

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, November 16, 2023**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF OCTOBER 19, 2023

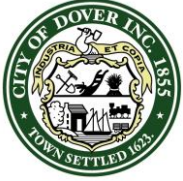
3. HEARINGS

- 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.
- B. ***ZONE-2023-0046** Applicant: Boudreau Land Surveying (Owners: Bridget Broderick), 26 Nye Lane, Tax Map E, Lot 49-6, located in the Low-Density Residential District (R-20), request a Variance from **Section 170-12 of the Zoning Ordinance**, to allow construction of a covered porch, and steps to be constructed approximately 14.6' from the side lot line, where 20' is required.
- C. ***ZONE-2023-0047** Applicant: Spectrum Signs and Graphics (Owners: Central Avenue Management, LLC), 118 Central Avenue, Tax Map 15, Lot 113, located in the Gateway District (G), request a Variance from **Section 170-32.G. of the Zoning Ordinance**, to allow for an increase in sign size for an approximate 53 s.f. wall sign and an approximate 69.4 s.f. free standing sign where the total sign area allowed is 24' in the Gateway District.
- D. ***ZONE-2023-0048** Applicant/Owner: Anthony Mckeeon Sallese, 7 Ham Street, Tax Map 27, Lot 16, located in Urban Density Multi Residential District (RM-U), request a Special Exception from **Section 170-52.C.3 of the Zoning Ordinance**, to allow for the conversion from two (2) living units to four (4) living units.
- E. ***ZONE-2023-0049** Applicant: Shaheen & Gordon, PA (Owners: Deepwater Frontiers, LLC), Back Road, Tax Map M, Lot 104, located in the Rural Residential District (R-40), request a Variance from **Section 170-12(B) of the Zoning Ordinance**, to allow for a storage container to remain on the parcel within the setback temporarily due to the unique natures of the property.

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

1. ATTENDANCE

Members Present: Chris Prior (Chair), Nicholas Couturier, Rich Onufry, and Jackson Brown (Alternate)

Members Absent (Excused): Otis Perry (Vice Chair), Anthony Sillitta, George Reagan (Alternate), and Sarah Tatarczuk (Alternate)

Members Absent (Unexcused): None

Staff Present: Thomas Clark (Acting Zoning Administrator)

The Chair called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF SEPTEMBER 21, 2023

Motion: N. Couturier moved to approve the minutes of September 21, 2023. Seconded by R. Onufry. Vote: U/A

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.

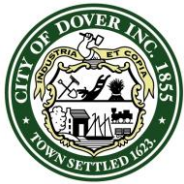
The Chair announced the applicant sent an email this afternoon requesting to continue to November 16th due to not having a full Board expected.

Motion for Case # ZONE-2023-0045: R.Onufry. moved to continue the case to November 16th at 7pm per the applicant's request. Seconded by N. Couturier. Vote: U/A

4. OTHER BUSINESS

5. ADJOURN

Motion: N.Couturier moved to adjourn at 7:03 pm. J.Brown 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:	November 16, 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.

ZONE-2023-0045 13 & 11 Hawthorn Road

**Property Information**

Property ID 17131-000000
Location 11 HAWTHORN RD
Owner SMITH ANDREW R
Land Use 101
Zoning Code R-12

**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 10/30/2023
Data updated Daily

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



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

Permit Type Zoning	Project:	App Date: 09/28/2023
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: Fees Due	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval
Description: Variance Request (see attachments)		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
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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.jp g	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		
ZONE-2023-0045 Staff Memo Hawthorn Dr.pdf	10/12/2023 16:45	Blonigen, Rachel		
2023.10.19_ZoningBoardofAdjustment. Minutes.pdf	10/25/2023 12:09	Blonigen, Rachel		Draft ZBA Minutes
ZONE-2023-0045 Staff Memo Hawthorn Dr.pdf	11/13/2023 16:02	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

PERMIT SNAPSHOT REPORT (ZONE-2023-0045)

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

Comments: Item tabled until November 16, 2023, ZBA hearing due to lack of quorum.

Zoning Board Hearing v.1	Council Chambers	11/16/2023	Scheduled	Variance Request
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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

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	10/25/2023 11:21
Zoning Board Hearing v.1	Hold Hearing	10/25/2023 11:20	
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

601 Central Avenue
Dover, NH 03820
Office - 603.749.4529

Of Counsel
JAMES H. SCHULTE

Cell - 603.777.0579
josh@brutonlaw.com

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) Owing 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:

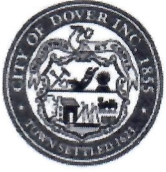
1. Approve the Application; and
2. Grant all relief necessary to affect this request.

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

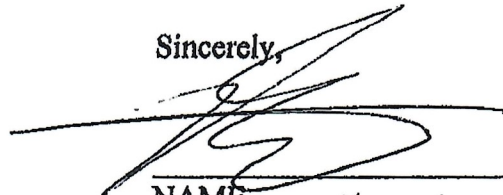
To Whom it May concern:

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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:

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

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

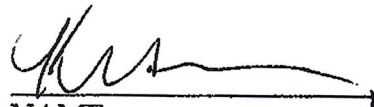
To Whom it May concern:

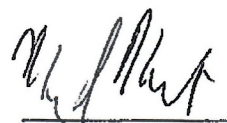
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Thank you for considering my letter of support.

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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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:

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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

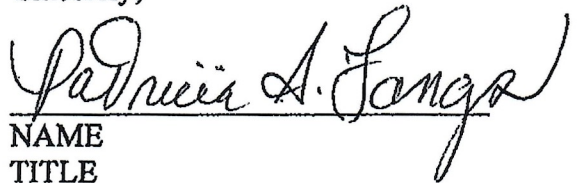
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Thank you for considering my letter of support.

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

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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

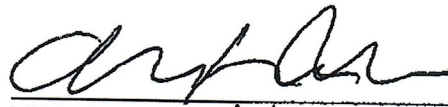
To Whom it May concern:

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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
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

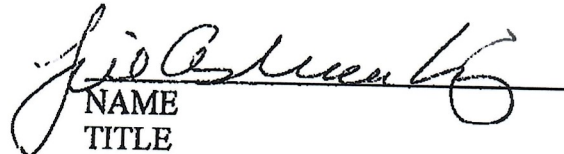
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Thank you for considering my letter of support.

Sincerely,


NAME
TITLE


NAME
TITLE

- 1) FINAL PLAN - WAMCA INCORPORATED - MIDLERSON, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: JUNE 1958. BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.D. POCKET 15, FOLDER 1, PLAN 2.
- 2) WAMCA INCORPORATED - MIDLERSON - PROPOSED CONNECTION TO HATHORN ROAD, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: DECEMBER 1972. BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.D. POCKET 15, FOLDER 1, PLAN 6.
- 3) PLAN OF YOU'RE LAGS LAND - HATHORN ROAD, DOVER, NEW HAMPSHIRE. SCALE: 1" = 60'; DATED: DECEMBER 1972; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.D. POCKET 16, FOLDER 3, PLAN 57.
- 4) PLAN OF YOU'RE LAGS LAND - HATHORN ROAD, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: DECEMBER 1972. REVISION 179-100.
- 5) LIMITED SUBDIVISION LOT FOR ALAN WILSON, DOVER, NEW HAMPSHIRE. SCALE: 1" = 20'; DATED: JUNE 1979; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.D. PLAN 1.

1.) OWNER OF RECORD.

[7 / #1]	[7 / #2]
ANDREW R. SMITH 11 HAWTHORN ROAD NEW HAMPSHIRE 03820 TITLE REFERENCE FOR THE PARCEL IS THE STAFFORD COUNTY REGISTRY OF DEEDS BOOK 4883, PAGE 182	LAURIE S. ANDERSON 11 HAWTHORN ROAD NEW HAMPSHIRE 03820 TITLE REFERENCE FOR THE PARCEL IS THE STAFFORD COUNTY REGISTRY OF DEEDS BOOK 461, PAGE 275

2.) — DENOTES TAX MAP AND PARCEL NUMBER.

3.) ZONING DISTRICT IS MEDIUM DENSITY RESIDENTIAL (R-12)

DIMENSIONAL REQUIREMENTS:

- MINIMUM LOT COVERAGE
- MINIMUM LOT DEPTH
- BUILDING SETBACK REQUIREMENTS:
- FRONT BUILD TO LINE
- SIDE SETBACK
- REAR SETBACK
- MINIMUM BUILDING HEIGHT

15,000 S.F.	15 FEET MINIMUM
30 PERCENT	20 FEET MINIMUM
100 FEET	30 FEET
	35 FEET
	MAXIMUM

4.) PLAN INTENT: TO DEPICT THE EXISTING CONDITIONS OF THE SUBJECT PARCELS.

5.) PARCEL AREA:

PARCEL

17 / 101	17 / 102
----------	----------

6.) THE SUBJECT PARCELS ARE OUTSIDE OF THE 0.2 AC FLOODSAFE ANNUAL FLOODPLAIN AS SHOWN ON SLOTTED MAP NUMBER 3307C0346E, EFFECTIVE DATE SEPTEMBER 30, 2016.

7.) BASIS OF BEARING IS N4 STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED SEPTEMBER 2022. VERTICAL DATUM IS NAVD83 BASED ON GPS OBSERVATION DATED SEPTEMBER 2022.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCKENNEY 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.

DOVER PLANNING FILE NO.

DRAWN BY:	KJF	FILE:	2417\DWGS\22-2417
SCALE:	1" = 20'	DATE:	APRIL 19, 2023

A vertical scale with numerical markings at 0, 10, 20, 40, and 60. The scale is divided into segments by horizontal lines. A shaded region is present between the 20 and 40 marks.

STATE OF
LANDS
No. 661
LICENSED

Associates

P.O. Box 681 - 24 CHESTNUT ST
of NEW ENGLAND

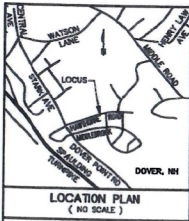
SURVEYING -- PLANNING -- CONSULTING

7. 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, THE SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS OF THE SURVEY CLASSIFICATION "J" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSES FOR LAND SURVEYORS.

LEGEND

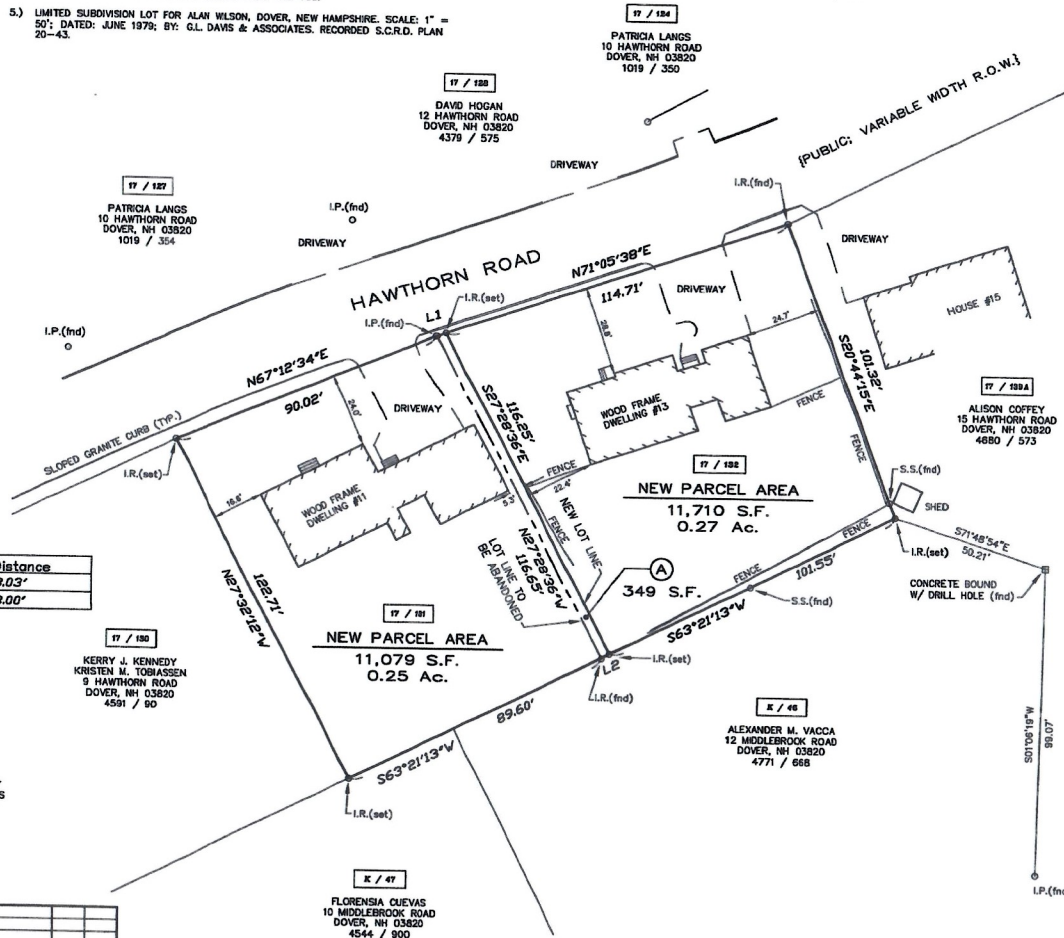
S.F.	-	SQUARE FEET
AC.	-	ACRE
(TYP.)	-	TYPICAL
±	-	MORE OR LESS
Ø	-	DIAMETER
S.C.R.D.	-	STAFFORD COUNTY
	-	REGISTRY OF DEEDS
I.P. (IND)	-	IRON PIPE (FOUND)
S.S. (IND)	-	IRON ROD (FOUND)
I.R. (SET)	-	IRON ROD (SET)
W/	-	WITH

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



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.(set) - 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



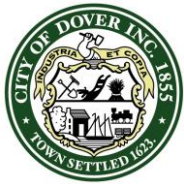
McNeaney
 Survey
 Associates
 of NEW ENGLAND
 P.O. Box 681 - 24 CHESTNUT STREET
 DOVER, NH 03820 (603) 742-0911

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-A00000	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
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
17139-000000	17 HAWTHORN RD	TOUPIN AMANDA L &	TOUPIN CAITLIN B	17 HAWTHORNE RD	DOVER	NH	03820
17139-A00000	15 HAWTHORN RD	COFFEY ALISON		15 HAWTHORN ROAD	DOVER	NH	03820
K0018-D00000	2 NEWPORT RD	NILES DEBORAH L		2 NEWPORT RD	DOVER	NH	03820
K0018-J00000	4 NEWPORT RD	ASH CHERYL D		4 NEWPORT RD	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 &	LAWLOR VICTORIA J	11 MIDDLEBROOK RD	DOVER	NH	03820-4237
17131-000000	11 HAWTHORN RD	SMITH ANDREW R	SMITH HOLLY WELSH	11 HAWTHORN RD	DOVER	NH	03820
17132-000000	13 HAWTHORN RD	ANDERSON LAURIE S		13 HAWTHORN RD	DOVER	NH	03820-4218
		JOSH LANZETTA	BRUTON & BERUBE, PLLC	601 CENTRAL AVENUE	DOVER	NH	3820



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:	November 16, 2023
Meeting Time:	7:00 pm

INTENT: The Owners request a request a Variance from **Section 170-12 of the Zoning Ordinance**, to allow construction of a covered porch, and steps to be constructed approximately 14.6' from the side lot line, where 20' is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: R-20

FILE: ZONE-2023-0046

APPLICANT: Boudreau Land Surveying

OWNER: Bridget Broderick

LOCATION: 26 Nye Lane (Tax Map E, Lot 49-6)

ACREAGE: 50,965.2± sq. ft.

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential (No change)

SURROUNDING LAND USE: Residential,
Cochecho River

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED:
No

ATTACHMENTS: Application materials including narrative

STAFF RECOMMENDATION: Staff does not support or oppose the Variance request.

BACKGROUND INFORMATION

The property subject to this Variance request is located at 26 Nye Lane. The owners wish to add an addition which would be approximately 14.6' from the side lot line where 20' is required from a side lot line.

REASON FOR RECOMMENDATION

The applicant is seeking to add an addition for an accessory dwelling unit with a covered porch and steps to be approximately 14.6' from the property line where a minimum of 20' is required. The lot adjacent to the subject relief is currently vacant. Should the relief be granted, the property owner shall still apply and receive approval for the ADU and the proper building permits.

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 or oppose the Variance request.

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

- 1) The encroachment be limited to the proposed area of the side setback, with no further encroachment granted without a new application.

ZONE-2023-0046 26 Nye Lane



Property Information

Property ID E0049-006000
Location 26 NYE LN
Owner BRODERICK BRIDGET
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 10/30/2023
Data updated Daily

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



PERMIT SNAPSHOT REPORT ZONE-2023-0046 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 10/11/2023
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Glidden, Jean	Approval Expire Date:

Description: Requesting a variance to the dimensional requirements to allow a proposed covered porch and steps to be constructed 14.6' from the property line where a minimum of 20' is required. The covered porch and steps are part of a proposed additional attached unit to convert from a single family dwelling to a two family dwelling.

Parcel: E0049-006000 Main	Address: 26 Nye Lane Main Dover, NH	Zone: R-20(Residential - Low Density)
----------------------------------	---	--

Applicant Scott D Boudreau 2 Beatrice Ln Newmarket, NH 03857 Business: (603) 659-3468 Mobile: (603) 617-5707	Contractor Taylor Buxton 630 6th st Dover, NH 03820 Home: (317) 695-8988 Business: (317) 695-8988 Mobile: (317) 695-8988	Owner Bridget Broderick Mobile: (206) 818-8459
--	---	---

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirections
ZoneVariPlanSummary The proposed work includes an addition of a dwelling unit and converting from a single family dwelling to a two family dwelling, by right.	ZoneVariAppealSect 170-12	ZoneVariAppealSectDe Requesting a variance to tail the dimensional requirements to allow a proposed covered porch and steps to be constructed 14.6' from the property line where a minimum of 20' is required. The covered porch and steps are part of a proposed two family dwelling unit, attached to the primary dwelling.
What is the parcel zoned? R-20	ZoneVariAppeal1Public The portion of the proposed construction infringing on the building setback will not be seen from any dwelling and is on the rear of the proposed building facing undeveloped property.	ZoneVariAppeal2Ordin The proposed construction within the setback will not be visible from other dwellings or the road, and the property nearest to the proposed porch and steps is undeveloped.
ZoneVariAppeal3Subst It will allow the owners to build an additional attached unit to provide a home for their mother.	ZoneVariAppeal4Prope The portion of the proposed construction infringing on the building setback will not be seen from any dwelling and is on the rear of the proposed building facing undeveloped property.	ZoneVariAppeal5A1Un The proposed second unit is an allowed use for the property in this district and the part of the proposed porch and steps encroaching on the setbacks will not affect anyone.
ZoneVariAppeal5A2No The privacy protected by the building setbacks will not be affected by this construction because the abutting property is undeveloped.	ZoneVariAppeal5A3Re It will allow the owners to build a place for their mother to live.	ZoneVariAppeal5BNoR

PERMIT SNAPSHOT REPORT (ZONE-2023-0046)

Attachment File Name	Added On	Added By	Attachment Group	Notes
4034-254 Locus.pdf	10/11/2023 10:51	Boudreau, Scott		Uploaded via Civic Access
Permit Snapshot Report.pdf	10/11/2023 10:51	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
Signature_Scott_Boudreau_10/11/2023.jpg	10/11/2023 10:51	Boudreau, Scott		Uploaded via CSS
ZONE-2023-0046 Staff Memo 26 Nye.pdf	11/13/2023 16:28	Blonigen, Rachel		
2023.11.16_ZoningBoardofAdjustment. Agenda.pdf	11/13/2023 16:29	Blonigen, Rachel		

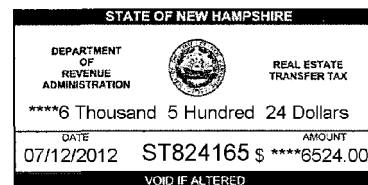
Invoice No.	Fee	Fee Amount	Amount Paid
INV-00005366	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00005366		\$200.00	\$200.00
INV-00005662	Planning Certified Mailing to Application Contacts	\$20.00	\$20.00
	Planning Creation / Printing of Abutter Labels	\$20.00	\$20.00
	Planning Public Notice in Newspaper	\$120.00	\$120.00
	Planning Certified Mailing to Abutters	\$110.00	\$110.00
Total for Invoice INV-00005662		\$270.00	\$270.00
Grand Total for Permit		\$470.00	\$470.00

Hearing Type	Location	Scheduled Date	Status	Subject
Zoning Board Hearing v.1	Council Chambers	11/16/2023	Scheduled	Variance

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	10/11/2023	11/08/2023	10/31/2023	No	Yes

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Clark, Thomas	Approved	10/11/2023	11/08/2023	10/31/2023

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		10/11/2023 13:11	10/31/2023 12:58
Confirm application complete v.1	Generic Action		10/11/2023 13:11
Planning Permit Application Review v.1	Receive Submittal	10/11/2023 0:00	10/31/2023 12:58
Zoning Board v.1		10/31/2023 12:58	
Zoning Board Agenda v.1	Task	10/31/2023 12:58	10/31/2023 12:59
Invoice for Notices v.1	Task	10/31/2023 12:58	10/31/2023 12:59
Send Notices v.1	Task	10/31/2023 12:59	11/03/2023 8:46
Zoning Administrator Creates Staff Recommendations v.1	Task	11/03/2023 8:45	11/13/2023 16:28
Distribute Zoning Board Materials v.1	Task	11/13/2023 16:28	11/14/2023 14:49
Zoning Board Hearing v.1	Hold Hearing	11/14/2023 14:48	
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		



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **Graystone Builders, Inc.** of 38 Beechwood Drive, Strafford, New Hampshire 03884

for consideration paid, hereby grants to **Bridget Broderick**, of 68 Madison Street, Portsmouth, New Hampshire 03801

with WARRANTY COVENANTS, the following described premises:

A certain tract or parcel of land with the buildings thereon situate on the Southeasterly side of Nye Lane, so-called, in Dover, Strafford County, New Hampshire and shown as **Map E, Lot 49-6** on a plan entitled "Subdivision Plan, Pacific Landing, Upper Factory Road, Dover, New Hampshire" dated December 23, 2005, as revised, prepared by Trittech Engineering Corporation and recorded in the Strafford County Registry of Deeds as Plan #89-34, more particularly bounded and described as follows:

Beginning at a point on the southeasterly side of Nye Lane at the northwesterly corner of Lot 49-7 and the western most point of the herein described premises; thence S 84° 00' 46" E a distance of 205.58 feet to a point at tax Map E lot 65; thence N 07° 32' 36" E a distance of 100.80 feet to a stone bound; thence in a southeasterly direction on a straight line to a point at the Cocheco River; thence in a generally northwesterly direction along the Cocheco River having a tie line of N 44° 47' 59" W a distance of 271.64 feet to a point at the Cocheco River at Lot 49-5; thence S 39° 09' 39" W a distance of 107.71 feet to a point; thence S 88° 08' 01" W a distance of 182.89 feet to a point at Nye Lane; thence S 31° 21' 24" W along Nye Lane a distance of 159.57 feet to the point of beginning.

Containing 1.166 acres.

TOGETHER WITH and SUBJECT TO the right to use in common with others lawfully entitled thereto, the roadways and rights of way as shown on said Plan #89-34.

SUBJECT TO such matters including but not limited to a 50' wide drainage easement and a conservation district, all as set forth on the above-described Plan #89-34.

SUBJECT TO Declaration of Property Rights, Restrictions and Conditions recorded February 16, 2007 in the Strafford County Registry of Deeds at Book 3494, Page 504, as amended by First Amendment to Declaration of Property Rights, Restrictions and Conditions recorded March 29, 2011 in said Registry at Book 3914, Page 901, as may be further amended from time to time.

SUBJECT TO water and flowage rights of others as set forth in deed dated December 4, 1941 and recorded at Book 506, Page 485 to the extent they still apply.

Meaning and intending to convey a portion of the premises conveyed to the grantor herein by deed of MPJ Development, LLC dated March 29, 2011 and recorded in the Strafford County Registry of Deeds at Book 3914, Page 905.

Signed this Eleventh day of July, 2012.

Graystone Builders, Inc.

By: _____

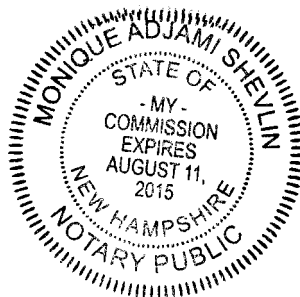
David B. Smith, President

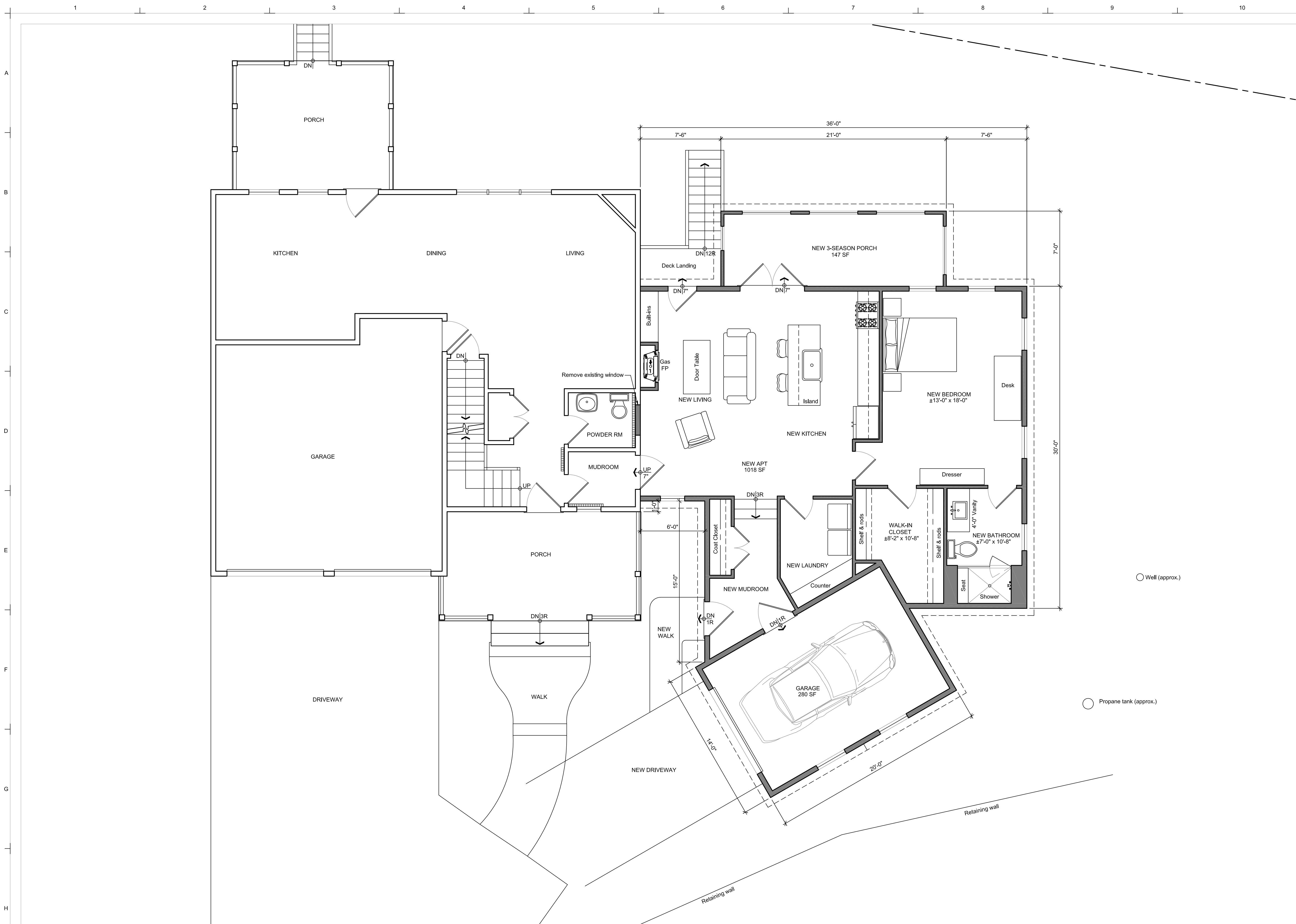
STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this, the Eleventh of July 2012, before me, the undersigned Officer, personally appeared David B. Smith, who acknowledged himself to be the President of Graystone Builders, Inc., a New Hampshire corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

Justice of the Peace/Notary Public

My commission expires: _____





DOYLE|COFFIN
ARCHITECTURE

Doyle Coffin Architecture, LLC
158 Danbury Road
Ridgefield, Connecticut 06877
203|431|6001
203|431|9764 fax
info@doylecoffinarchitecture.com
doylecoffinarchitecture.com

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CONSTRUCTION DOCUMENTS FROM THE ARCHITECT.

NOTES

ALTERATIONS &
ADDITIONS TO
THE

BRODERICK RESIDENCE

26 NYE LANE
DOVER, NH 03820

ISSUED
REVISIONS

09/25/2023

PRINCIPAL	PTC	P.A.	EEF
JOB NUMBER	1053	SCALE	AS NOTED

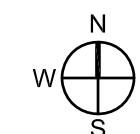
SCHEMATIC DESIGN

FIRST FLOOR
PLAN

© DOYLE COFFIN ARCHITECTURE, LLC 2023

SHEET

A-1





DOYLE|COFFIN
ARCHITECTURE

Doyle Coffin Architecture, LLC
158 Danbury Road
Ridgefield, Connecticut 06877
203|431|6001
203|431|9764 fax
info@doylecoffinarchitecture.com
doylecoffinarchitecture.com

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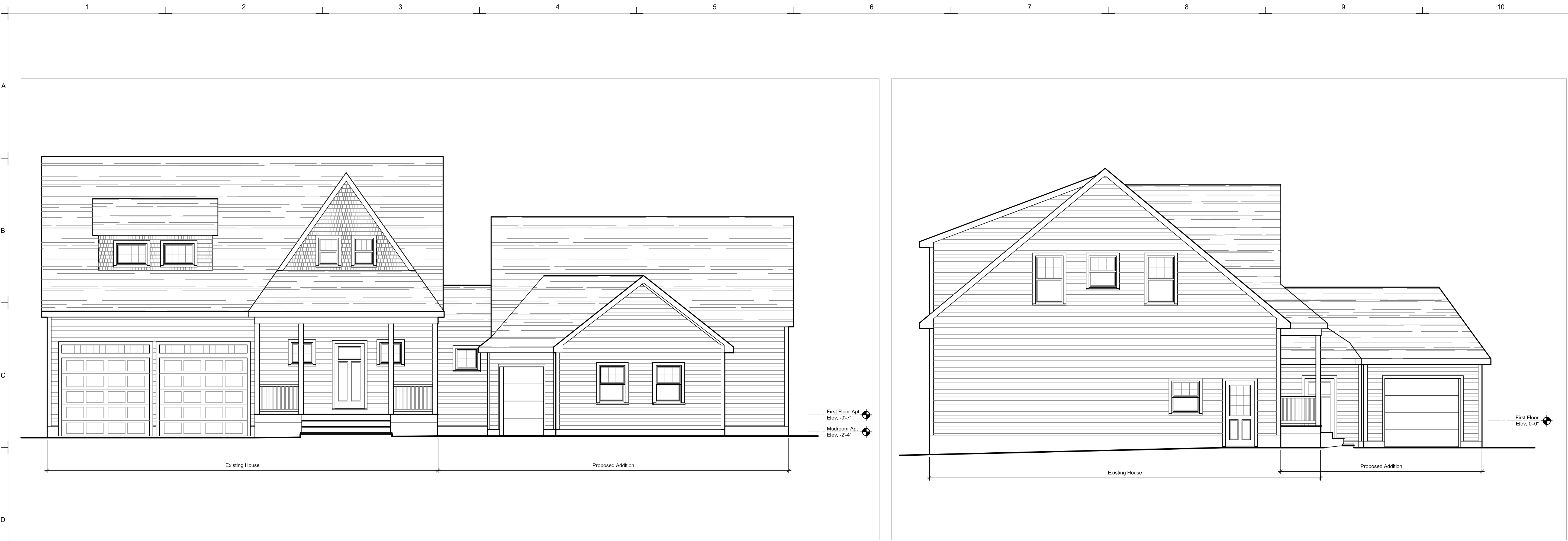
SCHEMATIC DESIGN

ELEVATIONS

© DOYLE COFFIN ARCHITECTURE, LLC 2023

SHEET

A-2



D2
A-2 FRONT ELEVATION
3/16" = 1'-0"

D2
A-2 LEFT SIDE ELEVATION
3/16" = 1'-0"



D2
A-2 REAR ELEVATION
3/16" = 1'-0"



H4
A-2 RIGHT SIDE ELEVATION
3/16" = 1'-0"

ABUTTERS
TAX MAP E LOT 57
MICHAEL C. & KRISTINE E. CHAGNON
69 UPPER FACTORY ROAD
DOVER, NH 03820
S.C.R.D. BOOK 2203 PAGE 519

TAX MAP E LOT 49-10
THE ADAM E. & REBECCA T. ANDERSON REV. LIVING TRUST
41 NYE LANE
DOVER, NH 03820
S.C.R.D. BOOK 4430 PAGE 885

TAX MAP E LOT 49-5
NORMAN R. & BETSY J. RICHBURG
22 NYE LANE
DOVER, NH 03820
S.C.R.D. BOOK 3999 PAGE 266

TAX MAP E LOT 24
LIBERTY MUTUAL INSURANCE CO.
ATTN: TYLER MUNGER
175 BERKELEY STREET
BOSTON, MA 02116
S.C.R.D. BOOK 1364 PAGE 453

LOCATION MAP

NOT TO SCALE

NOTES:

- REFERENCE: TAX MAP E LOT 49-6
S.C.R.D. BOOK 4034 PAGE 254
- TOTAL PARCEL AREA: 50,806 SQ. FT. OR 1.16 AC.
- OWNER OF RECORD: BRIDGET BRODERICK
26 NYE LANE
DOVER, NH 03820
- ZONE: R-20 DISTRICT
DIMENSIONAL REQUIREMENTS:

MINIMUM LOT AREA	20,000 sq. ft.
MAXIMUM LOT COVERAGE	30%
MINIMUM FRONTAGE	125 ft.
MINIMUM FRONT SETBACK	20 ft.
MINIMUM SIDE SETBACK	20 ft.
MINIMUM REAR SETBACK	30 ft.
- HORIZONTAL DATUM IS NHSPC (NAD '83) BASED ON GPS OBSERVATIONS.
- VERTICAL DATUM SHOWN IS NAVD '88 BASED ON GPS OBSERVATIONS.
- THE INTENT OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS TO TAX MAP E LOT 49-6.
- A PORTION OF TAX MAP E LOT 49-6 FALLS WITHIN "ZONE A" OF THE SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, AS SHOWN ON F.I.R.M. MAP NUMBER 33017C0310E, EFFECTIVE SEPTEMBER 30, 2015.
- WETLANDS SHOWN ARE POORLY DRAINED AND WERE DETERMINED IN ACCORDANCE WITH ENV-WQ 1014.06 BY SCOTT BOUDREAU (NH DESIGNER #1528) FOR THE PURPOSE OF SITING A PROPOSED SEPTIC SYSTEM.

PLAN REFERENCES:

- PLAN TITLED "SUBDIVISION PLAN PACIFIC LANDING, UPPER FACTORY ROAD, DOVER, NEW HAMPSHIRE" DATED DECEMBER 23, 2005, PREPARED BY TRITECH ENGINEERING CORPORATION, S.C.R.D. PLAN #89-34.

SOILS:

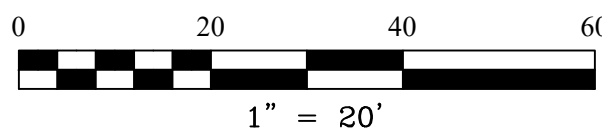
BzB - BUXTON SILT LOAM, 3 TO 8% SLOPES
SfC - SUFFIELD SILT LOAM, 8 TO 15% SLOPES
SfE - SUFFIELD SILT LOAM, 15 TO 35% SLOPES

SOIL DATA TAKEN FROM WEB SOIL SURVEY

LEGEND

- IRON PIPE/ROD FOUND
- BENCHMARK
- CATCH BASIN
- TEST PIT
- WELL
- WETLAND
- BOUNDARY LINE
- ABUTTER LINE
- RIGHT-OF-WAY
- WETLAND BOUNDARY - SEE NOTE 9
- EDGE OF PAVEMENT
- U.S.D.A. SOIL BOUNDARY
- F.E.M.A. BOUNDARY
- BUILDING SETBACK LINE
- TREE LINE
- SHORELAND ZONES
- ABUTTER DESIGNATION

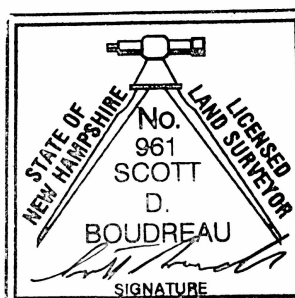
LOT COVERAGE		
	AREA (SF)	PERCENTAGE
EXISTING COVERAGE	4612	9%
PROPOSED COVERAGE	6413	13%
TOTAL AREA	50806	



SITE PLAN

LAND OF
BRIDGET BRODERICK
(TAX MAP E LOT 49-6)
26 NYE LANE
DOVER, NH

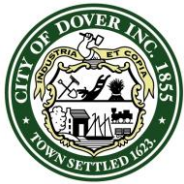
DRAWN BY: SDB	DATE: SEPTEMBER 27, 2023
CHECKED BY: ARB	DRAWING NAME: 23027A
JOB NAME: 23027	SHEET: C1



Boudreau
Land
Surveying P.L.L.C.
SCOTT D. BOUDREAU, L.L.S. #961
2 BEATRICE LANE
NEWMARKET, NH 03857
(603) 659-3468

ZONE-2023-0046**26 NYE 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
E0049-004000	14 NYE LN	ELWOOD NOAH J & JEANNA S CO-TRUSTEES	ELWOOD FAMILY REVOCABLE TRUST OF 2019	14 NYE LANE	DOVER	NH	03820
E0049-005000	22 NYE LN	RICHBURG NORMAN R &	RICHBURG BETSY J	22 NYE LANE	DOVER	NH	03820
E0049-007000	34 NYE LN	CHAKRAVARTY DILIP & MITALI TRUSTEES	DILIP CHAKRAVARTY REVOCABLE TRUST &	6906 SPINNING SEED	COLUMBIA	MD	21045
E0049-008000	38 NYE LN	BERGSTROM EVA K &	EDDINS KURT	38 NYE LANE	DOVER	NH	03820
E0049-009000	40 NYE LN	THIBAUT DANIEL JACOB		40 NYE LANE	DOVER	NH	03820
E0049-010000	41 NYE LN	ANDERSON ADAM E & REBECCA T TRUSTEES	THE ADAM E & REBECCA T ANDERSON REV LIV	41 NYE LANE	DOVER	NH	03820
E0057-000000	69 UPPER FACTORY RD	CHAGNON MICHAEL C &	CHAGNON KRISTINE E	69 UPPER FACTORY RD	DOVER	NH	03820
E0057-F00000	59 UPPER FACTORY RD	LABRIE SHAWN R TRUSTEE	LABRIE SHAWN R REVOCABLE LIVING TRUST	59 UPPER FACTORY ROAD	DOVER	NH	03820
E0057-I00000	71 UPPER FACTORY RD	ROBIDAS ZACKERY		71 UPPER FACTORY RD	DOVER	NH	03820
E0065-001000	TOLEND RD	59 TOLEND RD LLC		42 DOVER POINT RD UNIT J	DOVER	NH	03820
E0049-006000	26 NYE LN	BRODERICK BRIDGET		26 NYE LANE	DOVER	NH	03820
		SCOTT BOUDREAU	BOUDREAU LAND SURVEYING	2 BEATRICE LANE	NEWMARKET	NH	03857



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:	November 16, 2023
Meeting Time:	7:00 pm

INTENT: The Owners request a Variance from **Section 170-32.G. of the Zoning Ordinance**, to allow for an increase in sign size for an approximate 53 s.f. wall sign and an approximate 69.4 s.f. free standing sign where the total sign area allowed is 24' in the Gateway District.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-C

ZONING DISTRICT: Gateway (G)

FILE: ZONE-2023-0047

APPLICANT: Spectrum Signs and Graphics

OWNER: Central Avenue Management, LLC

LOCATION: 118 Central (Tax Map 15, Lot 113)

ACREAGE: 111,078.2± sq. ft./2.55 ac

EXISTING LAND USE: Commercial

PROPOSED LAND USE: Commercial (No Change)

SURROUNDING LAND USE: Mixed Use

PREVIOUS ZBA ACTION:

- H88-49, Variance granted for 160 sq. ft. of signage (awning)
- H85-65, Variance granted to increase the non-conformity of an existing free-standing sign (plans in file indicate 64 s.f. for the top portion)
- H77-3, Variance granted for proposed sign to be mounted to the existing sign post.

PLANNING BOARD APPROVAL REQUIRED:

No

ATTACHMENTS: Application materials including narrative

STAFF RECOMMENDATION: Staff does not support or oppose the Variance request.

BACKGROUND INFORMATION

The property subject to this Variance request is located at 118 Central Ave. There is a pre-existing freestanding sign with 3 sections as well as a previous wall sign which had been removed during the unit's vacancy. The applicant recently applied for two sign permits but they were denied as the sign area was greater than the 24 total s.f. that is allowed in the Gateway District. The Gateway Table also indicates that the maximum height for Freestanding signs is 16'. The applicant installed the signs and applied for a Variance.

The applicant is requesting a wall sign of approximately 53 s.f. and a free-standing sign of approximately 69.4 s.f. (which doesn't include the other vacant portions of the free-standing sign).

REASON FOR RECOMMENDATION

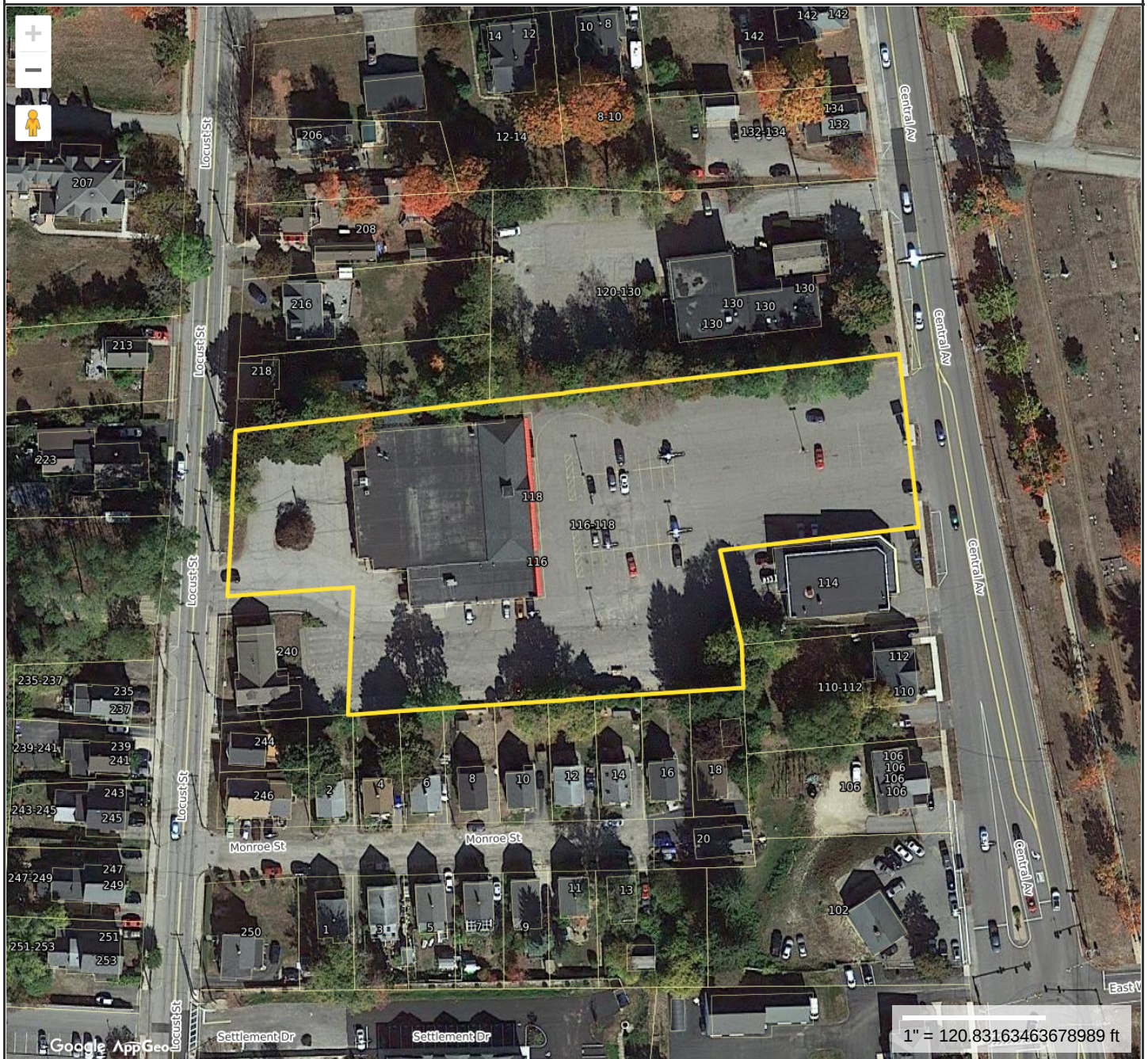
The Gateway tables allows for 24 s.f. of signage and the prior variances don't exactly cover the current request so a Variance would provide clarity and allow for the signage the applicant is requesting.

Also, the Board should be aware that Section 170-32.K of the Zoning Ordinance discusses Obsolete Signs and reads, "Obsolete SIGNS. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months shall be deemed to have been abandoned, and the SIGN shall be considered obsolete. Such obsolete SIGNS are prohibited and shall be removed by the owner of the SIGN or owner of the premises. In the event that the said SIGN(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said STRUCTURE(s) and assess all costs and expenses incurred in said removal against the STRUCTURE's owners and/or the owner of the land upon which said STRUCTURE(s) is located."

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 or oppose the Variance request.

ZONE-2023-0047 118 Central Avenue

**Property Information**

Property ID 15113-000000
Location 118 CENTRAL AV
Owner CENTRAL AVENUE MANAGEMENT LLC
Land Use 322
Zoning Code G



**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 10/30/2023
 Data updated Daily

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



PERMIT SNAPSHOT REPORT ZONE-2023-0047 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 10/23/2023
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 Expire Date:

Description: To allow for a larger sign size, as the current sign size is too small to be seen from the road due to setback regulations. (53sq ft internally LED illuminated wall sign and retro fitting existing pylon sign with new sign faces (58.06 sq ft) and LED lighting.)

Parcel: 15113-000000 Main	Address: 118 Central Av Dover, NH Main	Zone: G(Gateway District)
----------------------------------	--	----------------------------------

Business Owner Floyd Graham Home: (603) 410-2545	Applicant Jilian Arsenault 97 Eddy Road Unit #4 Unit #4 Manchester, NH 03102 Business: (603) 657-7079
--	---

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirections 118 Central Ave, Store Front
ZoneVariPlanSummary Looking to have larger wall sign and also have 2 panels on existing freestanding sign	ZoneVariAppealSect Zoning Ordinance (\$170-32.G.)	ZoneVariAppealSectDe The 24 sq. ft. allowed tail signage is to small to be seen from the road way due to the setback. Need to have a larger wall sign for ease of visual for customers. Pervious customer was able to have a large awning and also the 2 panels on the freestanding sign. Just looking to replace faces in existing 58.06 sq ft freestanding sign and a 53 sq. ft. wall sign
What is the parcel zoned? G	ZoneVariAppeal1Public Not making and drastic Interest changes to the existing architecture, planning on using what is existing and have an internal illuminated wall sign and freestanding sign that will not be illuminated after 9pm and before 6am.	ZoneVariAppeal2Ordin Only main difference is anceSpirit the size of the requested sign. All other requirements will be followed and not be considered a distraction to the community.
ZoneVariAppeal3Subst The customers will be antialJustice able to see more clearly where the business and help cut back on any hardships the business can have do to not clear direction to location.	ZoneVariAppeal4Prope No values will be rtyValue diminished due to the increased size. Having a larger sign will help with wayfinding to the business and promote economic growth.	ZoneVariAppeal5A1Un NecHardship
ZoneVariAppeal5A2No FairRelate	ZoneVariAppeal5A3Re asonableUse	ZoneVariAppeal5BNoR There is an existing easonableUse business next to our customer "Sanel", that has an awning with signage on the valiance which takes up the whole store front. Our requested signage is only 53 sq. ft.

PERMIT SNAPSHOT REPORT (ZONE-2023-0047)

for the wall sign and
58.06 sq ft for the existing
freestanding sign. Will
only be lit during the
allowed times. Based on
the other store front if we
didn't have a larger sign it
wouldn't be easily visible
from the road side and
could be linked to
decrease in sales for both
businesses.

Attachment File Name	Added On	Added By	Attachment Group	Notes
118 Central Avenue Dover, NH.pdf	10/23/2023 10:29	Arsenault, Jilian		Uploaded via Civic Access
Sanel Authorization Letter.pdf	10/23/2023 10:29	Arsenault, Jilian		Uploaded via Civic Access
SANEL Dover NH Exterior rev3.pdf	10/23/2023 10:29	Arsenault, Jilian		Uploaded via Civic Access
Signature_Jilian_Arsenault_10/23/2023.jpg	10/23/2023 10:29	Arsenault, Jilian		Uploaded via CSS
Permit Snapshot Report.pdf	10/23/2023 10:29	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00005510	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00005510		\$200.00	\$200.00
Grand Total for Permit		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	10/26/2023	11/23/2023	10/31/2023	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Clark, Thomas	Approved	10/26/2023	11/23/2023	10/31/2023

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		10/26/2023 15:47	10/31/2023 13:01
Confirm application complete v.1	Generic Action		10/26/2023 15:47
Planning Permit Application Review v.1	Receive Submittal	10/26/2023 0:00	10/31/2023 13:01
Zoning Board v.1		10/31/2023 13:01	
Zoning Board Agenda v.1	Task	10/31/2023 13:01	10/31/2023 13:01
Invoice for Notices v.1	Task	10/31/2023 13:01	10/31/2023 13:01
Send Notices v.1	Task	10/31/2023 13:01	
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 Major v.1	Create Sub Permit		



To whom it may concern,

Sanel Napa has contracted the services of Spectrum Marketing and The Sign Gallery for the rebranding of all company stores. Nick Jarvis of Spectrum Marketing is our sales representative. Mr. Jarvis, in conjunction with Max Tejada of The Sign Gallery will be filing for all necessary permits in each community on our behalf. All permitting questions should be directed to Mr. Jarvis or Mr Tejada accordingly.

Should any questions or concerns arise that require direct conversation with a Sanel Napa representative, feel free to contact me directly, my contact information is listed below.

Sincerely,

Floyd Graham

Facilities Manager

Sanel NAPA / Sanel Realty Co.

SAS Realty Limited Partnership / Automotive Supply Associates

Direct Line: (603) 410-2545

Cell Phone: (603) 848-2242

fgraham@sanelNAPA.com

www.sanelNAPA.com



NAPA KNOW HOW

The Hamptons Real Estate

118 Central Avenue Dover NH 03820**Sale Price**
16**Bedrooms****Bathrooms****MLS Number**
4900628

Excellent Major Retail Opportunity! This former CVS pharmacy location offers 14,906+/- Sq.Ft. of single story retail space for lease in a fabulous Central Avenue location in the South side of Dover. With great window frontage visibility, a Drive-thru window, and 75 surface parking spaces, this provides many different opportunities for retail users. Located within easy reach of the Center of Town and a minutes to Exit 7 of the Spaulding Turnpike (Route 16), this is a very easy to get to location. Amenities ample parking spaces in the front and rear of building, loading dock, high ceilings, open floor plan, refrigeration in place, and the ability to open up some of the interior if necessary. Bring your business and ideas to Dover and they will receive great attention. Possible space available from 5,000+/- SF to 14,906+/- SF.

Contact Information

The Hamptons Real Estate

25 Lafayette Rd Hampton Falls NH 03844

Office Phone: (603) 926-1400

Fax: (603) 926-9525

paul@thehamptonsre.com

thehamptonsre.com

**Property Details for 118 Central Avenue Dover NH 03820**

Basic Information

Basic

Broker Name: KW Coastal and Lakes & Mountains Realty/Dover

La1agent Full Name: Gerry OConnell

Lease: 16

Lo1 Full Name: KW Coastal and Lakes & Mountains Realty/Dover

MLS Number: 4900628

Mls Status : Leased

Sa1agent Full Name: Lisa Church

So1 Full Name: KW Coastal and Lakes & Mountains Realty

Status: SLD

Virtual Tour:
<https://www.aryeo.com/v2/118-central-ave-dover-nh-03820-1730988/unbranded>

Location

Building Number: 118

County: Strafford

State: NH

Street: Central Avenue

Town: Dover

Zip: 03820

Building

Available Sqft: 14,906

NumberOfUnitsInCommunity: 1
Square Feet: 17,906

Year Built: 1955

Property

Acreage: 2.55

Lot Sqft: 111,078

Road Frontage: 100

Traffic Count: 15000

Interior

Amenities

Lease Term: Annually

Water Body

Docks: 2

Legal

Zoning: CBD

Auction

Other

Date Listed: 03/11/2022

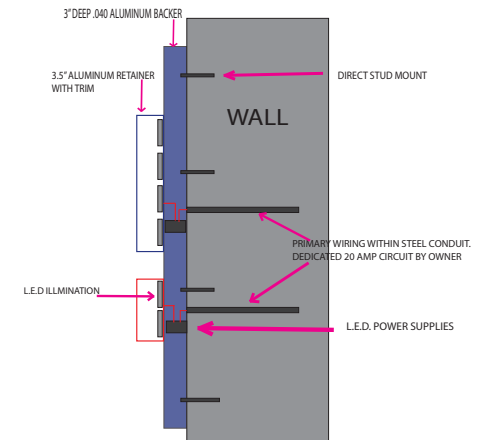
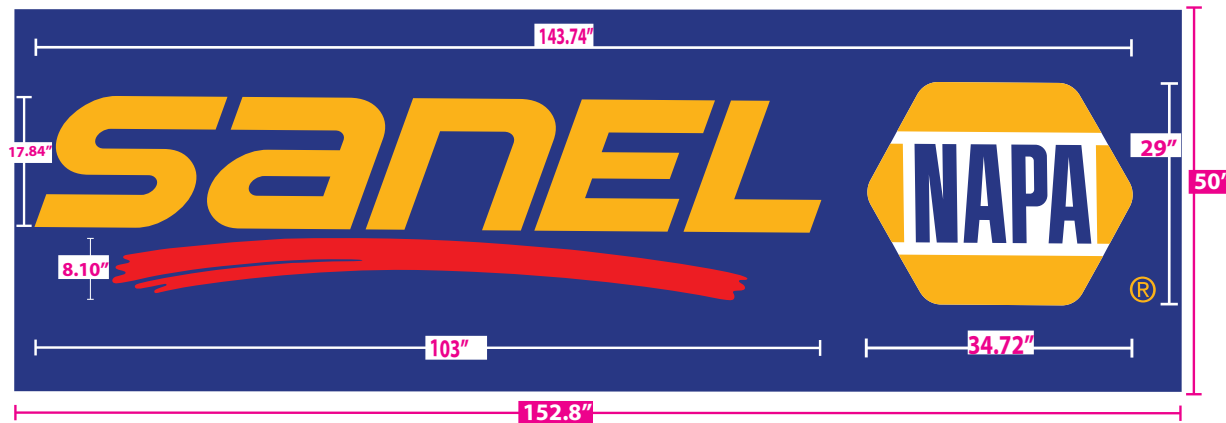
Additional Photos

Listed by Gerry OConnell of KW Coastal and Lakes & Mountains Realty/Dover (Cell: 603-978-8381)



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Listing Sold by KW Coastal and Lakes & Mountains Realty



53Sq/Ft

- THESE CHANNEL LETTERS WILL BE 3" DEEP.
- ALL SETS ARE FRONT LIT CHANNEL LETTERS.
- FLUSHED MOUNTED TO A BACKER.
- BACKER INSTALLED FLUSHED TO BUILDING FASCIA.

SPECTRUM
SIGNS & GRAPHICS
We Are Visual.
603.657.7079
97 EDDY RD. MANCHESTER, NH 03102

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Rev#	Revision Notes	DATE	BY
0	Initial sketch	05/24/2023	DV
1	DRAWING UPDATE	9/14/23	JA
2	change SQFT of wall sign	10/04/23	JA
3	UPDATE LAYOUT OF WALL SIGN	10/17/23	JA

File name:

Customer: SANEL / NAPA
Contact Name: .
Contact Tel: .
Site Address: 118 CENTRAL AVE
DOVER, NH

Job#: XXXX
Designer: Daniel Valencia
Date: 05/24/2023
Page: 1-rev3



FACES: 3/16" LEXAN TOP PANEL CUT SIZE 47.5" X 95.625"
BOTTOM PANEL CUT SIZE 48" X 95.625"

QTY: 4

CABINET: EXISTING PAINT TO MATCH SANEL BLUE

FINISH: DIRECT PRINTED

SPECTRUM
SIGNS & GRAPHICS
We Are Visual.
603.657.7079
97 EDDY RD. MANCHESTER, NH 03102

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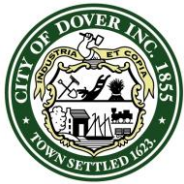
Rev#	Revision Notes	DATE	BY
0	Initial sketch	05/24/2023	DV
1	DRAWING UPDATE	9/14/23	JA
2	change SOFT of wall sign	10/04/23	JA
3	UPDATE LAYOUT OF WALL SIGN TO 17723	10/17/23	JA

Customer: SANEL / NAPA	Job#: XXXX
Contact Name: .	Designer: Daniel Valencia
Contact Tel: .	Date: 05/24/2023
Site Address: 118 CENTRAL AVE DOVER, NH	Page: 2-Rev3

ZONE-2023-0047

118 CENTRAL AVENUE

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
15036-000000	247 249 LOCUST ST	NOYES RYAN F		PO BOX 1152	DOVER	NH	03821-1152
15037-000000	243 LOCUST ST	DION JEREMY P &	DION AIMEE L	3 EARLE ST	DOVER	NH	03820-2118
15038-000000	239 LOCUST ST	RANALDI GENO		21 LOW ST	NEWBURYPORT	MA	01950
15039-000000	235 237 LOCUST ST	NOYES RYAN F		PO BOX 1152	DOVER	NH	03821-1152
15040-A00000	LOCUST ST	DOUBLE DIAMOND HOLDINGS NORTH LLC		340 CENTRAL AVE #202	DOVER	NH	03820
15041-000000	223 LOCUST ST	HUGHES KEVIN R &	HUGHES MAXINE M	223 LOCUST ST	DOVER	NH	03820
15042-000000	213 LOCUST ST	BRUNSON DANA &	COOLEY MOLLY	213 LOCUST ST	DOVER	NH	03820
15043-000000	207 LOCUST ST	CHILDREN'S HOME		207 LOCUST STREET	DOVER	NH	03820
15080-000000	102 104 CENTRAL AV	PHASE ONE CENTRAL LLC		36 GROVE ST	DOVER	NH	03821
15081-000000	13 MONROE ST	WHITE LINDA E &	MARCHULAITIS RONALD J	13 MONROE STREET	DOVER	NH	03820-4010
15082-000000	11 MONROE ST	CHAMBERLIN PAUL D & SUSAN &	CHAMBERLIN SCOTT	15 BLUE HERON DR	DOVER	NH	03820
15083-000000	9 MONROE ST	PAUL JANICE M & MELVIN L	C/O CHRISTOPHER MACDONALD	9 MONROE STREET	DOVER	NH	03820
15084-000000	7 MONROE ST	DEMOTT RUTH D		7 MONROE ST	DOVER	NH	03820
15085-000000	5 MONROE ST	BUZZELL ANN L	BUZZELL JOHN D	5 MONROE STREET	DOVER	NH	03820
15086-000000	3 MONROE ST	LANDFORD FRANK W	LANDFORD SHIRLEY E	3 MONROE ST	DOVER	NH	03820
15087-000000	1 MONROE ST	O BRIEN TIMOTHY H		1 MONROE ST	DOVER	NH	03820
15088-000000	250 LOCUST ST	HO SANDRA B TRUSTEE	HO SANDRA B REVOCABLE TRUST	250 LOCUST ST	DOVER	NH	03820
15089-000000	246 LOCUST ST	KIMBALL EDWARD M &	KIMBALL CYNTHIA M	246 LOCUST ST	DOVER	NH	03820
15090-000000	244 LOCUST ST	ZHENG YA XIAN		19 MILL RD	DURHAM	NH	03824
15091-000000	2 MONROE ST	HEINDSELMAN ERICA-JENEE		3546 N SOUTHPORT AVE APT 205	CHICAGO	IL	60657-1472
15092-000000	4 MONROE ST	WIESNER ANDREW C		4 MONROE ST	DOVER	NH	03820
15093-000000	6 MONROE ST	COLBURN CHRISTOPHER G &	COLBURN DEIRDRE ANN	6 MONROE STREET	DOVER	NH	03820
15094-000000	8 MONROE ST	YARBROUGH HAILEY S	YARBROUGH CHARLES S	8 MONROE ST	DOVER	NH	03820
15095-000000	10 MONROE ST	PERKINS BRENDA S		10 MONROE STREET	DOVER	NH	03820
15096-000000	12 MONROE ST	MCDERMOTT KERRY W		12 MONROE STREET	DOVER	NH	03820
15097-000000	14 MONROE ST	CULLINANE DANIELLE R &	CULLINANE ADAM J	14 MONROE ST	DOVER	NH	03820
15098-000000	16 MONROE ST	IGOE HANNAH M &	IGOE PAULABETH J	16 MONROE STREET	DOVER	NH	03820
15099-000000	18 MONROE ST	HANSEN KASI		18 MONROE STREET	DOVER	NH	03820
15100-000000	20 MONROE ST	LADRIE MARK W & ROBERTAL REV INTER VIVOS	LADRIE MARK W AND ROBERTA L CO-TRUSTEES	20 MONROE STREET	DOVER	NH	03820
15101-000000	106 CENTRAL AV	PHASE ONE CENTRAL LLC		36 GROVE ST	DOVER	NH	03820
15102-000000	110 CENTRAL AV	GAGNON DEBRA J		112 CENTRAL AVE	DOVER	NH	03820
15103-000000	114 CENTRAL AV	CENTRAL AVENUE MANAGEMENT LLC		601 CENTRAL AVENUE	DOVER	NH	03802
15105-000000	120 130 CENTRAL AV	HOLGATE LIMITED PARTNERSHIP		130 CENTRAL AVE	DOVER	NH	03820
15106-000000	132 134 CENTRAL AV	LORING JEFFREY LOWELL		370 MEADOW RD	PORTSMOUTH	NH	03801
15108-000000	8 TRAKEY ST	ATKINS LEWIS JR &	ATKINS REBECCA	13 BROWNING DRIVE	DOVER	NH	03820
15109-000000	12 14 TRAKEY ST	FIRST STREET PROPERTIES LLC		953 ISLINGTON ST 23G	PORTSMOUTH	NH	03801
15110-000000	206 LOCUST ST	DONOVAN JAIMIE S TRUSTEE	DONOVAN JAIMIE S LIV TRUST 2020	206 LOCUST ST	DOVER	NH	03820
15111-000000	208 LOCUST ST	RUTLAND BRYAN L &	PASCALE NICHOLAS W	208 LOCUST STREET	DOVER	NH	03820
15112-000000	218 LOCUST ST	RAHMANN ALEXANDRA C		218 LOCUST ST	DOVER	NH	03820
15112-A00000	216 LOCUST ST	JONES RICHARD W SR & MARTHA TRUSTEES	JONES RICHARD AND MARTHA FAMILY TRUST	216 LOCUST STREET	DOVER	NH	03820
15113-A00000	240 LOCUST ST	PETERSON STEPHAN L		246 DOVER POINT RD	DOVER	NH	03820
19052-001000	131 CENTRAL AV	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
15113-000000	118 CENTRAL AV	CENTRAL AVENUE MANAGEMENT LLC		601 CENTRAL AVE	DOVER	NH	03802
		JILLIAN ARSENAULT	SPECTRUM SIGNS & GRAPHICS	97 EDDY ROAD UNIT 4	MANCHESTER	NH	03102



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:	November 16, 2023
Meeting Time:	7:00 pm

INTENT: The Owners request a Special Exception from **Section 170-52.C.3 of the Zoning Ordinance**, to allow for the conversion from two (2) living units to four (4) living units.

UNITS PROPOSED: Two (2) additional. Four (4) total.

AGENDA ITEM #: 3-D

ZONING DISTRICT: Urban Density Multi Residential District (RM-U)

FILE: ZONE-2023-0048

APPLICANT/OWNER:
Anthony Mckeon Sallese

LOCATION: 7 Ham Street, (Tax Map 27, Lot 16)

ACREAGE: 10,018.8 ± sq. ft.

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential (No change)

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No, under Site Plan threshold

ATTACHMENTS: Application materials including narrative.

STAFF RECOMMENDATION: Staff doesn't support or oppose this

BACKGROUND INFORMATION

The property subject to this Special Exception is located at 7-9 Ham St and currently has two dwelling units. The applicant is requesting to add another 2 dwelling units via a Special Exception. There are criteria for the Special Exception on the RM-U table.

“Conversion to, or creation of Dwelling, 3-4 Family: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
- B. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.
- E. Structures shall be at least twenty (20) feet from a front property line, fifteen (15) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.
- F. If the units generated are restricted to the HUD Fair Market Rent rates, for Dover, criteria A and E do not apply”

The applicant is electing to restrict the two units to HUD Fair Market Rent rates so criteria A and E do not apply.

REASON FOR RECOMMENDATION

The application meets the criteria of a Special Exception and can provide adequate off-street parking onsite.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the Special Exception criteria. Staff does not support or oppose the Special Exception.

If the Board grants the Special Exception, staff recommends one condition:

- 1) The applicant submit a recorded deed restriction that two of the units be restricted to the HUD Fair Market Rate rent set each year.
- 2) The applicant add bushes or other screening between parking space and Park St.

ZONE-2023-0048 7 Ham Street

**Property Information**

Property ID 27016-000000
Location 7 HAM ST
Owner WIRKALA DANA &
Land Use 104
Zoning Code RM-U



**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 10/30/2023
 Data updated Daily

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



PERMIT SNAPSHOT REPORT ZONE-2023-0048 FOR CITY OF DOVER, N.H.

Permit Type	Zoning	Project:		App Date:	10/26/2023
Work Class:	Special Exception	District:	None	Exp Date:	NOT AVAILABLE
Status:	In Review	Square Feet:	0.00	Completed:	NOT COMPLETED
Valuation:	\$0.00	Assigned To:		Approval Expire Date:	

Description: The property at 7-9 Ham St is currently a 3,600sqft 2 family consisting of TWO 4bed, 1bath units (8 bedrooms total). The property sits on a 10,000+ sqft lot. I would like to renovate up to code and convert this space into FOUR 2bed, 1bath units (8 bedrooms total). There are multiple driveways on the property providing ample off street parking for 8 vehicles of tenants without disturbing the neighbors or encroaching on lot lines or public streets.

Parcel:	27016-000000	Main	Address:	7 Ham St Dover, NH	Main	Zone:	RM-U(Residential - Urban Density) CBD-G(Central Business District - Genera
----------------	--------------	------	-----------------	-----------------------	------	--------------	---

Applicant
Anthony Sallese
7-9 Ham St

Business: (617) 797-6316
Mobile: (617) 797-6316

Permit Custom Fields

ZoneSpExPlanSummary	The building will be renovated up to code, 2 kitchens and 2 bathrooms will be added. Older windows will be changed. Update the electrical.	ZoneSpExAppealSect		ZoneSpExA1GenPubWelfare	Converting the building into four 2bedroom/1bathroom units will foster a more welcoming environment for potential tenants of all ages to meet their housing needs. As opposed to having two larger units which tend to be geared to a limited demographic, this conversion will add housing and grow the neighborhood in a positive direction consistent with building codes and the goals of the City of Dover as a whole.
ZoneSpExA2SafetyImpact	The exterior/landscape of the property will remain the same. There is currently designated parking for 8 vehicles and that will also remain the same. The interior will be renovated up to code and converted into FOUR 2bedroom, 1bathroom units.	ZoneSpExA3UtilityImpact	There will be no added stress to the well being of the public utilities as the same number of people will occupy the property.	What is the parcel zoned?	RM-U
A.	The lot meets the specs to accommodate such conversion.	B.		C.	
D.		E.		F.	

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Anthony_Sallese_10/26/2023.jpg	10/26/2023 12:35	Sallese, Anthony		Uploaded via CSS

PERMIT SNAPSHOT REPORT (ZONE-2023-0048)

Permit Snapshot Report.pdf

10/26/2023 12:35 Service, EnerGov

Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00005582	Planning Zoning Special Exception Application Fee	\$200.00	\$200.00
Total for Invoice INV-00005582		\$200.00	\$200.00
Grand Total for Permit		\$200.00	\$200.00

Activity Type	Activity Number	Name	Workflow Action Name	User	Created On
Email	ACT-000135-2023			Rachel Blonigen	10/27/2023

Comments: Emailing applicant, need to show that the parcel meets the setback requirements.

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	10/26/2023	11/23/2023	10/31/2023	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Clark, Thomas	Approved	10/26/2023	11/23/2023	10/31/2023

Comments: provide plot plan showing dimensions

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		10/26/2023 14:44	10/31/2023 13:06
Confirm application complete v.1	Generic Action		10/26/2023 14:44
Planning Permit Application Review v.1	Receive Submittal	10/26/2023 0:00	10/31/2023 13:06
Zoning Board v.1		10/31/2023 13:07	
Zoning Board Agenda v.1	Task	10/31/2023 13:07	10/31/2023 13:07
Invoice for Notices v.1	Task	10/31/2023 13:07	10/31/2023 13:07
Send Notices v.1	Task	10/31/2023 13:07	
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 Major v.1	Create Sub Permit		



CITY OF DOVER, NEW HAMPSHIRE

PLANNING APPLICATION OWNER AUTHORIZATION (ZONING)

IMPORTANT

Property identification sign must be posted on the property for five (5) days prior to the hearing. Failure to post may result in application not being accepted.

OWNER AUTHORIZATION

I/We hereby submit this application to the City of Dover / City of Dover Zoning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Property Owner Name:

Anthony Sallese

Signature(s) of Property Owner(s):

Anthony Sallese

Date:

10/26/23

Signature of Applicant:

if different from owner

Date:

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I/We hereby submit this application to the City of Dover Zoning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity..

Property Owner Name:

Anthony Sallese

Signature(s) of Property Owner(s):

Anthony Sallese

Date:

10/26/23

Signature of Applicant:

if different from owner

Date:

ZONE-2023-0048
7 HAM STREET

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip	State Class
27001-000000	595 CENTRAL AV	KAROUTAS PAUL LIVING REVOCABLE TRUST	KAROUTAS APOSTOLOS TRUSTEE	3 KENNEDY CIRCLE	DOVER	NH	03820	31
27004-A00000	575 CENTRAL AV	BRADLEY COMMONS LIMITED PARTNERSHIP		PO BOX 127	PORTSMOUTH	NH	03802	911
27004-A00100	575 CENTRAL AV	BRADLEY COMMONS LIMITED PARTNERSHIP		PO BOX 127	PORTSMOUTH	NH	03802	396
27004-A00200	575 CENTRAL AV	HOUSING PARTNERSHIP		PO BOX 127	PORTSMOUTH	NH	03802	911
27004-A00300	575 CENTRAL AV	COMMUNITY ACTION PARTNERSHIP OF STRAFFOR		577 CENTRAL AVE STE 10	DOVER	NH	03820	910
27004-A00400	575 CENTRAL AV	COMMUNITY ACTION PARTNERSHIP OF STRAFFOR		577 CENTRAL AVE STE 10	DOVER	NH	03820	910
27004-B00000	18 PARK ST	BRADLEY COMMONS II LIMITED PARTNERSHIP		PO BOX 127	PORTSMOUTH	NH	03802	112
27014-000000	12 14 PARK ST	12-14 PARK ST CONDO ASSOCIATION	C/O DAVID BLEZARD, TREASURER	12 A PARK ST	DOVER	NH	03820	911
27014-000001	12 A PARK ST	BLEZARD CHRISTINE &	BLEZARD DAVID J	12 A PARK ST	DOVER	NH	03820	102
27014-000002	12 B PARK ST	SULLIVAN SEAN J		12 B PARK ST	DOVER	NH	03820-3115	102
27014-000003	14 A PARK ST	MOLES CHARLES	MOLES ALEXIS JORDAN	8 GARDEN LN	DURHAM	NH	03824	102
27014-000004	14 B PARK ST	WORTHINGTON KYLE PATRICK	HALL MEREDITH	14 B PARK ST	DOVER	NH	03820	102
27017-000000	3 HAM ST	3-5 HAM ST LLC		62 STARFISH CR	RYE	NH	03870	104
27019-000000	11 HAM ST	PARK PLACE LLC		PO BOX 671	ROCHESTER	NH	03867	111
27020-000000	2 DOVER ST	WOODBURY MILLS LIMITED PARTNERSHIP	C/O ALLIANCE ASSET MANAGEMENT	105 LOUDON RD UNIT 1	CONCORD	NH	03301-5601	112
27031-000000	19 21 HAM ST	HOLGATE LIMITED PARTNERSHIP		130 CENTRAL AVE	DOVER	NH	03820	111
27032-000000	15 17 HAM ST	CHU KENNETH S	CHU STACIE R	5 DEER CREEK RUN	DOVER	NH	03820-3589	104
27126-000000	29 33 PARK ST	SOUDAK ARIEL		38 WASHINGTON ST	HAVERHILL	MA	01832	111
27127-000000	27 PARK ST	DEVAY KURT &	MOREAU BRYNA	27 PARK ST	DOVER	NH	03820	101
27128-000000	23 25 PARK ST	CARTER JOSHUA R &	GARDNER INGEBORG E	23-25 PARK STREET	DOVER	NH	03820	104
27129-000000	8 HAM ST	OUELLETTE TRACEY		8 HAM STREET	DOVER	NH	03820	101
27130-000000	10 12 HAM ST	CARRIER IRENE R TRUSTEE	CARRIER IRENE R REV TRUST 98	50 FW HARTFORD DR	PORTSMOUTH	NH	03801	111
27131-000000	4 HAM ST	AMAZEEN TODD A		4 HAM ST	DOVER	NH	03820	105
27132-000000	24 PARK ST	HOLGATE LIMITED PARTNERSHIP		130 CENTRAL AVE	DOVER	NH	03820	130
27149-000000	609 CENTRAL AV	HOLGATE LIMITED PARTNERSHIP		130 CENTRAL AVE	DOVER	NH	03820	111
27150-000000	601 CENTRAL AV	B-TEAM REALTY LLC		37 FIELDSTONE DR	DOVER	NH	03820	340
27016-000000	7 HAM ST	WIRKALA DANA &	WIRKALA SUSAN J	31 HITCHING POST	PLYMOUTH	MA	02360-2552	104



7+9 HAM ST. - DOVER, NH.
 PROPOSED 4-UNIT APT. CONVERSION
 FOR MR. ANTHONY CALLESE
 ZONE = RM-V LOT SIZE = 10,018 SF.

Weger Associates Architects

74 Seabury Road
 York, Maine 03909

207-363-1141

bweger1950@gmail.com

19 OCT, 23

Print map scale is approximate.
 layout or measurement
 should not be done using
 urce.



7+9 HAM ST. - DOVER, NH.
 PROPOSED 4-UNIT APT. CONVERSION
 FOR MR. ANTHONY CALVESE
 ZONE = RM-U LOT SIZE = 10018 SF.

Weger Associates Architects

74 Seabury Road

York, Maine 03909

207-363-1141

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19 OCT. '23

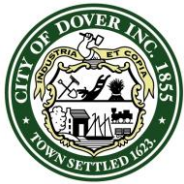
SETPACKS:

FRONT = AVERAGE

5+12 = 15'

S ADDITION = 20'

LOT STREET



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, November 16, 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 storage container to remain on the parcel within the setback temporarily due to the unique natures of the property.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-E

ZONING DISTRICT: Rural
Residential District (R-40)

FILE: ZONE-2023-0049

APPLICANT/APPELLANT:
Shaheen & Gordon, PA

LOCATION: Back Road (Tax Map M,
Lot 104)

ACREAGE: 26.02± ac.

EXISTING LAND USE: Vacant with
a (1) storage container (52' x 8' x 10')

PROPOSED LAND USE: Vacant
with storage container, eventually
residential

SURROUNDING LAND USE:
Residential

PREVIOUS ZBA ACTION: None

**PLANNING BOARD APPROVAL
REQUIRED:** No

ATTACHMENTS: Application and
materials

STAFF RECOMENDATION:
Staff does not support or oppose

BACKGROUND INFORMATION

The Board upheld the Zoning Administrator's decision dated July 13, 2023, regarding the storage container at their September 2023 meeting. The applicant is now requesting a Variance to allow the storage container to remain on the parcel within the setback temporarily due to the unique nature of the property.

The subject property is located in a more rural area of the City that is primarily residential in nature and the parcel itself is currently vacant, save for the aforementioned storage container, 52' length by 8' width by 10' height. The entire eastern property line of the parcel fronts on the confluence of the Cochecho River and Piscataqua River. The lot is 26.02± acres and is a "flag-style" lot, with an approximately 4,000 square foot access stripe, which is 20-feet-wide.

Staff's interpretation was that the storage container's placement does not meet the accessory structure setback requirements, regardless of the fact that the property does not have a principal structure on it (i.e. thus, the storage container is not an "accessory" use), and even giving the benefit of doubt on that issue, the storage container exceeds the 200 square foot threshold over which the structure must meet setbacks. The ZBA upheld that at their September 2023 meeting. The applicant is now seeking a Variance to allow for the storage container to remain in place.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings. Staff does not support or oppose the request.

ZONE-2023-0049 Back Road

**Property Information**

Property ID M0104-000000
Location BACK RD
Owner DEEPWATER FRONTIERS LLC
Land Use 610
Zoning Code R-40

**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 10/30/2023
Data updated Daily

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



PERMIT SNAPSHOT REPORT ZONE-2023-0049 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 10/26/2023
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 from Section 170-12(B)		Expire Date:

Parcel: M0104-000000 Main	Address: Parcel Id M0104-000000 Main Dover, NH 03820 Back Rd Dover, 03820	Zone: R-40(Residential - Rural)
Applicant William Baker 353 Central Ave, Suite 200 P.O. Box 977 P.O. Box 977 Dover, NH 03821 Business: (603) 609-0697	Owner N Miles Cook III 00 Back Rd Dover, NH 03820 Home: (603) 740-9888 Business: (603) 502-5200 Mobile: (603) 502-5200	Applicant Sean T O'Connell Business: (603) 749-5000

Permit Custom Fields

Number of Variances Requested: 1	ZoneVariPlanDirections	ZoneVariPlanSummary See Attached. The owner/applicant intends to develop the property for residential use. The applicant is requesting a temporary variance exempting it from setback requirements due to the unique nature of the property.
ZoneVariAppealSect 170-12(B)	ZoneVariAppealSectDe See Attached tail	What is the parcel zoned? R-40
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 easonableUse	

Attachment File Name	Added On	Added By	Attachment Group	Notes
Variance Application (Deepwater Frontiers LLC) 4857-3222-3112 v.3.pdf	10/26/2023 14:20	Baker, William		Uploaded via Civic Access
Permit Snapshot Report.pdf	10/26/2023 14:20	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
Signature_William_Baker_10/26/2023.jpg	10/26/2023 14:20	Baker, William		Uploaded via CSS
ZONE-2023-0049 Staff Memo Back Road.pdf	11/14/2023 14:36	Blonigen, Rachel		

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00005591	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00005591		\$200.00	\$200.00
INV-00005665	Planning Creation / Printing of Abutter Labels	\$20.00	\$20.00
	Planning Public Notice in Newspaper	\$120.00	\$120.00
	Planning Certified Mailing to Abutters	\$110.00	\$110.00
	Planning Certified Mailing to Application Contacts	\$20.00	\$20.00

PERMIT SNAPSHOT REPORT (ZONE-2023-0049)

Total for Invoice INV-00005665

\$270.00

\$270.00

Grand Total for Permit

\$470.00

\$470.00

Hearing Type	Location	Scheduled Date	Status	Subject		
Zoning Board Hearing v.1	Council Chambers	11/16/2023	Scheduled	Variance		
Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	10/26/2023	11/23/2023	10/31/2023	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Clark, Thomas	Approved	10/26/2023	11/23/2023	10/31/2023
Workflow Step / Action Name			Action Type	Start Date	End Date	
Review v.1				10/26/2023 16:10	10/31/2023 13:04	
Confirm application complete v.1			Generic Action		10/26/2023 16:10	
Planning Permit Application Review v.1			Receive Submittal	10/26/2023 0:00	10/31/2023 13:04	
Zoning Board v.1				10/31/2023 13:04		
Zoning Board Agenda v.1			Task	10/31/2023 13:04	10/31/2023 13:04	
Invoice for Notices v.1			Task	10/31/2023 13:04	10/31/2023 13:04	
Send Notices v.1			Task	10/31/2023 13:04	11/02/2023 15:04	
Zoning Administrator Creates Staff Recommendations v.1			Task	11/03/2023 8:50	11/14/2023 14:37	
Distribute Zoning Board Materials v.1			Task	11/14/2023 14:37	11/14/2023 14:50	
Zoning Board Hearing v.1			Hold Hearing	11/14/2023 14:50		
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 Major v.1			Create Sub Permit			



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised June 7, 2022]

<i>Office Use Only</i>	Case #: _____	Date Received: _____
	Amount Paid: \$ _____	Time Received: _____

RECEIVED
Planning Office
OCT 26 2023
Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Deepwater Frontiers, LLC c/o Shaheen & Gordon PA Phone # 603-749-5000

Address of Applicant: 353 Central Ave, Suite 200, P.O. Box 977, Dover, NH 03821

E-Mail Address: soconnell@shaheengordon.com

PROPERTY OWNER (if different from applicant): Deepwater Frontiers, LLC

Address: 22 Isaac Lucas Circle, Dover, NH 03820 Phone # 603-502-5200

E-Mail Address: mcook@metrocast.net

PROPERTY/PARCEL INFORMATION

Address: Back Rd

Brief Directions: _____

Zoning District: R-40 Assessor's Map # M-104-0-0 Lot(s) # _____

TYPE OF APPEAL: (Please check one)

☒ Variance ☐ Physical Disability Variance (RSA 674:33-V) ☐ Special Exception ☐ Appeal of Administrative Decision ☐ Equitable Waiver	from Section <u>170-12(B)</u> of the Zoning Ordinance from Section _____ of the Zoning Ordinance per Section _____ of the Zoning Ordinance regarding Section _____ of the Zoning Ordinance per Section _____ of the Zoning Ordinance
---	--

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The Applicant intends to develop the property for residential use. The lot is approximately 26 acres and is a "flag-style" lot, with a 20-foot wide access driveway 2000 feet in length that is the only means to access the property. The Applicant has built access on the first 20' of the driveway up to the first of four (4) wetlands crossings. The Applicant has a storage container placed at the first wetland crossing that is used to store materials related to road engineering, surveying, and construction. The applicant is requesting a temporary variance exempting it from setback requirements due to the unique nature of the property.

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**
 - \$200.00 SPECIAL EXCEPTION \$ _____
 - \$200.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
 - \$200.00 EQUITABLE WAIVER \$ _____
 2. Foster's newspaper public notice \$ _____

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(B) of the Zoning Ordinance to permit:
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:
See Attached.

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

3. Granting the variance would do substantial justice because:
See Attached.

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

See Attached.

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

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

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

See Attached.

and

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

See Attached.

and

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

See Attached.

OR

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

See Attached.

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning ordinance to permit _____

1. Does the request involve a dimension requirement, not a use restriction? yes no

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION TO BE COMPLETED BY APPLICANTS APPEALING AN ADMINISTRATIVE DECISION ONLY

Explain why you feel that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SPECIAL EXCEPTION REQUIREMENTS

THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

A. General Special Exception Requirements (as set forth in §170-52.C.3 of the Zoning Ordinance)

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

B. Specific Special Exception Requirements (as may be set forth in the applicable Table of Use)

Explain how the proposal meets the specific special exception requirements as may be set forth in the Table of Use for the zoning district in which the subject property is located:

A. _____

B. _____

C. _____

D. _____

E. _____

F. _____

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.

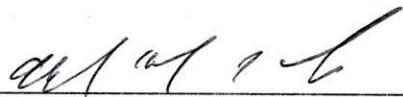
Signature of Applicant*

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: 10-25-2023

ZONING BOARD OF ADJUSTMENT
CITY OF DOVER, NEW HAMPSHIRE

APPLICATION FOR VARIANCE

Applicant: Deepwater Frontiers, LLC
Owner: Deepwater Frontiers, LLC
Address: Back Road, Tax Map M, Lot 104 (the "Property")
Parcel ID: M0104-000000

The applicant requests a variance from the setback requirements of Section 170-12(B) of the Zoning Ordinance in order to place temporarily a storage container measuring 52' length by 8' width by 10' height, on property located at Back Road, Tax Map M, Lot 104, in the Zoning District R-40 Rural Residential District.

A. BACKGROUND

1. Existing Property

The subject property is located in a more rural area of the City that is primarily residential in nature. The lot is approximately 26.02 acres and is a "flag-style" lot, with 20-foot-wide access driveway 2,000 feet in length. The access driveway is the only means to access the property. The entire eastern part of the property line of the parcel fronts on the confluence of the Cocheco River and Piscataqua River. The parcel itself is currently vacant, save for a temporary storage container measuring 52' length by 8' width by 10' height.

The applicant has built access on the 20' section of the roadway up to the first of four (4) wetland crossings leading to the point where the property widens considerably. The wetland crossings require NH DES approval prior to any construction or disturbance to those areas. Deepwater's storage container is placed at the first wetlands crossing and is used by Deepwater to store materials related to road engineering, surveying and construction as well as an all-terrain vehicle also used for those purposes given the long distances Deepwater and their experts need to travel to access and traverse the property.

2. Proposed Use

The applicant intends to develop the property for residential use. The storage container and the materials contained therein are necessary for road engineering, surveying, construction, and access to the property. The applicant plans to place the temporary construction trailer in its existing location only for a period long enough to gain permits that would allow for further construction of the access driveway, at which point the trailer will be moved from its present location to a point where it can meet the setback requirements.

Use of the storage container is necessary to obtain the permits required to build the remainder of the driveway and to develop the rest of the property. The unique characteristics of the property dictate that currently the only suitable location to place the storage container is in the 20-foot-wide access driveway adjacent to the first wetlands crossing. Given the size of the storage container relative to the size of the driveway, the applicant is requesting a temporary variance exempting it from the setback requirements so work on the property can proceed.

B. GROUND FOR VARIANCE

1. Granting the variance would not be contrary to the public interest.

“The requirement that the variance not be contrary to the public interest is ‘related to the requirement that the variance be consistent with the spirit of the ordinance.’ [T]o be contrary to the public interest ... the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives. One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality. Another approach to [determine] whether granting the variance would violate basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare.” Malachy Glen Assoc., Inc. v. Town of Chichester, 155 NH 102 (2007)(internal citations omitted).

The purpose of the Zoning Ordinance is to promote the health, safety, and the general welfare of Dover’s residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover’s economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover. *See* § 170-3.

The purpose of the Rural Residential District (R-40) is to provide for conventional single-family neighborhoods in the more rural areas of the City. *See* § 170-7(B)(1)(a). New subdivisions are designed as open space development with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted within the district, and some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools, and child-care facilities.

The temporary placement of a storage container housing materials related to road engineering, surveying and construction as well as an all-terrain vehicle also used for those purposes would not alter the essential character of the local area. The applicant plans to develop the property consistent with the purposes of the Zoning Ordinance, generally, and with the Rural Residential District, specifically. To do so, the applicant must be able to access the property and obtain necessary permits from NHDES.

The placement of the storage container in its current location is necessary to allow the applicant to obtain the permits required to develop the property. The applicant has developed the access driveway up to the first of four (4) wetland crossings that require NHDES approval prior to further construction or disturbance. Obtaining the necessary permits and acting in accordance

therewith ensures that any development conforms with the purpose of the zoning ordinance and encourages the most appropriate use of land throughout the City of Dover.

The proposed use would not threaten the public health, welfare, or other public interest in any way. While the variance requested might be temporarily unsightly, granting the variance will ensure the continued viability and preservation of delicate wetlands by ensuring all proposed development is environmentally sound and consistent with the purposes of the ordinance.

2. The spirit of the ordinance is observed.

“To adjudge whether granting a variance is not contrary to the public interest and is consistent with the spirit of an ordinance, we must determine whether to grant the variance would ‘unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.’ Thus, for a variance to be contrary to the public interest and inconsistent with the spirit of the ordinance, its grant must violate the ordinance’s ‘basic zoning objectives.’ Mere conflict with the terms of the ordinance is insufficient.” Harborside Associates, LP v. Parade Residence Hotel, LLC, 162 NH 508 (2011)(internal citations omitted).

The New Hampshire Supreme Court has “recognized two methods for ascertaining whether granting a variance would violate an ordinance’s ‘basic zoning objectives.’ One way is to examine whether granting the variance would ‘alter the essential character of the neighborhood.’ Another approach ‘is to examine whether granting the variance would threaten the public health, safety or welfare.’” Id.

The applicant’s requested variance is consistent with the spirit of the ordinance.

To begin, as discussed above, the variance neither alters the essential character of the neighborhood nor would it threaten the public health, safety, or welfare.

In addition, the zoning ordinance carves out exceptions to setback requirements for nonconforming lots. For example, §170-14 provides that a lot with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum side yard of ten (10) feet, while a lot with a width of less than seventy-five (75) feet shall have a minimum side yard of six (6) feet. In the immediate case, the portion of the property that is currently available to temporarily house the construction container is only twenty (20) feet wide. Where the ordinance makes exceptions to setback/side yard requirements based on the width of the property, it follows that granting a temporary variance to accommodate the container where the width of the property is only twenty (20) feet is consistent with the spirit of the ordinance.

A history of the ordinance and the inclusion of provisions over time that acknowledge the need for and accommodate temporary construction/storage containers further demonstrates that the requested variance is consistent with the spirit of the zoning ordinance. In a letter to the Zoning Board, Deputy City Manager Christopher Parker acknowledged an ordinance change in 2009 recognizing that certain structures that were clearly temporary in nature should *not* be subject to setback requirements. Here, the applicant is requesting a variance for the container for a period

only long enough to gain permits that would allow it to be fully removed from its current location. Where the requested variance is temporary, the spirit of the ordinance is clearly observed.

3. Substantial Justice is Done.

In addressing the substantial justice factor, the Supreme Court has stated “Perhaps the only guiding rule on this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *Malachy*, 155 N.H. at 109. However, the Court has also considered whether the proposed use is consistent with the area’s present use when addressing this factor.

Here, the applicant purchased the property with the expectation it would develop it for residential use. The delay in obtaining necessary permits is the *only* reason the container has been temporarily placed in a location where existing setback requirements cannot be met. While the container is unsightly, its placement is temporary and will last only long enough to gain permits that would allow it to be fully moved from its current location to allow further development of the property.

There would be no gain to the public in denying this variance, while in contrast there would be substantial loss suffered by the applicant by further delaying the issuance of the permits necessary to develop and enjoy its property.

4. The values of surrounding properties are not diminished.

The Superior Court has found that the ZBA may “consider noise, traffic, aesthetics and intensity of use in considering what effect, if any, the variance would have on surrounding property values.” *Farrar v. City of Keene*, 158 NH 684 (2009)(internal citations omitted).

The proposed use will have no impact on noise and traffic in the area. And, while the applicant acknowledges the container itself is not aesthetically pleasing and is mindful of the concerns of abutters, the container’s temporary placement will ultimately benefit the surrounding area by allowing the applicant to obtain the permits necessary to develop the property in a way the protects and promotes the area’s aesthetic beauty.

In the immediate case the applicant is attempting to develop a unique piece of property in accordance with the requirements of both the Zoning Ordinance and NHDES. Compliance with both City and State regulations ensures development that promotes the health, safety, and the general welfare of Dover’s residents, encourages the maintenance of Dover’s economic and aesthetic quality of life, and encourages the most appropriate use of land throughout the City of Dover, all of which will ultimately benefit surrounding property values.

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

- (a) For purposes of this subparagraph, “unnecessary hardship” means that the following special conditions of the property distinguish it from other properties in the area.

- i. Owing to these special conditions, 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.
- ii. And the proposed use is a reasonable one.

The stated public purpose of the ordinance, in relevant part, is to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

The applicant is attempting to develop the property in conformance with the ordinance.

There are several special conditions to the property that distinguish it from other properties in the area. First, this is a "flag-style" lot, meaning that there is a narrow 20-foot-wide access driveway extending approximately 2000 feet back to a portion of the property that widens considerably. The access driveway must be built before the property can be developed for residential use. Second, the access driveway includes four (4) separate wetland crossings. The applicant must therefore obtain approval from NHDES (in addition to permitting required by the City) before it can build the driveway to access the rest of the property and move the container. Third, NHDES will only issue permits for the entire property, and not just a particular crossing or set of crossings. Therefore, the entire project is in a waiting period until those permits are issued. Fourth, the permits cannot be issued without the ability to access and survey the property, and the property cannot be easily accessed or surveyed absent use of the equipment contained in the temporary storage container.

Accordingly, the unique characteristics of the property dictate the temporary placement of the storage container in its existing location *to allow its removal* to a location where setbacks can be met, and the property can be developed in accordance with the ordinance and DES regulations. Owing to the special conditions, no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property.

The proposed use is a reasonable one for all the reasons stated above. In fact, there can be no use more reasonable than developing the property in strict conformance with local and state regulations.

- (b) An unnecessary hardship will be deemed to exist if 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 reasonable use of it.

The access driveway where the temporary construction container is placed measures only 20 feet wide and prohibits strict conformance with the setback requirements. If the applicant is denied use of the container, however, it will be unable to obtain permits necessary to build the driveway and develop the property. Denying the variance would prohibit a reasonable use of the property with no corresponding benefit to the public.

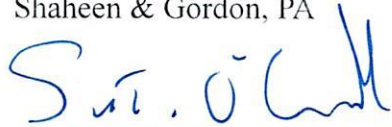
C. CONCLUSION

For the foregoing reasons, the applicant requests a variance of Section 170-12(B) to permit the temporary placement of a storage container measuring 52' length by 8' width by 10' height, on property located at Back Road, Tax Map M, Lot 104, in the Zoning District R-40 Rural Residential District.

Respectfully submitted,
Deepwater Frontiers, LLC
By its attorneys,
Shaheen & Gordon, PA

Dated: 10/24/23

By:



Sean T. O'Connell, Esq.
PO Box 977, Dover, NH 03821-0977
Tel. (603) 749-5000
soconnell@shaheengordon.com

ZONE-2023-0042

BACK ROAD

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
M0091-000000	286 MIDDLE RD	STRANGE EDWARD S		286 MIDDLE RD	DOVER	NH	03820
M0091-A00000	290 292 MIDDLE RD	TOWNSQUARE MEDIA PORTSMOUTH LLC		PO BOX 576	DOVER	NH	03821-0576
M0091-B00000	278 MIDDLE RD	MCKENNA JAMES F & JOANNE E TRUSTEES	MCKENNA JAMES AND JOANNE REVOCABLE LIVIN	278 MIDDLE ROAD	DOVER	NH	03820
M0091-C00000	MIDDLE RD	WATERSIDE LAND HOLDINGS LLC	C/O SUMMIT LAND DEVELOPMENT LLC	340 CENTRAL AVE STE 202	DOVER	NH	03820
M0092-A00000	BACK RD	LANGS PATRICIA		10 HAWTHORN ROAD	DOVER	NH	03820
M0092-B00000	CULLEN BAY RD	CULLEN BAY HOMEOWNERS ASSC	C/O MICHELLE TROCHALAKIS TREASURER	7 CULLEN BAY RD	DOVER	NH	03820
M0092-H00000	CULLEN BAY RD	HEBERT MARIE V TRUSTEE	HEBERT MARIE V REVOCABLE TRUST	6 CULLEN BAY RD	DOVER	NH	03820
M0102-000000	277 MIDDLE RD	DRISCOLL BRENDAN C		277 MIDDLE RD	DOVER	NH	03820
M0102-001000	268 MIDDLE RD	MINEROWICZ EDWARD & MARCIA TRUSTEES	THE RED ISLAND TRUST	268 MIDDLE RD	DOVER	NH	03820
M0102-012000	HAYDEN DR	CATHERINEBERG CONDOMINIUM UNIT OWNERS AS		38 BEECHWOOD DR	STRAFFORD	NH	03864
M0102-012DRV	HAYDEN DR	100 BROWNING LLC		38 BEECHWOOD DR	STRAFFORD	NH	03864
M0104-000000	BACK RD	DEEPWATER FRONTIERS LLC		22 ISAAC CIRCLE	DOVER	NH	03820
		SEAN O'CONNELL	SHAHEEN & GORDON ATTORNEYS AT LAW	P.O. BOX 977	DOVER	NH	03821

ZONE-2023-0049**BACK ROAD**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
M0091-000000	286 MIDDLE RD	STRANGE EDWARD S		286 MIDDLE RD	DOVER	NH	03820
M0091-A00000	290 292 MIDDLE RD	TOWNSQUARE MEDIA PORTSMOUTH LLC		PO BOX 576	DOVER	NH	03821-0576
M0091-B00000	278 MIDDLE RD	MCKENNA JAMES F & JOANNE E TRUSTEES	MCKENNA JAMES AND JOANNE REVOCABLE LIVIN	278 MIDDLE ROAD	DOVER	NH	03820
M0091-C00000	MIDDLE RD	WATERSIDE LAND HOLDINGS LLC	C/O SUMMIT LAND DEVELOPMENT LLC	340 CENTRAL AVE STE 202	DOVER	NH	03820
M0092-A00000	BACK RD	LANGS PATRICIA		10 HAWTHORN ROAD	DOVER	NH	03820
M0092-B00000	CULLEN BAY RD	CULLEN BAY HOMEOWNERS ASSC	C/O MICHELLE TROCHALAKIS TREASURER	7 CULLEN BAY RD	DOVER	NH	03820
M0092-H00000	CULLEN BAY RD	HEBERT MARIE V TRUSTEE	HEBERT MARIE V REVOCABLE TRUST	6 CULLEN BAY RD	DOVER	NH	03820
M0102-000000	277 MIDDLE RD	DRISCOLL BRENDAN C		277 MIDDLE RD	DOVER	NH	03820
M0102-001000	268 MIDDLE RD	MINEROWICZ EDWARD & MARCIA TRUSTEES	THE RED ISLAND TRUST	268 MIDDLE RD	DOVER	NH	03820
M0102-012000	HAYDEN DR	CATHERINEBERG CONDOMINIUM UNIT OWNERS AS		38 BEECHWOOD DR	STRAFFORD	NH	03884
M0102-012DRV	HAYDEN DR	100 BROWNING LLC		38 BEECHWOOD DR	STRAFFORD	NH	03884
M0104-000000	BACK RD	DEEPWATER FRONTIERS LLC		22 ISAAC CIRCLE	DOVER	NH	03820
		SEAN O'CONNELL	SHAHEEN & GORDON ATTORNEYS AT LAW	P.O. BOX 977	DOVER	NH	03821

November 14, 2023

To the Dover, NH Zoning Board of Adjustments,

The date of this meeting occurs on the same date as our 60th wedding anniversary. We are choosing to celebrate this day rather than attend the meeting. Due to this I am submitting this letter as my rebuttal to the Application for Variance submitted by Deepwater Frontiers. LLC.

On May 13, 2023, we filed a complaint with the planning board because the container in question is not within the required property line set back. Two months later the zoning board, after discussion with several department heads, ruled that the container must have a 10' setback. On September 21 this board ruled unanimously (5-0) to deny an appeal of the 10' set back. It has been 6 months since the container was placed 30" from our side boundary. No permits from the City of Dover were ever given or requested by Miles Cook, the owner of the container and property.

In February 2023 my wife, Joanne and I offered to allow Mr. Cook to place a 20' foot container or shed on our property, beyond our shed and out of sight from the road and our house. Instead, Mr. Cook placed an 8 ½ x 53' container 30 inches from our property line without checking city codes or inquiring if permits were needed. If he had taken our original offer, he could have completed construction of the wetland's crossings and the entire road. As the container sits now neither of these can be completed as the entire permitted driveway is blocked, which makes access to the property and wetlands nearly impossible.

The container in question is currently listed on the Facebook Marketplace for sale by Mr. Cook. I have attached the listing with this letter. Given this, why would Mr. Cook be requesting this variance?

Mr. Cook's attorney claims that the container does not alter the character of our neighborhood, change the aesthetics or lower our property values. Attached please find a petition signed by many of our neighbors who totally disagree with this statement. If the container were to be moved to Mr. Cook's driveway on Isaac Lucas Circle, I believe that his neighbors would share the same concern as mine.

All of us read and hear things that are riddled with both facts and fiction. Counsel, after discussions with his client, has submitted a document that is long on fiction and short on facts. In the application for variance Mr. Cook's counsel gives his clients reasons for needing the container 8-9 times.

They are as follows:

1. Storage of documents
2. Storage of tools necessary for surveying
3. Storage of tools for engineering and design
4. Storage of items needed for construction of wetlands crossings
5. Storage of equipment for construction of the driveway
6. Storage of ATV necessary for obtaining permits

I believe that these reasons are all fiction, and I will respond by number to each.

1. All said documents could fit into a briefcase or laptop computer.
2. Surveying was done in February. The surveyors walked, over 5-6 days, the total distance to the river and back. They provided all the tools that were needed and took them with them each evening.
3. There are no tools for engineering or design that need to be stored. These tools are brought daily, used and taken with engineers at the end of the day. Engineering and design and permit applications are completed in their offices and submitted to planning board and NHDES, not on site.
4. Equipment and tools needed to construct wetlands crossings would not fit into said container. Heavy equipment is needed.
5. Any equipment needed to construct the driveway would be much too large to fit into said container.
6. Mr. Cook owns a registered ATV which is stored ½ mile away and can be used in the same capacity and has been on this property many times.

A week ago, I had a very long and enlightening conversation with a consultant at NHDES. This person has had years of field experience and is now a contact person for wetlands crossing permits and related questions. We discussed design, engineering and construction of 4 or more wetlands crossings and the distance of ½ a mile needed to be accessed in this case. We also discussed any need for a storage container or an ATV. In all this consultant's vast experience they have not heard of any need for a storage container, nor have they had a request for a landowner to provide an ATV. They informed me that a ½ mile walk is a short distance as compared to many locations and that having to walk the site will not alter the time for design, application for permits and thus approval of permits by NHDES. As of 11/14/23, NHDES has not received an application from Deepwater Frontiers, LLC (Mr. Cook). I have verified this through the NHDES website which allows me to view all applications and the date and time of submission.

All the information that I have provided has surely proven that the arguments about the need for this container and ATV are fictional. Therefore, there is no hardship if the container is moved as it is not necessary and in fact, makes things more difficult.

When the counsel states that they can't disturb sensitive wetlands, they fail to state that these wetlands have already been crossed (by Mr. Cook) 30-40 times, that equates to 60-80 total crossings as they are done in both directions. Removing the container will not alter or delay in any way Mr. Cook's plans to construct the remainder of this driveway and build a house on the usable land.

My neighbors and I believe Mr. Cook has a right to use his land to construct a 20' gravel driveway and to build one home on this riverfront property that he owns. He can also pave a 10' wide driveway when construction of said home is completed. This is all provided he follows all rules and codes and does not disturb the abutters' property or privacy.

Counsel for Mr. Cook has requested a temporary variance yet never gives a timeline for completion. Is it 3 months? 6 months? 1 year? 3 years? Given the fact that Mr. Cook has not yet submitted the wetlands permit application I am certain that he has no idea of an end date. This sounds to me like it could be a variance request without end.

My wife and I have lived at 278 Middle Rd. for 49 years. During this time, we have been good neighbors and followed the rules of this city. We hope to continue to do so hopefully for many years to come.

Prior to your vote I request that you please protect the rights of myself and my wife as well as that of our neighbors as is done by the city and association in Mr. Cook's neighborhood, Brickyard Estates.

In summary, this container has no need and was placed without the rules or regulations of the city being considered. Please vote no on allowing this variance.

Thank you,

Jim and Joanne McKenna

278 Middle Rd.

Dover, NH



Marketplace

Q Search Marketplace

Browse all

Notifications

Inbox

Cart

Buying

Selling

Create new listing

Create multiple listings

Filters

Dover, New Hampshire · Within 20 miles

Categories

Vehicles



Message

Details

Condition

Used - Good

8' 6" W x 53' L x 9' H Large Storage Container with 4 Garage Doors and Barn Doors.

Fully Secure, electrical hookups with multiple electrical outlets and LED Lighting mounted inside.

Used for construction project. Can Deliver.

Listed on 11/2/2023

Dover, NH

Location is approximate

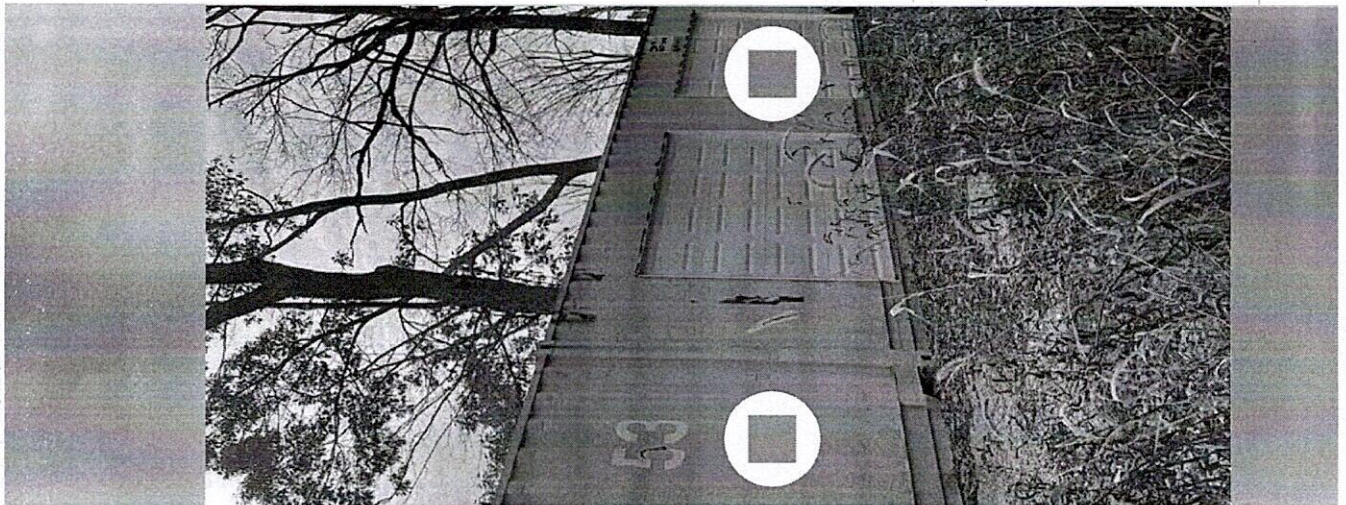
Seller information

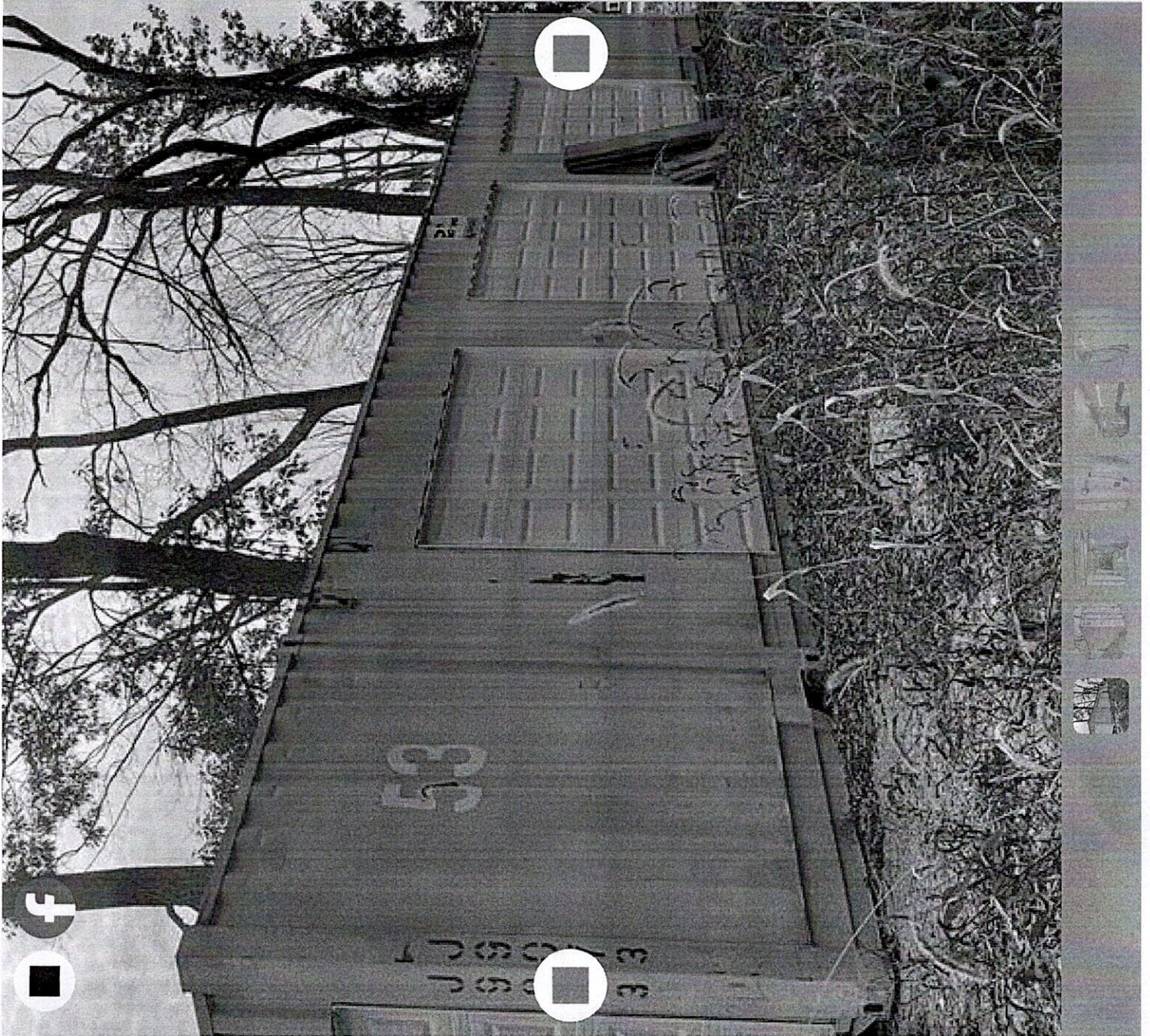
Seller details



Miles Cook

Send seller a message





Portable Storage Container

\$13,500

Listed 5 days ago in Dover, NH

Message

Details

Condition Used - Good
8' 6" W x 53' L x 9' H Large Storage Container with 4 Garage Doors and Barn Doors.

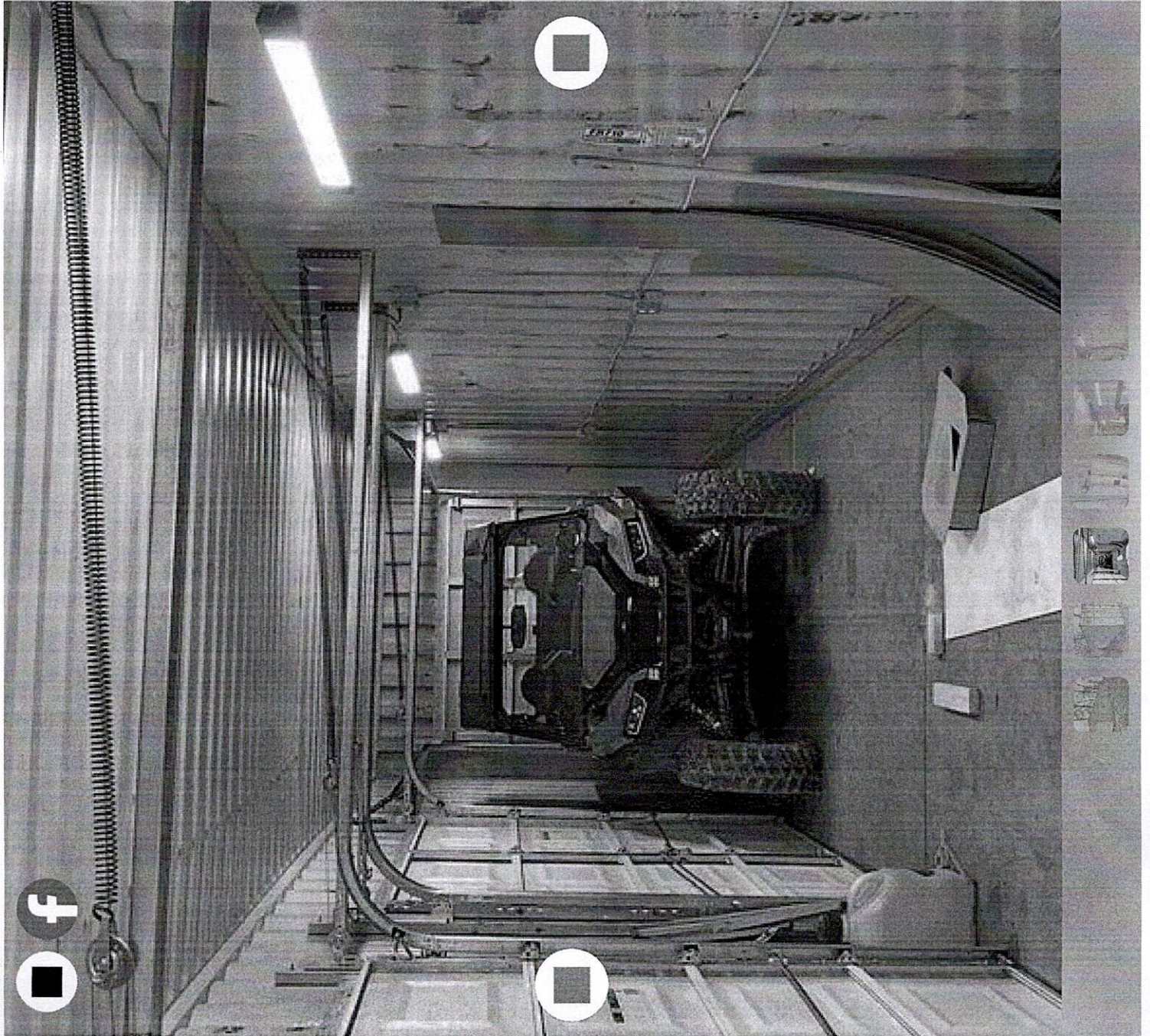
Fully Secure, electrical hookups with multiple electrical outlets and LED Lighting mounted inside.

Used for construction project. Can Deliver.

Send seller a message

Hello, is this still available?

Send



Portable Storage Container

\$13,500

Listed 5 days ago in Dover, NH

Message

Details

Condition Used - Good
8' 6" W x 53' L x 9' H Large Storage Container with 4 Garage Doors and Barn Doors.

Fully Secure, electrical hookups with multiple electrical outlets and LED Lighting mounted inside.

Used for construction project. Can Deliver.

Send seller a message

Hello, is this still available?

Send

40 Homeowners

We, the undersigned, request the removal of the storage container that has been placed on the property belonging to Miles Cook on Back Rd., Dover, Tax Map M, Lot 104. We collectively feel that this container is a detriment to our property values, negatively impacts the aesthetics of our neighborhood, impairs the enjoyment of our property and is not being used in a manner that is necessary at this time.

Date	Printed Name	Address	Signature
11/10/2023	EDWARD MINERPOSTICE	260 Middle Rd, Dover	Edward Minerpostice
2.	KENT HOWARD	262 Middle Rd, Dover	Kent S. Howard
3.	Matt Endrizzi	404 Back Rd	Matt Endrizzi
4.	David Smith	380 Back Rd	David Smith
	Julianne Smith	380 Back Rd	Julianne Smith
5.	William Hunt	245 Back Rd	William Hunt
6.	Brendan Driscoll	277 Middle Rd	Brendan Driscoll
7.	Nancy Volpe	277 Back Rd	Nancy Volpe

8. Matthew Smith 229 Back Rd Matthew Smith
9. Kara Hodgdon 258 Back Rd Kara Hodgdon
10. Rose Downes 298 Back Road Rose H. Downes
11. Gregory Whitworth 295 Back Rd Gregory Whitworth
12. JEFFREY HOLLINGER 346 BACK RD Jeffrey Hollinger
13. Chris Berg 303 Back Rd Chris Berg
14. TRICIA BARRY 398 Back Rd. Patricia Barry
15. John O'Connor 15 Emery Lane John O'Connor
16. William Maxwell 9 Emery Ln. William Maxwell
PATRICK MAXWELL 9 EMERY LANE Patrick Maxwell
17. COREY CANTHRON 283 MIDDLE RD. Corey Cant

18. Gary Mangano 291 Middle Road Gary Mangano
19. Sindi Rania 335 Middle Rd. Sindi Rania
20. Kevin Charles 1 Isaac Lucas Cir. Kevin Charles
21. Gary Garvin 351 Middle Rd. Gary Garvin
22. Daniel Dion 36 Tuttle Ln. Daniel Dion
23. Bradley R Amari 51 Tuttle Ln. Bradley R Amari
24. M. R. K. 371 Middle Rd. M. R. K.
25. Brian Gennaro 19 Tuttle Lane Brian Gennaro
26. Philip W. Lemire 25 Tuttle Lane Philip W. Lemire
27. Scott V. Mainella 399 Back Road Scott V. Mainella

We, the undersigned, request the removal of the storage container that has been placed on the property belonging to Miles Cook on Back Rd., Dover, Tax Map M, Lot 104. We collectively feel that this container is a detriment to our property values, negatively impacts the aesthetics of our neighborhood, impairs the enjoyment of our property and is not being used in a manner that is necessary at this time.

Date	Printed Name	Address	Signature
1. 11/11/2023	THOMAS MONTGOMERY	3 EMERY LANE DOVER	
2. 11/11/23	Rachel Wood	405 BACK ROAD DOVER NH	
3. 11/11/23	Daniel Green	411 BACK RD DOVER NH	
4. 11/11/23	Anne Gilles	16 HAYDEN DOVER	
5. 11/11/23	Paul J. Smith	18 HAYDEN DR DOVER	
6. Cathleen Beaudoin	12 HAYDEN DR	Cathleen C. Beaudoin	
7. 11/11/23	Kristin Hippe	371 BACK RD	

8. 11/14/2023 Robert Fredette 109 Back Rd Dover N.H. Robert Fredette

9. 11/14/23 Ann Fredette 109 Back Rd, Dover NH Ann B Fredette

10. 11/14/23 Elizabeth Dubois 389 Back Rd, Dover NH Elizabeth Dubois

11. 11/14/23 Rene Dubois 389 Back Rd, Dover NH Rene

12. 11-14-23 Joanne McKenna 278 Middle Road Dover, NH Joanne McKenna
11/17/23 James McKenna - 278 Middle Road James McKenna

13.

14.

15.

16.

17.

From: gary mamigonian <gary.mamigonian@gmail.com>
Sent: Tuesday, November 14, 2023 4:12 PM
To: Benton, Donna <d.benton@dover.nh.gov>
Subject: Cook Property (Next to McKenna on Middle Road)

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

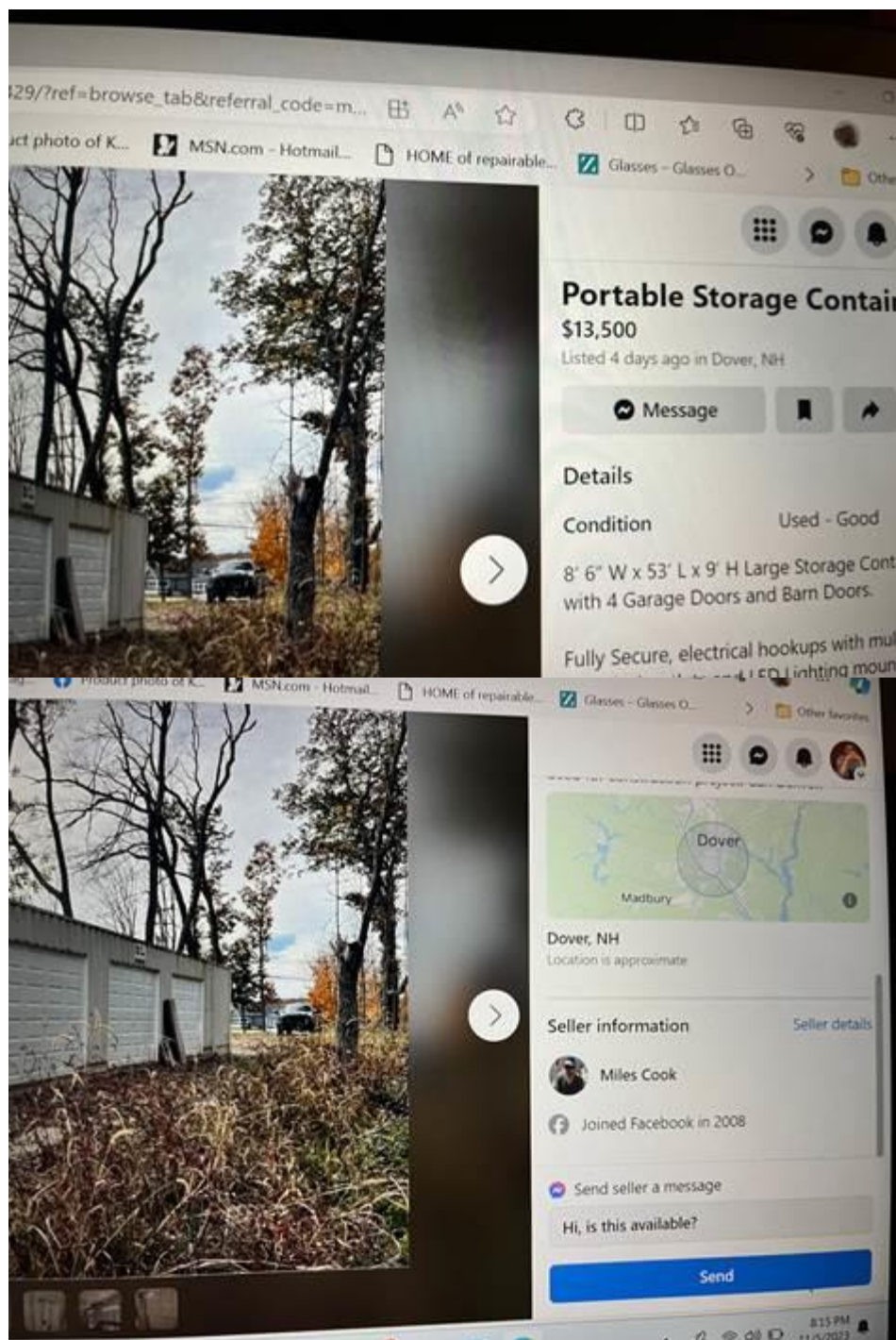
Thank you for taking the time to speak with me,(a week or so ago) regarding the Cook property issue next to Jim McKenna.

As I had mentioned, I am increasingly frustrated at the way the Planning department is handling this situation. The Storage trailer was deemed a structure at the last meeting where Mr. Cook was told that it had to be removed, I think it was to be removed on or around October 13. Since then, as you explained, they have applied for a variance. I am very much opposed to that variance, for the following reasons:

- This storage trailer is too big and ugly to be there.
- There is no valid reason why this is needed. Every reason presented at the last meeting was not true.
- Why is a variance needed for something that he is clearly selling (see attached pic showing it for sale)?? Seems deceptive, what he is really trying to do?
- From the start, there has been no plan presented, nor have any of the city ordinances been followed. I am opposed to this entire project due to these continuing issues.
- As of a couple days ago, there hasn't even been a wetlands crossing permit applied for with the State, that I can find. This could have been done a long time ago, so the storage trailer could have been moved out of sight.
- They have done nothing to work with the neighbors to resolve these issues either.
- They have also not been held accountable to the wetlands damage which has already occurred.

This project has been a problem from the start as the owner has been deceptive and has not followed the proper processes for this project. Therefore I request you reject any variance/requests made to allow the rules to be bent even more. The City has an obligation to it's citizens and us as neighbors, to enforce these rules.

Your consideration is appreciated.
Gary Mamigonian
291 Middle Road



Send

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

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