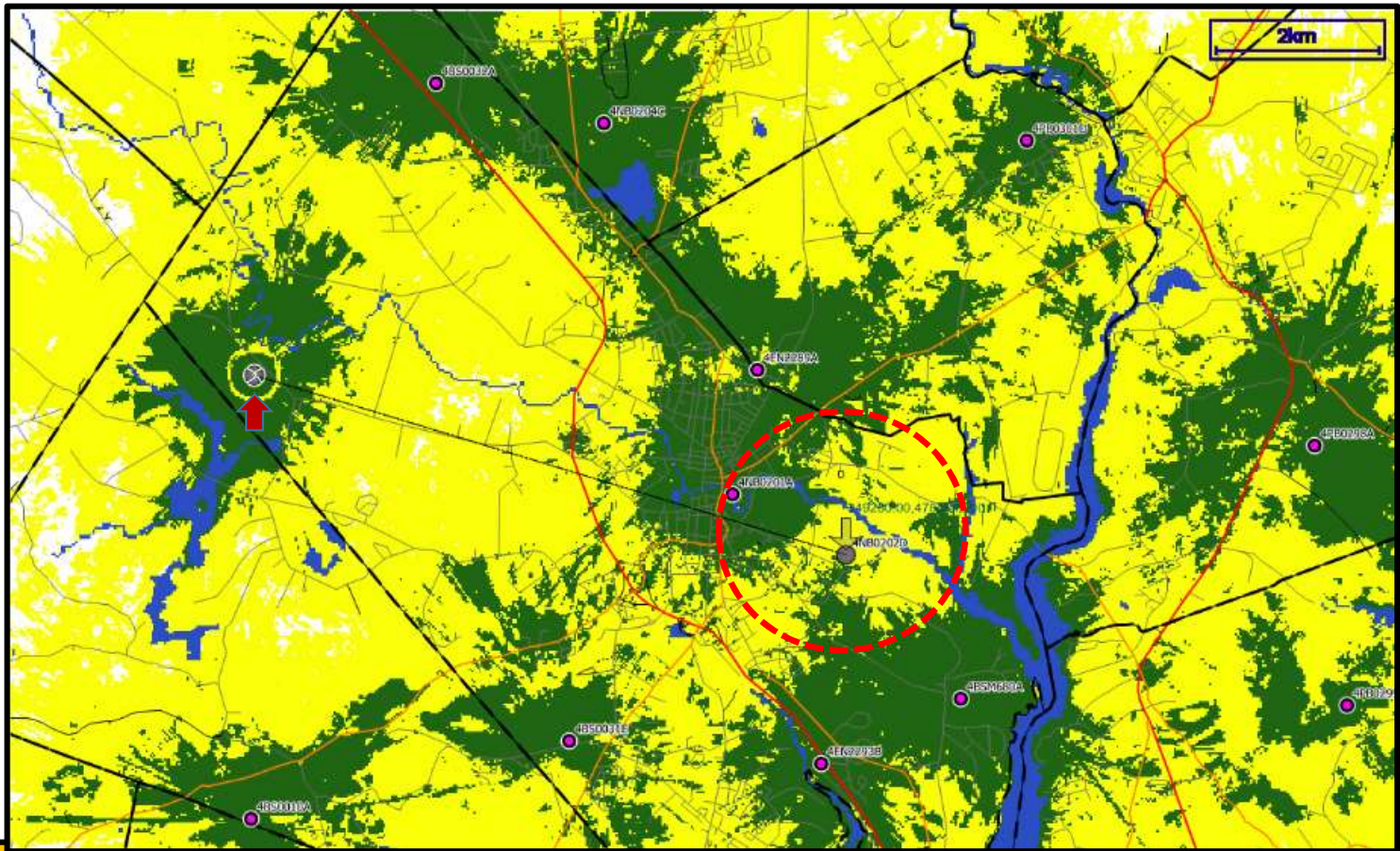
-  Existing T-Mobile On-Air Site
 Propose T-Mobile Site

- ☒ ☒ Other_Road
 ☐ ☒ Line
 _____ Line 1
- ☒ ☒ Primary_Road
 ☐ ☒ Line
 _____ Line 1
- ☒ ☒ Secondary_Road
 ☐ ☒ Line
 _____ Line 1
- ☒ ☒ Neighborhood_Road
 ☐ ☒ Line
 _____ Line 1

Ranges:			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: City of Dover parcel containing 5 acres. Located 5.08 miles NW of Subject site. Does not meet RF objectives.

Propose LTE AWS Coverage with Alternate Candidate at C-27 (Tolend Road), Dover, NH
at Height of 177 Feet



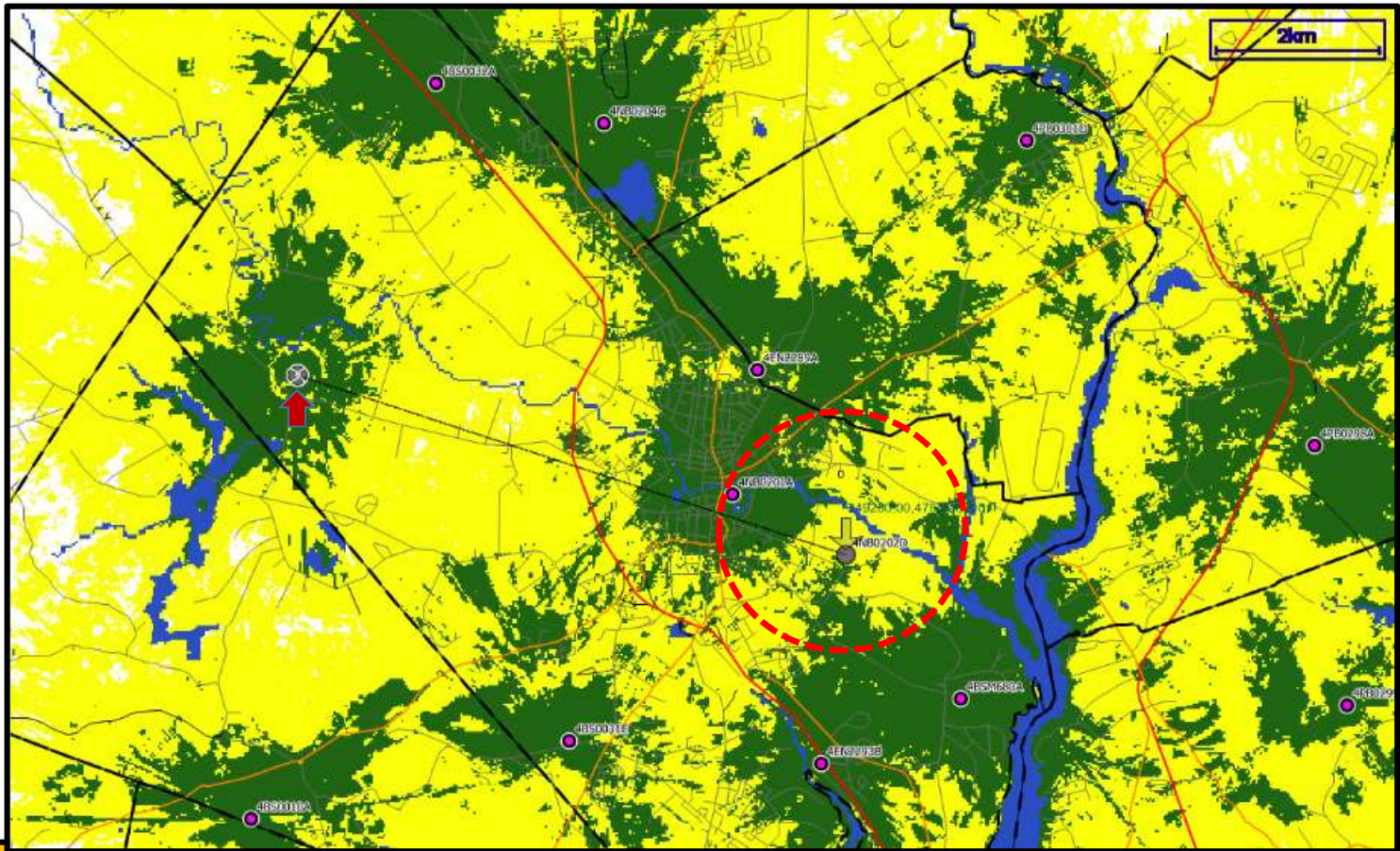
- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
☐ Line
Line 1
- ☒ Primary_Road
☐ Line
Line 1
- ☒ Secondary_Road
☐ Line
Line 1
- ☒ Neighborhood_Road
☐ Line
Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: City of Dover parcel containing 34 acres. This parcel is located 4.91 miles NW of Subject site. It does not meet RF coverage.

Propose LTE AWS Coverage with Alternate Candidate at F-14 (French Cross Road), Dover, NH
at Height of 177 Feet



- Existing T-Mobile On-Air Site
- Propose T-Mobile Site

- ☒ Other_Road
☐ Line
Line 1
- ☒ Primary_Road
☐ Line
Line 1
- ☒ Secondary_Road
☐ Line
Line 1
- ☒ Neighborhood_Road
☐ Line
Line 1

Ranges			
Minimum	Maximum	Label	Colour
-114	-97	In-Vehicle	Yellow
-97	0	In-Building	Green

NOTE: City of Dover property. Lot contains 25.50 acres and is located 4.20 miles NW of Subject site. It does not meet RF objectives.

Use mail the completed form and required material to:

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
Pillsbury Street, Concord, NH 03301-3570

RECEIVED

MAR 22 2018

DHR Use Only

R&C #

75569562

Log In Date

Response Date

Sent Date

Request for Project Review by the New Hampshire Division of Historical Resources

This is a new submittal

This is additional information relating to DHR Review & Compliance (R&C) #:

GENERAL PROJECT INFORMATION

Project Title ITW Telecommunications Facility, Dover

Project Location 200 Henry Law Avenue

City/Town Dover

Tax Map K

Lot # 1-0-0

State Plane - Feet Geographic Coordinates: Easting 1200573

Northing 252363

See RPR Instructions and R&C FAQs for guidance.)

Lead Federal Agency and Contact (if applicable) FCC

Agency providing funds, licenses, or permits)

Permit Type and Permit or Job Reference #

State Agency and Contact (if applicable) n/a

Permit Type and Permit or Job Reference #

APPLICANT INFORMATION

Applicant Name Industrial Tower & Wireless

Mailing Address 40 Lone Street

Phone Number 781-319-1011

City Marshfield

State MA

Zip 02050

Email kevin.delaney@induscom.com

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company Ora Elquist (PAL)

Mailing Address 26 Main Street

Phone Number 401728-8780

City Pawtucket

State RI

Zip 02860

Email oelquist@palinc.com

This form is updated periodically. Please download the current form at www.nh.gov/nhdhr/review. Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: www.nh.gov/nhdhr/review or contact the R&C Specialist at christina.st.louis@nh.gov or 603.271.3558.

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION

Project Boundaries and Description

Attach the relevant portion of a 7.5' USGS Map (photocopied or computer-generated) indicating the defined project boundary. (See RPR Instructions and R&C FAQs for guidance.)

Attach a detailed narrative description of the proposed project.

Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.

Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) (Informative photo captions are requested.)

A DHR file review must be conducted to identify properties within or adjacent to the project area.

Provide file review results in Table 1. (Blank table forms are available on the DHR website.)

File review conducted on 03/05/2018.

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area? ☒ Yes ☐ No

If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s): ranging from 1830's to 1920's

- ☒ Photographs of each resource or streetscape located within the project area, with captions, along with a mapped photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- ☐ If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)

Archaeology

Does the proposed undertaking involve ground-disturbing activity? ☒ Yes ☐ No

If yes, submit all of the following information:

- ☒ Description of current and previous land use and disturbances.
- ☒ Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

DHR Comment/Finding Recommendation This Space for Division of Historical Resources Use Only

☐ Insufficient information to initiate review. ☒ Additional information is needed in order to complete review.

☐ No Potential to cause Effects ☐ No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect

Comments: CONCUR WITH RESULTS OF PHASE I-A ARCHAEOLOGICAL SURVEY + RECOMMENDATION OF NO FURTHER STUDY.

Please check in with the Rome Heritage Commission and forward any comments they have to the DHR

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized Signature: Madeline Meltz

Date: 4/12/18

March 28, 2018

Mr. Perry
 Chairperson
 City of Dover Heritage Commission
 40 Court Street
 Dover, New Hampshire 03820

Re: Industrial Tower & Wireless Telecommunications Facility
 Dover, New Hampshire
 Proj. #184178

Dear Mr. Perry:

Industrial Tower & Wireless, LLC (ITW) is proposing to construct a new tower facility off Dover Loop Avenue in Dover, New Hampshire. The proposed project consists of the construction of a new 150-foot-tall lattice communications tower within a 100-ft. x 100-ft. lease area. An approximately 400-ft. long, 12-ft-wide access and utility easement will run from McKone Lane to the proposed tower compound. The access and utility easement will contain a 12-ft-wide gravel drive paralleling proposed below-ground utilities. The compound will include areas for future wireless equipment shelters and concrete equipment pads that may be developed in the future by wireless providers.

The Public Archaeology Laboratory, Inc. (PAL) is assisting ITW to comply with the National Programmatic Agreement (NPA) for review of effects to historic properties for undertakings approved by the Federal Communications Commission (FCC). For the programmatic agreement, the project is being considered in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. On behalf of ITW, PAL has submitted a New Hampshire Division of Historical Resources (NHDR) Request for Review Form and an FCC Form 428 and all attachments for review by the New Hampshire State Historic Preservation Office.

A title inventory review completed at the NHDR indicated that no National Register listed, eligible, or potentially threatened historic properties are located within the proposed project's Area of Potential Effect (APE) for direct effects. PAL conducted a Phase I archaeological sensitivity assessment of the project's APE for direct effects and did not identify any archaeological resources or archaeologically sensitive areas, and therefore PAL recommended that the project will not affect any significant archaeological resources. The title review completed at NHDR indicated there are no properties within the APE for indirect effects that are listed or determined eligible for listing in the National Register. There are two properties that were previously identified as a direct effects impact and included in the NHDR inventory that appear to be potentially eligible for listing in the National Register. One site was previously identified as a potential National Register-eligible historic District having a historic architectural preservation easement survey and effects assessment conducted by FAY for the project. The effects assessment recommended a finding that the project will not alter the qualities of significance or aspects of integrity of any of the properties evaluated as potentially eligible for listing in the National Register (see attached).

Perry, City of Dover Heritage Commission

March 20, 2018

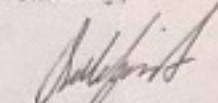
Page 2

Based on the results of the archaeological and historic architectural property investigations, PAL recommends that the proposed undertaking will have "No Adverse Effect" on Historic Properties.

With this letter and submission of the RPR and FCC Form 620 and attachments, PAL is requesting your comments on these recommendations.

If you have any questions or require additional information, please contact Steve Olausen, Senior Architectural Historian, Holly Herbst, Senior Archaeologist, or me, at your convenience.

Sincerely,



Ora Elquist, MA
Principal Investigator

Enclosure

cc: Kevin Delaney, ITW (w/o encl.)
Elizabeth H. Muzzey, NH SHPO (w/o encl.)



ITW Telecommunications Facility

200 Henry Law Avenue,
Dover, New Hampshire

Historic Architectural Survey and Effects Assessment

March 19, 2018

PAL No. 1943.76

Submitted to:

Industrial Tower & Wireless, LLC

40 Lone Street

Marshfield, Massachusetts 02050

Introduction

This report presents the findings of a historic architectural reconnaissance survey and effects assessment conducted for the proposed Industrial Tower & Wireless, LLC (ITW) telecommunications facility at 200 Henry Law Avenue, Dover, New Hampshire ("Project," Figure 1). The survey was conducted in accordance with the New Hampshire Division of Historical Resources' (NHDHR) guidelines entitled "Identification of Historic Properties for Telecommunication Projects – Section 106" (Muzzey 2007, rev. 2015) and the Nationwide Programmatic Agreement (Nationwide PA) for the review of effects to historic properties for undertakings approved by the Federal Communications Commission (FCC).

Project Description

The Project consists of the construction of a new 180-foot-tall lattice-type telecommunications tower within a 80-foot square fenced compound (Figure 2). An existing approximately 600-foot-long, 9-foot-wide gravel drive will be widened to 12-foot wide and a 12-foot-wide gravel turnaround will be constructed from an existing gravel turnaround. Other facilities will include an enclosed equipment shelter and pads and an ice bridge cable support.

Survey Methodology

The purpose of the survey was to locate and identify architectural properties within the Area of Potential Effect (APE) for the Project that are listed or eligible for listing in the National Register of Historic Places (National Register). The Nationwide PA specifies that the APE for telecommunication facilities less than 200 feet in height is a one-half mile radius round the Project site. In accordance with the NHDHR guidelines for telecommunication projects, areas outside the one-half mile APE were included if historic properties are present and they have potential views of the Project.

A review of the historic property inventory files maintained by the NHDHR was conducted on March 5, 2018. Four previously inventoried resources within the Dover Town-wide Area Form were identified within or near the Project APE. Historical maps and secondary histories of the city of Dover

were consulted to provide information about the area's history of development and the development of individual properties.

A field survey to identify potentially significant historic properties within the Project APE was completed on March 6, 2018. Using topographic, aerial, and historical maps, a PAL architectural historian looked at all developed properties along publicly accessible roads within the APE. Properties that appeared to be at least 50 years of age were photographed with a high-resolution digital camera and located on a base map and notes about their setting, physical appearance, and approximate date of construction were recorded. The architectural historian noted topographical features, vegetation, and existing development within the Project APE and took photographs showing representative views to and from the Project site at multiple vantage points.

The information collected in the field was used to make a preliminary evaluation of the significance based on the National Register Criteria for Evaluation. Effects were assessed for all Properties that appear to have at least some potential for listing in the National Register.

Project APE Description

The Project APE is in the northeastern part of the city of Dover, south of Gulf Road and west of downtown Dover and separated north of the Project site by the Cochecho River. The topography of the APE is characterized by undulating hills that produce a gradual rise from a low of 20 feet above sea level (asl) at the shores of the Cochecho River to a high of 140 feet asl at Mount Pleasant, which is approximately 800 feet southeast of the Project site (see Figure 1). The dominant features of the landscape are the Cochecho River, Mount Pleasant, agricultural fields and forested lands with interspersed suburban development.

The Project site is on a 26.4-acre parcel that is owned by Peter and Susan Rousseau and is an active cattle farm and bounded to the south by McKone Lane and to the west by Henry Law Avenue (Figure 3, Photos 1–4). A 135-foot wide electrical easement and 35-foot wide gas easement with two active electrical transmission lines and an underground gas line extend north–south through the property, approximately 145 feet southwest of the proposed Project site, bisecting the APE. The transmission lines consist of approximately 40-foot tall wood poles. Three WTSN Radio lattice towers are approximately 0.4-miles southeast of and within view of the proposed Project site and within the APE. Henry Law Avenue is a narrow, two lane road that extends south/southeast from the intersection with Washington Street and Central Avenue in downtown Dover to the intersection with Back Road and Mulligan Drive (Photo 5). The road is developed with moderately dense residential properties and several active agricultural properties. The area was once cleared farm land as evidenced by several historic period farmhouses and a handful of field lots. Much of the land has been reclaimed by successional growth forest or subdivided and developed with houses. Other roads within the APE consist of Gulf Road, which runs north-south to the north of the Cochecho River and Project site; McKone Lane, which runs east from the intersection with Henry Law Avenue to the Cochecho River; Back, Court, and Middle roads, which run east-west in the south extent of the APE; and Browning Drive, Beacon Circle, Tennyson Avenue, Penny Lane, Mulligan Drive, Samuel Hanson Avenue, and Elmview Circle, which are secondary roads and cul-de-sacs off of Henry Law Avenue, Back Road, and Court Street and developed with modern houses.

Survey Results

There are no properties within the APE that are listed or determined eligible for listing in the National Register. Four properties were previously inventoried as part of the Dover Town-wide Area Form. In addition, one new potentially significant area containing 12 properties, was identified during the field survey. The previously inventoried and newly identified area are described below. Photographs of other properties within the APE that are least 50 years of age are included in Appendix A.

Dover Town-wide Area Form

In 1999, a town-wide area form was prepared for the Dover-Rochester: Exit 10 Highway Project between 1995 and 2000. The form documented representative buildings and property types throughout the city (Laprey and Hill 1999). The Cochecho Country Club, 145 Gulf Road; Samuel Hanson II – Rousseau Farm, 200 Henry Law Avenue; J. Hanson Property, 33 Back Road; and the Samuel H. Hanson Property, 13 Back Road were included in the survey as representative properties in the rural and suburban northeast portion of Dover.

Cochecho Country Club, 145 Gulf Road

The Cochecho Country Club at 145 Gulf Road (Photos 6–8), located on a 165.30-acre parcel on the north and south sides of Gulf Road, is approximately 0.5-miles northeast of the proposed Project site. The Cochecho Country Club is a traditional 18-hole course with an associated clubhouse and outbuildings. The property has a rolling topography and is surrounded by thick stands of trees to the south along the Cochecho River. The main driveway extends south from Gulf Road to the clubhouse and is lined with large coniferous trees and random-laid rubblestone walls dot the property. The clubhouse is set centrally between Gulf Road and the Cochecho River on the south side of Gulf Road. Large utility outbuildings are at the street edge of the property and a swimming pool and its associated outbuilding are southwest of the clubhouse.

The clubhouse is a two-and-one-half-story, wood-frame, Colonial-Revival-style building. It has an asphalt-shingle-clad, front-gable roof with brick chimneys and three shed-roof dormers on both the north and south roof slopes. Exterior walls are clad in vinyl siding and the building sits on a concrete foundation. The original three-bay-by-three-bay main block of the building is rectangular in form, with large shed-roof and front-gable-roof, one-story ells on the north and south elevations, and a large, two-story addition on the rear (west) elevation. The facade (east) elevation of the main block consists of a central entry flanked by a window. The entrance is sheltered by a Colonial-Revival-style entry porch with a pedimented gable that is supported by simple, Doric columns. The entrance is a modern wood door with an original door surround, consisting of fluted pilasters and a multi-light, leaded-glass, semi-elliptical fanlight. A tripartite window is above the door in the second story and a multi-light, semi-circular fanlight is set in the gable peak. Windows consist primarily of replacement eight-over-eight and ten-over-ten, double-hung, vinyl sash windows with wood surrounds.

The golf course was established in 1921 originally as the Middle Brook Golf Club, on the former Labbe Farm in Dover along the Cochecho River. Prior to the acquisition of the Labbe Farm, the Middle Brook Golf Club was a six-hole golf course, located on Stark Avenue in Dover. The Cochecho Country Club was formally established in 1923. The farmhouse of the property was used as a restaurant, until it was demolished soon after the opening of the golf club. The barn was converted into a clubhouse and used as such until 1929, when it was destroyed by a fire. In 1932, the extant

clubhouse was constructed and remains in use as the clubhouse today. The original Cochecho Country Club golf course was designed by Wayne Earl Stiles. Stiles (1884–1953) was a notable golf course landscape architect in New England, designing and remodeling many of the leading golf courses in the region. He was born in Brighton, Massachusetts and trained as a landscape architect. By the early 1900s, Stiles was a leading Massachusetts amateur golfer and played professionally until 1915. In 1916, Stiles opened his own landscape design firm in Boston and he began designing golf courses. By the 1920s, he was a notable golf course designer and his courses were known for their top-level quality. The Cochecho Country Club course was designed during the peak of Stiles' professional career (Labban and Mendik 2009). In 1966, Phil Wogan redesigned the course. Wogan (1919–2010) was a golf-course architect, who began his career in golf as the superintendent and tournament director at Essex Country Club in Manchester-by-the-sea, Massachusetts. By the end of his career, Wogan designed over 40 courses in New England (McCabe 2010).

Preliminary Evaluation and Effects Assessment

The Cochecho Country Club appears to meet Criterion A in the area of Entertainment/Recreation as a 1920s golf course and Criterion C in the area of Landscape Architecture as an example of the work of golf course designers Stiles and Wogan. Further examination and research would be needed to evaluate the integrity of the properties and their eligibility under Criteria A and C.

The country club is approximately 0.5-miles northeast of the proposed Project site (Photo 8). There may be some limited, intermittent views of the uppermost part of the tower from the highest elevations of the golf course. The view in the direction of the Project is not a significant characteristic of the golf course's significance and its minor alteration will not adversely impact its setting or other quality that makes the property potentially eligible for listing in the National Register.

Samuel Hanson II – Rousseau House and Barn, 200 Henry Law Avenue

The Samuel Hanson II – Rousseau Farm at 200 Henry Law Avenue is located on a 26.4-acre parcel on the north side of the road, approximately 635 feet from the proposed Project site, which is on the farm's property (see Photo 3, Photos 9–10). The Hanson – Rousseau House is a transitional Federal – Greek Revival style building built about 1830. The house is a wood frame, two-and-one-half-story, five-bay-by-four-bay, center-hall-plan, brick-ender house. The building faces south with vinyl-sided, wood-frame walls on the south and north elevations and brick walls on the east and west elevations and it rests on a granite-block foundation. Brick became a popular building material in Dover in the early nineteenth century, following major fires in Newburyport and Portsmouth and Dover had numerous brickyards that supported the widespread use of the material (Laprey and Hill 1999:7). The house is topped with a side-gable roof that is surfaced in asphalt shingle and twin interior-end, brick chimneys pierce the north and south roof slope along both brick walls. The facade elevation has a central entry flanked by two windows with five windows set above the first story openings. The entrance is a wood panel door, set in a Greek-Revival-style door surround, with pilasters, a multi-light transom, and a wide denticulated entablature. Secondary entrances are in both side elevations, the western one in the basement level and the eastern one in the first story. Windows consist primarily of historic, two-over-two, double-hung, wood sash windows with simple surrounds on the facade and granite sills and brick lintels on the brick ends. A one-story, two-bay-by-one-bay English-type barn is attached to the northeast corner of the house by an ell. The barn likely dates to the early twentieth century and was used as a ground level cattle barn. It has a metal-clad, side-gable roof and vertical board walls with a large, sliding, vertical-board door.

Five, mid-to-late-twentieth-century, rectangular, one-story agricultural outbuildings and barns are to the east of the house. They are primarily wood-frame buildings, with metal-clad front-gable and shed roofs and vertical board-clad walls. The buildings are used for equipment storage and as stables for the cattle. A ca. 1950, concrete stave silo, which was one of the most popular silo types for dairy and cattle farms, is southeast of the outbuildings (Visser 1997:137–138). Open fields surround the buildings on the property and are used either as pasture for the cows and draft horses or as hay fields.

The house was constructed by 1834 (Whitehouse 1834). Samuel Hanson II (1815–1865) likely acquired the property at 200 Henry Law Avenue around 1839, following his marriage to Malinda Jane Hurd (1818–1901). The Hanson family was one of the earlier settling families in Dover and the various extensions of the family owned properties throughout the northeast part of Dover in the vicinity of Mount Pleasant throughout the nineteenth century (Wadleigh 1913; Walling 1851; Sanford & Everts 1871). The farm was acquired by Hanson II's son, Samuel I. Hanson (1846–1941), presumably following his father's death in 1865 (US Census 1870; Sanford & Everts 1871). In the 1870 Census, Hanson is listed as a farmer with \$10,000 in real estate and \$8,000 in personal estate (US Census 1870). The property remained in the Hanson family until at least 1892 (Sanford & Everts 1871; Hurd 1892). In the 1920s, the property was acquired the Rousseau family. They resided in the house and operated a dairy farm on the property. Around the 1950s, the farm transitioned into a beef cattle farm, specializing in Belted Galloway cattle (Rousseau 2018). The farm is still operated as a cattle farm by the Rousseau family.

Preliminary Evaluation and Effects Assessment

The Samuel Hanson II – Rousseau House and Barn may be eligible for listing in the National Register under Criterion Criterion C in the area of Architecture as example of the Federal style with and attached English Barn. Further examination and research would be needed to evaluate the integrity of the properties and their eligibility.

The Project site is on the Samuel Hanson II – Rousseau property and the house and barn will have full views of the constructed tower. The property's appearance and setting as a historic farmstead has already been compromised by the existing of two active electrical transmission lines and a gas transmission that run through property (see Photos 3–4, 10). The one of the electrical transmission lines separates the buildings from the Project site and three radio towers are also within view of the property to the southeast. The project will have no direct effect on the property because the property owners have voluntarily granted an easement for the use of the land.

J. Hanson House and Barn, 33 Back Road

The J. Hanson House at 33 Back Road is located on an 11.24-acre parcel on the south side of Back Road, approximately 0.44 miles south of the proposed Project site (Photos 11–12). The house is a two-and-one-half-story, side-hall-plan, wood-frame, Greek Revival-style building. It has a pedimented, front-gable roof that is surfaced in asphalt shingle and two prominent, brick chimneys rise from the east roof slope of the house. The walls are clad in vinyl siding and the house sits on a granite foundation. The original three-bay-by-four-bay block of the house is set closest to the street with two additions on the rear. The facade (north) elevation of the main block has the primary entrance to the house in the west bay with two windows to the east. The entrance is a modern storm door with a wood panel door behind and is set beneath a large bracketed door hood and flanked by

four-light sidelights. A one-story, full-width, flat-roof porch extends from the east elevation of the house, where a secondary entrance is located. Windows consist of a mix of replacement six-over-six, double-hung, vinyl sash and six-over-six, double-hung, wood sash set in wood surrounds with crown lintels.

Located southeast of the house is a large, New England-type, front-gable, high-drive bank barn that appears to date from the mid-to-late nineteenth century. The main level of the barn is accessed from the north via a slightly built-up paved ramp. The facade (north) elevation has a central, sliding door with a 15-light transom above. A small, pedestrian entrance is to the east and a single double-hung window is above the main door. The front-gable roof is surfaced with asphalt shingles and topped with a large, square, louvered ventilator with a conical-roof cap and weathervane. The exterior walls are sided with vinyl siding. The house and barn are set back from the road on a hill. The farmland that once surrounded the house and barn, remains somewhat intact, however the property does not appear to be actively used for agricultural pursuits.

The house was likely constructed by 1834 (Whitehouse 1834). By at least 1851, the property was owned by J. Hanson (Walling 1851). The property remained in the Hanson family until at least the 1870s (Sanford & Everts 1871). The Greek Revival style became popular in Dover for residential architecture by the 1820s and 1830s. Multiple large farmsteads in the city are of the Greek Revival style and include architectural elements, such as pedimented gables, recessed entries, paneled pilasters, and entries with sidelights and transoms. Detached, New England-type barns, also became popular during this time period, and include cupolas and multi-light transoms, such as the barn on this property (Laprey and Hill 1999:9-10).

Preliminary Evaluation and Effects Assessment

The J. Hanson House and Barn may be eligible for listing in the National Register under Criterion C in the area of Architecture as examples of early and mid-nineteenth century residences in the Greek Revival-style with an associated agricultural outbuilding. Further examination and research would be needed to evaluate the integrity of the properties and evaluate with the property has additional significance under Criterion A in the area of architecture.

The J. Hanson Property is approximately 0.44 miles south of the proposed Project site with intervening residential development and forested land. The pre-existing transmission lines and radio towers within the APE are in view of the property across open fields approximately 0.2 miles to the east. The uppermost part of the proposed telecommunications tower may be visible above the intervening tree line of the hill (see Photo 12). The view will not alter or otherwise affect the architectural characteristics from which the property derives its significance and its immediate setting has already been compromised by the installation of the radio towers and transmission lines.

Samuel H. Hanson House and Barn, 13 Back Road

The Samuel H. Hanson House is located on a 3.29-acre parcel on the south side of Back Road, near the intersection with Samuel Hanson Avenue, approximately 0.45 acres southwest of the proposed Project site (Photos 13-15). The house is a two-and-one-half-story, center-hall-plan, wood-frame, Federal-style building. It has a side-gable roof that is surfaced in asphalt shingle with a center-ridge brick chimney. The exterior walls are sided in clapboard and the house rests on a granite block foundation. The original five-bay-by-two-bay main block is set back from the street on a slight

hill. The facade (north) elevation has a central entrance with an enclosed entry porch that is topped with a hip roof and flanked with simple wood pilasters. The entrance is flanked by two windows and five windows are set above the first story openings. A one-and-one-half-story, three-bay-by-three-bay, L-shaped ell extends from the east elevation of the house. Windows consist primarily of replacement six-over-six, double-hung, vinyl sash and original, six-over-six and two-over-two, single-hung, wood sash. All windows have simple molded wood surrounds.

Located east of the house is an early to mid-nineteenth century, English-type, side-gable barn that appears to date to the mid-nineteenth century. The facade (west) elevation has two central, double-leaf, swinging, vertical-board, barn doors with pedestrian entrances to the north and south. A central hayloft door is set in the upper portion of the facade. The roof is surfaced in asphalt shingle and the walls are sided in vinyl siding on the facade and asbestos shingle on the side elevations. Windows consist primarily of original, fixed, six-light, wood sash with simple wood surrounds.

The house was constructed by 1834, and by at least 1851, the property was owned by Samuel H. Hanson, who resided and farmed the property until at least 1871 (Whitehouse 1834; Walling 1851; Sanford & Everts 1871). Samuel H. Hanson (1809–1877) was married to Marie Deland Hanson (Findagrave 2015b). Samuel H. Hanson is listed in the 1860 Census as a farmer with \$3,000 in real estate and \$800 in personal estate (US Census 1860). This house is an example of the Federal style in Dover, prior to the popularity of brick as a residential building material (Laprey and Hill 1999:6–7).

Preliminary Evaluation and Effects Assessment

The Samuel H. Hanson House and Barn may be eligible for listing in the National Register under Criterion C in the area of Architecture as an example of a Federal-style house with an associated English barn. Further examination and research would be needed to evaluate the integrity of the two buildings.

Samuel H. Hanson Property is approximately 0.45 acres southwest of the proposed Project site with intervening residential development and forested land. The pre-existing transmission lines and radio towers within the APE are in view of the property across open fields approximately 0.3 miles to the east. The uppermost part of the proposed telecommunications tower may be visible above the intervening tree line of the hill (see Photo 15). The view will not alter or otherwise affect the architectural characteristics from which the property derives its significance and its immediate setting has already been compromised by the installation of the radio towers and transmission lines.

Newly Identified Area

Samuel Hanson Avenue – Court Street Area

The Samuel Hanson Avenue – Court Street area is located in the southern end of the APE, approximately 0.35 miles southwest of the proposed Project site. The area consists of 12 houses on the northwest side of Samuel Hanson Avenue and the northeast side of Court Street (Photos 16–20). The houses within the area were constructed primarily between 1871 and 1892. They are small-scale, single-family houses and examples of vernacular interpretations of the Italianate and Second Empire styles (Walling 1851; Sanford & Everts 1871; Hurd 1892). Buildings within the area are uniformly set close to the road edge on small-scale rectangular lots that are approximately 0.5 acres or smaller.

The buildings are all one-and-one-half-story, wood-frame, side hall plan houses. They have primarily asphalt-shingle-clad roof, exterior walls clad in either wood clapboard or cement board siding, and brick foundations. The six Second Empire-style houses have mansard roofs and most have two evenly-spaced dormers on each roof slope and either one or two, small, brick chimneys. The four Italianate-style and one Queen Anne-style houses have front-gable roofs with gable returns, some with dormers and small brick chimneys. Majority of the houses incorporate one-story bay windows on the facade and side elevations and decorative, bracketed door hoods over the primary entrances on the facades. Many of the houses have small, enclosed secondary entrances on at least one side elevation and small, one-story rear or side ells. Windows consist primarily of original two-over-two and two-over-one, double-hung, wood sash windows. Approximately six of the houses have attached or detached carriage houses, most likely contemporary to the houses and approximately four of the houses have early-to-mid-twentieth-century garages at the rear of the houses and parcels.

The Italianate and Second Empire styles peaked in popularity in the 1870s in Dover. These styles were commonly used on vernacular single family houses from the time period that were typically one-and-one-half to two-and-one-half stories tall and side hall plan buildings. They were primarily constructed on infill lots and in newly subdivided land and can be found in small clusters. Houses of these styles most commonly had brick foundations with clapboard siding, narrow corner boards and frieze, and projecting gable returns. Many houses of this type also have bay windows and side porches. Two-over-one-sash wood windows were most commonly used and entries were overwhelmingly sheltered by bracketed door hoods and porches (Laprey and Hill 1999:12-13). In the 1890s, the owners and residents of these houses worked primarily in Dover mills, specifically the Sawyer Woolen Mills (NR Listed 1989), which was the largest manufacturer of woolen material in the state by the 1880s (Closs et al. 1989). George M. Walker, who lived at 20 Samuel Hanson Avenue (originally named Hanson Avenue) was a spinner at the Sawyer Woolen Mill and John Swallow, who lived at 144 Court Street, was a loom fixer at the Sawyer Woolen Mill (Hurd 1892; Littlefield 1892).

Preliminary Evaluation and Effects Assessment

The Samuel Hanson Avenue – Court Street area is a relatively intact collection of Italianate and Second Empire-style homes constructed in the late nineteenth century that may be eligible for the National Register under Criterion C in the area of Architecture. Further examination and research would be needed to evaluate the integrity of the properties.

The Samuel Hanson Avenue – Court Street Area is 0.35 miles southwest of the proposed Project site with Mount Pleasant (140 ft. elevation) in between the area and Project site. The uppermost part of the proposed telecommunications tower may be visible above the intervening tree line of the hill (see Photo 17). The view will not alter or otherwise affect the architectural characteristics the properties from which the area derives its significance.

Conclusion

Based on the results of the effects assessment, PAL concludes that the Project will not cause any adverse effects on historic properties.

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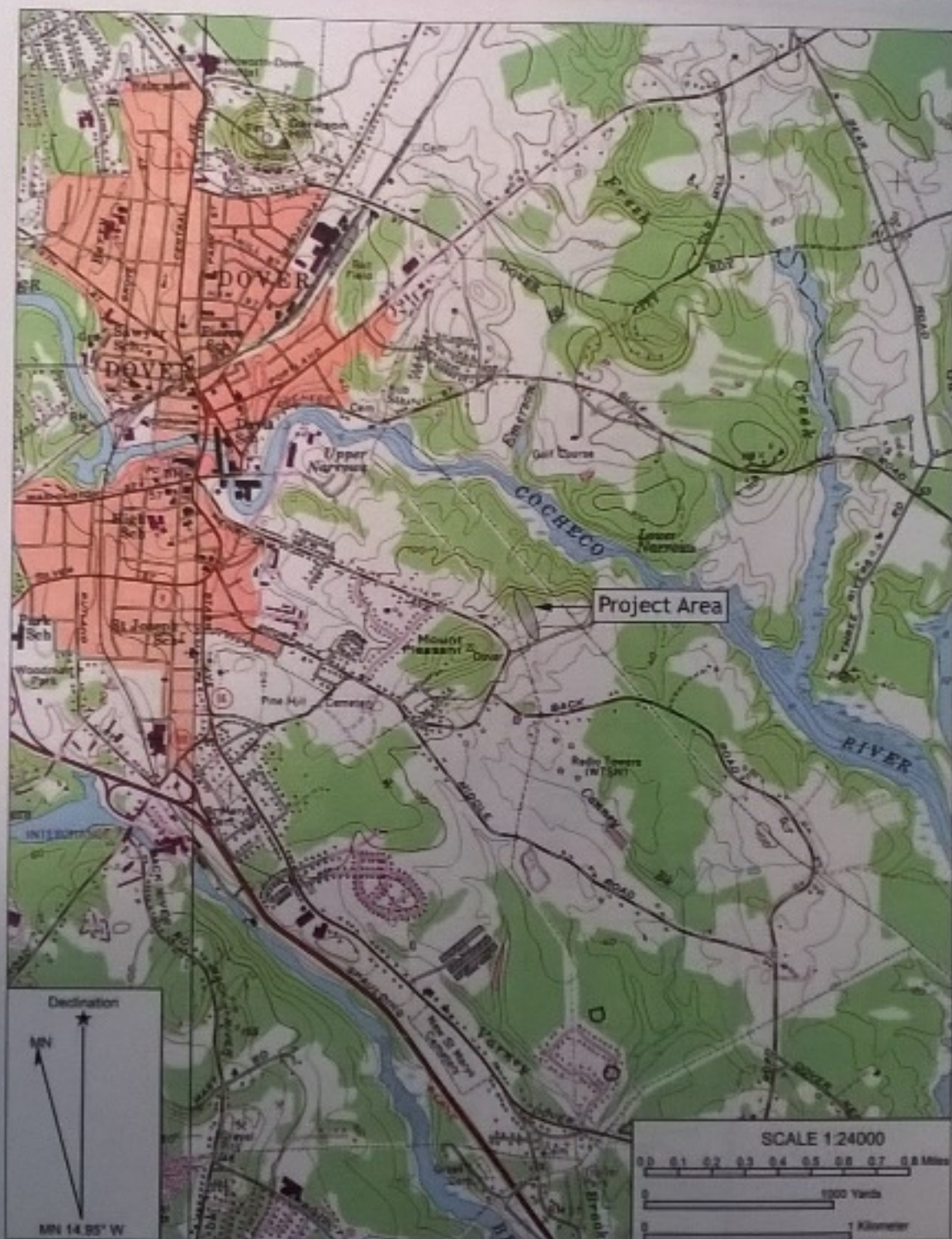


Figure 1. Location of the proposed Industrial Tower & Wireless Dover, New Hampshire Tower Site on the Dover East NH USGS topographic quadrangle, 7.5-minute series.





Photo 1. View looking northeast towards Project site.

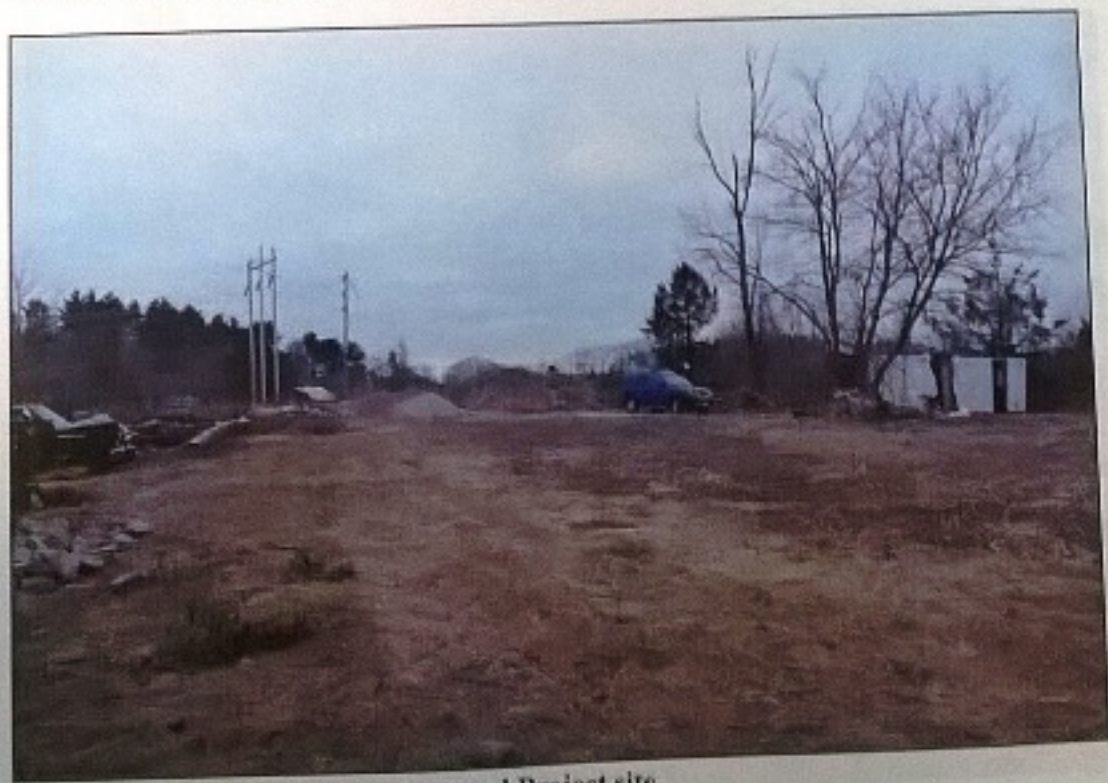


Photo 2. View looking southwest toward Project site.



Photo 3. View looking west toward 200 Henry Law Avenue.

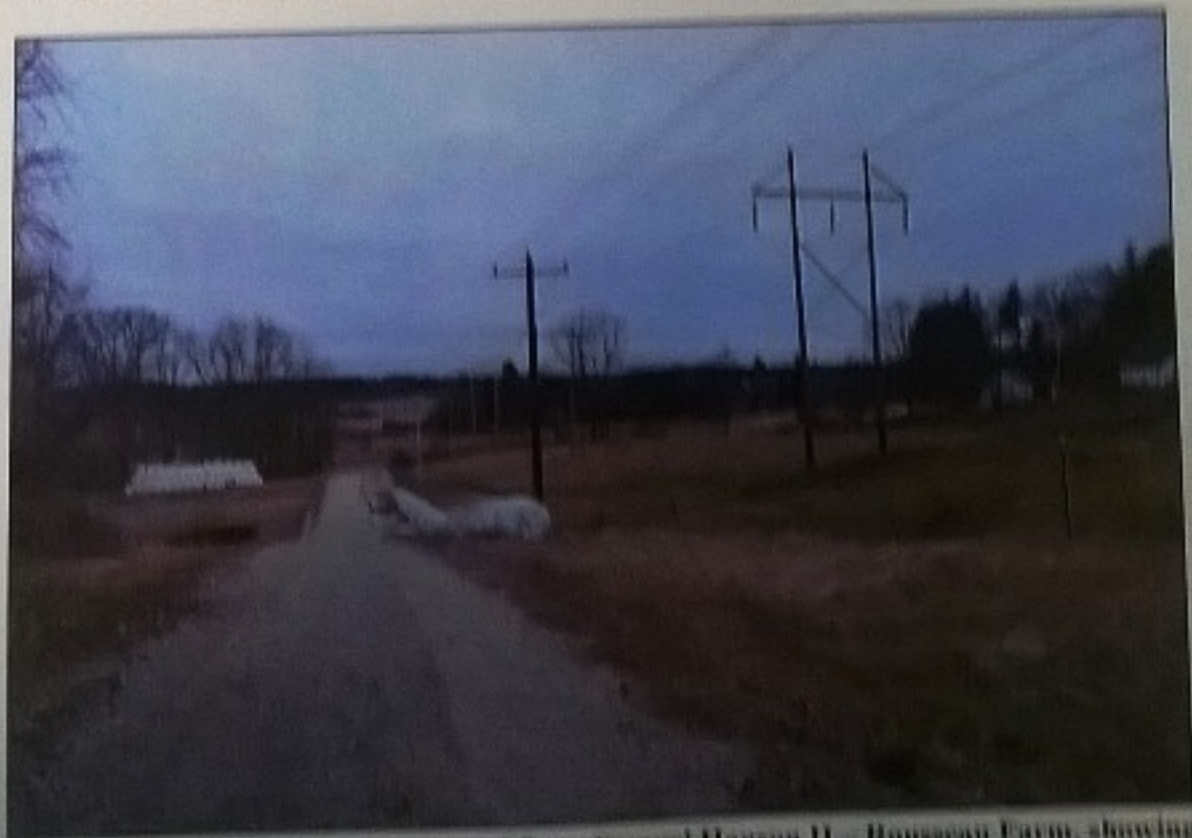


Photo 4. View south along access road from Samuel Hanson II - Rousseau Farm, showing location of transmission and gas lines and radio towers.

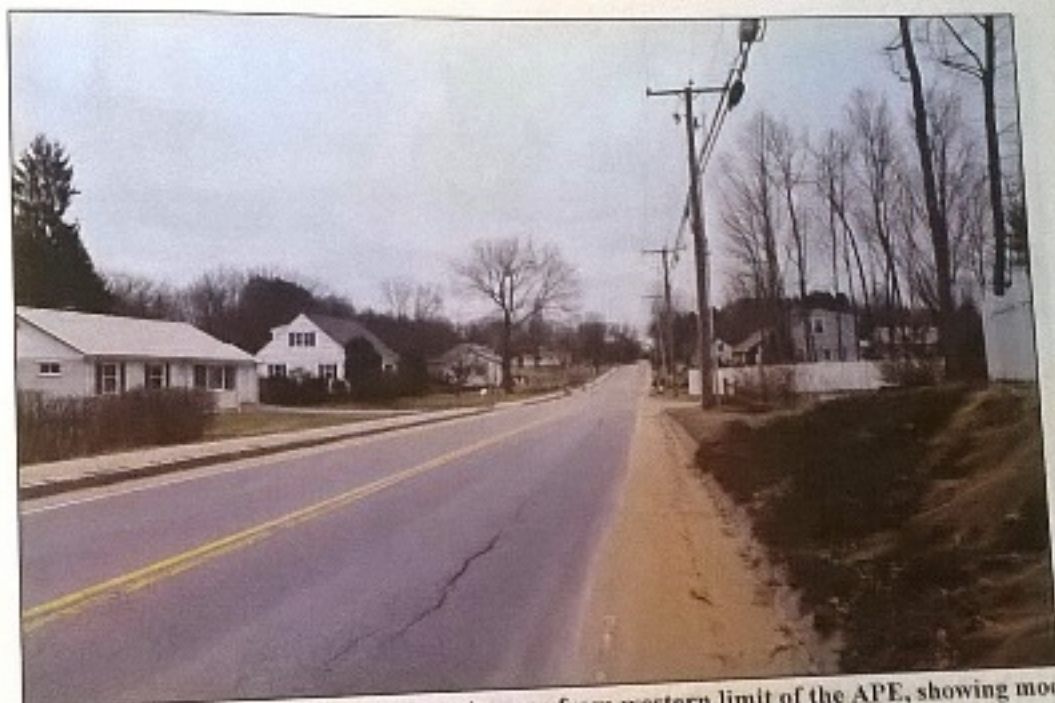


Photo 5. View east along Henry Law Avenue from western limit of the APE, showing modern infill.

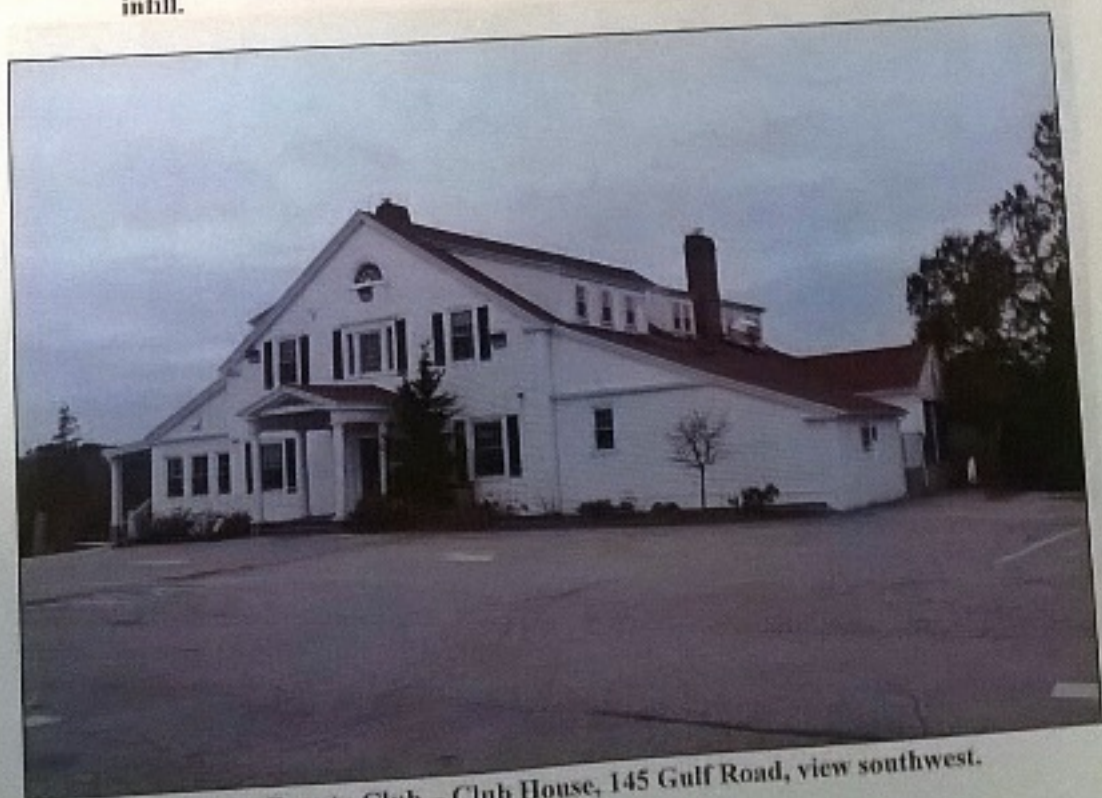


Photo 6. Cochecho County Club - Club House, 145 Gulf Road, view southwest.

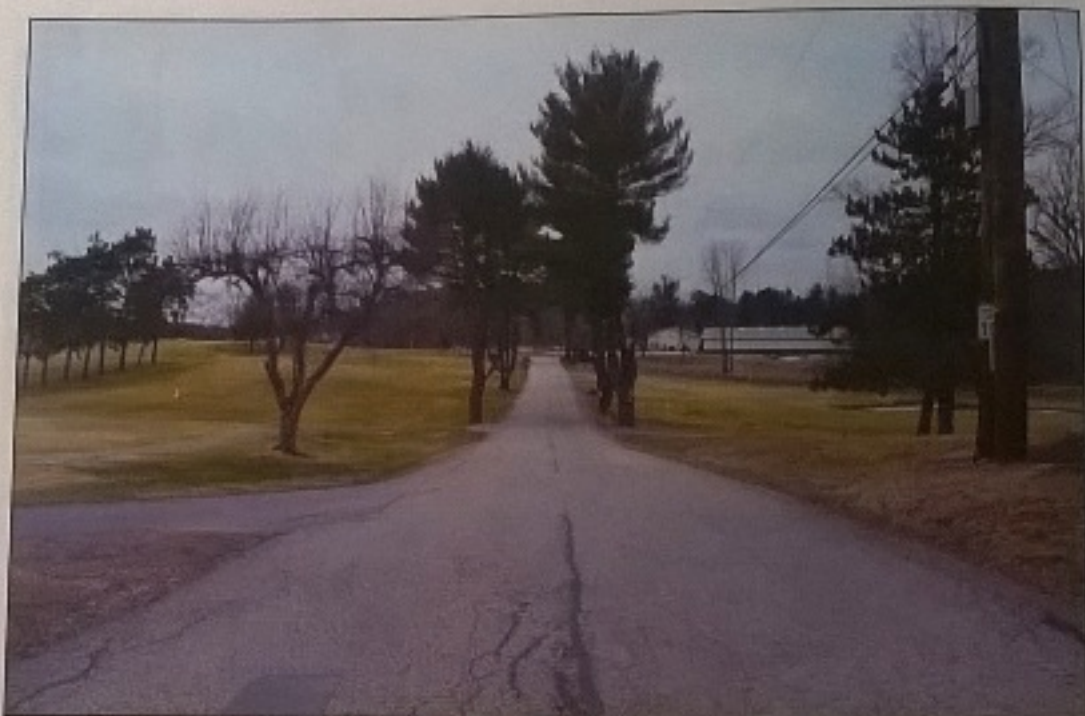


Photo 7. View north along Cochecho Country Club's driveway.



Photo 8. View southwest toward Project site from Cochecho Country Club.



Photo 9. Samuel Hanson II Property – Rousseau Farm, 200 Henry Law Avenue.



Photo 10. View northeast toward Project site and outbuildings on the Samuel Hanson II–Rousseau Farm property.

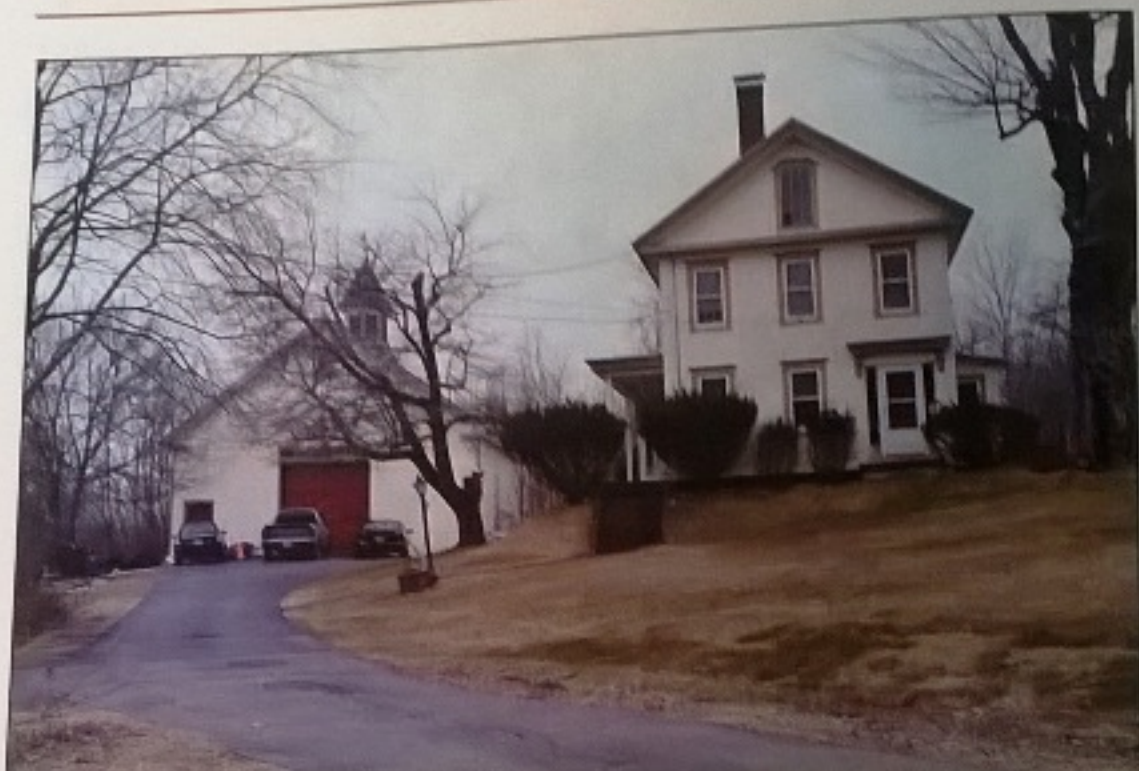


Photo 11. J. Hanson Property, 33 Back Road.

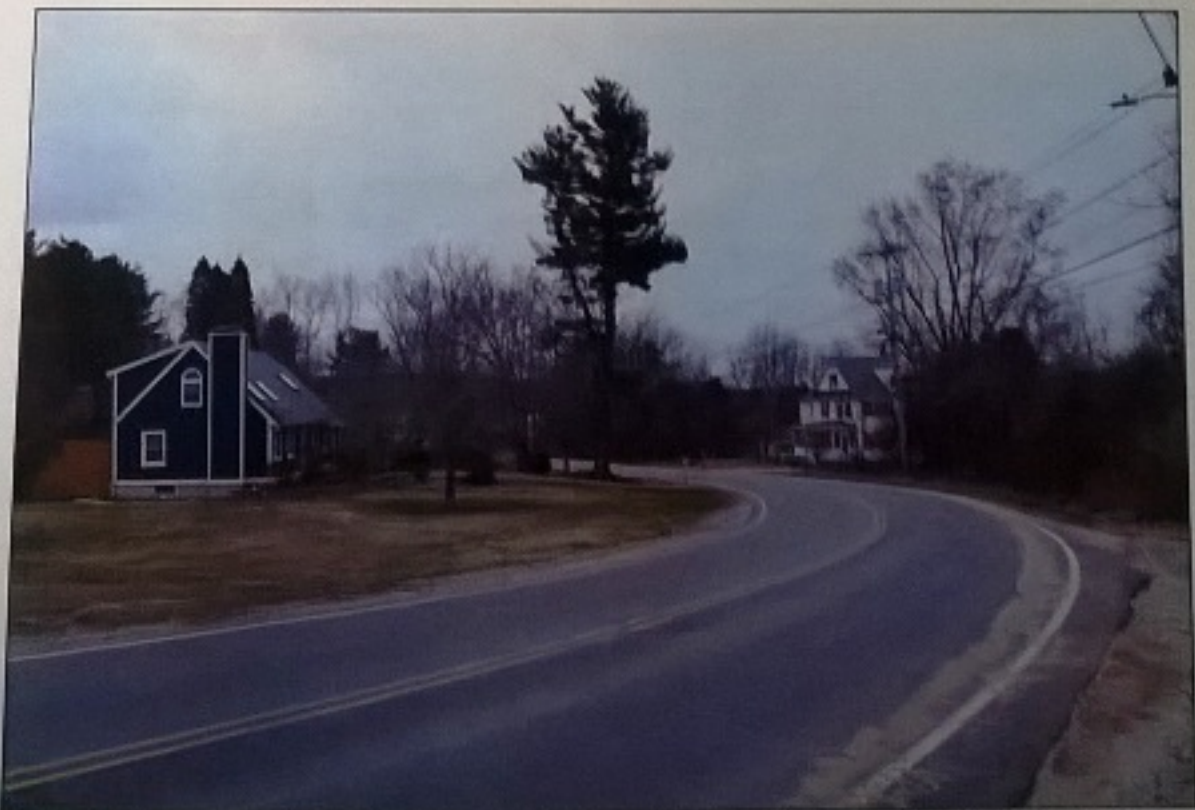


Photo 12. View north toward Project site from J. Hanson Property, 33 Back Road.

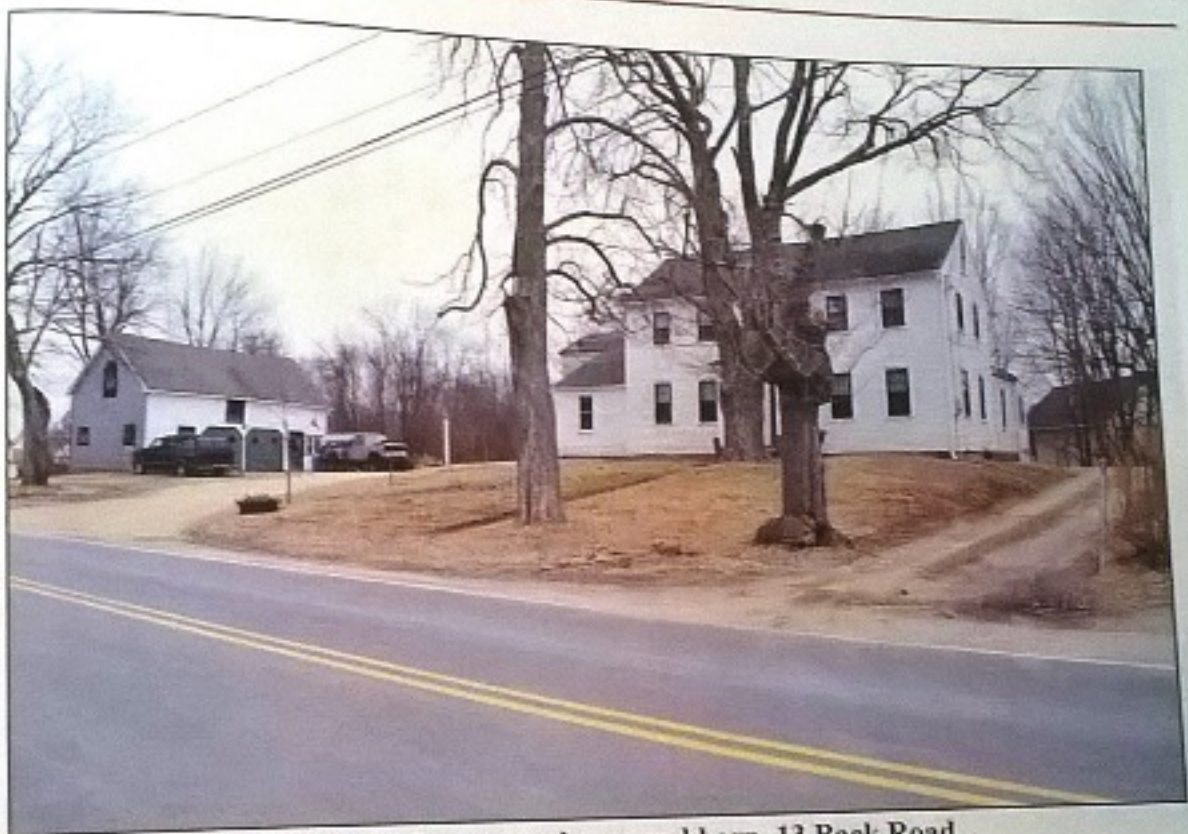


Photo 13. Samuel H. Hanson Property – house and barn, 13 Back Road.

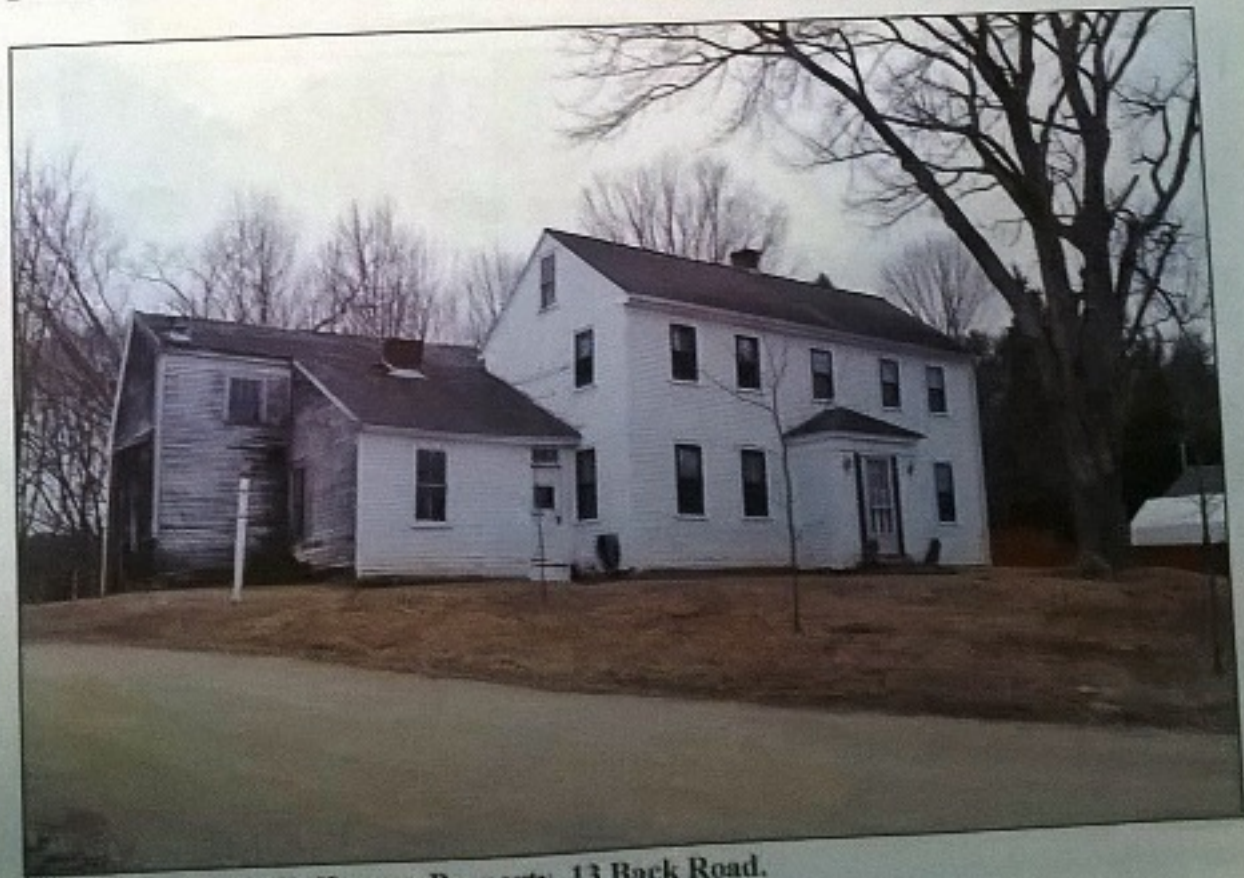


Photo 14. Samuel H. Hanson Property, 13 Back Road.

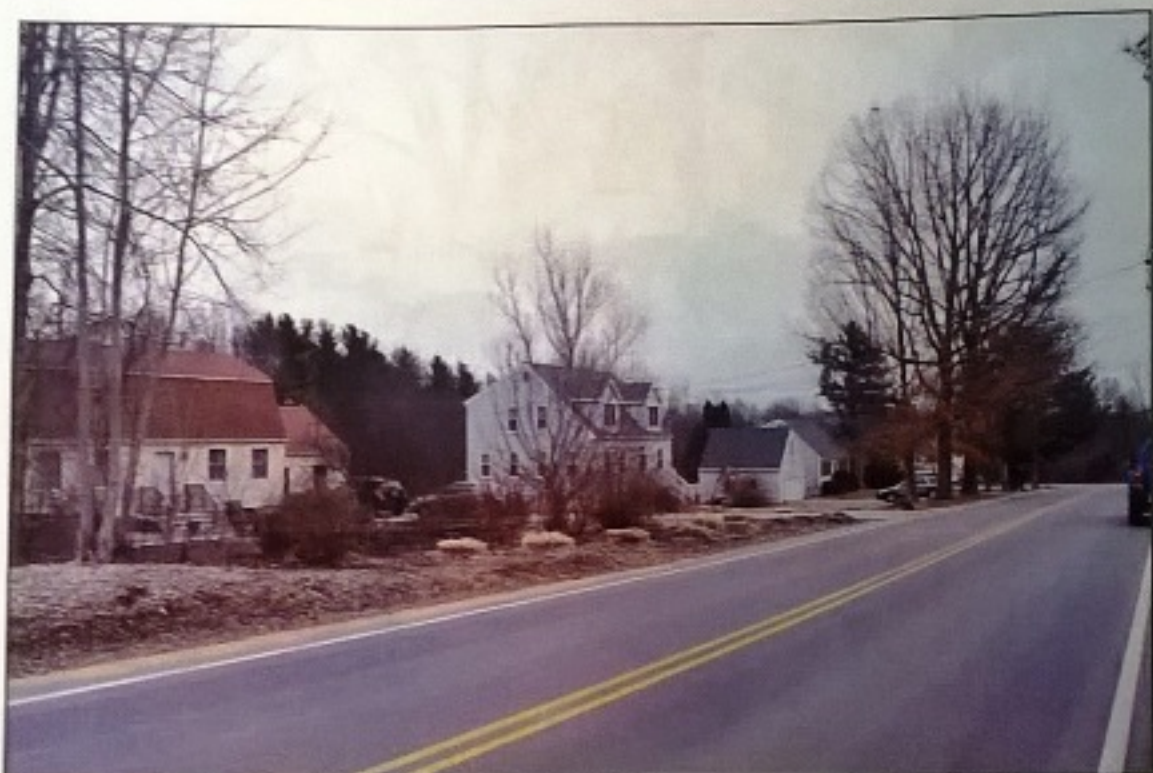


Photo 15. View northeast from the Samuel H. Hanson Property, 13 Back Road toward the Project site.



Photo 16. Samuel Hanson Avenue – Court Street Historic Area, view southwest on Samuel Hanson Avenue.

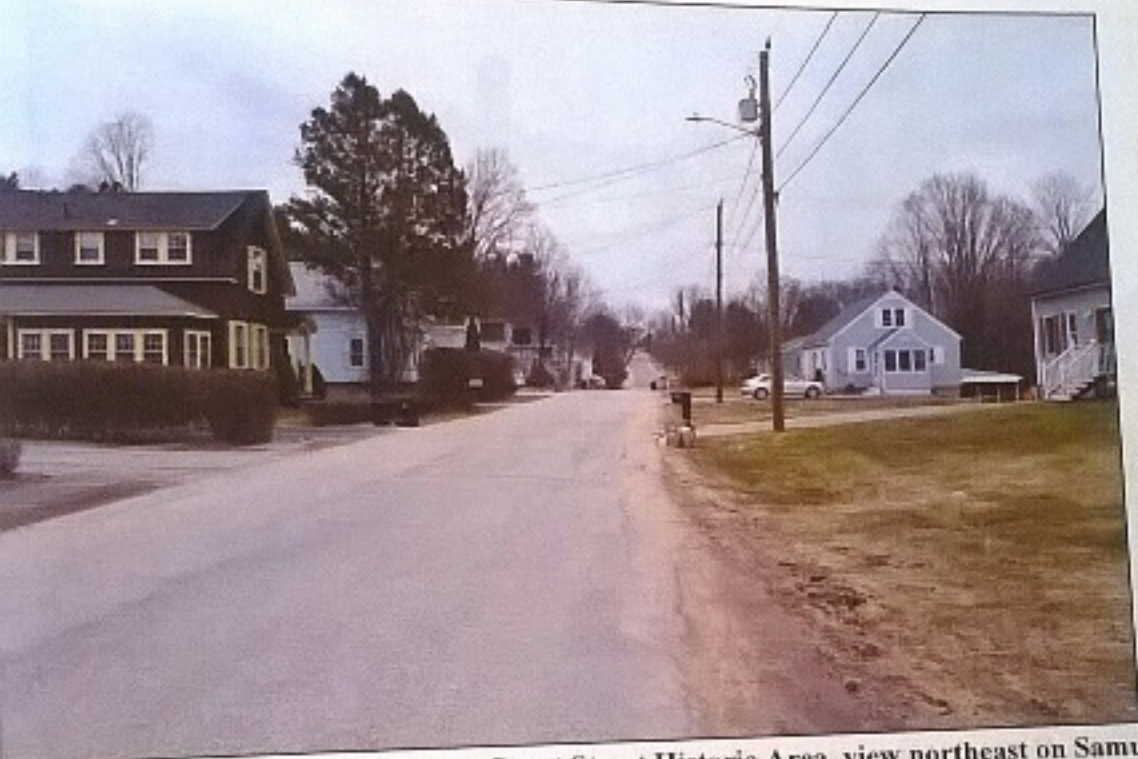


Photo 17. Samuel Hanson Avenue – Court Street Historic Area, view northeast on Samuel Hanson Avenue toward the Project site.



Photo 18. 14 Samuel Hanson Avenue, example of a Second-Empire-style house in the Samuel Hanson Avenue – Court Street Historic Area.



Photo 19. 12 Samuel Hanson Avenue, example of an Italianate-style house in the Samuel Hanson Avenue – Court Street Historic Area.



Photo 20. 138 Court Street, example of a Queen Anne-style house in the Samuel Hanson Avenue – Court Street Historic Area.

Appendix A

Properties within the APE that are 50-years of age or older and are not eligible for listing in the National Register

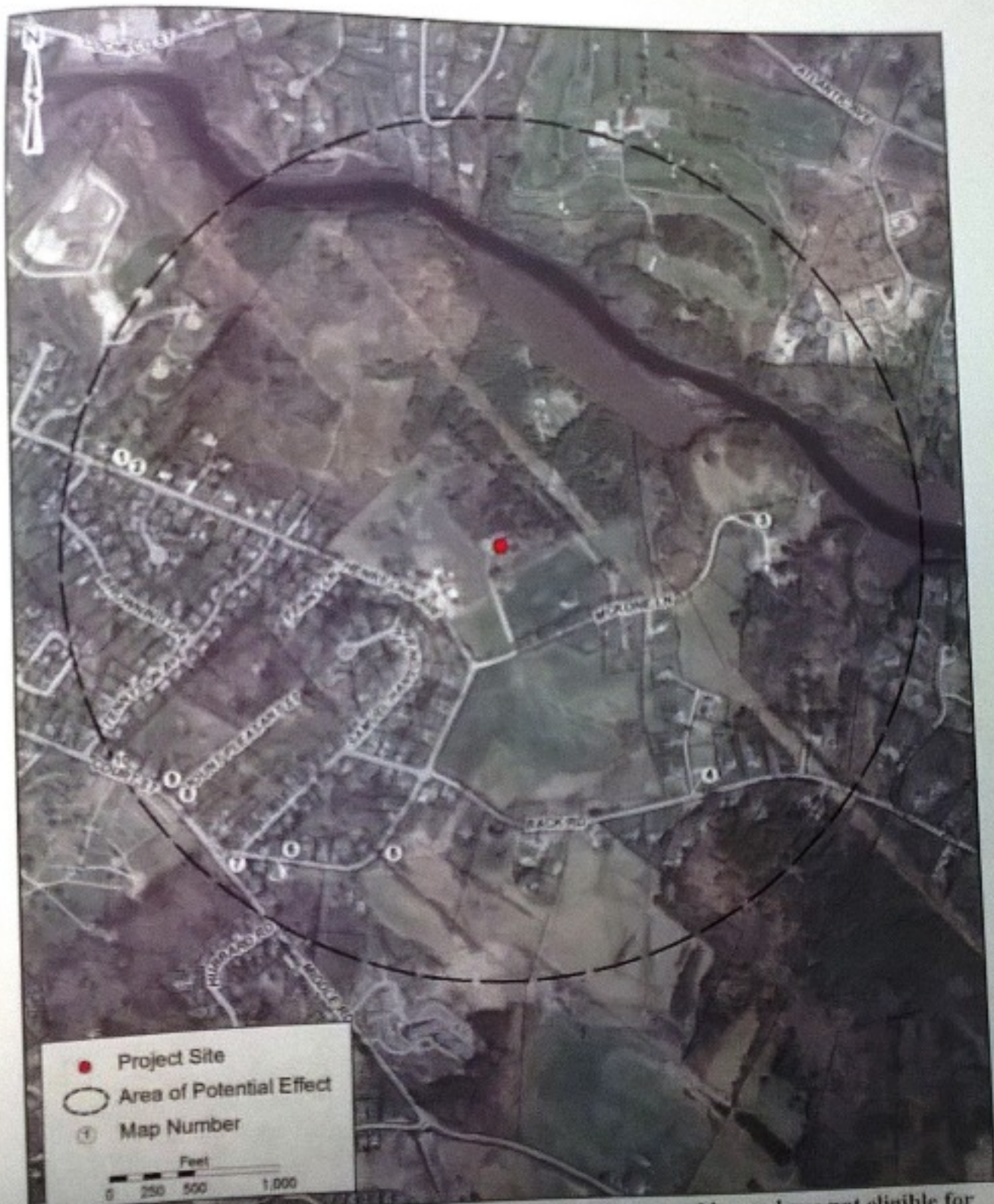


Figure 1. Properties within the APE that are 50-years of age or older and are not eligible for listing in the National Register.



Photo 1. 160 Henry Law Avenue (Map No. 1).



Photo 2. 162 Henry Law Avenue (Map No. 2).

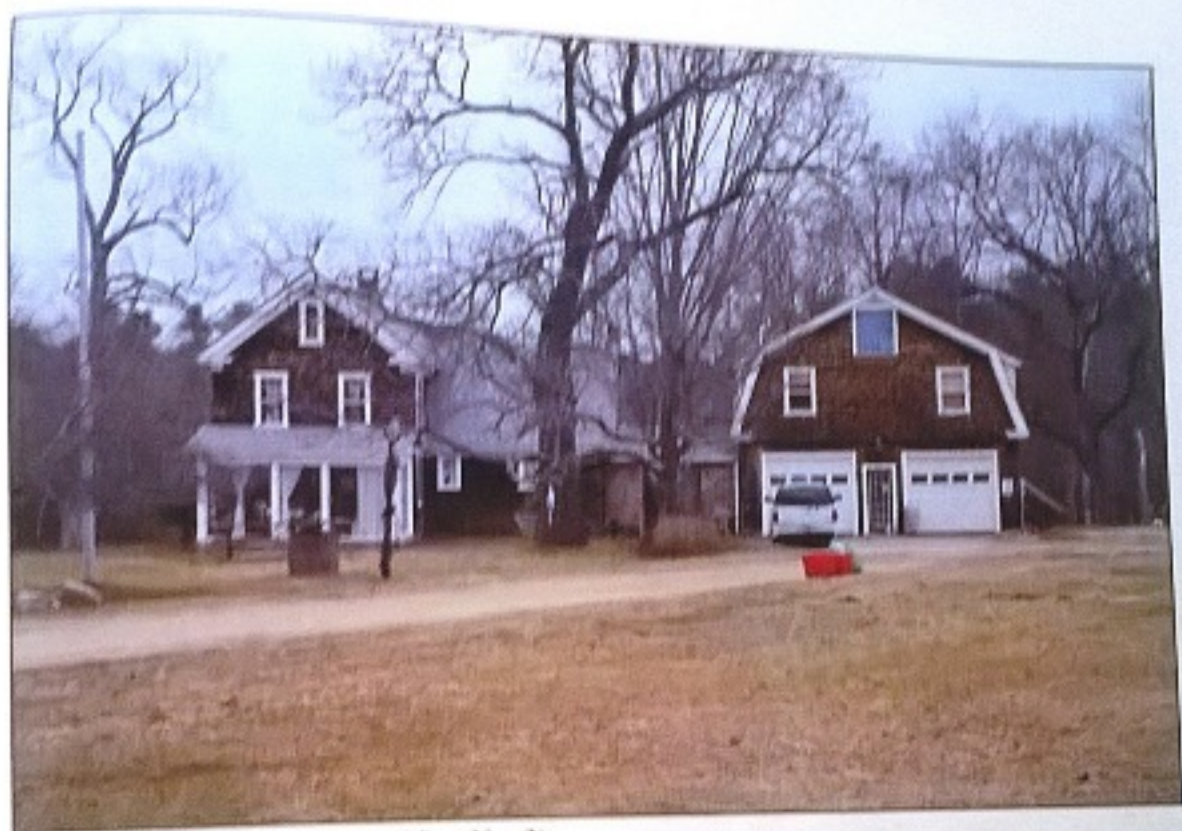


Photo 3. 100 McKone Lane (Map No. 3).



Photo 4. 160 Back Road (Map No. 4).



Photo 5. 43 Back Road (Map No. 5).



Photo 6. 6 Back Road (Map No. 6).



Photo 7. 3 Back Road (Map No. 7).



Photo 8. 136 Court Street (Map No. 8).



Photo 9. 124 Church Street (Map No. 9).



Photo 10. 36 Middle Road (Map No. 10).



Pickut, City of Dover Planning and Development Department

April 10, 2018

Page 2

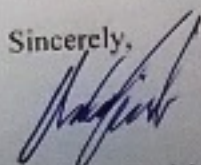
A file inventory review completed at the NHDHR indicated that no National Register listed, eligible, or previously inventoried historic properties are located within the proposed project's Area of Potential Effect (APE) for direct effects. PAL conducted a Phase IA archaeological sensitivity assessment of the project's APE for direct effects and did not identify any archaeological resources or archaeologically sensitive areas, and therefore PAL recommends that the project will not affect any significant archaeological resources. The file review completed at NHDHR indicated there are no properties within the APE for visual effects that are listed or determined eligible for listing in the National Register. There are four properties that were previously identified in a town survey report and included in the NHDHR inventory that appear to be potentially eligible for listing in the National Register. One new area containing 12 properties was identified as a potential National Register-eligible historic district during a historic architectural properties reconnaissance survey and effects assessment conducted by PAL for the project. The effects assessment recommends a finding that the project will not alter the qualities of significance or aspects of integrity of any of the properties evaluated as potentially eligible for listing in the National Register. (see attached)

Based on the results of the archaeological and historic architectural property investigations, PAL recommends that the proposed undertaking will have "No Adverse Effect" on Historic Properties.

With this letter and submission of the RPR and FCC Form 620 and attachments, PAL is requesting your comments on these recommendations.

If you have any questions or require additional information, please contact Steve Olausen, Senior Architectural Historian, Holly Herbster, Senior Archaeologist, or me, at your convenience.

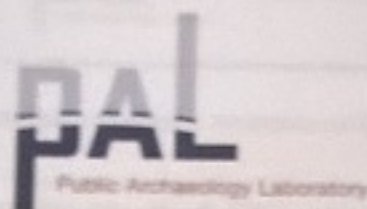
Sincerely,



Ora Elquist, MA
Principal Investigator

Enclosure

cc: Kevin Delaney, ITW (w/o encl.)



RECEIVED
Planning Office

APR 11 2018

ITW Telecommunications Facility
200 Henry Law Avenue,
Dover, New Hampshire
Dover, New Hampshire

*Historic Architectural Survey and
Effects Assessment*

March 19, 2018
PAL No. 1943.76

Submitted to:

Industrial Tower & Wireless, LLC
40 Lone Street
Marshfield, Massachusetts 02050

Introduction

This report presents the findings of a historic assessment conducted for the proposed telecommunications facility at 200 Henry Law Avenue (1). The survey was conducted in accordance with the National Historic Preservation Act (NHPA) and the National Historic Preservation Act (NHPA) guidelines entitled "Telecommunication Projects - Section 106" and the Programmatic Agreement (Nationwide PA) for undertakings approved by the Federal Communications Commission (FCC).

Project Description

The Project consists of the construction of a new 100-foot square fenced compound (Figure 1). A 10-foot-wide gravel drive will be widened to 12-foot and constructed from an existing gravel turnaround. A shelter and pads and an ice bridge cable support.

Survey Methodology

The purpose of the survey was to locate and identify architectural properties within the Area of Potential Effect (APE) for the Project that are listed or eligible for listing in the National Register of Historic Places (National Register). The Nationwide PA specifies that the APE for telecommunication facilities less than 200 feet in height is a one-half mile radius round the Project site. In accordance with the NHPA guidelines for telecommunication projects, areas outside the one-half mile APE were included if historic properties are present and they have potential views of the Project.

A review of the historic property inventory files maintained by the NHPA was conducted on March 5, 2018. Four previously inventoried resources within the Dover Town-wide Area Form were identified within or near the Project APE. Historical maps and secondary histories of the city of Dover

ENCLOSURE
FOR DWER
PLANNING DEPT
LETTER



Federal Communications Commission
Washington, DC 20554

Informational Notice of Section 106 Filings

Date: 03/28/2018
Reference Number: 983812

Otis Perry, Chairperson
City of Dover Heritage Commission
91 Court Street
Dover, NH 03820

The following new Section 106 filing has been submitted:

FILE NUMBER: 0008140408
TCNS Number: 164584
Purpose: New Tower Submission Packet
Notification Date: 7AM EST 03/21/2018
Applicant: Industrial Tower and Wireless, LLC
Consultant: The Public Archaeology Laboratory, Inc.
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: ITW Dover, NH
Site Address: off Henry Law Avenue
Detailed Description of Project: Applicant proposes to construct a 180' tower for wireless communications housed within an 80'x80' compound.
Site Coordinates: 43-11-22.5 N, 070-51-18.9 W
City: Dover
County: STRAFFORD
State: NH
Lead SHPO/THPO: New Hampshire Division of Historical Resources

Consultant Contact Information:
Name: Ora Elquist
Title:
PO Box:
Address: 26 Main Street
City: Pawtucket
State: RI
Zip: 02860
Phone: (401) 728-8780
Fax:
Email: oelquist@palinc.com

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

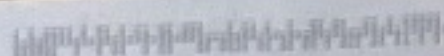
Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

relative to DHR/
Federal requirements



26 Main Street
Pawtucket, RI 02860

Otis Perry
Chairperson
City of Dover Heritage Commission
91 Court Street
Dover, New Hampshire 03820



LAW OFFICE OF STEVEN E. GRILL
PO Box 10186
Bedford, NH 03110
603.488.2371
sgrill@stevegrill.com

May 8, 2018

BY OVERNIGHT MAIL

Ms. Elena Piekut
Assistant City Planner
Zoning Administrator
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169

Re: Case No. Z18-07
Application of Industrial Tower and Wireless, LLC, for a Variance for a Wireless
Telecommunications Facility proposed to be installed at 200 Henry Law Avenue, Dover, NH

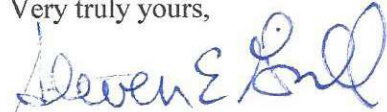
Dear Ms. Piekut:

Enclosed please find ten (10) copies of a Real Estate Market Study prepared by NH Certified Residential Appraiser Mark Correnti of Real Estate Consultants of New England, Inc. This study is respectfully submitted to address concerns raised by residents at the public hearing held in this matter on April 19, 2018.

As you will note on page 22 of the Study, Mr. Correnti has concluded that the construction of the proposed wireless facility will not have any measurable impact on the value of surrounding properties.

Please do not hesitate to contact me or the Applicant's other representatives if you require any additional information or have any questions.

Very truly yours,



Steven E. Grill

Enclosures
SEG

Real Estate Consultants of New England, Inc.

1

Steven S. Grill, Esq.
PO Box 10186
Bedford, NH 03110

May 4, 2018

RE: Proposed Wireless Communication Facility
Location: 200 Henry Law Ave, Dover NH
M/L: Tax Map K, Lot 1

Dear Atty. Grill,

I have completed a market study investigating the potential impact that cellular towers may have on adjacent residential property values.

The intended user of this report is the Dover, NH Land Use Permitting Boards in their deliberations relative to the applications submitted for your client.

The purpose of this study is to provide substantive data to answer the following question: *Will the granting of the application diminish the value of surrounding properties?*

This letter contains a summary of my research into this question and the rationale used to arrive at my conclusions.

The work consists of a viewing of the area around the tower site, a review of the materials relating to the proposed tower and research into sales of properties throughout the region that are located in close proximity or have visual exposure to a cellular communication tower.

Also included in this report are the results of a national survey of appraisers regarding this question and information obtained from other appraisers known to have researched this same question.

It is my opinion that the proposed tower will have no measurable impact on surrounding property values due to proximity or visibility.

Sincerely



Mark Correnti, SRA
New Hampshire NHCR #460
Massachusetts # 103752

Copyright

This report is copyrighted. ALL RIGHTS RESERVED. It is only for the use of the Dover, New Hampshire Land Use Permitting Boards. No part of this document may be reproduced, stored or transmitted in any form, for any reason or by any means, whether re-drawn, enlarged or otherwise altered including mechanical, photocopy, digital storage & retrieval or otherwise, without the prior written permission from Real Estate Consultants of New England, Inc., the copyright owner. The text, layout and designs presented in this document, as well as the document in its entirety, are protected by the copyright laws of the United States (17 U.S.C. 101 et seq.) and similar laws in other countries.

Assumptions and Limiting Conditions

This report is written subject to the following assumptions and limiting conditions. Because a proper understanding of the analysis and conclusions contained in this report requires an awareness of these assumptions and limiting conditions, parties using this report are asked to carefully review and consider them when reading the report.

This report is written with the understanding and intention that it is to be used *only* in conjunction with the request before the Dover, New Hampshire Land Use Permitting Boards.

The information contained in this report is specific to the needs of the client and for the intended use stated in the report. Parties using this report for any purpose other than that stated herein must assume full responsibility and do so at their own risk. I cannot accept any responsibility for any damages suffered by third parties because of the unauthorized or inappropriate use of this report.

This report is prepared for the exclusive use of the client identified in this report. The report is based upon the data available to me at the time of preparation of this document.

Distances estimated from the sales to the towers are based upon GIS technology, not physical measurements by the authors.

Because of this report, I am not required to give further consultation, testimony, depositions, or be in attendance for any legal proceeding regarding the subject property unless prior arrangements have been previously made.

Information contained herein that has been obtained from third parties is assumed to be correct and reliable.

General comment

A commonly held opinion is that the value of a home is negatively affected if it is close to a cell tower or a cell tower can be seen from the property.

Randall Bell, PhD. MAI has written extensively about property damages: in his work Real Estate Damages: An Analysis of Detrimental Conditions¹, makes the following statement:

“The most significant issue in assessing the consequences of a detrimental condition on residential property values is the general predisposition of people to believe that detrimental conditions affect residential property values...If market value is going to be affected, then this particular detrimental condition has to be given enough weight in the decision process of buyers and sellers to have a material effect on the price.

In other words, the detrimental condition issue has to be important relative to all the other variables that influence the home purchase decision, (public safety, quality of schools, access to employment ... special features of the home, affordability, etc.)”

Appraisers can examine data to determine if a detrimental condition (cell tower) affects value by application of sensitivity analysis which is a method used to isolate the effect of individual variables on value.

The two most common types of sensitivity analysis used in general real estate practice are:

1. Paired sales by which two properties - One with cell tower influence is matched to a similar property without cell tower influence to see if there is a price difference that can be attributed to the cell tower.
2. Grouped data analysis which matches a property with cell tower influence to the median price paid for groups of sales of similar properties without the cell tower influence. Again, to see if there is a price difference attributable to the cell tower. Similar properties are properties a buyer would find to be acceptable alternatives to the property with the cell tower influence (similar style, size, etc.).

Due to the diversity of home styles in New England, most appraisers use grouped data analysis.

Buyers are the *market makers*; only through their buying decisions can it be determined if and to what extent the presence or absence of a neighborhood attribute has an effect on value.

For this report, three residential sales in Dover, NH and two in Rochester, NH were examined. These sales were in residential neighborhoods with views of cell towers. A grouped data analysis is used to see if the presence of the tower impacted the sale price.

¹ Bell, Randall, Real Estate Damages: An Analysis if Detrimental Conditions, Chicago: Appraisal Institute 1999, page 38.

Data limitations – Scarcity

To understand the impact of cell towers on residential values I have located sales of single-family residences that have recently sold and also have a view of a cell tower.

Whenever possible an attempt to obtain local data is made first, however sales located less than 1,500 feet or closer to a tower or that have a view of a tower are scarce.

For example, in this report I found the following cell towers in Dover with respect to proximity to residences:

Parsons Lane

There is a 150' cell tower located at the end of Parsons Lane at tax map A, lot 36. This is a 21.13 acre parcel that abuts the Spaulding Turnpike (NH Route 16). Because of the competing noise from Rte 16 as well as a lack of sales with a clear view of the tower, no recent residential sales were identified to analyze.

Long Hill Road

There is a 150' cell tower located on Long Hill Road. This cell tower is not near any competing external influences (highway, high voltage transmission lines, etc..) and is located in the same zoning district (R-40) as the proposed tower. There are sales of single-family residences that have recently occurred, and these residences also are in close proximity to and have a view of the cell tower on Long Hill Road. These sales are included in the analysis section of this report.

Finch Lane

There is a 150' cell tower located at the end of Finch Lane, again, this tower is located next to Route 16 and traffic noise is audible from the site. Any sale that is in close proximity is also affected by the competing external influence of the highway.

Garrison Hill Park

There is a cell tower located at the top of Garrison Hill Park. This tower is next to a water tank and an elevated observation tower. Due to the competing influences, as well as any sales of single-family residences that have sold and have a view of just the cell tower, no sales were considered at this location.

101 Back Road

Back Road is close to the proposed site at Henry Law Ave. It has four large radio antennae that are over 200' In height. The site is also bisected by a high voltage transmission line (HVTL) corridor as well as an underground gas transmission line easement. This site is impacted by the same external influences as the proposed site (view of radio antennae, HVTL and gas corridor easements). Although proximate and similar to the proposed site on Henry Law Ave, an analysis of residential sales in this location would solve for radio antennae or HVTL influence and not a cell tower.

Certification

The undersigned certifies that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, are my personal, impartial, and unbiased professional analyses, opinions, conclusions and recommendations.

I have provided the following valuation² services on the property within the preceding three years from the date of this letter: None.

I have no present or prospective interest in the subject property, I have no personal interest with respect to the parties and I have no bias with respect to the subject property or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this information.

My analyses, opinions and conclusions were developed, and this letter has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

I have made a curbside inspection the subject property from a public street. I have studied the plans, reviewed the community GIS data and municipal records about the property. I have also discussed the property with the client and believe that I have a sufficient understanding of the attributes unique to the property.



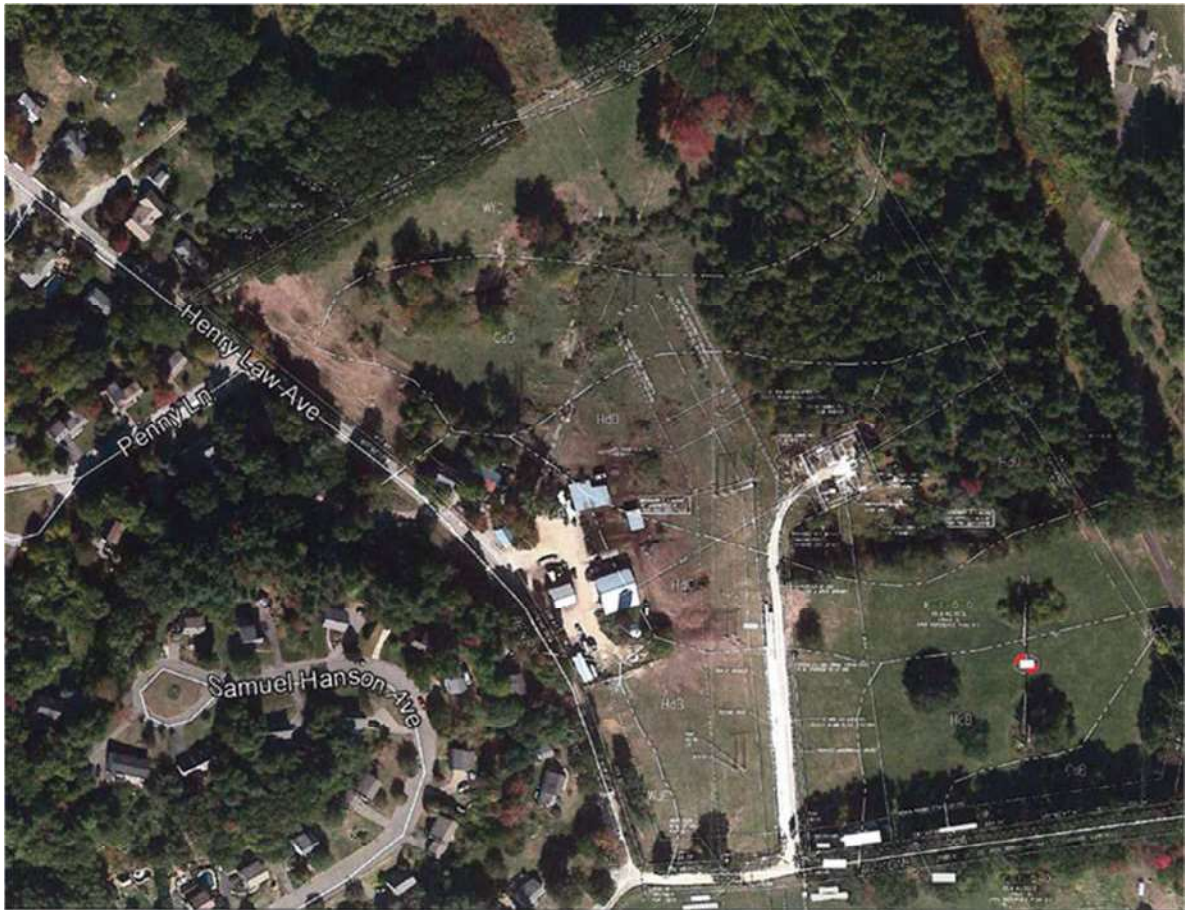
Mark Correnti, SRA
New Hampshire NHCR #460
Massachusetts # 103752

² Listing, selling, repairs, maintenance, appraisal, consulting, review, property inspections, tax abatements

Property Description: 200 Henry Law Ave, Dover NH

Proposed Site

The proposed tower is to be located at 200 Henry Law Ave. Access to the site will be off McKone Lane.



The lot is identified in the Dover assessment records as Map L Lot 1 and is in the Rural Residential R-40 zoning district. The site is 55.18 acres in size and is improved with a 2,280 sf single-family residence built in 1790. There are various agricultural buildings on the site such as barns and a silo. The site is used for small scale cattle farming.

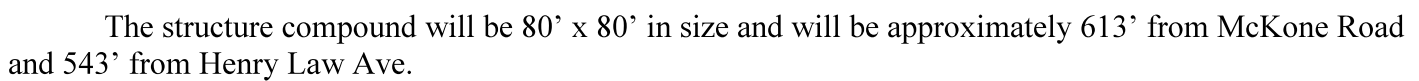


View facing proposed site

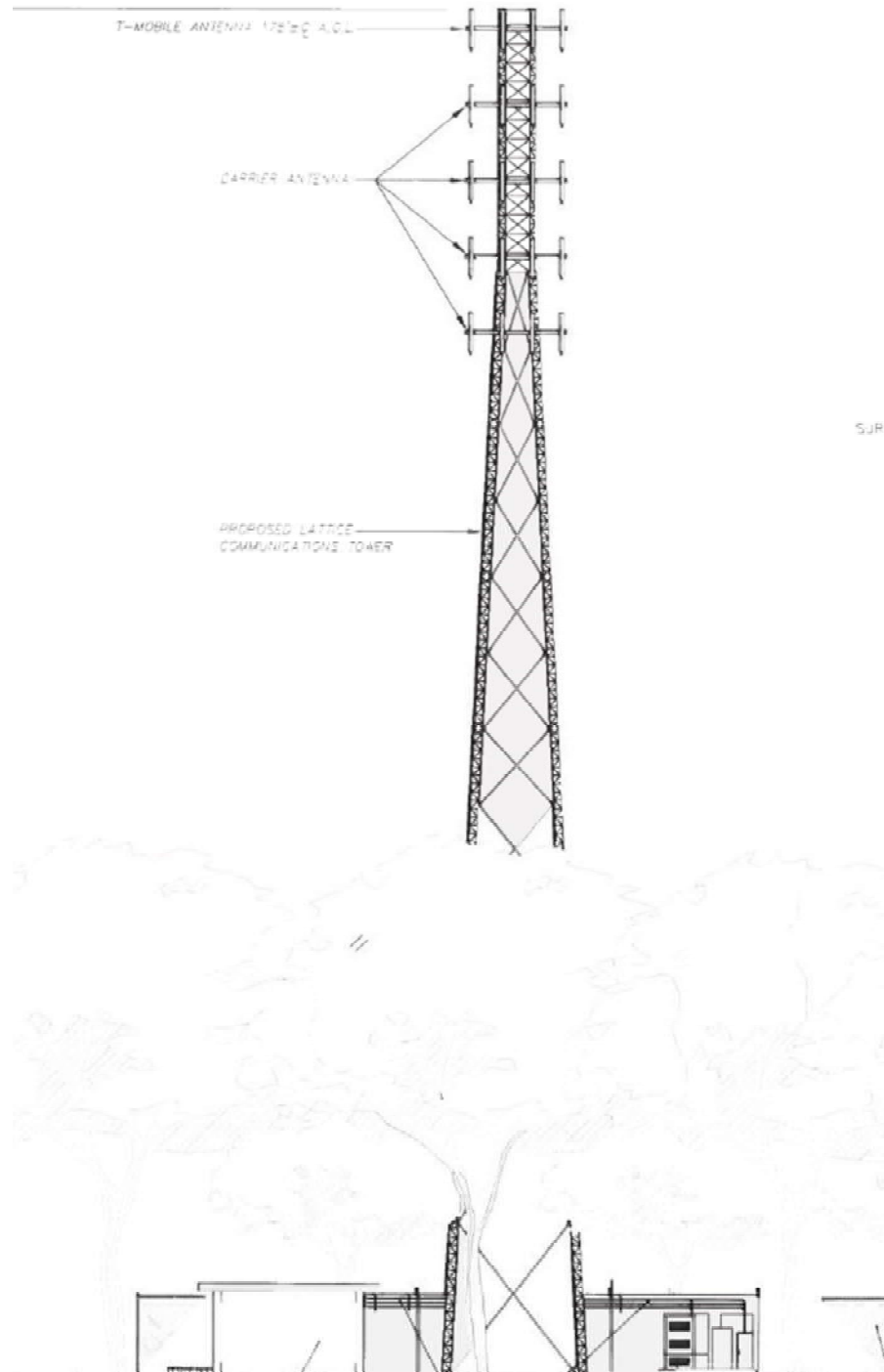
The proposed tower would be to the right of the silo, within the HVTL corridor, and to the left of a 35' underground gas line easement. Opposite of the proposed site is a view of the HVTL corridor as well as four 200' radio antennae.



View opposite of the proposed site



The proposed tower will be a 180' lattice tower. The schematic below is representative of will be placed on site.



Community based research

Over the past several years Real Estate Consultants of New England Inc. has researched the issue of residential property values and cell towers throughout New England, the primary focus being in New Hampshire and Massachusetts.

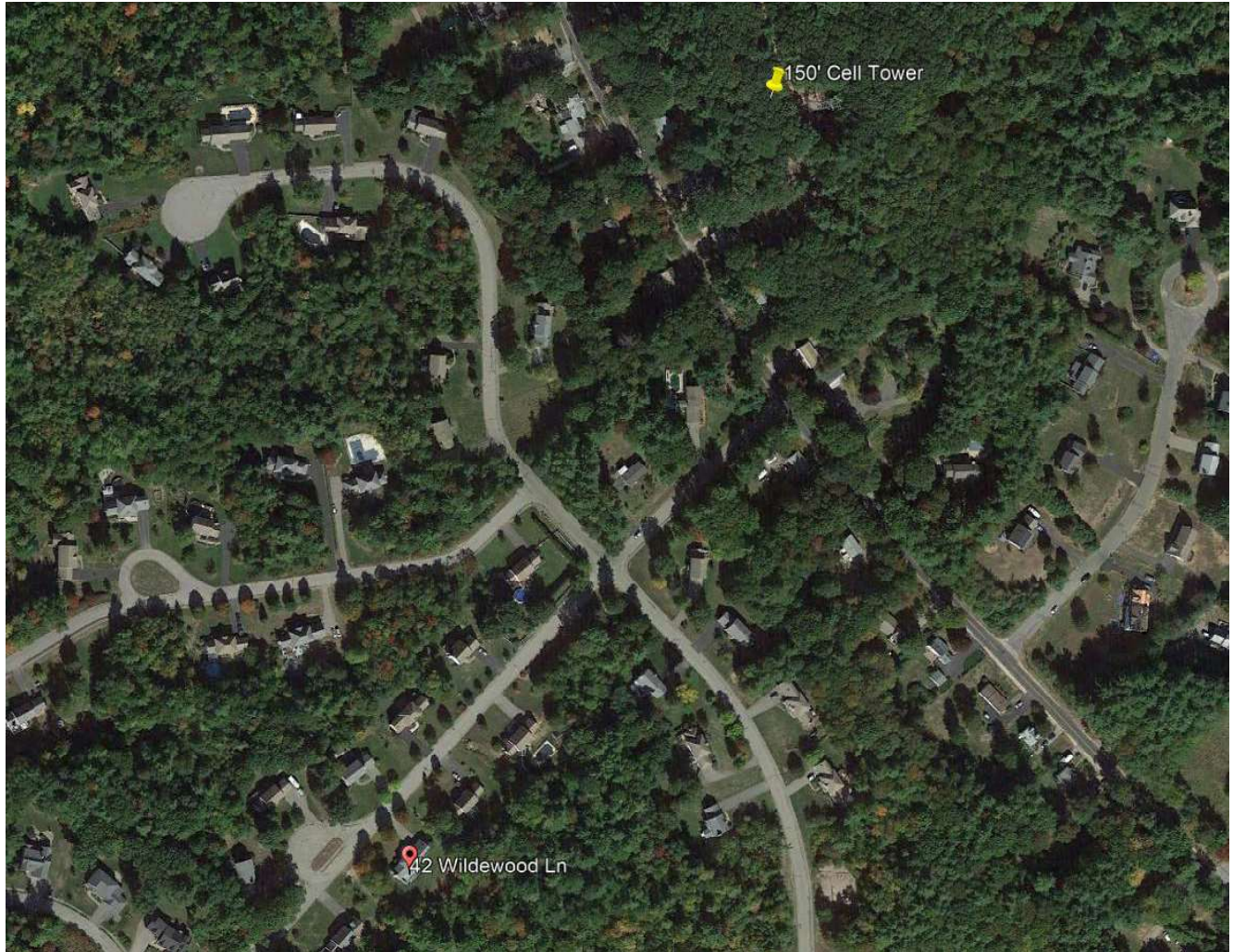
The research consists of identifying recent sales of homes having either proximity to or a view of a communication tower with the community considering the development of a new tower. Often data from surrounding communities is researched and included to supplement local data.

Each identified sale is shown in ***bold italics***; underneath it is the median calculated for the competitive sales examined. The data medians (from left to right) is: the number of competitive sales, the size range examined, lot size in acres, listing price, sale price, percent variance between the list and sale price, room, bedroom, bath count, garage size and days on market.

This type of comparison enables identification of sales with substantial deviation from the median. If a sale presents a substantial deviation from the median further review is done to determine the reason for the price deviation. An explanation for the deviation is provided as necessary.

Dover, New Hampshire market research

On August 25, 2016 the sale at 42 Wildewood Ln in Dover closed for \$510,000. This is a 2,890-sf single-family residence that is in the R-40 zoning district. It is in a residential neighborhood and has a view of a 150' cell tower located on Long Hill Road.



Google Maps



Google Maps

42 Wildewood Ln is the property to the right (with the for-sale sign on the lawn), the 150' cell tower is visible to the top left.

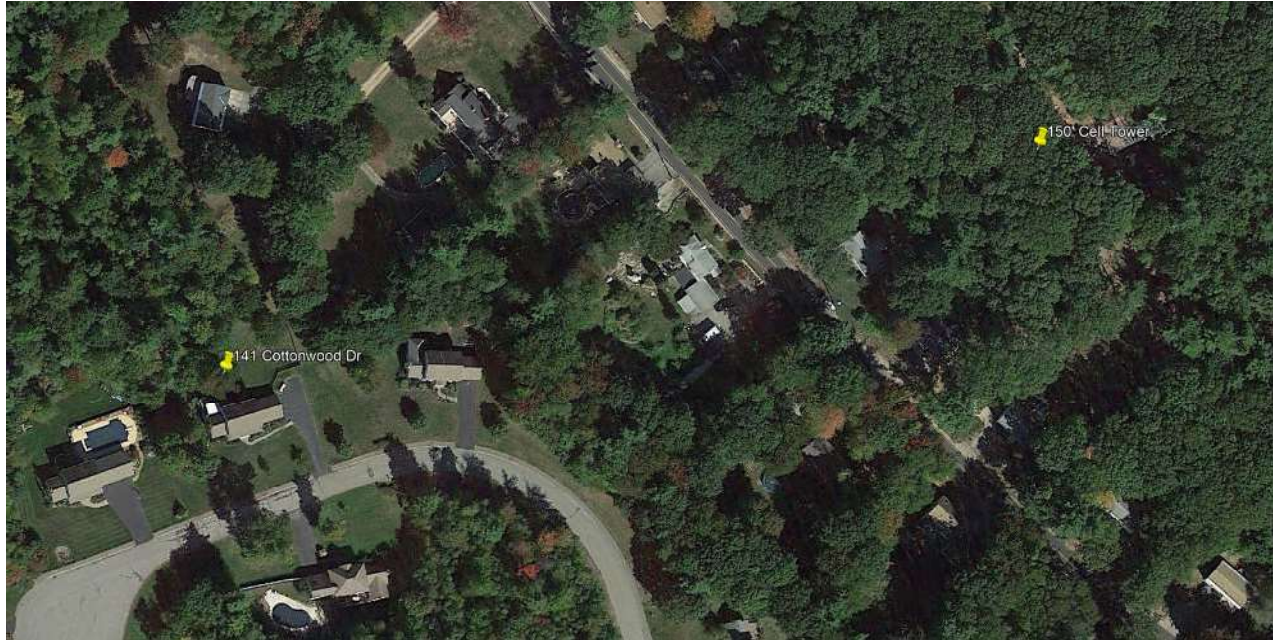
count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Bsmnt Fir	Rms	BR	Baths	Gar.	DOM
391	Median	0.35		1962	≥ 6 months ≤	\$267,500	\$265,000	99%	1,660	0	6	3	2.0	2	22
Viz	42 Wildewood Ln	1.6	Colonial	2003	8/25/2016	\$525,000	\$510,000	97%	2,849	900	9	4	2.5	2	19
37	≥ 2,500 sf - 3,500 sf ≤	1.00		2003	≥ 6 months ≤	\$497,000	\$497,000	100%	2,792	1,020	8	4	2.5	2	34

42 Wildewood Ln is compared to 37 other residences that are similar in age, size, and had finished basements. Based on the above analysis 42 Wildewood Ln sold in 19 days at 97% of asking price for an amount approximately 2.5% above the median sales price of 37 residences that it competes directly against.

A review of Dover tax assessment records shows that 42 Wildewood Ln is not negatively assessed for proximity or a view of a cell tower.

Based on the above data, 42 Wildewood Ln is not considered to be negatively affected by a view or proximity to a cell tower.

141 Cottonwood Dr is located the next street over and has a view of the same tower on Long Hill. The tower is approximately 850' from 141 Cottonwood Dr.



Google Maps

141 Cottonwood sold on June 18, 2014 for \$379,000, However, it sold with a \$5,000 seller concession to assist the buyer for customary and usual closing costs. Because there was a monetary consideration exchanged at closing, the sales price of 141 Cottonwood Dr is adjusted to \$374,000 to compensate for the \$5,000 concession*.

count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
330	Median	0.41		1975	≥ 6 months ≤	\$269,450	\$257,650	99%	1,768	6	3	2.0	2	35
Viz	141 Cottonwood	1.36	Colonial	2001	6/18/2014	\$379,000	\$374,000	99%	2,224	7	3	2.5	2	166
17	≥ 2,000 sf - 2,600 sf ≤	0.69		2003	≥ 6 months ≤	\$369,000	\$352,000	95%	2,396	6	3	2.5	2	48

141 Cottonwood Dr sold above the median sales price of residences that it directly competes against. 141 Cottonwood had an extended marketing time with 166 days on market. However, the extended days on market was not price related as there was no price reductions to the list price. The transaction was subject to “sellers finding suitable housing” which is an open-ended contingency that is not reasonable for some buyers who need to secure housing on their schedule and contract date if they have a house to sell.

** seller concessions are typical in some market segments and are not unusual. In the entry-level market for example, seller concessions for closing costs occur in more than 60% of real estate transactions. The appropriate methodology in appraisal practice is to subtract the amount of the concession from the sales price if the concession was for financial assistance.*



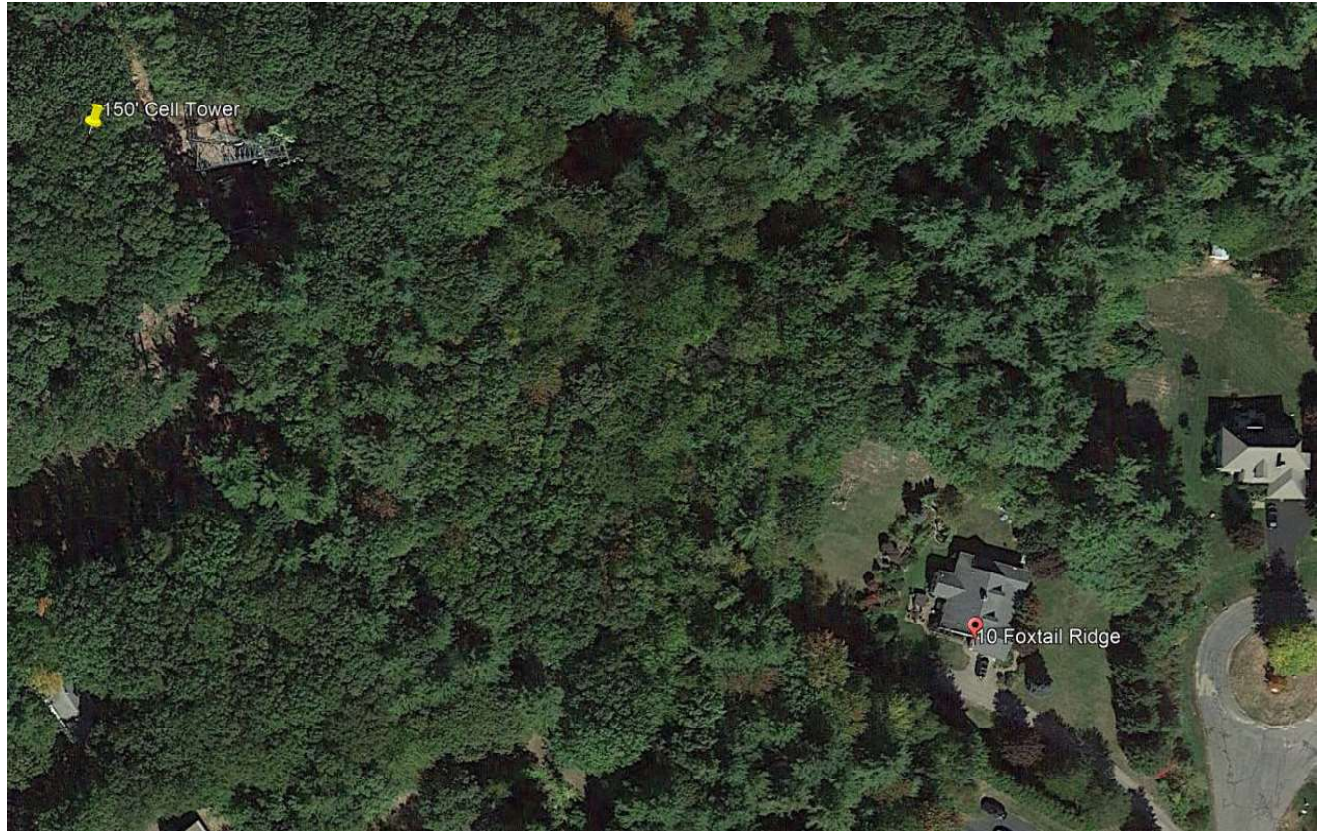
Google Maps

141 Cottonwood Dr is house to the left with the porch. Cell tower to the right

A review of Dover tax assessment records shows that 141 Cottonwood Dr is not negatively assessed for proximity or a view of a cell tower.

Based on the above data, 141 Cottonwood Dr is not considered to be negatively affected by a view or proximity to a cell tower.

10 Foxtail Ridge sold on July 29, 2013 for \$324,500. As with the previous example there was a seller concession to assist with buyer closing costs. As such, the effective price for 10 Foxtail is reduced to \$316,650.



Google Maps

count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
314	Median	0.36		1981	≥ 6 months ≤	\$269,950	\$264,357	99%	1,981	6	3	2.0	2	43
Viz	10 Foxtail Ridge	1.38	Ranch	1994	7/29/2013	\$326,900	\$316,650	97%	1,774	6	3	2.5	2	16
32	≥ 1,500 sf - 2,200 sf ≤	0.57		2002	≥ 6 months ≤	\$309,700	\$300,000	97%	2,002	6	3	2.5	2	48

10 Foxtail Ridge sold approximately 5% above the median sales price of residences that were similar and competing to it.



Google Maps

Driveway entrance to 10 Foxtail Ridge. Tower at top.

A review of Dover tax assessment records shows that 10 Foxtail Ridge is not negatively assessed for proximity or a view of a cell tower.

Based on the above data, 10 Foxtail Ridge is not considered to be negatively affected by a view or proximity to a cell tower.

Rochester, New Hampshire market research

On October 31, 2017, a 2,446 sf, 6-room 3-bedroom Cape-style home located at 162 Chesley Hill Road Rochester, New Hampshire sold for \$345,000. This residence is located 2,100 feet from a 186-foot-tall cell tower. As the residence is elevated it has a direct line of sight and view of the tower.



Google Maps



Google Maps

162 Chesley Hill Rd is the beige cape to the right. 186' cell tower is noted by the red arrow.

count	Street	Acres	Style	Yr Built	Closed	List	Sale	Spread	SqFt Fin	Rms	BR	Baths	Gar.	DOM
380	Median	0.34		1975	≥ 6 months ≤	\$199,950	\$200,000	99%	1,512	7	3	2.0	1	25
Viz	162 Chesley Hill Rd	0.84	Cape	2003	10/31/2016	\$359,900	\$345,000	96%	2,446	6	3	2.5	2	18
37	≥ 2,000 sf - 3,000 sf ≤	0.94		1996	≥ 6 months ≤	\$280,000	\$267,000	95%	2,272	7	3	2.5	2	51

This residence sold for more than the median sales price of 37 other similarly sized 2,272 sf (competitive) homes in about half the time for the competitive set.

The listing agent reported that the property had a showing the same afternoon that it went on the market. An accepted offer was made by the second buyer that viewed the property.

When asked if the cell tower had any impact on marketability, the listing agent had responded that the cell tower did not impact the marketing or market value of the property.

A review of the Rochester tax assessment records show that 162 Chesley Hill Road is not negatively assessed for proximity to the cell tower and there are no records of a request or granting of a tax abatement due to proximity to or view of the tower.

This sale indicates the tower had no effect on the price or marketing time

New Construction on Chesley Hill Road



Google Maps

New Construction at 212 Chesley Hill Road is approximately 1,250' from the previously mentioned 186' cell tower.



Cell tower to the left of 212 Chesley Hill Rd.

The four prior examples in Dover and Rochester provide a quantitative approach, whereas the new construction at 212 Chesley Hill Road provides a qualitative approach to this assignment.

New construction answers a fundamental principle in real estate valuation: What is the highest and best use of land? Land, if left idle and vacant, is not productive and based on market forces (supply and demand) can transform to its highest and best use. In the case of 212 Chesley Hill Road, 1.25 acres was purchased by a developer in 2016 and developed into a 1,568 s.f. ranch style single-family. 212 Chesley Hill Rd sold for \$329,900 which was the full asking price.

The residential development on Chesley Hill Road is unique in this assignment as it represents a tower that predates the construction of nearby residential house. Considering the economic risks, a developer would not subject investment to a negative external influence that would put capital at risk.

The listing agent for 212 Chesley Hill Road commented that at the first open house there were seven separate viewing and two offers made and the property was under agreement 10 days after it listed at \$329,900.

The agent mentioned that the cell tower visible in the back was not a concern for any of the buyers that viewed the property. She did mention however, that some buyers had expressed concerned about the

proximity of a nearby barn (the barn is empty, but prospective buyers had concerns of type and amount of livestock).

In the case of the 212 Chesley Hill Road, the proximity and view to a cell tower did not impact the marketability of the new construction of a single-family residence.

Additional research materials

To augment the findings presented thus far included in the addendum is the results of a survey of assessors and appraisers and statements and conclusions from reports prepared by other appraisers who have completed similar research in order to determine if verifiable market data exists supporting the opinion that the presence of a cell tower has a deleterious impact on surrounding property values.

The additional data all indicates that there is no data to support the contention that there is a measurable impact on home values due to the proximity of a communication tower.

Summary and Conclusion

Based upon the national e-mail survey of appraisers and assessors, research into properties located close to or having visual exposure to communication towers that have sold in New Hampshire, data obtained from other appraisers researching this same issue and a review of numerous reports prepared by other qualified appraisers; I am unable to find any data or proof to support the contention that there is a measurable impact on home values due to the proximity of a communication tower, or that property values are diminished due to the ability to see a tower from a property.

Objection to site development for cell towers usually comes from a change in the view from an abutting property. This change causes surrounding landowners to assume that their property will lose value because the of a view of a tower reduces value. This report contains sale data of homes with a view of a cell tower that have sold; these sales do not support the value loss assumption

Therefore, it is my opinion that the construction of the tower at the proposed location identified in this report will have no measurable impact on surrounding property values.

ADDENDUM

General market research

A national e-mail survey of appraisers and assessors was initiated. The purpose of this survey is to obtain input from appraisal and assessment professionals from a broader perspective to see what other professionals have observed. On the following pages is an explanation of how the survey was conducted, quotations received from some of the respondents and a tabular summary of the communities covered by the responses.

The survey information is followed by statements and conclusions from reports prepared by other appraisers who have completed site-specific analysis or general market research in order to determine if verifiable market data exists supporting the opinion that the presence of a cell tower has a deleterious impact on surrounding property values.

National Survey of Appraisers & Assessors

A national e-mail survey of appraisers and assessors was initiated in 2009. The purpose of this survey is to obtain input from appraisal and assessment professionals from a broader perspective to see what other professionals have observed.

A total of 172 replies were received from 146 communities in 15 states with a total population more than 13,500,000 people. The communities range in size from Waterville Valley NH population 257 to Seattle WA population 3,554,760. This is a very diverse mix of communities with differences in socio-economic and geographic influences.

The survey solicited responses to the follow three questions:

1. ***Have you observed or are you aware of any loss in residential property value due to the presence of a cell tower? YES / NO***
2. ***Have you observed or are you aware of any appeals filed in the last two years claiming property value loss due to the presence of a cell tower? YES / NO***
3. ***Have you observed or are you aware of any property value loss due to the ABILITY to see ANY part of a cell tower from a residential property, regardless of distance? YES / NO.***

All the respondents answered “NO” to each of the above three questions.

Some of the respondents simply replied “no” without additional comment while others expanded their answers to include local information and experience. The expanded comments start on the following page. The survey data tabulated by State, Community and Population follow the comments.

Janet LePage
Monday, September 07, 2009 11:42 AM
RE: Residential Appraisal Survey from Fellow AI Member

"I just completed an assignment of a manufactured home on acreage with a cell tower. The sales price did not appear to be impacted by the cell tower; in fact, the purchaser told me that it was a plus for him due to the income. It should be noted that the cell tower was VERY far from the house and could hardly be seen from the road."

Dick Harriman,
CEO/Assessor
Town of Orrington

"I have one tower and no problems or complaints"

Michelle Boisjoly,
Assessor
Dayton, Ohio

"No to all three questions; we have 2 towers in town with several sales near 1 of them. Dayton is rural with 1.5-3 acre minimum house lots."

Marlene Tepper
Certified Residential Appraiser
Westchester, NY

"My experience results in a "no" on all three questions"

Leland T Bookhout MAI, SRA
Rhinebeck, NY

"New buyers tell me in interviews that I have conducted that they did not pay less because of cell towers. I recognize that existing property owners feel they have been invaded thus scream and yell that the world has come to an end.

The bigger issue is that the potential pool of buyers for any home today is so sophisticated that they will use the issue of a nearby cell tower to get the purchase price down but when they resell in a few years - no reduction in asking price to list their property! Those who really do not want to live near a cell tower, or any other conceivable excuse, will go elsewhere, they have choices. We lose sight of the fact that any pool of potential buyers has choices. Ask any developer the question and they will almost always say that a particular buyer backed away from the purchase but someone came along to buy at the full price.

Part of the reaction by buyers is different in a sellers market vs. a buyers market. In the latter the alternatives are greater and the buyers can be picky."

Duane P. Willenbring CGB :GMB: CGP
Willenbring Const. Inc
St. Cloud, MN

"I am a Builder, Developer and Realtor and I serve on the Rockville, Mn. City Council. The answer to all three questions is No. I have not heard of any adverse opinions regarding cell towers"

Melinda Fonda
Assessor
Stratford, CT

1. *Have you observed or are you aware of any loss in residential property value due to the presence of a cell tower? "NO"*
2. *Have you observed or are you aware of any appeals filed in the last two years claiming property value loss due to the presence of a cell tower? "NO we have not had any appeals regarding loss in value due to cell towers"*
3. *Have you observed or are you aware of any property value loss due to the ABILITY to see ANY part of a cell tower from a residential property, regardless of distance? "I have had people claim their value is affected because they have an obstructed view. I have not seen this affect value."*

Alfred D. Jablonski, MAI
Real Estate Appraiser
Washington, DC

"In this market there is no evidence that cell tower, which is not allowed in residential zoning, has a negative effect on residential properties. In Fairfax County the light poles on our high school football fields are being converted to cell monopoles and the school system is receiving money and benefiting from the new monopoles."

From: Orban Winton
Socorro, NM

"I have not had the opportunity to appraise or be associated with questions 1 and 2. The majority of our small town can see a part of a cell tower and have not noted any reduction in sale prices".

Carl Brinegar, SRA, SRPA
San Angelo, TX

"Sorry I can't help much. Answer is no. For all of the properties that can see cell towers in this area, I have never noted any reduction in price. nor had a seller or Realtor tell me that there was a reduction in price due to that situation & some towers are quite visible from new moderate priced residential property subdivisions & builders are continuing to build closer & closer to the towers, apparently without any ill pricing effects yet at least."

Linda Truitt, MAI
Springfield, MO

"Hi - I am not aware of any reduction in value to properties near a cell tower. I know a local appraiser that an assignment to appraise a rural property with a small house before and after a cell tower was installed on their 10 acres. It was his opinion that the property was actually worth more with the tower because of the land lease income. Not much help I'm afraid."

Frederick B. Jones
Abilene, TX

"Hello, a group in an affluent neighborhood on the east side of town fought unsuccessfully to prohibit a cell tower's installation, claiming it would devalue the neighborhood and their individual property. They were unable to show how the property would be devalued and lost the case. The tower was installed several years ago with no apparent value issues. I don't remember the exact dates, but the tower has had no long term devaluation. We had a similar case recently with wind turbines – our area is the wind capital of the nation - with similar results. There is simply insufficient data to extract to show the plaintiff's were damaged. Hope this helps."

Ned Farrone, MAI
Larchmont, NY

"The answer is "NO" to all three questions. We have been doing ongoing studies of neighborhoods with cell towers for more than 10 years. Never once have we found that there was a diminution in value due to being able to see a cell tower."

Survey of New Hampshire, Massachusetts and Vermont Assessors

All assessors were asked the follow three questions:

1. *Have you observed or are you aware of any loss in residential property value due to the presence of a cell tower?*
2. *Have you observed or are you aware of any appeals filed in the last two years claiming property value loss due to the presence of a cell tower?*
3. *Have you observed or are you aware of any property value loss due to the ABILITY to see ANY part of a cell tower from a residential property, regardless of distance?*

In New Hampshire twenty-six communities with populations from 2,000 to 110,000 responded. **All twenty-six communities answered "NO" to each of the above three questions.**

Population	Town	Population	Town	Population	Town	Population	Town
2,042	Newbury	5,620	Hopkinton	13,040	Durham	28,486	Dover
2,215	Andover	6,561	Newport	13,388	Claremont	29,558	Salem
2,460	Plainfield	7,098	Stratham	15,450	Hampton	42,336	Concord
3,537	Gilmanton	7,322	Belmont	17,060	Laconia	87,321	Nashua
4,463	New London	8,020	Bow	22,778	Keene	109,691	Manchester
4,867	Henniker	8,434	Seabrook	24,568	Hudson		
4,880	New Boston	11,156	Hanover	24,837	Londonderry		

Massachusetts assessor results

Andover	<i>Never seen an abatement for that</i>	Chelmsford	<i>Nothing</i>
Bedford	<i>No</i>	Lexington	<i>None to my knowledge</i>
Belmont	<i>Haven't seen any</i>	Lowell	<i>There were none</i>
Billerica	<i>No haven't seen anything yet</i>	Reading	<i>No</i>
Carlisle	<i>Not in this town</i>	Waltham	<i>Have not had any</i>
		Woburn	<i>No</i>

Vermont assessors / lister results

Bethel	<i>No; Our tower is 2 yrs old, no immediate neighbors; can be seen form Rte 107 & 12.</i>				
Cabot	<i>No; We have 2 towers</i>		Poultney	<i>No</i>	
Charoltte	<i>No; not aware of any grievances re cell towers</i>				
So Burlington	<i>No; never had anyone broach the subject</i>		Dover	<i>No</i>	
Weathersfield	<i>No to all 3 questions</i>		Mount Tabor	<i>No</i>	
Royalton	<i>No; We have 2 towers in remote locations</i>				

The following statements and the conclusions are from reports by other appraisers who have completed site-specific analysis or general market research in order to determine if verifiable market data exists supporting the opinion that the presence of a cell tower has a deleterious impact on surrounding property values.

Edward J. Ferrarone, MAI – September 2008 – Danbury, CT

As you see from the data, the sales prices and price per square foot (a recognized unit of comparison) for those residences situated near a communication facility site are consistent with, and in some cases higher than, the prices achieved in the neighborhood further away from the communication facility site.

I have been conducting surveys of sales prices such as these for the last decade. The areas covered include Westchester, Rockland, Putnam, Dutchess, Orange, and Ulster Counties. In no instance have I ever found that values have been reduced by the presence of communications facilities such as those which are proposed for this site.

As a result of the foregoing analysis, it is our conclusion the installation, presence and/or operation of the proposed Facility on the subject Property, will not result in the diminution of real estate values of nearby properties or reduce the marketability of properties in the immediate area.

U.S. District Court Judge Charles L. Brieant, in a decision dated January 25, 2001, agreed with the conclusion "that the actual experience with similar wireless facilities within ... other communities has not supported a conclusion that these antennae have reduced the value of nearby property." Judge Brieant further states that "generalized concerns about a potential decrease in property values stemming from the construction of the proposed communications antenna, especially in light of the expert reports contained in this record before the Court, are not adequate to support the conclusion that a special use permit should be denied."

See U.S. District Court Southern District of New York (White Plains)
Civil Docket for case #: 7:00-CV-04828-CLB Sprint Spectrum, LP v Cestone et al.

Bill Pastuszek, Jr. SRA, MAI, MRA – December 2007 – Pepperell, Massachusetts

Summary. The preceding analysis demonstrates that cellular telecommunications facilities in competitive residential locations do not affect real estate prices adversely. Research and analysis in other areas supports this conclusion: there is no measurable impact on residential sales prices due to the presence of such facilities. *Conclusion.* Based upon my inspection of the subject site and neighborhood, of comparable sites, my detailed review of the proposed project, and my review of pertinent empirical studies, it is my professional opinion that the construction and operation of the project will not have any adverse effect upon the property values of any real estate located near the site.

Vern J. Gardner Jr. , SRA, MAI – February 2007 – Londonderry, New Hampshire

Based upon the material presented herein it is this appraiser's opinion that the Market Value of the Fee Simple Title to any of the properties in the vicinity of the proposed cell tower will experience no diminution in value resulting from its construction as of February 05, 2007.

Patricia Amadon, MAI - October 2006 – Falmouth ME

In terms of marketing time, I researched sales in the general area to investigate the number of days on the market for residential properties. The marketing time ranged from 0 days to 371 days. When the maximum and minimum values were eliminated, this range narrowed from 11 days to 134 days. The sales of the two properties in proximity to towers took 66 and 72 days to sell, selling times well within the range of residential properties within the area. Therefore, marketing time does not appear to be affected.

Based on my investigation summarized above, I have concluded the following:

The nearest property has sufficient natural coverage and distance from the proposed tower to significantly diminish visibility.

The addition of the proposed tower and associated equipment will have no measurable adverse impact on the value of surrounding property.

From a valuation perspective, the proposed tower is the most appropriate location for a telecommunications facility in the area.

Robert G. Bramley, MAI - May 2006 - Cornish NH

In summary, while the existing tower, if constructed, may be visible at a distance, I know of no instance where local property values in rural locations such as the subject will diminish with the construction of said facilities nor will the region be impacted, except in a positive way, from said facilities because of improved communication facilities.

J. Nathan Godfrey Appraiser October 2002 – West Tisbury, Ma

“The surrounding neighborhood area will be unchanged by the introduction if the proposed wireless communications facility. The equipment shelter and base of the pole will not be visible from Old Courthouse Road and there will be no change to the overall character of the site. My research and investigations have concluded that there would be no diminution of value or difficulty in marketing a residence in the immediate area around the proposed installation.”

Donald E. Watson, Certified General Appraiser – June 1998 – 5 communities in Southern NH

The study of sales in Bedford, Nashua, Merrimack, Candia, and Manchester did not indicate any discernible trends or variations in the sale prices of properties in the vicinity of telecommunications towers or similar structures in relation to the overall sales ratios found in each community. The lack of any trend would indicate that in fact there is no diminution of value of properties near these structures. Given federally mandated guidelines, I am of the opinion that as more telecommunications tower are constructed, their presence will become more common, similar to the existing telephone-poles. If any diminution of value were to occur, it would be evident during the early stages of placement of telecommunications towers.

Michael P. Wicker, MAI - April 1994 - Sullivan, New York

At your request, we have performed a detailed analysis of the effects of radio communication towers on surrounding property values. It is the conclusion of this analysis that the subject's proposed cell site to contain a 180-foot guyed tower and a 293 square foot prefabricated concrete shelter will have no effect upon surrounding property values. The location, nature, and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.

Enclosed please find the results of this analysis which support the above conclusion.

Robert G. Bramley, MAI - August 1990 - Candia NH

demand. In short, diminution in value of surrounding property was not found in nearby areas of Chester or Candia and, as a matter of fact, in areas surrounding tower sites in more densely populated areas of Hudson and Merrimack, New Hampshire. Conversation with residents in periphery areas suggests that the sites are not objectionable from an aesthetic viewpoint and may in fact contribute somewhat to retaining the undeveloped or sparsely developed character of the area, unless of course development pressures are greater, in which case housing development appears to take place without any real measurable detriment to price or value. Safety is also not a detriment since towers are constructed to withstand hurricane force winds.

Robert H. McKennon, CRE, MAI - Wilmington, Delaware

Robert has researched the impact of telecommunications towers on residential property values in his area. The following summarizes the results of his research.

To all who took the time to respond to my AI forum request for info on the impact of telecommunications towers on residential property values: -Thanks very much for your input.

I looked this time at a potential tower site in a heavily developed and desirable residential area that was slated for a monopole installation behind a supermarket at a major commercial intersection.

After reviewing 8 tower sites in residential locations with varying price ranges, I was unable to find any evidence that there is a measurable impact on value due to the proximity of a tower.

For example: A Toll Brothers development currently underway has three contiguous towers that loom over the residential lots currently being sold. These are being developed with \$700,000 homes that are selling at a similar absorption pace to other similar Toll communities in the area. The site manager indicated that the towers were not a factor in pricing or marketing. The developer did not provide extra buffers, larger lots, or open space nearby to alleviate any potential impact the towers might have.

Another area development has an unsightly latticework tower nearby that can be seen from various points in the development. **There is absolutely no difference in pricing of similar model homes that can see the tower as opposed to those that cannot.** The sales agent who sold the project noted that the tower had no impact on sales. Another agent who has sold several homes in the neighborhood indicated that her daughter lives in the neighborhood, that she has been in the neighborhood many times over the years and had never noticed it during her walks with her granddaughter, and that it was not a factor with buyers.

In another neighborhood, there was some anecdotal evidence from agents that sold houses that were contiguous to a 1960's vintage latticework tower that there was some buyer resistance expressed by some prospects for those particular houses. However, a close analysis of these properties did not produce any evidence of a value diminution. The houses were listed at similar prices to those away from the tower and sold for similar prices, in similar time frames. When this data was discussed with the agents they indicated that although there were some prospective buyers who may have "walked" from the sites next to a tower, they were in fact able to obtain a satisfactory price. I could not reasonably justify any value diminution even in these extreme cases and believe me I looked. These cases are akin to a Rubik's Cube in some ways. 99.9% of the evidence can point one way, but if any stone is left unturned, the Board may disregard the entire study.

Mark Correnti, SRA

P.O. Box 276 ♦ Hollis, NH 03049 ♦ (603) 371-0525 ♦ mark@nhappraiser.com

New Hampshire Certified Residential Appraiser

- Founding partner of Amoskeag Appraisal Company, LLC a residential appraisal firm that provides real property appraisal and consulting services in New Hampshire.
 - Conduct real estate appraisals of single and 2-4 family residences, condominium units, land appraisals. Complex residential properties and multi-million dollar residences.
 - New Hampshire Real Estate Appraiser Board - Investigative Review Appraiser 2005-2011. Board Member and Grievance Officer 2011-2014
 - New Hampshire Chapter of the Appraisal Institute - Chapter President 2011-2012
- Real Estate Appraiser since 1997
 - Past NH Real Estate Appraiser Board Member
 - Admitted as an expert witness in MA & NH courts
 - NH Real Estate Broker
 - Approved HUD-FHA and VA Appraiser
 - Awarded SRA Designation from Appraisal Institute

Work Experience

1999 to present *Certified Residential Appraiser NHCR-460*

Residential state certified appraiser specializing in complex residential properties. Fee assignments include appraisal of 1-4 family residences, vacant land, and quality control appraisal review assignments. Admitted as an expert witness in NH court system. Testified as an expert in various ZBA hearings regarding diminution of value cases. Client base includes large regional banks, mortgage companies, real estate agents, and law firms.

1997 to 1999 *Gary Driscoll Appraisal Services, Fremont, NH*
Apprentice Appraiser

1996-1997 *Citizens Bank, Manchester, NH*
Construction Operations Supervisor
Review residential construction loan requests, facilitate build out of project. Interact with builder, homeowner, and originator. Oversee construction of home, monitor project to ensure that construction budget is in balance. Resolve discrepancies and manage delinquencies.

1994-1996 *Retail Loan Officer - Citizens Bank (f/k/a First NH Bank)*
Underwrite consumer loan requests generated by 90-branch network. Emphasis on real estate mortgages and equity lines of credit. Assisted branch personnel and loan originators with complex credits. Product underwriting experience includes home equity lending, small unsecured requests, and indirect auto financing and high LTV loans.

1992-1994 *Fleet Bank-NH, Nashua*
Regional Lender
Responsible for consumer loan volume and small commercial loan portfolio. Originated, processed, and closed all consumer and commercial loans. Process and closed commercial loans up to \$200M, including SBA 504 and 7(a) programs. Responsible for credit training, setting loan goals, and supervising southern NH consumer production staff. Met with local merchants to establish deposit and loan relationships.

1990-1992 *First Union, Farmington, MA loan production officer*
Asst. Sales Mgr.
 Developed and cultivated network of mortgage companies in developing a large loan portfolio.
 Conducted property evaluations of 1-4 family properties in MA, RI, and NH. Identified, corrected, and assisted in managing all risk factors affecting bank's portfolio.

1989-1990 *Transamerica Financial, Wakefield, MA*
Asst. Manager
 Initiated and executed all aspects of consumer finance branch operations.

Education The University of Massachusetts at Amherst; 1989
 Bachelor degree - Economics

Appraisal Organizations

Appraisal Institute - NH Chapter - Board Member 2007-2012, Chapter President, 2011-12
 Designated Member of the Appraisal Institute. Awarded SRA designation in 2009.

Committees/Panels

2006 Franconstown Conservation Commission - Committee Member
 2004-2008 New Hampshire Real Estate Appraiser Board - Review Panel
 2005-2011 NH Real Estate Appraiser Board - Contracted Investigative Review Appraiser
 2011-2014 NH Real Estate Appraiser Board - appointed as board member and Grievance Officer

Appraisal Courses and Seminars (abbreviated list)

Basics of Real Estate Appraisals, January 1998 & February, 2006
 Appraising 1-4 Family Properties, March 1998 & March 2006
 Appraising Income Properties, April 1999
 New Hampshire Current Use Law, March, 2000 and March, 2006
 Appraising High Value and Historic Homes, June 2000
 Real Estate Fraud and the Appraiser, October, 2001
 Appraiser as an Expert Witness, October, 2001
 Real Estate Law and the Investor Perspective, October, 2001
 Real Estate Development Issues and Land Management, May, 2002
 Mobile/Manufactured Home Review, July, 2002
 Attacking and Defending an Appraisal in Litigation, September, 2003
 Loss Prevention Seminar - October, 2003 and March 2006
 Appraisal Reports and USPAP compliance, November, 2003
 HUD-FHA Appraisal Requirements, December, 2003
 NH Real Estate Appraiser Board Review Panel Training Seminar, October, 2004
 NH Real Estate Appraiser Board Supervisory Appraiser Seminar, September, 2005
 Appraisal Institute Business Practice and Ethics, October, 2005
 Residential Highest and Best Use, March 2006
 Residential Site Valuation and Cost Approach, April 2007
 Residential Sales Comparison and Income Approaches, May 2007
 Real Estate Finance Statistics and Valuation Modeling, June 2007
 Advanced Residential Applications & Case Studies, November 2007
 Valuation of Green Housing, January 2008
 Advanced Residential Report Writing, January 2008
 REO Appraisals: Appraisals of Foreclosed Properties, September, 2008
 Appraiser Regulatory Agency (ASC) Investigator Training Level I, August, 2009
 Appraiser Regulatory Agency (ASC) Investigator Training Level II, October, 2010
 Appraiser Regulatory Agency (ASC) Investigator Training Level III, September, 2014



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, May 17, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a side setback of 20 feet where the minimum setback is 25 feet.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: Rural Residential (R-40)

FILE: Z18-10

APPLICANT: Kirt Schuman

OWNER: Schuman Family Revocable Trust of 2013

LOCATION: 136 County Farm Road (Tax Map C, Lot 3-B1)

ACREAGE: 3.9 ac

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling

SURROUNDING LAND USE: Single-family dwellings

PREVIOUS ZBA ACTION:
None

**PLANNING BOARD APPROVAL
REQUIRED:** No

ATTACHMENTS: Application, plans

STAFF RECOMMENDATION: Staff supports granting the variance request.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The property subject to this variance request is a 3.9 acre lot containing a single-family dwelling (built in 1998) on the south side of County Farm Road.

The Applicant requests a variance to permit a side setback of 20 feet where a minimum of 25 feet is required. The variance would permit the construction of a 376-square-foot addition to the home, of which 96 square feet would encroach upon the 25-foot setback.

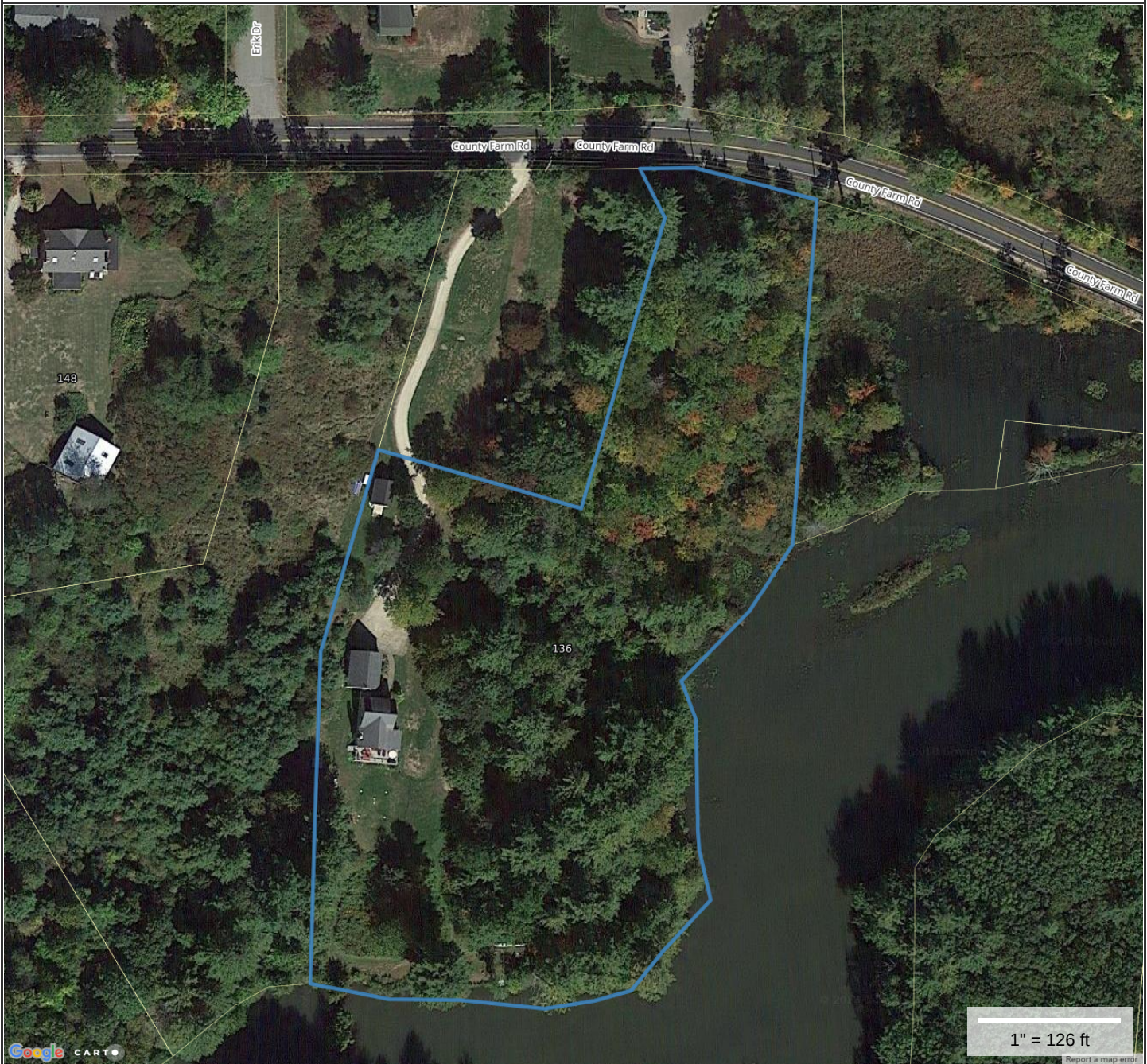
REASON FOR STAFF RECOMMENDATION

Both the Applicant's property and the property of the abutter most affected by the request have lots that far exceed the minimum lot size and which cannot be further divided. As such, the purpose of requiring a side setback—to maintain sufficient separation between dwellings and a low density of structures—is met in this particular situation. The existing garage exactly meets the 25-foot minimum setback, and the proposed addition presents a very minor encroachment into the side yard, with one corner as close as 22 feet to the lot line and the other corner as close as 20 feet. On the other side of the house, a similar addition would be constrained by the presence of a wetland buffer, septic system, and well, presenting hardship. The proposed location has the least impact to the wetlands or the Cochecho River. The use is a reasonable one and it is unlikely to have any effect on property values.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing, evaluate and make findings on the five variance criteria, and grant the variance request.

136 County Farm Road

**Property Information**

Property ID C0003-B00001
Location 136 COUNTY FARM RD
Owner SCHUMAN KIRT & BRITT TRUSTEES

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 03/29/2018
Properties updated 05/09/2018



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

RECEIVED
Planning Office

Office Use Only Case #: 218-10 Date Received: APR 26 2018
Amount Paid: \$ 218.00 Time Received: Dover, New Hampshire
cash

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Kirt Schuman Phone # 603-343-6887

Address of Applicant: 136 County Farm Road

E-Mail Address: Kirt.Schuman@gmail.com

PROPERTY OWNER (if different from applicant): Schuman Family Revocable Trust 2017

Address: Same Phone # Same

E-Mail Address: Same

PROPERTY/PARCEL INFORMATION

Address: Same

Brief Directions: From Watson, 3/4 mile on Left heading
towards courthouse

Zoning District: R-40 Assessor's Map # C Lot(s) # 3B-1

TYPE OF APPEAL: (Please check one)

☒ Variance from Section 170-123 of the Zoning Ordinance
☐ Physical Disability Variance (RSA 674:33-V) from Section _____ of the Zoning Ordinance
☐ Special Exception per Section _____ of the Zoning Ordinance
☐ Appeal of Administrative Decision regarding Section _____ of the Zoning Ordinance
☐ Equitable Waiver per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

See attachment

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) _____ of the Zoning Ordinance to permit:

see attachment

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

See Attached

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See Attached

3. Granting the variance would do substantial justice because:

See Attached

4. The value of surrounding property will not be diminished because:

See attached

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

See attached

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

See attached

and

(iii) The proposed use is a reasonable one because:

See attached

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

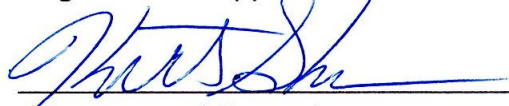
I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.



Signature of Applicant*



Signature of Owner*

*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  Date: 4/26/18

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY

To construct a two-story addition to an existing single-family residential structure, by adding 376sf to the footprint.

VARIANCE REQUIREMENTS

A. VARIANCE REQUESTED

A variance is requested from Section(s) 170-12 of the Zoning Ordinance to permit; the construction of a two-story addition to an existing single-family residential structure by adding 376sf to the footprint of which 96sf requires a reduction of the 25' setback due to an angled property line (to 22' on the shortest side and 20' on the longest side) and to bring an existing garage into conformity with this action.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the ordinance will not be contrary to the public interest because; the subject area is 411 feet from County Farm Road and is buffered from the road by an existing garage. Additional substantial vegetation and grade changes provide a buffer from road as well as an abutting undeveloped property.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because; the spirit and intent of the 170-12 is to provide buffering and separation between houses. There is an existing vegetated buffer and a grade change, which will ensure the spirit and intent of 170-12, is maintained. Given the site conditions, septic design and wetlands on the abutting undeveloped property any future structure would need to be located more than 50 feet from the subject structure.

The lot is further constrained by water on three sides, leaving the proposed area as the only feasible location that would not have wetland or wetland buffer impacts.

Additionally, the setback constraint exists due to a jog in the property line causing the setback line to be on a diagonal plane with the garage preventing the ability to design an addition with a straight wall without the requested relief from the setback.

3. Granting the variance would do substantial justice because: this relief will allow us to more reasonably use our home on a lot that is significantly constrained by wetlands and a pre-existing septic system. It should also be noted that if the proposal was for a 96sf shed, it could be placed on the property line with no setback

and if the proposal were for a much larger detached garage, it could be built with a 10' setback.

4. The value of the surrounding property will not be diminished because: there is no house on the abutting property today nor would this relief have any impact on future development potential. Post-built, the addition will not be visible from the road and will be significantly shielded by existing vegetation and a grade change from abutting properties. Should a structure be build on the abutting lot it would be located more than 50 feet from this structure.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area: The property is unique in the fact that it is constrained by wetlands and while there is considerable acreage there is very limited buildable area due to these constraints. Providing this relief would allow reasonable use of the property with the minimal level of impact. Additionally, given the location of the existing garage and the plane of the property line, it is a reasonable use that will not be visible to abutters or the public.

(ii) No fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application of that provision to the property because: setbacks exist to ensure separation between structures. Given the wetlands and site conditions of the abutting property, should a house be built on that lot it would be located more than 50 feet from the subject structure.

(iii) The proposed use is a reasonable one because: at 96sf of setback impact this is the least impactful way for a reasonable use of the property given the special conditions and constraints of the property. The proposed use is reasonable given that a shed or detached garage could be built, by right, closer to the line than is requested in this application. Lastly, the proposed use is reasonable given the distance from the road and the screening by vegetation and existing buildings and the grade change from the nearest abutter



Unofficial Document

Unofficial Document

Unofficial Document

Unofficial Document

For Registry of Deeds Use

REFERENCE PLANS:

1. SUBDIVISION OF LAND PREPARED FOR NORTON STEWART BOWERS, TAX MAP C-1, LOT NO. 18, 140 COUNTY FARM ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, DATED MAY 13, 2004, BY SURVEYOR (SIGNED, ASSIGNED, RECORDED S.C.R.D. PLAN 75-72).
2. SUBDIVISION OF LAND FOR WILLIAM ST. LAURENT IN DOVER, N.H. SCALE: 1" = 50'. DATED: SEPTEMBER 23, 1985, BY BRUCE L. POWDER, RECORDED S.C.R.D. PLAN 334-30.
3. PLAN OF SUBDIVISION - DAVID R. MORROW, JOHN D. WILES, COUNTY FARM ROAD, DOVER, NEW HAMPSHIRE, DATED NOV. 1984, REV. TO JAN. 1985, BY R.E. MOORE & B.G. STAPLES, RECORDED S.C.R.D. PLAN 27-54.
4. SUBDIVISION OF LAND PREPARED FOR DAVID & JOHN WILES, COUNTY FARM ROAD, DOVER, NEW HAMPSHIRE, SCALE: 1" = 100', DATED: FEBRUARY 12, 1986, BY THIS OFFICE, RECORDED S.C.R.D. PLAN 47-53.
5. SANITARY SEWAGE SYSTEM FOR ANDERSON BOWERS, 140 COUNTY FARM ROAD, DOVER, N.H. SCALE: 1" = 20', DATED: 8-7-99, REV. TO 8/28/99, BY KEITH A. COLEMAN, P.E., PROJECT 86-117, APPROVED BY N.H. D.E.S.

LEGEND

- IR (W) - IRON ROD W/ PLASTIC ID, CAP (SET)
S.C.R.D. - STRAFFORD COUNTY
REGISTRY OF DEEDS
S.F. - SQUARE FEET
AC - ACRE
B - BENCH MARK
M - FIRE HYDRANT
W - WATER DATE VALVE
WM - WATER MAIN
E - EDGE OF PAVEMENT
PIT - PITCH TEST PIT
W - WETLANDS
E - EDGE OF WETLAND

LIMIT OF SHORELAND PROTECTION
ZONE, 250 FEET FROM NORMAL
HIGH WATER (NH RSA 480-B)

NORTON STEWART BOWERS
4321 SE COVE LAKE CIRCLE AND
STUMPT, N. 38967
1452 / 750

GLOBAL POSITIONING SYSTEM NOTE:

GPS INFORMATION SHOWN IS BASED UPON OBSERVATIONS
MADE BY THIS OFFICE USING A TRIMBLE 4000 GPS RECEIVER.
BASE POINT LATITUDE, LONGITUDE AND ELEVATION HAVE BEEN
DERIVED FROM A NGS OPUS SOLUTION REPORT.

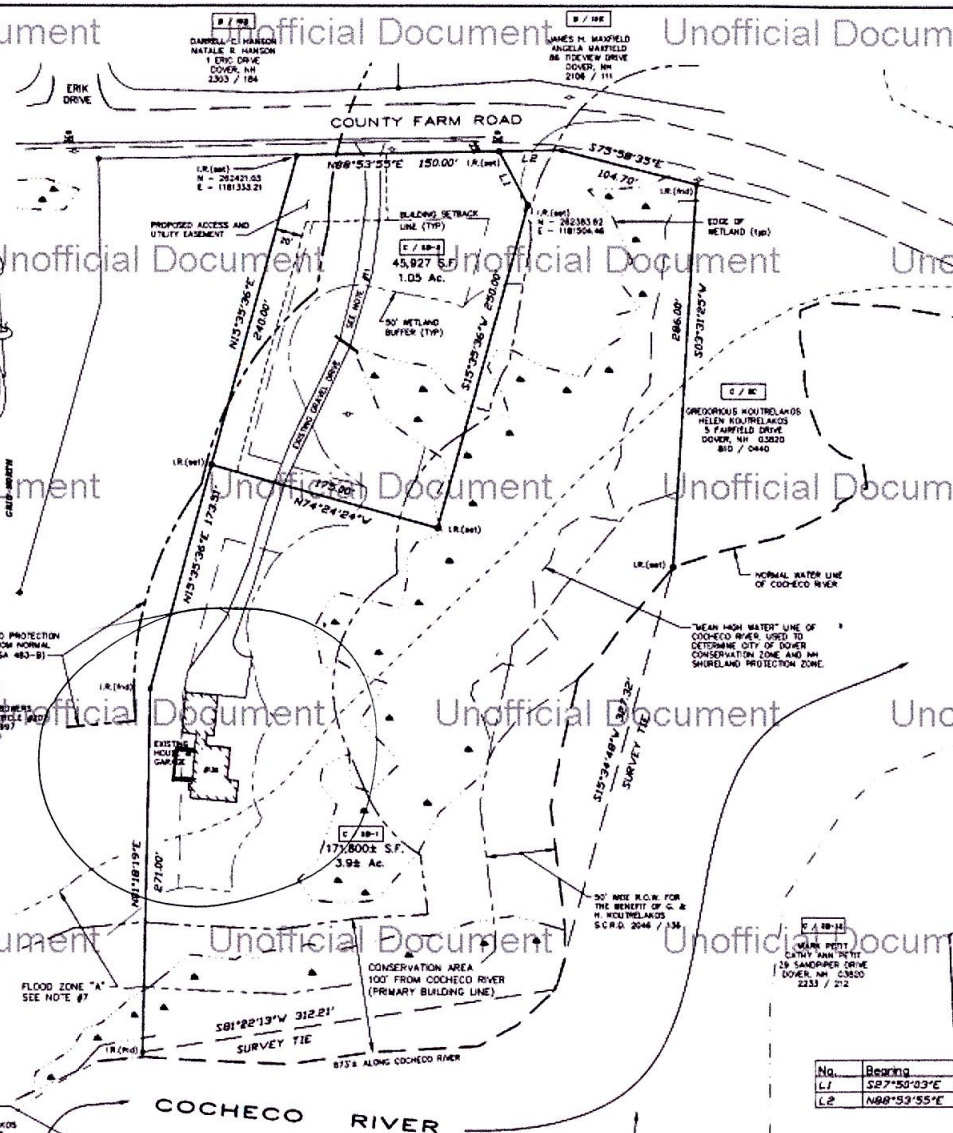
(WWW.NGS.NOAA.GOV/7005.0)
STATE PLANE COORDINATES SHOWN HAVE BEEN DERIVED FROM
ADJUSTMENTS MADE BY THURLEIGH GEOMATICS OFFICE
SOFTWARE, VER. 1.0.0.0.

DATE OF OBSERVATION: SEPTEMBER 28, 2002
DATE OF SOLUTION REPORT: SEPTEMBER 22, 2002
BASE POINT DESCRIPTION: OAK-HILL, NH (ACK)
REFERENCE FRAME: NAD83 (GRS84) (SP00) (2002 0000)
LATITUDE: N 43° 05' 15.8300"
LONGITUDE: W 070° 56' 21.2133"
ELEVATION: 200.000 NAVD83
STATE PLANE COORDINATES:
STATE: NEW HAMPSHIRE
ZONE: 2800 (NH)
NORTHING: 2819.908 31429
EASTING: 1176.151 74378

NO.	DATE	DESCRIPTION	BY	CHK
04-1545		SUBDIVISION	04-09	42-49
PROJECT NO.		TYPE	FIELDBOOK & PAGES	

For Registry of Deeds Use

OPEROUS HOUTRELAKOS
HELEN HOUTRELAKOS
5 FAIRFIELD DRIVE
DOVER, NH 03820
810 / 0440



NOTES:

1. OWNER OF RECORD:
DAVID C. KLINGEBEL
SHANNON E. KLINGEBEL
136 COUNTY FARM ROAD
DOVER, NEW HAMPSHIRE
S.C.R.D. VOL. 2046, PAGE 0136.
David C. Klingebel
OWNER SIGNATURE
2. C / 30-1 - DENOTES TAX MAP AND PARCEL NUMBER.
3. THE INTENT OF THIS PLAN IS TO SUBDIVIDE THE SUBJECT PARCEL INTO TWO (2) LOTS AS SHOWN. LOT #1 (45,927 S.F.) WILL BE A NEW BUILDING LOT TO BE SERVED BY MUNICIPAL WATER AND INDIVIDUAL SEPTIC SYSTEM. LOT #2 (171,800 S.F.) WILL INCLUDE THE EXISTING HOUSE, SEPTIC SYSTEM AND PRIVATE WELL.
4. METRIC PARCEL AREA'S (SQUARE METERS):
MUNICIPAL LOT #2 = 40,000 S.F.
MUNICIPAL LOT #1 = 150 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT = 50 FEET
REAR = 15 FEET
SIDE = 25 FEET
MAXIMUM LOT COVERAGE = 40 PERCENT
WETLAND BUFFER = 50 FEET FROM ANY WETLAND
CONSERVATION DISTRICT = 150 FEET FROM HIGH WATER LINE OF RIVER
5. BASIS OF BEARING IS THE STATE OF NEW HAMPSHIRE GRID (NAD 83), BASED ON GPS OBSERVATIONS MADE BY THIS OFFICE WHICH WERE USED TO DETERMINE LOCATION, ORIENTATION AND VERTICAL DATUM. SEE GPS NOTE HAD 27 GRID COORDINATES SHOWN AND BASED UPON CONVERSION CALCULATIONS MADE BY TRIMBLE SOFTWARE DESCRIBED IN GPS NOTE.
6. A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE (WHAT AREA LOCATED ADJACENT TO THE COCHECO RIVER, FLOOD FACTORS WERE NOT DETERMINED), AS SHOWN ON FLOOD INSURANCE RATE MAP 33045 0005 B, EFFECTIVE DATE: APRIL 15, 1990.
7. STREET ADDRESS FOR LOTS SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
8. A DIGITAL DAT FORMAT ON DISK OF THE SUBJECT SUBDIVISION PLAN SHALL BE SUBMITTED TO THE CITY.
9. WETLANDS WERE DELINEATED BY CAREX ECOSYSTEMS, LLC ON JUNE 28, 2004 BY LEONARD LORD, PH.D., M.S., P.E., M.D. DESIGNER #834. WETLANDS LOCATED BY THIS OFFICE ON AUGUST 25, 2004.
10. THE LOTS ARE TO BE ACCESSIBLE BY A COMMON DRIVEWAY AT THE EXISTING DRIVEWAY ACCESS POINT. DRUSH MUST BE REMOVED BETWEEN THE ROAD AND THE PROPERTY LINE TO IMPROVE SIGHT DISTANCE. LOT C/30-1 SHALL BE SUBJECT TO AN ACCESS & UTILITY EASEMENT, AS SHOWN, FOR THE BENEFIT OF LOT C/30-1.
11. LOT #1 TOTAL AREA CONTIGUOUS WETLAND:
C/30-1 171,800 S.F. 49,400 S.F.
C/30-2 45,927 S.F. 41,900 S.F.
12. NOTES SUBMISSION APPROVAL SA 2005 000516, 03/03/2005.

C / 30-1
DAVID C. KLINGEBEL
SHANNON E. KLINGEBEL
136 COUNTY FARM ROAD
DOVER, NH 03820
233 / 012

APPROVED
DATE: 11/13/05
City of Dover, N.H.
PLANNING BOARD
David C. Klingebel
CITY CLERK

No.	Bearing	Distance
L1	S27°50'03"E	45.56'
L2	N68°53'55"E	45.30'

"I HEREBY CERTIFY THAT THIS PLAN IS THE
RESULT OF A FIELD SURVEY BY THIS OFFICE
WHICH HAD A MAXIMUM ERROR OF 1/10,000"

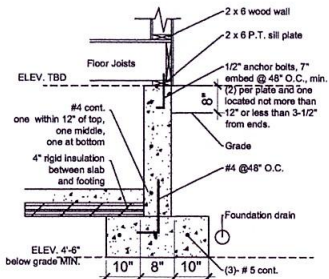
SUBDIVISION PLAN
PREPARED FOR
DAVID C. & SHANNON KLINGEBEL
TAX MAP, LOT NO. 38-1
136 COUNTY FARM ROAD
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

DRAWN BY: JDF FILE: C:\P\171704-1545
SCALE: 1" = 40' DATE: NOVEMBER 17, 2004

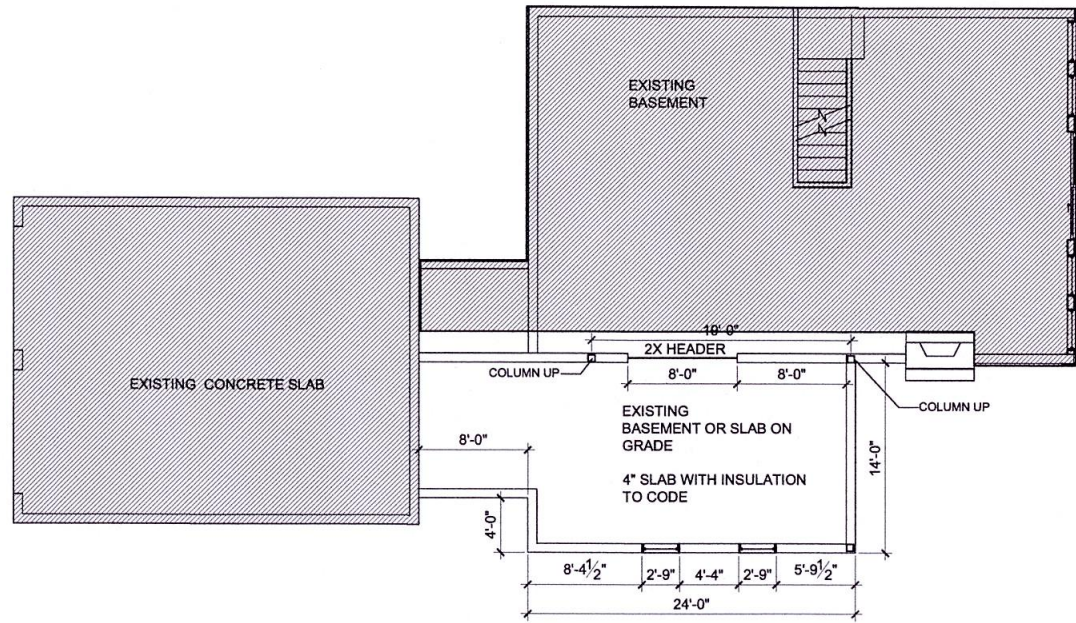
McGonney
Survey
Associates, Inc.

230 WEST 881 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 743-0041

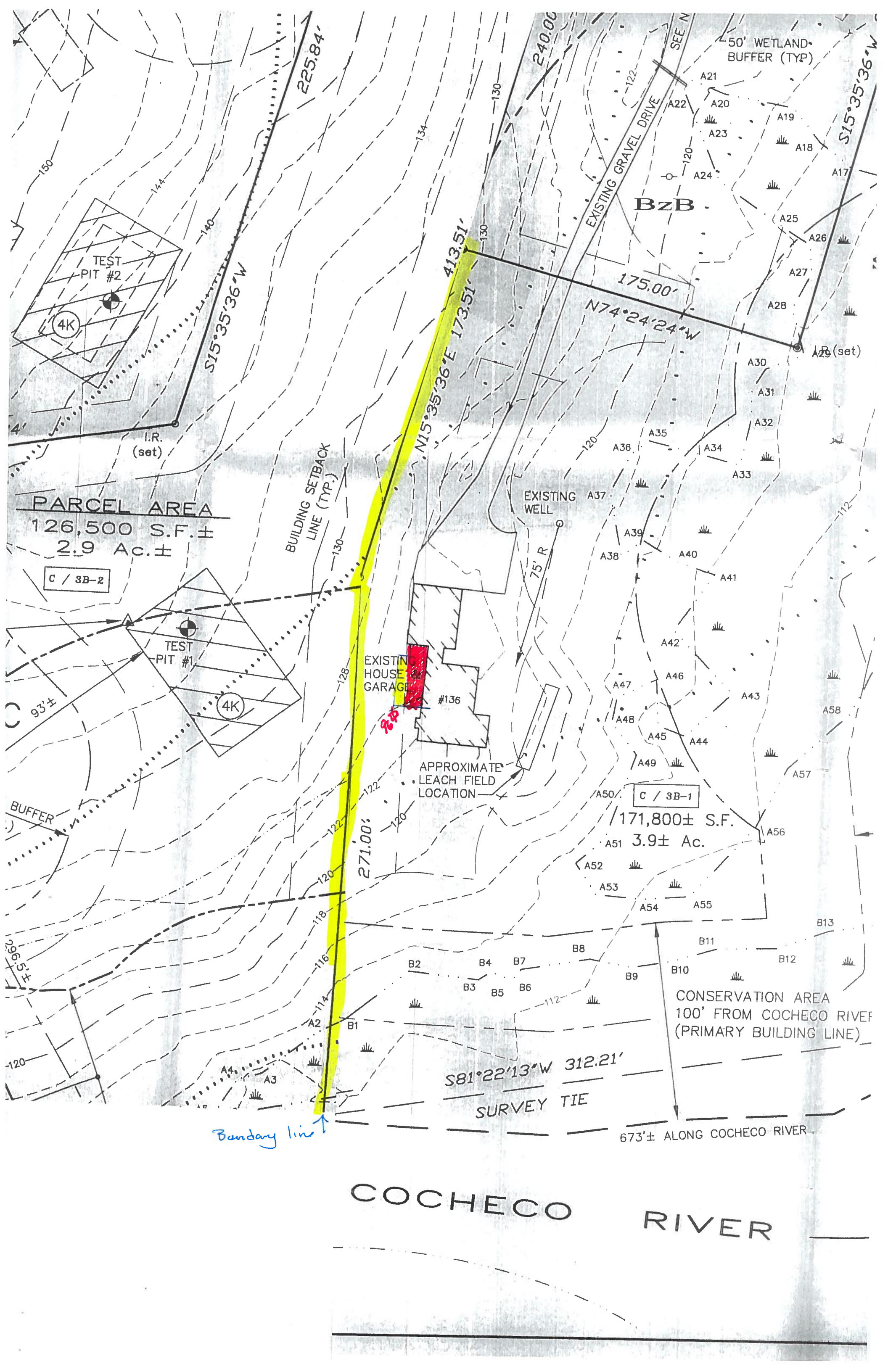
SURVEYING - PLANNING - CONSULTING



② FOUNDATION DETAIL
SCALE - 3/4" = 1'-0"



① FOUNDATION FLOOR PLAN
SCALE - 1/4" = 1'-0"



TEST PIT #2

(4K)

I.R. (set)

PARCEL AREA

126,500 S.F.±

2.9 Ac.±

C / 3B-2

TEST PIT #1

(4K)

EXISTING HOUSE GARAGE

#136

APPROXIMATE LEACH FIELD LOCATION

C / 3B-1

171,800± S.F.

3.9± Ac.

CONSERVATION AREA
100' FROM COACHECO RIVER
(PRIMARY BUILDING LINE)

COACHECO

RIVER

Z18-10 136 COUNTY FARM ROAD SCHUMAN KIRT A & BRITT TRUSTEES

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
B0019-B00000	1 ERIK DR	HANSON DARRELL C	HANSON NATALIE R	1 ERIC DR	DOVER	NH	03820
B0019-I00000	7 ERIK DR	HASTINGS MARK A & EDWINA D TRUSTEE	HASTINGS MARK AND EDWINA REVOC	7 ERIK DR	DOVER	NH	03820
B0019-K00000	129 COUNTY FARM RD	OUELLETTE TANYA L		129 COUNTY FARM RD	DOVER	NH	03820
C0002-B00012	29 SANDPIPER DR	HOPKINS SAMUEL &	HOPKINS ALICIA	29 SANDPIPER DR	DOVER	NH	03820-5707
C0003-A00000	SUNKEN ISLAND	SOUTHEAST LAND TRUST OF NEW HAMPS		PO BOX 675	EXETER	NH	03833
C0003-B00000	148 COUNTY FARM RD	COLLINS BRYLYE R &	COLLINS MARK D	148 COUNTY FARM RD	DOVER	NH	03820
C0003-B00002	COUNTY FARM RD	SHERMAN NOREEN STEWART TRUSTEE	BOWERS LIVING TRUST	548 SW ST LUCIE CRESCENT	STUART	FL	34994
C0003-B00003	COUNTY FARM RD	SCHUMAN KIRT A & BRITT TRUSTEES	SCHUMAN FAMILY REVOCABLE TRUST	136 COUNTY FARM RD	DOVER	NH	03820
C0003-C00000	COUNTY FARM RD	SOUTHEAST LAND TRUST OF NEW HAMPS		PO BOX 675	EXETER	NH	03833
C0003-G00000	160 COUNTY FARM RD	GIBBS STEPHEN		160 COUNTY FARM ROAD	DOVER	NH	03820
E0032-E00000	98 COUNTY FARM RD	LEHOCKY BARBARA TRUSTEE	LEHOCKY BARBARA LIVING TRUST	98 COUNTY FARM RD	DOVER	NH	03820
C0003-B00001	COUNTY FARM RD	SCHUMAN KIRT A & BRITT TRUSTEES	SCHUMAN FAMILY REVOCABLE TRUST	136 COUNTY FARM RD	DOVER	NH	03820

May 2, 2018

RECEIVED
Planning Office

MAY 02 2018

Dover, New Hampshire

To: Dover Zoning Board of Adjustment

Re: 136 County Farm Road, Variance Request

From: Dean Trefethen, 147 County Farm Road

To Whom It May Concern:

I have reviewed the plan for the addition and alterations for the Schuman's property and believe they should be granted their variance request for two reasons. The first, due to the natural terrain and adjacent water features and related buffer zones of the property, there is not another logical place to put an addition. Secondly, the minor encroachment of the side setback is in an area of the property that would not adversely impact the adjacent property. The purpose of the setback regulation is to regulate density and to provide reasonable separation of buildings, and those two goals are achieved with this proposal.

To briefly address the five criteria: The proposal will not be contrary to the public interest because of the distance away from any other structure or roadway; the proposal will not be contrary to the spirit and intent of the ordinance since density is maintained; substantial justice would be achieved as other options are not present on the property; there would not be any other property diminished in value because of the distances involved from the proposed addition to other structures or roadways; an unnecessary hardship exists in the unique configuration of the current house location in relationship to the water and the related buffer zones which would not otherwise allow reasonable use of the property.

I was a member of the Dover ZBA for 17 years, so I have a good understanding of the zoning ordinance and the variance criteria. Granted things have changed slightly over the years, but in my mind this proposal by the Schuman's is a classic example of a variance to be approved.

Thank you for your consideration.

