

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, April 20, 2023**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 16, 2023

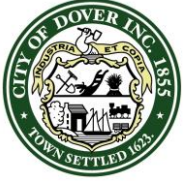
3. HEARINGS

- A. *ZONE-2023-0002 Owner: Littleworth LLC, 16 Storage Drive (Tax Map H, Lot 29-A-3), located in the Commercial Manufacturing (CM) Zoning District requests a Variance from **Chapter 170-12.A. of the Zoning Ordinance**, to allow for an expansion in hours of operation of an existing self-service storage facility.
- B. ~~*ZONE 2023-0011 Owner: Elizabeth Demosthenes Rodgers, 9 Middlebrook Road (Tax Map K, Lot 44), located in the Medium Density Residential (R-12) Zoning District, request an appeal of a February 17, 2023 administrative decision regarding a Customary Home Occupation under **Section 170-18. of the Zoning Ordinance**. The Zoning Administrator determined that a private dog park does not constitute an allowable Customary Home Occupation.~~ **WITHDRAWN**
- C. ~~*ZONE 2023-0012 Owner: Alexandra Martin & Shawn Kelly, 7 Middlebrook Road (Tax Map K, Lot 43), located in the Medium Density Residential (R-12) Zoning District, request an appeal of a February 17, 2023 administrative decision regarding a Customary Home Occupation under **Section 170-18 of the Zoning Ordinance**. The Zoning Administrator determined that a private dog park does not constitute an allowable Customary Home Occupation.~~ **WITHDRAWN**
- D. *ZONE-2023-0014 Owner: Eugene A. & Donna L. Sgrignuoli, 22 Sun Hawk Lane (Tax Map E, Lot 65-A), located in the Low-Density Residential (R-20) Zoning District requests a Variance, from **Chapter 170-12.B. of the Zoning Ordinance**, to allow re-subdivision of the subject parcel (Tax Map E, Lot 65-A) through a lot line adjustment, resulting in the creation of a new lot which lacks the required frontage minimum of 125'.

4. OTHER BUSINESS

5. ADJOURN

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@doover.nh.gov. You may also view materials at www.doover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>. The public is encouraged to leave comments in advance by emailing Dover-Planning@doover.nh.gov, or mailing written comments to the Zoning Board of Adjustment, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, February 16, 2023
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry (Vice Chair), Anthony Sillitta, Nick Couturier, Rich Onufry (Alternate), Sarah Tatarczuk (Alternate)

Members Absent (Excused): George Reagan

Members Absent (Unexcused): Casey Conley (Alternate)

Staff Present: Natasha Kypfer (Zoning Administrator/Assistant City Planner)

The Chair called the meeting to order at 7 PM and noted Tatarczuk will be the fifth voting member tonight.

2. APPROVAL OF MEETING MINUTES OF JANUARY 19, 2023

Motion: Couturier moved to approve the minutes of January 19, 2023. Seconded by Onufry. Vote: U/A with Perry abstaining

The Chair explained the hearing process.

3. HEARINGS

- A.** Z23-02/ZONE-2023-0003 Owner: Nicole A. S. & James M. White, Trustees of the Nicole and James Revocable Trust, 10 Birchwood Place (Tax Map 17, Lot 65-B), located in the Medium-Density Residential (R-12) Zoning District requests a Variance of the dimensional requirements from Section 170-12.B. of the Zoning Ordinance to allow construction of a new garage 5' from the side property line, where 10' is required

James White, representing 10 Birchwood Place presented the case and reviewed their need for the Variance request. There is about 40' of woods between the proposed garage and the nearest neighbor's landscaped area. A proper survey will be done prior to building.

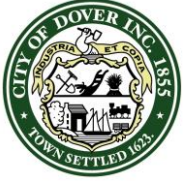
The Chair noted the applicant's reasons they meet the five criteria are provided within the application and listed them: Waiving the terms of the Variance request would not be contrary to public interest; deviation from the strict requirements of the Ordinance is still consistent with the spirit of the Ordinance; granting the Variance would do substantial justice to allow for the appropriate parking and storing of vehicles on site; the construction of the garage is not likely to diminish the value of abutting properties; and, the literal enforcement of the provisions would result in an unnecessary hardship, as the location selected is the logical placement for the structure on the parcel.

The applicant clarified the driveway and current parking situation for the board members, based on a question from Vice Chair Perry.

Public Hearing opened. Public Comment: None

PLANNING DEPARTMENT RECOMMENDATION: The subject property has unique characteristics: it is a long, narrow lot with an existing driveway that leads to the location where the proposed garage is planned to be placed. As part of their application, the property owners supplied a petition signed by four different abutters, all in support of their Variance application.

Zoning Administrator Kypfer noted staff supports the granting of the Variance. If the Board grants the Variance, staff recommends one condition: 1) The encroachment be limited to the proposed area of the side property line, with no further encroachment granted without a new application.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, February 16, 2023**
Meeting Time: **7:00 pm**

Public Hearing closed.

Motion: Onufry moved to GRANT the Variance with the staff recommended condition based upon the representations made by the applicant and the testimony provided. Sillitta seconded. Vote: U/A

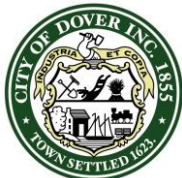
4. OTHER BUSINESS

None

5. ADJOURN

Motion: Perry moved to adjourn at 7:11pm. Sillitta seconded. Vote: U/A

DRAFT



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:	April 20, 2023
Meeting Time:	7:00 pm

INTENT: The Owner requests a Variance from **Chapter 170-12.A. of the Zoning Ordinance**, to allow for an expansion in hours of operation of an existing self-service storage facility.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: CM

FILE: ZONE-2023-0002

APPLICANT/OWNER: Littleworth LLC

LOCATION: 16 Storage Drive (Tax Map H, Lot 29-A-3)

ACREAGE: 3.97± ac. / 172,933 sq. ft.

EXISTING LAND USE: Self-service storage facility

PROPOSED LAND USE: Self-service storage facility (No change)

SURROUNDING LAND USE:
Residential, Agricultural, Commercial

PREVIOUS ZBA ACTION:
#Z17-12, Variance granted, with conditions, to permit a front setback of 35' where a build-to line is required (on the parent track).
#Z19-11, Variance granted to permit a self-service storage facility (parcel was previously zoned R-20).

PLANNING BOARD APPROVAL REQUIRED: Site Plan amendment to revise the plan note will likely be required.

ATTACHMENTS: Application, Narrative

STAFF RECOMMENDATION:
Staff does not support the granting of the variance request.

BACKGROUND INFORMATION

The property subject to this Variance request is located off of Storage Drive, which intersects south off of Littleworth Road and is operated as StorageTek. Three mini-warehouse style storage unit buildings, each 10,000 sq. ft. in area and built in 2021, are situated on the property. In addition, at the end of the driveway is a self-service kiosk with attached code-accessed gate.

At present, the use of a self-service storage facility within the Commercial Manufacturing zoning district is obtainable through the seeking of a Conditional Use Permit, at the discretion of the Planning Board. However, previously, when the lot was zoned R-20, the mechanism to pursue a non-permitted use was via a Variance request to the ZBA; in 2019, the previous owner did so and was granted the use of a self-storage facility (please see the NOD attached, #Z19-11, as Exhibit A). Later, in 2020, at the time a site review application was filed and approved by the Planning Board (#P20-44), a plan note (#17 on SP-1, please see attached as Exhibit B) was added to the site development plan sheet stating: *The hours of operation are 9 AM to 9 PM, Monday through Friday, and 10 AM to 6 PM on Saturday and Sunday.*

On November 3, 2022, a zoning violation letter was issued regarding unpermitted operating hours at the subject property, which is attached as Exhibit C. (Please note: the address was erroneously identified as 16 Littleworth Road, this has since been updated within our mapping details.) Following the letter, the property owner sought to come into compliance by updating their operating hours to reflect the previously approved times as documented in the plan note. Germane to this specific Variance request, the applicant now seeks to formally revise their operating hours, as follows: 6 am to 9pm, Monday through Friday, and 7 am to 6 pm on Saturday and Sunday (see Exhibit D).

REASON FOR RECOMMENDATION

StorageTek utilizes mini-warehouse style self-service storage units, meaning that each unit is individually accessed from the perimeter of the structure via a garage entry door. This is in contrast to storage units that are enclosed in a single structure and accessed via an internal hallway, and the result is a substantial increase in foot traffic and noise in proximity of the structures and to the abutters to parcels with mini-warehouse style units. For this reason, coupled with the proximity of residential abutters, Staff does not support the Variance request.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five Variance criteria. Staff does not support the granting of the Variance.

CHRISTOPHER G. PARKER, AICP
Assistant City Manager
Planning & Strategic Initiatives
c.parker@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Zoning Board of Adjustment NOTICE OF DECISION

August 19, 2019

Robert J. Stowell
Quantum Real Estate Group, LLC
755 Central Avenue
Dover, NH 03820

Re: Z19-11 Littleworth Road (Tax Map H, Lot 29-A-3)

Dear Mr. Stowell:

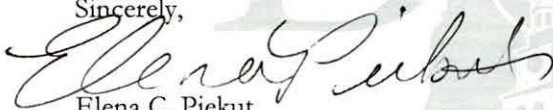
Please be advised that on August 15, 2019, the Zoning Board of Adjustment voted **5-0** to **GRANT** your request for a variance from **Section 170-12.A** of the Zoning Ordinance to permit a self-service storage facility, where self-storage facilities are not a permitted use in the Low Density Residential (R-20) Zoning District.

Please note that per Section 170-52.C.4(d) of the City of Dover Zoning Ordinance, if the variance is not acted upon within four (4) years of the date of approval, it shall be considered null and void.

The findings of fact in this case are enclosed.

If you have any questions, please do not hesitate to contact me by phone at (603) 516-6008 or by email at e.piekut@dover.nh.gov.

Sincerely,


Elena C. Piekut
Assistant City Planner, Zoning Administrator

Enclosure

EC: James Maxfield, Building Official and Michelle Dube, Inspections Secretary
FX Bruton, Bruton & Berube (fx@brutonlaw.com)

**ORDER GRANTING OR DENYING A VARIANCE BY
THE ZONING BOARD OF ADJUSTMENT
CITY OF DOVER, NEW HAMPSHIRE**

The Zoning Board of Adjustment for the City of Dover, New Hampshire, having held a public hearing on August 15, 2019 to consider an application for a Variance submitted by Quantum Real Estate Group, LLC for the property located at Littleworth Road (Tax Map H, Lot 29-A-3) and having heard all the arguments presented at the hearing, makes the following **FINDINGS OF FACT**, and draws the following **CONCLUSIONS** to each of the required criteria:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes X No

This **CONCLUSION** is based on the following **FINDINGS OF FACT**:

As presented in the application and presentation. The variance would not constitute a fundamental change in the neighborhood or present an impact on health and safety. The neighborhood has several commercial uses and zoning districts that would allow this type of development.

2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes X No

The **CONCLUSION** is based on the following **FINDINGS OF FACT**:

As presented in the application and presentation. The parcel is surrounded by many commercial uses and the public rights of others will not be diminished by this use.

3. Did the Applicant provide proof that demonstrates how a variance will result in substantial Justice? Yes X No

This **CONCLUSION** is based on the following **FINDINGS OF FACT**:

As presented in the application and presentation. Denying the variance would not confer a benefit to the general public that would outweigh the injustice to the applicant.

4. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes X No

This **CONCLUSION** is based on the following **FINDINGS OF FACT**:

As presented in the application and presentation. The development will be consistent with other commercial uses in the neighborhood.

5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Yes X No

- i. Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area? Yes X No

This **CONCLUSION** is based on the following **FINDINGS OF FACT**:

This parcel is surrounded by commercial and industrial uses and the B-4 district.

- ii. Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes X No

This **CONCLUSION** is based on the following **FINDINGS OF FACT**:

Granting the variance would allow for orderly development that is similar to surrounding parcels. Requiring residential lots does not seem to be a reasonable use for this odd shaped lot.

- iii. Did the Applicant demonstrate that the proposed use is a reasonable one? Yes X No

This **CONCLUSION** is based on the following **FINDINGS OF FACT**:

The proposed use is reasonable because it provides for an appropriate low-impact commercial use in an area already surrounded by commercial development.

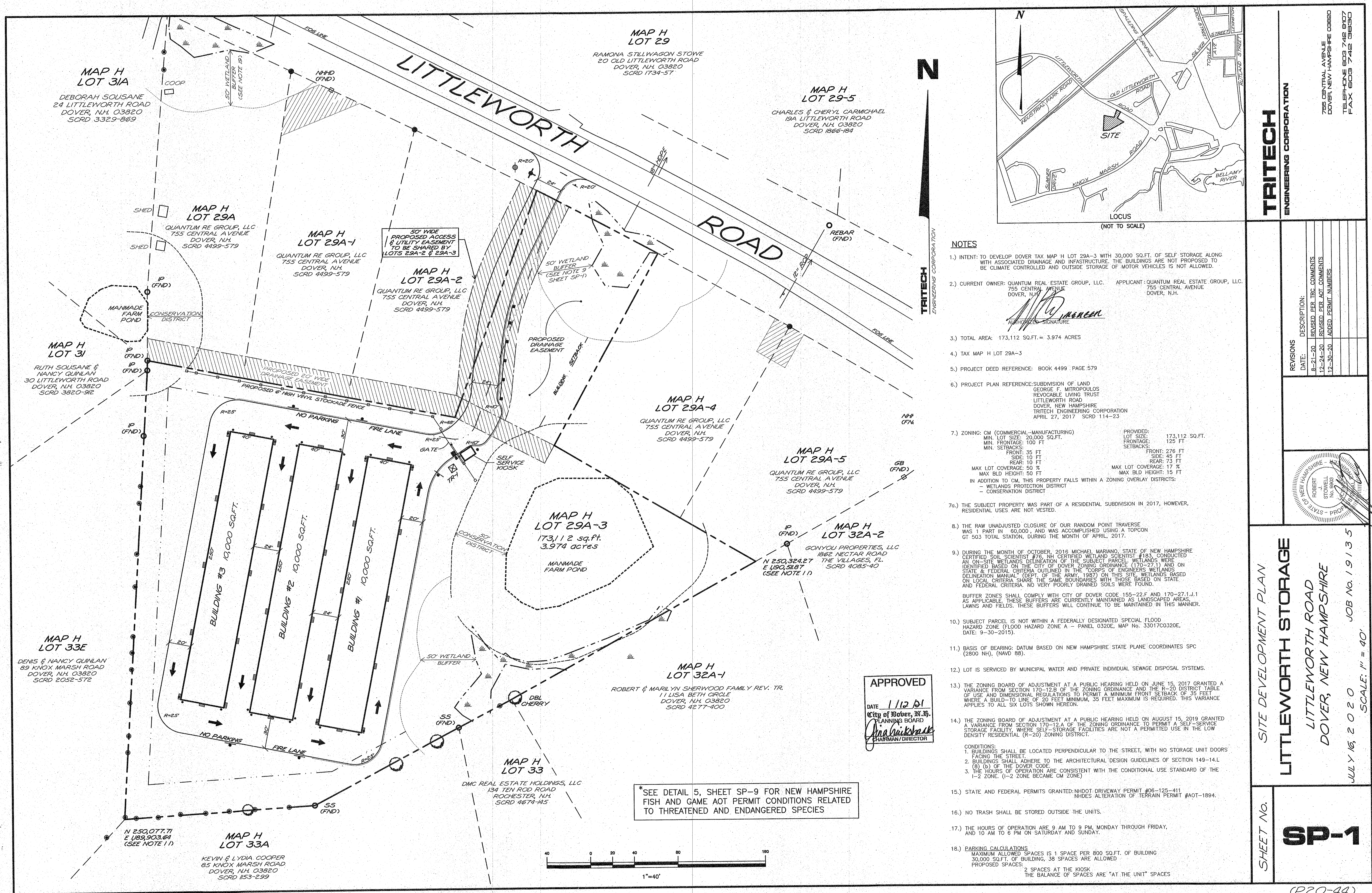
THEREFORE, based upon the foregoing, **IT IS ORDERED** that the application for the variance be **(GRANTED / DENIED)**. If granted, it is subject to the following conditions:

1. Buildings shall be located perpendicular to the street, with no storage unit doors facing the street.
2. Buildings shall adhere to the architectural design guidelines of Section 149014.L(8)(b) of the Dover Code.
3. The hours of operation are consistent with the conditional use standard of the I-2 zone.

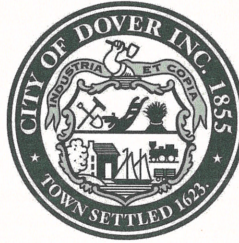
Ordered this 19th day of August , 2019



Zoning Board of Adjustment
Chairperson



DONNA P. BENTON, AICP
Director of Planning and
Community Development
d.benton@dover.nh.gov



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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

November 3, 2022

VIA CERTIFIED MAIL – RETURN RECEIPT and FIRST-CLASS MAIL

Mr. Ryan Sargent, StorageTek
Littleworth LLC
74 Industrial Park Drive
Dover, NH 03820

Re: Unpermitted Operating Hours at 16 Littleworth Road (Tax Map H, Lot 29-A-3)

Dear Mr. Sargent:

It has come to my attention that StorageTek is operating outside of its approved hours, as noted on the posted *office hours* and *access hours* advertised on its website (please see Exhibit A attached). These posted hours constitute a violation of the conditional approval granted by the Planning Board on September 8, 2020 for site plan review (P20-44) and for conditional use permit review (P20-45). The subject property is located in the Commercial Manufacturing (CM) Zoning District.

I am writing today to reach out and confirm the previously approved hours, they are:

- 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday

These hours were established when the Zoning Board of Adjustment (ZBA) granted a Variance from §170-12.A. of the Zoning Ordinance, in order to permit a self-service storage facility where self-storage facilities were not a permitted use in the Low-Density Residential (R-20) Zoning District at the time (the zoning has since changed). For reference: See Sheet SP-1 and Plan Note 14.), Condition 3. from the P20-44 approved plan set signed January 12, 2021 which reads: *The hours of operation are consistent with the conditional use standard of the I-2 Zone. (I-2 Zone became CM Zone.)*

Please contact me within ten (10) business days to discuss this property and how you plan to remediate this violation.

I can be reached by telephone at: 603-516-6008, or by email at: n.kypfer@dover.nh.gov.

Thank you for your prompt attention to this matter.

Sincerely,

Natasha M. Kypfer
Zoning Administrator, Assistant City Planner

Encl.: Donna Benton, AICP Director of Planning and Community Development (via email)

Exhibit A

Screenshot from: <https://www.storagetek.net/16-littleworth-rd-dover-nh-03820>



StorageTek

16 Littleworth Rd Dover, NH 03820

Call Today! (855) 699-1619

[Unit Details](#) [Storage Tools](#) [Nearby](#) [Contact Us](#) [Pay Online](#)



StorageTek

16 Littleworth Rd
Dover, NH 03820

(855) 699-1619

CONTACT US

Office Hours

Sunday	9:00 AM - 6:00 PM
Monday - Friday	9:00 AM - 9:00 PM
Saturday	9:00 AM - 6:00 PM

Access Hours

Sunday - Saturday	6:00 AM - 12:00 AM
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VIEW ALL

SMALL

MEDIUM

LARGE

SEARCH...



SIZE ▲▼

UNIT DETAILS

PRICE ▲▼

5'x10'

Standard, Non Climate Controlled

\$110

MOVE IN

From: Josh Lanzetta <josh@brutonlaw.com>
Sent: Monday, March 6, 2023 4:24 PM
To: Kypfer, Natasha
Subject: StorageTek - Hours for Variance Application

Security Notice: External sender. Use caution with hyperlinks or attachments.

Hi Natasha,

Thanks for taking my call today, and again, I apologize for the delay.

I spoke with Ryan at StorageTek following our call.

The company requests the following hours of operation:

Weekdays (M – F): 6 am to 9 pm; and
Weekends (Sat/ Sun): 7 am to 6 pm.

Best,
-Josh

JOSHUA P. LANZETTA, Esq.
BRUTON & BERUBE, PLLC
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Dover, New Hampshire 03820
Cell. (603) 777-0579
Direct. (603) 749-4529
Fax. (603) 343-2986
www.joshlanzettalaw.com
josh@brutonlaw.com

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CHRISTOPHER G. PARKER, AICP
Deputy City Manager
c.parker@dover.nh.gov



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City of Dover, New Hampshire

OFFICE OF THE CITY MANAGER

Dear Zoning Board,

On behalf of the City of Dover's office of Business Development, I am writing in opposition of the variance requested by StorageTek for relief of hours of operation for the existing self storage site off Littleworth Road.

About 10 years ago, the City started seeing an uptick in interest in constructing and opening self-storage facilities. In general, the use was not complimentary to the land use policy and context at the time. To be responsive, the City created Conditional Use Permit criteria designed to minimize residential impacts. In 2019, this property did not allow self-storage, and a previous applicant received a variance to have self-storage on this site with a condition that the hours of operation be the same as the Conditional Use Permit Criteria in a similar zone. That condition was specifically added (by Otis Perry and Frank Langford) after input from the public **and** the then applicant, in recognition of the residential abutters, which is what the Conditional Use Permit criteria was design to protect.

Subsequent to that, the applicant appeared before the Planning Board in September 2020 for site plan approval. Again, residential abutters spoke to concerns about noise, hours of operation and general impacts. As part of the Site Plan approval, the Planning Board noted that the hours of operation were to be included as plan notes.

On December 16 2020, I advised the current owner, who was considering purchasing the property, of the hours and other limitations, encouraging them to purchase the project if they could adhere to the requirements of the ZBA and Site Plan. In February of 2021 the applicant purchased the project, as approved.

It is not clear to me that there is a hardship, other than a self-created hardship, in that the owner knowing purchased a project with conditions upon it and now wishes to change the conditions.

What follows is a review of the criteria:

Public Interest:

Here the public interest is both the development of the lot and the relationship of that development to the context around it. The lot directly abuts 10 lots. Of those, 1 is vacant, 5 are commercial and 4 are residential uses. Looking out further this dramatically changes with 6 more residential uses, and 1 more commercial use.

The proposal before the Zoning Board focuses on the commercial use of the area, and ignores the residential abutters. Both have merit. The applicant speaks to hours of operation for abutting property owners, in vague terms, but does not specify. In fact, this is not relevant, as the owners of those parcels did not choose to open a use that has restricted hours. The parcel's owner made that choice, and could have sought relief when the original variance was granted. Hence the public interest is in maintaining and observing those hours, in respect for the ordinance, the process, and the Zoning Board's ruling from 2019, not in disregarding them.

Furthermore, the public interest is served by allowing the use, but not having it be unregulated. The hours of operation and other criteria were envisioned by the Planning Board as a response to considering the use in general, but not wanting it to be considered equal to retail, manufacturing and other businesses that provide a higher and better impact on the community by providing jobs, tax valuation and public good.

Spirit and Intent

The spirit and intent of the requirement for limited hours was, and continues to be, to limit the nuisance and impacts this use can have on abutters and the public at large. The hours were codified after staff and the Planning Board researched the use and found it reasonable to place the hours in the regulation. The criteria were envisioned as a tradeoff for the exterior accessed (the customer can access their storage space without entering a building or facility) self-storage, as opposed to internally accessed warehouse style storage. Furthermore, these are not envisioned as contractor storage or office use, which is considered light industry. These hours do not apply just to this project, but all Self-Storage projects in Dover.

Furthermore, the spirit and intent is to limit this type of use, as it is not the highest and best value for the community. It is a low tax payer, low job generator and is generally not in line with the vision the City has for commercial growth and development. The regulations were created, as the Planning Board wanted to allow the use, with caution, recognizing that while there is a need for storage, it is not in the best interest of the public to have it proliferate.

Substantial Justice

The use of the property is reasonable and just, it is in line with other self-storage in the City which abide by the same hours of operation limitations. Furthermore, the owner knew the hours *before* purchasing and opening the business, and could have easily not purchased the property if they did not feel the hours were reasonable.

Valuation

No appraisal data has been provided to review, but based upon abutter opposition in the past, it is fair to presume valuation is subjective in nature.

Hardship

The lot is not unique, the layout of the parcel, per the site plan is in conformance with the requirements within the Conditional Use Permit criteria and the applicant has reasonable use of the property. No evidence has been provided that the use is not operating, nor that the request is anything other than convenience. **That is not a hardship.** The owner of the property at the time of the 2019 variance and 2020 site plan approvals agreed with the hours of operation. The current owner was counseled by staff about the limitations prior to purchasing the property, and still purchased it. The owner clearly thought the hours were reasonable at the time of purchase or they should not have purchased the property.

In this case, the request is not reasonable and the ZBA should find that the variance application has not met the threshold for approval.

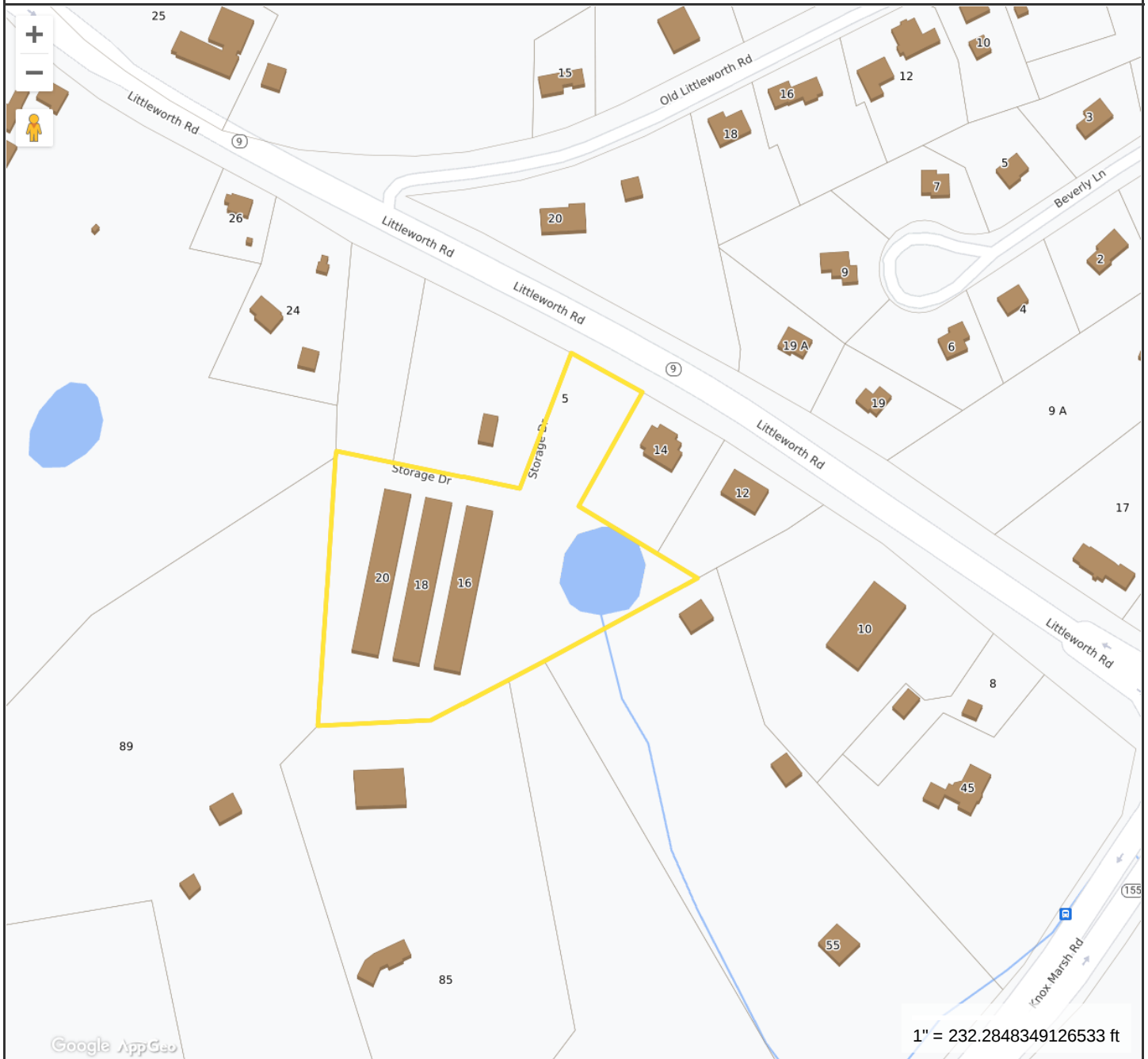
Sincerely,



Christopher G. Parker, AICP
Deputy City Manager

EC: Donna Benton, Director of Planning and Community Development
Natasha Kypfer, Zoning Administrator.

ZONE-2023-0002 16 Storage Drive

**Property Information**

Property ID H0029-A00003
Location 16 20 STORAGE DR
Owner LITTLEWORTH LLC
Land Use 317
Zoning Code CM

**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.

Geometry updated 12/16/2022
Data updated Daily

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



PERMIT SNAPSHOT REPORT ZONE-2023-0002 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 01/25/2023
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval
Description: Variance to Expand Hours of Operation		Expire Date:

Parcel: H0029-A00003	Main	Address: 16 Storage Dr Dover, NH	Main	Zone: CM(Non-Residential - Commercial Manuf.
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Applicant
Josh Lanzetta
601 Central Avenue
Dover, NH 03820
Home: (603) 777-0579
Business: (603) 777-0579
Mobile: (603) 777-0579

Permit Custom Fields

Number of Variances Requested: 1	ZoneVariPlanDirections Please see application materials.	ZoneVariPlanSummary Please see application materials.
ZoneVariAppealSect 170-12 - CM - Fn Self Storage c(ii)	ZoneVariAppealSectDe Please see application tail materials.	What is the parcel zoned? CM
ZoneVariAppeal1Public Interest Please see application materials.	ZoneVariAppeal2OrdinanceSpirit Please see application materials.	ZoneVariAppeal3SubstantialJustice Please see application materials.
ZoneVariAppeal4ProportionalityValue Please see application materials.	ZoneVariAppeal5A1Un NecHardship Please see application materials.	ZoneVariAppeal5A2No FairRelate Please see application materials.
ZoneVariAppeal5A3ReasonableUse Please see application materials.	ZoneVariAppeal5BNoReasonableUse Please see application materials.	

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Josh_Lanzetta_1/26/2023.jpg	01/25/2023 23:59	Lanzetta, Josh		Uploaded via CSS
Permit Snapshot Report.pdf	01/25/2023 23:59	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
Lt Planning Board encl. Variance App. & Related Materials 2 .pdf	02/01/2023 9:45	Blonigen, Rachel		
ZONE-2023-0002 ABUTTERS LIST.pdf	03/03/2023 15:48	Blonigen, Rachel		
ZONE-2023-0002 ABUTTERS LIST.pdf	04/05/2023 12:37	Blonigen, Rachel		ABUTTERS LIST

Note	Created By	Date and Time Created
1. Materials and App requested to be uploaded or emailed again. Unable to view in current format. 01/26/2023	Rachel Blonigen	01/26/2023 11:51

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00002170	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00002170		\$200.00	\$200.00
INV-00002571	Planning Certified Mailing to Application Contacts	\$8.00	\$8.00
	Planning Creation / Printing of Abutter Labels	\$20.00	\$20.00
	Planning Certified Mailing to Abutters	\$128.00	\$128.00
	Planning Public Notice in Newspaper	\$100.00	\$100.00
Total for Invoice INV-00002571		\$256.00	\$256.00
Grand Total for Permit		\$456.00	\$456.00

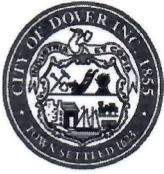
Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	01/30/2023	03/03/2023	02/10/2023	No	Yes

PERMIT SNAPSHOT REPORT (ZONE-2023-0002)

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Kypfer, Natasha	Approved	01/30/2023	03/03/2023	02/10/2023
Comments: Applicant requested application be moved to March ZBA meeting: 3-16-2023.						
Workflow Step / Action Name			Action Type	Start Date	End Date	
Review v.1				01/30/2023 0:00	02/10/2023 16:00	
Confirm application complete v.1			Generic Action		01/30/2023 7:39	
Planning Permit Application Review v.1			Receive Submittal	01/30/2023 0:00	02/10/2023 16:00	
Zoning Board v.1				03/03/2023 0:00		
Zoning Board Agenda v.1			Task	03/03/2023 0:00	03/03/2023 15:45	
Invoice for Notices v.1			Task	03/03/2023 0:00	03/03/2023 15:45	
Send Notices v.1			Task	03/03/2023 0:00	03/03/2023 15:45	
Zoning Administrator Creates Staff Recommendations v.1			Task			
Distribute Zoning Board Materials v.1			Task			
Zoning Board Hearing v.1			Hold Hearing			
Zoning Board Decision v.1			Permit Activity			
NOD Sent to Applicant v.1			Create Report			
Final Plan v.1						
Plans uploaded to Treeno v.1			Generic Action			
Property Info Group v.1			Generic Action			
Create/Link to Records v.1						
Create / Link to Permit - Building Complex v.1			Create Sub Permit			

ZONE-2023-0002

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
H0029-000000	20 OLD LITTLEWORTH RD	STILLWAGON BERNARD R LIFE ESTATE &	STOWE STILLWAGON RAMONA L	20 OLD LITTLEWORTH RD	DOVER	NH	03820
H0029-005000	19 A LITTLEWORTH RD	CARMICHAEL CHARLES E JR & CHERYL TRUSTEE	CARMICHAEL FAMILY REVOCABLE TRUST OF 201	19A LITTLEWORTH ROAD	DOVER	NH	03820
H0029-A00000	LITTLEWORTH RD	ATLANTIC BROADBAND FINANCE LLC		2 BATTERYMARCH PK #205	QUINCY	MA	02169
H0029-A00001	LITTLEWORTH RD	ATLANTIC BROADBAND NH-ME LLC		2 BATTERYMARCH PK #205	QUINCY	MA	02169
H0029-A00004	14 LITTLEWORTH RD	ABOVE ALL THINGS NH LLC		279 HIGH ST	SOMERSWORTH	NH	03878
H0029-A00005	12 LITTLEWORTH RD	DUPONT DAVID P & CAROLYN J TRUSTEES	THE DUPONT FAMILY REVOCABLE LIVING TRUST	24 LISA BETH CR	DOVER	NH	03820
H0031-000000	30 LITTLEWORTH RD	SOUSANE RUTH K &	QUINLAN NANCY K	30 LITTLEWORTH RD	DOVER	NH	03820
H0031-A00000	24 LITTLEWORTH RD	SOUSANE DEBORAH		24 LITTLEWORTH ROAD	DOVER	NH	03820
H0032-A00001	55 KNOX MARSH RD	SHERWOOD ROBERT E & MARILYN A TRUSTEES	SHERWOOD ROBERT & MARILYN FAMILY REVOCAB	11 LISA BETH CIRCLE	DOVER	NH	03820
H0032-A00002	10 LITTLEWORTH RD	GONYOU PROPERTIES LLC		1862 NECTAR RD	THE VILLAGES	FL	32163-2136
H0033-000000	67 KNOX MARSH RD	DMC REAL ESTATE HOLDINGS LLC		134 TEN ROD RD	ROCHESTER	NH	03867
H0033-A00000	85 KNOX MARSH RD	COOPER LYDIA	COOPER KEVIN	3100 NE 49TH ST APT 803	FT LAUDERDALE	FL	33308-4946
H0033-E00000	89 KNOX MARSH RD	QUINLAN DENIS J	QUINLAN NANCY K	89 KNOX MARSH RD	DOVER	NH	03820
H0029-A00003	16 LITTLEWORTH RD	LITTLEWORTH LLC		74 INDUSTRIAL PARK DRIVE	DOVER	NH	03820
		BRUTON & BERUBE, PLLC	JOSH LANZETTA, ESQ	601 CENTRAL AVENUE	DOVER	NH	03820



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised June 7, 2022]

Office Use Only Case #: _____ Date Received: _____
Amount Paid: \$ _____ Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: StorageTek, LLC c/o Bruton & Berube, PLLC Phone # 603-749-4529

Address of Applicant: Bruton & Berube, PLLC, Attn: Josh Lanzetta, Esq., 601 Central Avenue, Dover, NH 03820

E-Mail Address: josh@brutonlaw.com

PROPERTY OWNER (*if different from applicant*): Littleworth, LLC

Address: 74 Industrial Park Drive, Dover, NH 03820 Phone # 603-749-4529

E-Mail Address: josh@brutonlaw.com

PROPERTY/PARCEL INFORMATION

Address: 16 Littleworth Road, Dover, NH 03820

Brief Directions: _____

Zoning District: CM Assessor's Map # H Lot(s) # 29-A-3

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-12(A)</u> 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:

Please see attached.

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:
Please see attached.

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:
Please see attached.

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

3. Granting the variance would do substantial justice because:
Please see attached.

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

Please 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:

Please 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:

Please see attached.

and

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

Please 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:

Please see attached.

SIGNATURE PAGE

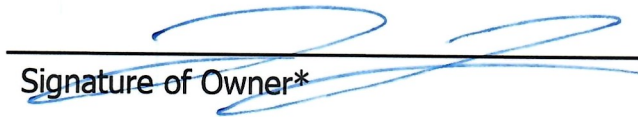
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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: 1/25/2023

BRUTON & BERUBE, PLLC

ATTORNEYS AT LAW

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

601 Central Avenue
Dover, NH 03820
Office - 603.749.4529

Of Counsel
JAMES H. SCHULTE

Cell - 603.777.0579
josh@brutonlaw.com

January 31, 2023

City of Dover, New Hampshire
Attn: Zoning Board of Adjustment
288 Central Avenue
Dover, NH 03820

Re: Variance Application to Expand Hours of Operation
Applicant: StorageTek, LLC c/o Bruton & Berube, PLLC
Owner: Littleworth, LLC
MBLU: H0029-A00003
Zone: CM

Dear Board Members:

The purpose of this letter is to submit a Variance Application to expand hours of operation (the "Application") on behalf of StorageTek, LLC (the "Applicant") at real property owned by the Littleworth, LLC (the "Owner"), located at Map H, Lot 29-A-3 (otherwise identified as 16 Littleworth Road) in Dover, New Hampshire (the "Property").

Pursuant to N.H. R.S.A. 674:33(I)(b)(1) – (5)¹ and the Zoning Ordinance of the City of Dover, New Hampshire², the Applicant seeks a variance under Ordinance section 170-12(A)³ to expand the hours of operation of an existing storage facility (the "Project") and respectfully requests the Zoning Board of Adjustment (the "ZBA") schedule a hearing on March 16, 2023 to review and grant the Application.

¹ RSA 674:33(I)(b)(1) – (5).

² Zoning Ordinance, Dover, NH (2022) (the "Ordinance").

³ Ordinance, § 170-12(A), 170-42; Ordinance, Commercial Manufacturing (CM) District, Conditional Use Permit Criteria, Self-Storage, C., 2.

I. ENCLOSED DOCUMENTS

Enclosed please find 1-copy of the following documents:

1. Application dated January 24, 2023;
2. Abutters List dated January 24, 2023; and
3. Zoning Board of Adjustment, Notice of Decision dated August 19, 2019 (the “Notice of Decision”).

II. PROPERTY HISTORY & NARRATIVE

The Property consists of 3.974 acres improved with 3-buildings housing self-service storage units (the “Facility”).

In 2019, Quantum Real Estate Group, LLC (“QREG”) obtained a variance from the ZBA allowing the Facility to be built in the R-20 zone. This variance was contingent on limiting the Facility’s hours of operation from 9 AM to 9 PM Monday thru Friday; and 10 AM to 6 PM on Saturday and Sunday (the “Restriction”).⁴

In 2020, QREG obtained site plan approval for the Facility, including the Restriction as Note 17 on Page SP-1 of its Site Development Plan, Littleworth Storage dated July 16, 2020.

In 2020, Dover added the CM District to its Zoning Ordinance, allowing self-storage facilities in the CM District by conditional use permit, and limiting the hours of self-storage units abutting residential properties from 9 AM to 9 PM Monday thru Friday; and 10 AM to 6 PM on Saturday and Sunday (i.e., these hours are identical to the Restriction).⁵

QREG then built the Facility and sold the improved Property to the Applicant, who now seeks to reasonably expand its hours of operation by obtaining a variance and amending the Notice of Decision.

III. LEGAL ANALYSIS

The project substantially complies with the Ordinance, the Application, and the 5-variance criteria as set forth in NH RSA 674:33.

The variance criteria are enumerated and *italicized* below with the Applicant’s responses following in plain text.

1. *The variance is not contrary to the public interest.*

⁴ Notice of Decision at 2.

⁵ Ordinance, § 170-12(A), 170-42; Ordinance, Commercial Manufacturing (CM) District, Conditional Use Permit Criteria, Self-Storage, C., 2.

Expanding the Facility's hours of operation is not contrary to the public interest. The public interest is served by permitting the orderly development of property in a locus specifically zoned for commercial use. Here the Facility is in a zone comprised of commercial and industrial businesses operating before 9 am. Expanding the Facility's hours of operation will not 1) alter the essential character of the surrounding neighborhood, 2) impact abutters, and/or 3) affect the public.

2. The spirit of the ordinance is observed.

The spirit of the ordinance is observed because the Project represents a reasonable use of property when balanced with the location, zone, and permitted use of the Property. Allowing the Applicant to operate its business more effectively by mirroring the operating hours of surrounding businesses encourages the most appropriate use of land in Dover's CM zone when juxtaposed with the zone's intent to allow various commercial uses.

3. Substantial justice is done.

Substantial justice is done by granting this variance because it allows the Property to be reasonably used considering abutting property uses (i.e., commercial and industrial), its location in the CM Zone, and the existing storage buildings currently on the Property. This proposal does not burden the public in any way, and substantially benefits the Applicant by allowing it to reasonably use the Property with no detrimental effect to surrounding property.

4. The values of surrounding properties are not diminished.

The Applicant respectfully asserts that all surrounding properties have an associated value that is premised upon the existence of structures and features like those located on the Property. Here, expanding business hours will not affect any abutting neighbor and is consistent with other uses in the near vicinity and promoted in the existing zoning.

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

a) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.

It is completely unnecessary to limit self-storage hours in the CM zone. Self-storage inherently experiences low traffic volume. Expanded operating hours poses no detriment to the public. The operating hours of commercial and industrial businesses operating in the CM zone are not limited. Accordingly, there is no fair and substantial relationship between the hour limitation and its application to the Property.

b) The proposed use is a reasonable one.

It is reasonable to allow expanded operating hours considering the multitude of businesses operating without restriction in the CM zone. Equitably unified operating hours in the CM zone promotes the orderly development of property in the City of Dover.

6. *Special Condition of Property.*

The storage buildings located on the Property are sited on the back of the lot and away from the street. As a result, expanded operating hours will pose no impact to residential neighbors.

IV. RELIEF REQUESTED

Pursuant to NH RSA 674:33, the Applicant respectfully requests the ZBA:

1. Approve the Application;
2. Grant a variance;
3. Amend the Notice of Decision; and
4. Grant all relief necessary to approve the Application.

Please do not hesitate to contact me with questions or concerns at josh@brutonlaw.com or 603-749-4529.

Sincerely,

/s/ Josh Lanzetta

Josh Lanzetta, *Esq.*

ABUTTERS LIST
January 25, 2023

Re: Abutters List for Variance Application to Expand Hours of Operation
Applicant: StorageTek, LLC c/o Bruton & Berube, PLLC
Owner: Littleworth, LLC
MBLU: H0029-A00003
Zone: CM

Owners

Littleworth, LLC
74 Industrial Park Drive
Dover, NH 03820

Applicant

StorageTek, LLC
16 Littleworth Road
Dover, NH 03820

Abutters

H0029-A00001
H0029-A00000
Atlantic Broadband NH-ME, LLC
2 Batterymarch Park, #205
Quincy, MA 02169

H0031-000000
Ruth K. Sousane
Nancy K. Quinlan
30 Littleworth Road
Dover, NH 03820

H0033-E00000
Denis & Nancy Quinlan
89 Knox Marsh Road
Dover, NH 03820

H0033-A00000
Kevin & Lydia Cooper
3100 NE 49th Street, Apt. 803
Ft. Lauderdale, FL 33308-4946

H0033-000000
DMC Real Estate Holdings, LLC
134 Ten Rod Road
Rochester, NH 03867

H0032-A00001
Robert & Marilyn Sherwood
Trustees of the Robert & Marilyn Family Revocable Trust
11 Lisa Beth Circle
Dover, NH 03820

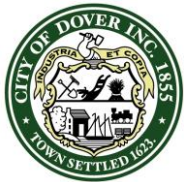
H0029-A00005
David Carolyn Dupont
Trustees of the Dupont Family Revocable Living Trust
24 Lisa Beth Corner
Dover, NH 03820

H0029-A00004
Above All Things NH, LLC
279 High Street
Somersworth, NH 03878

H0029-000000
Bernard & Ramona Stillwagon
20 Old Littleworth Road
Dover, NH 03820

Professionals

Bruton & Berube, PLLC
Attn: Josh Lanzetta, *Esq.*
601 Central Avenue
Dover, NH 03820



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, April 20, 2023
Meeting Time:	7:00 pm

This item has been withdrawn.

From: [Dover Dog Run Private Fenced Dog Play Space](#)
Sent: Tuesday, April 18, 2023 6:16 PM
To: [Benton, Donna](#)
Cc: [Alix Martin](#); [Parker, Christopher](#)
Subject: Re: Dover ZBA variance

Security Notice: External sender. Use caution with hyperlinks or attachments.

Hello!

Just chiming in to thank you both very much for your time today. It was amazing to feel heard & having a path forward feels like a dream come true.

For the record I also am withdrawing the appeal for this property and will submit the variance online.

With humble appreciation,

Liz

On Tue, Apr 18, 2023 at 6:09 PM Benton, Donna <d.benton@doover.nh.gov> wrote:

Hi Alix,

Thanks for the email. We will share this with the ZBA and be looking for your Variance application and don't need anything else from you for the withdrawal. The deadline is noon on April 27th for the May 18th meeting if you can submit your Variance request on the portal. If you have any questions, please don't hesitate to reach out to us.

Thanks,

Donna

Donna Benton, AICP

Director of Planning and Community Development

City of Dover, NH

288 Central Avenue

Dover, NH 03820-4169

e: d.benton@dover.nh.gov

p: 603.516.6008 f: 603.516.6049



We're updating our Vision Chapter. Find out more by clicking the logo above.

Dover: First in New Hampshire, First with you!

www.dover.nh.gov

<http://dovernhplanning.tumblr.com/>

Facebook: <https://www.facebook.com/DoverNHPlanning>

Twitter: @DoverNHPlanning

From: Alix Martin <martin.alix@gmail.com>

Sent: Tuesday, April 18, 2023 5:22 PM

To: Benton, Donna <d.benton@dover.nh.gov>

Cc: Dover Dog Run Private Fenced Dog Park <doverdogrun@gmail.com>; Parker, Christopher <C.Parker@dover.nh.gov>

Subject: Dover ZBA variance

Security Notice: External sender. Use caution with hyperlinks or attachments.

Dear Donna,

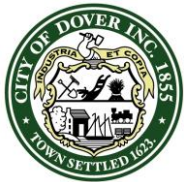
Thank you so much for coming out to our neighborhood. Per our conversation, we'd like to withdraw our appeals for permits HOME-2023-0020/21 scheduled to be heard by the ZBA this week, and will resubmit as a variance application. Do we need to do anything else before Thursday's meeting to take ourselves off the agenda for this month?

All the best,

Alix

Please consider conserving our natural resources before printing this e-mail and/or any attachments.

This electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains unless authorized to do so. Thank you.



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, April 20, 2023
Meeting Time:	7:00 pm

This item has been withdrawn.

From: Alix Martin <martin.alix@gmail.com>
Sent: Tuesday, April 18, 2023 5:22 PM
To: Benton, Donna <d.benton@dover.nh.gov>
Cc: Dover Dog Run Private Fenced Dog Park <doverdogrun@gmail.com>; Parker, Christopher <C.Parker@dover.nh.gov>
Subject: Dover ZBA variance

Security Notice: External sender. Use caution with hyperlinks or attachments.

Dear Donna,

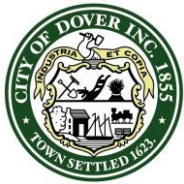
Thank you so much for coming out to our neighborhood. Per our conversation, we'd like to withdraw our appeals for permits HOME-2023-0020/21 scheduled to be heard by the ZBA this week, and will resubmit as a variance application. Do we need to do anything else before Thursday's meeting to take ourselves off the agenda for this month?

All the best,

Alix

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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:	April 20, 2023
Meeting Time:	7:00 pm

INTENT: The Owners request a Variance, from **Chapter 170-12.B. of the Zoning Ordinance**, to allow re-subdivision of the subject parcel (Tax Map E, Lot 65-A) through a lot line adjustment, resulting in the creation of a new lot which lacks the required frontage minimum of 125’.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-D

ZONING DISTRICT: R-20

FILE: ZONE-2023-0014

APPLICANT/OWNER: Eugene A. & Donna L. Sgrignuoli

LOCATION: 22 Sun Hawk Lane (Tax Map E, Lot 65-A)

ACREAGE: Existing / Proposed
E-65-1: 31.87± ac. / 41.51± ac.
E-65-A: 12.54± ac. / 2.92± ac.

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE:
Residential

PREVIOUS ZBA ACTION:
None

**PLANNING BOARD APPROVAL
REQUIRED:** Yes, a Lot Line Adjustment

ATTACHMENTS: Application, Narratives,
LLA Plan

STAFF RECOMMENDATION:
Staff supports the granting of the variance request.

BACKGROUND INFORMATION

The property subject to this Variance request is located off of Sun Hawk Lane, a private road, which is accessed off of Atina Way, a public road that runs north from Tolend Road. A single-family house built in 1890 is presently on the property, but is proposed to be demolished and a new structure built on the revised parcel.

The owners of Lot 65-A, the Sgrignuoli’s, have filed an application to the Planning Board (# LOTA-2022-0004) to propose a Lot Line Adjustment, in order to modify their lots lines with abutting Lot 65-1, owned by 59 Tolend Road LLC. The result of which is adding 9.63± acres from Lot 65-A to Lot 65-1, leaving Lot 65-A 2.92± acres in total area and Lot 65-1 41.51± acres in total area.

Per Plan Note #6: Sun Hawk Lane is private from the end of where NHDOT owns and is to be used for emergency vehicle access. The subject property was likely granted access over the road, through NHDOT at the time the Spaulding Turnpike was constructed.

REASON FOR RECOMMENDATION

While this request asks for relief from the frontage requirements of the R-20 district, the existing lot currently does not contain frontage (only the access over Sun Hawk Lane, a private and Class VI road), thereby, the proposed Lot Line Adjustment does not materially change the features of the lot.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five Variance criteria. Staff supports the granting of the Variance.

ZONE-2023-0014 22 Sun Hawk Lane

**Property Information**

Property ID E0065-A00000
Location 22 SUN HAWK LN
Owner SGRIGNUOLI EUGENE A
Land Use 101
Zoning Code R-20

**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.

Geometry updated 12/16/2022
Data updated Daily

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



PERMIT SNAPSHOT REPORT ZONE-2023-0014 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 04/03/2023
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: Fees Paid	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval
Description: A Variance to 170-12 to permit an existing lot without frontage to continue the non-conformance after a proposed lot line revision.		Expire Date:

Parcel: E0065-A00000	Main	Address: 22 Sun Hawk Lane Dover, NH 03820	Main	Zone: R-20(Residential - Low Density)
		22 Sun Hawk Ln Dover, 03820		

Applicant	Surveyor	Owner
Berry Surveying & Engineering	Berry Surveying & Engineering	Eugene & Donna Sgrignuoli
335 Second Crown Point Road	335 Second Crown Point Road	Home: (603) 777-0579
Barrington, NH 03825	Barrington, NH 03825	
Business: (603) 332-2863	Business: (603) 332-2863	
Mobile: (603) 781-3403	Mobile: (603) 781-3403	

Permit Custom Fields

Number of Variances Requested: 1	ZoneVariPlanDirections Tolend to Atina Way, Left onto Sun Hawk	ZoneVariPlanSummary Lot Line Revision between Tax Map E, Lot 65-A and Tax Map E, Lot 65-1. The revision requires a variance to frontage for Lot 65-A whereas it changes the status of the underlying lot, removing it from qualification to the Non-conforming lot status.
ZoneVariAppealSect 170-12 Frontage in Table	ZoneVariAppealSectDe See Above tail	What is the parcel zoned? R-20
ZoneVariAppeal1Public See Narrative Interest	ZoneVariAppeal2Ordin See Narrative anceSpirit	ZoneVariAppeal3Subst See Narrative antialJustice
ZoneVariAppeal4Prope See Narrative rtyValue	ZoneVariAppeal5A1Un See Narrative NecHardship	ZoneVariAppeal5A2No FairRelate
ZoneVariAppeal5A3Re asonableUse	ZoneVariAppeal5BNoR easonableUse	

Attachment File Name	Added On	Added By	Attachment Group	Notes
23-031 Lot Line Revision Sun Hawk Lane.pdf	04/03/2023 11:50	Berry, Chris		Uploaded via Civic Access
23-031 ZBA Application Sun Hawk Lane.pdf	04/03/2023 11:50	Berry, Chris		Uploaded via Civic Access
Signature_Chris_Berry_4/3/2023.jpg	04/03/2023 11:50	Berry, Chris		Uploaded via CSS
Permit Snapshot Report.pdf	04/03/2023 11:50	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
ZONE-2023-0014 ABUTTERS LIST.pdf	04/05/2023 12:38	Blonigen, Rachel		ABUTTERS LIST

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00002796	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00002796		\$200.00	\$200.00
INV-00002797	Planning Public Notice in Newspaper	\$100.00	\$100.00
Total for Invoice INV-00002797		\$100.00	\$100.00
INV-00002825	Planning Creation / Printing of Abutter Labels	\$10.00	\$10.00

PERMIT SNAPSHOT REPORT (ZONE-2023-0014)

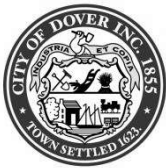
Planning Certified Mailing to Abutters	\$72.00	\$72.00
Planning Certified Mailing to Application Contacts	\$16.00	\$16.00
Total for Invoice INV-00002825	\$98.00	\$98.00
Grand Total for Permit	\$398.00	\$398.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	04/03/2023	04/07/2023		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Kypfer, Natasha	Approved	04/03/2023	04/07/2023	04/07/2023
Comments: ZBA April item on 4/20/2023, per Planning Director.						

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		04/03/2023	13:24
Confirm application complete v.1	Generic Action		04/03/2023 13:24
Planning Permit Application Review v.1	Receive Submittal	04/03/2023	0:00
Zoning Board v.1			
Zoning Board Agenda v.1	Task		
Invoice for Notices v.1	Task		
Send Notices v.1	Task		
Zoning Administrator Creates Staff Recommendations v.1	Task		
Distribute Zoning Board Materials v.1	Task		
Zoning Board Hearing v.1	Hold Hearing		
Zoning Board Decision v.1	Permit Activity		
NOD Sent to Applicant v.1	Create Report		
Final Plan v.1			
Plans uploaded to Treeno v.1	Generic Action		
Property Info Group v.1	Generic Action		
Create/Link to Records v.1			
Create / Link to Permit - Building Complex v.1	Create Sub Permit		

ZONE-2023-0014**22 SUN HAWK LANE**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
E0024-000000	100 LIBERTY WY	LIBERTY MUTUAL INSURANCE CO	ATTN: TYLER MUNGER	175 BERKELEY ST	BOSTON	MA	02116
E0065-001000	TOLEND RD	59 TOLEND RD LLC		42 DOVER POINT RD UNIT J	DOVER	NH	03820
E0074-000000	14 ATINA WY	SICARD RHONDA J &	BASTIANELLI GREGORY	14 ATINA WAY	DOVER	NH	03820-5824
E0074-001000	8 ATINA WY	SUNDSTROM SCOTT A &	SUNDSTROM AIMEE E	8 ATINA WAY	DOVER	NH	03820-5809
E0074-B00000	6 SUN HAWK LN	POMEROY CAROLINE S		6 SUN HAWK LN	DOVER	NH	03820-5812
E0074-C00000	10 SUN HAWK LN	FINN CAROL ANNE		10 SUN HAWK LN	DOVER	NH	03820
E0074-D00000	43 TOLEND RD	CLOUGH VERNON L &	CLOUGH OLGA	43 TOLEND RD	DOVER	NH	03820
G0024-000000	3 ATINA WY	KEEFE VERNA S	KEEFE RICHARD E	3 ATINA WAY	DOVER	NH	03820
G0024-I00000	15 TOLEND RD	HERSTAD CAROL	HERSTAD WAYNE	15 TOLEND RD	DOVER	NH	03820-4916
E0065-A00000	22 SUN HAWK LN	SGRIGNUOLI EUGENE A	SGRIGNUOLI DONNA L	22 SUN HAWK LN	DOVER	NH	03820
		BERRY SURVEYING & ENGINEERING		335 SECOND CROWN POIN	BARRING	NH	03825



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised June 7, 2022]

Office Use Only Case #: _____ Date Received: _____
Amount Paid: \$ _____ Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Berry Surveying & Engineering Phone # 603-332-2863
Christopher R. Berry, Project Manager, Agent
Address of Applicant: 335 Second Crown Point Road, Barrington, NH 03825
E-Mail Address: crberry@metrocast.net

PROPERTY OWNER (if different from applicant): Eugene A. & Donna L. Sgrignuoli
Address: 22 Sun Hawk Lane, Dover, NH 03820 Phone # 603-777-0579
E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 22 Sun Hawk Lane
Brief Directions: Tolend Road to Atina Way. Atina Way (Left) onto Sun Hawk Lane

Zoning District: R-20 Assessor's Map # E Lot(s) # 65-A

TYPE OF APPEAL: (Please check one)

☒ Variance from Section 170-12 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:

Conduct a lot line revision between the subject parcel, Lot 65-A, and abutting Lot 65-1. This revision changes the non-conforming status of 65-A and therefore requires the lot to conform. In this case the parcel does not have any frontage which is required within the R-20 zone and will continue not to have frontage after the proposed revision.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12 of the Zoning Ordinance to permit: Tables / Frontage

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 Narrative by Berry Surveying & Engineering

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

See Narrative by Berry Surveying & Engineering

3. Granting the variance would do substantial justice because:

See Narrative by Berry Surveying & Engineering

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

See Narrative by Berry Surveying & Engineering

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:

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:

and

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

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:

See Narrative by Berry Surveying & Engineering

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: _____

Eugene and Donna Sgrignuoli
22 Sun Hawk Lane
Dover, NH. 03820
gdsgrignuoli@comcast.net

April 19, 2023

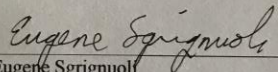
City of Dover, New Hampshire
Zoning Board of Adjustment
288 Central Avenue
Dover, NH 03820

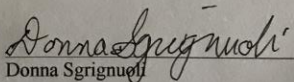
Re: Letter of Authorization
Address: 22 Sun Hawk Lane, Dover, NH 03820

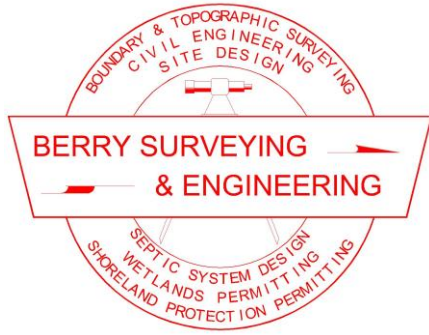
Dear Mr. Chairman:

The undersigned, as owner of premises located at 22 Sun Hawk Lane, Dover, NH 03820 (the "Property"), hereby authorizes Berry Surveying and Engineering and its employees, agents, and consultants; to seek all approvals required from the City of Dover, New Hampshire, including, but not limited to, variances, lot line adjustments, special permits, and/ or appeals related to the Property. The undersigned authorizes Chris Berry to execute and sign all applications and documents necessary to complete the above on its behalf.

Sincerely,


Eugene Sgrignuoli


Donna Sgrignuoli



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

March 30, 2023

City of Dover Zoning Board of Adjustments
Attention: Natasha Kypfer, Zoning Administrator
288 Central Ave.
Dover, NH 03820

Re: Variance Application ~ Frontage~
59 Tolend Road LLC & Sgrignuoli
Tax Map E, Lots 65-1 & 65-A
Lot Line Revision on Sun Hawk Lane and Tolend Road

Chairperson and Members of the Dover Zoning Board,

On behalf of the owners of the two parcels, Berry Surveying and Engineering is submitting variance requests to allow a lot line revision between the two parcels to allow Lot 65-A to continue with its non-conformance in lack of frontage.

Background and Narrative:

59 Tolend Road LLC owns lot 65-1 and is proposing a lot line revision with Lot 65-A, owned by the Sgrignuoli family. Both parcels are within the R-20 Low Density zone. Lot 65-1 is 31.87 acres in size while Lot 65-A is 12.54 acres. Lot 65-1 contains 1093' of frontage along the Cochecho River with Lot 65-A containing 1246' along the same. The river frontage is proposed to be integrated into a larger community recreation effort. The existing Sgrignuoli home site will be abandoned and demolished and replaced on the revised lot as proposed. The existing Sgrignuoli lot does not contain frontage on a Class V roadway. Though the tax maps / GIS maps show the ownership of this parcel out to Atina Way, upon review of the title, it was found that this is not actually the case. Sun Hawk Lane is a roadway that was created by NHDOT when the highway came through and cut access off to the parcel. This road is currently owned by NHDOT and is in a Class VI status.

The Lot Line adjustment proposes to increase the size of Lot 65-1 to 41.51 acres, and reduce the size of Lot 65-A to 2.91 acres. Both lots remain in conformance with the required lot sizes and will remain in conformance with respect to setback dimensions. The existing Sgrignuoli parcel does not contain frontage on a Class V highway, which is required in the R-20 Zone. Though the revision does not change this non-conformity, whereas the parcel will still be without frontage, the revision changes the lots status with respect to Article V 170-14 Nonconforming Lots (timing) and is no longer afforded the privileges found within the same.

The parcel will still maintain the rights afforded to it over Sun Hawk Lane, and will be provided with the required easement rights over Lot 65-1 for access, grading, drainage and utility uses. The easement will be provided on the Lot Line revision plan that will appear before the Planning Board for approval.

Article IV Uses; Tables, 170-12 Applicability of Tables of Use and Dimensional Regulations by District, B. Minimum regulations: The variance would permit an existing lot without frontage in the R-20 Zone to remain without frontage after the proposed lot line revision.

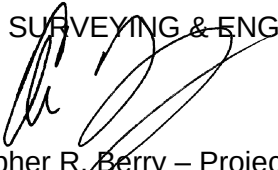
1. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicants as defined under applicable law.
The lot is special compared to others within the area in that it does not contain the required frontage on a Class V road. There is only one other non-conforming lot (6 Sun Hawk Lane) that takes access from Sun Hawk Lane. The lot is well over sized compared to others in the area and is valuable for many varying reasons. These value potentials cannot be recognized without some revision to the parcel's boundaries and therefore its non-conforming status. The parcel is one of only two in the area with frontage on the river of such meaningful length that connect to a larger community recreation effort. The special conditions of non-conformance will not permit the land to be transferred as intended and a new home to be built for the Sgrignuoli Family. The denial of the variance, which does not change the non-conformance, would create a unnecessary hardship to the applicant in that it would not permit revisions to such a large parcel of land in any way which is unreasonable given the special conditions.
2. Granting the variance would be consistent with the spirit of the Ordinance.
The spirit of the ordinance is to require frontage for parcels to create a uniformity in the space and bulk standards also provided in the zone. In this case that frontage does not exist in the existing condition and will remain the same in the proposed condition. The uniformity of the zone does not change as a result of the request. Access to the lot is maintained in the proposed condition in a similar format as it is in the existing condition.
3. Granting the variance will not result in diminution of surrounding property values.
Granting the variance does not change the underlying values in the area whereas the modification does not functionally change anything about the parcel. It is still located in the R-20 Zone with the underlying uses remaining. The lot has existed without frontage and without detriment to abutting values since the establishment of the Spaulding Turnpike. This request does not modify any visible trait to the parcel which will modify the underlying value to abutting land owners.
4. Granting the variance would do substantial justice.
Granting the variance will do substantial justice in that it allows the land owner to modify the lot, in a productive and otherwise acceptable manner but for the change in non-conforming status and therefore the requirement for frontage. The gain to the applicant far outweighs any potential loss to the community and the underlying zoning document. As noted above, since the frontage non-conformance is not being modified, there is no potential erosion or loss to the purpose and intent of the frontage requirement. The gain to the applicant is a reasonable use of valuable property.



5. Granting of the variance would not be contrary to the public interest.
Granting the variance would not be contrary to the public interest whereas the proposal does not practically or functionally change anything about the parcel. The public interest is ensuring compliance with the underlying zoning document to the extent practical and reasonable while allowing people the reasonable opportunity to improve their land. The perpetuation of the lack of frontage does not impact the health, safety or general welfare of the immediate abutters or the remaining residents of Dover.

Please let us know if you have further questions.

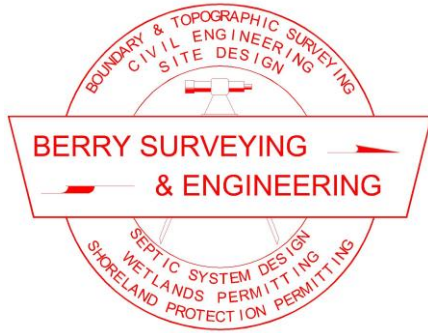
BERRY SURVEYING & ENGINEERING


Christopher R. Berry – Project Manager
Principal, President



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com



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335 Second Crown Point Road

Barrington, NH 03825

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April 10, 2023

City of Dover Zoning Board of Adjustments
Attention: Natasha Kypfer, Zoning Administrator
288 Central Ave.

Dover, NH 03820

Re: Variance Application ~ Frontage~
59 Tolend Road LLC & Sgrignuoli
Tax Map E, Lots 65-1 & 65-A
Additional Narrative

Ms. Kypfer,

On behalf of the applicant, Berry Surveying & Engineering (BS&E) offers the below narrative and description of the proposed project per your request.

The Sgrignuoli family, the owners of Lot 65-A are proposing to modify their lot lines with Lot 65-1 owned by 59 Tolend Road LLC. In so doing Lot 65-A is becoming smaller and 65-1 is becoming larger in size. The existing structure on 65-A is proposed to be demolished and a new structure built on the revised 65-A.

Lot 65-A was granted access over the new Sun Hawk Lane, by NHDOT when the Spaulding Turnpike was constructed. Presumably the Spaulding Turnpike cut the former access off and in exchange Sun Hawk Lane was built and access was provided by NHDOT. This was a very common practice. The design plans for the Spaulding and adjusted access roads are dated 1955. Due to the fact that this parcel did not have frontage at the passing of the City of Dover Zoning Ordinance, the lot is considered an existing non-conforming lot. For most purposes of development or re-development Article V, Section 170-4 would apply to this parcel. However, in this case, the proposal includes modifying the underlying parcel lines and boundaries, which has been interpreted to change the effective date of the lot. When the effective date of the lot is changed the existing non-conformance protected by Section 170-4 no longer applies necessitating the need for the lot to provide frontage in conformance with the underlying zone. Frontage cannot be provided and therefore the applicant is requesting a variance.

In this case the existing lot does not contain any frontage, only access over a Class VI Road known as Sun Hawk Lane. The proposed lot line revision does not change this feature of the parcel. The lot will continue to not have frontage and access will still be provided over Sun Hawk Lane.

Please let us know if you have further questions.

BERRY SURVEYING & ENGINEERING
Christopher R. Berry – Project Manager
Principal, President

Eugene and Donna Sgrignuoli
22 Sun Hawk Lane
Dover, NH. 03820
gdsgrignuoli@comcast.net

April 19, 2023

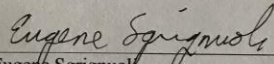
City of Dover, New Hampshire
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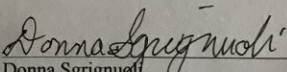
Re: Letter of Authorization
Address: 22 Sun Hawk Lane, Dover, NH 03820

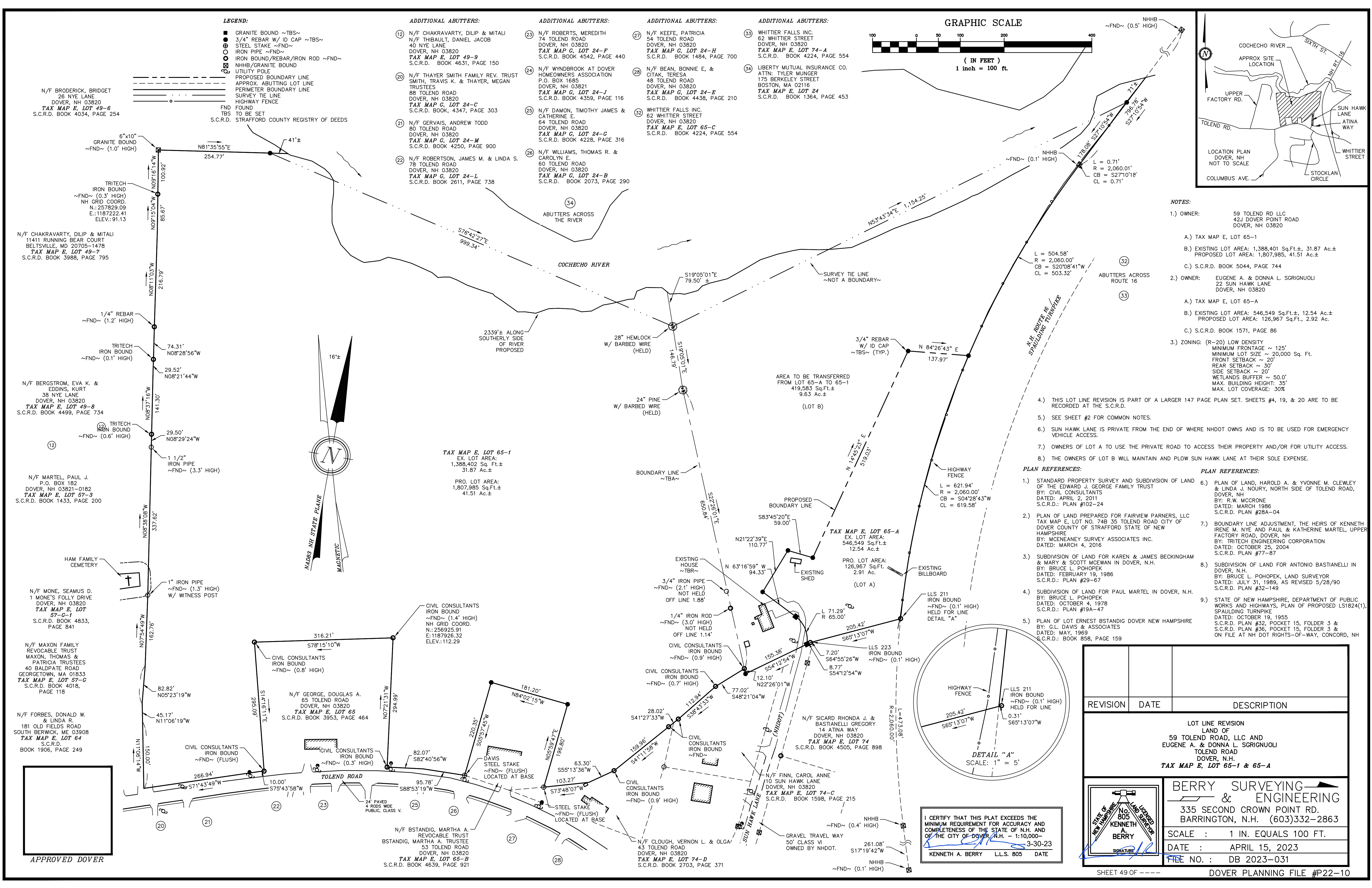
Dear Mr. Chairman:

The undersigned, as owner of premises located at 22 Sun Hawk Lane, Dover, NH 03820 (the "Property"), hereby authorizes Berry Surveying and Engineering and its employees, agents, and consultants; to seek all approvals required from the City of Dover, New Hampshire, including, but not limited to, variances, lot line adjustments, special permits, and/ or appeals related to the Property. The undersigned authorizes Chris Berry to execute and sign all applications and documents necessary to complete the above on its behalf.

Sincerely,


Eugene Sgrignuoli


Donna Sgrignuoli



LEGEND:

- GRANITE BOUND ~TBS~
- 3/4" REBAR W/ ID CAP ~TBS~
- STEEL STAKE ~FND~
- IRON PIPE ~FND~
- IRON BOUND/REBAR/IRON ROD ~FND~
- NH&B/GRANITE BOUND
- UTILITY POLE
- PROPOSED BOUNDARY LINE
- APPROX. ABUTTING LOT LINE
- PERIMETER BOUNDARY LINE
- SURVEY TIE LINE
- HIGHWAY FENCE
- FOUND
- TBS TO BE SET
- FND S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

ADDITIONAL ABUTTERS:

- 12 N/F CHAKRAVARTY, DILIP & MITALI
N/F THIBAUT, DANIEL JACOB
40 NYE LANE
DOVER, NH 03820
TAX MAP E, LOT 49-9
S.C.R.D. BOOK 4631, PAGE 150
- 20 N/F THAYER SMITH FAMILY REV. TRUST
SMITH, TRAVIS K. & THAYER, MEGAN
TRUSTEES
88 TOLAND ROAD
DOVER, NH 03820
TAX MAP C, LOT 24-C
S.C.R.D. BOOK 4347, PAGE 303
- 21 N/F GERVASIS, ANDREW TODD
DOVER, NH 03820
TAX MAP C, LOT 24-M
S.C.R.D. BOOK 4250, PAGE 900
- 22 N/F ROBERTSON, JAMES M. & LINDA S.
78 TOLAND ROAD
DOVER, NH 03820
TAX MAP C, LOT 24-L
S.C.R.D. BOOK 2611, PAGE 738

ADDITIONAL ABUTTERS:

- 23 N/F ROBERTS, MEREDITH
74 TOLAND ROAD
DOVER, NH 03820
TAX MAP C, LOT 24-F
S.C.R.D. BOOK 4542, PAGE 440
- 24 N/F WYNDROOK AT DOVER
HOMEOWNERS ASSOCIATION
P.O. BOX 1685
DOVER, NH 03821
TAX MAP C, LOT 24-J
S.C.R.D. BOOK 4359, PAGE 116
- 25 N/F DAMON, TIMOTHY JAMES &
CATHERINE E.
64 TOLAND ROAD
DOVER, NH 03820
TAX MAP C, LOT 24-C
S.C.R.D. BOOK 4228, PAGE 316
- 26 N/F WILLIAMS, THOMAS R. &
CAROLYN E.
60 TOLAND ROAD
DOVER, NH 03820
TAX MAP C, LOT 24-B
S.C.R.D. BOOK 2073, PAGE 290

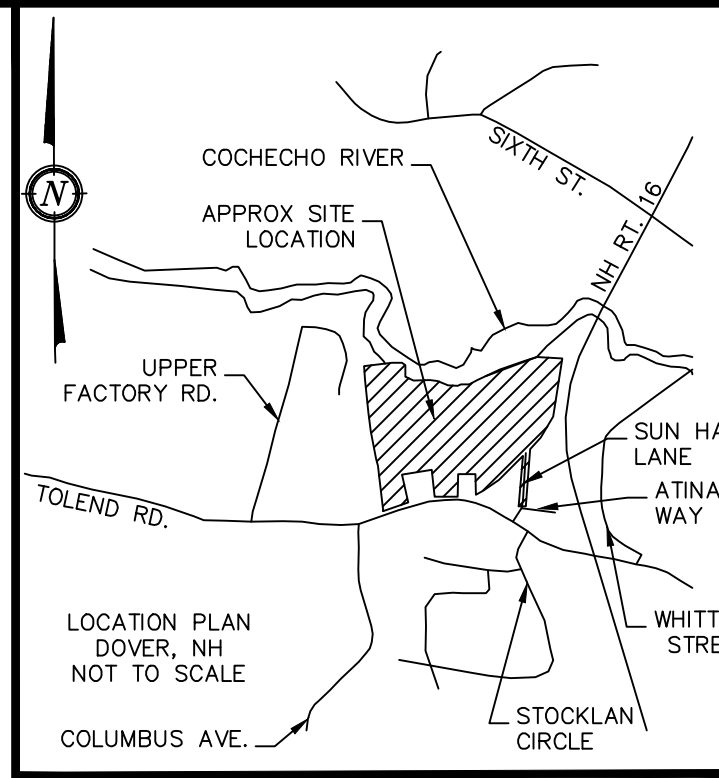
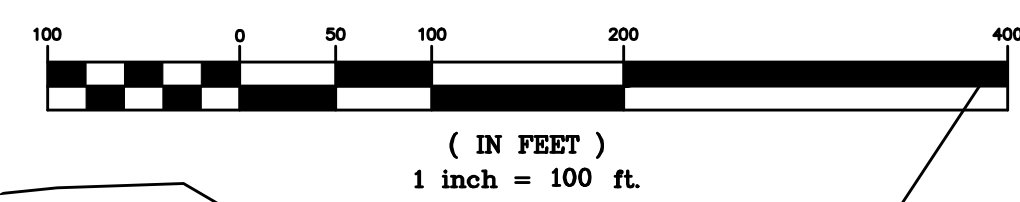
ADDITIONAL ABUTTERS:

- 27 N/F KEEFE, PATRICIA
54 TOLAND ROAD
DOVER, NH 03820
TAX MAP C, LOT 24-H
S.C.R.D. BOOK 1484, PAGE 700
- 28 N/F BEAN, BONNIE E. &
CITAK, TERESA
48 TOLAND ROAD
DOVER, NH 03820
TAX MAP C, LOT 24-E
S.C.R.D. BOOK 4438, PAGE 210
- 32 WHITTIER FALLS INC.
62 WHITTIER STREET
DOVER, NH 03820
TAX MAP E, LOT 65-C
S.C.R.D. BOOK 4224, PAGE 554

ADDITIONAL ABUTTERS:

- 33 WHITTIER FALLS INC.
62 WHITTIER STREET
DOVER, NH 03820
TAX MAP E, LOT 74-A
S.C.R.D. BOOK 4224, PAGE 554
- 34 LIBERTY MUTUAL INSURANCE CO.
ATTN: TYLER MUNGER
175 BERKELEY STREET
BOSTON, MA 02116
TAX MAP E, LOT 24
S.C.R.D. BOOK 1364, PAGE 453

GRAPHIC SCALE



NOTES:

- 1.) OWNER: 59 TOLAND RD LLC
42J DOVER POINT ROAD
DOVER, NH 03820
A.) TAX MAP E, LOT 65-1
B.) EXISTING LOT AREA: 1,388,401 Sq.Ft.±, 31.87 Ac.±
PROPOSED LOT AREA: 1,807,985, 41.51 Ac.±
C.) S.C.R.D. BOOK 5044, PAGE 744
- 2.) OWNER: EUGENE A. & DONNA L. SGRIGNUOLI
22 SUN HAWK LANE
DOVER, NH 03820
A.) TAX MAP E, LOT 65-A
B.) EXISTING LOT AREA: 546,549 Sq.Ft.±, 12.54 Ac.±
PROPOSED LOT AREA: 126,967 Sq.Ft., 2.92 Ac.
C.) S.C.R.D. BOOK 1571, PAGE 86
- 3.) ZONING: (R-20) LOW DENSITY
MINIMUM FRONTAGE ~ 125'
MINIMUM LOT SIZE ~ 20,000 Sq. Ft.
FRONT SETBACK ~ 20'
REAR SETBACK ~ 30'
SIDE SETBACK ~ 20'
WETLANDS BUFFER ~ 50.0'
MAX. BUILDING HEIGHT: 35'
MAX. LOT COVERAGE: 30%
- 4.) THIS LOT LINE REVISION IS PART OF A LARGER 147 PAGE PLAN SET. SHEETS #4, 19, & 20 ARE TO BE RECORDED AT THE S.C.R.D.
- 5.) SEE SHEET #2 FOR COMMON NOTES.
- 6.) SUN HAWK LANE IS PRIVATE FROM THE END OF WHERE NH&B OWNS AND IS TO BE USED FOR EMERGENCY VEHICLE ACCESS.
- 7.) OWNERS OF LOT A TO USE THE PRIVATE ROAD TO ACCESS THEIR PROPERTY AND/OR FOR UTILITY ACCESS.
- 8.) THE OWNERS OF LOT B WILL MAINTAIN AND PLOW SUN HAWK LANE AT THEIR SOLE EXPENSE.

PLAN REFERENCES:

- 1.) STANDARD PROPERTY SURVEY AND SUBDIVISION OF LAND OF THE EDWARD J. GEORGE FAMILY TRUST
BY: CIVIL CONSULTANTS
DATED: APRIL 2, 2011
S.C.R.D.: PLAN #102-24
- 2.) PLAN OF LAND PREPARED FOR FAIRVIEW PARTNERS, LLC
TAX MAP E, LOT NO. 74B 35 TOLAND ROAD CITY OF DOVER COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE
BY: MCNEANEY SURVEY ASSOCIATES INC.
DATED: MARCH 4, 2016
- 3.) SUBDIVISION OF LAND FOR KAREN & JAMES BECKINGHAM & MARY & SCOTT MCEWAN IN DOVER, N.H.
BY: BRUCE L. POHOPEK
DATED: FEBRUARY 19, 1986
S.C.R.D.: PLAN #29-67
- 4.) SUBDIVISION OF LAND FOR PAUL MARTEL IN DOVER, N.H.
BY: BRUCE L. POHOPEK
DATED: OCTOBER 4, 1978
S.C.R.D.: PLAN #19A-47
- 5.) PLAN OF LOT ERNEST BASTANDIG DOVER NEW HAMPSHIRE
BY: G.L. DAVIS & ASSOCIATES
DATED: MAY, 1969
S.C.R.D.: BOOK 858, PAGE 159
- 6.) PLAN OF LAND, HAROLD A. & YVONNE M. CLEWLEY & LINDA J. NOURY, NORTH SIDE OF TOLAND ROAD, DOVER, NH
BY: R.W. MCCORNE
DATED: MARCH 1986
S.C.R.D. PLAN #28A-04
- 7.) BOUNDARY LINE ADJUSTMENT, THE HEIRS OF KENNETH IRENE M. NYE AND PAUL & KATHERINE MARTEL, UPPER FACTORY ROAD, DOVER, NH
BY: TRITECH ENGINEERING CORPORATION
DATED: OCTOBER 25, 2004
S.C.R.D. PLAN #77-87
- 8.) SUBDIVISION OF LAND FOR ANTONIO BASTIANELLI IN DOVER, N.H.
BY: BRUCE L. POHOPEK, LAND SURVEYOR
DATED: JULY 31, 1989, AS REVISED 5/28/90
S.C.R.D. PLAN #32-149
- 9.) STATE OF NEW HAMPSHIRE, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, PLAN OF PROPOSED L51824(1), SPAULDING TURNPIKE
DATED: OCTOBER 19, 1955
S.C.R.D. PLAN #32, POCKET 15, FOLDER 3 & S.C.R.D. PLAN #36, POCKET 15, FOLDER 3 & ON FILE AT NH DOT RIGHTS-OF-WAY, CONCORD, NH

REVISION	DATE	DESCRIPTION
		LOT LINE REVISION LAND OF 59 TOLAND ROAD, LLC AND EUGENE A. & DONNA L. SGRIGNUOLI TOLAND ROAD DOVER, N.H. TAX MAP E, LOT 65-1 & 65-A

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT RD.
BARRINGTON, N.H. (603)332-2863
SCALE : 1 IN. EQUALS 100 FT.
DATE : APRIL 15, 2023
FILE NO. : DB 2023-031

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER, N.H. - 1:10,000-
3-30-23
KENNETH A. BERRY L.L.S. 805 DATE

SHEET 49 OF ---- DOVER PLANNING FILE #P22-10