

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, April 18, 2024**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 15, 2024

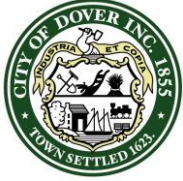
3. HEARINGS

- A. ***ZONE-2024-0010** Applicant: Daniel Begin, 108 Mount Vernon Street, Tax Map 29, lot 95, located in the Medium Density (R-12), requests a Variance from **Section 170-41-D**, to allow for the expansion of a sunroom 6' in a parallel direction to the lot line where the 10' setback is allowed.
- B. ***ZONE-2024-0011** Applicant: Bruton and Berube, PLLC (Owners: Lydia N. & Edward John Williams III), 167 Spur Road, Tax Map L, Lot 44, located in Low Density Residential (R-20), requests a Variance from **Section 170-12.B**, to allow for a foundation and single-family residence to be built within a front yard setback of 1' where a build-to-line of 20-35' is required, and a side yard setback of 8' where a setback of 20' is required, and a rear yard setback of 11' where a setback of 30' building to line is required.

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@dover.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@dover.nh.gov, or mailing written comments to the Zoning Board of Adjustment, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, February 15, 2024
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillittta (Vice Chair), Otis Perry, Rich Onufry, Nicholas Couturier, Jackson Brown (Alternate), and Sarah Tatarczuk (Alternate)

Members Absent (Excused): George Reagan (Alternate)

Members Absent (Unexcused): None

Staff Present: Paul R. Crouser (Zoning Administrator)

The Chair called the meeting to order at 7 PM.

2. APPROVAL OF MEETING MINUTES OF JANUARY 18, 2024

Motion: Sillittta moved to approve the minutes of January 18, 2024 as submitted. Seconded by Onufry.

Vote: U/A with Perry abstaining

The Chair explained the hearing process.

3. HEARINGS

A. ZONE-2024-0002 Applicant: Eddins Investments, LLC. 6 Milk Street, Tax Map 30, Lot 108 located in the Urban Density Multi Residential (RM-U), requests a Variance from Section 170-11.D of the Zoning Ordinance, to allow for change in use from a warehouse and office space to musical collaboration space and office space.

Kurt Eddins, owner of Eddins Investments, LLC, represented the application and explained the proposal. He has been looking for a property to support both office space for his business as well as music studios that can be rented out for practice space and music lessons. This property fits his plans.

The initial phase will include the office area and six music studios. Half of the building will remain warehouse space. He intends to be a good neighbor and has worked with a consultant to design sound proofing for each studio as well as to contain sound within the building.

He noted the property is in a residential/ commercial zone, and has been used for commercial purposes for many years. The building takes up most of the block and is surrounded by multi family units.

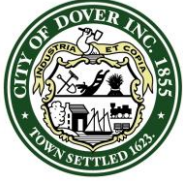
The Chair noted previous Zoning Board action has allowed the property to be a legal non-conforming wholesale distribution center. He noted staff has recommended some conditions of approval and read them aloud.

Mr. Eddins intends to be present on the property as the manager and anticipates hours of operation of 12-9pm weekdays and 12-10pm weekends which he based on the retail guidelines for the zone. He does not see any issue with the conditions. He noted the focus of the project is more community-building rather than money making.

He addressed questions of board members regarding parking, liquor license plan (no), lounge area purpose, snow maintenance, and size of the music studios.

He addressed each of the five criteria:

1. Community-oriented space
2. Has been used for commercial purposes- not changing use, just reallocating the space within the building.
3. The building does need a lot of work and he is willing and excited to make the investment for improvements.



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4. Plans are to improve the quality of the neighborhood by adding this artspace and improving the building. He has consulted with a sound-proofing expert on how to properly construct the studios so as not to disturb each other or the abutters.

5. The property is unique as it is in a mixed commercial/residential zone, but it is the only commercial property in the area. The intended use will not negatively impact the neighbors and plans to have open communication with them for feedback. This is a reasonable use as the intent is to improve the space and make it welcoming to all.

Public Hearing opened

Public Comment:

10 Mt Vernon noted she lives right across from the proposed project. Parking is a huge issue there. In the winter she parks on the lawn and in the summer they park on the street. She is concerned about parking space for her as well as parking spaces for all of the musicians, drinking on the premises and loud noise late at night with the groups coming and going.

Dev Khalsa, 5-7 Milk St noted parking is an issue. The amount of street parking that exists on Milk st is not even enough to cover the apartments that exist there. Plowing eats up a good portion of the parking spaces at the building in question. He is concerned that there is nothing binding to the owner if there is a sound issue. There is no noise ordinance in Dover so enforcing the peace is very subjective. The proposed hours are too late at night to have bands practicing in a residential area. He is very skeptical of the sound being contained. He is concerned about diminution of value due to tenants not wanting to rent his units if they see or hear the music practice going on.

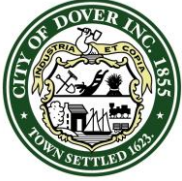
Mr. Eddin noted he is processing the feedback and understands the concerns and looks forward to working with the neighbors to not negatively impact them. Parking will be challenging and he will continue to research options. He has talked with similar businesses about security and the types of agreements they have the bands sign when they rent space and how rules are enforced. He is mindful and careful about who he will rent the space to. This is not a money making endeavor – it is meant to help the community- not harm it. He is confident in his research regarding the sound and believes he is doing everything he can to contain the sound and agreed to the condition proposed by staff.

The Chair asked staff for their feedback regarding parking.

P. Crouser noted the parking on site meets standards for the space. Parking is a problem city-wide though Central ave being one block over is encouraging.

Board members discussed parking solutions. Chair Prior suggested each studio to have an assigned parking spot though where the other participants park will be hard to enforce.

Planning Department recommendation: P. Crouser noted 2/3 of the proposed uses for this parcel will remain the same so the change is the rented music spaces. While most direct abutters to this property are residential dwellings, this parcel is on the outer edge of the RM-U district and directly abuts the CBD-G district and is within approximately 200 linear feet from the Gateway and the CBD-MU districts, which are both commercially-biased districts. The nearest abutter is about 36' away, however the warehouse portion of the building is between the abutter and the music use area which includes a fire-rated wall. Parking is an issue but would likely be an issue for any user of the property. Other permitted uses in the zone would likely bring similar concerns regarding parking and noise, but the use would be permitted (church, performance hall) and no soundproofing would be required.



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Meeting Time: 7:00 pm

Staff supports this Variance request with the following conditions:

- 1) Hours of operation specific to the music space rental use shall be agreed upon and abided by, for both residential noise and traffic concerns;
- 2) That, although the nearest residential structure is 36' away from the property in question, if any reasonable noise complaints are made by any direct abutter, that the applicant shall take timely measures to remedy the root cause of the complaint, whether that entails limiting the permissible scope of music-related activities on the premises, installing additional sound buffering, etc.

Hours of operation were discussed and clarified that a warehouse operation could run three shifts and an assembly hall would not have a restriction on hours.

Public hearing was closed.

Motion: N. Couturier moved to GRANT the variance with condition (2) set forth by the planning department and additional conditions as follows:

- One assigned parking spot provided on premises per rental studio for musician use
- No congregating outdoors by tenants/lessees
- No alcohol on premises
- Hours of operation for music studios not to exceed 10am-9pm Sun-Thurs and 10am-10pm Fri and Sat.

Sillitta seconded.

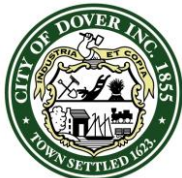
Vote: U/A

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Perry moved to adjourn at 8:09pm. Sillitta seconded. Vote: U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall, 288 Central Ave., Dover, NH 03820
Meeting Date:	Thursday, April 18, 2024
Meeting Time:	7:00 pm

INTENT: The Applicant requests a Variance from **Section 170-41.D of the Zoning Ordinance**, to allow for an addition to a pre-existing nonconforming structure, where such additions must be no closer to the boundary line than the existing structure, and no closer than 10'.

UNITS PROPOSED: N/A

AGENDA ITEM: 3-A

ZONING DISTRICT: Medium Density Residential, (R-12)

FILE: ZONE-2024-0010

APPLICANT: Daniel C. Begin

OWNERS: Same

LOCATION: 108 Mount Vernon St.

ACREAGE: 0.20 acres. No requested change in acreage

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential, No Change

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.: No

ATTACHMENTS: Application, Narrative, Floor Plan

STAFF RECOMMENDATION: Staff strongly supports this variance request.

BACKGROUND INFORMATION

The property subject to this Variance request is located at 108 Mount Vernon Street within the R-12 zoning district.

The intent behind the sought relief is to allow the applicant to expand the property's existing sunroom westward by six (6) feet and to expand northward by one (1) foot, in addition to adding a second story to the sunroom.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five Variance criteria. Staff strongly supports this Variance request without any conditions.

The Zoning Ordinance creates an exemption to setbacks for pre-existing nonconforming structures, which states that expansion of single-family structures is allowable, provided that the expansion is no closer to the property line than the existing primary structure (which this proposal complies with) and shall not be any closer than ten (10) feet from the lot line. As the existing home is only approximately six (6) feet from the side boundary line, it precludes the owner from making any practical additions to the sunroom. Another noteworthy point is that the proposed sunroom will decrease its encroachment from the side property line compared with the existing sunroom.



PERMIT SNAPSHOT REPORT ZONE-2024-0010 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 03/26/2024
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Crouser, Paul	Approval
Description: To remove existing sun-room and expand 6 feet in a parallel direction to the lot line. Construction activities are believed to fall within the 10 foot side setback.		Expire Date:

Parcel: 29095-000000	Main	Address: 108 Mount Vernon St Dover, NH	Main	Zone: R-12(Residential - Medium Density)
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Owner	Applicant
DANIEL C BEGIN	DANIEL C BEGIN
108 Mount Vernon St	108 Mount Vernon St
Dover, NH 03820	Dover, NH 03820
Mobile: (603) 706-2466	Mobile: (603) 706-2466

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirectionsNortherly Side of Dwelling, on the far west side
ZoneVariPlanSummary Intent is to remove existing sun room (under poor condition) and replace with a solid foundation. Intent is to expand westward by 6 feet to expand single family dwelling and bring to second level. Expansion would not bring structure any closer to side lot line than existing building.	ZoneVariAppealSect 170-41-D	ZoneVariAppealSectDe Speaking with Paul tail Crouser from City of Dover. The repair/addition to the primary dwelling would impact the 10 foot side line limit. The request to improve and expand the sun-room will not be any closer to the side setback than the current existing primary Dwelling, which falls within the 10 foot limit. the expansion primary change is towards the back of the lot which is more than 100 feet away.
What is the parcel zoned? R-12	ZoneVariAppeal1Public Single Family Dwelling, Interest will not be encroaching on side or back set-backs	ZoneVariAppeal2Ordin It will not impact abutters anceSpirit or the common public.
ZoneVariAppeal3Subst Will provide a safe antialJustice structure to the primary dwelling and additional living space.	ZoneVariAppeal4Prope This will be an rtyValue improvement to the primary dwelling.	ZoneVariAppeal5A1Un This lot can be NecHardship distinguished from other properties in the area as it is only 40 feet wide. Common widths along Mount Vernon St. range from 75-200 feet along the road. As many of the surrounding properties exceed this width, there primary dwelling also falls within the 10 foot side setback from lot line. This repair and expansion would mirror other dwellings or be less impacted by side lot line. primarily parallel to side line.
ZoneVariAppeal5A2No Most of the dwelling FairRelate already falls within the 10	foot side lot line set-back. Repair and expansion is	

PERMIT SNAPSHOT REPORT (ZONE-2024-0010)

ZoneVariAppeal5A3ReasonableUse
Repairs primary dwelling, and adds addition living space to to the primary dwelling without impacting the side line.

ZoneVariAppeal5BNoReasonableUse

Attachment File Name	Added On	Added By	Attachment Group	Notes
108 Mount Vernon House Addition sketch (2024-03-20).pdf	03/26/2024 11:04	BEGIN, DANIEL		Uploaded via Civic Access
Signature_DANIEL_BEGIN_3/26/2024.jpg	03/26/2024 11:05	BEGIN, DANIEL		Uploaded via CSS
Permit Snapshot Report.pdf	03/26/2024 11:05	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
2024.04.18_ZoningBoardofAdjustment. Agenda.pdf	04/09/2024 13:18	Blonigen, Rachel		ZBA Agenda

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00007222	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00007222		\$200.00	\$200.00
INV-00007353	Planning Certified Mailing to Application Contacts	\$10.00	\$10.00
	Planning Public Notice in Newspaper	\$120.00	\$120.00
	Planning Certified Mailing to Abutters	\$200.00	\$200.00
	Planning Creation / Printing of Abutter Labels	\$20.00	\$20.00
Total for Invoice INV-00007353		\$350.00	\$350.00
Grand Total for Permit		\$550.00	\$550.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	03/26/2024	04/04/2024	04/08/2024	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	Approved	03/26/2024	04/04/2024	04/08/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		03/26/2024 14:26	04/08/2024 16:21
Confirm application complete v.1	Generic Action		03/26/2024 14:26
Planning Permit Application Review v.1	Receive Submittal	03/26/2024 0:00	04/08/2024 16:21
Zoning Board v.1		04/08/2024 16:21	
Zoning Board Agenda v.1	Task	04/08/2024 16:21	04/08/2024 16:22
Invoice for Notices v.1	Task	04/08/2024 16:26	04/08/2024 16:31
Send Notices v.1	Task	04/08/2024 16:30	04/08/2024 16:31
Zoning Administrator Creates Staff Recommendations v.1	Task	04/08/2024 16:30	04/11/2024 9:51
Distribute Zoning Board Materials v.1	Task	04/11/2024 9:51	
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			
Document Archival v.1	Generic Action		
Internal Notification of Permit Completion v.1	Generic Action		
Create/Link to Records v.1			
Create / Link to Permit - Building Major v.1	Create Sub Permit		

ZONE-2024-0010

108 MOUNT VERNON STREET

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
29013-000000	111 MOUNT VERNON ST	CAMPBELL SHELLEY SMITH		111 MOUNT VERNON ST	DOVER	NH	03820
29014-000000	107 105 MOUNT VERNON ST	VELARDI THOMAS P	FELICIANO LESLIE	105 MOUNT VERNON ST	DOVER	NH	03820
29014-A00000	103 MOUNT VERNON ST	ROGERS MARK W &	ROGERS ELIZABETH J	103 MOUNT VERNON ST	DOVER	NH	03820-2716
29035-000000	149 MOUNT VERNON ST	DOWNS ANDREW J &	DOWNS LISA M	149 MOUNT VERNON ST	DOVER	NH	03820
29068-C00000	128 GROVE ST	WEBBER KELLI A	JONES MATTHEW M	128 GROVE ST	DOVER	NH	03820
29070-000000	130 GROVE ST	GOSSELIN DAVID F & LINDA E TRUSTEES	GOSSELIN DAVID AND LINDA FAMILY REVOCABL	130 GROVE ST	DOVER	NH	03820
29071-A00000	132 GROVE ST	LAROCHELLE MARC R	LAROCHELLE DOLORES	132 GROVE ST	DOVER	NH	03820
29078-000000	2 CHESLEY ST	TERLEMEZIAN DAVID ALAN &	JENSEN CAROLANN MARIE	2 CHESLEY STREET	DOVER	NH	03820
29079-000000	4 CHESLEY ST	HINES RICHARD & BRIDGET TRUSTEES	HINES FAMILY REVOCABLE TRUST 2019	4 CHESLEY ST	DOVER	NH	03820
29080-000000	133 GROVE ST	WOODWARD KIRBY N &	WOODWARD MYLINDA S	133 GROVE ST	DOVER	NH	03820
29081-000000	131 GROVE ST	MERRILL JULIE O TRUSTEE	MERRILL JULIE O REVOCABLE TRUST	131 GROVE STREET	DOVER	NH	03820
29082-000000	129 GROVE ST	MCCANN ANGELA W		129 GROVE ST	DOVER	NH	03820
29083-000000	127 GROVE ST	DINAN WILLIAM M &	DINAN KATHLYN J	127 GROVE ST	DOVER	NH	03820
29092-000000	96 98 MOUNT VERNON ST	MICHEL DAVID P TRUSTEE	MICHEL DAVID P REVOCABLE TRUST 2023	39 OLD STAGE ROAD	HAMPTON FALLS	NH	03844
29093-000000	102 MOUNT VERNON ST	LALIBERTE MARC & SHARON TRUSTEES	LALIBERTE MARC AND SHARON REVOCABLE LIVI	102 MOUNT VERNON ST	DOVER	NH	03820
29094-000000	106 MOUNT VERNON ST	PERKINS MARK P		106 MOUNT VERNON STREET	DOVER	NH	03820
29096-000000	110 MOUNT VERNON ST	MCCARTHY LAURA A	MCCARTHY DANIEL F	110 MOUNT VERNON ST	DOVER	NH	03820
29097-000000	112 MOUNT VERNON ST	NORMAN MARCIA & JOHN V JR TRUSTEES	NORMAN MARCIA A REVOCABLE LIVING TRUST	112 MOUNT VERNON STREET	DOVER	NH	03820
29098-000000	114 MOUNT VERNON ST	LAROCHELLE JASON M		132 GROVE ST	DOVER	NH	03820-2723
29099-000000	116 MOUNT VERNON ST	MCDONNELL KATHLEEN M &	MCDONNELL TERESA H	116 MOUNT VERNON ST	DOVER	NH	03820
29095-000000	108 MOUNT VERNON ST	BEGIN DANIEL		108 MOUNT VERNON ST	DOVER	NH	03820

DAN BEGIN

108 MOUNT VERNON ST.

603-706-2466

SKETCH OF PROPOSED
ADDITION/RENOVATION
"MINOR BLD. PERMIT"



■ INTENT IS TO REMOVE
CURRENT "SUN-ROOM" PLACED
ON SHALLOW SOND-TUBES AND
REPLACE.

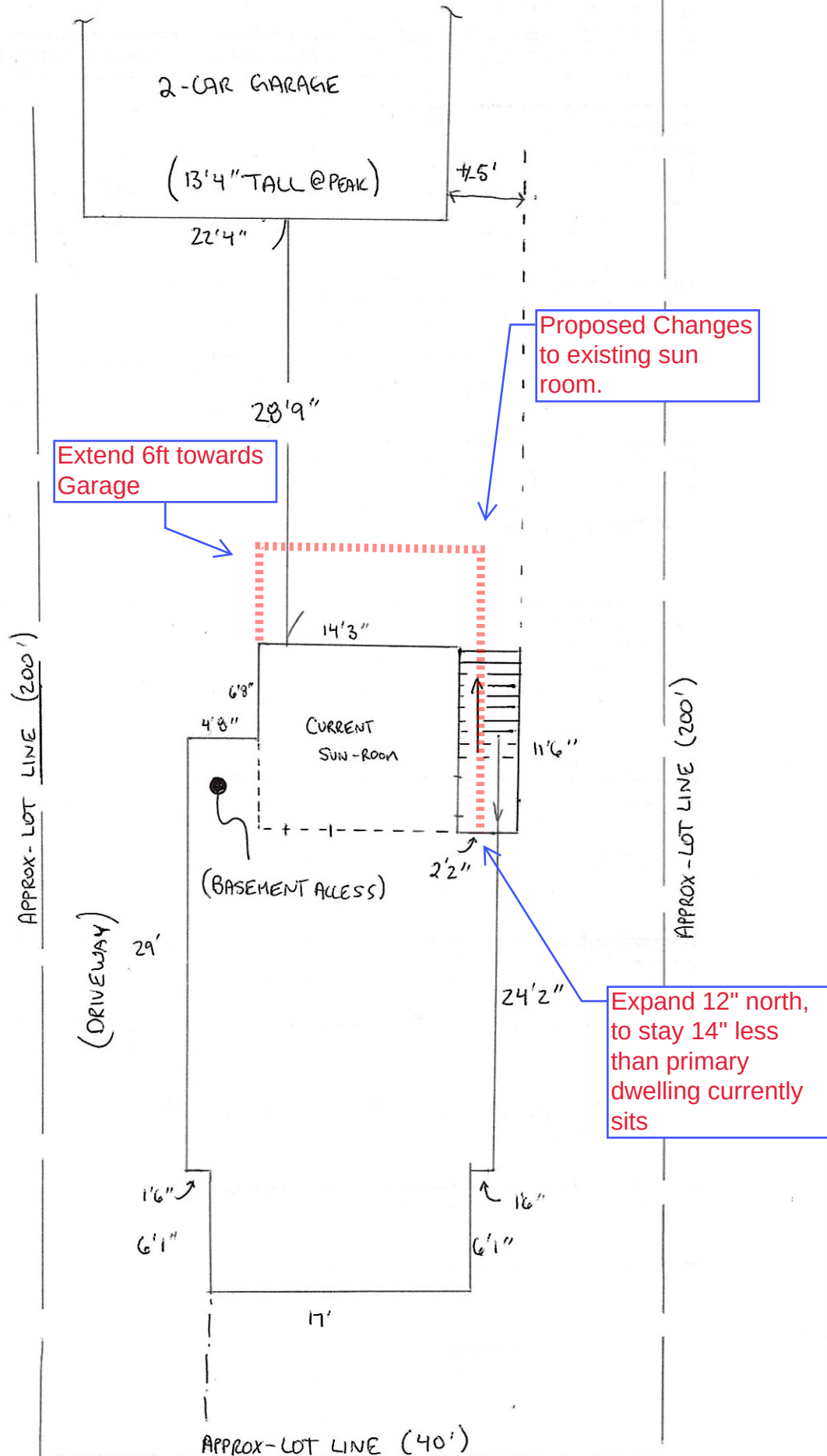
■ REPLACEMENT GIDAL WILL
BE TO EXTEND ± 6 FT
TOWARDS GARAGE, ALSO
EXTEND NORTH 12"

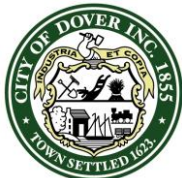
↳ WILL INCLUDE "FULL"
FOUNDATION TO ALLOW
STORAGE FROM EXTERIOR
GRADE

↳ SUNROOM WILL ALSO
EXTEND TO 2ND FLOOR
FOR ADDITIONAL LIVING
SPACE

■ CURRENT SUN ROOM =
14'3" x 11'6"
(164 SQFT)

■ PROPOSED SUNROOM =
~~14'3" x 11'6"~~
15'3" x 17'6"
(263 SQFT)





CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall, 288 Central Ave., Dover, NH 03820
Meeting Date:	Thursday, April 18, 2024
Meeting Time:	7:00 pm

INTENT: The Applicant requests a Variance from **Section 170-12.B of the Zoning Ordinance**, to allow for a detached garage to be built within a front yard setback of 1' where a build-to-line of 20-35' is required, and a foundation and single-family residence within the side yard setback of 8' where a 20' is required, and a rear yard setback of 11' where a 30' setback is required.

UNITS PROPOSED: 1

AGENDA ITEM: 3-B

ZONING DISTRICT: Low Density Residential, (R-20)

FILE: ZONE-2024-0011

APPLICANT: Bruton and Berube, PLLC

OWNERS: Lydia N. & Edward John Williams

LOCATION: 167 Spur Road

ACREAGE: 0.31 acres. No requested change in acreage

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential, No Change

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.:
Yes

- Conditional Use Permit for Conservation District impact
- Conditional Use Permit for Wetland and Wetland Buffer impact

ATTACHMENTS: Application, Narrative, Variance / Existing Conditions Plan

STAFF RECOMMENDATION: Staff neither supports nor opposes this variance request, but requests a condition be placed upon any potential approval.

BACKGROUND INFORMATION

The property subject to this Variance request is located on Spur Rd., directly across from Clements Point, and is 0.32 acres in area.

At present, the lot houses a single-family home roughly 644 sf. in area, which constitutes just shy of 5% lot coverage. The applicant seeks to construct a 1,448 sf. home, two garages, a paved driveway, a patio, and a deck.

This applicant seeks relief from setback requirements to allow for a detached garage to be within 1' of the front boundary line where a 20' – 30' is required.

This variance also requests side setback relief, with a proposed setback value of 8' – 13.5', where 20' minimum is required.

The applicant also seeks relief from the rear setback requirement of 30', requesting an 11' rear setback, which is not a change from the existing structure's rear setback value.

STAFF RECOMMENDATION

Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five Variance criteria. Staff neither supports nor opposes this variance request. However, should the board choose to approve this request, staff recommends the following condition:

- 1) The variance approval shall be conditional upon the application and approval of a Conditional Use Permit for Conservation District impact, application and approval of a Conditional Use Permit for Wetland and Wetland Buffer impact, and application and approval of a NH Department of Environmental Services Shoreline Permit.



PERMIT SNAPSHOT REPORT ZONE-2024-0011 FOR CITY OF DOVER, N.H.

Permit Type Zoning **Project:** **App Date:** 03/28/2024
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 remove the existing structure and construct a new single-family residence and foundation, within a front, rear & side yard setback

Parcel: L0044-000000	Main	Address: 167 Spur Rd Dover, NH	Main	Zone: R-20(Residential - Low Density)
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Wetlands Scientist Steven Riker, CWS Business: (603) 430-9282 Mobile: (603) 766-2986 Applicant Francis X Bruton 601 Central Ave Dover, NH 03820 Business: (603) 749-4529	Architect Walter Rous Home: (603) 868-7030	Owner Edward Williams, III Home: (603) 749-4529	Applicant Edward Williams, III Home: (603) 749-4529
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Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 1 Requested:	ZoneVariPlanDirections The property is on the left side of Spur Road.
ZoneVariPlanSummary The Applicant intends to remove the existing structure and construct a new single-family residence and foundation.	ZoneVariAppealSect Section 170-12.B	ZoneVariAppealSectDe See attached. tail
What is the parcel zoned? R-20	ZoneVariAppeal1Public See attached. Interest	ZoneVariAppeal2Ordin See attached. anceSpirit
ZoneVariAppeal3Subst See attached. antialJustice	ZoneVariAppeal4Prope See attached. rtyValue	ZoneVariAppeal5A1Un See attached. NecHardship
ZoneVariAppeal5A2No See attached. FairRelate	ZoneVariAppeal5A3Re See attached. asonableUse	ZoneVariAppeal5BNoR easonableUse

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Francis_Bruton_3/28/2024.jpg	03/28/2024 8:47	Bruton, Francis		Uploaded via CSS
Permit Snapshot Report.pdf	03/28/2024 8:47	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot
2024.04.18_ZoningBoardofAdjustment. Agenda.pdf	04/09/2024 13:19	Blonigen, Rachel		ZBA Agenda

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00007249	Planning Zoning Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00007249		\$200.00	\$200.00
INV-00007253	Planning Certified Mailing to Abutters	\$40.00	\$40.00
	Planning Certified Mailing to Application Contacts	\$20.00	\$20.00
	Planning Public Notice in Newspaper	\$120.00	\$120.00
	Planning Creation / Printing of Abutter Labels	\$10.00	\$10.00
Total for Invoice INV-00007253		\$190.00	\$190.00
Grand Total for Permit		\$390.00	\$390.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	03/28/2024	04/25/2024	04/08/2024	No	Yes

PERMIT SNAPSHOT REPORT (ZONE-2024-0011)

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	Approved	03/28/2024	04/25/2024	04/08/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		03/28/2024 14:45	04/08/2024 16:35
Confirm application complete v.1	Generic Action		03/28/2024 14:45
Planning Permit Application Review v.1	Receive Submittal	03/28/2024 0:00	04/08/2024 16:35
Zoning Board v.1		04/08/2024 16:35	
Zoning Board Agenda v.1	Task	04/08/2024 16:35	04/08/2024 16:36
Invoice for Notices v.1	Task	04/08/2024 16:35	04/08/2024 16:36
Send Notices v.1	Task	04/08/2024 16:36	04/08/2024 16:36
Zoning Administrator Creates Staff Recommendations v.1	Task	04/08/2024 16:36	04/11/2024 9:54
Distribute Zoning Board Materials v.1	Task	04/11/2024 9:54	
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			
Document Archival v.1	Generic Action		
Internal Notification of Permit Completion v.1	Generic Action		
Create/Link to Records v.1			
Create / Link to Permit - Building Major v.1	Create Sub Permit		

A. Variance Requested

A variance is requested from Section(s) 170-12.B of the Zoning Ordinance to permit:

Allowing a foundation and single-family residence to be built within a front yard setback of one (1') foot where a setback of 20—35' building to line is required, and a side yard setback of eight (8') feet where a setback of twenty (20') feet is required, and a rear yard setback on eleven (11') feet where a setback of 30' building to line is required.

The lot in question is depicted on the Dover Tax Maps as Map L, Lot 44, with an address of 167 Spur Road, Dover, New Hampshire (the "Lot"). See the Existing Conditions Plan and the Variance Plan attached hereto (the "Plans"). As you can see, the Lot is burdened by a significant amount of wetlands. In addition, the lot is narrow and of limited width given the flow of the Bellamy River. See portion of tax map enclosed as well.

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

Please demonstrate compliance with the following:

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

The public interest is affected if the proposed variance would constitute a fundamental change in the neighborhood or if there would be a substantial impact on health or safety. Residential use is a permitted use in this zone. The property along Spur Road sharply narrows between the road itself and the Bellamy River. As one can see from the map enclosed, lots along Spur Road are ample enough for the zoning requirements to be met for most of the Road, however, this lot is unique in that the road and the Bellamy River meet within a distance to provide that the lots that exist are extremely narrow and constricted by the flow of the River. As such, these few lots, and the lot that is the subject of this application are adversely affected by the topography, making the lot unique to others within the community, and unique as to building a reasonable residence within the lot itself. Allowing the proposed construction, as depicted, will not change the fundamental character of this neighborhood, and would not have a substantial impact on health or safety.

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

The spirit of the ordinance is to allow for adequate spacing between structures on adjacent parcels of land. The home on the northerly abutting lot is located 59 feet away from the existing home on the Applicant's property, and the new home will be 58.13 feet from the northerly abutter's home, which is almost the exact same distance between the homes. There has always been and will continue to be more than adequate spacing from that residence, and the two residences will be screened by existing trees and other vegetation (see the addition of Eastern Redcedar, Serviceberrys and Balsam Fir). Denying the variance would require that the Applicant's residence be moved closer to the southerly abutter, and within the wetlands.

3. Granting the variance would do substantial justice because:

The New Hampshire Supreme Court has held that an injustice occurs when the injury to the Applicant resulting from denying the variance would be greater than any benefit that would accrue to the public if the variance is denied. In this case, similar uses already exist within the few lots that are also restricted as to width and depth given the flow of the Bellamy River nearby. Denying the variance will not confer a benefit on the general public since adequate spacing and buffering will exist between the Applicant's house and both the northerly and southerly abutters. Denying the variance would be a detriment to the Applicant because that denial would prevent the Applicant from the reasonable use of its property and/or force it to build within the wetlands on the Lot.

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

The value of adjacent properties will not be affected because the residential use is a permitted use and the new home to be constructed on this foundation will almost the exact same distance from adjacent northerly dwelling (the closest home to the existing and proposed home) and will be screened by existing vegetation. In addition, the dilapidated structure would be entirely removed. The Applicant has paid particular attention to the proposed buffer, as depicted on the plan, and has coordinated with the abutters themselves, who have agreed that the relief requested is appropriate and supported.

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

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

The Applicant's lot is narrow and is lacking in depth. This special circumstance is caused by the flow of the Belamy River. There is an existing dilapidated house on the property not suitable to be rebuilt or utilized as a reasonable use of the property. The proposed house will be almost the exact same distance from the home on the northerly abutting parcel (59 feet - existing v. 58.17 feet – proposed). The Applicant has worked with an architect to formalize a plan that is not only functional, but reasonable on its face, and acceptable to the abutters as a development worthy of their specific supporting.

(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:

The general purpose of the ordinance provision is to promote reasonable development of property. In this case, granting the variance will allow the Applicant's house to be located further away from its southerly neighbor and avoid construction within the wetlands and will still be 58.17 feet away from the northerly neighbor.

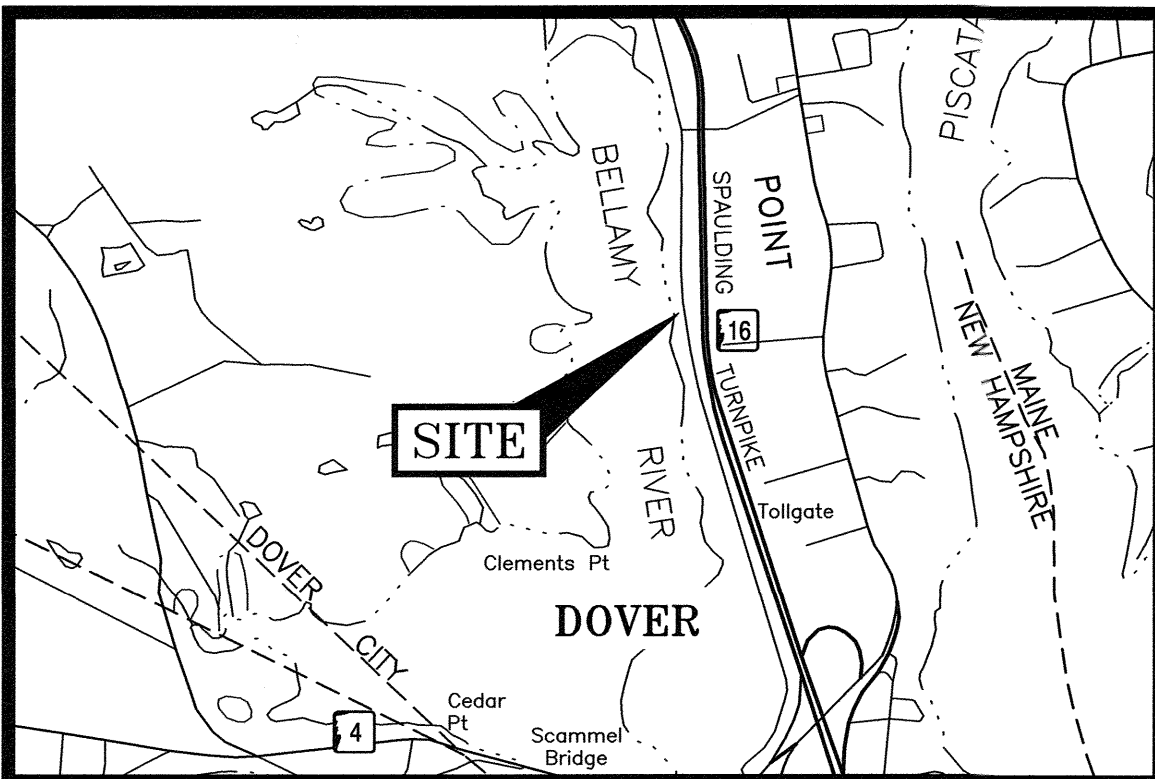
(iii) The proposed use is a reasonable one because:

The construction of the foundation, as depicted, is reasonable given the unique characteristics of the property itself and supported by the abutters. Further, the location will result in better overall spacing among the abutting residences and avoidance of construction within the wetlands on the Lot.

ZONE-2024-0011

167 SPUR ROAD

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
L0043-000000	163 SPUR RD	LOMASTRO JOHN & KRISTEN RIZZO TRUSTEES	JOHN & KRISTEN RIZZO LOMASTRO REV TRUST	163 SPUR RD	DOVER	NH	03820
L0043-A00000	165 SPUR RD	STOCKMAN BENJAMIN MICHAEL	SAMALOT ARIANA MARISA	165 SPUR RD	DOVER	NH	03820
L0045-G00000	171 SPUR RD	MOTTOLA DEENA J		171 SPUR RD	DOVER	NH	03820
L0045-H00000	169 SPUR RD	TERRIEN CARL D TRUSTEE	TERRIEN CARL D REVOCABLE TRUST	169 SPUR ROAD	DOVER	NH	03820
L0044-000000	167 SPUR RD	WILLIAMS EDWARD JOHN III	WILLIAMS LYDIA N	24 CEDAR POINT RD	DURHAM	NH	03824
		BRUTON & BERUBE, PLLC	FX BRUTON	601 CENTRAL AVENUE	DOVER	NH	03820



LOCATION MAP

SCALE: 1" = 2000'

LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
SCRD	STRAFFORD COUNTY REGISTRY OF DEEDS
11/21	MAP 11 / LOT 21
○	IRON ROD/IRON PIPE FOUND
□	STONE BOUND FOUND
---	EDGE OF PAVEMENT
---	BOUNDARY
---	MEAN HIGH WATER LINE
---	MEAN LOW WATER LINE
---	NH DES HIGHEST OBSERVABLE TIDE LINE
---	FRESHWATER WETLAND LINE
---	CONTOUR
---	SPOT ELEVATION
---	WOODS / TREE LINE
---	FRESH WATER WETLAND ELEVATION
---	EL.
---	INV.
---	TEMPORARY BENCHMARK
---	TYPICAL
---	OVERHEAD WIRES
---	GATE VALVE
---	CATCH BASIN
---	UTILITY POLE (w/ GUY)
---	HYDRANT
---	WATER SHUT OFF/CURB STOP

WETLAND NOTES:

- HIGHEST OBSERVABLE TIDE LINE & WETLAND LINES DELINEATED BY STEVEN D. RIKER, CWS ON 5/3/23 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEIWPCC WETLANDS WORK GROUP (2019).
 - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
 - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- WETLANDS & HOTL WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

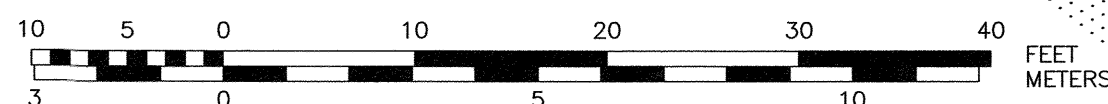
"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS 738

DATE

2-22-24

GRAPHIC SCALE



PLAN REFERENCES:

- STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, PLANS OF PROPOSED LS 1821(1), SHEET 37.
- EASEMENT PLAN FOR CITY OF DOVER OVER LAND OF CARL D THERRIEN REVOCABLE TRUST, 169 SPUR ROAD TAX MAP L, LOT 45-H DOVER, NH. DATED FEBRUARY 20, 2020. PREPARED BY DOUCET SURVEY LLC.
- PLAN OF LAND FOR SUSAN S PARKER, TAX MAP L, LOT 45F 175 SPUR ROAD DOVER, NH. DATED AUGUST 5, 2003. PREPARED BY KEM LAND SURVEY, INC. SCRD PLAN 70-18.

CURVE TABLE:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	4019.83'	130.00'	129.99'	S09°19'34"E	1°51'10"

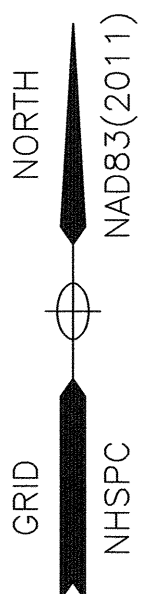
BELLAMY RIVER (TIDAL)

WETLAND CLASSIFICATION E2EM1N

L/44

APPROXIMATE LOCATION OF UTILITY EASEMENT (SEE NOTE 10)

N/F
CARL D THERRIEN REVOCABLE TRUST
CARL D THERRIEN TRUSTEE
169 SPUR ROAD
DOVER, NH 03820
4452/495



AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

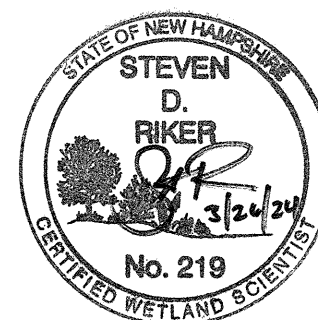
WWW.HALEYWARD.COM

NOTES:

- PARCEL IS SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP L AS LOT 44.
- OWNERS OF RECORD:
EDWARD JOHN WILLIAMS, III
LYDIA N. WILLIAMS
24 CEDAR POINT ROAD
DURHAM, NH 03824
5091/187
- PARCEL IS PARTIALLY IN A SPECIAL FLOOD HAZARD AREA ZONE AE (EL.6) AS SHOWN ON FIRM PANEL 33017C0340E. EFFECTIVE DATE 9/30/2015.
- PARCEL IS LOCATED IN LOW DENSITY RESIDENTIAL (R20) DISTRICT AND CONSERVATION DISTRICT.
- EXISTING LOT AREA:
14,006 S.F. ± TO MHW
0.3215 ACRES ± TO MHW
- ENTIRE PARCEL IS WITHIN THE 100' NHDES TIDAL BUFFER ZONE.
- DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 S.F.
FRONTAGE: 125 FEET
SETBACKS:
FRONT 20 FEET MIN.
SIDE 35 FEET MAX.
REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT 30 FEET
MAXIMUM LOT COVERAGE 30%
- VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF LOT 44 ON THE CITY OF DOVER ASSESSOR'S MAP L.
- UTILITY EASEMENT SHOWN ON SCRD-12132 IS CURRENTLY BEING RESOLVED BY A PENDING PLAN FOR THE CITY OF DOVER BY DOUCET SURVEY.
- MEAN HIGH WATER BASED ON ELEVATION 3.01' (NAVD88) USING NOAA TIDAL DATUMS AT STATION 8423005 ATLANTIC TERMINAL T144 NH.
- PARCEL IS BENEFITED BY AN EASEMENT FOR SEPTIC PURPOSES BY THE CITY OF DOVER AT BOOK 985 PAGE 600.
- UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.

SITE DEVELOPMENT
WILLIAMS RESIDENCE
167 SPUR ROAD
DOVER, NH

NO.	DESCRIPTION	DATE
1	ADDED BUILDING SETBACK LINES	2/22/24
0	ISSUED FOR COMMENT	5/31/23
REVISIONS		

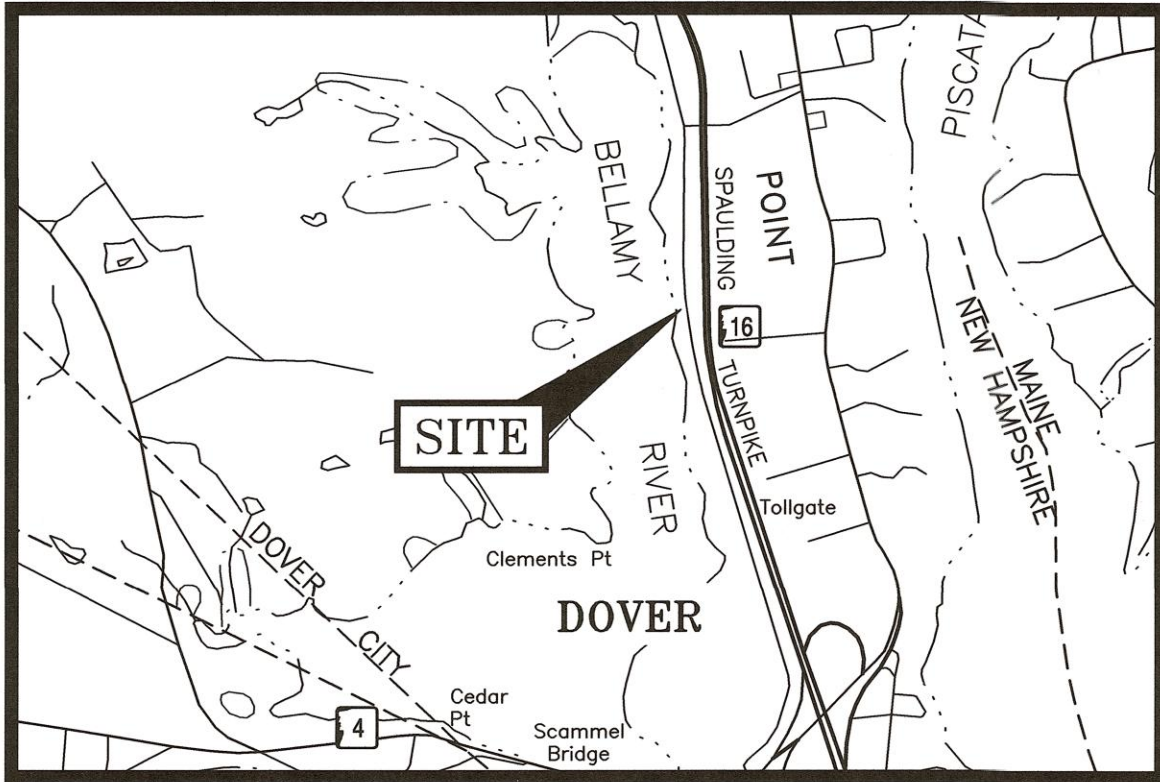


SCALE: 1" = 10'

MAY 2023

EXISTING CONDITIONS
PLAN

C1



LOCATION MAP SCALE: 1" = 2000'

REQUIRED VARIANCES:

- SECTION 170-12.B. FRONT SETBACK 1 FOOT WHERE 20'-35' BUILD TO LINE IS REQUIRED.
- SECTION 170-12.B. SIDE SETBACK OF 8 FEET WHERE 20 FEET IS REQUIRED.
- SECTION 170-12.B. REAR SETBACK OF 11 FEET WHERE 30 FEET IS REQUIRED.

PLANTING SCHEDULE			
SYMBOL	ITEM	SIZE	QTY
●	JUNIPERUS VIRGINIANA	5-6'	2
●	EASTERN REDCEDAR	5-6'	2
○	AMELANCHIER CANADENSIS	4-5'	3
○	SERVICEBERRY	4-5'	3
▲	ABIES BALSAMEA	6-7'	3
▲	BALSAM FIR	6-7'	3

WETLAND NOTES:

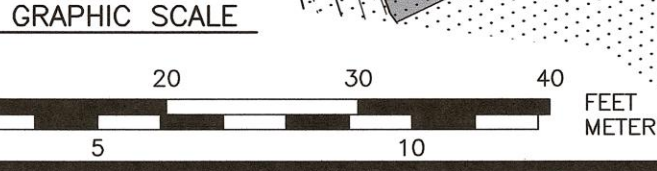
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- A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2019).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLANDS & HOTL WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS 738 DATE 8-26-24



BELLAMY RIVER (TIDAL)



NORTH
GRID
NAD83(2011)
NHSPC

AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603.430.9282

WWW.HALEYWARD.COM

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP L AS LOT 44.
 - 2) OWNERS OF RECORD:
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FRONTAGE: 125 FEET
SETBACKS:
FRONT 20 FEET MIN.
SIDE 35 FEET MAX.
REAR 20 FEET MAX.
30 FEET
MAXIMUM STRUCTURE HEIGHT 35 FEET
MAXIMUM LOT COVERAGE 30%
PROPOSED LOT COVERAGE 13.7%
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED VARIANCE ON LOT 44 ON THE CITY OF DOVER ASSESSOR'S MAP L.
 - 10) UTILITY EASEMENT SHOWN ON SCRD-12132 IS CURRENTLY BEING RESOLVED BY A PENDING PLAN FOR THE CITY OF DOVER BY DOUCET SURVEY.
 - 11) MEAN HIGH WATER BASED ON ELEVATION 3.01' (NAVD88) USING NOAA TIDAL DATUMS AT STATION 8423005 ATLANTIC TERMINAL T14A NH.
 - 12) PARCEL IS BENEFITED BY AN EASEMENT FOR SEPTIC PURPOSES BY THE CITY OF DOVER AT BOOK 985 PAGE 600.
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 - 14) CONSTRUCTION SHALL COMPLY WITH THE DOVER FLOOD PLAIN DEVELOPMENT ORDINANCE, ARTICLE V, 170-25

**SITE DEVELOPMENT
WILLIAMS RESIDENCE
167 SPUR ROAD
DOVER, NH**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	2/26/24
REVISIONS		



SCALE: 1" = 10' AUGUST 2023

VARIANCE PLAN

C3