

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, January 15, 2026**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF THE PRIOR MINUTES

- December 18, 2025 Regular Meeting Minutes

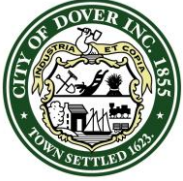
3. HEARINGS

- A. **ZONE-2025-0040** Request for Rehearing of ZONE-2025-0038, Applicant: Scott Hogan, Esq., requests a rehearing of the variance granted on November 20, 2025 in which the owner of 18 Pearson Drive, Tax Map L, Lot 46-M, located in the Lot Density Residential District (R-20), was granted a Variance through **Section 170-12(B)**, to allow for the construction of an addition to an existing single-family home to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f.
- B. **ZONE-2025-0039** Applicant: 6 Brick Road, LLC, 1-24 Jefferson Drive, Tax Map 28, Lot 9-C, located in the Office District (O) and Gateway District (G), requests a Variance from **Section 170-12(B)**, **Office District Table of Uses, footnote 4**, to permit residential dwelling units in the first floor of a newly constructed structure.

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, December 18, 2025**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillitta (Vice Chair), Nicholas Couturier, Rich Onufry, Jackson Brown

Members Not Present: Hilary Hamer (Alternate), Nicole Morin (Alternate)

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF NOVEMBER 20, 2025

Motion: Couturier moved to approve the minutes of November 20, 2025 as amended. Seconded by Sillitta. Vote: 4 in favor with Brown abstaining

The Chair explained the meeting process.

3. HEARINGS

A. ZONE- -2025-0036 Applicant: Dev Atma Khalsa (Owner: The Gurubhai Khalsa Trust) Page Avenue, Tax Map 37, Lot 52, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to construct a single-family dwelling with an attached garage 15' from the rear lot line where 30' is allowed.

Dev Atma Khalsa, 7 Milk St presented the item and explained the request for variance for the back setback. He explained the reasons he hasn't chosen one of the staff-recommended alternatives including possible future additions or ADU location on site.

He addressed the variance criteria noting the uniformity of the proposal to the rest of the neighborhood.

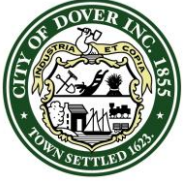
Public hearing opened

No one spoke

An email in opposition received to the office today was summarized by staff.

Public hearing closed

Staff recommendations: The Applicant's request is reasonable given the lot's unique shape and nonconformities. Staff, however, neither supports, nor opposes, this variance request due to several alternatives available to the Applicant which would not require variance relief. One alternative would be to relocate the attached garage to the rear of the property which would either eliminate, or greatly reduce, the sought rear setback relief. The second would be to construct a detached garage in the same proposed location as presented in the Applicant's variance plan. Accessory structures within the R-12 District have a 10' rear setback, meaning the proposed garage would need no relief at all if it were detached. That said, Staff feels that the key issue before this Board is whether the above alternatives benefit the public to a degree which justifies denying this variance. In Staff's opinion, they do not due to the lack of abutter impact and similar encroachments in the neighborhood. Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of



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ZONING BOARD OF ADJUSTMENT - MINUTES

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the five variance criteria. Based on the evidence presented, Staff remains neutral on this Variance request, but notes the lack of public benefit from its denial. Should the Board decide to grant the variance, Staff recommends it do so with the following condition:

1. No future variance will be given at this property for any sought dimensional regulation relief for a garage or addition.

Motion: Onufry moved to approve the variance request with the staff recommended condition. Brown seconded. Vote: U/A

The Chair confirmed with the applicant to hear items B, C and D together and vote separately.

- B. ZONE-2025-0037** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-11(D)** to allow for the construction of a commercial building within a residential zoning district.
- C. ZONE-2025-0037B** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to permit a front setback of 78.1' where the front build-to line requires a max of 25'.
- D. ZONE-2025-0037C** Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-15(D)**, to allow for a commercial property closer than 150' from a residential structure within a residential zone.

FX Bruton, Bruton and Berube, presented the item and explained this was before the board in 2021 with an almost identical request, but the property has changed hands. He highlighted the minor differences to this request including a few feet of setback and a multi-use (office) rather than just a medical office. He addressed the proposed shared access point. He addressed the five variance criteria.

He clarified the intended uses of the project for the board.

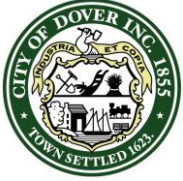
Public hearing opened

Staff summarized an email in opposition to the requests received from an abutter.

Public hearing closed

Staff recommendations: As near identical variances were granted in February 2021, Staff is in support of granting the variances due to precedent, as well as the reasonability of the request. This request, however, differs from the 2021 variance package in two distinct ways.

The first is that the commercial use in the 2021 variance package was identified as a "Medical Office". The variance package before this Board does not specify a commercial use. Upon bringing this to the



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Applicant's attention, the Applicant stated that the use would be restricted to that of an "Office" use. Secondly, the prior variances did not propose any residential units, whereas this package does. Staff was informed during subsequent communications with the Applicant that the intent is to seek four (4) dwelling units, through the Planning Board through the TDR process as outlined in the Zoning Ordinance. So, to be clear, no density is being granted by this Board.

Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five variance criteria for each of the Variance requests. Based on the evidence presented, Staff supports these variance requests with the same conditions imposed as the 2021 approvals which are numbers 1, 2, & 3 below, and with two conditions added for clarity as to the commercial use being approved and the question as to residential dwelling unit density.

Those conditions are as follows:

1. The property shall be served by a single, shared driveway with Map K, Lot 19C;
2. The Owner shall relinquish any rights to the shared driveway over Map K, Lot 26-1;
3. The Site Plan submitted for this project shall include an 8' tall fence and landscaped buffer between the proposed structure and Map K, Lot 26-1, and landscaping along the frontage of Dover Point Road;
4. The commercial use at this property shall be limited to all uses permitted within the R-12 Zoning District or "Office" use, as defined in 170-6 of the zoning ordinance; and
5. These variance approvals in no way grant authorization of the four (4) sought residential dwelling units – any and all density in excess of what is permitted via underlying zoning shall be approved by the Planning Board.

Motion: Sillitta moved to approve the variance request 25-0037 with conditions listed by staff as it meets the criteria. Couturier seconded. Vote: U/A

Motion: Sillitta moved to approve the variance request 25-0037B with conditions listed by staff as it meets the criteria. Onufry seconded. Vote: U/A

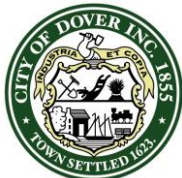
Motion: Sillitta moved to approve the variance request 25-0037C with conditions listed by staff as it meets the criteria. Brown seconded. Vote: U/A

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Sillitta moved to adjourn at 7:38pm. Couturier 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, January 15, 2026
Meeting Time:	7:00 pm

INTENT: The applicant requests a rehearing of ZONE-2025-0038, in which (on 11/20/2025) the property owner of 18 Pearson Drive was granted a variance from **Sections 170-11(B) and 170-12(B)**, to allow for the construction of an addition to an existing single-family home, to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f.

UNITS PROPOSED: 2

AGENDA ITEM: 3-A

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

FILE: ZONE-2025-0040

APPLICANTS: Christina Byron, Leonard Silver, Gary and Debbie Hecht, Linda and Ed Carrol, Veronica Silver, Jon and Leigha Hanson, Colin Lynch, Keith Lewis, Tim Gemas, Nadine Hill, Jay and Joan McLaughlin, Corey Paradis

OWNERS: Fergus Cullen

LOCATION: 18 Pearson Dr. (Tax Map L, Lot 46-M)

ACREAGE: ±17,224 s.f. No change in lot area

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQ.: No

ATTACHMENTS: Request for Rehearing, ZONE-2025-0038 materials

STAFF RECOMMENDATION: Staff opposes the granting of this rehearing request.

BACKGROUND INFORMATION

On November 20, 2025, Fergus Cullen, the owner of 18 Pearson Drive, was granted a variance from sections 170-11(B) and 170-12(B) of the Zoning Ordinance, to allow for the construction of an addition to an existing single-family home, to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f.

Mr. Cullen asserted that the proposed construction of a second unit constituted a conversion of an existing single-family structure, which, given the lot's and units' size, would be permitted by right. Staff viewed the expansion, which effectively doubled the existing square footage, to be a creation, and thus made an administrative decision to the same effect which necessitated the variance relief.

Substantial evidence in support of the variance, and more so, the lack of public benefit in denying the variance, were discussed on the record of the 11/20/2025 meeting, which include the ambiguity of "conversions" vs. "creations" within the ordinance, existing dimensional nonconformities present on the lot, and the numerous alternatives available to the property owner which would yield the same, and in some cases more, units (and therefore impacts) than the project's proposal – all of which would be permissible by right and would not be subject to ZBA review.

STAFF RECOMMENDATION

The applicants' motion for rehearing does not establish "good reason" under RSA 677:2 to justify a rehearing. The motion relies on mischaracterizations of the record, incorrect statements of law, and disagreements with the Board's factual findings, none of which constitute acceptable grounds for rehearing. The ZBA acted within its discretion, applied the correct legal standards, and reached a reasonable decision based upon factual evidence – the rationale for which was explicitly detailed for the record.

RSA 677:2 does not require the Board to grant rehearing simply because a party disagrees with the outcome. The statute requires "good reason," which the New Hampshire Supreme Court has consistently interpreted to mean an error of law, a misunderstanding of fact, or new evidence that could not have been presented earlier. The motion identifies none of these.

The motion asserts that the Board "failed to articulate" findings for each variance criterion. Staff disagrees. New Hampshire law is clear that the Board's reasoning may be derived from the record as a whole, including deliberations and minutes. The minutes reflect that

Board members discussed neighborhood character, property values, the nature of the proposal, alternatives available to the applicant, the ordinance's treatment of conversions vs. creations, and the lot's existing nonconformity. This constitutes substantial evidence supporting the Board's decision.

The motion also claims the Board relied on an "unlawful basis" because one member referenced the applicant's alternatives, which is incorrect. The Board's discussion around alternatives and their impacts were made in the context of evaluating public interest, assessing substantial justice. It is commonplace and appropriate to evaluate relative impacts when determining whether a variance is contrary to the public interest or injurious to the neighborhood. The motion's assertion that this reasoning is "unlawful" is unsupported and incorrect.

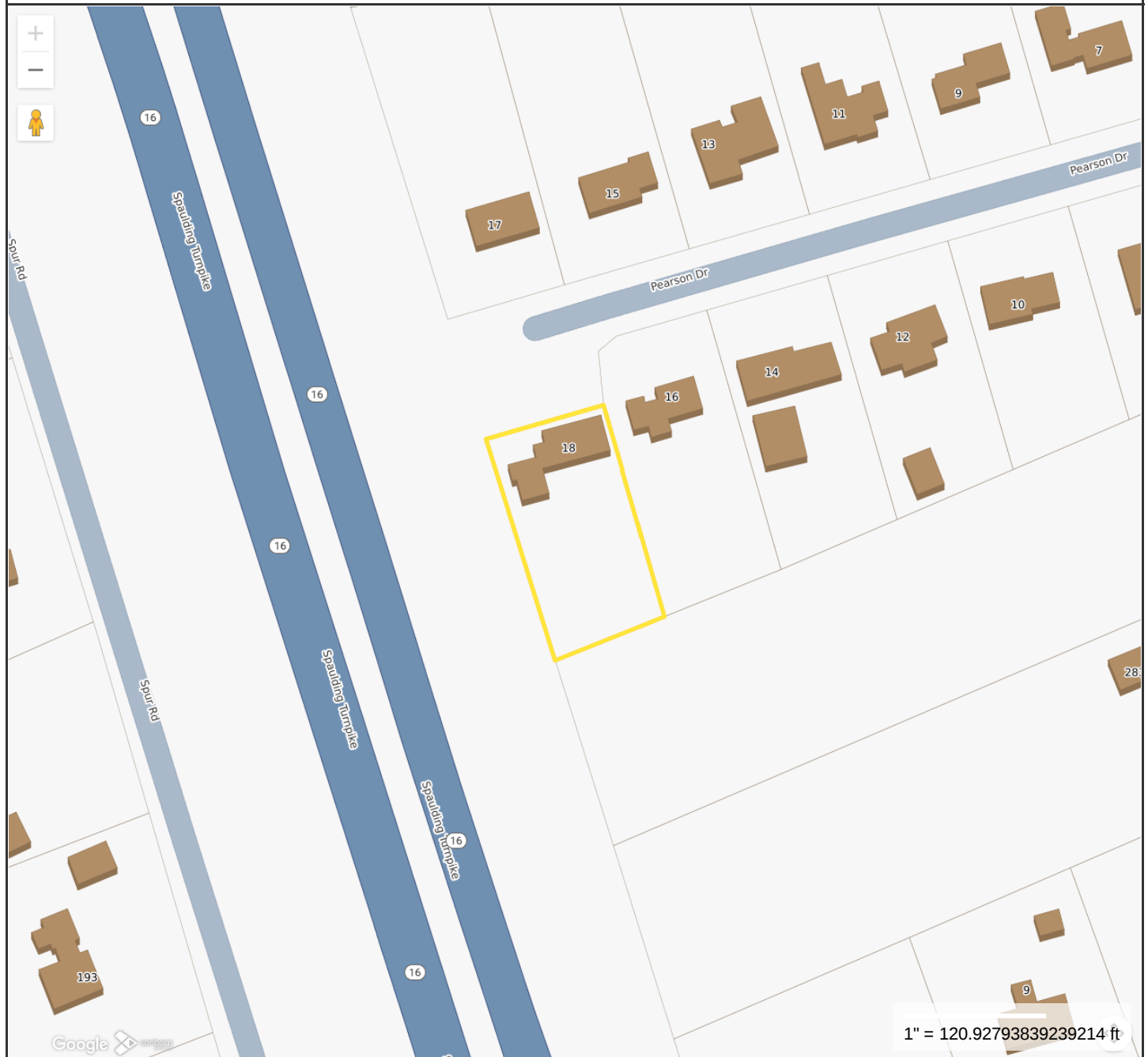
The motion goes on to state "[t]hat evidence and testimony documented the array of concerns over the unreasonable level of development proposed, the fact of it being new construction not a conversion, and included professional testimony regarding the negative effect it would have on area property values." Ample testimony in opposition was given, but it overwhelmingly centered around impacts due to the number of dwelling units on the property, such as the traffic generated by a second unit, privacy, open space amounts, and the general preference of a single-family home over that of a duplex, etc. Staff clearly stated on the record numerous times that the property owner already had the ability to have two discrete dwelling units on the property by right and without the need for a variance or notice to the public, as does every other property owner on Pearson Drive. All evidence presented to show the detrimental impacts of Cullen's project continually failed to differentiate from impacts of projects which would require no variance at all.

Additionally, staff wishes to differentiate expert from lay testimony. There is nothing barring a realtor from opining on property values, but it remains lay testimony, as the State of New Hampshire requires separate licensure / certification to serve as a residential appraiser and make objective findings as to a property's value.

The motion also seeks to use the literal verbiage of member Sillitta's motion-to-approve the variance as evidence of the Board's general misunderstanding of the "conversion" vs. "creation" of structures issue. This assertion seeks to manufacture a sense of ambiguity and misunderstanding amongst the Board's members. Staff acknowledged that while the ordinance contains no definition of "conversion" or of "creation", that it firmly believed the scope of the project clearly aligned with that of a creation rather than a conversion. The Board's motion referenced "conversion" in the ordinary sense, i.e., the final product of a project which starts with a single-family dwelling and ends with a two-family dwelling, not as a technical term intended to define. The Board understood the nature of the proposal and applied the variance criteria accordingly. There is no evidence of confusion that would justify rehearing.

The applicants have failed to highlight any error of law, provide evidence that the Board misunderstood the facts of the case, or submit new evidence. As such, Staff recommends the Board deny the motion for rehearing on its merits.

ZONE-2025-0040 18 Pearson Drive

**Property Information**

Location 18 PEARSON DR
Owner CULLEN FERGUS
Land Use 101R
Zoning Code R-20
Property Id L0046-M00000

**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-2025-0040 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 12/30/2025
Work Class: Administrative Appeal	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: Motion for Rehearing for ZONE-2025-0038		Expire Date:

Parcel: L0046-M00000	Main	Address: 18 Pearson Dr Dover, 03820	Main	Zone: R-20(Residential - Low Density)
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Owner	Applicant
Fergus Cullen	The Law Office of Scott E. Hogan
152 Boxwood Ln	
Dover, NH 03820	Business: (603) 969-1183
Business: (603) 520-5450	

Permit Custom Fields

ZoneAdmnPlanSummary	SummarZBA Decision of November 20, 2025, granting Variance requests of Fergus Cullen, 18 Pearson Drive, Tax Map L, Lot 46-M, located in the Low Density Residential District (R-20), requests a variance from Section 170-11(B) and 170-12(B), to allow for the construction of an addition to an existing single-family home to create a twofamily dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f	ZoneAdmnAppealSect Detail	The Applicant Has a Reasonable Existing Use and Can Comply with Zoning Requirements The Applicant has a reasonable existing use, which reflects neighboring uses, and reflects the character of the area. Overburdening the subject lot with the proposed level of development is out of character, and impacts the use and value of abutting and neighboring properties. There is otherwise no legal basis to allow such development based on variance relief from the Zoning Ordinance, as the proposal fails to meet the five mandatory variance requirements. Such excessive density could only be properly pursued by the Applicant proposing an amendment to the Zoning Ordinance to allow such density outright, or to pursue ADU or other options, but it is not properly pursued or supported as a request for variance relief. The Board's 3-2 approval was based on a Motion	where the Motion's Second specifically stated: "Onufry seconded the motion based upon the alternatives the applicant has if the variance is denied being no better than what he can do with the granted variance. The other options are not better for the public interest or for the site." See 11-20-25 Minutes, p.4. (Emphasis added). That is not a lawful basis for moving to approve or approving any variance relief, and is itself a basis for the Board to grant this Motion for Rehearing. The Applicant Bears the Burden of Proof New Hampshire law is clear that: "...Our cases interpreting RSA 674:33, I(b) recognize that the applicant bears the burden of proving the following five conditions in order to obtain a variance: (1) the variance will not be contrary to the public interest; (2) special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship; (3) the variance is consistent
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PERMIT SNAPSHOT REPORT (ZONE-2025-0040)

with the spirit of the ordinance; (4) substantial justice is done; and (5) granting the variance will not diminish the value of surrounding properties..." NINE A, L.L.C. v. Town of Chesterfield, No. 2007-475, 2008, citing Garrison, 154 N.H. at 30, 907 A.2d 948. (Emphasis added). Thus the Board must articulate some basis, based on actual evidence and the relevant caselaw to support a favorable finding on each of the five mandatory requirements. The Board's decision fails to articulate the mandatory basis for a positive finding on each of the five individual requirements. This alone is also a basis for granting the Motion for Rehearing.⁴ Further, specific evidence and testimony was submitted to the Board by abutting and neighboring property owners, both in writing and in person. That evidence and testimony documented the array of concerns over the unreasonable level of development proposed, the fact of it being new construction not a conversion, and included professional testimony regarding the negative effect it would have on area property values. The Applicant had the burden to meet its own burden of proof on each requirement, which it did not. In fact one Board Member stated: "Onufry noted property values cannot be clearly determined in advance. As we've seen before, one realtor can have the opposite opinion from another. The consideration of public interest is

intended to have a wider scope than just the immediate abutters to a project. The question to consider is whether the proposal is new construction or not." Minutes, p.3. (Emphasis added). First, whether real estate professionals or appraisers, etc disagree, the Applicant has the burden to submit sufficient evidence to meet its burden to show that the variance relief will not adversely affect property values. That is one of the five mandatory variance requirements. Member Onufry seemed to confuse/conflate that requirement with the separate public interest requirement. Further, on the question of whether the proposal is conversion or new construction, it is clear that it's new construction. The Record is clear that there was NOT clarity between the staff and the Board, and between Board members themselves regarding the issue o

What is the parcel zoned?

R-20

PERMIT SNAPSHOT REPORT (ZONE-2025-0040)

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	12/30/2025 14:03	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
NOT INVOICED	Planning Zoning Appeal from Admin Decision Fee	\$200.00	\$0.00
Total for Invoice NOT INVOICED		\$200.00	\$0.00
Grand Total for Permit		\$200.00	\$0.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	12/30/2025	01/27/2026		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	12/30/2025	01/27/2026	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		12/30/2025 0:00	
Confirm application complete v.1	Generic Action		12/30/2025 14:02
Planning Permit Application Review v.1	Receive Submittal	12/30/2025 14:02	
Zoning Board v.1			
Zoning Board Agenda v.1	Task		
Invoice for Notices v.1	Task		
Send Notices v.1	Task		
Zoning Administrator Creates Staff Recommendations v.1	Task		
Distribute Zoning Board Materials v.1	Task		
Zoning Board Hearing v.1	Hold Hearing		
Zoning Board Decision v.1	Permit Activity		
NOD Sent to Applicant v.1	Create Report		
Final Plan v.1			
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		

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Lyndeborough, New Hampshire 03082

Phone: 603-969-1183

hoganlaw@comcast.net

MOTION FOR REHEARING PURSUANT TO RSA 677:2

TO: Dover Zoning Board of Adjustment (Zoning Board, Board, or ZBA)
288 Central Avenue
Dover, NH 03820

FROM: {See list of represented property owners below}

BY: Scott E. Hogan, Esq.

RE: ZBA Decision of November 20, 2025, granting Variance requests of Fergus Cullen, 18 Pearson Drive, Tax Map L, Lot 46-M, located in the Low Density Residential District (R-20), requests a variance from Section 170-11(B) and 170-12(B), to allow for the construction of an addition to an existing single-family home to create a twofamily dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f

DATE: December 22, 2025

INTRODUCTION

This Motion for Rehearing is filed on behalf of a group of abutting and neighboring property owners who object to the extensive variance relief granted to allow unreasonable excessive density on a small, traditional residential lot. Variance relief is not proper for such a new construction proposal, and is certainly not supported on the Record that's before the Board at this time.

Thus the represented owners respectfully request that the Board grant this Motion, and allow another hearing on this matter. Whether or not the Board ultimately changes its decision on the subject variance relief, it should grant rehearing of the application for the following reasons.

PROCEDURAL HISTORY/ TIMELINESS

- The Board granted approval on November 20, 2025.
- RSA 677:2 provides that any person directly affected may apply for a rehearing within 30 days.
- RSA 21:35 provides that if the 30 day deadline falls on a Saturday, Sunday, or legal holiday, the document or fee shall be deemed timely filed if it is received by the next business day.
- The 30th day was Saturday, December 20th.
- Today, Monday December 22nd is the next business day, and the Motion is timely filed.

STANDARD OF REVIEW/ ZBA JURISDICTION

RSA 677:2 states,

“Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, **may grant such rehearing if in its opinion *good reason therefor* is stated in the motion...**” (Emphasis added).

On the purpose of Motions for Rehearing, the New Hampshire Supreme Court has stated,

“By requiring an aggrieved party to first file a motion for rehearing from an adverse zoning board decision before allowing an appeal to the superior court, **RSA 677:2 is designed to give the ZBA an opportunity to correct any errors it may have made.**”
Mcdonald V. Town of Effingham Zoning Board of Adjustment,
152 N.H. 171, 175 (2005). (Emphasis added).

THE BOARD SHOULD GRANT THIS MOTION FOR REHEARING

The Applicant Has a Reasonable Existing Use and Can Comply with Zoning Requirements

The Applicant has a reasonable existing use, which reflects neighboring uses, and reflects the character of the area. Overburdening the subject lot with the proposed level of development is out of character, and impacts the use and value of abutting and neighboring properties. There is otherwise no legal basis to allow such development based on variance relief from the Zoning Ordinance, as the proposal fails to meet the five mandatory variance requirements. Such excessive density could only be properly pursued by the Applicant proposing an amendment to the Zoning Ordinance to allow such density outright, or to pursue ADU or other options, but it is not properly pursued or supported as a request for variance relief.

The Board's 3-2 approval was based on a Motion where the Motion's Second specifically stated:

"Onufry seconded the motion based upon the alternatives the applicant has if the variance is denied being no better than what he can do with the granted variance. The other options are not better for the public interest or for the site." See 11-20-25 Minutes, p.4. (Emphasis added).

That is not a lawful basis for moving to approve or approving *any* variance relief, and is itself a basis for the Board to grant this Motion for Rehearing.

The Applicant Bears the Burden of Proof

New Hampshire law is clear that:

"...Our cases interpreting RSA 674:33, I(b) recognize that the applicant bears the burden of proving the following five conditions in order to obtain a variance: (1) the variance will not be contrary to the public interest; (2) special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship; (3) the variance is consistent with the spirit of the ordinance; (4) substantial justice is done; and (5) granting the variance will not diminish the value of surrounding properties..." NINE A, L.L.C. v. Town of Chesterfield, No. 2007-475, 2008, citing Garrison, 154 N.H. at 30, 907 A.2d 948. (Emphasis added).

Thus the Board must articulate some basis, based on actual evidence and the relevant caselaw to support a favorable finding *on each of the five mandatory requirements*. The Board's decision fails to articulate the mandatory basis for a positive finding on each of the five individual requirements. This alone is also a basis for granting the Motion for Rehearing.

Further, specific evidence and testimony was submitted to the Board by abutting and neighboring property owners, both in writing and in person. That evidence and testimony documented the array of concerns over the unreasonable level of development proposed, the fact of it being new construction not a conversion, and included professional testimony regarding the negative effect it would have on area property values. The Applicant had the burden to meet its own burden of proof on each requirement, which it did not.

In fact one Board Member stated:

“Onufry noted property values cannot be clearly determined in advance. *As we’ve seen before, one realtor can have the opposite opinion from another. The consideration of public interest is intended to have a wider scope than just the immediate abutters to a project. The question to consider is whether the proposal is new construction or not.*” Minutes, p.3. (Emphasis added).

First, whether real estate professionals or appraisers, etc disagree, the Applicant has the burden to submit sufficient evidence to meet its burden to show that the variance relief will not adversely affect property values. That is one of the five mandatory variance requirements. Member Onufry seemed to confuse/conflate that requirement with the separate public interest requirement.

Further, on the question of whether the proposal is conversion or new construction, it is clear that it’s new construction. The Record is clear that there was NOT clarity between the staff and the Board, and between Board members themselves regarding the issue of conversion versus construction, and ambiguities in the Zoning Ordinance itself.

As reflected in the Minutes:

“*Staff agree that the applicant proposes a creation, rather than a conversion.* There is preexisting ambiguity present in the zoning ordinance relative to conversions of structures vs. the creations of new ones. Neither are defined within the existing zoning ordinance, relying instead on discretionary determinations made by staff to differentiate.” Minutes, p.3.

The Board’s Motion to Approve stated:

“Sillitta moved to approve the variance request based on meeting the five criteria *for the conversion of the existing structure on the non-conforming lot...*” (Emphasis added).

This disparity/confusion/ambiguity itself is also the basis for the Board to grant this Motion for Rehearing.

CONCLUSION

For all of the reasons stated above, the moving parties respectfully request the Board to grant this Motion for Rehearing, so that all parties can have an opportunity to properly review and comment on the issues raised in this Motion, and the Board can clarify the bases for its decision.

Respectfully submitted,

THE LAW OFFICE OF SCOTT E. HOGAN

/s/ Scott E. Hogan

Scott E. Hogan, Esq.

P.O. Box 57

Lyndeborough, NH 03082

603-969-1183

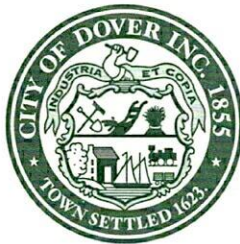
hoganlaw@comcast.net

NH Bar ID#: 10542

Represented Clients

Christina Byron	4 Pearson Dr
Leonard (Skip) Silver	6 Pearson Dr
Gary and Debbie Hecht	9 Pearson Dr
Linda and Ed Carrol	12 Pearson Dr
Leonard (Skip),Scarlett, and Veronica Silver	14 Pearson Dr
Jon and Leigha Hanson	15 Pearson Dr
Colin Lynch, Keith Lewis	16 Pearson Dr
Tim Gemas, Nadine Hill	17 Pearson Dr
Jay and Joan McLaughlin	275 Dover Point Rd
Leonard (Skip) Silver	281 Dover Point Rd
Corey Paradis	283A Dover Point Rd

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



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
Fax: (603) 516-6049
www.dover.nh.gov

City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Zoning Board of Adjustment NOTICE OF DECISION

November 25, 2025

Mr. Fergus Cullen
152 Boxwood Ln.
Dover, NH 03920

Re: **ZONE-2025-0038 – 18 Pearson Dr. (Tax Map L, Lot 46-M)**

Dear Mr. Cullen:

Please be advised that after a public hearing on Thursday, November 20, 2025, the Zoning Board of Adjustment ("ZBA") voted 3-2 to **APPROVE** your Variance request pursuant to **Sections 170-11(B) and 170-12(B)**, to allow for the construction of an addition to an existing single-family home, to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f. Your request was granted without conditions.

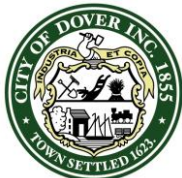
Note: The City Council, any party to the action, or any person directly affected has a right to seek rehearing and thereafter appeal the ZBA's determination by timely following the procedural requirements outlined within New Hampshire statutes. *See generally* New Hampshire Revised Statutes Annotated, Chapter 677, *available at:* <https://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIV-677.htm>

If you have any questions, please do not hesitate to contact us directly at: (603) 516-6008.

Sincerely,

Paul R. Crouser
Zoning Administrator, Assistant City Planner

Encl.: Donna Benton, AICP	Director of Planning and Community Development
James Maxfield	Building Official
Michelle Dube	Inspection Services Office Manager
Donna Langley	City Assessor



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, January 15, 2026**
Meeting Time: **7:00 pm**

INTENT: The applicant requests a Variance from **Section 170-12(B), Office District Table of Uses, footnote 4**, to permit residential dwelling units in the first floor of a newly constructed structure.

UNITS PROPOSED: 6 (*unit creation dependent on subsequent Planning Board relief – their creation cannot be approved by this Board*)

AGENDA ITEM: 3-B

ZONING DISTRICT: Office (O) District,
Gateway (G) District

FILE: ZONE-2025-0039

APPLICANTS: 6 Brick Road, LLC

OWNERS: 6 Brick Road, LLC

LOCATION: 1-24 Jefferson Drive (Tax Map 28,
Lot 9-C)

ACREAGE: ±2.89 acres. No change in lot area

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential,
Commercial, Mixed-use

PREVIOUS ZBA ACTION: Yes, 06/16/2011
Z 11-12: excess of 4 units in O District;
Z 11-13: residential units on first floor in O District

PLANNING BOARD APPROVAL REQ.: Yes –
required for the approval of the new dwelling units (6
total).

ATTACHMENTS: Application, Variance Plan

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

BACKGROUND INFORMATION

The subject parcel for this variance request is located on Jefferson Drive, a private development located off of Brick Road. The development consists of 24 townhouse units with parking and related infrastructure, the original plan for which (P11-42) was approved by the Planning Board on October 26, 2011, with preceding variances to permit the same relief sought currently being granted on June 16, 2011. On September 16, 2023, the Planning Board approved a lot line adjustment plan which merged a vacant 8,000 s.f. parcel within the Gateway District to the subject parcel (1-24 Jefferson Dr.), which falls within the Office District, thus creating a singular split-zoned parcel.

Given that the property now has additional developable area, the owner is seeking to construct six (6) additional townhouse units, three (3) which fall within the Office District and three (3) within the Gateway District. While the units within the Gateway District are permitted by right, those within the Office District, as they were back in 2011, are approved only if located in the second story or higher of a newly constructed structure, thus necessitating the variance.

STAFF RECOMMENDATION

Staff is in support of granting this variance request for two core reasons. First and foremost, the same variance relief was granted at this project's inception. Existing precedent of the same variance relief on the same property and same zone in and of itself is justification for approval in Staff's Opinion.

Secondly, to force a non-residential use in the first floor of three (3) new buildings in a 24-unit, all residential development is not in keeping with the spirit of the ordinance. Staff would question the viability of any sort of commercial use on the first floor of the proposed structures due to the seclusion of the residential neighborhood, the opposition to increased traffic by the neighborhood's residents, and the lack of commercial visibility for potential tenants being setback from Central and tucked into a residential development.

Given the above, Staff recommends that the Board open the public hearing, accept testimony, and make findings on each of the five Variance criteria. Based on the evidence presented, Staff recommends that this Board approve this variance request with a single condition:

1. Any existing site lighting spillover onto abutting properties shall be remedied to the satisfaction of the Planning Board during the Site Review process.

ZONE-2025-0039 1-24 Jefferson Drive

**Property Information**

Location 1 JEFFERSON DR
Owner 6 BRICK ROAD LLC
Land Use 114C
Zoning Code O
Property Id 28009-C00000



**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-2025-0039 FOR CITY OF DOVER, N.H.

Permit Type	Zoning	Project:		App Date:	12/29/2025
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 Expire Date:	

Description: Proposes the construction of 6 new townhouse style units. The 3 units proposed in building "A" are located in the Office District and requires this Variance to allow dwelling units on the first floor. The 3 units proposed in Building "B" are located in the Gateway District which allows for dwelling units on the first floor.

Parcel:	28009-C00000	Main	Address:	1-24 Jefferson Dr Dover, 03820	Main	Zone:	G(Gateway District) O(Office)
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Plan Preparer	Owner	Applicant
Tritech Engineering Corp.	6 Brick Road, LLC	6 Brick Road, LLC
755 Central Avenue	3 Quill Lane Suite 107	3 Quill Lane Suite 107
Dover, NH 03820	Barrington, NH 03825	Barrington, NH 03825
Business: (603) 742-8107	Home: (978) 375-3153	Home: (978) 375-3153

Permit Custom Fields

ZoneVariAppealPhDisa No bilty	Number of Variances Requested:	1	ZoneVariPlanDirections	Located off Brick Road, Jefferson Drive	
ZoneVariPlanSummary	Proposes the construction of 6 new townhouse style units. The 3 units proposed in building "A" are located in the Office District and requires this Variance to allow dwelling units on the first floor. The 3 units proposed in Building "B" are located in the Gateway District which allows for dwelling units on the first floor.	ZoneVariAppealSect	170-12(A)	ZoneVariAppealSectDe tail	Dwelling units on the first floor of Building "A" shown on Sheet Va-1, where dwelling units are not permitted on the first floor for the construction of 3 to 4 unit buildings.
What is the parcel zoned?	O	ZoneVariAppeal1Public Interest	The given location of the property is surrounded by residential units. While commercial use is required on the first floor, it does not fit in well with the surrounding neighborhood. The proposed units will be accessed from Brick Road. There is no access from Central Ave. The increased building height to accommodate a commercial development open on the first floor of the proposed units would not fit the aesthetic of the neighborhood.	ZoneVariAppeal2Ordin anceSpirit	The abutting Central Ave properties as well as the proposed Building "B" are located in the Gateway District where dwellings are allowed on the first floor. The previously developed portion of the property was granted a variance from the requirement in 2011 and has dwellings on the first floor. To allow the project without commercial uses in this isolated area of Office District would be consistent with the spirit of the ordinance.
ZoneVariAppeal3Subst antialJustice	Even though Building "A" is located in the Office District, both recent and historic developments of		the surrounding properties have been predominantly multi-family without a commercial		component. To allow construction consistent with the surrounding properties would be

PERMIT SNAPSHOT REPORT (ZONE-2025-0039)

substantial justice.	ZoneVariAppeal4Prope rtyValue	Residential units will have less impact on surrounding properties due to reduced traffic. The access and location of the property is more consistent with the existing uses of the neighborhood. Construction of a building consistent with surrounding properties will not diminish surrounding property values.	ZoneVariAppeal5A1Un NecHardship	The location of the proposed development is located in the back corner of the lot. If a commercial space was proposed, traffic would have to navigate past the 24 existing units which does not make for a good location for a business. There would be no visibility of the business from Central Ave decreasing the feasibility of a commercial space.
ZoneVariAppeal5A2No FairRelate	The location and access to the property makes a commercial use not practical. The purpose of the ordinance is to require commercial developments where it is suitable based on location and compliance with surrounding uses. Requiring commercial use on the first floor would cause taller buildings and increased traffic flow which would not fit in the scale of the neighborhood.	ZoneVariAppeal5A3Re asonableUse	All properties in the surrounding area are residential and the addition of commercial uses in this location would not be viable of reasonable.	

Attachment File Name	Added On	Added By	Attachment Group	Notes
Permit Snapshot Report.pdf	12/29/2025 17:27	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
INV-2025015062	Planning Zoning Variance Application Fee	\$200.00	\$0.00
Total for Invoice INV-2025015062		\$200.00	\$0.00
Grand Total for Permit		\$200.00	\$0.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	In Review	12/30/2025	01/27/2026		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	In Review	12/30/2025	01/27/2026	

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		12/30/2025 0:00	
Confirm application complete v.1	Generic Action		12/30/2025 10:27
Planning Permit Application Review v.1	Receive Submittal	12/30/2025 10:27	
Zoning Board v.1			
Zoning Board Agenda v.1	Task		
Invoice for Notices v.1	Task		
Send Notices v.1	Task		
Zoning Administrator Creates Staff Recommendations v.1	Task		
Distribute Zoning Board Materials v.1	Task		
Zoning Board Hearing v.1	Hold Hearing		
Zoning Board Decision v.1	Permit Activity		

PERMIT SNAPSHOT REPORT (ZONE-2025-0039)

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



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised December 16, 2025]

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

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: 6 Brick Road LLC Phone # 978-375-3153

Address of Applicant: 3 Quill Lane Suite 107, Barrington, NH 03825

E-Mail Address: johnoneill.nh@gmail.com office@stonearchcommunities.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: Jefferson Drive, Dover NH

Brief Directions: From the intersection of Central Ave and Oak Street, travel north on Central Ave. Take first right turn onto Brick Road. Take first left onto Jefferson Drive. The proposed development is in the back left corner of the property.

Zoning District: Office/Gateway Assessor's Map # 28 Lot(s) # 2C

TYPE OF APPEAL: (Please check one)

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

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

The applicant proposes the construction of 6 new townhouse style units. The 3 units proposed in Building "A" are located in the Office District and requires this variance to allow dwelling units on the first floor. The 3 units proposed in Building "B" are located in the Gateway District which allows for dwelling units on the first floor.

APPLICATION CHECKLIST (Please check off)

Please submit your application through our online portal at www.dover.permits.nh.gov
You will also be required to drop off one copy of the items listed below (A through E).

- 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. **1 copy 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. **1 copy 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 1 copy required in 'C' above). _____
- E. **1 copy of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____

Abutter Notification/Mailing Labels - this office will create and print the abutter list and provide labels in triplicate for each abutter. The fee schedule listed below can be used as a guide, only. **Please do not submit a check with this paper application. You will be invoiced through the portal.**

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 we have reviewed your application.

All fees must be paid prior to the meeting or it may stand the chance of not being heard.

1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # _____ of x \$13.00
2. Certified letters fee: # of abutters _____ X \$13.00
3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$3.00
4. Creating/Printing Abutter Labels in triplicate per sheet _____ X \$10.00

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 fee \$120.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12A of the Zoning Ordinance to permit:
dwelling units on the first floor of Building "A" shown on Sheet Va-1, where dwelling units are not permitted on the first floor
for the construction of 3 to 4 unit buildings.

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 given location of the property is surrounded by residential units. While commercial use is required on the first floor, it does not fit in well with the surrounding neighborhood. The proposed units will be accessed from Brick Road. There is no access from Central Ave. The increased building height to accommodate a commercial development on the first floor of the proposed units would not fit in the aesthetic of the neighborhood.

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

The abutting Central Ave properties as well as the proposed Building "B" are located in the Gateway District where dwellings are allowed on the first floor. The previously developed portion of the property was granted a variance from this requirement in 2011 and has dwellings on the first floor. To allow the project without commercial uses in this isolated area of Office District would be consistent with the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Even though Building "A" is located in the Office District, both recent and historic developments of the surrounding properties have been predominantly multi-family without a commercial component. To allow construction consistent with the surrounding properties would do substantial justice.

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

Residential units will have less impact on surrounding properties due to reduced traffic. The access and location of the property is more consistent with the existing uses of the neighborhood. Construction of a building consistent with surrounding properties will not diminish surrounding property values.

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:

The location of the proposed development is located in the back corner of the lot. If a commercial space was proposed, traffic would have to navigate past the 24 existing units which does not make for a good location for a business. There would be no visibility of the business from Central Ave decreasing the feasibility of a commercial space.

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:

The location and access to the property makes a commercial use not practical. The purpose of the ordinance is to require commercial developments where it is suitable based on location and compliance with surrounding uses. Requiring commercial use on the first floor would cause taller buildings and increased traffic flow which would not fit in the scale of the neighborhood.

and

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

All properties in the surrounding area are residential and the addition of commercial uses in this location would not be viable or reasonable.

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:

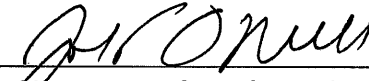
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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

WE WILL NOTIFY YOU THAT THE PROPERTY IDENTIFICATION SIGN IS READY TO BE PICKED UP. IT MUST BE POSTED ON THE PROPERTY FOR 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: 12/29/25



CITY OF DOVER, NEW HAMPSHIRE

PLANNING APPLICATION OWNER AUTHORIZATION

OWNER AUTHORIZATION

I/We hereby submit this application to the City of Dover / City of Dover Planning 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: _____

Signature(s) of Property Owner(s): _____

Date: _____

Signature of Applicant: _____

if different from owner

Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I/We hereby submit this application to the City of Dover Planning 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: _____

Signature(s) of Property Owner(s): _____

Date: _____

Signature of Applicant: _____

if different from owner

Date: _____

IF SIGN PERMIT, SIGN PERMIT APPLICATION INFORMATION

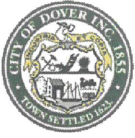
If the sign permit applicant is not the property owner, this form must be completed and included as part of application submission.

I have read this application and state that, to the best of my knowledge, the information provided is true and that the proposed sign(s) will comply with all applicable regulations in Section 170-32 of the Zoning Ordinance of the City of Dover and shall conform to the submitted materials and designs. Furthermore, after 90 days, any application still waiting information will be denied.

Address of Sign Location: _____

Sign Permit Application Type:
(check one)

- ☐ Permanent Sign
- ☐ Temporary Sign
- ☐ Community Sign



CITY OF DOVER, NEW HAMPSHIRE

PLANNING APPLICATION OWNER AUTHORIZATION

OWNER AUTHORIZATION

I/We hereby submit this application to the City of Dover / City of Dover Planning 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: 6 Brick Road, LLC (John O'Neill)

Signature(s) of Property Owner(s):  Date: _____

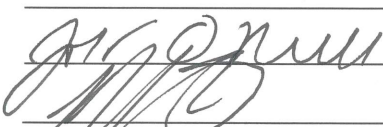
Signature of Applicant:  Date: 12/29/25

if different from owner

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I/We hereby submit this application to the City of Dover Planning 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: 6 Brick Road, LLC (John O'Neill)

Signature(s) of Property Owner(s):  Date: _____

Signature of Applicant:  Date: 12/29/25

if different from owner

IF SIGN PERMIT, SIGN PERMIT APPLICATION INFORMATION

If the sign permit applicant is not the property owner, this form must be completed and included as part of application submission.

I have read this application and state that, to the best of my knowledge, the information provided is true and that the proposed sign(s) will comply with all applicable regulations in Section 170-32 of the Zoning Ordinance of the City of Dover and shall conform to the submitted materials and designs. Furthermore, after 90 days, any application still waiting information will be denied.

Address of Sign Location: _____

Sign Permit Application Type:
(check one)

- ☐ Permanent Sign
- ☐ Temporary Sign
- ☐ Community Sign

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
28033-000000	2 FLORAL AV	DUCLOS VALERIE BETH TRUSTEE	LESTER VALERIE REVOCABLE LIVING TRUST	2 FLORAL AVENUE	DOVER	NH	03820
29016-000000	728 CENTRAL AV	HOLGATE LIMITED PARTNERSHIP		130 CENTRAL AVE	DOVER	NH	03820
28007-000000	757 CENTRAL AV	KNOX MARSH DEVELOPMENT LLC	6 GOOSE TAIL DR LLC 1, 2 & 3 & DIPALO PR	22 DUSTIN HOMESTEAD	ROCHESTER	NH	03867
28016-000000	12 BRICK RD	WINTLE ERIN		12 BRICK ROAD	DOVER	NH	03820
28013-000000	725 CENTRAL AV	DOVER COAST 725 CENTRAL LLC		24321 WOODSAGE DR	BONITA SPRINGS FL		34134
28015-000000	10 BRICK RD	DOVER COAST BRICK LLC		24321 WOODSAGE DR	BONITA SPRINGS FL		34134
28019-A00000	OAK ST	MCQUADE REALTY INC		PO BOX 1409	DOVER	NH	03820
28018-B00000	3 BRICK RD	BRICK ROAD HOLDINGS LLC		175 MARKET ST FLOOR 2	BRIGHTON	MA	02135
29017-000000	750 CENTRAL AV	CENTRAL COMMONS		750 CENTRAL AV	DOVER	NH	03820
28035-000000	4 FLORAL AV	HEDE GREGORY R & BONNIE T TRUSTEES	HEDE GREGORY AND BONNIE REVOCABLE LIVING	4 FLORAL AVENUE	DOVER	NH	03820
28032-000LSE	15 ABBEY SAWYER MEMORIAL DR	ANDREWS JAMES	A/K/A VERTICAL REALTY PROPERTIES CO	21 ECHO BROOK RD	ROCHESTER	NH	03839
28018-000000	707 CENTRAL AV	SADDLER HILL CONDO ASSOCIATION		707 CENTRAL AVE	DOVER	NH	03820
29012-000000	720 CENTRAL AV	GARRISON HILL PROPERTIES LLC		31 PICKENS AVE	SEABROOK	NH	03874
28025-000000	7 FLORAL AV	MCQUADE REALTY INC		PO BOX 1409	DOVER	NH	03820
28032-000SL2	7 ABBEY SAWYER MEMORIAL DR	AT&T WIRELESS SERVICES INC	C/O AT&T TOWER PROPERTY TAX	1010 PINE ST, 6E-L-01	ST LOUIS	MO	63101
28032-000SL1	9 ABBEY SAWYER MEMORIAL DR	SPRINT SPECTRUM LP	PROPERTY TAX DEPT	PO BOX 8430	KANSAS CITY	MI	64114-8430
28008-000000	1 ABBEY SAWYER MEMORIAL DR	ADAM AL-GHAITHY WENDIE &	ADAM AL-GHAITHY YUSEF	1 ABBEY SAWYER MEMORIAL DR	DOVER	NH	03820-2801
28018-C00000	7 BRICK RD	BRICK ROAD HOLDINGS LLC		175 MARKET ST FLOOR 2	BRIGHTON	MA	02135
28037-000000	15 OLD ROLLINSFORD RD	WENTWORTH DOUGLASS HOSPITAL	C/O MASS GENERAL BRIGHAM	399 REVOLUTION DR	SOMERVILLE	MA	02145
29019-000000	754 CENTRAL AV	TASKER GROVER L SR & SUSAN R TRUSTEES	TASKER FAMILY LIVING TRUST	756 CENTRAL AVE	DOVER	NH	03820
28012-A00000	743 CENTRAL AV	M5 PROPERTIES LLC		171 SILVER ST	DOVER	NH	03820
28009-A00000	753 CENTRAL AV	QUANTUM OFFICE LLC		755 CENTRAL AV	DOVER	NH	03820-3404
28012-000000	747 CENTRAL AV	KOZLOWSKI KRYSTIAN E		PO BOX 212	DOVER	NH	03821
28011-000000	749 CENTRAL AV	SULLIVAN TIMOTHY	KANE KAITLYN	90 NEWTON AVE	BRAINTREE	MA	02184
28032-000000	10 ABBEY SAWYER MEMORIAL DR	CITY OF DOVER		288 CENTRAL AVENUE	DOVER	NH	03820
28009-B00000	3 ABBEY SAWYER MEMORIAL DR	SLIWINSKI FREDERICK J		3 ABBEY SAWYER MEMORIAL DR	DOVER	NH	03820
28010-000000	751 CENTRAL AV	PEARL ANDREW R	PEARL KASSANDRA M	751 CENTRAL AVE	DOVER	NH	03820
29100-000000	726 CENTRAL AV	MARKER 21 HOLDINGS LLC		130 CENTRAL AVE	DOVER	NH	03820
28009-C00000	1 JEFFERSON DR	6 BRICK ROAD LLC		3 QUILL LANE STE 107	BARRINGTON	NH	03825
		TRITECH ENGINEERING CORP.	ROBERT STOWELL	755 CENTRAL AV	DOVER	NH	03820

TRITECH

ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603.742.8107
FACSIMILE 603.742.3830

December 29, 2025

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Variance Application
6 Brick Road, LLC
Jefferson Drive
Tax Map 28, Lot 9C
Dover, New Hampshire
Job No. 23115

Dear Donna,

The property subject to this application is located on Jefferson Drive and is depicted on the City's Tax Map as Map 28 Lot 9C. The property is within the Office and Gateway Districts. The lot contains 2.891 acres with frontage on Brick Road.

Pursuant to the City of Dover Zoning Ordinance Article IV, Section 170-12 (A) and attachment 170-13:1 Footnote (4), dwelling units are allowed only in the second story or higher of a newly constructed structures containing 3 to 4 units. The applicant proposes to construct 6 new townhouse style units. Three of the proposed units in Building "A" shown on Sheet Va-1 are located in the Office Zoning District. The applicant requests relief from the ordinance to allow dwelling units on the first floor of these new units. Building "B" is located in the Gateway District where dwelling units are permitted on the first floor and does not require a variance.

Enclosed please find:

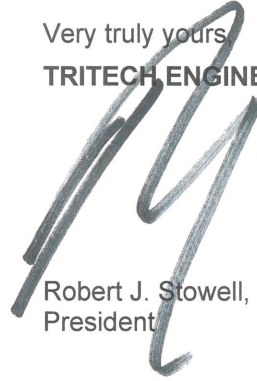
- One (1) Copy of the Variance Application.
- One (1) Full Size Copy of the Variance Plan of the Subject Property.
- One (1) 8.5" x 11" Copy of the Variance Plan of the Subject Property.
- One (1) Copy of Streetscape Renderings and Building Elevations (under separate cover).

We understand that by making this submission today, this matter will be placed on the agenda for the Zoning Board of Adjustment meeting on January 15, 2026.

Donna Benton
December 29, 2025
Page 2 of 2

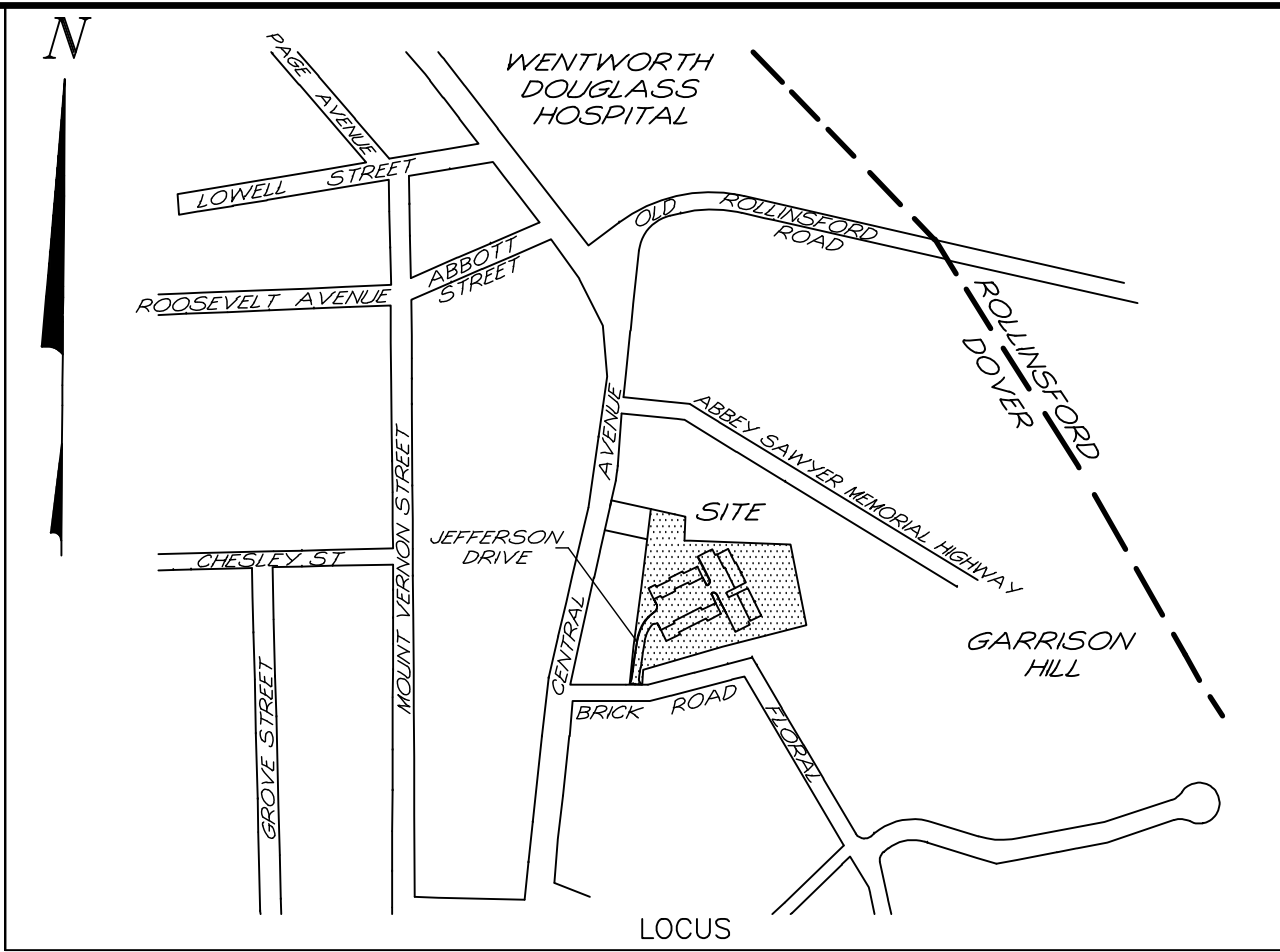
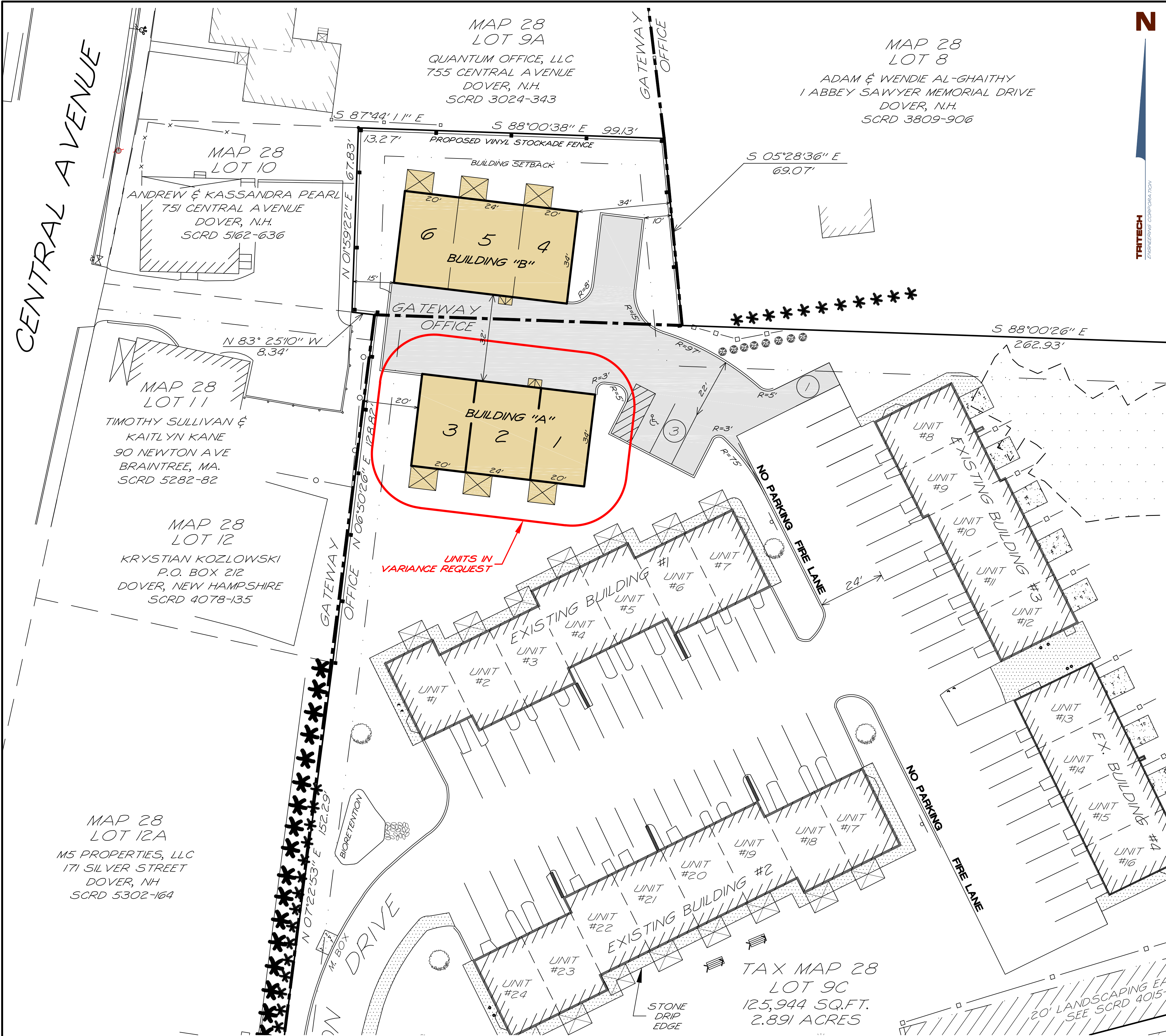
Please advise should you have any questions.

Very truly yours,
TRITECH ENGINEERING CORP.

A large, stylized handwritten signature in dark ink, appearing to be 'RJS', is written over the company name and the name of the signatory.

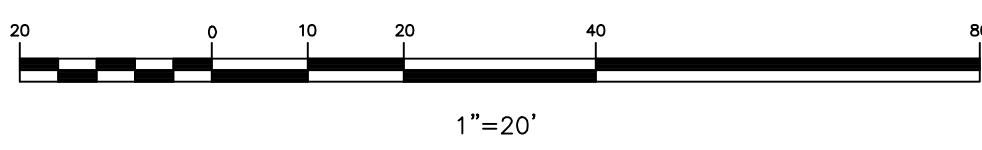
Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp
Enclosures
\\23115-Variance_Ltr



- NOTES
- INTENT: THIS PLAN IS INTENDED TO ACCOMPANY A VARIANCE APPLICATION WHICH IS SEEKING RELIEF FROM CITY OF DOVER ZONING ORDINANCE ARTICLE IV, SECTION 170-12 (A) AND ATTACHMENT 170-13.1, FOOTNOTE (4), TO PERMIT DWELLING UNITS ON THE FIRST FLOOR OF BUILDING "A" WHERE DWELLING UNITS ARE NOT PERMITTED ON THE FIRST FLOOR FOR THE CONSTRUCTION OF 3 TO 4 UNIT BUILDINGS.
 - CURRENT OWNER: MAP 28 LOT 9C
6 BRICK ROAD, LLC,
3 QUILL LANE, SUITE 107
BARRINGTON, N.H. 03825
 - TAX MAP 28 LOT 9C.
 - TOTAL LOT AREA: 125,944 SQ.FT. - 2.891 ACRES
 - PROJECT DEED REFERENCE: BOOK 3986 PAGE 60 & BOOK 5140 PAGE 135
 - PROJECT PLAN REFERENCE: BOUNDARY LINE ADJUSTMENT PLAN
6 BRICK ROAD AND
THE SOJA-PARK BENNETT
REVOCABLE TRUST OF 1994
CENTRAL AVENUE & BRICK ROAD
DOVER, NEW HAMPSHIRE
TRITECH ENGINEERING CORP
AUGUST 22, 2023 SCD 12994 & 3
 - ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL OR OTHER EASEMENTS HAVE BEEN REFERENCED IN A NOTE.
 - ZONING: OFFICE
MIN. LOT SIZE: 10,000 SQ.FT.
MIN. FRONTAGE: 100 FT
MIN. SETBACKS:
FRONT: 12 FT
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %
GATEWAY
MIN. LOT SIZE: N/A
MIN. FRONTAGE: 60% MIN.
MIN. SETBACKS:
FRONT: 5' - 20'
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %
IN ADDITION TO THE OFFICE DISTRICT THIS PROPERTY FALLS WITHIN THE CONSERVATION OVERLAY DISTRICT
 - VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS:
 - THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 100,000, AND WAS ACCOMPLISHED USING A LEICA 703 TOTAL STATION, DURING THE MONTH OF JUNE, 2011.
 - SUBJECT PARCEL IS NOT WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A - PANEL 0320E, MAP No. 33017C0330E, DATE: 9-30-2015).
 - MAP 28 LOT 10 HAS THE RIGHT TO ACCESS ACROSS DRIVEWAY AS DESCRIBED IN BOOK 389 PAGE 238 AND THE RIGHT TO MAINTAIN SEWER LINE ACROSS MAP 28 LOT 11 AS DESCRIBED IN BOOK 389 PAGE 301. LAND DESCRIBED IN BOOK 1711 PAGE 521.

- LEGEND
- REBAR WITH ID CAP TO BE SET
 - UTILITY POLE
 - SEWER MANHOLE
 - DRAIN MANHOLE
 - CATCH BASIN
 - DRAIN LINE
 - GAS LINE
 - WATER LINE
 - VINYL STOCKADE FENCE
 - WOOD RAIL FENCE
 - CHAIN LINK FENCE
 - METAL RAIL FENCE
 - SPECIMEN TREE
 - ARBORVITAE



TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 9890

REVISIONS	DATE	DESCRIPTION

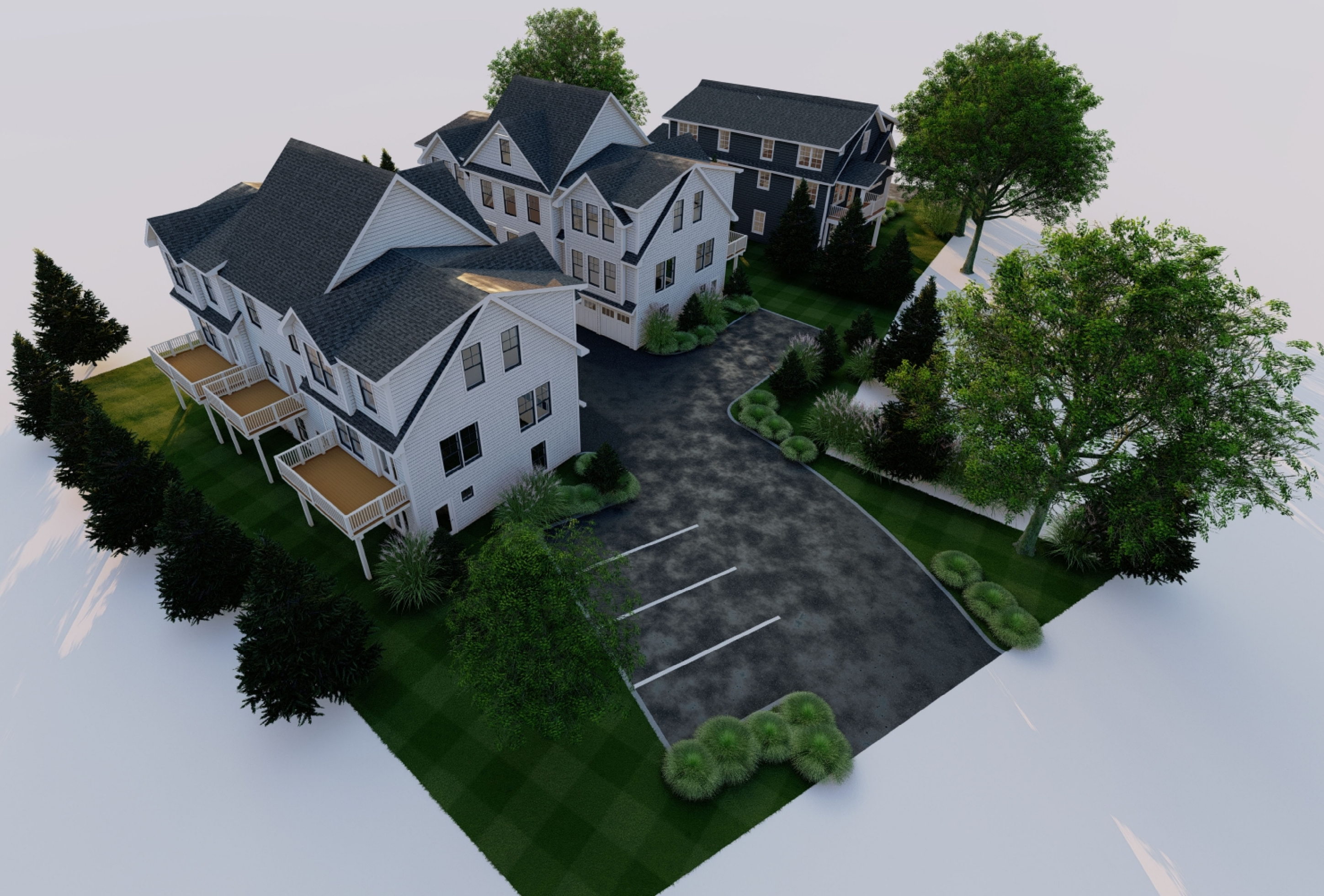
VARIANCE APPLICATION PLAN

JEFFERSON DRIVE EXPANSION
JEFFERSON DRIVE
DOVER, NEW HAMPSHIRE
DECEMBER 29, 2025 JOB No. 23115
SCALE: 1" = 20'

SHEET No.

Va-1







CHRISTOPHER G. PARKER, AICP
Director
c.parker@dover.nh.gov



288 Central Avenue
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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Zoning Board of Adjustment NOTICE OF DECISION

June 20, 2011

Changing Places, LLC
42J Dover Point Road
Dover, NH 03820

* Z 11-12 Marcia Wentworth Revocable Trust, owner, 6 Brick Road, Tax Map 28, Lot 9-C, zoned Office, (applicant Changing Places, LLC) requests a variance from the terms of Article IV, Section 170-11 D, 170-12 A & the O Zone Table of Uses, footnote 5, to construct 24 - 2 bedroom apartments in 4 - three story buildings on one lot, where a maximum of four apartments are allowed.

Dear John O'Neill,

Please be advised that the Zoning Board of Adjustment, at the public hearing held on June 16, 2011, voted to grant your request for a Variance with the following condition:

(1) Fencing and vegetal screening be required for the development (not just the parking areas) on the property boundaries that abut single family residential uses at Planning Board site review application time.

The decision to grant your request was based on the information presented and discussed.

Your next step in the process would be to file an application with the Planning Office for site review before the Planning Board.

If you have any questions, please contact me by phone or email.

Sincerely,

Bruce Woodruff, Zoning Administrator

Cc: Christopher G. Parker, Planning Director
Marcia Wentworth Revocable Trust, owner

CHRISTOPHER G. PARKER, AICP
Director
c.parker@dover.nh.gov



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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Zoning Board of Adjustment NOTICE OF DECISION

June 20, 2011

Changing Places, LLC
42J Dover Point Road
Dover, NH 03820

Z 11-13 Marcia Wentworth Revocable Trust, owner, 6 Brick Road, Tax Map 28, Lot 9-C, zoned Office, (applicant Changing Places, LLC) requests a variance from the terms of Article IV, Section 170-11 D, 170-12 A & the O Zone Table of Uses, footnote 5, to have residential apartments occupy the first floor in the four newly constructed three story buildings, where residential is allowed only on the second story or higher of newly constructed buildings.

Dear John O'Neill,

Please be advised that the Zoning Board of Adjustment, at the public hearing held on June 16, 2011, voted to grant your request for a Variance.

The decision to grant your request was based on the information presented and discussed.

Your next step in the process would be to file an application with the Planning Office for site review before the Planning Board.

If you have any questions, please contact me by phone or email.

Sincerely,

Bruce Woodruff, Zoning Administrator

Cc: Christopher G. Parker, Planning Director
Marcia Wentworth Revocable Trust, owner