

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, October 19, 2023**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 21, 2023

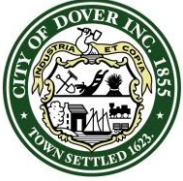
3. HEARINGS

- A. ***ZONE-2023-0045** Applicant: Bruton & Berube, PLLC (Owners: Laurie S. Anderson and Andrew R. & Holly Welsh Smith), 13 & 11 Hawthorn Road, Tax Map 17, Lots 132 & 131) located in the Medium Density Residential District (R-12), request a Variance from **Section 170-12.(B) of the Zoning Ordinance**, to allow for a reduction in minimum lot area in order to facilitate a lot line adjustment of shared property lines. The zoning district requires a minimum of 12,000 sq. ft.; if relief is granted, post-adjustment Lot 131 will be 11,079± sq. ft. and Lot 132 will be 11,710± sq. ft.

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

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1. ATTENDANCE

Members Present: Chis Prior (Chair), Otis Perry (Vice Chair), Rich Onufry, Anthony Sillitta, Nicholas Couturier, and Sarah Tatarczuk (Alternate)

Members Absent (Excused): George Reagan (Alternate)

Members Absent (Unexcused): None

Staff Present: Natasha Kypfer (Zoning Administrator/Assistant City Planner); Donna Benton (Planning Director)

The Chair called the meeting to order at 7:00 PM.

2. APPROVAL OF MEETING MINUTES OF AUGUST 17, 2023

Motion: Perry moved to approve the minutes of August 17, 2023. Seconded by Couturier. Vote: U/A

The Chair explained the hearing process and meeting procedures.

3. HEARINGS

A *ZONE-2023-0042 Applicant/Owner: Miles Cook, Deepwater Frontiers LLC, Back Road (Tax Map M, Lot 104), located in the Rural Residential (R-40) Zoning District, requests an appeal of a July 13, 2023 administrative decision regarding the placement of a storage container under **Section 170-12(B) of the Zoning Ordinance**. The Zoning Administrator determined that the storage container needs to comply with setback requirements, or be moved to a location that complies with setbacks.

Attorney William Baker, of Shaheen & Gordon, P.A., represented the applicant and presented the item.

He noted the applicant understands the abutter's concerns, wants to be a good neighbor, and ultimately come to a favorable outcome for all parties.

Attorney Baker states that the issue is:

The difference of opinion with staff interpretation as to the type of structure, as defined by City ordinance, which is vague and led to discriminatory enforcement.

The trailer on this site in question is similar to construction trailers used elsewhere and is there to aid in the building of the driveway. The intent is to ultimately move the trailer further back along the property, and utilize its contents to help develop the property. Presently, it is set at the first wetland crossing, while waiting for issuance of a permit from DES to cross the wetland to begin further development. Attorney Baker stressed that its placement is temporary – not permanent. The trailer houses the equipment needed to do the work.

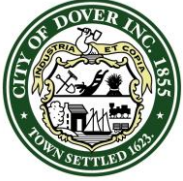
Attorney Baker continues, stating that the applicant does not believe the trailer meets the criteria of a building which, therefore, needs to meet setback requirements.

Having a “framework of support” is vague language; for instance, humans and cars have a “framework of support”.

He continued by noting he has several photos of similar construction trailers found around the City for which, he attests that no setbacks are required. These photos are handed out for the Board to review. Attorney Baker continues stating that these photos show the discretionary and potentially discriminatory nature of the interpretation and enforcement of the Zoning Ordinance.

Attorney Baker answered questions from the Board, responding:

- The photos distributed to the Board, described as depicting storage containers not adhering to setbacks, cannot be confirmed for certain to not be in compliance with required setbacks.
- The DES permits have not yet been submitted, as the project is still in the surveying process.
- The timeline for the permitting process and restrictions about construction at certain times of year or length of time for active permits was not able to be answered by Attorney Baker.
- The trailer in question does not have wheels on it.



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- The trailer has been in place for two or three months.
- The trailer was set in place prior to submission of the DES permit, knowing the wetland could not be crossed, made sense in order to access the rest of the property. There was already a rough driveway area in place up to that point in the accessway.
- In response to whether the permitting process has begun with the City for the driveway or future buildings:
 - Mr. Miles Cook, Manager of Deepwater Frontiers LLC and owner of the subject property approached the podium and stated: the equipment in the trailer is for surveying the 26 acres of land; they've walked the land with DES and are aware of the areas requiring more in-depth surveying along with the four wetlands crossings. The equipment makes the surveyor's job easier by having it nearby since they have so much land to survey. It is quite a large project which is taking time and resources, and they are experiencing delays.
 - Mr. Cook confirms that, yes, the driveway permit has been received.
- There is electricity and a generator inside the unit.
- It is locked up when not in use.
- In response to whether the applicant is open to a condition of approval to limit the timeframe the trailer can be on site, for example, nine months:
 - Possibly, with the option to provide updates to Staff and the Board, and provide for an extension, as needed.

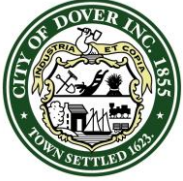
Public Hearing opened.

Public Comment:

Jim McKenna, 278 Middle Road, made several comments:

- Many development projects have come through and none have this shipping container on site.
- Mr. Cook is head of an HOA that protects the rights of his neighborhood by maintaining setbacks and stopping construction on an adjacent parcel.
- Mr. McKenna has stood up for the applicant's driveway and not fought to maintain setbacks for it.
- The adjacent lot has an unpermitted fire pit.
- Mr. McKenna has defended the applicant's rights and wants to defend his own rights and be sure the applicant follows the codes.
- Mr. McKenna has had conversations with staff about the issue and urges staff to enforce the codes.
- He researched the definition of 'structure' and relayed that definition.
- He discussed the City's definition of structure being "a framework of support".
- Contents of the container are not what the applicant claims; there are personal items in there.
- The structure has been there for four months and neighbors have been living with loud noises coming from there including diamond cutting of large doors and stripping of furniture. It's a large echo chamber.
- He discussed the term 'accessory structure'.
- Three options he proposes for consideration:
 - Move the container to the applicant's own driveway and bring it back when the road is done.
 - Move the container to one of the applicant's various business locations.
 - Go to another abutter to ask if he can park it on their property until the DES permits have come through.
- Wetlands permits can take varying lengths of time to obtain and then the building process takes more time on top of that.
- He asked for the Board to order the container to be moved and a monetary fee of \$1000 a day penalty.
- He will appeal if the decision does not go in favor of him and his neighbors.
- He thanked the Board and City staff.

Edward Minerowicz, 268 Middle Road, is in favor of upholding the Zoning Administrator's decision. He believes the storage container does fit the City's definition of a structure. He checked the DES website and, as the applicant's representative stated,



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there is no wetlands permit filed yet for that property. It takes several months to get a surveyor out there and get it surveyed, apply for the permit and have it reviewed and approved – possibly up to a year for the whole process. He prefers the container be moved. Another option may be to apply for a temporary wetland crossing permit and use swamp mats to move the container further into the property.

Bradley Amari, 51 Tuttle Lane, commented that he initially noticed the storage container because it looks like it is sitting right on the wetlands. This item is a shipping container, not a trailer. If there was a development plan on file with the City, he would understand the purpose of the container to support the construction. He referenced a Dover document, a “wet soils PDF” which shows this property has more wetlands on it than almost any other in the area. That area is a water shed and should go through proper permitting through the City and DES. He encouraged the applicant to start the permitting process with the City. He described some issues with the term ‘wetlands crossing’ and how the applicant is using it. He suggests they could store the container on a trailer and store it on other property’s owned by the applicant. He agrees with Dover staff’s interpretation of the code. He also noted surveyors generally prefer to keep their equipment with them and also to walk the property they are surveying. He himself is attempting to have his land surveyed and there was a three-month lead in time before they started, and due to the rain, there have been months of delays. He expects the applicant’s project will take years.

Gary Mamigonian, 291 Middle Road, agrees with the comments that have been made. The container is a structure. Additionally, s 53’ structure is not needed to house surveying equipment. It needs to go, and the proper permits need to be filed.

JoAnn McKenna, 278 Middle Road, loves her home and neighborhood and has been there 49 years. Everyone takes care of their property, and this structure should not be there. Neighbors have approached her and do not know what [the storage container] is for, as well as recognizing it is situated right by her property. She agrees with staff that there should be adherence to setbacks.

Staff summarized four emails which were received to the office from:

- Vasco and Beth Marques of 6 Hayden Drive, received on 9-17-2023
- Jane and Kent Howard of 262 Middle Road, received on 9-20-2023
- Brendan Driscoll, 277 Middle Road, received on 9-21-2023
- Deputy City Manager Christopher G. Parker, received on 9-21-2023

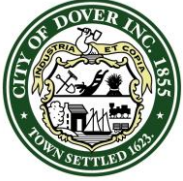
Planning Department recommendation: Zoning Administrator Kypfer gave some background information noting a formal code complaint was submitted in May by the abutter, Mr. Jim McKenna, which is what predicated the need to make a formal Administrative Determination. The property is a “flag-style” lot, just over 26 acres, and with an approximately 4000’ access strip (20’ wide), leading to the larger portion of the lot which has frontage on the waterway. State Statute (NH RSA) and the City of Dover’s Zoning Ordinance, are the context under which this case has been reviewed and is where the definition for structure originates.

The City of Dover’s Planning Department seeks to bring about compliance through cooperation, and multiple solutions were presented to the applicant in writing and during a meeting. These included: moving the container to an area in which it is possible for it to adhere to setbacks; electing to proceed with a relief mechanism before the ZBA such as a Variance application; by providing an enforcement delay period of 90 days; and, lastly, the appeal process – which is where we sit today.

The sole issue of this case is whether the placement of the storage container is in conformity with the intent of the Zoning Ordinance, and whether the determination made by her (as the Zoning Administrator) in her July 13, 2023 letter is to be upheld. Staff recommends the Board deny the location of the storage container and affirm the Zoning Administrator’s interpretation.

Zoning Administrator Kypfer followed up by addressing some of the comments made tonight:

First, the historical context in which storage containers have been previously reviewed in the City of Dover, by way of Deputy City Managers Parker’s letter, which highlights past practices, as well as what is in the best interest of this community. Next, Attorney Baker had mentioned discriminatory enforcement and while the staff is limited, she explained the process that an investigation must



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begin once a formal complaint has been filed. Third, she explained her understanding of the timeline: the issue was first presented in the second week of May, which is approximately 4.5 months ago. Lastly, Zoning Administrator Kypfer, stated that she had received information from an abutter, as well as the She stated that she had also received information from an abutter indicating that recreation ATV vehicles were stored in the subject container and used periodically, including for the purposes of the surveying team to conduct pre-site work, and recreationally.

Planning Director Benton stated Zoning Administrator Kypfer accurately described an overview of the letter and the process. Planning Staff does not believe that this is discriminatory enforcement issue. There is a procedure that is in place and needs to be followed, which often takes longer than abutters (complainants) would prefer.

Attorney Baker is given the opportunity for rebuttal and notes the item in question is “a temporary structure” which will not remain in place permanently. The purpose of enforcement of the regulations is to ensure setbacks of permanent structures. As this structure is temporary, the setbacks should not be applicable.

Additional public comment is allowed by Jim McKenna, 278 Middle Road, who states he has heard from a neighbor that there are more wetland crossings. He also clarified linear feet based on language in the deed. The storage container is halting the process, rather than helping it. Temporary wetlands crossing permits could be sought by those who need to use them, and they could potentially bring ATVs with them when they come to work on the site.

Public Hearing was closed.

Motion: Sillitta moved to deny the appeal and uphold the Zoning Administrator’s decision. Sillitta states, based on the sole issue of this case, which is whether the placement of the storage container is in conformity with the intent of the Zoning Ordinance and whether the determination made by the Zoning Administrator in her July 13, 2023 letter is to be upheld. The item/storage container does not qualify as a principal building per the Zoning Ordinance, this seems to be agreed to by all parties involved. This leaves this item/storage container to be defined as a “structure” per the definitions as outlined in the existing City ordinances. For these reasons, I believe the appeal does not meet the standard for the decision to be overturned.

Perry seconded.

Chair Prior agreed and mentioned there are relief mechanisms available if this was an active construction site with permits in place.

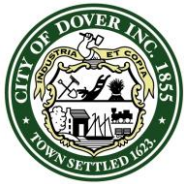
Vote: U/A

4. OTHER BUSINESS

Chair Prior noted that Zoning Administrator Natasha Kypfer will be leaving the City of Dover for a new position with the City of Portland, and thanked her for the time and attention she has given the Board.

5. ADJOURN

Motion: Perry moved to adjourn at 8:26 pm. Sillitta seconded. Vote: U/A



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:	October 19, 2023
Meeting Time:	7:00 pm

INTENT: The Owners request a Variance from **Section 170-12.(B) of the Zoning Ordinance**, to allow for a reduction in minimum lot area in order to facilitate a lot line adjustment of shared property lines. The zoning district requires a minimum of 12,000 sq. ft.; if relief is granted, and a lot line adjustment is granted then post-adjustment Lot 131 will be 11,079± sq. ft. and Lot 132 will be 11,710± sq. ft.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-12

FILE: ZONE-2023-0045

APPLICANT: Attorney Josh Lanzetta c/o Bruton & Berube, PLLC

OWNER:

Lot 131 - Andrew R. & Holly Welsh Smith
Lot 132 - Laurie S. Anderson

LOCATION: 11 and 13 Hawthorn Road (Tax Map 17, Lots 131 and 132)

ACREAGE: Original / New (in sq. ft.):
Lot 131 - 10,730± sq. ft. / 11,079± sq. ft.
Lot 132 - 12,059± ac / 11,710± sq. ft.

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential (No change)

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

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

ATTACHMENTS: Application materials including narrative and letters of support from abutters.

STAFF RECOMMENDATION: Staff supports the Variance request.

BACKGROUND INFORMATION

The properties subject to this Variance request is located on Hawthorn Road. The owners of 11 and 13 Hawthorn Road or Lots 131 and 132 wish to complete a lot line adjustment to correct an encroachment. Neither lot would have the required lot area post-adjustment so a Variance is being requested. Should the Variance be granted, a lot line adjustment application would need to be reviewed by the Planning Board.

REASON FOR RECOMMENDATION

The applicants are seeking to complete a lot line adjustment to correct an encroachment. The lot line adjustment is a suggested recommendation coming from the applicants going through mediation according to the narrative submitted as part of the application. One of the lots is already under the minimum lot size and both would be rather close to having the required lot area so the Zoning Ordinance spirit and intent is close to being met and would not be contrary to the public interest, substantial justice is done, the values of surrounding properties should not be affected, the use is not changing, and the settlement agreement could be obtained.

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 Variance request.

If the Board grants the variance, staff recommends one condition:

- 1) The applicant submit a Lot Line Adjustment Plan and necessary application materials to the City to be reviewed by the Planning Board.



PERMIT SNAPSHOT REPORT ZONE-2023-0045 FOR CITY OF DOVER, N.H.

Permit Type: Zoning
Work Class: Variance
Status: Fees Due
Valuation: \$0.00
Description: Variance Request (see attachments)

Project:
District: None
Square Feet: 0.00
Assigned To: Blonigen, Rachel

App Date: 09/28/2023
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Parcel: 17131-000000	Address: 13 Hawthorn Rd Dover, NH	Zone: R-12(Residential - Medium Density)
17132-000000 Main	11 Hawthorn Rd Dover, 03820	

Owner: Laurie Anderson
Applicant: Josh Lanzetta
601 Central Avenue
Dover, NH 03820
Business: (603) 777-0579
Mobile: (603) 777-0579

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirectionswest lot line
ZoneVariPlanSummary See attached	ZoneVariAppealSect 170-12	ZoneVariAppealSectDe See attached tail
What is the parcel R-12 zoned?	ZoneVariAppeal1Public See attached Interest	ZoneVariAppeal2Ordin See attached anceSpirit
ZoneVariAppeal3Subst See attached antialJustice	ZoneVariAppeal4Prope See attached rtyValue	ZoneVariAppeal5A1Un See attached NechHardship
ZoneVariAppeal5A2No See attached FairRelate	ZoneVariAppeal5A3Re See attached asonableUse	ZoneVariAppeal5BNoR See attached easonableUse

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Josh_Lanzetta_9/28/2023.jpg	09/28/2023 11:03	Lanzetta, Josh		Uploaded via CSS
Permit Snapshot Report.pdf	09/28/2023 11:03	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
ZONE-2023-0045 Hawthorne Rd Abutter Notice.pdf	10/05/2023 12:46	Blonigen, Rachel		
2023.10.19_ZoningBoardofAdjustment. Agenda.pdf	10/12/2023 14:59	Blonigen, Rachel		

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00005240	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00005240		\$200.00	\$200.00
INV-00005297	Planning Public Notice in Newspaper	\$120.00	\$0.00
	Planning Certified Mailing to Abutters	\$180.00	\$0.00
	Planning Creation / Printing of Abutter Labels	\$20.00	\$0.00
	Planning Certified Mailing to Application Contacts	\$30.00	\$0.00
Total for Invoice INV-00005297		\$350.00	\$0.00
Grand Total for Permit		\$550.00	\$200.00

Hearing Type	Location	Scheduled Date	Status	Subject
Zoning Board Hearing v.1	Council Chambers	10/19/2023	Scheduled	Variance

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	09/28/2023	10/30/2023	10/03/2023	No	Yes

PERMIT SNAPSHOT REPORT (ZONE-2023-0045)

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Kypfer, Natasha	Approved	10/02/2023	10/30/2023	10/03/2023
Comments: Variance scheduled to be heard at ZBA hearing on October 19, 2023.						
Workflow Step / Action Name			Action Type	Start Date		End Date
Review v.1				10/02/2023	11:22	10/03/2023 11:59
Confirm application complete v.1			Generic Action			10/02/2023 11:22
Planning Permit Application Review v.1			Receive Submittal	10/02/2023	0:00	10/03/2023 11:59
Zoning Board v.1				10/04/2023	10:40	
Zoning Board Agenda v.1			Task	10/04/2023	10:40	10/04/2023 10:41
Invoice for Notices v.1			Task	10/04/2023	10:41	10/04/2023 10:41
Send Notices v.1			Task	10/04/2023	10:41	10/05/2023 12:59
Zoning Administrator Creates Staff Recommendations v.1			Task	10/05/2023	12:48	10/12/2023 16:31
Distribute Zoning Board Materials v.1			Task	10/12/2023	16:31	10/12/2023 16:32
Zoning Board Hearing v.1			Hold Hearing	10/12/2023	16:31	
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			

BRUTON & BERUBE, PLLC

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

ATTORNEYS AT LAW

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September 28, 2023

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

Re: Variance Application
Applicant: Laurie Anderson, Andrew & Holly Smith c/o Bruton & Berube, PLLC
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

Dear Planning Board Members:

The purpose of this letter is to submit a Variance Application (the “Application”) to permit a reduction in minimum lot area to facilitate a lot line adjustment of shared property lines located between Map 17, Lot 131 (the “Smith Property”) and Map 17, Lot 132 (the “Anderson Property”) on behalf of neighbors, Laurie Anderson, Andrew Smith, and Holly Smith (collectively the “Applicants”).

Pursuant to RSA v and the Zoning Ordinance¹ of the City of Dover, New Hampshire, the Applicant seeks a variance for minimum lot size under Ordinance section 170-12². As provided below, this variance enables the Applicants to appropriately apply for a lot line adjustment with the Dover Planning Board seeking to change the lot line between the Anderson Property and the Smith Property (the “Project”) in compliance with a Settlement Agreement generated by litigation in Strafford County Superior Court.

Accordingly, the Applicants respectfully request the Zoning Board (the “Board”) schedule a hearing on October 19, 2023 or at its next hearing to review and grant the Application.

I. ENCLOSED DOCUMENTS

Please find 1-copy of the following documents enclosed:

- a) Application dated September 28, 2023;
- b) Abutters List dated September 28, 2023;

¹ See generally, Zoning, City of Dover, New Hampshire (2022) (the “Ordinance”).

² Ordinance § 170-12(A)-(B), 170-4 (2022).

- c) 10-Letters of Support;
- d) Plan prepared by McEneaney Survey Associates dated October 26, 2022 including:
 - a. Existing Conditions Plan; and
 - b. Lot Line Adjustment Plan (together, the “Plans”);

II. NARRATIVE & ANALYSIS

The Applicants (neighbors) own abutting parcels of residential real estate on Hawthorne Road in Dover, New Hampshire. In 2021, a dispute arose regarding the location of the existing lot line after a boundary survey found the existing fence and shrubbery separating the lots to be improperly located and/or encroaching on the Anderson Property. After substantial disagreement, a lawsuit—and resulting mediation—the Applicants settled the dispute and agreed to shift the existing lot line 3-feet to the location illustrated on the enclosed Plans. Through counsel, the Applicants then properly notified the Court of settlement, and the Court approved requisite motions to close the matter.

Unfortunately, the litigation and settlement process did not account for municipal permitting and/or Ordinance compliance, and the Applicant must now secure a variance from the ZBA and a lot line adjustment from the Planning Board (respectively approving a lot size below 12,000 S.F.³ (the “Threshold”) and shifting the lot line 3 F.T.) to uphold their Settlement Agreement. Without municipal relief, there is no way to uphold the Settlement Agreement, and the small size of each lot prohibits alternative remedies.

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.

A. The variance is not contrary to the public interest.

The Applicant respectfully asserts the variance (i.e., reducing the Anderson Lot by 349 S.F.) represents a reasonable use of the Property, and that the public interest is served, by permitting the orderly development of property in Dover’s R-12 zone. Many properties in the R-12 zone do not comply with the Threshold, and creating a slightly non-compliant lot does not 1) alter the essential character of the surrounding neighborhood, 2) impact abutters, and/or 3) affect the public.

³ See Id. See Table of Use and Dimensional Regulations, Medium Density Residential (R-12) District. The Settlement Agreement stipulates the Smith Property expands from 10,730 S.F. (.24 acres) to 11,079 S.F. (.25 acres), and the Anderson Property decreases from 12,059 S.F. (.28 acres) to 11,710 S.F. (.27 acres).

B. The spirit of the ordinance is observed.

The spirit of the ordinance is observed because the project encourages the most appropriate use of land in Dover's R-12 Zone. Allowing Anderson to reduce the size of her lot to comply with a Settlement Agreement, while adding square footage to an already noncompliant lot (Smith Property), is reasonable when juxtaposed with the neighborhood's noncompliance precedent.

C. Substantial justice is done.

Substantial justice is done by granting this variance because it allows the Applicant's property to be reasonably utilized considering abutting property uses, lot sizes, and its locus in the R-12 Zone. This proposal does not burden the public in any way, and substantially benefits the Applicant by allowing them to reasonably use their property with no detrimental effect to surrounding property and in compliance with the Settlement Agreement.

D. The values of surrounding properties are not diminished.

The Applicant respectfully asserts that all surrounding properties have an associated value premised upon the existence of structures and features like those on the Property. Here, the Project will not affect any abutting neighbor and is consistent with nearby uses.

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

a) Owning to special conditions of the property that distinguish it from other properties in the area:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property because:

The public is not served by prohibiting the Applicant from settling a dispute pursuant to litigation and affecting the resulting Settlement Agreement seeking lot line adjustment to correct an erroneously placed fence and landscaping feature.

To complete a lot line adjustment, the Applicant must obtain a variance to lower the Anderson Property's square footage below the Threshold. In this instance, there is no fair and substantial relationship between the general public purpose of the Ordinance's provision limiting the minimum square footage to 12,000 S.F. and the specific application of this provision to the Anderson Property because a substantial number of properties in the R-12 zone do not comply with the Threshold.

ii. The proposed use is a reasonable one.

It is reasonable to approve a variance reducing the size of the Anderson Lot to facilitate compliance with the Settlement Agreement and to equitably mirror lot sizes currently permitted in the R-12 zone.

- iii. *If the criteria [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:*

It is impossible to follow the Settlement Agreement and thereby affect a diminimus lot line adjustment without obtaining a variance allowing lot size reduction.

IV. RELIEF REQUESTED

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

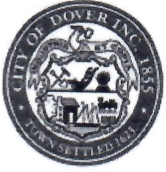
1. Approve the Application; and
2. Grant all relief necessary to affect this request.

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

Sincerely,



Joshua Patrick Lanzetta, Esq.



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: Laurie Anderson, Andrew & Holly Smith c/o _____ Phone # 603--777-0579
Bruton & Berube, PLLC

Address of Applicant: 601 Central Avenue, Dover, NH 03820

E-Mail Address: josh@brutonlaw.com

PROPERTY OWNER (if different from applicant): Laurie Anderson

Address: 13 Hawthorne Road, Dover, NH 03820 Phone # 603-777-0579

E-Mail Address: josh@brutonlaw.com

PROPERTY/PARCEL INFORMATION

Address: 13 Hawthorne Road, Dover, NH 03820

Brief Directions: _____

Zoning District: R-12 Assessor's Map # 17 Lot(s) # 132

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:

Please see enclosed materials.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant)
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING. _____
- B. **5 Copies of Completed Zoning Board of Adjustment Application**
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)). _____
- C. **5 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. _____
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). _____
- E. **5 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # _____ of x \$10.00 =
 2. Certified letters fee: # of abutters _____ X \$10.00 = \$ _____
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 = \$ _____
 4. Creating/Printing Abutter Labels in triplicate per sheet _____ x \$10.00 = \$ _____
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:
 - \$200.00 VARIANCE (per Section requested) \$ _____
 - \$200.00 SPECIAL EXCEPTION \$ _____
 - \$200.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
 - \$200.00 EQUITABLE WAIVER \$ _____
 2. Foster's newspaper public notice \$ **120.00**
- TOTAL FEE** \$ _____

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:

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: 9/28/2023

ABUTTERS LIST
September 28, 2023

Re: Abutters List for Lot Line Adjustment Application
Applicant: Laurie Anderson, Andrew Smith, and Holly Smith c/o Bruton & Berube, PLLC
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 – 132
Zone: R-12

Owners

17132-000000
Laurie Anderson
13 Hawthorne Road
Dover, NH 03820

Andrew R. Smith
Holly Welsh
11 Hawthorn Road
Dover, NH 03820

Abutters⁴

17139-A00000
Alison Coffey
15 Hawthorn Road
Dover, NH 03820

17124-B00000
Edward J. & Nancy L. Sheehy
14 Hawthorn Road
Dover, NH 03820

17127-000000
17124-000000
Patricia Langs
10 Hawthorn Road
Dover, NH 03820

17128-000000
David Hogan
12 Hawthorn Road
Dover, NH 03820

K0046-000000

⁴ This Abutters List includes direct abutters for the Anderson Property and the Smith Property (as defined in the submission letter).

Alexander M. Vacca
12 Middlebrook Road
Dover, NH 03820

17130-000000
Kerry J. Kennedy
Kristen M. Tobiassen
9 Hawthorne Road
Dover, NH 03820

K0047-000000
Florensia Cuevas
10 Middlebrook Road
Dover, NH 03820

Professionals

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

McEneaney Survey Associates of New England
Attn: Kevin McEneaney
PO Box 681
Dover, NH 03820

Robert and Kathleen Shaps
3 Hawthorn Road, Dover, NH 03820
914-497-0582
978-866-2070
robert.shaps@gmail.com
kshaps06@gmail.com

September 11, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

To Whom it May concern:

I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,



NAME
TITLE Neighbor



NAME
TITLE Neighbor

Brett and Eleanor Gleason
5 Hawthorn Road
Dover, NH 03820
603-491-4629
603-781-4816
bhgleason4629@hotmail.com
egleason917@gmail.com

September 6, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

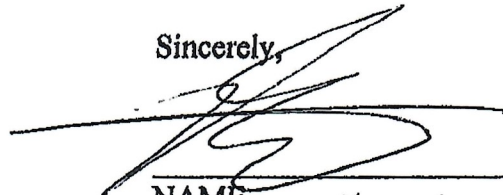
To Whom it May concern:

I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,



NAME

TITLE neighbor



NAME

TITLE neighbor

Johanna Barrett
7 Hawthorn Road, Dover, NH 03820
978-979-6543
jelbarrett@verizon.net

September 8, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

To Whom it May concern:

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Thank you for considering my letter of support.

Sincerely,



NAME
TITLE neighbor

NAME
TITLE

Kerry Kennedy and Kristen Tobiasen
9 Hawthorn Road, Dover, NH 03820
603-285-3574
603-842-9300
kerry.kennedy@libertymutual.com
kmtobiasen@gmail.com

September 8, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

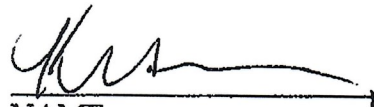
To Whom it May concern:

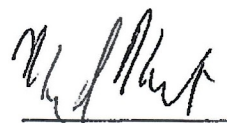
I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,


NAME
TITLE


NAME
TITLE

Alison and Kyzer Gardiola
15 Hawthorn Road, Dover, NH 03820
603-674-6005
Kyzergardiola@gmail.com

September 21, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

To Whom it May concern:

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After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,



NAME Neighbor
TITLE



NAME Neighbor
TITLE

Amanda and Caitlin Toupin
17 Hawthorn Road, Dover, NH 03820
603-833-1522
603-833-1523
atoup@hotmail.com
ctoup@aol.com

September 7, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

To Whom it May concern:

I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,



NAME Amanda Toupin
TITLE Neighbor



NAME Caitlin Toupin
TITLE Neighbor

Patricia Langs
10 Hawthorn Road, Dover, NH 03820
603-742-1571
No Email Address

September 17, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

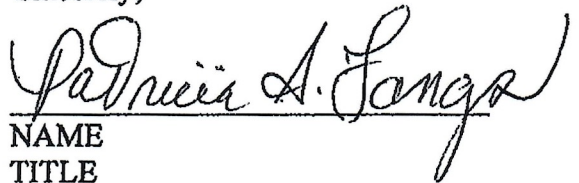
To Whom it May concern:

I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,



NAME
TITLE

NAME
TITLE

Forensia Cuevas
10 Middlebrook Road, Dover, NH 03820
603-781-0036
florensia.cuevas@hotmail.com

September 11, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

To Whom it May concern:

I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,



NAME Florensia Cuevas
TITLE Neighbor

NAME
TITLE

Alex Vacca
12 Middlebrook Road, Dover, NH 03820
603-674-7279
amvacca8@gmailcom

September 8, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

To Whom it May concern:

I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

After examining the Application, and accounting for my proximity and knowledge of the neighborhood, I remain in complete support of the proposal and believe that it will add value and character to the neighborhood.

Thank you for considering my letter of support.

Sincerely,



NAME
TITLE neighbor

NAME
TITLE

Michael King and Jill Ashman King
14 Middlebrook Road, Dover, NH 03820
603-973-9588
603-817-5341
mikeking236@yahoo.com
jillashman@yahoo.com

September 11, 2023

City of Dover, New Hampshire
288 Central Avenue
Dover, NH 03820

Re: Lot Line Adjustment and Variance Applications
Applicants: Laurie Anderson, Andrew & Holly Smith
Owner 1: Laurie Anderson
Owner 2: Andrew & Holly Smith
Properties: Map 17, Lots 131 & 132
Zone: R-12

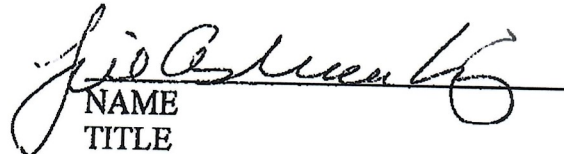
To Whom it May concern:

I am a resident of the City of Dover, New Hampshire, writing in strong support of the above referenced Applications.

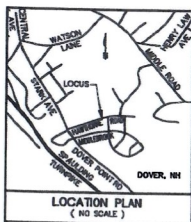
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Thank you for considering my letter of support.

Sincerely,

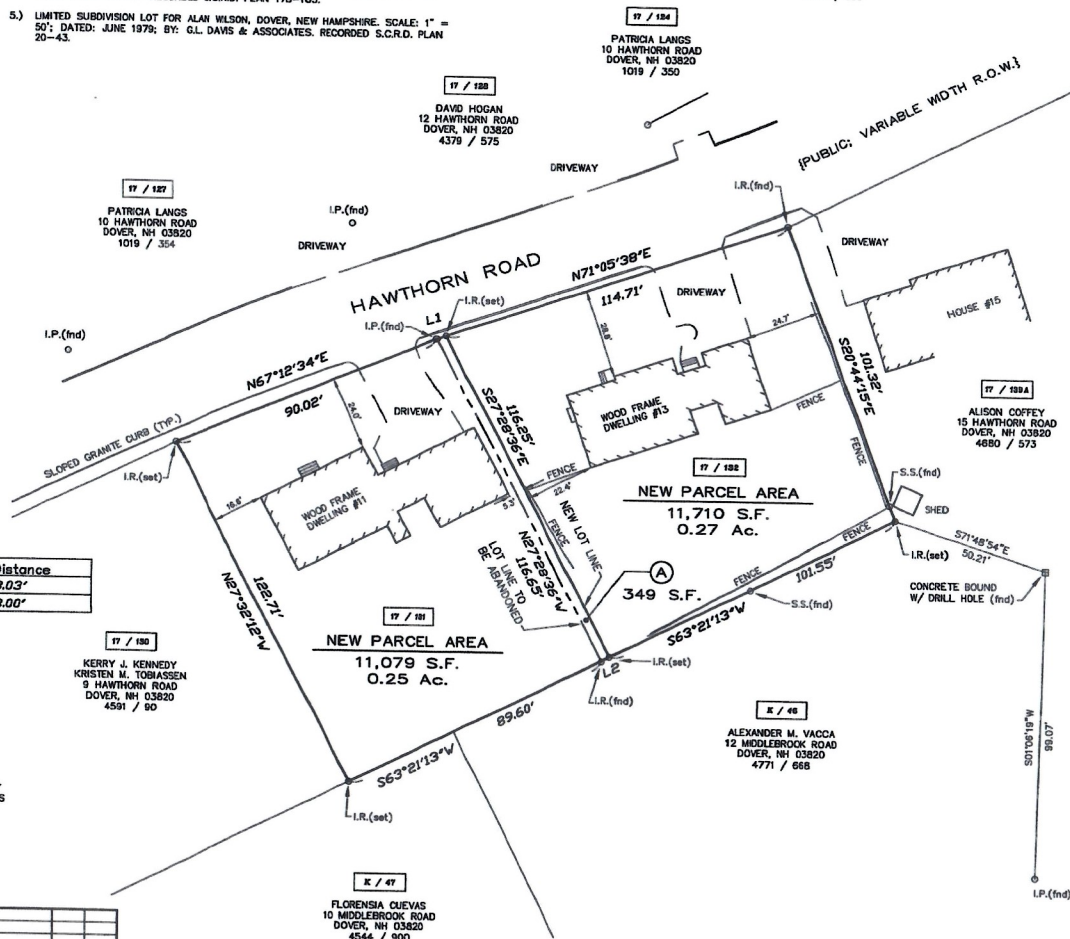

NAME
TITLE


NAME
TITLE



REFERENCE PLANS:

- 1.) FINAL PLAN - WAMACA INCORPORATED - MIDDLEBROOK, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: JUNE 1959; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.R.D. POCKET 15, FOLDER 1, PLAN 2.
- 2.) WAMACA INCORPORATED - MIDDLEBROOK - PROPOSED CONNECTION TO HAWTHORN ROAD, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: DECEMBER 1959; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.R.D. POCKET 15, FOLDER 1, PLAN 6.
- 3.) PLAN OF KOUTRELAKOS LAND - HAWTHORN ROAD, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: DECEMBER 1972; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.R.D. POCKET 6, FOLDER 3, PLAN 57.
- 4.) PLAN OF KOUTRELAKOS LAND - HAWTHORN ROAD, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: DECEMBER 1972, REVISED THROUGH 3/8/73; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.R.D. PLAN 178-103.
- 5.) LIMITED SUBDIVISION LOT FOR ALAN WILSON, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: JUNE 1979; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.R.D. PLAN 20-43.



No.	Bearing	Distance
L1	N71°05'37"E	3.03'
L2	S63°21'13"W	3.00'

LEGEND

S.F. - SQUARE FEET
Ac. - ACRE
(TYP.) - TYPICAL
± - MORE OR LESS
Ø - DIAMETER
S.C.R.D. - STRAFFORD COUNTY
REGISTRY OF DEEDS
I.P.(nd) - IRON PIPE (FOUND)
S.S.(nd) - IRON ROD (FOUND)
I.R.(nd) - IRON ROD (SET)
W/ - WITH

NO.	DATE	DESCRIPTION	BY	CHK
22-2417	LL ADJ	22-07	73	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

NOTES:

- 1.) OWNER OF RECORD:
 17 / 181 ANDREW R. SMITH
 HOLLY WELSH SMITH
 11 HAWTHORN ROAD
 DOVER, NEW HAMPSHIRE 03820
 TITLE REFERENCE FOR THE PARCEL IS THE
 STRAFFORD COUNTY REGISTRY OF DEEDS BOOK 4883, PAGE 182
 17 / 182 LAURIE S. ANDERSON
 13 HAWTHORN ROAD
 DOVER, NEW HAMPSHIRE 03820
 TITLE REFERENCE FOR THE PARCEL IS THE
 STRAFFORD COUNTY REGISTRY OF DEEDS BOOK 4161, PAGE 275
- 2.) 17 / 182 - DENOTES TAX MAP AND PARCEL NUMBER.
- 3.) ZONING DISTRICT IS MEDIUM DENSITY RESIDENTIAL (R-12)
 DIMENSIONAL REQUIREMENTS:
 MINIMUM LOT SIZE = 12,000 S.F.
 MINIMUM LOT COVERAGE = 30 PERCENT
 MINIMUM FRONTAGE = 100 FEET
 BUILDING SETBACK REQUIREMENTS:
 FRONT BUILD TO LINE = 15 FEET MINIMUM
 SIDE SETBACK = 25 FEET MAXIMUM
 REAR SETBACK = 15 FEET
 MAXIMUM BUILDING HEIGHT = 30 FEET
 MAXIMUM BUILDING HEIGHT = 35 FEET MAXIMUM
- 4.) PLAN INTENT: TO ADJUST THE PARCEL LOT LINES AS SHOWN.
 TRACT A, 349 S.F. / 0.01 Ac. IS TO BE ADDED TO PARCEL 17 / 131
- 5.) PARCEL AREAS:
 PARCEL: 17 / 181 17 / 182
 ORIGINAL: 10,730 S.F. / 0.25 Ac. 12,059 S.F. / 0.28 Ac.
 NEW: 11,079 S.F. / 0.25 Ac. 11,710 S.F. / 0.27 Ac.
- 6.) THE SUBJECT PARCELS ARE OUTSIDE OF THE 0.2 PERCENT ANNUAL CHANCE
 FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER
 330145; PANEL 0340; SUFFIX E; MAP NUMBER 33017C0340E; EFFECTIVE DATE
 SEPTEMBER 30, 2015.
- 7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION
 DATED SEPTEMBER 30, 2022.
 VERTICAL DATUM IS NAVD83 BASED ON GPS OBSERVATION DATED SEPTEMBER 30,
 2022.
- 8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED
 BY MCNEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING MARCH AND
 SEPTEMBER 2022 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- 9.) NO WETLANDS WERE OBSERVED ON THE SUBJECT PARCELS.

LOT LINE ADJUSTMENT PLAN
 PREPARED FOR
 ANDREW R. & HOLLY WELSH SMITH
 AND
 LAURIE S. ANDERSON
 TAX MAP 27, LOT Nos. 131 & 132
 11 & 13 HAWTHORN ROAD
 CITY OF DOVER
 COUNTY OF STRAFFORD
 STATE OF NEW HAMPSHIRE

DOVER PLANNING FILE No.

DRAWN BY: NJM	FILE: 2417\DWGS\22-2417
SCALE: 1" = 20'	DATE: OCTOBER 26, 2022



McNeaney
 Survey
 Associates
 of NEW ENGLAND
 P.O. Box 681 - 24 CHESTNUT STREET
 DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND
 SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY
 DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND
 BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION
 REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN
 TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF
 THE BOARD OF LICENSURE FOR LAND SURVEYORS."

ZONE-2023-0045**11 & 13 HAWTHORN ROAD**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
17124-000000	HAWTHORN RD	LANGS PATRICIA		10 HAWTHORN ROAD	DOVER	NH	03820
17124-B00000	14 HAWTHORN RD	SHEEHY EDWARD J &	SHEEHY NANCY L	14 HAWTHORN RD	DOVER	NH	03820
17125-000000	6 HAWTHORN RD	RUBINS PHILIP S		6 HAWTHORN RD	DOVER	NH	03820
17126-000000	8 HAWTHORN RD	MAGUIRE CATHERINE E	MCHUGH MARK N	8 HAWTHORN ROAD	DOVER	NH	03820
17127-000000	10 HAWTHORN RD	LANGS PATRICIA		10 HAWTHORN ROAD	DOVER	NH	03820
17128-000000	12 HAWTHORN RD	HOGAN DAVID		12 HAWTHORN RD	DOVER	NH	03820
17129-000000	7 HAWTHORN RD	BARRETT JOHANNA		7 HAWTHORN RD	DOVER	NH	03820
17130-000000	9 HAWTHORN RD	KENNEDY KERRY J &	TOBIASSEN KRISTEN M	9 HAWTHORN RD	DOVER	NH	03820-4218
17132-000000	13 HAWTHORN RD	ANDERSON LAURIE S		13 HAWTHORN RD	DOVER	NH	03820-4218
17134-000000	4 MIDDLEBROOK RD	HEGARTY MATTHEW G	HEGARTY LESLEY J	4 MIDDLEBROOK RD	DOVER	NH	03820
17135-000000	6 MIDDLEBROOK RD	GRAY WALLACE S &	EATON ESTHER J	6 MIDDLEBROOK ROAD	DOVER	NH	03820
17137-000000	5 HAWTHORN RD	GLEASON ELEANOR	GLEASON BRETT	5 HAWTHORN RD	DOVER	NH	03820
17139-A00000	15 HAWTHORN RD	COFFEY ALISON		15 HAWTHORN ROAD	DOVER	NH	03820
K0042-A00000	MIDDLEBROOK RD	6 DPR REALTY LLC		818 CENTRAL AVE	DOVER	NH	03820
K0043-000000	7 MIDDLEBROOK RD	MARTIN ALEXANDRA &	KELLY SHAWN	7 MIDDLEBROOK RD	DOVER	NH	03820
K0044-000000	9 MIDDLEBROOK RD	DEMOSTHENES RODGERS ELIZABETH		9 MIDDLEBROOK RD	DOVER	NH	03820-4237
K0045-000000	14 MIDDLEBROOK RD	ASHMAN-KING JILL E &	KING MICHAEL P	14 MIDDLEBROOK RD	DOVER	NH	03820
K0046-000000	12 MIDDLEBROOK RD	VACCA ALEXANDER M		12 MIDDLEBROOK RD	DOVER	NH	03820
K0047-000000	10 MIDDLEBROOK RD	CUEVAS FLORENSIA		10 MIDDLEBROOK ROAD	DOVER	NH	03820
K0048-000000	5 MIDDLEBROOK RD	MARKHAM DIANA C		5 MIDDLEBROOK RD	DOVER	NH	03820
K0050-001000	11 MIDDLEBROOK RD	LAWLOR ZACHARY L & BRUTON & BERUBE, PLLC	LAWLOR VICTORIA J JOSH LANZETTA	11 MIDDLEBROOK RD 601 CENTRAL AVENUE	DOVER	NH	03820-4237 3820