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P.O. Box 2023
Dover, NH 03821

2008 AUG 14 P 3: 52

Ethics Commission
City of Dover
288 Central Avenue
Dover, NH 03820-4169

13 August 2008

Dear Madams and Sirs:

I am the chairperson of the Zoning Board of Adjustment, and I have been asked by Bill Colbath to provide the following information to the Ethics Commission regarding its ongoing investigation.

Specifically, to my knowledge:

- I had requested the meeting of May 15, 2008.
- The subject matter for discussion was general procedural issues.
- No meeting minutes were taken.

If I can be of further assistance, please let me know.

Sincerely,



Masi Denison

William C. Colbath

129 Silver Street, Dover, NH 03820

Phone (603)749-0063

8/14/2008

Charles Reynolds
Chairman Ethics Commission
c/o City Clerk
288 Central Ave.
Dover, NH 03820

Re: Witnesses I may require testimony from in hearing

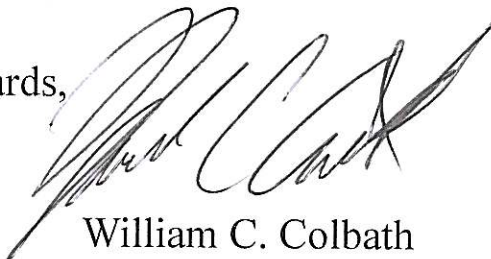
Per our discussion at the structuring meeting you indicated that you would request the attendance of any municipal employee that I wished to have present. In the event that we require their input to support the record.

I would request that the following persons be available:

Tom Clark
Alan Krans
Chris Parker

I may need the input of all of these persons to verify the possible misuse of information charge. The charge is rather vague and since it has not been made clear what the charge is I do not know which person may be able to attest to it.

Regards,

A handwritten signature in black ink, appearing to read 'William C. Colbath', written in a cursive style.

William C. Colbath

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Dover, NH 03821

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Sincerely,

Masi Denison

W.C. Colbath Electrical Contractor

211 Crosby Road

Dover, NH 03820

Phone (603)749-0063

Fax (603)749-7039

Tax ID 02-0342300

Invoice

Cheney, Chuck & Debbie
7 Beech Road
Dover, NH 03820

Invoice#: 11890
Invoice Date: 6/ 4/2008
Due Date: 6/14/2008
Customer ID: 991275
Contact: Chuck Cheney
Phone#: (603) 742-2012

Job: New Meter Installation
Job#: 11890

Work Ordered:

Worked on installing a new meter socket and tying in the feed. Also installed a new grounding system for the new meter.

Work Performed:

May 28,2008

Item	Description	Qty	Price	Total
GR588	5/8"x8' Copper Ground Rod	2.00	1,560.00 C	31.20
ACORN	5/8" Ground Rod Clamp	2.00	101.71 C	2.03
BARE6	#6 Stranded Bare Copper Wire	15.00	715.00 M	10.73
PVC12	1/2" PVC	5.00	37.14 C	1.86
PVCMA12	1/2" PVC Term Adpt	1.00	24.87 C	0.25
PVCQC12	Quick Clic PVC Conduit Hanger 1/2"	1.00	71.50 C	0.72
SECCN1	1 Inch Die Cast NMC BX Romex 2 Screw Con	1.00	170.20 C	1.70
PB1	1" Plastic Bushing	1.00	36.17 C	0.36
LKNT12	1/2" Locknut	1.00	16.72 C	0.17
SECLP2	Service Entrance Strap 3 #3 Or #2	1.00	38.77 C	0.39
DS102	10x2 Hex/Slot Drill Screw	8.00	11.56 C	0.93
SL	Labor Steve L.	Material :		50.34
		2.50	65.00 H	162.50
PF	Local Permit Fee	Labor :		162.50
		1.00	25.00 E	25.00
		Misc Charges :		25.00
		Total Due		\$237.84

Terms: Net 10 days, 18% Interest Charged to all past due accounts.

Remittance

55 BACK RIVER RD	MAP/LOT: 10060-000000 1-2	ZONING: R-12	LIVING UNITS: 1	CLASS: R-101	CARD # 1 OF 1
CURRENT OWNER/ADDRESS:		LAND DATA:		NBHD ID: 3 00	
TURGEON KEVIN & TURGEON LISA		TYPE	SIZE	ASSESSMENT INFORMATION	
225 GREEN ST SOMERSWORTH	NH 03878	PRIMARY RESIDUAL	0.690	PRIOR	CURRENT
DEED BOOK: 3449		TOT. ACRE	0.690	19911220 CR	ENTRY GAINED
DEED PAGE: 335				20070719 TC	UNOCCUPIED
DEED DATE: 20061020				20070518 RC	UNOCCUPIED
					APP. REVIEW

Sale Info not verified by assessor's office

SALES DATA: PERMIT DATA: NED

Date	Type	Price	Valid Date	#	Amount	Purpose
20061019	LAND, BLDG	85,000	15	20060610	FLAG	FIRE DAMAGE
20060224	LAND, BLDG	175,000				

DWELLING DATA:

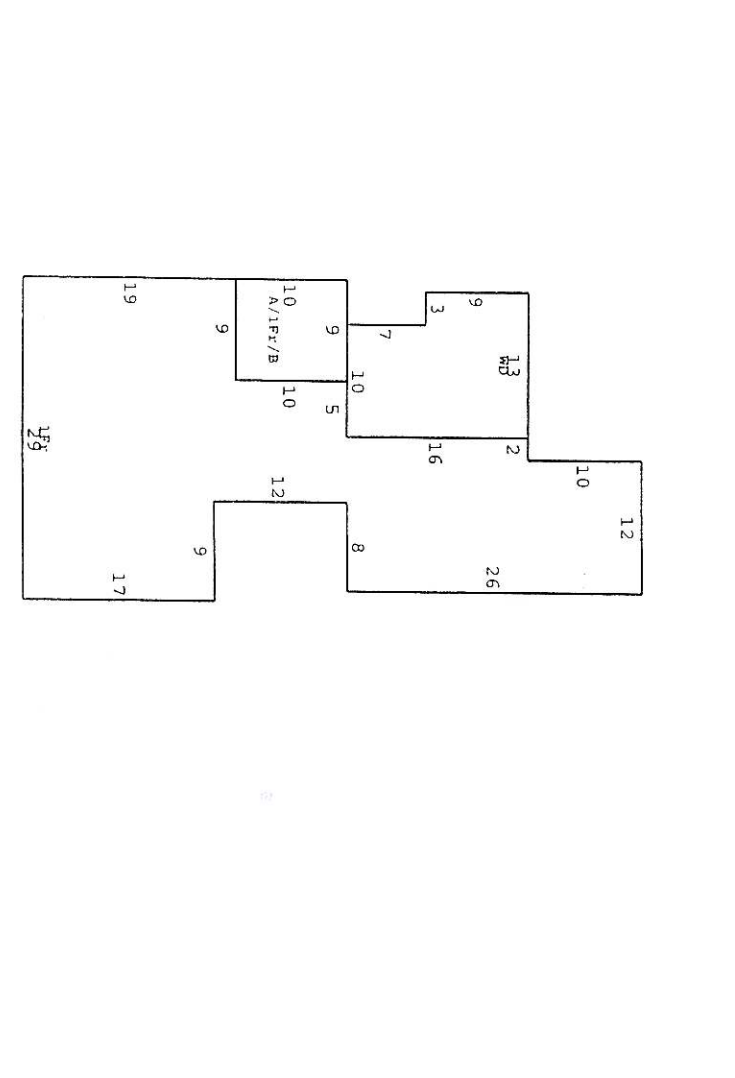
Style	CONVENTIONAL
Story Ht	1.00
Attic	UNFIN
Walls	ALUM/VINYL
Bedrooms	2
Total Rooms	5
Full Baths	1
Half Baths	1
Add'l Fixtures	5
Total Fixtures	5
Basement	FULL
Fin Bsmt Living Area	
Basement Rec Room Area	
Heating System	OTL
Heating Type	BASIC
FIREPLACE WB	Mt1
Basement Garage (# cars)	
Ground Fir Area	90
Total Living Area	1077
Quality Grade	C
Condition	AVERAGE
Marketability	AV
Year Built	1890
Eff. Year Built	
Unfinished Area	
Unheated Area	

COST APPROACH COMPUTATIONS

Base Price	15,730
Plumbing	
Additions	77,800
Unfin. Area	
Basement	
Attic	
Heat/AC Adj	1,620
FBLA	
Rec Rm	
Fireplace	
Bsmt. Gar.	
SUBTOTAL	99,150
Grade Factor	1.00
C & D factor	
TOTAL RCN	99,150
% Good	0.70
Market Adj.	50
Nbhd/Style Adj.	
TOTAL RCNLD	\$34,700

ADDITION DATA:

	First Floor	Second Floor	Third Floor	Area	Value
A	15 Frame			987	74500
B	Wood Deck			187	3200
C					00
D					00
E					00
F					00
G					00
H					00



VALUE FLAGS:

NOTES:

2008=CHECK FIRE DAMAGE

CUTBUILDING TOTAL:

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning Board of Adjustment and Building Code Board of Appeals

Section 674:33

674:33 Powers of Zoning Board of Adjustment. –

I. The zoning board of adjustment shall have the power to:

(a) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

(b) Authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

II. In exercising its powers under paragraph I, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

III. The concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

Source. 1983, 447:1. 1985, 103:20. 1987, 256:1, eff. July 17, 1987. 1998, 218:1, eff. Aug. 17, 1998.

TITLE LXIV PLANNING AND ZONING

CHAPTER 677 REHEARING AND APPEAL PROCEDURES

Rehearing Procedures Before Board of Adjustment, Board of Appeals and Local Legislative Body

Section 677:2

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. – 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. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

Source. 1983, 447:1. 1988, 131:4. 1994, 116:1. 1995, 243:3, eff. Jan. 1, 1996. 2000, 144:2, eff. Jan. 1, 2001. 2005, 105:1, eff. Aug. 14, 2005.

TITLE LXIV PLANNING AND ZONING

CHAPTER 677 REHEARING AND APPEAL PROCEDURES

Appeal and Court Review of Board of Adjustment and Local Legislative Body Decisions

Section 677:4

677:4 Appeal From Decision on Motion for Rehearing. – Any person aggrieved by any order or decision of the zoning board of adjustment or any decision of the local legislative body may apply, by petition, to the superior court within 30 days after the date upon which the board voted to deny the motion for rehearing; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed. The petition shall set forth that such decision or order is illegal or unreasonable, in whole or in part, and shall specify the grounds upon which the decision or order is claimed to be illegal or unreasonable. For purposes of this section, "person aggrieved" includes any party entitled to request a rehearing under RSA 677:2.

Source. 1983, 447:1. 1994, 116:3. 1995, 243:4, eff. Jan. 1, 1996. 1996, 43:3, eff. June 23, 1996. 2000, 144:3, eff. Jan. 1, 2001.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Zoning Board of Adjustment

Section 676:5

676:5 Appeals to Board of Adjustment. –

I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

II. For the purposes of this section:

(a) The "administrative officer" means any official or board who, in that municipality, has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a building inspector, board of selectmen, or other official or board with such responsibility.

(b) A "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the ordinance which is implicated in such enforcement proceedings.

III. If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the board of adjustment if it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15.

Source. 1983, 447:1. 1987, 256:5. 1989, 69:1. 1991, 231:13. 1995, 243:1, eff. Jan. 1, 1996.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, January 18, 2007
Meeting Time: 7:00 pm

1. ATTENDANCE

- Members Present: Richard Callaghan, Bill Colbath, Frank Landford, Otis Perry, Sam Reid Masi Denison, Frank Landford
- Staff Present: Tom Clark; Building Official, Steve Bird; City Planner; Jean Glidden; Recording Secretary

2. APPROVAL OF PRIOR MINUTES OF NOVEMBER 16, 2006 & DECEMBER 21, 2006

The minutes of November 16, 2006 were discussed.

Motion: Bill Colbath motioned to approve the November minutes. Sam Reid seconded. Vote: U/A

Richard Callaghan suggested that the minutes of December 21, 2006 be tabled to discuss a meeting that occurred with Attorney Krans regarding the minutes from last month's meeting.

Motion: Colbath motioned to table the December minutes. Levasseur seconded. Vote: U/A

Callaghan asked Attorney Schulte if he was comfortable with Reid voting in Landford's absence. Attorney Schulte said yes.

Callaghan, Colbath, Perry, Levasseur, and Reid will be voting.

3. OLD BUSINESS

Request for motion for rehearing regarding case Z 05-35 Neal A. Hubbard, Earl St., a/k/a Tax Map 40, Lot 12, zoned Office and R-12 requests a Variance from the terms of Article V, Section 170-16, to subdivide a parcel into 2 lots, one with frontage of seventy-five (75) feet along a public right of way, where a minimum of one-hundred (100) feet is required.

Callaghan asked if anyone had comments or suggestions regarding the motion.

Motion: Otis Perry motioned to deny the rehearing. Levasseur seconded.

Reid stated that he did not vote on the original request but Attorney Schulte has raised some issues that concern "use." and the Board should grant the rehearing to address that issue.

Callaghan stated that one of the issues concerned the vote. He believes the Board acted correctly.

Landford arrived at 7:08.

Attorney Schulte asked if Landford could vote on this case.

Callaghan informed Landford of what took place prior to him arriving and Landford said he did not see any changes in the motion for rehearing so he would vote to deny the request.



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Meeting Date: Thursday, January 18, 2007
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Motion was on the table to deny the request for rehearing. Vote: 4 to 1 (Colbath opposed)

Callaghan announced the members of the Board and informed the general public how a case of Special Exception would be presented.

Callaghan, Colbath, Landford, Denison, and Levasseur will be voting.

4. NEW BUSINESS

- A. Z 06-32 Darlene Colwell Ellis, 153 Silver St., a/k/a Tax Map 11, Lot 7, zoned RM-10, requests a Special Exception under the terms of Article VI, Section 170-25.1, and Article XII, Section 170-52.C (3), to establish a four-family dwelling.

Nick Skaltsis represented the applicant and discussed the intent of the application. Lot area coverage was addressed along with the letter submitted from the City Engineering Department stating that there are essential utilities for the expanded use as submitted with the application. The plan is to demolish the existing carriage house and construct a 25 'x 40' two-story, two-unit structure which would have 2 garage under spaces. Eight parking spaces will be available on this property. Drainage problems exist as the front and back of the lot are the highest points and water collects in the middle of this bowl shaped lot. Plans to address, with the abutters, the drainage problems were discussed.

Denison confirmed that the additional changes would be adding four spaces. She questioned if the drainage issue would have any effect where the buildings would be located. She asked if there is adequate sight distance from this driveway.

Skaltsis said yes and the rear and the front parking lot would permit people to drive in, back up, and drive out of this lot.

Clark confirmed that this would not go to TRC, but would need a driveway permit and the Engineering Technician would go out and do an inspection and would work with the applicant or owner regarding the drainage issue. The parking lot configuration was discussed.

Skaltsis said that the barn location will move west about 16 to 18 feet and that would permit backing up and staying a fair distance from abutters.

Snow removal was discussed.

Motion: Colbath motioned to accept. Landford seconded. Vote: U/A

Public Hearing Open

Attorney Phil Pettis representing Barbara Brock of 157 Silver Street spoke against the application. They believe the applicant does not meet the code requirements, as this addition of two more units would create traffic issues and safety concerns.



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Larry Tatro, 2 Arch Street, stated that he is against this request, and described the previously granted Special Exception. He stated that this is a congested area and does not believe that all three requirements have been met.

Matt Mayberry, 155 Silver Street, spoke in favor of the Special Exception. The proposed plan would only use 24% of the lot. The applicant was working with the abutters regarding the drainage issue and has a plan to improve the situation.

Will Boc, 8 Arch Street, asked if the Board approves the proposal can it provide conditions to address the drainage issue and screening issue.

Patricia Tatro 2 Arch Street asked that the Board consider the long-term impact of granting the Special Exception.

Public Hearing Closed

Steve Bird stated that the Planning Department has reviewed the calculations regarding open space and they are accurate, and that the criteria for Special Exception have been met.

Denison stated that her biggest concern is traffic and is concerned with adding more cars to an already congested area. She did not realize there was a drainage issue.

Clark clarified to the members that the third unit was granted in 2003. The building permit was not issued within the one year allowed time therefore, it has expired. This request is adding two units to a two unit building.

Levasseur stated that fixing the drainage problem would help the neighborhood.

Landford stated that adding a couple cars is a small addition and he did not realize they had a drainage problem.

Colbath had concerns with the parking.

Clark informed the Board that he reviewed the parking as far as quantity and if this is granted they would need to go to Engineering and have them make sure it physically works. There is a provision in the ordinance and they cannot back out of the driveway.

Callaghan expressed concern with the drainage issue and screening with the concerned abutters.

Skaltsis proceeded to discuss the drainage issue and what the solution may be. As far as screening they are suggesting and negotiating a fence with Mr. Boc. They are open to do boundary screening.

Callaghan asked if this has to go to TRC for the drainage and screening issues.



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Bird said it does not have the criteria to go to TRC but you could make that recommendation.

Callaghan informed the Board that the drainage issue is very important and if they are going to act in the public interest, they just cannot let this water pour in a different yard.

Denison said she agrees but feels that the TRC is a better forum to discuss that.

Callaghan said he does not know if TRC could correct the problem. If TRC decides they have adequate screening they could work with the applicant to come up with the best solution for drainage as well.

Colbath said that he believes the criteria have been met.

Bird informed the Board that the 22-foot back up space that is shown is the standard number. TRC would confirm that. He felt that there is an adequate turning radius to get in and out of the garage.

Landford made the motion to approve with a condition that the drainage, parking, and screening be addressed and get neighborhood approval. He does not believe they need a condition of TRC.

There was discussion regarding TRC and neighborhood approvals of the proposal.

Motion: Landford's motion was amended to approve the Special Exception with the condition that TRC approves parking, drainage and screening. Colbath seconded the motion. Vote: U/A

Colbath stated that he would be stepping down on the next case.

Callaghan, Reid, Perry, Landford, and Levasseur will be voting.

Rick Callaghan explained to the general public how the variance requests are represented to the ZBA.

- B. Z 07-01 City of Dover (Applicant: Mark Investments, Inc.), Central & Glenwood Ave., a/k/a Tax Map 38, Lots 31, 33 & 33-A, zoned B-3 requests a Variance from the terms of Article IX, Section 170-32.D.(1) and (10) to locate a freestanding sign off site and in a public right of way.

Callaghan announced that his daughter works at this firm as a legal assistant to Attorney FX Bruton. If anybody in the room has a concern with that situation, he would be happy to listen to the concern and would step down if needed. Nobody voiced a concern.

Attorney Bill Tanguay represented the applicants and present is Jim Bernadino with Bohler Engineering and Carl McKinster, the architect with Edwards and Kelsey. The plan shows the large piece of property that is City owned and contains all utilities. Landscaping will not block the visibility to the store and it will be done in a way that will make sense with walkways and park benches. The plan shows the proposed pylon sign as submitted in the application. The applicant would like to put the sign on the City owned property closer to Central Avenue. This alternate location is in keeping with the other signs along



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Central Avenue. The logo for an on-site location is 109.84 square feet and the height is 30 feet. The logo on the alternate location is 45 square feet and the height is 17 feet. The reader board on each sign is the same, 40.03 square feet. Because the alternate location is more visible from Central Avenue, a much smaller sign accomplishes the necessary result. They believe they meet all of the criteria for the variance as submitted in the application.

Reid asked if there were other alternatives considered besides a variance such as a license agreement or a lease.

Attorney Tanguay said when they went before the Planning Board they did not realize that they would need a variance as well. It is the fact that the sign is not on the same property that is being promoted. The Planning Board recommended this location change and recommended that the applicant go to the City Council for either a license or an easement and they needed both for the fact that the sign is going to be located out there and because they are taking over the responsibility for maintaining the area.

Reid verified that if the variance is granted the City Council would have to give its approval either for a license or for an easement but Walgreens cannot get there until its receives the variance first.

Perry asked about the reader board and if the sign could be reduced.

Carl McKinster said that the sign with the reader board is a standard pylon sign with Walgreens. It is a packaged project and does not come in many varying sizes.

Jim Bernadino discussed the size of the sign. It is more of a symbol rather than a message that is trying to be relayed to potential customers

The pending flashing sign ordinance was discussed as was the difference between electronic and manual reader boards. It was confirmed that this sign would have to adhere to the sign ordinance.

Reid said in his opinion to drive down Central Avenue and see this sign in the middle of a park with a reader board is not attractive.

Attorney Tanguay said the reader board is not a huge board it is 40.03 square feet and that the sign will comply with whatever zoning requirements are in place. If the ordinance says no electronic reader boards, they will not have one.

Reader boards were discussed.

Motion: Perry motioned to accept the case. Seconded by Reid. Vote: U/A

The basis and the jurisdiction of the variance were discussed.

Public Hearing Open



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No comments

Public Hearing Closed

Bird stated that the Planning Department recommends the variance be granted. This location of the sign was discussed extensively as it went through the approval process. There was quite a bit of negotiation that went on during the Walgreens proposal and the Planning Board felt a smaller sign in this location was preferable to the larger sign on the property and in that respect the Planning Board was supporting the alternative location. This is a unique circumstance giving the width of the right of way. In most cases, the right of way for a city street is not even close to this one and the other example that they could find was the Northeast Credit Union that was granted quite a few years ago.

Reid confirmed with Bird that the Planning Board has seen the sign that was submitted.

Levasseur commented that he hates to see reader boards all along Central Avenue. The smaller sign is better and the City would benefit from having some of their green space maintained for free. The City wins on this one.

Discussion ensued regarding the sign.

FIVE CRITERIA FOR USE VARIANCE:

1. The applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship.

b. USE: i. Did the Applicant demonstrate that the ordinance interferes with the reasonable use of the property, considering their unique setting of the property in its' environment? Yes, Vote U/A. This conclusion is based on the following findings of fact: The unique ownership of the property where the sign is and the distance of the owners' property from the street.

ii. Did the Applicant demonstrate that no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction of the property? Yes, Vote U/A. This conclusion is based on the following findings of fact: This is supported by the planning department and the development of the property.

iii. Did the applicant demonstrate that the variance would not injure the public or private rights of others. Yes, Vote U/A. This conclusion is based on the following findings of fact: The City owns the property otherwise, the sign would be allowed.

2. Did the Applicant provide proof that demonstrates how granting the variance will result in substantial justice? Yes, Vote: U/A. This conclusion is based on the following findings of fact: Allows for similar signage as to other businesses in the area.

3. Did the applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? Yes, Vote U/A. This conclusion is based on the following findings of fact: The ordinance considers safety and their proposed location after a safety store identification. to the public..

4. Did the Applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? Yes, Vote: U/A. This conclusion is based on the following findings of fact: Surrounding Properties are all commercial and have similar signage.



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5. Did the Applicant provide proof that demonstrates the variance would not be contrary to the public interest? Yes, Vote: U/A. This conclusion is based on the following findings of fact: The open green space will be maintained at no cost to the city.

Therefore, based upon the foregoing, it is ordered that the applicant for the variance be granted with the following conditions.

1. The applicant receives approval from the City Council.

Motion: Landford made the motion to approve with the condition. Perry seconded. Vote: U/A

Callaghan, Colbath, Landford, Denison, and Levasseur will be voting.

- C. Z 07-02 Kevin & Lisa Turgeon, 55 Back River Rd., a/k/a Tax Map I, Lot 60, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.

Attorney Schulte represented the applicant. The existing residence was damaged by fire and is located less than ten feet from the side property line. They are proposing to demolish the building and build a duplex. He submitted three pages of photographs that showed the abutting properties. The zoning requirements in this zone were discussed. This lot is 30,000 square feet with 147 feet of frontage. They are proposing to increase the ordinance setback from 15 feet to 25 feet and to increase it from 30 feet to 60 feet and would accept this plan and the building envelope as a condition if approved. As part of the application a tax map shows the building envelope proposed for the new dwelling. The owners could put a duplex on the property at the present location but it would continue an existing violation. They are asking for a variance to allow the construction of a duplex on this site in a more appropriate location so they would be granting a variance that would be eliminating an existing violation from the ordinance

Landford confirmed where the proposed building site would be.

Colbath asked for depiction of the new location and what kind of structure will be built.

Attorney Schulte said that as an attachment to the application the tax map shows the building envelope and this location will exceed most of the setback requirements. The new structure will be consistent with the other homes in the area which is a mixture. He also said there is a vested right for a duplex on the property and that a condition of approval that they could not build any closer than 25 feet to that side line.

Landford said the intent is to move the building away from the closest home and move it closer to the driveway shown. There is ample room here for whatever they want to do.

Levasseur confirmed with Attorney Schulte that the variance is intended to guarantee space relief to the neighbor without adversely affecting anybody else. It does not have any impact on the tenants of



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, January 18, 2007
Meeting Time: 7:00 pm

the apartment complex because of the trees and the road and would not affect the house out back. It gives them a chance to make two new units that would be more attractive and functional.

The board discussed the structure and if there was enough information to accept the case.

Motion: Landford motioned to accept. Seconded by Denison. Vote: U/A

Public Hearing Open

Paul Young, 57 Back River Road, is in favor of relocating the building and gave reasons.

Chuck Cheney representing Don Cheney 53 Back River Road spoke against the variance request. He does not see a hardship. He is in favor of the existing home being converted to a duplex.

Public Hearing Closed

Bird stated that the Planning Department supports this variance request. The City rezoned this area from multi to single family. The lot size meets the minimum lot size requirement. The nonconformity in terms of location of the building would be eliminated under this proposal. It is a mixed-use neighborhood. They could take the existing building which is in fairly rough condition and they could convert that in to a duplex. The departments view is that the alternative of building a new building that will conform to the building codes and exceeds the building setbacks. This is a preferable alternative.

Callaghan questioned the building and if Clark felt it had to be destroyed.

Clark said that he felt it was salvageable and described the condition.

The spirit and intent of the ordinance was discussed.

Levasseur said he thinks the lot is of ample size to place a duplex on it. It would be conforming in that area and it would be a new building up to code. He likes the idea.

Denison asked about the building envelope and what the dimension is for the back setback. She asked if the Board could put a dimension in the conditions that the Cheney's might feel a little comforted about as far as how far back this building will go.

Attorney Schulte said yes. He could scale it off the plan and the Board could adopt this sketch and say that it cannot exceed what is shown on that sketch.

The structure, building envelope, height, and neighborhood were discussed.

Callaghan is concerned with not knowing what it will look like. He would rather see the building moved. One abutter loves it because it would move further away from him and the other abutter does not like it because it would be closer to him. The Board has the ability to make sure it is consistent



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Meeting Type: Regular Meeting
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Meeting Date: Thursday, January 18, 2007
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with the neighborhood. He stated that he is not convinced that they have enough proof that it is in the best interest of the public. In his opinion, hardship is there but some of the other criteria are not.

Levasseur said many of the buildings in the area are large. A duplex would not stand out in that area.

Denison stated that she is undecided. This would be moving it to a conforming location. She would be okay with adding the condition with limiting the total square footage of the proposed building.

Colbath stated that he is opposed to this request as far as spirit and intent and benefit to the public and private rights. He understands the hardship that is involved, but still does not buy the argument that this is the intent of the ordinance.

Similar single family to duplex conversions was discussed.

FIVE CRITERIA FOR USE VARIANCE:

1. The applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship.

b. USE: i. Did the applicant demonstrate that the ordinance interferes with the reasonable use of the property, considering their unique setting of the property in its' environment? Yes, Vote: U/A. This conclusion is based on the following findings of fact: 1890's construction, location of building on the lot.
ii. Did the applicant demonstrate that no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction of the property? Yes, Vote: U/A. This conclusion is based on the following findings of fact: The variance would not markedly increase population density.

iii. Did the applicant demonstrate that the variance would not injure the public or private rights of others? Yes, Vote: 3 to 2 (Colbath & Denison voted no) This conclusion is based on the following findings of fact: Proposed location would allow more space from existing neighbor on southerly side and the building would be built in the allowed envelope.

2. Did the applicant provide proof that demonstrates how granting the variance will result in substantial justice? Yes, Vote: 3 to 2 (Colbath & Callaghan voted no) This conclusion is based on the following findings of fact: A new building in the building envelope will conform to the required setbacks.

3. Did the applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? Yes, Vote: 3 to 2 (Colbath & Callaghan voted no) This conclusion is based on the following findings of fact: The 1964 change to allow for a duplex goes with the lot and eliminates a nonconforming structure.

4. Did the applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? No Vote: 3 to 2 (Levasseur & Landford voted yes)

This conclusion is based on the following findings of fact: There is not enough information on the proposed structure to know what impact it would have on the surrounding properties.

5. Did the applicant provide proof that demonstrates the variance would not be contrary to the public interest? Yes Vote: 4 to 1 (Denison voted no). This conclusion is based on the following findings of fact: Moving the structure to a conforming location is in the public's interest.

Therefore, based upon the foregoing, it is ordered that the application for the variance be denied.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
 Meeting Date: **Thursday, January 18, 2007**
 Meeting Time: **7:00 pm**

Callaghan confirmed with Attorney Schulte that he is aware of his appeal rights. He explained to the public that the applicant has the right to appeal and it would be a motion for rehearing and if granted the abutters would be notified.

5. OTHER BOARD BUSINESS

A. Annual Election of Chairperson and Vice Chairperson will be held.

Colbath nominated Callaghan to continue as Chairperson, Denison seconded. Vote: U/A
 Denison nominated Colbath to continue as Vice Chairperson. Levasseur seconded the motion.
 Vote: U/A.

The Board decided that the approval of the December minutes would remain tabled until the next meeting.

B. Technical Training

Executive Session

6. ADJOURN

Motion: Otis Perry made the motion to adjourn @ 10:15 p.m. Colbath seconded the motion. Vote: U/A

<u>List of Members</u>	<u>Term Expires</u>
Richard Callaghan-regular member	04-13-09
William Colbath-regular member	10-23-09
Frank Landford-regular member	04-10-08
John Levasseur-regular member	11-12-09
Masi Denison-alternate member	09-08-07
Sam Reid-alternate member	04-03-08
Otis Perry-alternate member	02-08-09



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, June 19, 2008
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF MAY 15, 2008

3. OLD BUSINESS

4. NEW BUSINESS

- A. * Z 08-11 William Colbath, 129 Silver St., requests an Appeal from an Administrative Decision concerning Article X, Section 170-41.A, B & C and Article X, Section 170-42, in connection with the administration of a building permit (BP #08-26) at 55 Back River Rd, a/k/a Tax Map I, Lot 60, zoned R-12 to repair/renovate a fire damaged single family dwelling.

5. OTHER BOARD BUSINESS

6. ADJOURN

*If the application is accepted for discussion, the public hearing will be held that evening.

Dear Property Owner: As an owner of the property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the above noted item. Plans are available for viewing in the Building Inspector's Office weekdays from 8:00 a.m. to 4:00 p.m. and on Wednesday; the office is open until 6:00 p.m.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, June 19, 2008
Meeting Time: 7:00 pm

1. ATTENDANCE

- Regular Members Present: Chair Masi Denison, Vice Chair Bill Colbath, Frank Landford, Jim Kelly
- Regular Members Absent: Sam Reid
- Alternate Members Present: Otis Perry, Chris Prior
- Staff Present: Tom Clark, Building Official, Rick Jones, Code Enforcement, Jennifer Bretz, Recording Secretary

Chair Masi Denison introduced the members of the Board.

2. APPROVAL OF PRIOR MINUTES OF MAY 15, 2008

Motion: Colbath made the motion to accept. Perry seconded. Vote: U/A

Colbath steps down for this case.

Denison, Kelley, Landford, Perry, and Prior will be voting.

3. NEW BUSINESS

- A. * Z 08-11 William Colbath, 129 Silver St., requests an Appeal from an Administrative Decision concerning Article X, Section 170-41.A, B & C and Article X, Section 170-42, in connection with the administration of a building permit (BP #08-26) at 55 Back River Rd, a/k/a Tax Map I, Lot 60, zoned R-12 to repair/renovate a fire damaged single family dwelling.

Denison stated for Colbath to present his case.

Clark asked if Denison read his memo.

Denison stated she did read his memo but Colbath is allowed to present his case.

Perry motions to hear from City Attorney, Alan Krans. Kelly, Prior, and Denison in favor, Landford opposed. Vote: 4-1

City Attorney, Alan Krans, gave the ZBA the option of meeting in an Executive Session or Public Session.

The board chose the Public Session.

Krans stated the issue of standing is who has the right to bring an appeal of an administrative decision. The Zoning Board has the power to hear appeals of administrative decision regarding interpretations of a zoning ordinance. There are a couple of statutes involved in issue of standing. It has to do with the phrase "aggrieved person". Statutory Laws are laws that are passed by the legislature. Case Laws are cases that are decided by the NH Supreme Court. A combination of those defines an aggrieved person is an abutter or a person who is directly affected by the Administrative Official. The case law is clear that not every tax payer is directly affected. Your status as a citizen of the City of Dover or as a taxpayer does not qualify you as an aggrieved person. Aggrieved persons may not only seek an appeal of the ZBA, they may also go to court if



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

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they don't agree with the outcome of that appeal. Who can go to court? Who can appeal a Building Official? The answer is an aggrieved person directly affected greater than the average taxpayer.

Denison requested the statute number.

Krans stated RSA 677:4 and RSA 677:2. There are two cases. One involves Weeks Restaurant vs. The City of Dover; the other is Hooksett Conservation Commission vs. Hooksett ZBA. The additional RSA is RSA 676:5.

Kelley asked Atty. Krans for clarification of an abutter or not necessarily an abutter.

Atty. Krans stated that years ago it used to be an abutter. They've expanded that to include abutters and people that are directly affected. As he indicated, the case law also speaks to whether any taxpayer has standing. The answer would be no. The Weeks vs. City of Dover case, in 1979, had to do with Weeks Restaurant in the Weeks Traffic Circle. There was a Sambo's Restaurant, which was a competitor that wanted to come in to Dover, in that area. Weeks Restaurant was not a direct abutter but they wanted to have a say in whether Sambo's could come to Dover. The resolution to the case was that Weeks was even though they were not a direct abutter, they had standing because they had a direct impact in terms of traffic.

Denison asked if the applicant would like to express how he has standing if he is in fact an aggrieved party.

Colbath stated he is an aggrieved party being that he was present for the proceeding. He has an interest in the outcome of the case. The word aggrieved party is also equal to "a person having a substantial interest in the outcome of the case" is also used in that same case law. He stated that he currently has a right as a party to the proceeding to bring this appeal where there has been an error committed by the Board. It's his duty to correct that. He does have standing under a different case. He's using the case of Green vs. Shaw (1974) which states that any tax payer has the standing to appeal the illegal acts of a City Official. That gives him standing as a taxpayer. Colbath refers to a handout that was passed out. (In file)

Denison stated Colbath is stating the town has acted illegally. Colbaths argument is his interpretation of the permit. She asks Atty. Krans to come back up.

Denison asked Atty. Krans given that the applicant is not stating that they have standing as an aggrieved party in that they are directly affected by owning a property, but they have standing as a citizen and arguing that the city has acted illegally, what is his interpretation?

Krans states he's just been handed the case and needs to review it first.

Motion: Denison makes a motion for Atty. Schulte to speak. No one seconds.

Denison motions to recess at 7:25pm in order for Atty. Krans to read up on the cases.

Meeting is called back to order at 7:38pm.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

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Meeting Date: Thursday, June 19, 2008
Meeting Time: 7:00 pm

Atty. Krans stated he's had a chance to review Green vs. Shaw. It's a 1974 case. Richard Green is now the Executive Director of the Pease Development and John Shaw, who was the former Mayor of Rochester. The case involved an equity action. An equity action is when there is no statute or specific remedy. It was a writ of mandamus which is a type of legal action that seeks to have government officials do what they are supposed to do. Mr. Colbath is correct, in that particular case, an equity action allowed a group of taxpayers to go to court to seek redress against public officials. It had to do with whether or not they were spending funds illegally. An equity action is different than what the ZBA does. The ZBA is governed by statutes. Statute is something that is adopted by the NH Legislature. When there is a statute that pertains to legal issues, it's the statute that you go by. In Arnold Goldstein vs. Town of Bedford, Goldstein was challenging a decision by a zoning administrator regarding the merger of two nonconforming lots. Mr. Goldstein went before the ZBA and stated he was a Bedford resident who would like to see the zoning ordinance enforced. The decision goes on to say, "Since the plaintiff has proffered no evidence that he has an interest in this action beyond that of a concerned resident and taxpayer, he lacks standing to seek mandamus relief."

Discussion ensued regarding equity actions.

Colbath asked if he's allowed to speak. He does not understand how he does not have standing. RSA677:2 allows a town selectman to bring an appeal. He does not understand how he is not a party to the proceeding since he was a part of it.

Denison asked Colbath if his argument was that because he was sitting on the board at the time of the proceeding, he's a party to the proceeding?

Colbath agrees. He doesn't think he has standing under Weeks vs. City of Dover. He doesn't consider himself aggrieved in that format.

Denison stated one argument the applicant has is he has a substantial interest in the outcome of the case. The next argument is he believes there is an error on the board and the board's decision, because he's a party to the proceeding by being on the board he can call that into question. He brought up the case of Green vs. Shaw but it was not applicable.

Colbath stated as a member of the board, he has a problem with it being eroded the way that it has been. That is why he has a substantial interest in the outcome of the appeal.

Perry stated a person who voted on the decision is now seeking to overturn that decision through the side. He's not convinced that Colbath has standing. He feels that a member of the board taking this action and appealing a decision of the board opens a can of worms that most courts would not like to see. If at any time a decision was made, a member of the board who was on the side that didn't prevail could then force a reconsideration of that decision by turning around and saying that they are now not acting as a member of the board but acting independently to reverse the decision. If Mr. Colbath had standing in this case, what has changed from the time that he sat on the board from the last vote? If he believes he is an aggrieved party, he should have recused himself from that decision.



CITY OF DOVER

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Prior stated that if you are on the opposing side, it does open an avenue that in which someone feels they were wronged and wants to rehear the decision, he agrees with Perry.

Kelley stated as the City Attorney indicated, the board works off of ordinances. That was the process followed.

Denison stated she agrees with Perry's points. She would not be uncomfortable if someone changes their mind and states the board made a mistake. If Colbath hadn't voted against it, than he can not use the system to get around his case. This particular method of coming before the board as an applicant, having been on the non prevailing side, makes her uncomfortable. While he doesn't have standing, she thinks he isn't in the wrong. As one of the members on the prevailing side, is significantly reconsidering her decision to vote on that side. In the first case, the board voted on a technicality, making sure everything was correct. In the second case, the board was informed that it was an enforcement against interpretation situation. They have an ordinance in the books that is poorly defined. It is a footnote that states any building built before this date can be converted into a duplex. She would like to see the Planning Board and City Council do something about the ordinance.

Motion: Kelley motions to not accept the application, Perry seconds.
Denison, Kelley, Perry and Prior are in favor.
Landford opposes, 4 -1 vote.

4. OTHER BOARD BUSINESS

Colbath takes his seat.

Discussion ensued regarding city e-mail.

Denison stated that in the May meeting, the board went over the Rules of Procedure. There were some changes that were recommended by the City Attorney. She read from an e-mail that Atty. Krans sent to Denison. The board has the option, but not the requirement, of submitting the proposed rule changes to the City Council. The reason why you would do that is it provides the public a chance to provide input through Citizens Forum. She proceeds to ask the board if they would like to submit their rule changes to City Council.

Perry asks if the board is submitting the rules for the City Councils approval or is it for their information?

Denison stated it's providing the public a chance to provide input through Citizens Forum.

Atty. Krans stated every other board seeks Council approval of their rules.

Denison asked if the Council votes on the changes.

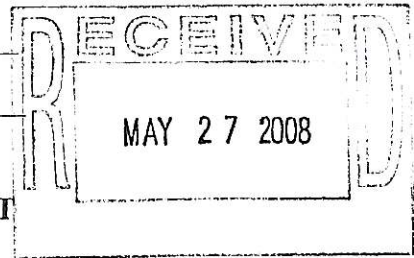
Atty. Krans stated yes.

CASE # 208-11

DATE RECEIVED 5/27/08

AMOUNT PAID \$ 76.60

TIME RECEIVED _____



CITY OF DOVER
ZONING BOARD OF ADJUSTMENT
APPLICATION

I. APPLICANT William C. Colbath PHONE #: 744-0063
ADDRESS 129 Silver St. Dover NH 03820
PROPERTY OWNER Kevin Turgeon
ADDRESS 225 Green St. Somersworth, NH 03870
PROPERTY LOCATION 55 Back River Rd, Dover NH
BRIEF DIRECTIONS Back River Rd on Right Approx 1/2 Way to
main Rd.
ZONE R-12 ASSESSOR'S MAP I LOT #(S) 60

TYPE OF APPEAL: (Please check off one)

VARIANCE ARTICLE _____ SECTION _____
 SPECIAL EXCEPTION ARTICLE _____ SECTION _____
 ADMINISTRATIVE DECISION ARTICLE X SECTION 170-41A,B,C
 EQUITABLE WAIVER ARTICLE _____ SECTION + 170-42

Describe briefly your plans for this property: Property was involved in fire
and was supposed to be structurally sound. Bldg Permit was issued
for rebuild and small addition to create duplex. That it was determined
the building was not sound and needed to be completely removed. A
very small portion of the original walls are on site and clearly not
more than 10% of Bldg. structure. The building was not purchased until
after the 1yr. limit to rebuild. It was willfully removed and potentially
relocated. These events should have resulted in non conforming structure removal

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (12 copies). 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. _____
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. _____
- C. Application fee of:
 - \$100.00 VARIANCE \$ _____
 - \$100.00 SPECIAL EXCEPTION \$ _____
 - \$25.00 APPEAL FROM ADMINISTRATIVE DECISION \$ 25.00
 - \$100.00 EQUITABLE WAIVER \$ _____
- D. Certified letters fee:
 - # of abutters 4 X \$5.32 = \$ 21.28
 - Applicant & Owner 1 X \$5.32 = \$ 5.32
 - Foster's ad \$ 25.00

TOTAL \$ 76.60

SPECIAL EXCEPTION REQUIREMENTS

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

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

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

APPEAL FROM AN ADMINISTRATIVE DECISION

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

The property was involved in a fire and was not rebuilt within the 1 yr limit to replace. The applicant argued the building was structurally sound and could be rebuilt. After the process was started to build as duplex the structure was willfully removed (less than 10% ~~expanded~~ expanded for reuse). If the structure was unsafe it was to be removed and relocated in correct set back. When the structure was removed the bldg. permit should have been revoked and issued for a conforming single family structure.

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.



Signature of Applicant*

IMPORTANT
PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 10 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED

Signature of Owner*

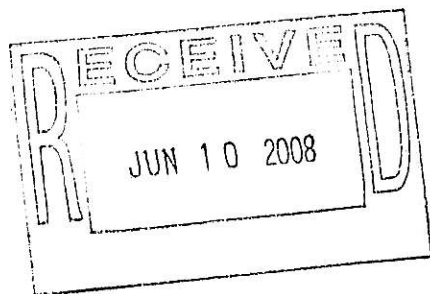
*Both Signatures Required

Supplement to original Appeal from an Administrative Decision.

In addition to the original appeal form the following points need to be reaffirmed:

- 1) The building was damaged by Fire and it was offered in prior variance requests that the building was in fact sound and repairable.
- 2) The building because of it's age was eligible to be used as a two family (duplex).
- 3) The structure was found to be damaged beyond repair as repairs were undertaken.
- 4) The building permit was issued in good faith but the circumstances of the structure changed and therefore required the permit to be revoked.
- 5) The ordinance does not allow for the "panelizing" of the structure this would indicate the relocation of the structure and should result in structure being brought into compliance.
- 6) The structure was willfully removed as well as it's foundation and at that time it needed to be brought into compliance. No more than 10% of the original building was kept on site and the majority of the building was apparently destroyed and removed from the site.

The actions of the code enforcement officer are in conflict with the intent of the ordinance and are contradictory to sections 170-41 B&C and 170-42.



My appeal is based on the following facts:

The Code Enforcement Official Issued a permit that was in violation of the City Zoning Ordinance.

The structure that the permit was issued for was discovered to be damaged beyond repair and declared unsafe requiring it's removal, this revelation should have caused the immediate revocation of the building permit.

The structure that the permit was issued for was damaged beyond repair and was required to be removed after 12 months and any new structure be made fully compliant.

The Owner willfully removed all of the structure and therefore was required to rebuild it in compliance with all setbacks.

The allowed use for a Duplex was relinquished when the structure was destroyed by Fire and not rebuilt within 12 months.

The allowed use for a duplex was relinquished when the structure was willfully removed as the right was carried only by the date of the structure.

The Code enforcement officer failed to issue the required stop construction order at the time the appeal was taken.

The ZBA failed to hear a legitimate appeal based upon minor technicality in the wording of the advertisement which the applicant had no control over.

The ZBA failed to hear a legitimate appeal based upon an erroneous interpretation of RSA 674:33.

State RSA violations

- 1) After this appeal was filed there was no stop work order issued as required by RSA 676:6. This is required by RSA 676:6 and was not done. Only the ZBA has power to allow construction to continue while the appeal is being heard. That meeting was never noticed or called so I can only assume it did not happen.
- 2) Under RSA 676:13 the code enforcement officer can not issue a building permit that is in violation of the city zoning ordinances. The permit issued was in violation of Dover Zoning Ordinance 170-41 B at issue. Latter actions violate 170-41 c and 170-42 these items require that permit be revoked and the building be brought into compliance.

Dover Zoning Articles violated

- 1) Permit to reconstruct a structure destroyed by fire was issued after the twelve month window of opportunity allowed by 170-41B. It is clear the fire that rendered the structure unsafe took place in June of 2006 the permit was issued in February of 2008. It was argued that the building was sound and repairable in testimony in the variance request in July of 2007. In fact it was not, this rendered the permit to repair the structure invalid and required the revocation of the permit as soon as the unsafe status was discovered. At that time the permit was invalid.
- 2) Further the construction was allowed to continue with a totally new concept the "panelization" of the structure which is not defined as allowed in our ordinance was approved by the code enforcement officer. This was intended to allow portions of the structure (testified by Officer that 70% would be retained and reused) to be removed for reassembly after repairs to the building structure. This practice is equivalent to the relocation of the structure, which is discussed in the ordinance. In fact the building was torn down the entire foundation was removed and only a very small portion (3 small wall panels and a small roof section) were retained on site. This constituted a violation of 170-41C which states that if a building is moved even slightly it shall be made compliant. The building was allowed to occupy the same footprint it had previously it should have been made totally compliant as the ordinance states if it is moved even slightly it shall be made compliant.
- 3) Section 170-42 requires the removal of the structure if it is deemed unsafe due to fire or lack of maintenance and does not allow the reconstruction unless the structure is brought into full compliance with the ordinance.

Supreme Court of New Hampshire,
Richard P. GREEN et al.

v.

John SHAW et al.

No. 6757.

April 30, 1974.

Taxpayers filed bill in equity against mayor and other city officials and alleged that defendants had engaged and continued to engage in certain illegal acts to the detriment of the taxpayers and the city. The Trial Court, Mullavey, J., granted defendants' motion to dismiss, and reserved and transferred plaintiffs' exceptions. The Supreme Court, Griffith, J., held that reelection of mayor subsequent to bringing of the petition and availability of legislative provisions for removal of mayor precluded intervention by court to remove mayor or issuance of declaratory judgment that city council had inherent power to remove mayor for malfeasance. However, allegations that defendants had expended public funds without authority, failed to carry out ministerial duties mandated by statute or ordinances and threatened to act contrary to law in the future stated cause of action.

Exceptions sustained; remanded.

West Headnotes

[1] KeyCite Citing References for this Headnote

- 268 Municipal Corporations
- 268XIV Taxpayers' Suits and Other Remedies
- 268k1000 Actions
- 268k1000(4) k. Parties. Most Cited Cases

Taxpayers had standing to seek redress for the allegedly unlawful acts of their public officials.

[2] KeyCite Citing References for this Headnote

- 268 Municipal Corporations
- 268XIV Taxpayers' Suits and Other Remedies
- 268k991 Restraining Action by Municipality or Officers
- 268k993 Unauthorized or Illegal Acts
- 268k993(1) k. In General. Most Cited Cases

Right of taxpayers to maintain equity action for relief from unlawful acts of municipal officials is not dependent upon showing that the illegal acts have resulted in financial loss to the municipality.

[3] KeyCite Citing References for this Headnote

- o 118A Declaratory Judgment
 - o 118AII Subjects of Declaratory Relief
 - o 118AII(K) Public Officers and Agencies
 - o 118Ak209 k. Counties and Municipalities and Their Officers. Most Cited Cases
- o 268 Municipal Corporations KeyCite Citing References for this Headnote
 - o 268XIV Taxpayers' Suits and Other Remedies
 - o 268k1000 Actions
 - o 268k1000(1) k. Abatement or Dismissal of Action and Defenses. Most Cited Cases

Reelection of mayor subsequent to filing of bill in equity seeking relief from certain allegedly illegal acts by mayor and other city officials and availability of legislative provisions for removal of mayor precluded intervention by court to remove mayor for alleged malfeasance or issuance of declaratory judgment that city council had inherent power to remove mayor for malfeasance. RSA 49-A:18.

[4] KeyCite Citing References for this Headnote

- o 268 Municipal Corporations
 - o 268XIV Taxpayers' Suits and Other Remedies
 - o 268k1000 Actions
 - o 268k1000(5) k. Pleading and Evidence. Most Cited Cases

Taxpayers' allegations that mayor and other city officials had expended public funds without authority, had failed to carry out ministerial duties mandated by statute or ordinance and had threatened to act contrary to law in the future were sufficient to state cause of action and were not subject to dismissal on ground that they involved purely political questions.

*290 **284 Boynton, Waldron, Dill & Aeschliman and Charles B. Doleac, Portsmouth (Richard E. Dill, Portsmouth, and Doleac orally), for plaintiffs.

Joseph P. Nadeau, Portsmouth, for defendants.

GRIFFITH, Justice.

This is an appeal from the granting of defendants' motion to dismiss plaintiffs' bill in equity brought against Mayor John Shaw and certain other officials of the city of Rochester. The Trial Court (Mullavey, J.) reserved and transferred the plaintiffs' exceptions.

Plaintiffs brought their petition initially as nine members of the city council and as taxpayers of the city of Rochester. Subsequent to the bringing of this action six of the nine councilors ceased to be members of the city council so that their position as

plaintiffs rests on their taxpayer status. It also appears that Mayor Shaw has been re-elected and that some of plaintiffs' allegations may now be moot because of actions of the new council.

Plaintiffs allege generally that the mayor and certain *291 other city officials have engaged**285 and continue to engage in certain illegal acts to the detriment of the plaintiffs and the city of Rochester. The acts alleged are as follows: unlawful expenditures of city money from the 'revenue surplus' account without the required approval of the city council; unlawful expenditures of city money for the rewiring of the city hall, purchase of a truck, police cruiser, and police uniforms; extension of town water pipes; voter re-registration; street-lights and the purchase of land for a school; disregard by the mayor of city council votes; misrepresentation of the result of a vote by the city council; improper procedures in submitting budgets to the council; failure to close the prior year's books on time; failure to pay counsel hired by the council for which money had been appropriated; improper appointment of a city solicitor; improper appointment of individuals to record minutes of council meetings; failure to follow the statutory procedures for maintaining standing committees in various areas of city management; failure to provide adequate financial reports on prior year's expenditures in either 1972 and 1973; failure to follow prescribed statutory bid procedures and obtain council approval prior to awarding a contract; and walking out of council meetings when discussions are not to the mayor's liking.


Plaintiffs allege nearly a dozen violations of state statutes, city ordinances, and the city charter by the defendants. They seek restitution, rescission, temporary and/or permanent injunctive relief, a declaratory judgment giving the city council power to remove the mayor, full disclosure of past expenditures for prior years, personal liability of the mayor, mandamus and such other and further relief as justice may require. Such diffuse and prolix pleadings are not to be recommended. Morency v. Plourde, 96 N.H. 344, 76 A.2d 791 (1950).


[1] [2] It is well settled in this State that plaintiffs, as taxpayers, have standing to seek regress for the unlawful acts of their public officials. O'Neil v. Thomson, 114 N.H. -, 316 A.2d 168 (1974); N.H. etc., Beverage Ass'n v. Commission, 100 N.H. 5, 6, 116 A.2d 885, 886 (1955); Blood v. Electric Company, 68 N.H. 340, 39 A. 335 (1895); see *292 Annot., 20 L.Ed.2d 1671 (1968). This right of taxpayers to maintain an equity action for relief is not dependent upon a showing that the illegal acts 'result in financial loss to the town' (Clapp v. Jaffrey, 97 N.H. 456, 461, 91 A.2d 464, 467 (1952)), since every taxpayer 'has a vital interest in and a right to the preservation of an orderly and lawful government regardless of whether his purse is immediately touched.' Id.

The motion to dismiss was granted by the trial court on the pleadings alone. 'The issue is whether, as a matter of law, the motion to dismiss should be granted. In determining this, we treat all facts properly pleaded by the plaintiff and the reasonable inferences therefrom as true and construe them most favorably to her.' Aldrich v. Beauregard & Sons, 105 N.H. 330, 331, 200 A.2d 14, 15 (1964); Jones v. Chase, 110 N.H. 406, 407-408, 270 A.2d 102, 103-104 (1970).

Examining plaintiffs' petition to determine whether plaintiffs would be entitled to invoke the aid of equity upon any statement of facts findable under the pleadings, we conclude that the motion to dismiss should not have been granted. However, the sustaining of plaintiffs' exception to the granting of the motion to dismiss does not stand for the proposition that all of plaintiffs' allegations entitle them to equitable relief. The acts of the newly elected mayor and council may by ratification have rendered moot some of the alleged unauthorized actions of defendants. We have been informed by counsel, for example, that subsequent to the argument of this case the city council has ratified the unauthorized land purchase of the mayor.

**286 Complaints against the mayor relating to his appointments, favoritism, walking out of council meetings and others of a like character may well fall within his discretionary powers or constitute 'minor acts of official malfeasance' as not to necessarily warrant the intervention of the court. See In re Ash, 113 N.H. -, 311 A.2d 304, 306 (1973); Hillsborough v. Beaulieu, 113 N.H. 69, 302 A.2d 110 (1973); Quinn v. Concord, 108 N.H. 242, 247, 233 A.2d 106, 110 (1967).

*293 [3]  The prayer asking for removal of the mayor by the court or in the alternative a declaratory judgment that the city council has the inherent power to remove the mayor for malfeasance must be rejected. The reelection of the mayor subsequent to the bringing of this petition and the availability of legislative provisions for the removal of a mayor indicate no necessity for court intervention. See RSA 49-A:18; Quinn v. Concord, 108 N.H. 242, 233 A.2d 106 (1967).

[4]  There remain however serious allegations which should be determined by a hearing on the merits. To the extent that the defendants may be shown to have expended public funds without authority, have failed to carry out ministerial duties mandated by statute or ordinances and threaten to act contrary to law in the future, plaintiffs may be entitled to the intervention of a court of equity. These allegations cannot be dismissed on the ground that they involve purely political questions. O'Neil v. Thomson, 114 N.H. -, 316 A.2d 168 (1974). 'It is the policy of the law to subject all persons acting in a trust capacity to the control of the court . . .; and the law makes no distinction in this respect between public and private trustees.' Sherburne v. Portsmouth, 72 N.H. 539, 542, 58 A. 38, 40 (1904); State v. Kimball, 96 N.H. 377, 77 A.2d 115 (1950).

Plaintiffs' exceptions sustained; remanded.

All concurred.

N.H. 1974.
Green v. Shaw,
114 N.H. 289, 319 A.2d 284

END OF DOCUMENT

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning Board of Adjustment and Building Code Board of Appeals

Section 674:33

674:33 Powers of Zoning Board of Adjustment. –

I. The zoning board of adjustment shall have the power to:

(a) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

(b) Authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

II. In exercising its powers under paragraph I, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

III. The concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

Source. 1983, 447:1. 1985, 103:20. 1987, 256:1, eff. July 17, 1987. 1998, 218:1, eff. Aug. 17, 1998.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Zoning Board of Adjustment

Section 676:5

676:5 Appeals to Board of Adjustment. –

I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

II. For the purposes of this section:

(a) The "administrative officer" means any official or board who, in that municipality, has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a building inspector, board of selectmen, or other official or board with such responsibility.

(b) A "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the ordinance which is implicated in such enforcement proceedings.

III. If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the board of adjustment if it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15.

Source. 1983, 447:1. 1987, 256:5. 1989, 69:1. 1991, 231:13. 1995, 243:1, eff. Jan. 1, 1996.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Zoning Board of Adjustment

Section 676:6

676:6 Effect of Appeal to Board. – The effect of an appeal to the board shall be to maintain the status quo. An appeal of the issuance of any permit or certificate shall be deemed to suspend such permit or certificate, and no construction, alteration, or change of use which is contingent upon it shall be commenced. An appeal of any order or other enforcement action shall stay all proceedings under the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall have been filed with such officer, that, by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life, health, safety, property, or the environment. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by the superior court on notice to the officer from whom the appeal is taken and cause shown.

Source. 1983, 447:1. 1995, 243:2, eff. Jan. 1, 1996.

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Building Permits

Section 676:13

676:13 Building Permits Restricted. –

I. The building inspector shall not issue any building or occupancy permit for any proposed construction, remodeling, or maintenance which will not comply with any or all zoning ordinances, building codes, or planning board regulations which are in effect.

II. If any building inspector is prosecuted for violation of RSA 643:1 and found guilty of issuing any permit contrary to the provisions of this section, it shall be prima facie evidence that the building inspector has knowingly refrained from performing a duty imposed on the building inspector by law.

III. The building inspector shall adopt a form or set of standards specifying the minimum contents of a completed application for any building permit. Upon the submission of a completed application, the building inspector shall act to approve or deny a building permit within 30 days; provided, however, that nonresidential applications or residential applications encompassing more than 10 dwelling units shall be approved or denied within 60 days.

Source. 1983, 447:1. 1986, 150:1, eff. July 26, 1986. 1996, 226:3, eff. Jan. 1, 1997.

ZONING

170-40

170-41

- C. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months or for twenty-four (24) months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land with the exception of accessory structures associated with a single-family house provided they comply with all other applicable City ordinances and regulations. [Amended 08-01-90 by Ord. No. 8-90]

170-41. Nonconforming structures. [Amended 08-01-90 by Ord. No. 8-90]

Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height or yards, its location on the lot or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following:

- A. Except as provided for in 170-40A and 170-41D, no such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. [Amended 02-17-99 by Ord. No. 25-98]
- B. A building or structure nonconforming either in terms of use or bulk may be restored to its former bulk if destroyed by fire or other hazard, provided that restoration of the structure is begun within twelve (12) months after the act of destruction. All such structures in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, alterations or repairs are in compliance with the provisions of subsection A.
- C. Should such structure be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Additions to nonconforming single-family structures, that were made nonconforming by a zoning amendment that changed the front, side or rear setback requirements, shall be permitted within the front, side or rear setback areas provided that the addition is no closer to the lot line than the existing nonconforming structure, and no closer than ten (10) feet from the lot line. [Added 02-17-99 by Ord. No. 25-98]

170-102

DOVER CODE

170-42

170-44

170-42. Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs may be made, subject to the following provisions: if a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a structure to be secured to a safe condition.

170-43. Uses permitted by special exception.

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through the Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE XI OFF-STREET PARKING AND LOADING

170-44. Applicability.

The following conditions shall apply to all parking and loading spaces provided in conformance with this chapter:

- A. Conformity with the Site Review Regulations, Chapter 149, Subsections 149-14 and 149-15, site development criteria. [Amended 6-10-87 by Ord. No. 13-87]
- B. The enlargement of any building shall require the provision of off-street parking for the existing building as if it were newly erected, in addition to the required off-street parking spaces for the enlargement.
- C. All required parking spaces in residential districts shall be upon or adjacent to the lot upon which they are designed to serve. In all nonresidential districts, such parking spaces shall be provided within a five-hundred-foot radius of the primary structure.
- D. Where one (1) building is used for more than (1) use, parking requirements shall be computed for each use as if it were a principal use.
- E. Where a parking area is provided to serve two (2) or more structures, the total number of spaces provided shall be not less than the sum of the individual total numbers of spaces required.

4. The variance will/will not result in a diminution in value of the surrounding properties based on the evidence given.

VOTE

WILL - William Colbath
Chris Jacobs
Joyce Bowden

WILL NOT - Randy Turner
David Anderson

VOTE - WILL - 3-2

5. The variance will not be of benefit to the public interest because the applicant failed to present evidence.

VOTE U/A

DENIED - U/A

H89-4 Richard Downing, 19-21 Belknap Street, A/K/A Assessor's Map 10, Lot 73, zoned RM-10, requests a Variance from the terms of Article X, Section 170-41.B, to restore a nonconforming structure.

Attn. Bob Mittelholzer represented Mr. Downing who lives in New York. He gave a history of the house which started out as mill housing and then converted into an apartment house. Mr. Downing inherited the house, which has been in his family for years. On Nov. 7, 1987 there was a fire in the house and a person was killed. The house was uninhabitable and was put up for sale thru Eagle Realty. In 1988 there were 3 potential buyers but each fell through. In late October of last year Mr. Olinsky wanted to buy the property and is still interested, however, the property has lost it's grandfathered rights because the building has gone unrepaired for over a year after the anniversary of the fire. Mr. Mittelholzer feels it would be confiscatory if the variance was denied.

Mr. Mittelholzer stated that Mr. Downing was not aware of the risk to the grandfather clause. He also feels that loosing the Grandfather status would be an unnecessary hardship, and would therefore, render the property useless to Mr. Downing. It is a very small lot with a large building on it, much too large for a single family residence and a duplex is not economically feasible. Persons wanting to buy are only interested in the building as a 4 unit apt. building. He stated that Earl Seward of Eagle Realty also came to the conclusion that if it is not a 4 unit apartment building, then it is nothing. The alternative is an abandoned building.

Mr. Mittlehowzer went on to say that by denying the variance they would be taking away his rights which would be confiscatory and would render the property use-less. He said

that Mr. Downing was given no notice that his rights would be taken away. He feels that the variance would promote the health & general welfare of the community by providing affordable housing. Allowing this apartment house to be renovated would be the most efficacious use of the building. He discussed the letter received from Mr. Seward regarding Eagle Realty's statistics of the property. He also said that Kathy Connolly Doyle was going to come to the meeting but was unable to, to speak on how this area has been used to provide affordable housing which is critical in Dover at the present time.

Members sitting on this case: Joyce Bowden, Bill Colbath, David Anderson, David Paolini and Randy Turner.

Randy Turner made the motion to accept the case.

David Anderson seconded.

VOTE U/A

David Anderson made the statement that there is only enough parking for 2 cars off street and this area has a problem with multi-family buildings.

Mr. Mittelholzer stated that Mr. Downing shared parking with abutters.

Cheryl Donahue of Eagle Realty stated that parking would not be a problem. Maybe a clothes line could be taken down.

Mr. Sanderson, an abutter, across the street, said the property is an eyesore and he is very in favor of the application.

Tom Duffy stated he is leery of a variance of this kind and reminded the Board of the Hennessey case. He stated that there should be two parking spaces per unit and a variance would mean six more cars on the street.

Joyce Bowden stated that if a duplex burns it can only be rebuilt as a duplex.

Tom Clark said that the City doesn't notify people in cases like this but they did notify the possible buyers and the Realtors that the "clock was ticking."

Steve Stancel stated the Planning Department is in favor of affordable housing but the Zoning Ordinance has first priority. The applicant had a year to rebuild and he reminded the Board of the philosophy of nonconforming uses. The spirit and intent of the RM-10 zone is to limit density and to put 3 or 4 units on such a small parcel is not in the spirit and intent of the ordinance. Giving him the variance

would give him more use of his property than the neighbors.

Mr. Mittelholzer stated that the people who lived in the house previous to the fire were kept there by the Dover Housing Authority and they did not have a car, therefore, there was no parking problem, and not everyone is expected to have two cars, especially older folks or folks on fixed incomes.

Dan Hale, an abutter and owner of a duplex, would love to see something happening with the building. He stated he looked into buying the building but for what Mr. Downing wants for it, it was not feasible.

Steve Stancel reiterated that there is a need for affordable housing but not at the expense of the ordinance. It would set a precedence.

Close Public Hearing.

David Anderson has a problem with anyone who owns property, pays taxes, collects rents and doesn't find out all the facts. He feels it is self imposed for whatever reason. He stated that he sees the parking problem, and feels that anyone who rehabs the building will be looking at higher rents.

Tom Clark stated that if the building is found to be unsafe there will be a court order to secure it or demolish it.

5 CRITERIA

The applicant does not face an unnecessary hardship because the applicant has reasonable use of the property under the ordinance.

DOES NOT - David Paolini
David Anderson
Joyce Bowden
William Colbath

DOES - Randy Turner

2. The variance will not deliver substantial justice because the effective use of the property is available under the ordinance.

WILL NOT - David Paolini
David Anderson
Joyce Bowden
William Colbath

DOES - Randy Turner

3. The variance will not be in harmony with the spirit and intent of the zoning ordinance because the ordinance allows a duplex in this situation because of density

control.

WILL NOT - David Paolini
David Anderson
Joyce Bowden
William Colbath

WILL - Randy Turner

4. The variance will not result in a diminution in value of surrounding property because evidence is not present to verify diminution in value.

WILL NOT - Randy Turner
David Paolini
David Anderson

WILL - William Colbath
Joyce Bowden

5. The variance will not be of benefit to the public interest because of over density and lack of parking will present more problems.

WILL NOT - David Paolini
David Anderson
William Colbath
Joyce Bowden

WILL - Randy Turner

VOTE

DENIED - David Paolini
David Anderson
William Colbath
Joyce Bowden

GRANTED - Randy Turner

VOTE - 4-1

DENIED

H89-5 Edmund & Doris Grady and George & Jean Rivers, Long Hill Road, A/K/A Assessor's May A., Lot 53G and Map D, Lot 9, zoned R-12, requests a Special Exception as provided by the terms of Article VII, Section 170-27.C(1) and Article XII, Section 170-52.C(3) to allow a street to be constructed with three (3) crossings within the conservation district.

Malcolm McNeill discussed the crossing of the Conservation District and explained that there is a 6 or 7 acre land mass that would be useless if the special exception was not allowed. He went on to say that after discussion with the Planning Board it was suggested that this crossing would be better and he believes the Planning Board has no problem with this plan. He said that the crossing will provide reasonable crossing to the land mass. The pedestrian & vehicular traffic will be enhanced as there will be sidewalks. They will get subdivision and site review approval and the state demands will have to be met. He emphasized that the lot sizes exceed the requirements and that as far as the second

Memo

To: Zoning Board of Adjustment
From: Tom Clark
CC: Planning Division
Date: 6/19/2008
Re: meeting of June 19, 2008

First, my apologies for not being able to include this memo in your packets.

This is in connection w/ case # Z 08-11. Before the Board considers acceptance of this application, I believe you should first determine if the applicant, William Colbath, can demonstrate that he is an aggrieved party or has any legal standing in this case. In that I have yet to see a definition of "aggrieved party" in the State regulations, I have used case law (*Weeks Restaurant Corp. v. City of Dover 119 NH 541 1979*) to determine an aggrieved party is someone who is directly affected by the action being appealed. In addition, RSA 677.2 states a rehearing may be filed by "... any person directly affected thereby ...". I don't think Mr. Colbath meets either of these criteria. The applicant's position is since he is a member of the Zoning Board, he is party to the proceedings and I disagree with his position.

Should you come to the conclusion that Mr. Colbath has standing, I believe the Board needs to then decide if the case should be accepted. You will recall a similar application concerning the subject property was presented to the Board twice before, and, both times, was not accepted in that the Board determined the issue at hand was not in the Board's jurisdiction. Because the applicant cites a different section of the ordinance & frames his questions accordingly, the application describes the same situation & circumstances. Case law (*Fisher v. Dover 120 NH 187 1980*) states, in part: "When a material change of circumstances affecting the merits of the application has not occurred ..., the board ... may not lawfully reach the merits of the petition." This suggests that we review the files to see if a previous application was denied for the same situation. As you are aware, the previous two applications for the same situation weren't even accepted by the board, therefore "...the board should determine if circumstances have changed sufficiently to warrant acceptance of a reapplication" (excerpt from OEP's zoning handbook).

Following are my responses to the applicant's points listed on the "Supplement to original Appeal:

- 1) I agree.
- 2) I agree.
- 3) I agree.

- 4) I disagree. When a building permit is issued to accomplish an objective and conditions change during the project, I believe it is part of my job to assist the applicant achieve the objective within the allowable provisions of the zoning ordinance and building code.
- 5) I disagree. My interpretation of the ordinance allows a structure to be lifted and a new foundation constructed under it without a change in location. When it was determined that this could not be accomplished, we discussed the possibility of removing the building in sections, temporarily storing them on the lot, constructing the foundation, then reassembling the structure in it's former location.
- 6) This is a subjective opinion with which I disagree.

The sections of the zoning ordinance Mr. Colbath cites refers to a building destroyed by fire, which it wasn't, and an intentional relocation of the structure, which was not considered by the subject property owner. Accordingly, I believe my actions are in compliance with the applicable regulations and respectfully request the Zoning Board uphold the Administrative opinion.

CITY OF DOVER, NH
ZONING BOARD OF ADJUSTMENT

WILLIAM C. COLBATH

MAP I LOT 60
55 Back River Road

Case No. Z 08-11

MOTION TO DENY OR REFUSE APPLICATION

KEVIN TURGEON and LISA TURGEON, as owners of Map I, Lot 60, acting by and through their attorney, James H. Schulte, Esq., hereby move that the City of Dover Zoning Board of Adjustment either deny or refuse to accept the application submitted by William C. Colbath on May 27, 2008, for the following reasons:

1. Mr. Colbath does not have standing to bring an appeal in this matter, for the following reasons:
 - A. RSA 674:33 provides that the ZBA has the power to hear an appeal from a decision of an administrative official concerning the interpretation or application of the zoning ordinance.
 - B. The New Hampshire Supreme Court held in the case of Weeks Restaurant Corp. v. Dover, 119 NH 541 (1979) that whether a person has standing to bring a petition before the ZBA depends upon the proximity of the petitioner's property to the site involved in the petition, the type of action involved in the appeal, the immediacy of the injury alleged to have been suffered by the applicant, and the party's participation in the administrative proceedings.
 - C. The standard set out by the Court is further illuminated by the provisions of RSA 677:7, which states that "A person whose rights may be directly affected by the outcome of the appeal may appear and become a party"; by RSA 677:4 which states "Any person aggrieved by any order or decision of the zoning board of adjustment . . . may" appeal a decision of the ZBA; and by RSA 677:2 which provides that appeals from decisions of the ZBA may be taken by "the selectmen, any party to the action or proceedings, or any person directly affected thereby"
 - D. Under the holding in Weeks v. Dover, Mr. Colbath does not have standing because he does not own any property which has proximity to the Turgeon property, he does not have property which would be directly affected by the

decision of the Code Enforcement Officer which is being appealed, and as a member of the Zoning Board of Adjustment Mr. Colbath could not be a party to a matter in which he sat as a board member. Mr. Colbath acted as a board member at both the non-public and the public sessions conducted May 15, 2008 involving the appeal from Charles Cheney which concerned the same issues which Mr. Colbath is now presenting.

- E. While RSA 677:2 allows the selectmen (or, in the case of a city, the Mayor and Council) to appeal a decision of the ZBA and to participate as a party in a matter pending before the ZBA, the statute does not allow an individual member of the ZBA to appeal decisions in cases where he or she sat in a quasi-judiciary capacity as a member of the board. Allowing a minority board member to participate in the decision and then file an appeal of that decision would undermine the principles of majority rule and administrative procedure which govern the conduct of matters before the ZBA.
- F. The only claim made by Mr. Colbath concerning his standing to file an appeal in this matter is that he "participated" in the May 15, 2008 sessions. As a member of the ZBA who sat on the public hearing held May 15, 2008, Mr. Colbath could not also be a party participant in that matter since fundamental principles of due process prevent a party from also being the adjudicator in a proceeding. By claiming that his status as a member of the ZBA gives him standing to file an appeal in the same matter in which he participated as a board member, Mr. Colbath is improperly attempting to use his official public status for a private purpose.

2. The issues raised by Mr. Colbath's appeal dated May 27, 2008 are essentially the same as the issues raised by Charles Cheney in the appeals which Mr. Cheney filed on April 4, 2008 and May 2, 2008. The ZBA properly decided that it would not accept either of those applications because they alleged matters beyond the jurisdiction of the ZBA. No appeal was taken from the ZBA's decision concerning either of those matters, and those decisions are now final under RSA 677.

3. The Supreme Court's decision in Fisher v. Dover, 120 NH 187 (1980) held that when the ZBA voted to deny a variance, an applicant could not request the same relief unless there was a material change of circumstances affecting the merits of the application. There has been no change of circumstances concerning this property since the Board refused to accept the two appeals filed by Mr. Cheney, and the pending appealed filed by Mr. Colbath is barred by Fisher v. Dover.

4. The appeal filed May 27, 2008 was not timely filed. The Building Permit was issued February 22, 2008 after the Building Inspector had visited the property and determined that portions of the building were salvageable and that those portions would have to be re-used. The Building Inspector's decision that the work was being done by the contractor in compliance with the building permit was reached between March 18, 2008 and April 1, 2008.

5. The May 27, 2008 appeal filed by Mr. Colbath was filed more than 30 days after the decisions by the Code Enforcement Officer.

6. The uniform practice of the Dover Zoning Board of Adjustment has been to require that an appeal of an administrative decision be filed within 30 days of the date that the decision was rendered.

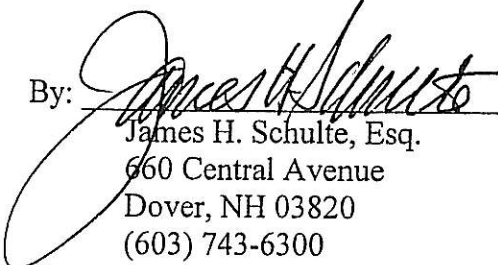
7. Wherefore, Kevin Turgeon and Lisa Turgeon respectfully request that the Dover Zoning Board of Adjustment either deny or refuse to accept the appeal filed by William C. Colbath on May 27, 2008 because William C. Colbath does not have standing to bring such an appeal; because the proposed appeal is barred by Fisher v. Dover; and because the proposed appeal was not filed on time.

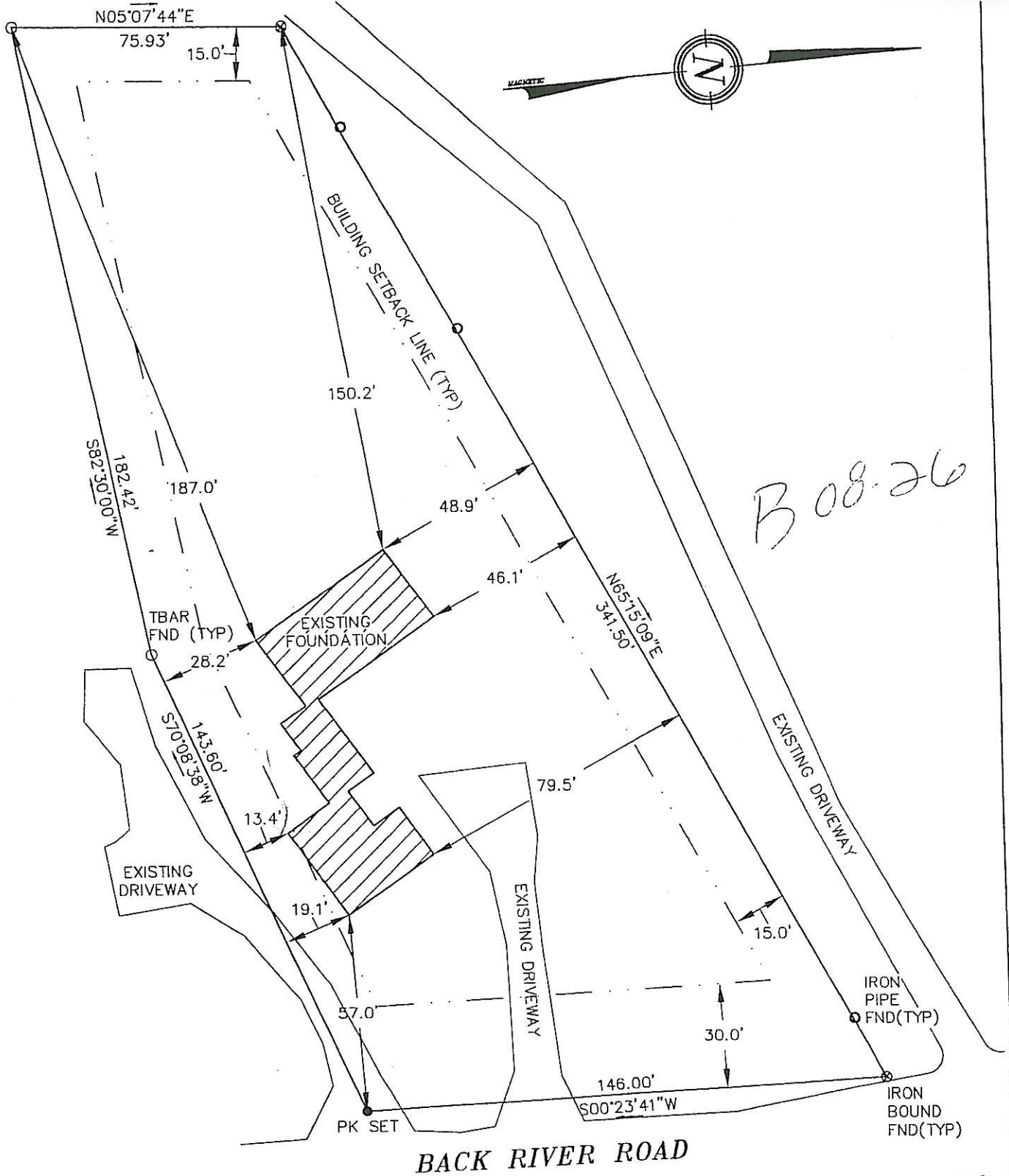
Respectfully submitted,

Kevin Turgeon and Lisa Turgeon

Dated: June 19, 2008

By: _____


James H. Schulte, Esq.
660 Central Avenue
Dover, NH 03820
(603) 743-6300

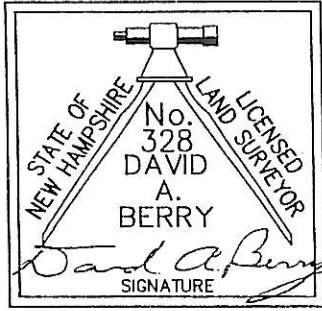


I HEREBY CERTIFY THAT THE BUILDINGS AND LOT LINES OF THIS INSPECTION ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN HEREON. THIS FOUNDATION EITHER CONFORMS TO THE ZONING ORDINANCE OF THE CITY OF DOVER, OR IS LOCATED NO CLOSER TO THE BOUNDARY LINE, THEN PREVIOUSLY EXISTED
THIS IS NOT A BOUNDARY SURVEY

FOUNDATION CERTIFICATION
 FOR
 KEVIN TURGEON
 55 BACK RIVER ROAD
 DOVER NH

ZONING : R12
 TAX MAP : 1
 LOT : 60

DOVER, N.H.
TAX MAP I, LOT 60



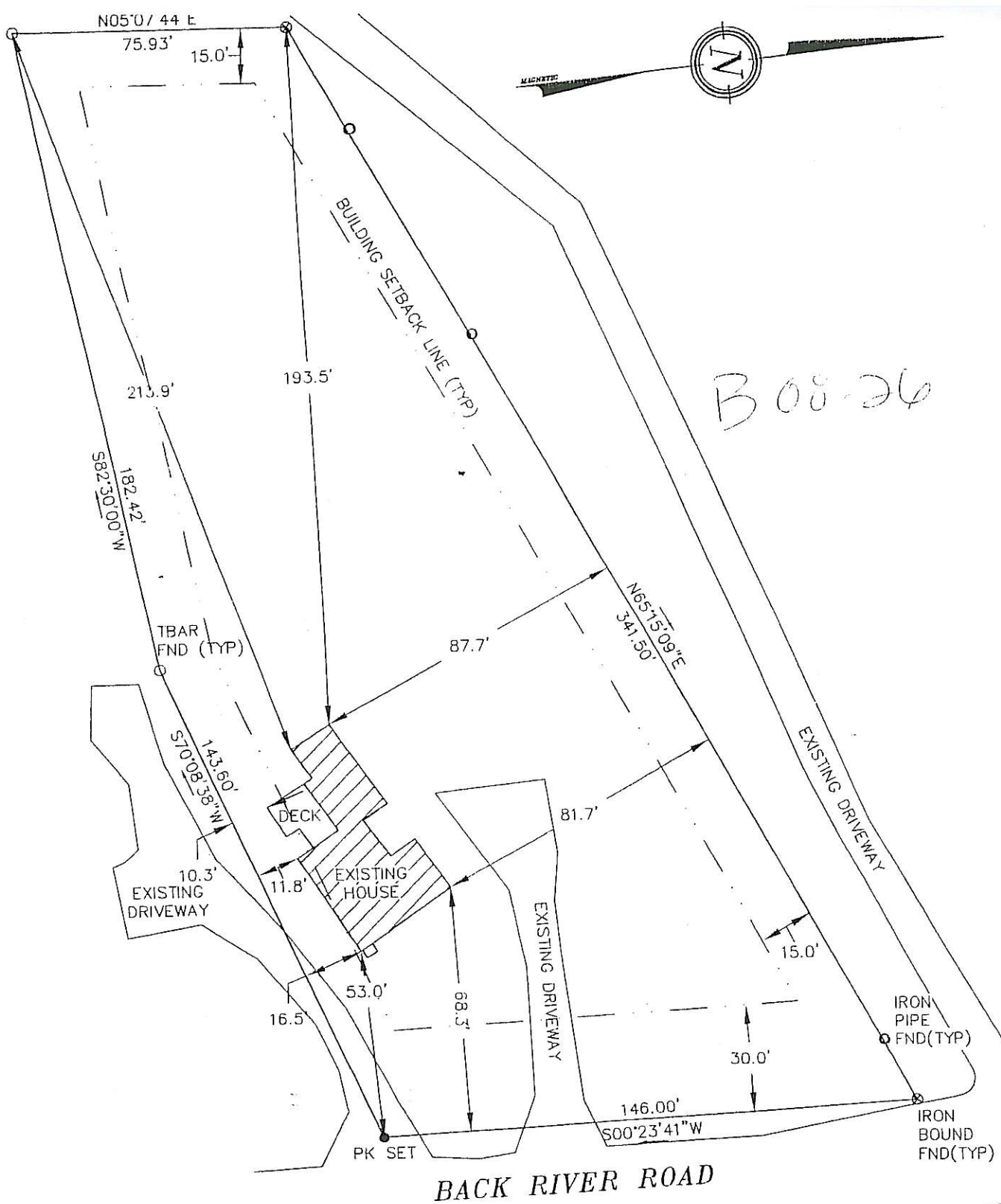
BERRY & SURVEYING
ENGINEERING

148 SECOND CROWN POINT RD.
BARRINGTON, N.H. 332-2863

SCALE : 1 IN. EQUALS 30 FT.

DATE : MAY 23, 2008

FILE NO. : DB 2007 - 172



I HEREBY CERTIFY THAT THE BUILDINGS AND LOT LINES OF THIS INSPECTION ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN HEREON.

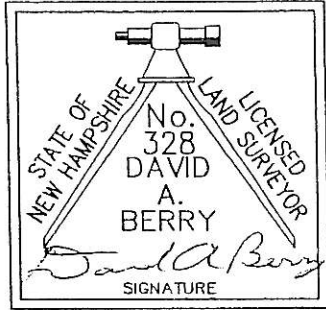
THIS IS NOT A BOUNDARY SURVEY

ZONING : R12
 TAX MAP : 1
 LOT : 60

EXISTING CONDITIONS
 FOR
 KEVIN TURGEON
 BACK RIVER ROAD
 DOVER, N.H.

55

TAX MAP I, LOT 60



BERRY SURVEYING & ENGINEERING

148 SECOND CROWN POINT RD.
BARRINGTON, N.H. 332-2863

SCALE : 1 IN. EQUALS 30 FT.

DATE : MAY 23, 2008

FILE NO. : DB 2007 - 172

CASE # 07-02 DATE RECEIVED 1/3/07
 AMOUNT PAID \$ 148.20 TIME RECEIVED 11:00

check # 10346

CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION

I. APPLICANT Kevin Turgeon & Lisa Turgeon PHONE #: 312-3326
 ADDRESS 225 Green Street, Somersworth, NH 03878
 PROPERTY OWNER Kevin Turgeon & Lisa Turgeon
 ADDRESS 225 Green Street, Somersworth, NH 03878
 PROPERTY LOCATION 55 Back River Road
 BRIEF DIRECTIONS _____

 ZONE R-12 ASSESSOR'S MAP I LOT #(S) 60

TYPE OF APPEAL: (Please check off one)

<input checked="" type="checkbox"/> VARIANCE	ARTICLE <u>IV</u>	SECTION <u>170-12</u>
<input type="checkbox"/> SPECIAL EXCEPTION	ARTICLE _____	SECTION _____
<input type="checkbox"/> ADMINISTRATIVE DECISION	ARTICLE _____	SECTION _____
<input type="checkbox"/> EQUITABLE WAIVER	ARTICLE _____	SECTION _____

Describe briefly your plans for this property:

The existing residence was damaged by fire. The applicants wish to remove the
damaged building and replace it with a new duplex which will meet or exceed all
setback requirements. The existing building does not meet setback requirements.

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (12 copies). 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. ✓
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. ✓
- C. Application fee of:

\$100.00 VARIANCE	\$ <u>100.00</u>
\$100.00 SPECIAL EXCEPTION	\$ _____
\$25.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
\$100.00 EQUITABLE WAIVER	\$ _____
- D. Certified letters fee:

# of abutters <u>3</u> X \$4.64 =	\$ <u>13.92</u>
Applicant & Owner <u>2</u> X \$4.64 =	\$ <u>9.28</u>
Foster's ad	\$ <u>25.00</u>

TOTAL \$ 148.20

III. **NARRATIVE:** Complete the section pertaining to your request for a dimensional/area variance. Keep your answers brief and be prepared to explain them in detail at the meeting. The burden of proof is on the applicant. If you need more space use an additional sheet of paper

DIMENSIONAL/AREA VARIANCE REQUIREMENTS: (PLEASE TYPE OR PRINT IN INK)

1. Provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship. Demonstrate that an area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property; and that the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, without the area variance.
Not applicable.

2. Provide proof that demonstrates how granting the variance will result in substantial justice.

3. Provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance.

4. Provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties.

5. Provide proof that demonstrates the variance would not be contrary to the public interest.

USE VARIANCE REQUIREMENTS: (PLEASE TYPE OR PRINT IN INK)

1. Provide proof that special conditions exist and that literal enforcement of the ordinance would result in unnecessary hardship. Demonstrate that: i.) the ordinance interferes with the reasonable use of the property, considering the unique setting of the property in its environment; ii.) no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and iii.) the variance would not injure the public or private rights of others.

See attached.

2. Provide proof that demonstrates how granting of the variance will result in substantial justice.

3. Provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance.

4. Provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties.

5. Provide proof that demonstrates the variance would not be contrary to the public interest.

LIST OF ABUTTERS

07-02

Map I, Lot 59
Donald C. Cheney
Chattie V. Cheney
53 Back River Road
Dover, NH 03820

Map I, Lot 61
Paul J. Young
Catherine E. Young
57 Back River Road
Dover, NH 03820

Map I, Lot 6 &
Map I, Lot 6 I
Raymond G. Sweatt
Louise M. Sweatt
54 Back River Road
Dover, NH 03820

Applicants

Map I, Lot 60
Kevin Turgeon
Lisa Turgeon
225 Green Street
Somersworth, NH 03878

James H. Schulte, Esquire
660 Central Avenue
Dover, NH 03820

(603) 743-6300

1. Provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship. Demonstrate that: i) the ordinance interferes with the reasonable use of the property, considering the unique setting of the property in its environment; ii) no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and iii) the variance would not injure the public or private rights of others.

The applicants' property is located on Back River Road. The lot has frontage of about 146 feet on Back River Road, and contains a total of .69 acres. The lot is located in the R-12 zone. There is an existing residence on the lot which is located about ten feet from the southerly boundary of the property. The residence recently suffered extensive fire damage.

The applicants would be permitted to rebuild the existing residence, which was originally constructed about 1890. Given the age of the structure, they also would be permitted to convert the structure into a residential duplex. However, the existing residence is located only about ten feet from the southerly boundary of the property, and does not conform to the current setback requirement which is 15 feet.

The applicants propose to remove the existing structure and build a new duplex that would meet all setback requirements. The new residence would be located further away from the residence located at 57 Back River Road, and would be located closer to the driveway which services 53 Back River Road. The residence for 53 Back River Road is located behind 55 and 57 Back River Road.. The variance is needed because while the applicant would be permitted to convert the existing residence into a duplex, construction of a new duplex is not expressly permitted.

The unique setting of this property in its environment is that the lot is bounded on the north by a driveway and on the south by an existing residence. The applicants' lot presently contains a single family residence which is located in very close proximity to its southerly boundary and to the residence on the neighboring parcel. The applicant would be permitted to convert the existing residence into a duplex, but such a conversion would mean that the building would continue to be located too close to the side property line and the neighboring residence. It would be much more preferable to have the duplex located so that it conforms to all zoning setbacks. The applicants are willing to establish a building envelope which provides a greater setback to the south than would be required by the zoning ordinance.

No fair and substantial relationship exists between the general purposes of the ordinance and the specific restriction on the property because the general purposes of the ordinance allow a duplex to exist on this property but the allowed location is too close to the adjacent lot. The applicant seeks only to have a duplex which meets all of the other requirements of the zoning ordinance.

The variance would not injure the public or private rights of others because neighboring properties which have been improved have residences which could also be converted into duplexes. The structure will meet all setback requirements.

2. Provide proof that demonstrates how granting the variance will result in substantial justice.

The variance is needed because the applicant would be permitted to convert the existing structure into a duplex, but that structure is located too close to the property lines and to the neighbor's residence. The applicant proposes to construct a new duplex in a location which will meet all setback requirements and which would be further away from the neighbor's residence. Similar variances have been granted recently for property on Dover Point to allow the construction of a new duplex.

3. Provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance.

The ordinance allows a duplex residential structure on this lot, provided that an existing structure is converted into the duplex. However, the existing residence is too close to the side property line. The proposed new duplex will meet all other requirements of the zoning ordinance and will be located further away from the neighbor's home. The other homes in this neighborhood are of sufficient age so that they also could be converted into duplexes.

4. Provide proof that demonstrates the variance will not result in a diminution in value of surrounding property values.

The lot on which the duplex would be constructed is substantially larger than is required by the ordinance. The new structure will meet all other requirements of the zoning ordinance. The existing non-conforming structure would be removed. Other properties in this neighborhood are able to be converted into duplexes.

5. Provide proof that demonstrates the variance would not be contrary to the public interest.

The City has determined that the public interest is for this area to include duplex residential use. Granting this variance will allow for the removal of an existing non-conforming structure and construction of the new duplex more towards the center of the property. This will alleviate crowding. This property will meet all other requirements of the ordinance.

SPECIAL EXCEPTION REQUIREMENTS

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

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


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

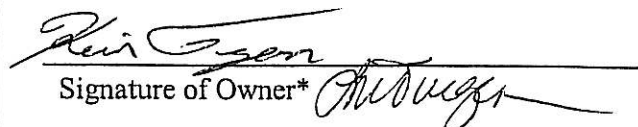
APPEAL FROM AN ADMINISTRATIVE DECISION

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

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

<p>IMPORTANT</p> <p>PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 10 DAYS PRIOR TO HEARING.</p> <p>FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED</p>
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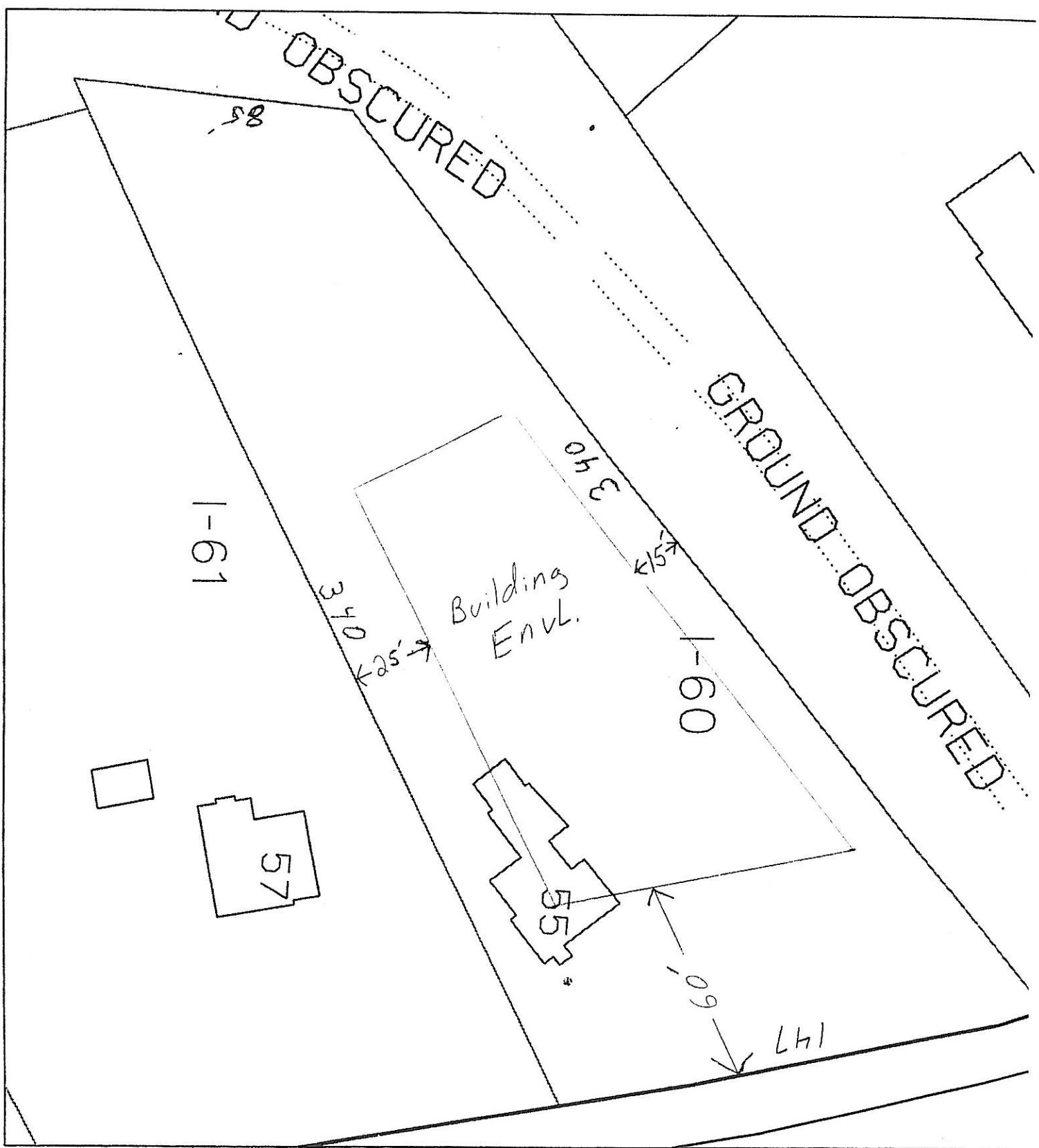

Signature of Applicant*


Signature of Owner*

*Both Signatures Required

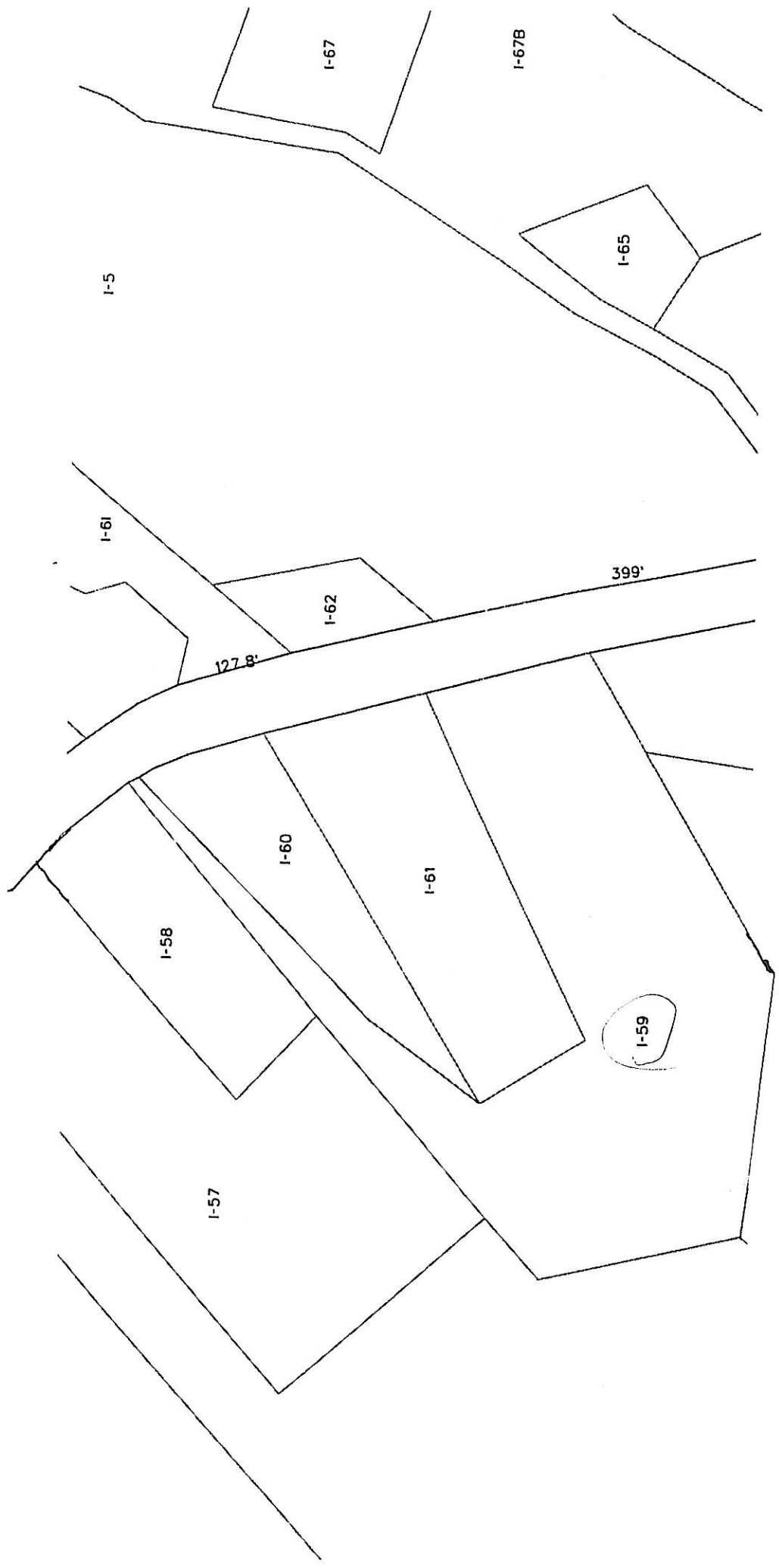
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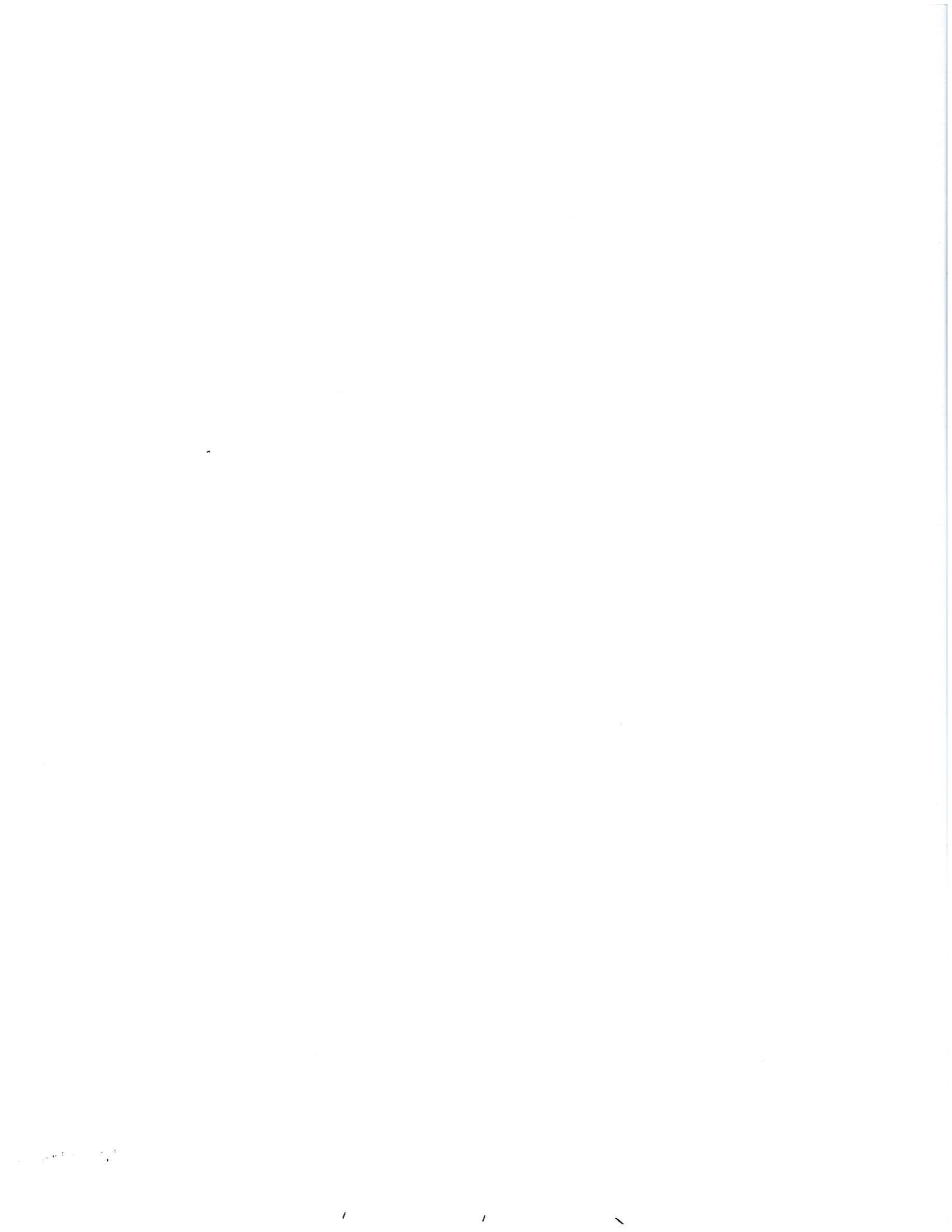
doverpar.zon 10/11/2006 4:30:18 PM THIS IS NOT A SURVEY. SCALE: 1" = 40'



68' wide
32' deep.
plus decks.

01 08





Case # Z 07-02

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

The Zoning Board of Adjustment for the City of Dover, New Hampshire, having held a public hearing on January 18, 2007, to consider an application for a Variance submitted by Kevin & Lisa Turgeon for the property located at 55 Back River Road and having heard all the arguments presented at the hearing, makes the following **FINDINGS OF FACT**, and draws the following **CONCLUSIONS** to each of the required criteria:

1. The Applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship.

a. AREA:

i. Did the Applicant demonstrate that an Area Variance is needed to enable the proposed use of the property given the special conditions of the property?

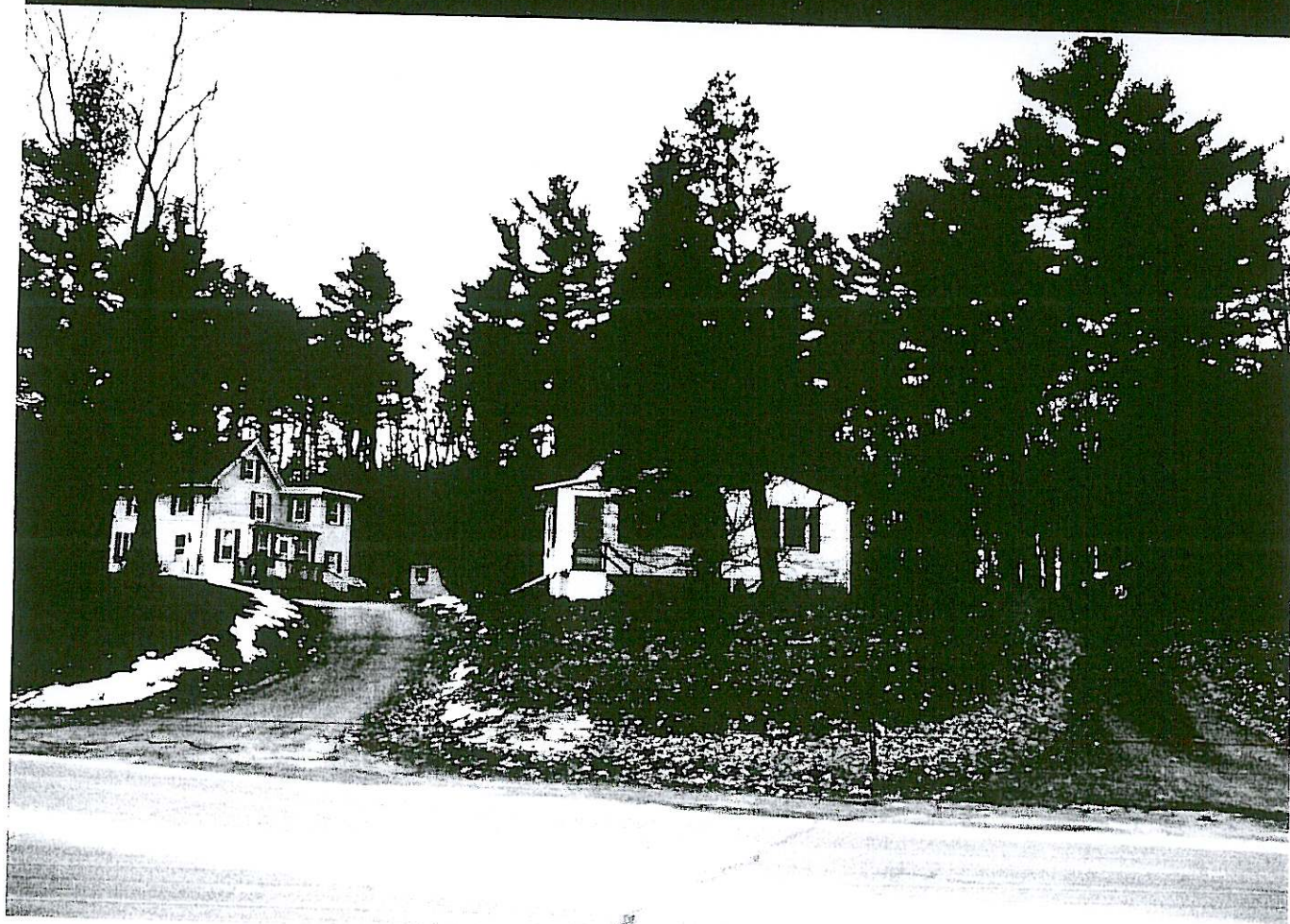
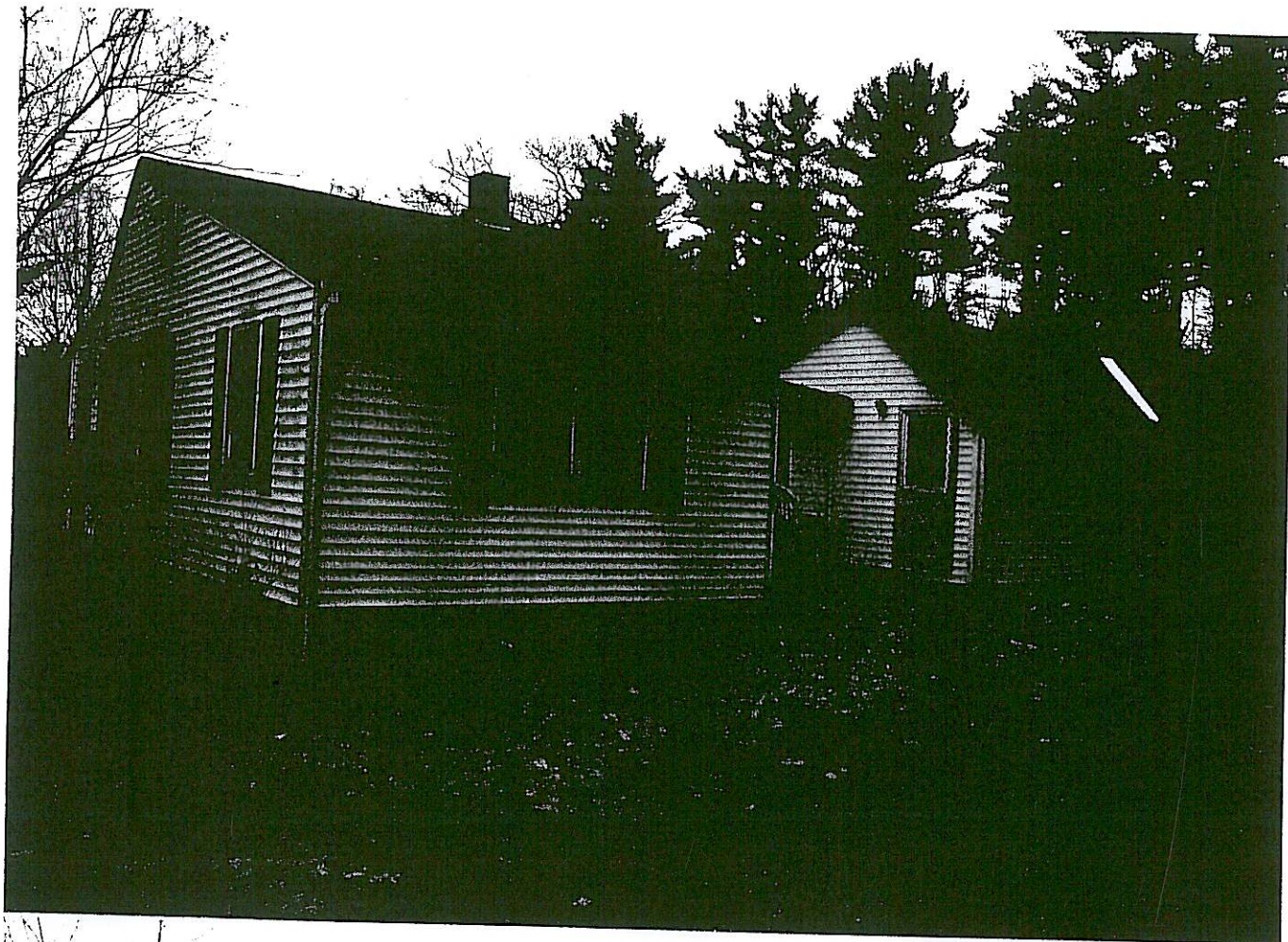
Yes ___ No ___

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

ii. Did the Applicant demonstrate that the benefit sought cannot be achieved by some other method reasonably feasible to pursue, without the area variance?

Yes ___ No ___

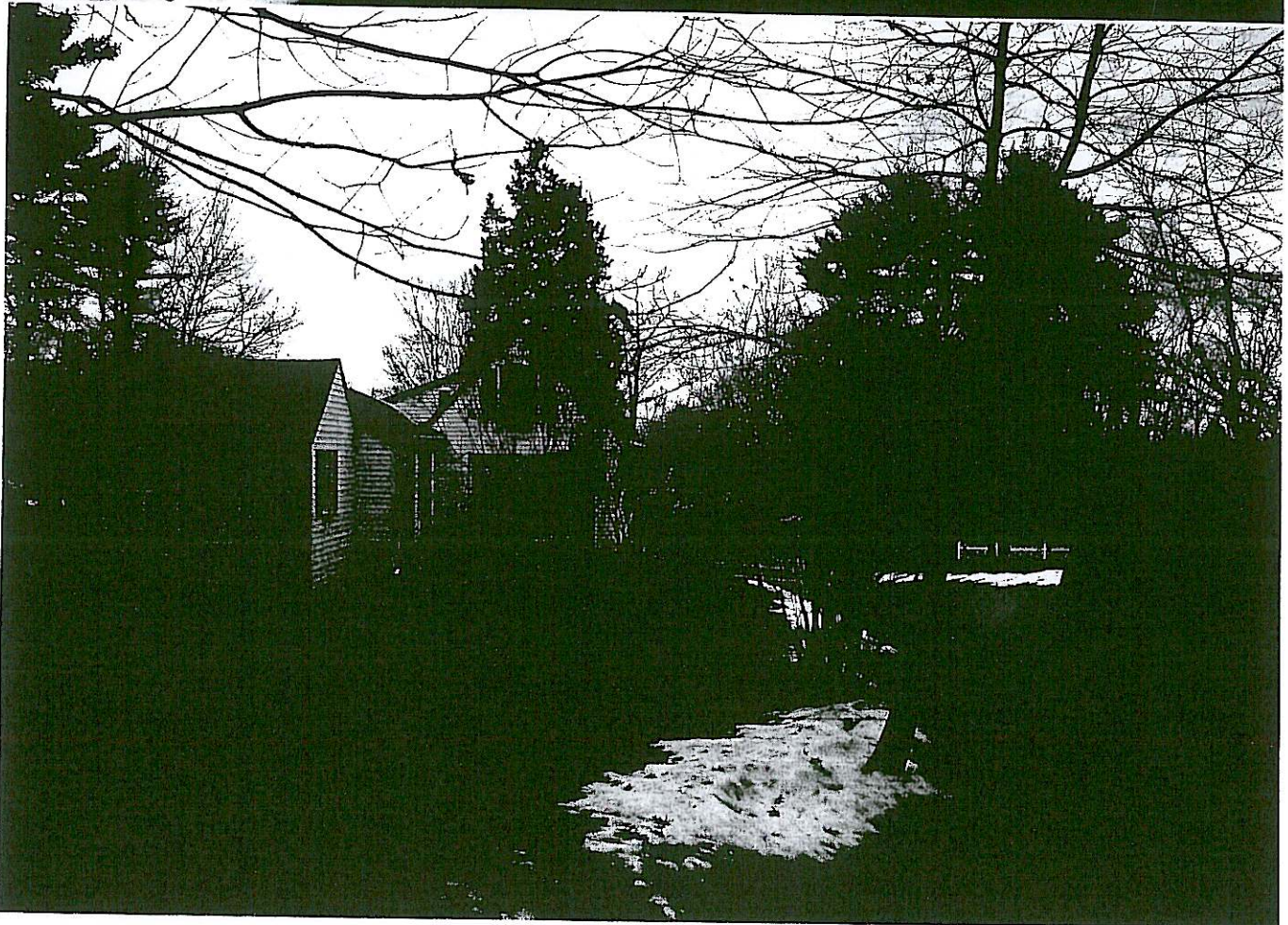
This **CONCLUSION** is based on the following **FINDINGS OF FACT**:



2



3



4



5



6

b. USE:

- i. Did the Applicant demonstrate that the ordinance interferes with the reasonable use of the property, considering their unique setting of the property in its' environment? Yes 5 No

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

1890's construction, location of building
on lot.

- ii. Did the Applicant demonstrate that no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction of the property? Yes 5 No

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

The variance would not increase population
density markedly

- iii. Did the Applicant demonstrate that the variance would not injure the public or private rights of others? Yes 3 No 2 YNYY

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

Proposed location would allow more
space ~~between~~ from existing neighbor on
southerly side, and the building would
be built in the allowed envelope.

2. Did the Applicant provide proof that demonstrates how granting the variance will result in substantial Justice? Yes 3 No 2.

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

a new building in the building envelope
will ~~not~~ conform to the required
 setbacks.

3. Did the Applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? Yes 3 No 2

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

The ~~the~~ 1964 change to allow for a duplex goes with the lot and eliminates a non conforming structure.

4. Did the Applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? Yes 2 No 3

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

There is not enough information on the proposed structure to know what impact it would have on the ~~neighborhood~~ surrounding properties

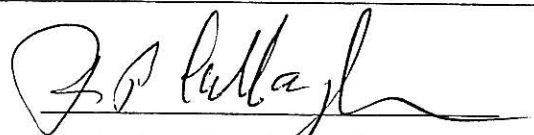
5. Did the Applicant provide proof that demonstrates the variance would not be contrary to the public interest? Yes 4 No 1

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

~~Relocating~~ Moving the structure to a conforming location is in the public's interest

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

Ordered this 18th day of January, 2007



Zoning Board of Adjustment
Chairperson



7



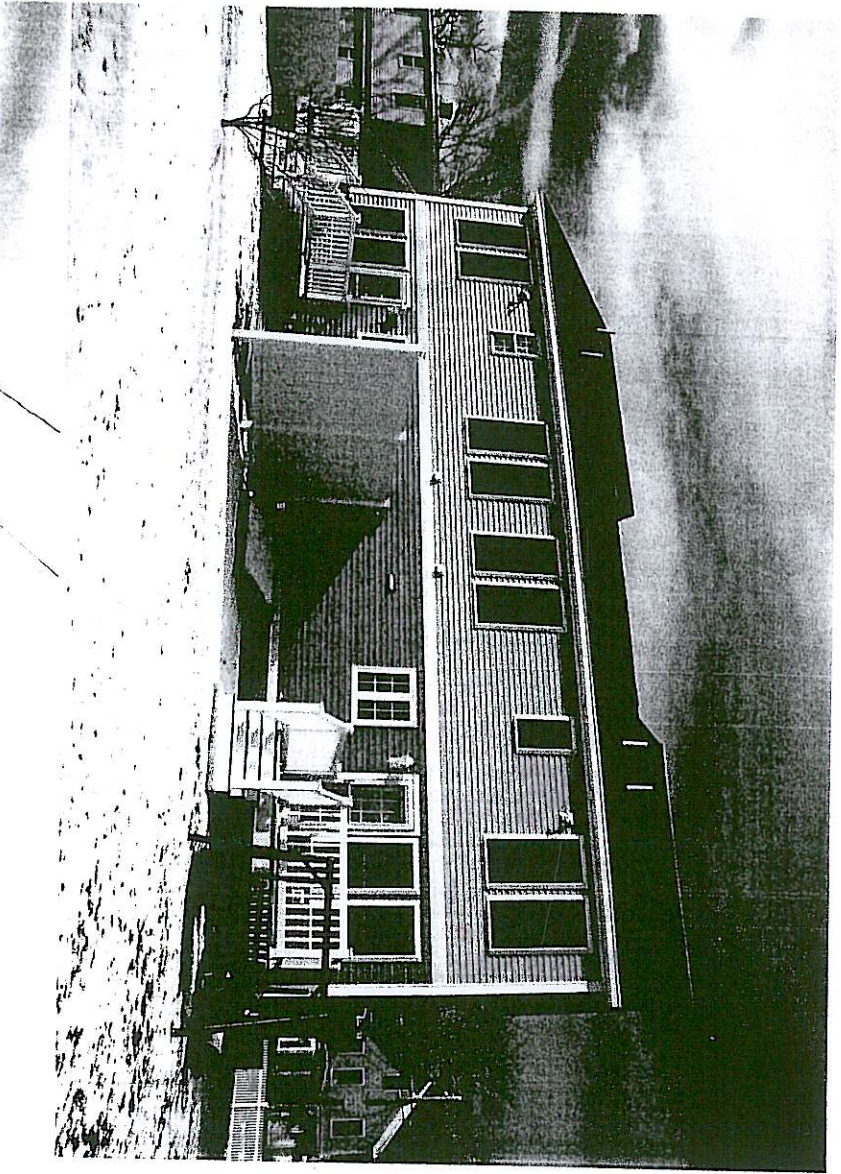
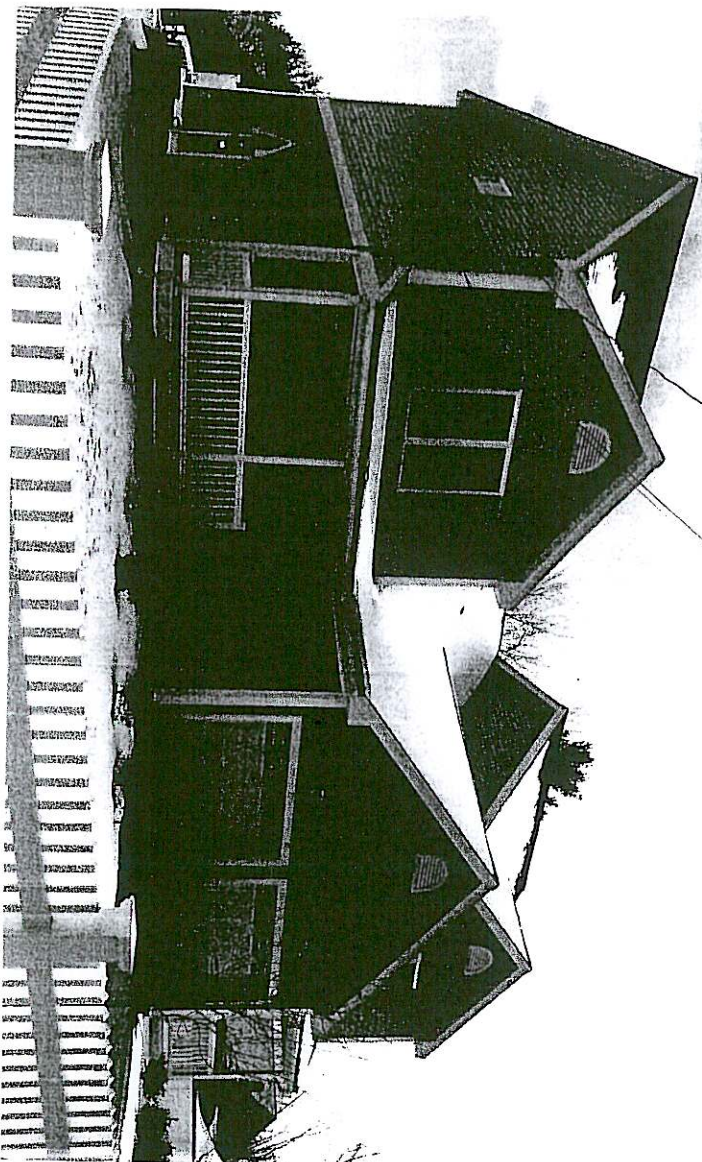
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9



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Case # 207-02

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

The Zoning Board of Adjustment for the City of Dover, New Hampshire, having held a public hearing on 7/19/07, to consider an application for a Variance submitted by Kevin & Lisa Turgeon for the property located at 55 Back River Road and having heard all the arguments presented at the hearing, makes the following **FINDINGS OF FACT**, and draws the following **CONCLUSIONS** to each of the required criteria:

1. The Applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship.

a. AREA:

i. Did the Applicant demonstrate that an Area Variance is needed to enable the proposed use of the property given the special conditions of the property?

Yes No

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

ii. Did the Applicant demonstrate that the benefit sought cannot be achieved by some other method reasonably feasible to pursue, without the area variance?

Yes No

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

b. USE:

- i. Did the Applicant demonstrate that the ordinance interferes with the reasonable use of the property, considering their unique setting of the property in its' environment? Yes 2 No 3

This CONCLUSION is based on the following FINDINGS OF FACT:

~~SEE ATTACHED~~

- ii. Did the Applicant demonstrate that no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction of the property? Yes 3 No 2

This CONCLUSION is based on the following FINDINGS OF FACT:

~~SEE ATTACHED~~

- iii. Did the Applicant demonstrate that the variance would not injure the public or private rights of others? Yes 3 No 2

This CONCLUSION is based on the following FINDINGS OF FACT:

~~SEE ATTACHED~~

2. Did the Applicant provide proof that demonstrates how granting the variance will result in substantial Justice? Yes 2 No 3

This CONCLUSION is based on the following FINDINGS OF FACT:

~~SEE ATTACHED~~

3. Did the Applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? Yes 2 No 3

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

~~SEE ATTACHED~~

4. Did the Applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? Yes 3 No 2

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

~~SEE ATTACHED~~

5. Did the Applicant provide proof that demonstrates the variance would not be contrary to the public interest? Yes 2 No 3

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

~~SEE ATTACHED~~

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

Ordered this 19th day of June, 2007 Rob Callery

Zoning Board of Adjustment
Chairperson

FEB 0 8 2007



February 6, 2007

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

Re: Kevin and Lisa Turgeon
55 Back River Road, Dover NH

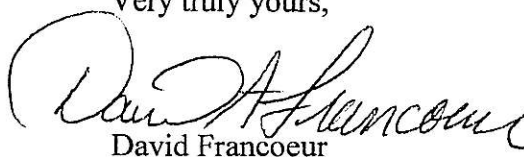
Dear Zoning Board Members:

I am writing at the request of Kevin and Lisa Turgeon, who own property located at 55 Back River Road, Dover NH. The residence on this land suffered fire damage, but could be repaired. However, the existing dwelling is located very close to the property line shared with 57 Back River Road.

Mr. and Mrs. Turgeon intend to construct a duplex residence on this land. While they could convert the existing building into a duplex, it would be preferable to remove the existing dwelling and build a new duplex which would be located further away from the boundary line. The location of the new building would be superior to the existing location, and it would be better if the new building were all of a new and consistent design. This would increase the value of the subject lot, therefore increasing the value of the abutter's properties.

In my opinion, granting a variance to allow a new duplex to be built more towards the center of this lot would not have an adverse effect on adjacent property values. The new building would be of better design and location, and would be fully compliant with building and fire codes. There are already a number of duplexes in this neighborhood. The new building would be more beneficial to the neighborhood than would be the case if the existing building is repaired and expanded in its present location.

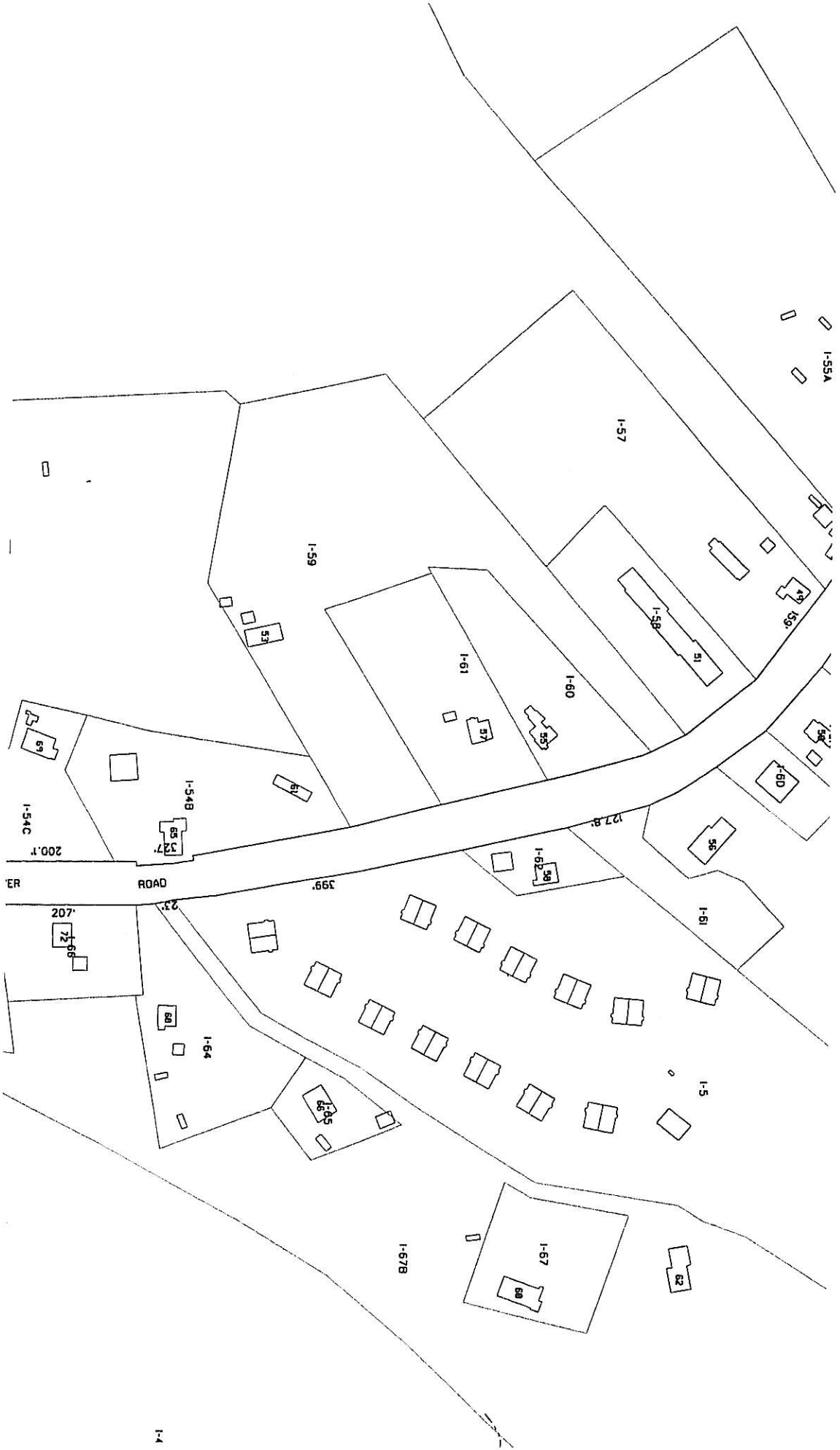
Very truly yours,


David Francoeur

RE/MAX realty centre
472 high st.
somersworth, new hampshire 03878
phone: (603) 749-5300
fax: (603) 749-3919



each office independently owned and operated



February 10th, 2007

To whom it may concern:

Be it known by this letter that I, Don Cheney of 53 Back River Road in Dover, New Hampshire, do hereby convey to my son Charles "Chuck" Cheney permission to represent me on matters pertaining to my home and property at 53 Back River Road. At 83 years old, I do not enjoy getting out for night meetings. But since my son and I frequently discuss my property and its abutters, I am confident he knows and understands my wishes and will represent me well. Before this date, I had verbally given my permission to Chuck to represent me. But not realizing mine and my son's integrity would be called into question, I had not previously put this in writing. Let this document end any question you may have regarding his right to represent me.

Sincerely,


Don Cheney

sworn before me this Feb. 13, 2007



Carol E. Salava



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, January 18, 2007
Meeting Time: 7:00pm

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF NOVEMBER 16, 2006 AND DECEMBER 21, 2006

3. OLD BUSINESS

- A. Request for motion for rehearing regarding case Z 05-35 Neal A. Hubbard, Earl St., a/k/a Tax Map 40, Lot 12, zoned Office and R-12 requests a Variance from the terms of Article V, Section 170-16, to subdivide a parcel into 2 lots, one with frontage of seventy-five (75) feet along a public right of way, where a minimum of one-hundred (100) feet is required.

4. NEW BUSINESS

- A. * Z 06-32 Darlene Colwell Ellis, 153 Silver St., a/k/a Tax Map 11, Lot 7, zoned RM-10 requests a Special Exception under the terms of Article VI, Section 170-25.1 and Article XII, Section 170-52.C (3), to establish a four-family dwelling.
- B. * Z 07-01 City of Dover (Applicant: Mark Investments, Inc.), Central & Glenwood Ave., a/k/a Tax Map 38, Lots 31, 33 & 33-A, zoned B-3 requests a Variance from the terms of Article IX, Section 170-32.D.(1) and (10) to locate a freestanding sign off site and in a public right of way.
- C. * Z 07-02 Kevin & Lisa Turgeon, 55 Back River Rd., a/k/a Tax Map I, Lot 60, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.

5. OTHER BOARD BUSINESS

- A. Annual Election of Chairperson and Vice Chairperson will be held.
B. Technical Training

6. ADJOURN

* If the application is accepted for discussion, the public hearing will be held that evening.

Dear Property Owner: As an owner of the property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the above noted item. Plans are available for viewing in the Building Inspector's Office weekdays from 8:00 a.m. to 4:00 p.m. and on Wednesday; the office is open until 6:00 p.m.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, February 15, 2007
Meeting Time: 7:00pm

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF DECEMBER 21, 2006 AND JANUARY 18, 2007

3. OLD BUSINESS

- A. Request for motion for rehearing regarding case Z 07-02 Kevin & Lisa Turgeon, 55 Back River Rd., a/k/a Tax Map I, Lot 60, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.

4. NEW BUSINESS

- A. * Z 07-03 John Bressoud, 6 Amy Ln., a/k/a Tax Map E, Lot 72 F-2, zoned R-12, requests an Equitable Waiver of Dimensional Requirements to maintain an attached garage within approximately fourteen (14) feet from a side property line, where a minimum of fifteen (15) feet is required.
- B. * Z 07-04 James Byrne III, 192 County Farm Rd., a/k/a Tax Map C, Lot 3-D zoned R-40, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct an addition onto a single-family dwelling for the purpose of establishing a two-family dwelling.

5. OTHER BOARD BUSINESS

- A. Administrative Workshop

6. ADJOURN

* If the application is accepted for discussion, the public hearing will be held that evening.

Dear Property Owner: As an owner of the property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the above noted item. Plans are available for viewing in the Building Inspector's Office weekdays from 8:00 a.m. to 4:00 p.m. and on Wednesday; the office is open until 6:00 p.m.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, May 17, 2007
Meeting Time: 7:00pm

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF APRIL 19, 2007

3. OLD BUSINESS

- A. Z 07-02 Kevin & Lisa Turgeon, 55 Back River Rd., a/k/a Tax Map I, Lot 60, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.

Note: This item was granted a motion for rehearing at the meeting of February 15, 2007

4. NEW BUSINESS

- A. * Z 07-05 Paolini Brothers Development LLC, 54 Dover Point Rd., a/k/a Tax Map K, Lot 20, zoned B-3, requests a Special Exception under the terms of Article VI, Section 170-19 and Article XII, Section 170-52.C (3) to construct a multi-family project.
- B. * Z 07-06 Friends Church, John Dawson, Trustee (Applicant: Richard Lethem), 141 Central Ave., a/k/a Tax Map 19, Lot 51, zoned RM-10 requests a Variance from the terms of Article IX, Section 170-32.E Sign Table to install a freestanding sign within one foot of a front property line, where a minimum of ten feet is required.
- C. * Z 07-07 Middaugh Family Revocable Trust, Shirley Middaugh Trustee, 46 Glenwood Ave., a/k/a Tax Map 36, Lot 17, zoned R-12 requests a Variance from the terms of Article V, Section 170-16, to subdivide a parcel creating a lot with approximately 11,500 square feet, where a minimum of 12,000 square feet is required.
- D. * Z 07-08 Roman Catholic Bishop of Manchester (Applicant: St. Thomas Aquinas High School), 197 Dover Point Rd., a/k/a Tax Map L, Lot 15, zoned R-20 requests a Variance from the terms of Article IX, Section 170-32.E (3) to install a freestanding sign with an area of forty (40) square feet, where a maximum of sixteen (16) square feet is allowed.

5. OTHER BOARD BUSINESS

6. ADJOURN

* If the application is accepted for discussion, the public hearing will be held that evening.

Dear Property Owner: As an owner of the property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the above noted item. Plans are available for viewing in the Building Inspector's Office weekdays from 8:00 a.m. to 4:00 p.m. and on Wednesday; the office is open until 6:00 p.m.

660 Central Avenue
Dover, New Hampshire 03820
Tel. 603-743-6300
Fax. 603-743-6400

February 23, 2007

Mr. Thomas L. Clark
Building Inspector and
Zoning Administrator
288 Central Avenue
Dover, NH 03820

CASE
Z 07-02

RE: Kevin Turgeon and Lisa Turgeon, 55 Back River Road, Z-07-02

Dear Mr. Clark:

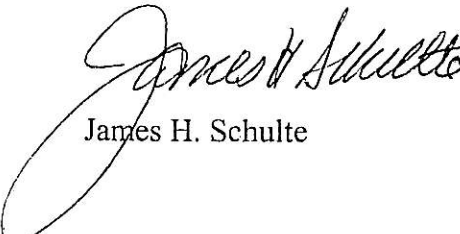
At the Zoning Board hearing conducted February 15, 2007, the Board voted to grant a Rehearing in this matter.

I will be out of state on March 15, 2007 when this matter would again come before the Board. Since there will be a full public hearing when this matter is heard again, my client prefers that I be able to attend.

I therefore am requesting that this matter not be brought up at the March meeting, but that it be deferred until the April meeting. I understand that notices will need to be sent to the abutters for the next hearing, and I hope that this letter arrives in time for the notices to inform the abutters that the hearing will be in April.

Thank you.

Sincerely,


James H. Schulte

cc: Kevin Turgeon

2-27-07

Z 07-02

To:

Zoning Board of Adjustment

Subject:

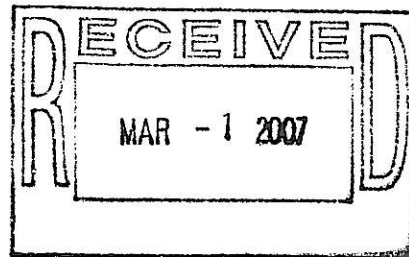
Property at 55 Back River Rd

The situation at this address
has been explained to me.

Please do not issue a
variance for this location.

Thank you.

Alice Grover



THOMAS L. CLARK
Building Official
Zoning Administrator
t.clark@ci.dover.nh.us



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6038
Fax: (603) 516-6097
www.ci.dover.nh.us

City of Dover, New Hampshire

OFFICE OF THE BUILDING OFFICIAL

Kevin & Lisa Turgeon
225 Green Street
Somersworth, NH 03878

RE: Z 07-02, 55 Back River Road
a/k/a Tax Map I, Lot 60

Dear Mr. and Mrs. Turgeon:

Please be advised that the Zoning Board of Adjustment, at the public hearing held on July 19, 2007 voted to deny your request for a Variance.

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

Sincerely,

Richard Callaghan
Chairman

Jean Glidden
Secretary

cc: Attorney Schulte



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, July 19, 2007
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF MAY 17, 2007 AND JUNE 21, 2007

3. OLD BUSINESS

- A. Continuation of deliberations regarding case Z 07-02 Kevin & Lisa Turgeon, 55 Back River Rd., a/k/a Tax Map I, Lot 60, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.

4. NEW BUSINESS

- A. * Z 07-09 Doyle Skeels (Applicant: Christopher Noyes), 97 County Farm Cross Rd., a/k/a Tax Map B, Lot 10 C-1, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two family dwelling.
- B. * Z 07-11 Jewitt Commercial Park LLC (Applicant: Heath Nadeau), 32 Crosby Rd., Unit 8, a/k/a Tax Map G, Lot 31-3, requests a Special Exception under the terms of Article VI, Section 170-23 and Article XII, Section 170-52 C (3) to establish an auto service facility.

5. OTHER BOARD BUSINESS

- A. Administrative Workshop

6. ADJOURN

* If the application is accepted for discussion, the public hearing will be held that evening.

Dear Property Owner: As an owner of the property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the above noted item. Plans are available for viewing in the Building Inspector's Office weekdays from 8:00 a.m. to 4:00 p.m. and on Wednesday; the office is open until 6:00 p.m.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, June 21, 2007
Meeting Time: 7:00pm

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF APRIL 19, 2007 AND MAY 17, 2007

3. OLD BUSINESS

- A. Z 07-02 Kevin & Lisa Turgeon, 55 Back River Rd., a/k/a Tax Map I, Lot 60, zoned R-12, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two-family dwelling.

Note: This item was granted a motion for rehearing at the meeting of February 15, 2007

4. NEW BUSINESS

- A. * Z 07-09 Doyle Skeels (Applicant: Christopher Noyes), 97 County Farm Cross Rd., a/k/a Tax Map B, Lot 10 C-1, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12, Table I, Part A, to construct a two family dwelling.
- B. * Z 07-10 Central Avenue Real Estate Holdings, LLC., David Richards, Casey Kim, Shawn & Amy Shambo and Daniel & Alyssa Brigandi, 794 Central Ave., 796 Central Ave., 798 Central Ave., 796 ½ Central Ave., 800 Central Ave., 1 Lowell Ave., and 1 Page Ave., a/k/a Tax Map 37, Lots 26-A, 26, 28, 27, 29, 57 & 56, zoned Office & R-12 requests a Variance from the terms of Article III, Section 170-10 E, to have parking for a use allowed in the less restricted district within twenty-five (25) feet of a street line in the more restricted district, where a minimum of one-hundred (100) feet is permitted.

5. OTHER BOARD BUSINESS

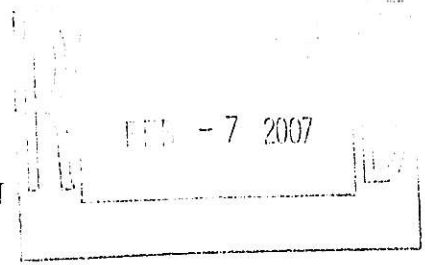
- A. Administrative Workshop

6. ADJOURN

* If the application is accepted for discussion, the public hearing will be held that evening.

Dear Property Owner: As an owner of the property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the above noted item. Plans are available for viewing in the Building Inspector's Office weekdays from 8:00 a.m. to 4:00 p.m. and on Wednesday; the office is open until 6:00 p.m.

CITY OF DOVER, NH
ZONING BOARD OF ADJUSTMENT
KEVIN TURGEON and LISA TURGEON
MAP I LOT 60
55 Back River Road



MOTION FOR REHEARING

KEVIN TURGEON and LISA TURGEON, acting by and through their attorney, James H. Schulte, Esq., hereby move that the City of Dover Zoning Board of Adjustment reconsider its decision as announced at the hearing held January 18, 2007, and grant a rehearing on the applicant's request for variance, for the following reasons:

1. The applicants' property presently contains a single family residence which is non-conforming because the residence is located less than ten feet from the side property line where 15 feet is required.
2. The dwelling on this property was damaged by fire, but the Building Inspector has determined that the dwelling could be repaired and expanded, provided that the expansion does not encroach on the setback.
3. The Dover Zoning Ordinance provides that any dwelling unit which existed on or before May 27, 1964 may be converted to accommodate not more than two units.
4. The Code Enforcement Officer for the City of Dover explained at the ZBA hearing held January 18, 2007, that under the Zoning Ordinance which existed prior to May 27, 1964, any property located in the R-12 zone could have two dwelling units. The amendment to the ordinance adopted in 1964 protected the property rights of the land owners by allowing any dwelling which existed at the time the new ordinance was adopted to be converted from a single family dwelling to a structure having two dwelling units. The Code Enforcement Officer further explained that this conversion may occur by expanding the existing structure in order to accommodate two units.
5. The effect of the existing ordinance is that the existing dwelling on this property may be expanded and converted into a two unit structure.
6. As stated in the original application for variance, although the existing structure may be converted to a duplex as a matter of right, the existing structure is located too close to the side property line and too close to the adjacent dwelling at 57 Back River Road. Rather than continue

this non-conformity, the applicants propose to construct a new duplex residential building which will be more centrally located on their lot.

7. The applicants' property has street frontage of 147 feet and a depth of 340 feet. The property contains approximately 30,000 square feet, which is substantially larger than the minimum lot size of 12,000 square feet.

8. The applicants filed for a variance to permit them to remove the existing structure and build a new duplex in a location which would exceed all of the setback requirements of the ordinance.

9. At the hearing held January 18, 2007, the Board voted that the applicants had satisfied all but one of the five criteria needed to approve a variance.

A. The Board voted unanimously that the applicants had satisfied the first two components of the hardship requirement for a use variance, and voted 3 in favor and 2 opposed to approve the third component.

B. The Board voted 3 in favor, and 2 opposed, that granting the variance would do substantial justice.

C. The Board voted 3 in favor, and 2 opposed, that granting the variance would be consistent with the spirit and intent of the ordinance.

D. The Board voted 4 in favor, and 1 opposed, that granting the variance would not be contrary to the public interest.

10. The remaining criterion relates to whether granting the variance would result in a diminution in value of surrounding property values. With respect to this issue, the Board voted 3 to 2 that it did not have sufficient information as to what the applicants proposed to construct and the 3 Board Members therefore could not find that there would be no diminution in value.

11. The ZBA may grant a rehearing if it determines that it made a mistake in its vote or if the applicants provide new information which would justify granting the variance.

12. At the January 18, 2007 hearing, the applicants had not decided on the design of the new duplexes which would be constructed on this property. Since that hearing, the applicants have identified the design and size of the duplex which they propose to build on this land. The attached photographs show a residential duplex building recently built in Dover. The applicants intend to use this general design, except that the residence portions of the building will extend further towards the front so that the front of the porches will be even with the front of the garages.

13. The applicants will limit the dimensions of the new structure so that its height will not exceed 28 feet; its total width will be not more than 68 feet; and the depth of each residence will not exceed 32 feet. The structure would be built on a slab foundation. The intent is to have a ground floor dimension of not more than 34 feet by 32 feet for each unit, with a portion of that total being for the single car garage and utility room. The residential living area would be 1,600 to 1,800 square feet, not counting the garage, porch, and deck. A sketch of the proposed layout of the ground floor of the building is attached.

14. The applicants are also attaching a letter from David Francoeur, who is a licensed real estate agent, which states the opinion that constructing the new duplex would have a beneficial impact on adjacent property values, and would have a better impact than would result if the existing building were expanded and converted into a duplex.

15. The new information which is included in this Motion and which is attached to this Motion provides sufficient information as to the positive impact of the proposed project on the neighborhood and the values of adjacent properties. This new information is sufficient to cause the Board to grant this Motion for Rehearing.

16. Two residents spoke at the January 18, 2007. The abutter who would be most affected by this project resides at 57 Back River Road. He spoke in favor of granting the variance because it would move the building further away from his home. He did ask that the height of the new building be limited, and the applicants are proposing a new building which would not be taller than this abutter's existing house.

17. Mr. Cheney also spoke at the meeting. He stated that his parents own the property located behind the Turgeon property. While the parents' residence is not visible from the location where the new duplex would be built, the driveway to the parents' home is located on the right hand side of the Turgeon land. The parents would be able to see either the expanded existing building or the new building when they drove back to their home.

Mr. Cheney complained that this would "another commercial development" in the neighborhood. However, this application is for a duplex residence, which is not a commercial use. Since the new construction will be screened by existing trees and would be located several hundred feet away from the parents' residence, it would not appear that the variance would have any effect upon the Cheney property. Mr. Cheney apparently did not understand that the applicants could convert the existing building into a duplex without requiring any action by the ZBA.

The applicants note that Mr. Cheney does not claim to be an abutter, and he did not provide any documentation that he is authorized to speak on behalf of his parents concerning this application.

18. The applicants have the right under the Zoning Ordinance to have a duplex

residential structure on this property. The only question is whether that duplex will result from the expansion and conversion of the existing structure in a location which does not conform to the setback requirements of the ordinance, or whether the existing structure will be removed and a new duplex will be built in a better location.

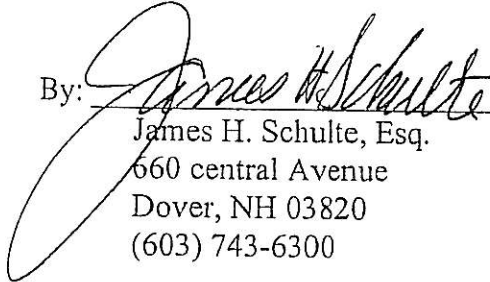
19. For the reasons set forth above, the applicant believes that the decision of the ZBA was unlawful and unreasonable, that new evidence is available which answers the Board's concern about the impact of the new building on abutting properties, and that the Board should grant a rehearing. The applicants further request that following the rehearing the ZBA should grant the variance that was requested by the applicants.

Respectfully submitted,

Kevin Turgeon and Lisa Turgeon

Dated: February 7, 2007

By:


James H. Schulte, Esq.
660 central Avenue
Dover, NH 03820
(603) 743-6300



February 6, 2007

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

Re: Kevin and Lisa Turgeon
55 Back River Road, Dover NH

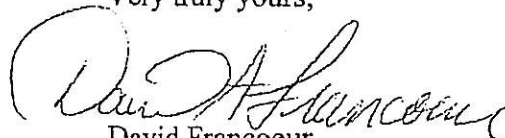
Dear Zoning Board Members:


I am writing at the request of Kevin and Lisa Turgeon, who own property located at 55 Back River Road, Dover NH. The residence on this land suffered fire damage, but could be repaired. However, the existing dwelling is located very close to the property line shared with 57 Back River Road.

Mr. and Mrs. Turgeon intend to construct a duplex residence on this land. While they could convert the existing building into a duplex, it would be preferable to remove the existing dwelling and build a new duplex which would be located further away from the boundary line. The location of the new building would be superior to the existing location, and it would be better if the new building were all of a new and consistent design. This would increase the value of the subject lot, therefore increasing the value of the abutter's properties.

In my opinion, granting a variance to allow a new duplex to be built more towards the center of this lot would not have an adverse effect on adjacent property values. The new building would be of better design and location, and would be fully compliant with building and fire codes. There are already a number of duplexes in this neighborhood. The new building would be more beneficial to the neighborhood than would be the case if the existing building is repaired and expanded in its present location.

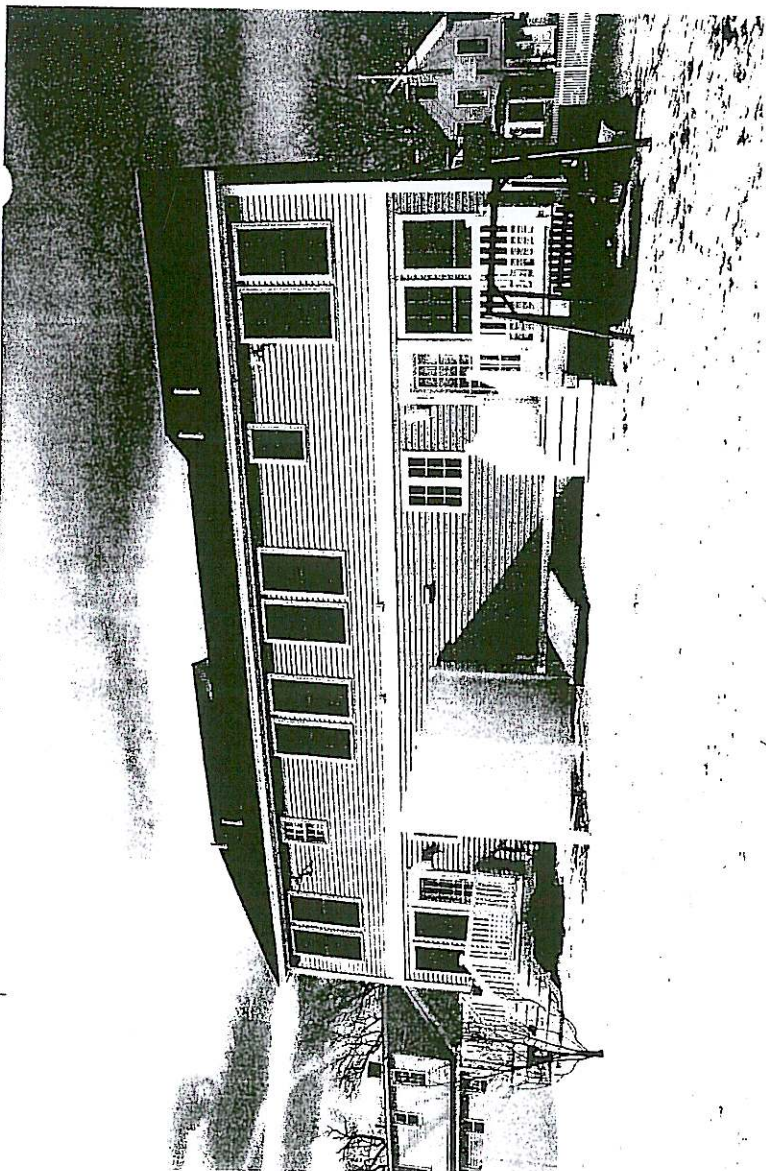
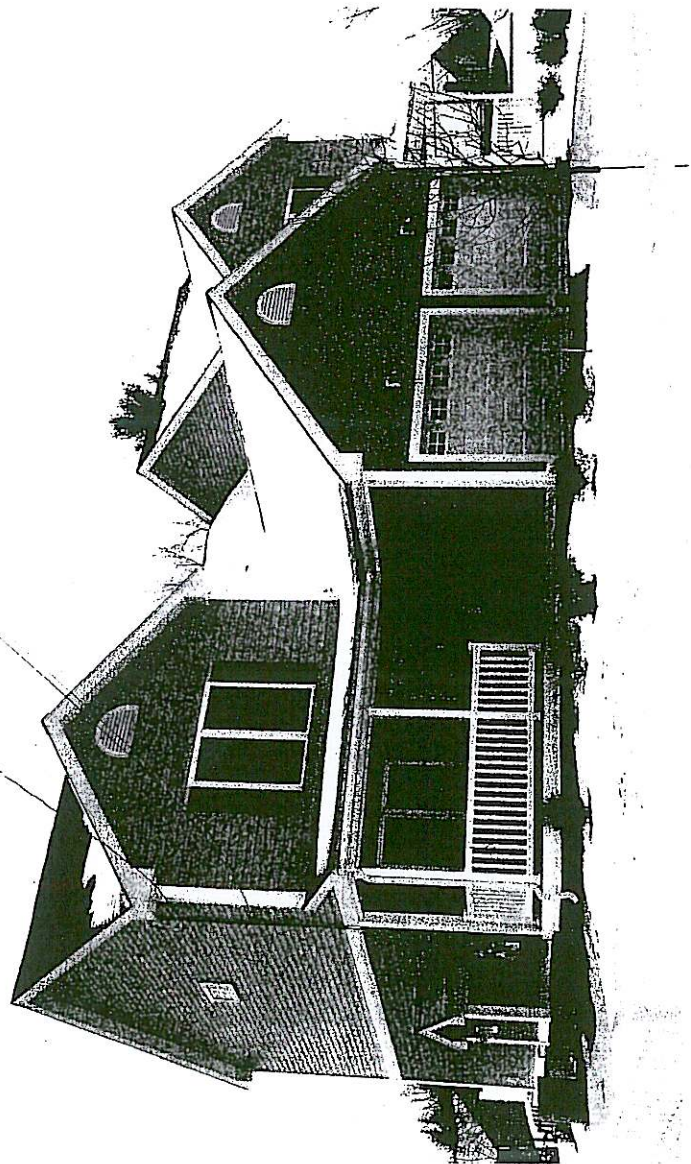
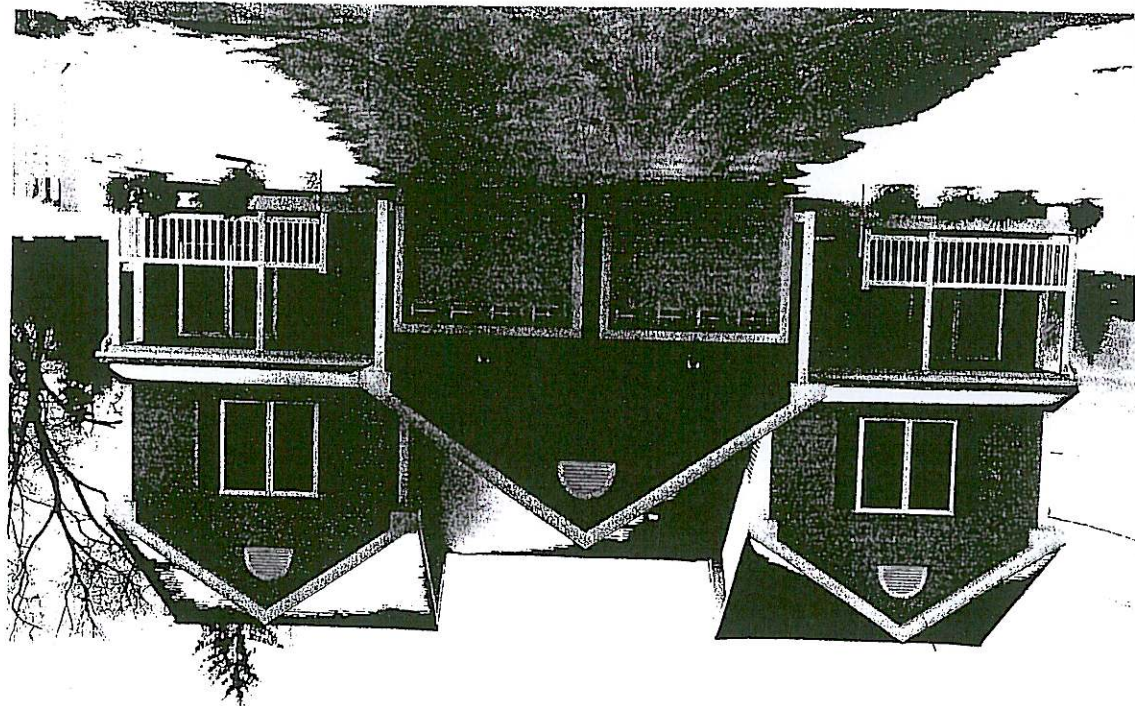
Very truly yours,


David Francoeur

 realty centre
472 high st.
somersworth, new hampshire 03878
phone: (603) 749-5300
fax: (603) 749-3919



each office independently owned and operated



5 city
10 602

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of Dover.

Signature	Address
Debra Cheney	7 Beech Road Dover
Katherine McMahon	57 Back River Rd
Marilyn Pierce	61 Back River Rd. Dover,
Deborah Cresta	68 Back River Rd Dover
Michael Brewster	65 Back River Rd Dover
Katherine Deane	69 Back River Rd Dover
Douglas Dorne	69 Back River Rd Dover
Hydra Taul	74 Back River Rd. Dover NH
Maryann Toule	5 Mast Rd. Dover
Becky @ ml	5 Mast Rd. Dover
Marybeth Pellet	94 Back River Road Dover, NH.
Chris	10 Mast Road Ext. Dover NH
Deborah G. [unclear]	[unclear]
John	46 BACK RIVER RD Dover NH
JOHN PETERSON	36 BACK RIVER RD DORVER, NH

13 BRL
12 City

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of Dover.

Mark Caruso	34 Back River Rd
Sandra Truax	32 Back River Rd.
Dean Truax	32 Back River Rd
Karen J. Belzema	14 Back River Rd
LAWRENCE F. DORSEY	24 BACK RIVER RD.
Gayle J. Dorsey	24 Back River Rd.
John W. Thompson Jr	58 BACK RIVER RD
Julie M. Phillips	58 Back River Rd
ED EAGAN MD	3 Beech Rd Dover
Kathy Eagan	3 Beech Rd Dover
Wittig Miller Pickett	44 Back River Rd.
Sam Gray	50 Back River Rd
Angela (Steen)	20 Back River Rd
Caleb M. Fere	20 Back River Rd
	215. Back River Rd

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of

Dover.

Signature	address
Holly Eaton	67 Mt. Vernon St. Dover, NH
Gregory McCrone	239 Knox Marsh Rd Dover NH
TIM LINDSAY	20 BEECH RD DOVER, NH
Cheryl Lindsay	4 Bayview Rd Dover NH
Bruce Mulvaney	38 Elm St, Dover, NH
Ron Julian	100 SIXTH ST.
Elissa Moore	9 Beech Rd. Dover
David J. Decker	42 Constitution Way, Dover
Linda V. Mulligan	81 Back Rd., Dover, NH
Charles S. Zerbinopoulos Jr.	12 Longmeadow Rd., DOVER NH
Phil Mc -	11 Longmeadow Rd Dover NH
Anne Phelan	60 Belknap St Dover NH
Wendell Smith	1 RIVERDALE DR DOVER NH
Herbert W. Brown.	22 Riverdale Ave.
Donald E. Russell	7 Independence Dr.

15. city

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of

Dover.

signature	address
Charles S. Cheney	7 Beech Rd. Dover, NH
Kristin Swartzendruber	22 Beech Rd Dover, NH 03820
John Swartzendruber	22 Beech Rd Dover NH 03820
David McHarty	34 Mt. Vernon St.
Judy McHarty	34 Mt. Vernon St.
Judith Custer	4 Longmeadow Rd.
Rev. Earle R Custer	4 Longmeadow Rd.
Sam C. Kroll	5 LONGMEADOW RD.
Pamela Spang	9 Longmeadow Rd.
Betsy D. Bolton	6 Longmeadow Rd.
Brad Bolton	6 Longmeadow Rd.
Amy Perusse	9 Beech Rd
Mary M. Sylvain	34 Stark Ave. Dover NH
Guy Eaton	67 Mt. Vernon St Dover
Jeanne Eaton	67 Mt. Vernon St Dover

15 city

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of Dover.

Mary C. Murphy 54 Prospect St.

Ms. Richard 5 Prospect St. Dover

Wendell Smith Jr 13 Apache St Dover

Arsen C. Smith 13 APACHE ST. DOVER

[Signature] 6 Prospect St. Dover

[Signature] 6 PROSPECT ST. DOVER

[Signature] 26 Belknap St Dover

[Signature] (COOPER) 7 PROSPECT ST DOVER

Jane Barnett 7 Prospect St. Dover

[Signature] 3 Prospect St #3 Dover

Kelly L. Setzer 3 Mt. Vernon St Apt B Dover

[Signature] 3 Prospect St. Dover

[Signature] 3 Prospect St. Dover

Linda Smart 46 Fieldstone Dr. Dover

Laura A. Huan 104 Belknap St. Dover

16.017

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of

Dover.	Signature	Address
	<i>Christa & Corain</i>	102 Mt Vernon St. Dover
	<i>Kenneth Harris</i>	133 Spur Rd., Dover
	<i>Jois L. Brennan</i>	8 Lisa Beth Dr Dover, NH
	<i>Liam M Han</i>	12 Sunset Drive Dover
	<i>Richard E. Hayes</i>	10 James St., Dover N.H.
	<i>Dan Shahan</i>	9 Elm St. Dover, NH 03821
	<i>[Signature]</i>	45 OAK ST Dover, NH 03820
	<i>[Signature]</i>	7 Elm Street Dover NH 03820
	<i>Danielle Holt</i>	45 Oak St Dover, NH 03820
	<i>[Signature]</i>	37 OAK ST Dover NH 03820
	<i>[Signature]</i>	37 Oak St Dover NH 03820
	<i>[Signature]</i>	15 Home St. Dover NH 03820
	<i>Don Hubbard</i>	51 OAK ST DOVER NH 03820
	<i>Catherine Cotton</i>	51 OAK ST DOVER NH 03820
	<i>Gene J. Fulwood</i>	8 Elm St. Dover, NH 03820
	<i>[Signature]</i>	2 Elm St. Dover, NH 03820

3 BRR
12 city

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of

Dover.

Signature	Address
Wallace B. Stevens	49 Back River Rd Dover NH
Carl D. Coerdt	3 Country Club Drive, Dover NH
Paul J. Clauson	126 Back River, Dover NH
James E. Chambers	207 Matthews Way Dover NH
Ann T. Skeels	139 LITTLEWOOD LN Dover, NH
Frances S. Bagley	Littlowall Rd Dover, NH
Mary F. O'Mahony	38 GROVE ST. Dover NH
Shirley M. Reimer	7 Paluniasop Ave, Dover, N.H.
Ann S. Reid	151 Back River Rd Dover NH
Linead O'Mahony	38 Grove St. Dover NH
PAT HORAN	104 BELKNAP ST. DOVER, NH.
Borromie Peters	503 Cocheco Park Dover, NH
[Signature]	32 C GROVE ST DOVER NH
Virginia K. Richard	5 Prospect Street DOVER NH
Jo R. Alie	1 Mohawk Drive Dover NH.

2. B.R.R.
3 city

We, the undersigned Dover residents, respectfully request that the Dover Zoning Board of Adjustment DENY a request for a variance at 55 Back River Road that would allow the owners to violate Article IV, Section 170-12, Table 1, Part A of the City of Dover. To grant a variance will set a precedent that will be contrary to the public interest throughout the city of Dover.

Signature	Address
Richard Towle	67 BACK RIVER RD.
Kathleen Towle	67 Back River Rd.
Kathleen J. Brooks	7 Elm St. Dover, N.H.
William H. Currell	98 Silver St Dover N.H.
Jerry Lynch	26 Lincoln St Dover
Jerry Denny	24 BACK RIVER RD DOVER N.H.
Dorothy Daigle	3 30 Green St. Dover N.H.
Sharon Adams	31 Addison Dover N.H.
Ronald Rully	24 Beech Rd, Dover, N.H.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
 Meeting Date: Thursday, April 17, 2008
 Meeting Time: 7:00 pm

Denison stated that the applicant can present, we will allow a rebuttal and will then decide if we will actually accept the application.

- B. * Z 08-06 Charles Cheney, representing Don Cheney of 53 Back River Road requests an Appeal from an Administrative Decision as provided by Article XII, Section 170-52.C (2) (b) in connection with the issuance of a building permit (BP #08-26) at 55 Back River Rd, a/k/a Tax Map I, Lot 60, zoned R-12 to repair/renovate a fire damaged single family dwelling.

A lengthy discussion took place regarding the appeal and the issuance of the building permit. Cheney explained that he filed this appeal as he was informed by Mr. Parker that this is what normally is done. He proceeded to present his case and informed the members of the Board that he wrote Mr. Clark a letter and received a letter back in regards to the repairs & renovations to the dwelling. Attorney Schulte explained his motion to deny application. Members of the Board were concerned with what was actually advertised and the wording of "issuance" versus enforcement. In addition, is the date of the request past the thirty-day requirement and is there a technicality on the application of what was filled out and filed. They also felt that they should have received copies of the letters that Mr. Cheney spoke of and for those reasons it was decided by the Board to make a motion.

Motion: Reid made the motion to deny acceptance of the case. Landford seconded. Vote: 4 to 1 (Kelley opposed)

Denison informed the applicant that he could reapply, as there are too many technicalities that need to be addressed before the Board can accept the application.

5. OTHER BOARD BUSINESS

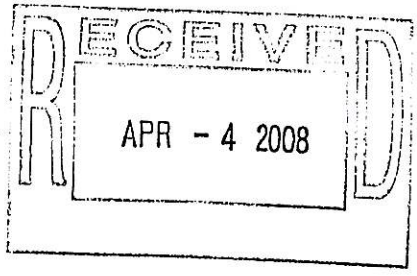
Denison said that she sent Reid some documents and forms. The Rules of Procedure are outdated and they are working on revising the forms in order to make more sense on how the Board operates. The goal is to finish a final version and distribute them in the packets for the next meeting for discussion. She also mentioned that in discussions with Mike Joyal and Chris Parker some changes would take place due to the budget and tax cap. One of the changes is that Tom Clark may not be available to the Board. She stated that she would inform the members as soon as she receives new information on the staff changes. Discussion continued regarding administration changes. Denison informed the Board that she has requested an Executive Session with Attorney Alan Krans to update them on some cases that were appealed to Superior Court. Kelley announced that he might not be able to attend the May meeting.

6. ADJOURN

Motion: Reid made the motion to adjourn at 8:24 p.m. Perry seconded. Vote: U/A

<u>List of Members</u>	<u>Term Expires</u>
Masi Denison-regular member	01-24-10
William Colbath-regular member	10-23-09
Frank Landford-regular member	04-10-08
Sam Reid-regular member	11-12-09
Jim Kelley-regular member	05-23-10
Otis Perry-alternate member	02-08-09
Chris Prior-alternate member	02-01-11

CASE # 208-010 DATE RECEIVED 4/4/08
 AMOUNT PAID \$ 76.05 TIME RECEIVED _____
check 7457



CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION

I. APPLICANT Charles Cheney PHONE #: 792-2012
 ADDRESS 7 Beech Rd Dover NH 03820
 PROPERTY OWNER _____
 ADDRESS _____
 PROPERTY LOCATION _____
 BRIEF DIRECTIONS _____
 ZONE R-12 ASSESSOR'S MAP F LOT #(S) 60

TYPE OF APPEAL: (Please check off one)

- | | | |
|---|--------------------|-------------------------------|
| <input type="checkbox"/> VARIANCE | ARTICLE <u>XII</u> | SECTION <u>170-52 C(2)(k)</u> |
| <input type="checkbox"/> SPECIAL EXCEPTION | ARTICLE _____ | SECTION _____ |
| <input checked="" type="checkbox"/> ADMINISTRATIVE DECISION | ARTICLE _____ | SECTION _____ |
| <input type="checkbox"/> EQUITABLE WAIVER | ARTICLE _____ | SECTION _____ |

Describe briefly your plans for this property:

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (12 copies). 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. _____
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. _____
- C. Application fee of:
- | | |
|---|-----------------|
| \$100.00 VARIANCE | \$ _____ |
| \$100.00 SPECIAL EXCEPTION | \$ _____ |
| \$25.00 APPEAL FROM ADMINISTRATIVE DECISION | \$ <u>25.00</u> |
| \$100.00 EQUITABLE WAIVER | \$ _____ |
- D. Certified letters fee:
- | | |
|---------------------------------------|-----------------|
| # of abutters <u>3</u> X \$5.21 = | \$ _____ |
| Applicant & Owner <u>2</u> X \$5.21 = | \$ _____ |
| Foster's ad | \$ <u>25.00</u> |

TOTAL \$ 76.05

SPECIAL EXCEPTION REQUIREMENTS

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

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

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

APPEAL FROM AN ADMINISTRATIVE DECISION

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

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

<p>IMPORTANT</p> <p>PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 10 DAYS PRIOR TO HEARING.</p> <p>FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED</p>
--

Charles S. Cheney acting as agent for Don Chen
Signature of Applicant*

Signature of Owner*

*Both Signatures Required



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, May 15, 2008
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF APRIL 17, 2008

3. OLD BUSINESS

4. NEW BUSINESS

- A. * Z 08-07 Ronald & Gloria Maxfield, 5 Danbury Ln., a/k/a Tax Map 25, Lot 76, zoned R-12, requests a Variance from the terms of 1) Article VII, Section 170-27 D, to subdivide a parcel creating one lot with an area of approximately 9,700 square feet outside the Conservation District where a minimum of 12,000 square feet is required and 2) Article V, Section 170-16 to construct a single family dwelling within ten (10) feet from a front property line as it abuts a street where a minimum of thirty (30) feet is required.
- B. * Z 08-08 Dale & Mary Sylvia, 20 Linda Ave., a/k/a Tax Map I, Lot 80-W, zoned R-12 requests a Variance from the terms of 1) Article V, Section 170-16 to construct a rear addition within approximately twelve (12) feet from a side property line where a minimum of fifteen (15) feet is required and 2) Article X, Section 170-41 to construct an addition within eighteen (18) feet from a front property line as it abuts a street where a minimum of twenty-five (25) feet is required.
- C. * Z 08-09 KPRP/606 Sixth Street, LLC , 606 Sixth St., a/k/a Tax Map B, Lot 6-A, zoned R-40 requests a Variance from the terms of Article V, Section 170-16, Footnote 34 to subdivide a parcel creating a lot with approximately 39,600 square feet of contiguous upland where a minimum of 40,000 square feet is required.
- D. * Z 08-10 Charles Cheney, representing Don Cheney of 53 Back River Road requests an Appeal from an Administrative Decision as provided by Article XII, Section 170-52.C (2) (b) in connection with the administration of a building permit (BP #08-26) at 55 Back River Rd, a/k/a Tax Map I, Lot 60, zoned R-12 to repair/renovate a fire damaged single family dwelling.

5. OTHER BOARD BUSINESS

6. ADJOURN

*If the application is accepted for discussion, the public hearing will be held that evening.

Dear Property Owner: As an owner of the property, which is either adjoining or located directly across the street from the subject parcel, you are hereby notified of the public hearing on the above noted item. Plans are available for viewing in the Building Inspector's Office weekdays from 8:00 a.m. to 4:00 p.m. and on Wednesday; the office is open until 6:00 p.m.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - AGENDA

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- B. * Z 08-08 Dale & Mary Sylvia, 20 Linda Ave., a/k/a Tax Map I, Lot 80-W, zoned R-12 requests a Variance from the terms of 1) Article V, Section 170-16 to construct a rear addition within approximately twelve (12) feet from a side property line where a minimum of fifteen (15) feet is required and 2) Article X, Section 170-41 to construct an addition within eighteen (18) feet from a front property line as it abuts a street where a minimum of twenty-five (25) feet is required.
- C. * Z 08-09 KPRP/606 Sixth Street, LLC, 606 Sixth St., a/k/a Tax Map B, Lot 6-A, zoned R-40 requests a Variance from the terms of Article V, Section 170-16, Footnote 34 to subdivide a parcel creating a lot with approximately 39,600 square feet of contiguous upland where a minimum of 40,000 square feet is required.
- D. * Z 08-10 Charles Cheney, representing Don Cheney of 53 Back River Road requests an Appeal from an Administrative Decision as provided by Article XII, Section 170-52.C (2) (b) in connection with the administration of a building permit (BP #08-26) at 55 Back River Rd, a/k/a Tax Map I, Lot 60, zoned R-12 to repair/renovate a fire damaged single family dwelling.

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CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, May 15, 2008
Meeting Time: 7:00 pm

Public Hearing Open - No one spoke - Public Hearing Closed

FINDINGS OF FACT: AREA VARIANCE

1. The applicant was to provide proof that special conditions exist and that literal enforcement of the ordinance would result in an unnecessary hardship.

a) **AREA:** i. Did the Applicant demonstrate that an area variance is needed to enable the proposed use of the property given the special conditions of the property? Yes, Vote U/A. This conclusion is based on the following findings of fact: Wetlands bisect the property. Difficult if not impossible to draw lot lines any other way.

ii. Did the Applicant demonstrate that the benefit sought cannot be achieved by some other method reasonably feasible to pursue, without the area variance? Yes, Vote U/A. This conclusion is based on the following findings of fact: Lot line adjustment not available to them. Ordinance requires contiguous upland.

2. Did the Applicant provide proof that demonstrates how granting the variance will result in substantial justice? Yes, Vote: U/A. This conclusion is based on the following findings of fact: Only short of required size of contiguous uplands by less than 1%.

3. Did the Applicant provide proof that demonstrates how a variance would be consistent with the spirit and intent of the ordinance? Yes, Vote U/A. This conclusion is based on the following findings of fact: A conforming dwelling meeting all other zoning, septic, etc. Requirements can be placed on the lot.

4. Did the Applicant provide proof that demonstrates the variance will not result in a diminution in value of surrounding properties? Yes, Vote: U/A. This conclusion is based on the following findings of fact: Subdivision consistent with development taking place in the local area.

5. Did the Applicant provide proof that demonstrates the variance would not be contrary to the public interest? Yes, Vote: U/A. This conclusion is based on the following findings of fact: Meet all other zoning requirements including setbacks for septic and well.

Therefore, based upon the foregoing, it is ordered that the application for the variance be granted with the following conditions:

1. Review by Planning Board.

Denison, Landford, Reid, Kelley, Colbath and Perry will be voting.

- D. * Z 08-10 Charles Cheney, representing Don Cheney of 53 Back River Road requests an Appeal from an Administrative Decision as provided by Article XII, Section 170-52.C (2) (b) in connection with the administration of a building permit (BP #08-26) at 55 Back River Rd, a/k/a Tax Map I, Lot 60, zoned R-12 to repair/renovate a fire damaged single family dwelling.

Charles Cheney stated that he is representing his father, Don Cheney. He's appealing the decision made by Building Inspector, Tom Clark as discussed at last months meeting.

Denison stated that the board needs to decide if they have the jurisdiction to hear the appeal. She asked him to describe and elaborate the decision.



CITY OF DOVER

DOVER ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
 Meeting Date: Thursday, May 15, 2008
 Meeting Time: 7:00 pm

Cheney stated he came before the board, a year ago, when the Turgeon's tried to get a variance that would allow the existing building to construct an addition that would allow the home to be converted to a duplex. The permit states that you can repair or renovate the existing building. The spirit of the permit was not followed and things were done well beyond the scope of the permit. He believes the owners' did not follow the intent of permit.

Colbath asked Clark what the permit was for.

Clark stated that there are two permits, one for an addition to an existing single family dwelling to convert it to a two family dwelling and a subsequent permit was issued to make repairs and renovate a fire damaged building. Process of repairing allowed the owner to gut the building to find out what the extent of the damage was. The plan was to lift the single family dwelling, to put in a foundation. However, after gutting, they realized if they lifted the house, it would have fallen apart. During this process they realized there was a lot more damage to this building.

Cheney stated that the decision to not revoke the building permit is what he's appealing.

Colbath questioned how the applicant's were able to demolish the home and rebuild. Discussion ensued regarding whether the permit should have been issued.

Reid asks Clark if that is his jurisdiction to revoke permits.

Clark stated that he did go to the property after receiving the first letter from Mr. Cheney.

Denison felt that this is an enforcement issue, not a zoning issue.

Motion: Perry made the motion not to accept the case, Landford seconded. Vote: 4 to 1 (Colbath opposes)

Cheney asked what his next step would be. Denison stated that he should meet with the City Manager.

5. OTHER BOARD BUSINESS

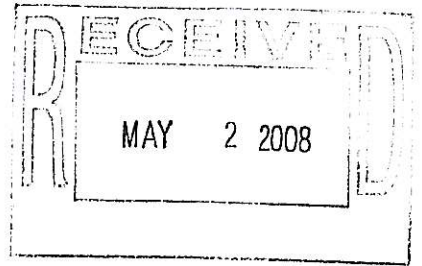
Denison spoke about the OEP conference and discussed handouts that were copied for all members. The rules of procedure were discussed. City Attorney, Alan Krans, commented on the rules of procedure. Discussions will continue at next months meeting.

6. ADJOURN

Motion: Reid made the motion to adjourn at 10:51 p.m. Colbath seconded. Vote: U/A

<u>List of Members</u>	<u>Term Expires</u>
Masi Denison-regular member	01-24-10
William Colbath-regular member	10-23-09
Frank Landford-regular member	04-10-08
Sam Reid-regular member	11-12-09
Jim Kelley-regular member	05-23-10
Otis Perry-alternate member	02-08-09
Chris Prior-alternate member	02-01-11

CASE # 2 08-10 DATE RECEIVED 5/2/08
 AMOUNT PAID \$ 76.05 TIME RECEIVED _____



CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION

I. APPLICANT Charles Cheney PHONE #: 742-2012
 ADDRESS 7 Beech Rd Dover NH 03820
 PROPERTY OWNER _____
 ADDRESS 55 BACK RIVER RD
 PROPERTY LOCATION _____
 BRIEF DIRECTIONS _____
 ZONE R-12 ASSESSOR'S MAP I LOT #(S) 60

TYPE OF APPEAL: (Please check off one)

<input type="checkbox"/> VARIANCE	ARTICLE <u>XII</u>	SECTION <u>170-52 C(2) b</u>
<input type="checkbox"/> SPECIAL EXCEPTION	ARTICLE _____	SECTION _____
<input type="checkbox"/> ADMINISTRATIVE DECISION	ARTICLE _____	SECTION _____
<input type="checkbox"/> EQUITABLE WAIVER	ARTICLE _____	SECTION _____

Describe briefly your plans for this property:

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (12 copies). 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. _____
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. _____
- C. Application fee of:

\$100.00 VARIANCE	\$ _____
\$100.00 SPECIAL EXCEPTION	\$ _____
\$25.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ <u>25</u>
\$100.00 EQUITABLE WAIVER	\$ _____
- D. Certified letters fee:

# of abutters <u>2</u> X \$5.21 =	\$ _____
Applicant & Owner <u>2</u> X \$5.21 =	\$ _____
Foster's ad	\$ <u>25.00</u>

TOTAL \$ 76.05

SPECIAL EXCEPTION REQUIREMENTS

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

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

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

APPEAL FROM AN ADMINISTRATIVE DECISION

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

I believe BP 08-26 issued to "renovate/repair a fire damaged single family dwelling" was elaborated upon by the applicants as the house was completely torn down. The idea was to "panelize" the building & reuse the materials, but what is left is a small pile of rubble. To label this a renovation/repair is a gross understatement.

- IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

IMPORTANT
PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 10 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED

Charles S. Cheney

Signature of Applicant*

Charles S. Cheney

Signature of Owner*

*Both Signatures Required

(8)

LIST OF ABUTTERS

Map I, Lot 59

Donald C. Cheney
Chattie V. Cheney
53 Back River Road
Dover, NH 03820

Charles Cheney
7 Beech Rd
Dover NH 03820

Map I, Lot 61

Paul J. Young
Catherine E. Young
57 Back River Road
Dover, NH 03820

Map I, Lot 6 &
Map I, Lot 6 I

Raymond G. Sweatt
Louise M. Sweatt
54 Back River Road
Dover, NH 03820

Applicants

Map I, Lot 60

Kevin Turgeon
Lisa Turgeon
225 Green Street
Somersworth, NH 03878

~~James H. Schulte, Esquire
660 Central Avenue
Dover, NH 03820~~

~~(603) 743-6300~~

February 10th, 2007

To whom it may concern:

Be it known by this letter that I, Don Cheney of 53 Back River Road in Dover, New Hampshire, do hereby convey to my son Charles "Chuck" Cheney permission to represent me on matters pertaining to my home and property at 53 Back River Road. At 83 years old, I do not enjoy getting out for night meetings. But since my son and I frequently discuss my property and its abutters, I am confident he knows and understands my wishes and will represent me well. Before this date, I had verbally given my permission to Chuck to represent me. But not realizing mine and my son's integrity would be called into question, I had not previously put this in writing. Let this document end any question you may have regarding his right to represent me.

Sincerely,


Don Cheney

sworn before me this Feb. 13, 2007



Carol Salava



CITY OF DOVER
APPLICATION FOR BUILDING PERMIT* OR CHANGE IN LAND USE

Industrial Commercial Residential X

OFFICE USE ONLY

Building Permit 08-26
Est. Cost: 105,000
Fee: 979
Date: 2/22/08

Location: 55 Burt Road Zone: R-12 Map: Lot: 60

- 1. Owner's Name: Kevin Turgeon Tel: 612-4313
2. Owner's Address: 425 ... NH Cell:
3. Contractor's Name: Diversified Builders Tel: 343-5440
4. Address: 188 ... NH Cell:
5. Architect: Specs: Plans:

Proposed Use: Single family home No. Families: 1

This Application For: Dwelling Garage Shed Pool Alterations Additions Demolitions
Change of Use Removal X Other: Renovation of existing structure (FIRE-DAMAGED)

New Building or Addition Size: X No. Stories No. Bedrooms

*NOTES TO APPLICANT:

- 1. Separate permits are required by the installers of plumbing, mechanical and electrical.
2. It is the applicant's responsibility to notify the Building Inspector's Office at 516-6038 for inspections upon completion of the following: Footings; Foundation; Framing; Wiring; Plumbing; Mechanical; Insulation; and Final.
3. Construction features must be supplied on plans or separate listing as per the Building Permit Application Requirements.
4. The issuance of the Building Permit No. 08-26 to: KEVIN TURGEON shall not be construed as a right to occupy and/or use such building or structure upon completion of work. A final inspection by the Building Inspector, with approvals (if applicable) from the Planning Director, Public Works Director, and Fire and Police Chief's are required prior to the issuance of a Certificate of Occupancy by the Building Inspector. Failure to comply with the foregoing could result in fines and/or legal action.

S. PERMIT PLAN REVIEW INCLUDED

The above numbered permit is issued upon the condition that the building, structure or land use must conform in all respects to the provisions of the zoning ordinance and other applicable city ordinances. The City of Dover, by issuing the permit, does not express or imply that the ordinances have been complied with.

I certify that the above information given is true and correct to the best of my knowledge. No major changes will be made without approval of the Building Inspector. Responsibility for compliance with the City ordinances is that of the applicant.

Kevin Turgeon
Applicant's Name (please print)

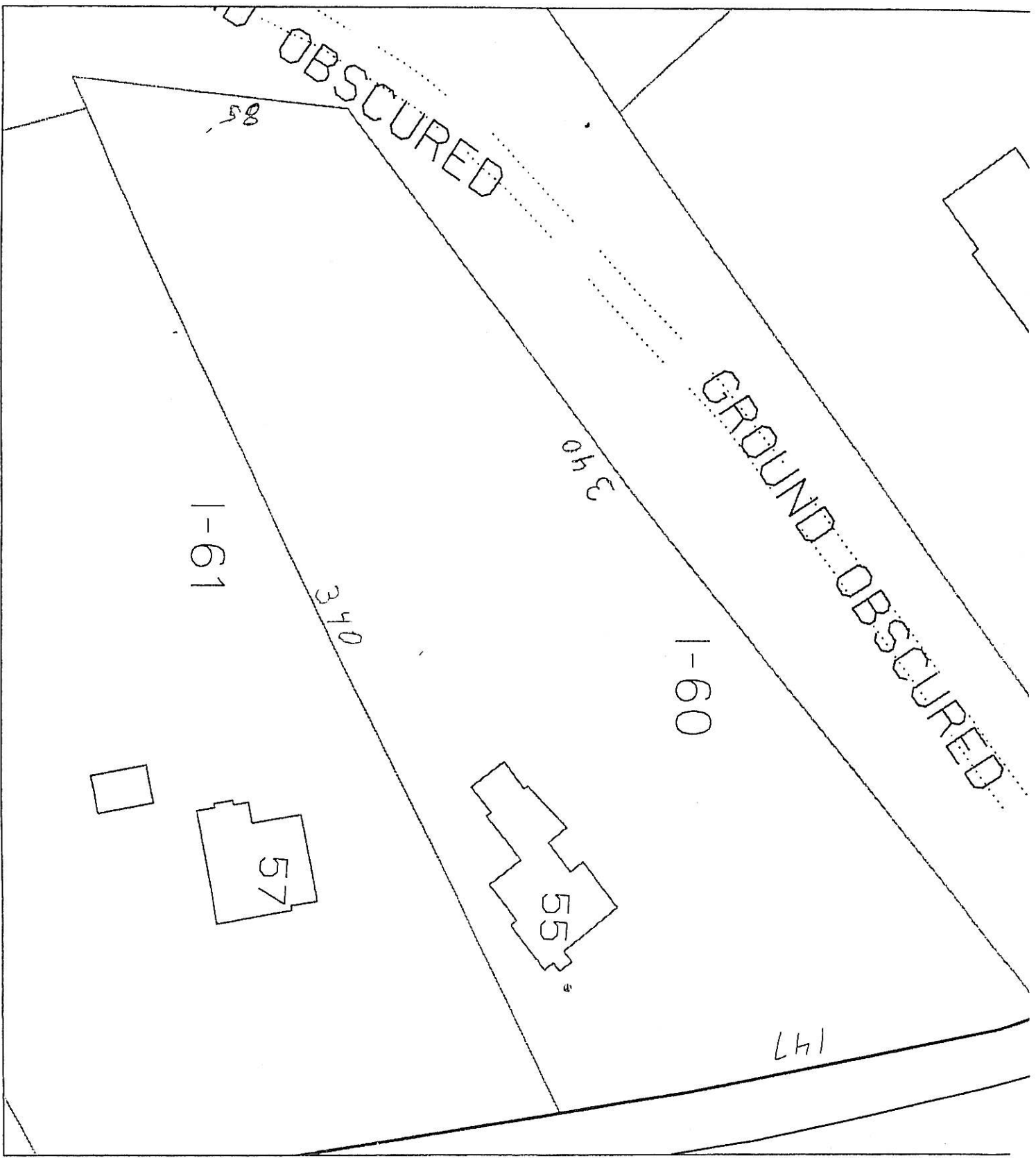
Applicant's Signature

Building Inspector's Signature

Application Fee: 979 Check # 2914 Cash: Date: 2/11/08 Initials: JT

05
30

doverpar.zon 10/11/2006 4:30:18 PM THIS IS NOT A SURVEY. SCALE: 1" = 40'



01 64



Diversified Building & Maintenance

Custom Builders
Interior/Exterior
Design
Construction
Management

Building Specifications

Rebuild to preexisting condition with no exception

Slab (PINNED)

All drains at footing level

All concrete floors poured to a thickness of 4"

½" x 8" j bolt

Foundation coating (where applicable)

¾ inch Advantech sub-floor

2 x 6 exterior walls 16 inches o/c

2 x 10 headers/ engineered lumber for all spans larger then 4'

7/16 OSB Sheathing with house wrap

2 x10 roof rafter 16 inches o/c 6/12 pitch (TRUSSES)

½ inch Advantech sheathing

30 year IKO Shingle

Ice and Water Shield (3ft)

15 pound felt

8" aluminum drip edge

Ridge vent

Certainteed Vinyl siding (or equivalent)

Harvey vinyl windows and slider with grills

Steel exterior doors

R-19 insulation in walls and basement ceiling

R-30 insulation in ceilings

200 amp electrical service

Cable and floor jacks in every room

Smoke detectors per code

Forced hot air or hot water heating system

Standard bathroom fixtures

½" drywall main house

½" moisture board (bathrooms)

servicing all your needs

1888 Blackwater Road

Fax 1-603-343-5442

Cell Phone

1-603-817-8241

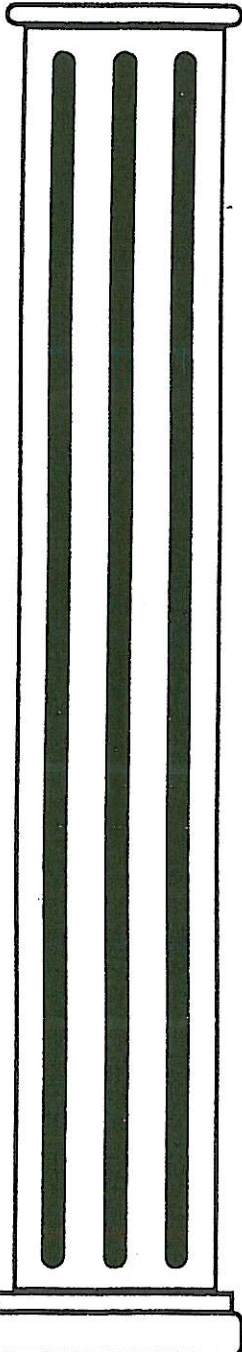
Business Phone

1-603-343-5440



**Diversified Building
& Maintenance**

Custom Builders
Interior/Exterior
Design
Construction
Management



Cell Phone
1-603-817-8241
Business Phone
1-603-343-5440

5/8 " fire rated drywall (Garage - 1 hour rating)

1 coat primer on walls
2 coats flat washable on walls
2 coats semi-gloss on trim

Raised panel interior doors
Colonial Casing on all doors and windows
Colonial base for all baseboard


pressure treated deck
Pre-cast front steps with rail

Notes:

2006 International Residential building code to be followed .

Existing home dismantled. The majority of the salvageable lumber and walls to be reused in the rebuild of the existing home. The rebuild to match the same size and shape as before. Roof pitch to match as before.

Respectfully Submitted:



Claude Gagnon

Servicing all your needs

1888 Blackwater Road

Fax 1-603-343-5442

CITY OF DOVER

NEW HAMPSHIRE



BUILDING PERMIT

PERMIT NO. 08-26 DATE 2/22/2008

NAME OF OWNER THE KENNETH J. TORSEY COMPANY ADDRESS OF OWNER 200 PINE STREET

NAME OF ARCHITECT ROBERT J. TORSEY ADDRESS OF ARCHITECT 200 PINE STREET

NAME OF CONTRACTOR SMITHSON SUBSISTENCE FRAME & OUTLET WORKS

ADDRESS WHERE WORK IS TO BE DONE 1000 BAKER STREET RD

[Signature]
BUILDING INSPECTOR

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS: (1) IS SUBJECT TO ANY APPLICABLE ORDINANCES; (2) IS VOID IF WORK IS NOT BEGUN WITHIN SIX MONTHS; (3) IS ISSUED BASED ON THE PLANS AND/OR SPECIFICATIONS SUBMITTED. THE PERMIT IS NOT AN AUTHORIZATION TO OCCUPY AND/OR USE SUCH BUILDING OR STRUCTURE UPON COMPLETION OF WORK. THE PERMIT MUST BE CONSPICUOUSLY POSTED AT THE FRONT OF THE PREMISES AND MUST NOT BE REMOVED UNTIL THE COMPLETED WORK HAS BEEN APPROVED BY THE BUILDING INSPECTOR.

CITY OF DOVER, NH
ZONING BOARD OF ADJUSTMENT

CHARLES CHENEY

MAP I LOT 60
55 Back River Road

Case No. Z 08-06

MOTION TO DENY APPLICATION

KEVIN TURGEON and LISA TURGEON, as owners of Map I, Lot 60, acting by and through their attorney, James H. Schulte, Esq., hereby move that the City of Dover Zoning Board of Adjustment deny the application submitted by Charles Cheney on April 4, 2008, for the following reasons:

1. The application states that it is appealing the action of the Building Inspector issuing Building Permit 08-26.
2. The Building Permit was issued February 22, 2008.
3. The application filed by Charles Cheney was filed on April 4, 2008, which is more than thirty days after the date of the action complained of.
4. RSA 676:5 grants the ZBA authority to consider an appeal from a person aggrieved by a decision of a municipal administrative officer which involves "any construction, interpretation or application of the terms of the ordinance", provided that the appeal is taken within a reasonable time from the date of the officer's action.
5. The uniform practice of the Dover Zoning Board of Adjustment has been to require that an appeal of an administrative decision be filed within 30 days of the date that the decision was rendered.
6. The appeal by Charles Cheney was not filed within 30 days of the date that the building permit was issued, and this application must therefore be denied.
7. RSA 676:5 further requires that the appeal to the ZBA must state the grounds of the appeal.
8. The appeal filed by Charles Cheney states only that the Building Inspector issued a

building permit, but it does not state what portion of the zoning ordinance was incorrectly interpreted by the Building Inspector, nor does it state how the action of the Building Inspector violated any particular section of the zoning ordinance.

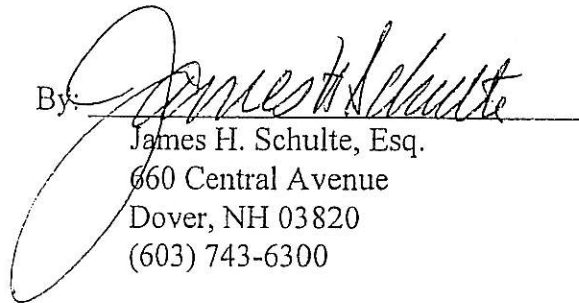
Wherefore, Kevin Turgeon and Lisa Turgeon respectfully request that the Dover Zoning Board of Adjustment deny the appeal filed by Charles Cheney on April 4, 2008 as not having been filed on time and as not stating what section of the zoning ordinance is claimed to have been violated by the issuance of the building permit. In the alternative, that the ZBA vote not to accept the application filed by Charles Cheney for the reasons stated above.

Respectfully submitted,

Kevin Turgeon and Lisa Turgeon

Dated: April 17, 2008

By:



James H. Schulte, Esq.
660 Central Avenue
Dover, NH 03820
(603) 743-6300

THOMAS L. CLARK
Building Official
Zoning Administrator
t.clark@ci.dover.nh.us



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6038
Fax: (603) 516-6097
www.ci.dover.nh.us

City of Dover, New Hampshire

OFFICE OF THE BUILDING OFFICIAL

May 5, 2008

Chuck Cheney
7 Beech Rd.
Dover, NH 03820

Re: property @ 55 Back River Rd.
a/k/a tax map I, lot 60

Dear Chuck:

This is in response to your letter of April 18, 2008 concerning BP 08-26 issued for repairs & renovations to a single-family dwelling at the referenced location.

Upon receiving your most recent letter, I revisited the site on April 21, 2008 to observe the status. I also reviewed your last letter, my reply to that letter and the building permit application information.

Please know I have not discovered anything that would prompt me to change my decision of April 1, 2008

Please let me know if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Thomas L. Clark".

Thomas L. Clark
Building Official

Cc: C. Parker, Planning Director

April 18, 2008

Mr. Tom Clark
Building Official
Municipal Building

Dear Tom,

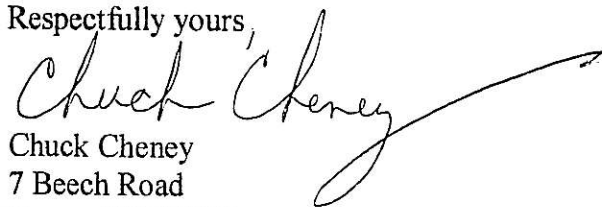
At 4:30 this morning it came to me! If you look at the agenda for last night's ZBA meeting, it jumps right out at you. Under new business, we have an ironic situation. Item "A" is a request to demolish a non-conforming structure four feet from the property line. Then they want to rebuild from the foundation up. To do this, they need a full-blown variance.

At 55 Back River Road the building is a non-conforming structure four feet from a property line. A repair/renovate permit was issued in good faith. However, the owners did not "panelize" as you had instructed and they had agreed to do. Instead, they did exactly what is now going to happen legally on Broadway. So in back to back agenda items, you have one party going through the proper steps and the next being a rogue excavator operator tearing down a building without a variance or permit. The problem lies in the execution, not the agreement. They did not do what they said they would.

When it was discovered the structure was in a state of greater disrepair, the Turgeons should have either panelized properly or stopped, and requested a variance to demolish and rebuild like case # Z08-05. They did neither.

Therefore, I respectfully request you immediately issue an order to cease and desist all work at 55 Back River Road, and revoke permit #08-26 for non-compliance. I await your reply.

Respectfully yours,


Chuck Cheney
7 Beech Road
Dover, NH 03820

CC: C. Parker, Planning Director

THOMAS L. CLARK
Building Official
Zoning Administrator
t.clark@ci.dover.nh.us



288 Central Avenue
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www.ci.dover.nh.us

City of Dover, New Hampshire

OFFICE OF THE BUILDING OFFICIAL

April 1, 2008

Chuck Cheney
7 Beech Rd.
Dover, NH 03820

Re: property @ 55 Back River Rd.
a/k/a tax map I, lot 60

Dear Chuck:

This is in response to your letter of March 18, 2008 concerning BP 08-26 issued for repairs & renovations to a single-family dwelling.

The Zoning Board denial was for a new two-family dwelling. The principle behind the decision for the wording of the permit is if the existing building was structurally sound, a permit to replace the foundation would have been issued. Since it wasn't, we decided to allow the property owner to "panelize" the building and re-use the materials. And I will determine what is salvageable.

Concerning the building size, the highlighted phrase from the assessor's property record form states "total living area = 1,077", but the footprint on the same form measures 1,265 sq. ft., so the owner will be able to match the same size & shape so as to avoid increasing a non-conforming structure.

Accordingly, at this time I do not see a reason to revoke the permit as you have requested.

Please let me know if you have further questions.

Sincerely,

Thomas L. Clark
Building Official

Cc: C. Parker, Planning Director

18 March 2008

Mr. Tom Clark
Building Inspector, City of Dover
Municipal Building

Dear Tom,

I am writing to express my concerns with building permit #08-26 issued to Kevin and Lisa Turgeon for their property at 55 Back River Road here in Dover. Since your office is well known for being top-notch and detail oriented, I was shocked to learn that a document filled with inaccuracies and vague descriptions was issued a permit of such magnitude.

The former building has been completely torn down, in direct violation of the Zoning Board of Adjustment order of October 2007, and reduced to a pile of rubble covered with a blue poly tarp. The applicants submit on their application form "Existing home dismantled: the majority of the salvageable lumber and walls to be reused in the rebuilding of the "existing home". The applicants have completely obliterated it. Second, that statement is so full of loop-holes it should never have been allowed in an official application. "The majority of the salvageable lumber and walls", other than a complete statement of hogwash to get a permit to do what has been ruled they cannot do that statement is useless. Who is to determine what is "salvageable"?

May I bring to your attention other quotes from the application? The applicants state that the finished size of the building will be 1200 sq. ft. and "They will rebuild to match the same size and shape as before." Yet City of Dover documents state that the former building was 1077 sq. ft., not 1200 making it rather difficult to "match the size".

The permit request also fails to mention the thousands of dollars of work that was done on the former house long before a permit was ever applied for.

Therefore, I respectfully request that you revoke permit #08-26 and issue an immediate order to cease and desist all work at 55 Back River Road.

On the surface this appears to an observer to be a case of a land owner being denied his original request to build an illegal building and ignoring the ZBA and doing what he wants in ~~defense~~ of city regulations.

defiance
I await your reply after you have viewed the site, reacquainted yourself with the application, and view the minutes of the ZBA meeting where it was clearly stated that if the existing building was torn down, no duplex could be built. I believe that the Turgeons have sealed their own fate.

Respectfully yours

Chuck Cheney
7 Beech Road
Dover, NH 03820



CITY OF DOVER
APPLICATION FOR BUILDING PERMIT* OR CHANGE IN LAND USE

2-4-08

Industrial _____ Commercial _____ Residential X

OFFICE USE ONLY
Building Permit 08-26
Est. Cost: 106,000
Fee: 979
Date: 2/22/08

Location: 55 Beck River Road Zone: R-12 Map: 13 Lot: 60

- 1. Owner's Name: Kevin J. Turgeon Tel: 603-4313
2. Owner's Address: 215 Beck River Road, Dover, NH Cell:
3. Contractor's Name: Diversified Builders Tel: 343-5440
4. Address: 188 Brewster Rd, Somersworth, NH Cell:
5. Architect: Specs: Plans:

Proposed Use: Single family home No. Families: 1

This Application For:
Dwelling _____ Garage _____ Shed _____ Pool _____ Alterations X Additions _____ Demolitions _____
Change of Use _____ Removal X Other: Renovation of existing structure (FIRE-DAMAGED)

New Building or Addition Size: _____ X _____ No. Stories _____ No. Bedrooms _____

*NOTES TO APPLICANT:

- 1. Separate permits are required by the installers of plumbing, mechanical and electrical.
2. It is the applicant's responsibility to notify the Building Inspector's Office at 516-6038 for inspections upon completion of the following: Footings; Foundation; Framing; Wiring; Plumbing; Mechanical; Insulation; and Final.
3. Construction features must be supplied on plans or separate listing as per the Building Permit Application Requirements.
4. The issuance of the Building Permit No. 08-26 to KEVIN TURGEON shall not be construed as a right to occupy and/or use such building or structure upon completion of work. A final inspection by the Building Inspector, with approvals (if applicable) from the Planning Director, Public Works Director and Fire and Police Chief's are required prior to the issuance of a Certificate of Occupancy by the Building Inspector. Failure to comply with the foregoing could result in fines and/or legal action.

S. PERMIT PLAN REVIEW INCLUDED
The above numbered permit is issued upon the condition that the building, structure or land use must conform in all respects to the provisions of the zoning ordinance and other applicable city ordinances. The City of Dover, by issuing the permit, does not express or imply that the ordinances have been complied with.

I certify that the above information given is true and correct to the best of my knowledge. No major changes will be made without approval of the Building Inspector. Responsibility for compliance with the City ordinances is that of the applicant.

Kevin Turgeon
Applicant's Name (please print)

Applicant's Signature

Thomas L. Clark
Building Inspector's Signature

Application Fee: \$979 Check # 294 Cash: Date: 2/11/08 Initials: TD

B 08-26

BUILDING PERMIT APPLICATION REQUIREMENTS

This sheet must be completed and returned to this office along with the application

DESCRIPTION: Renovate existing house _____ REQ. _____

- A. BUILDING PERMIT APPLICATION _____
- ✓ B. PLOT PLAN (setbacks) OR FLOOR PLAN _____
- C. LIST OF MATERIAL & CONSTR. SPECIFICATIONS (2 sets) Remodelling / Renovating existing structure _____
- D. CONSTRUCTION VALUE (labor & materials) \$ 106,000 _____
(If owner doing work – Cost of material times 2 = constr. Value)

IF APPLICABLE:

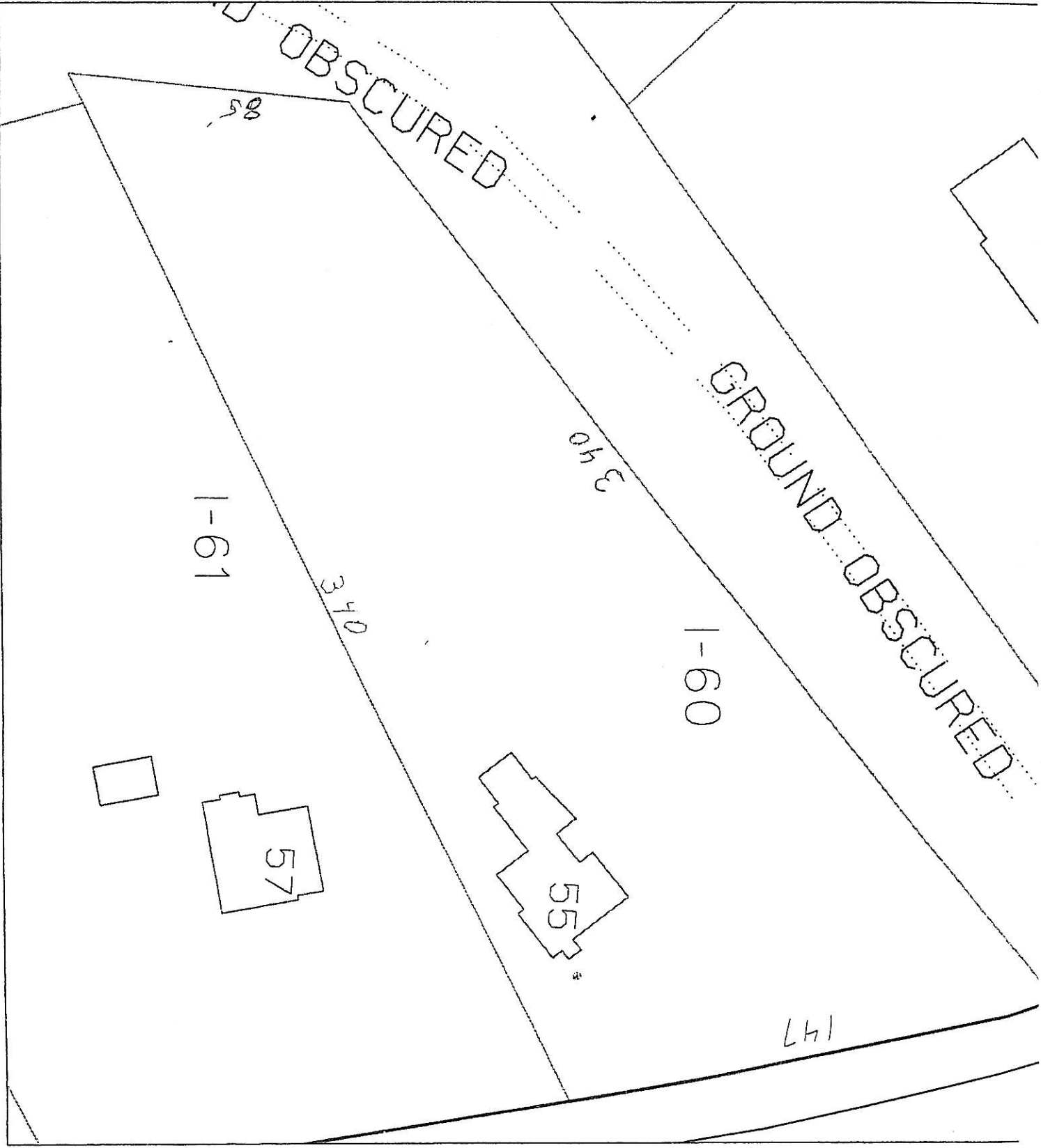
CITY WATER X CITY SEWER X SEPTIC SYSTEM _____

WELL _____ APPROVED SEPTIC # _____

ELECTRICAL YES NO PLUMBING/MECH YES NO

05
30

doverpar.zon 10/11/2006 4:30:18 PM THIS IS NOT A SURVEY. SCALE: 1" = 40'



New Hampshire
Residential Energy Code Application
 for Certification of Compliance for New Construction, Additions or Renovations
 (EC-1 Form)
 Minimum Provisions
 Effective August 2007

A. Owner/Owner Builder: Company Name. (if applicable)			B. General Contractor: Company Name		
Name: <u>Kevin Turgeon</u>			Name: <u>Diversified Builders</u>		
Mail Address: <u>225 Green Street</u>			Mail Address: <u>188 Blackwater Road</u>		
City: <u>Somersworth</u>	State: <u>NH</u>	Zip: <u>03878</u>	City: <u>Somersworth</u>	State: <u>NH</u>	Zip: <u>03878</u>
Phone: <u>603-692-4313</u>			Phone: <u>603-303-5440</u>		
E-Mail:			E-Mail: <u>CJG64@COMCAST.NET</u>		
C. Proposed Structure: Tax Map #: <u>10060</u> Lot #: _____			D. Official Use Only Date Complete Application Received: _____		
Street: <u>Black River Road</u>			Approved by: _____ Date: _____		
City: <u>Dever, NH 03820</u>			Approval Number: _____		
E. Type of Construction:			Stamp: _____		
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Small Commercial <input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Addition <input type="checkbox"/> Thermally Isolated Sunroom					
H. Additional Information:		Highest Window U Value: <u>0.34</u> (May not exceed 0.35)		G. Structure is EXEMPT because:	
Total Conditioned Floor Area <u>1200</u> ft ²		Window Type: <input checked="" type="checkbox"/> Low-e <input type="checkbox"/> Low-e Argon		<input type="checkbox"/> NH Modular Home Program <input type="checkbox"/> Mobile Home <input type="checkbox"/> On a historic register <input type="checkbox"/> Addition less than 150 ft ² <input type="checkbox"/> Contains no provision for fossil fuel heat <input type="checkbox"/> Greenhouse for agricultural use only <input type="checkbox"/> Low energy use (less than 1 watt/ ft ²)	
Heating System (if new system being installed): Annual Fuel Use Efficiency (AFUE): <u>85</u> %			Form Submitted by:		
Fuel Type(s): <input checked="" type="checkbox"/> Oil <input type="checkbox"/> Gas <input type="checkbox"/> Propane (LP) <input type="checkbox"/> Electric <input type="checkbox"/> Wood <input type="checkbox"/> Other			<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Builder <input type="checkbox"/> Architect <input type="checkbox"/> Designer <input type="checkbox"/> Other _____ (explain)		
Heating System Type: <input checked="" type="checkbox"/> Hot Water <input type="checkbox"/> Hot Air <input type="checkbox"/> Stove <input type="checkbox"/> Resistance <input type="checkbox"/> Heat Pump					
Basement					
Heated? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Full Basement <input type="checkbox"/> Walk Out Basement <input checked="" type="checkbox"/> Slab on Grade <input type="checkbox"/> Other _____					

8/07

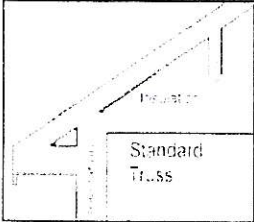
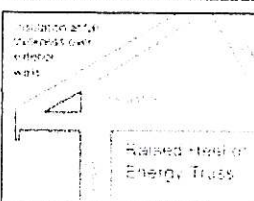
I hereby certify that all the information contained in this application is true and correct, and construction shall comply in all respects with the terms and specifications of the approval given by the Public Utilities Commission and with the New Hampshire Code for Energy Conservation in New Building Construction.

X Signature [Signature] Print Name Kevin Turgeon Date 2/03/08

New Hampshire Energy Code

Effective August, 2007

Directions: Complete the "Your Proposed Structure" columns. No measurements or calculations are needed. If you meet the New Hampshire Energy Code requirements, you will be certified to meet the NH Energy Code. Write N/A in any section that does not apply to your project. **Submit pages 1 and 2 only.** If your planned structure cannot meet these requirements, consider downloading REScheck for IECC2006, set it for Concord, NH and use trade offs against other insulation to prove compliance.

Building Section	Required R or U Values	YOUR PROPOSED STRUCTURE	
		Planned R or U Values	Brands Models insulation type and thickness (if known)
Window U Factor (smaller U is better)	U .35 (maximum) U .50 (Thermally Isolated Sunrooms only)	.34	Harvey <input type="checkbox"/> Check if Sunroom
Skylights U Factor	U .60		
Flat Ceiling ⁱ R Value <i>or</i> Flat Ceiling with Raised/Energy Trusses (Choose one)	 <p style="text-align: center;">Standard Truss</p> <p style="text-align: center;">R-49</p> <hr/>  <p style="text-align: center;">Raised Truss or Energy Truss</p> <p style="text-align: center;">R-38</p>		<input type="checkbox"/> By checking this box, I certify that this structure is being built with a raised / energy truss or that the full thickness of the ceiling insulation will be maintained over the plates.
Sloped or Cathedral Ceiling No more than 500 Square Feet ⁱⁱ	R-30 R-24 (Thermally Isolated Sunrooms only)	R-30	<input type="checkbox"/> Check if Sunroom
Above Grade Wall R Value ⁱⁱⁱ	R-19 Cavity Insulation only <i>or</i> R-13 <i>plus</i> R-5 Cavity <i>plus</i> Continuous Insulation R-13 (Thermally Isolated Sunrooms only)	R-19	<input type="checkbox"/> Check if Sunroom
Mass Wall ^{iv} R Value	R-15		
Door U-Value	U .35 (maximum)	.35	
Floor R Value (Basement ceiling)	R-30 <i>or</i> Insulation sufficient to fill joist cavity	slab	Insulate either Floor or Basement Wall and Slab
Basement or Crawl Space Wall R Value	R-13 Cavity Insulation <i>or</i> R-10 Continuous Insulation	—	
Slab Edge ^v R Value	R-10 4' down, out or under <i>or</i> R-15 Heated Slabs as above	—	

Submit your application to: **New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord NH 03301**

NEW HAMPSHIRE ENERGY CODE

Summary of Basic Requirements

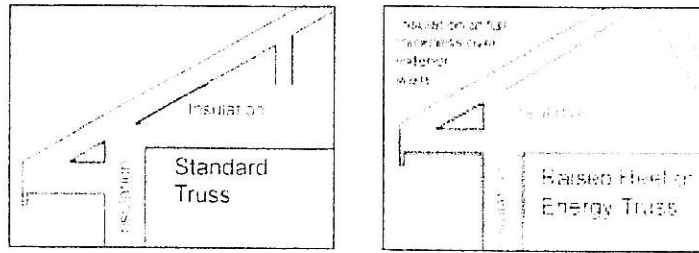
Retain for planning and construction.

Air Leakage	All joints, seams, penetrations and openings in the thermal envelope including those around window and door assemblies, dropped ceilings or chases, knee walls, behind tubs and showers, separating unheated garages from the thermal envelope, common walls between dwelling units and all other openings in the building envelope that are sources of air leakage including must be caulked, gasketed, weather-stripped or otherwise sealed.
Code section 402.4	
The building thermal envelope must be durably sealed to limit infiltration	
Recessed Lighting	Recessed lights must be type IC rated and installed with no penetrations <i>or</i> installed in appropriate air-tight assemblies with 0.5 in clearance from combustible materials and 3" from insulation.
Code section 402.4.3	
Moisture Control	The building design must not create conditions of accelerated deterioration from condensation. Vapor retarders must be installed on the warm-in-winter side of all non-vented framed ceilings, walls and floors. This requirement does not apply where moisture or its freezing will not damage building materials.
Code section 402.5	
Materials and Insulation Information	Materials and equipment must be identified so that compliance can be determined. Manufacturer manuals for all installed heating, cooling and service water heating equipment must be provided. Insulation R-values, glazing and door U-values and heating and cooling equipment efficiency must be clearly marked on the building plans, drawings, specifications or Area Calculation Worksheet.
Code section 102.1	
Pull-Down Attic Stairs, Attic Hatch, and Knee Wall Doors	Should be insulated with a minimum 4" thick rigid foam cover and have box that is tightly sealed and weather-stripped.
Full size Attic or Basement Entry Doors	All doors leading from a conditioned space into an unconditioned attic or enclosed attic or basement stairwell should be insulated and weather-stripped exterior rated door units. One door is exempt.
Duct Insulation	Supply and return ducts for heating and cooling systems must be insulated to at least R-8. Ducts in floor trusses must be insulated to at least R-6.
Code section 403.2	
	Exception: Ducts or portions thereof located completely inside the building thermal envelope.

Duct Construction	Ducts, air handlers, filter boxes, and building cavities used as ducts must be sealed. Joints and seams must comply with Section M1601.3.1 of the <i>International Residential Code</i> .
Code section 403.2.2 &.3	
Temperature Controls	Building framing cavities must not be used as supply ducts.
Code section 403.1 & .1.1	At least one thermostat must be provided for each separate heating and cooling system.
Mechanical System Piping Insulation	Heat pumps having supplementary electric-resistance heat must have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.
Code section 403.3	Mechanical system piping conveying fluids at temperatures above 105°F or below 55°F must be insulated to R-2.
Circulating Hot Water Systems & Non-Circulating Hot Water Systems	Circulating service water systems must include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use.
Code section 403.4 & NH amendments	ALL DOMESTIC HOT WATER SYSTEM PIPING running through unconditioned space shall be insulated to a minimum of R-4. Circulating domestic hot water system piping shall be insulated to R-4 also in conditioned spaces.
Mechanical Ventilation	Outdoor air intakes and exhausts must have automatic or gravity dampers that close when the ventilation system is not operating.
Code section 403.5	
Equipment Sizing	Heating and cooling equipment must be sized in accordance with Section M1401.3 of the <i>International Residential Code</i> .
Code section 403.6	
Certificate	A permanent certificate, completed by the builder or registered design professional, must be posted on or in the electrical distribution panel. It must list the R-values of insulation installed in or on the ceiling, walls, foundation, and ducts outside the conditioned spaces; U-factors and SHGC for fenestration. The certificate must also list the type and efficiency of heating, cooling and service water heating equipment.
Code section 401.3	

Footnotes to Residential Energy Code Application for Certification of Compliance

ⁱ Ceilings with attic spaces: R-30 must be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. This is accomplished using a raised heel or energy truss as shown in the diagram below.



ⁱⁱ Ceilings without attic spaces: Where the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies is R-30. **This reduction of insulation from the requirements is limited to 500 ft² of ceiling area.**

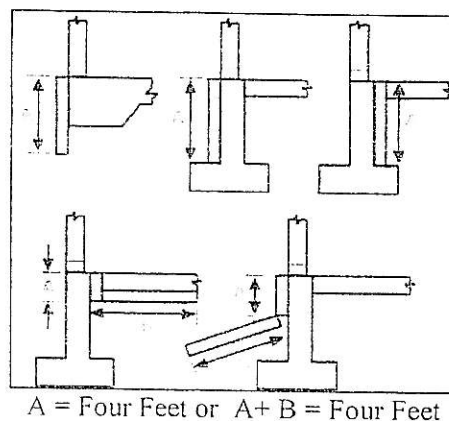
ⁱⁱⁱ R-13 + R-5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing must be supplemented with insulated sheathing of at least R-2.

^{iv} Mass walls are walls made of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs. The provisions for mass walls are only applicable when at least 50 percent of the required insulation R-value is on the exterior of, or integral to, the wall. Walls that do not meet this criterion for insulation placement must meet the above grade (wood framed) wall insulation requirements.

^v Slab edge insulation must start at the top of the slab edge and extend a total of four feet. Insulation may go straight down, out at an angle away from the building, or over the slab edge and then under the slab. See diagram below.

The top edge of insulation installed between the exterior wall and the interior slab may be cut at a 45 degree angle away from the exterior wall.

Allowable Slab Insulation Configurations





Diversified Building & Maintenance

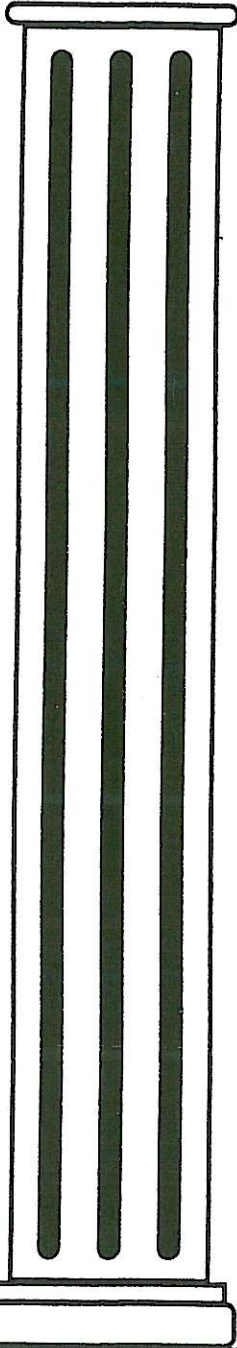
Custom Builders

Interior/Exterior Design

Construction Management

Building Specifications

Rebuild to preexisting condition with no exception



Cell Phone
1-603-817-8241
Business Phone
1-603-343-5440

Slab (PINNED)

All drains at footing level

All concrete floors poured to a thickness of 4"

½" x 8" j bolt

Foundation coating (where applicable)

¾ inch Advantech sub-floor

2 x 6 exterior walls 16 inches o/c

2 x 10 headers/ engineered lumber for all spans larger then 4'

7/16 OSB Sheathing with house wrap

2 x10 roof rafter 16 inches o/c 6/12 pitch (TRUSSES)

½ inch Advantech sheathing

30 year IKO Shingle

Ice and Water Shield (3ft)

15 pound felt

8" aluminum drip edge

Ridge vent

Certainteed Vinyl siding (or equivalent)

Harvey vinyl windows and slider with grills

Steel exterior doors

R-19 insulation in walls and basement ceiling

R-30 insulation in ceilings

200 amp electrical service

Cable and floor jacks in every room

Smoke detectors per code

Forced hot air or hot water heating system

Standard bathroom fixtures

½" drywall main house

½" moisture board (bathrooms)

servicing all your needs

1888 Blackwater Road

Fax 1-603-343-5442

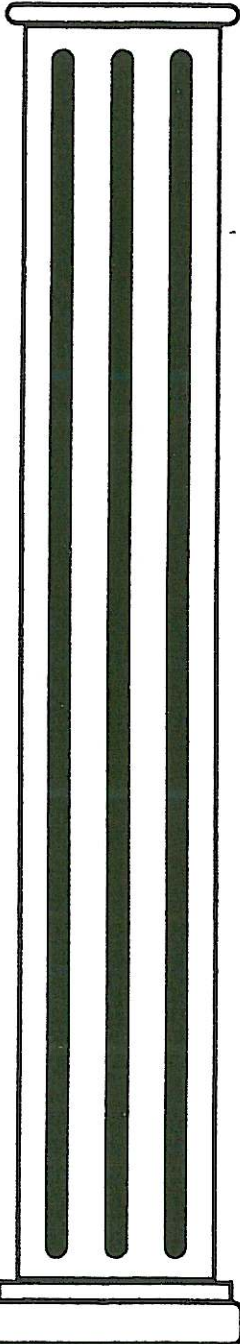


**Diversified Building
& Maintenance**

Custom Builders

Interior/Exterior
Design

Construction
Management



Cell Phone
1-603-817-8241
Business Phone
1-603-343-5440

5/8 " fire rated drywall (Garage - 1 hour rating)

1 coat primer on walls
2 coats flat washable on walls
2 coats semi-gloss on trim

Raised panel interior doors
Colonial Casing on all doors and windows
Colonial base for all baseboard

pressure treated deck
Pre-cast front steps with rail

Notes:

2006 International Residential building code to be followed .

Existing home dismantled. The majority of the salvageable lumber and walls to be reused in the rebuild of the existing home. The rebuild to match the same size and shape as before. Roof pitch to match as before.

Respectfully Submitted:

Claude Gagnon

Servicing all your needs

1888 Blackwater Road
Fax 1-603-343-5442



Thomas L. Clark
Building Inspector
Zoning Administrator
t.clark@ci.dover.nh.us

288 Central Ave.
Dover, NH 03820-4169
(603) 516-6008
Fax: (603) 516-6067

CITY OF DOVER, NEW HAMPSHIRE

OFFICE OF THE BUILDING OFFICIAL

PERMIT/PLAN REVIEW

THE FOLLOWING SHALL BECOME PART OF THIS PERMIT'S OFFICIAL RECORD

BP # 08-26

Pg. 1 OF 1

LOCATION: 55 BACK RIVER RD

PROJECT DESCRIPTION: REPAIR/RENOVATE FIRE-DAMAGED SINGLE-FAMILY DWELLING

- 1) Contact the Fire Dept. @ 516-6152 re: construction of chimney/fireplace (if applicable), installation of heating system & smoke detector locations.
- 2) An approved temp. toilet facility must be on site for construction workers.
- 3) The assigned address must be properly displayed prior to occupancy (use a contrasting color in a location clearly visible from the street).
- 4) If the driveway is altered, a driveway permit will be required (application attached).
- 5) Supply const. specs/details as per attached list.

ORIGINAL

[Handwritten signatures and initials]

CITY OF DOVER

NEW HAMPSHIRE



BUILDING PERMIT

PERMIT NO. 08-26 DATE 2/22/08

NAME OF OWNER Michael Turston ADDRESS OF OWNER 1000 Westbrook

DESCRIPTION OF WORK RENOVATE / REPAIR A FIRE

ALARM SYSTEM

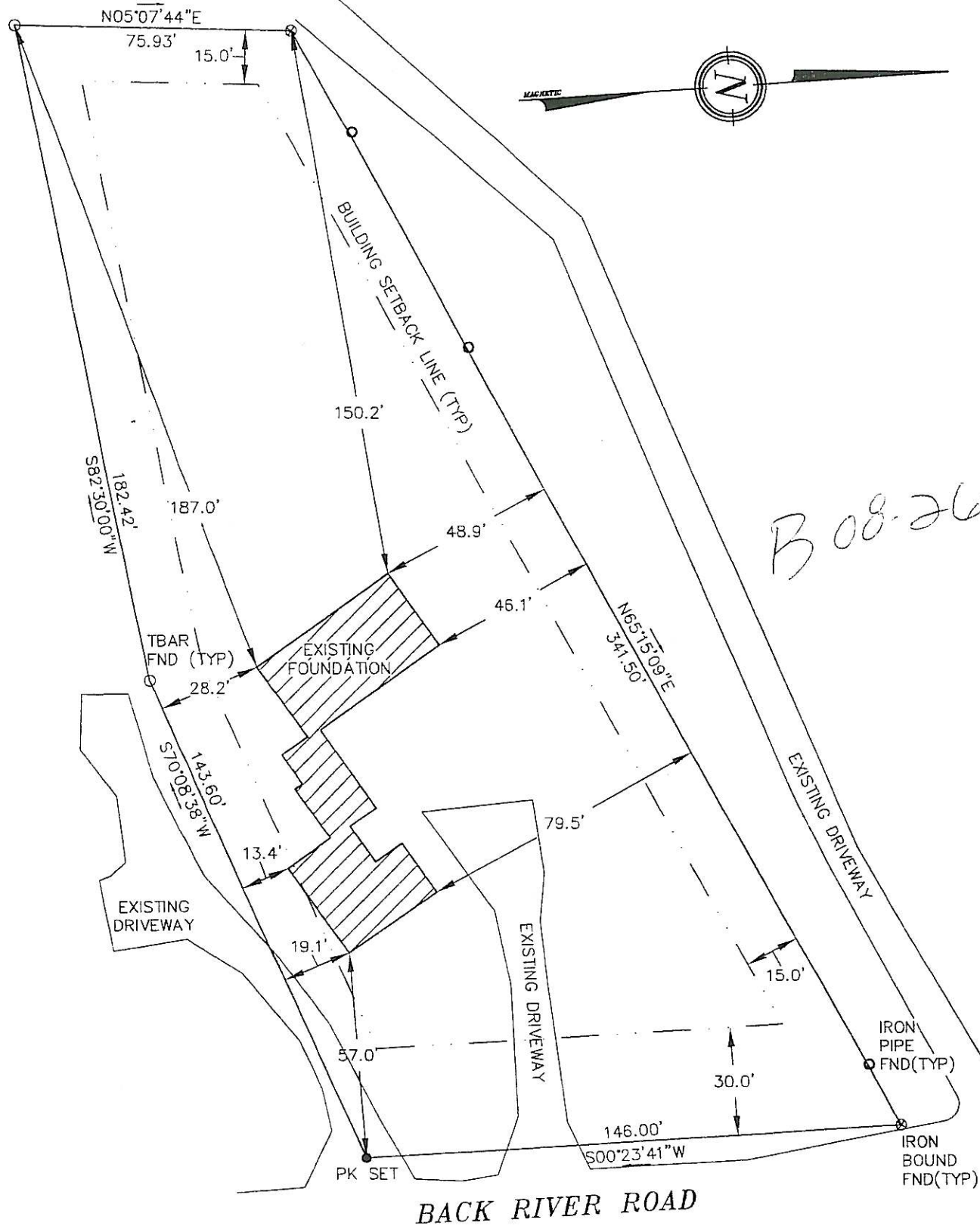
WORKER WORK IS TO BE DONE

Thomas L. Clark BUILDING INSPECTOR

This building permit (1) is subject to any applicable ordinances; (2) is void if work is not begun within six months; (3) is void if work is not completed within six months; and (4) is issued based on the plans and/or specifications submitted.

This permit is not an authorization to occupy and/or use such building or structure upon completion of work.

THIS PERMIT IS TO BE CONSPICUOUSLY POSTED AT THE FRONT OF THE PREMISES AND MUST NOT BE REMOVED UNTIL THE COMPLETED WORK HAS BEEN APPROVED BY THE BUILDING INSPECTOR.



I HEREBY CERTIFY THAT THE BUILDINGS AND LOT LINES OF THIS INSPECTION ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN HEREON. THIS FOUNDATION EITHER CONFORMS TO THE ZONING ORDINANCE OF THE CITY OF DOVER, OR IS LOCATED NO CLOSER TO THE BOUNDARY LINE, THEN PREVIOUSLY EXISTED
THIS IS NOT A BOUNDARY SURVEY

FOUNDATION CERTIFICATION



CITY OF DOVER
APPLICATION FOR BUILDING PERMIT* OR CHANGE IN LAND USE

Industrial Commercial Residential

OFFICE USE ONLY
Building Permit 07-423
Est. Cost: 107,000-
Fee: 8,425
Date: 10/19/07

Location: 55 [unclear] Ave Rd Zone: R-12 Map: I Lot: 60

- 1. Owner's Name: Kevin Turgeon
2. Owner's Address: 225 [unclear] Rd
3. Contractor's Name: Claude [unclear]
4. Address: 55 [unclear] Ave Rd
5. Architect: [unclear] Specs: Plans:

Proposed Use: [unclear] No. Families: 2

This Application For:
Dwelling Garage Shed Pool Alterations Additions Demolitions
Change of Use Removal Other: FOOTING LOCATION MUST BE CERTIFIED/NOTIFIED BY NHTK OR LLS PRIOR TO FURTHER CONSTRUCTION

New Building or Addition Size: 1056 sq ft X 44 No. Stories: 2 No. Bedrooms: 2

*NOTES TO APPLICANT:

- 1. Separate permits are required by the installers of plumbing, mechanical and electrical.
2. It is the applicant's responsibility to notify the Building Inspector's Office at 516-6038 for inspections upon completion of the following: Footings; Foundation; Framing; Wiring; Plumbing; Mechanical; Insulation; and Final.
3. Construction features must be supplied on plans or separate listing as per the Building Permit Application Requirements.
4. The issuance of the Building Permit No. 07-423 to: KEVIN TURGEON shall not be construed as a right to occupy and/or use such building or structure upon completion of work.

The above numbered permit is issued upon the condition that the building, structure or land use must conform in all respects to the provisions of the zoning ordinance and other applicable city ordinances. The City of Dover, by issuing the permit, does not express or imply that the ordinances have been complied with.

I certify that the above information given is true and correct to the best of my knowledge. No major changes will be made without approval of the Building Inspector. Responsibility for compliance with the City ordinances is that of the applicant.

Kevin Turgeon
Applicant's Name (please print)

[Signature]
Applicant's Signature

[Signature]
Building Inspector's Signature

Application Fee: \$999- Check # [unclear] Cash: Date: 10/19/07 Initials: [unclear]

B 07-423

BUILDING PERMIT APPLICATION REQUIREMENTS

DESCRIPTION: ADD/CONVERT TO 2-FAMILY REQ.

- A. BUILDING PERMIT APPLICATION ✓
- B. PLOT PLAN (setbacks) ✓
- C. LIST OF MATERIAL & CONSTR. SPECIFICATIONS (2 sets) FOLDED
- D. CONSTRUCTION VALUE (labor & materials) \$100,000.00
(If owner doing work - Cost of material times 2 = constr. Value) _____

IF APPLICABLE:

CITY WATER ✓ CITY SEWER ✓ SEPTIC SYSTEM _____
WELL _____ APPROVED SEPTIC # _____
ELECTRICAL YES NO PLUMBING YES NO

APPLICATION FOR CERTIFICATE OF OCCUPANCY

DATE: _____ OWNER'S NAME: Kevin & Lisa Turgeon ADDRESS: _____

PROJECT ADDRESS: 55. A Back River Rd B.P. #: 07-423 DATE: 10/19/07

USE: Addition to Convert to Two Family Dwelling

APPLICABILITY: No person shall use or permit the use of any building, structure, or premises, or part thereof hereby erected, relocated, altered, converted or extended until a Certificate of Occupancy has been issued by the Building Inspector.

Application shall be made on this form at such time as when the applicant has complied with the Building Permit and/or any other requisite approval related thereto.

The completed work shall be in compliance with all applicable provisions as specified in the City of Dover's Zoning Ordinance, and the ordinances regulated by the Police, Fire, Public Works, and Planning Departments.

Signatures of the representatives from the departments indicated below are required upon completion of work prior to the issuance of a Certificate of Occupancy.

APPROVED FOR C.O.:

FIRE DEPARTMENT _____ DATE: _____
(tel. #516-6152) (Comments on back)

POLICE DEPARTMENT N/A DATE: _____
(tel. # 742-4646) (Comments on back)

PUBLIC WORKS DEPARTMENT _____ DATE: _____
(tel. #516-6450) (Comments on back)

ELECTRICAL INSPECTOR _____ DATE: _____
(tel. #516-6038) (Comments on back)

PLUMB/MECH. INSPECTOR _____ DATE: _____
(tel. #516-6038) (Comments on back)

WATER/SEWER DEPT. _____ DATE: _____
(tel. #516-6028)

ADDITIONAL REQUIREMENTS: Address Displayed & Foundation Certification

BUILDING INSPECTOR _____ DATE: _____
(tel. #516-6038) (Comments on back)

PLANNING DEPARTMENT Public School Impact Fee DATE: _____
(tel. #516-6038) (Comments on back)

I hereby acknowledge the above applicability, and assume responsibility for its conformance.

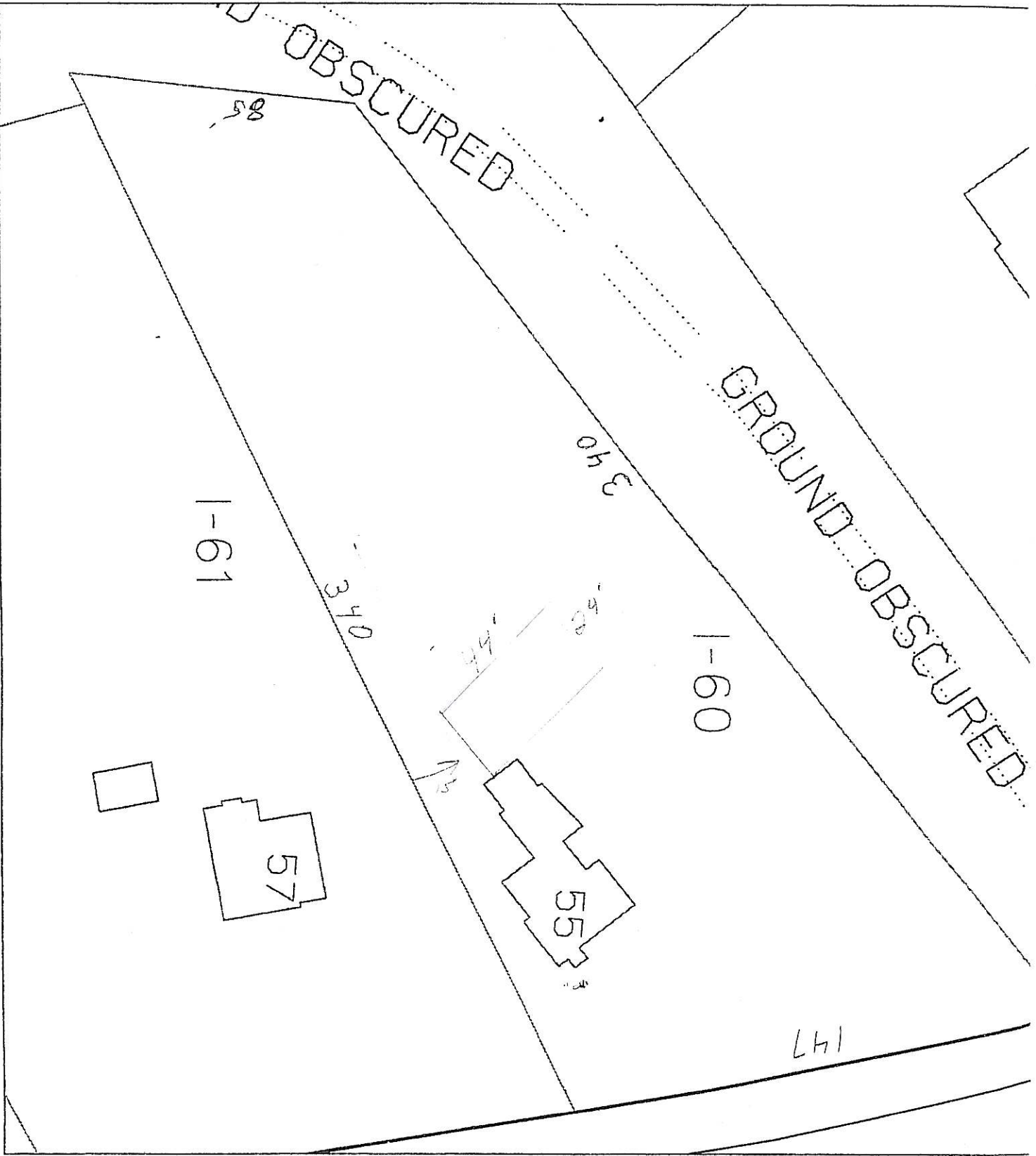
Signed _____ (owner/agent) Print Sig. _____ (owner/agent)

THIS FORM MUST BE RETURNED TO THE BUILDING INSPECTION OFFICE UPON COMPLETION OF INSPECTIONS.

*Certificate of Occupancy - Article XII, Section 170-49 D. The Building Official shall, within fifteen (15) working days of a completed sign off sheet render a decision granting a certificate of occupancy.

85
30

doverpar.zon 10/11/2006 4:30:18 PM THIS IS NOT A SURVEY. SCALE: 1" = 40'



55 BACK RIVER RD MAP/LOT: 10060-000000 I-2 ZONING: R-12 LIVING UNITS: 1 CLASS: R - 101 CARD # 1 OF 1

CURRENT OWNER/ADDRESS	LAND DATA:	INFLUENCE FACTORS	%	LAND VALUE	NBHD ID: 100.00
TURGEON KEVIN & TURGEON LISA	TYPE	PRIMARY			ASSESSMENT INFORMATION -
225 GREEN ST	SIZE	RESIDUAL		98,490	PRIOR
SOMERSWORTH NH 03878	TOT. ACRE				CURRENT
					LAND 84,000
					BUILDING 83,200
					TOTAL 167,200
DEED BOOK: 3449					
DEED PAGE: 336					
DEED DATE: 20061020					
					PROPERTY VISIT HISTORY -
					19911220 CR ENTRY GAINED
					20060811 RC NOT AT HOME
					ENTRY & SIGN APP. REVIEW

Sale info not verified by assessor's office

SALES DATA:	PERMIT DATA:	NEED
Date	Type	Price
20061019	LAND + BLDG	85,000
20060224	LAND + BLDG	175,000
		Valid Date
		15 20060610
		FLAG
		FIRE DAMAGE

DRELLING DATA:
 Style: CONVENTIONAL
 Story Ht. 1.00
 Attic: UNFIN
 Walls: ALUM/VINYL
 Bedrooms: 2
 Total Rooms: 5
 Full Baths: 1
 Half Baths: 1
 Add'l Fixtures: 5
 Total Fixtures: 11
 Basement: FULL
 Fin Bsmt. Living Area: 5
 Basement Rec Room Area: 5
 Heating System: OIL
 Heating Type: BASIC
 FIREPLACE MB: /
 Mtl: /
 Basement Garage (# cars): /
 Ground Flr Area: 90
 Total Living Area: 1077
 Quality Grade: C
 Condition: AVERAGE
 Marketability: AV
 Year Built: 1890
 Eff. Year Built: /
 Unfinished Area: /
 Unheated Area: /

ADDITION DATA:	LOWER LEVEL	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR	AREA	VALUE
A	1s Frame				987	74600
B	Wood Deck				187	3200
C					00	00
D					00	00
E					00	00
F					00	00
G					00	00
H					00	00

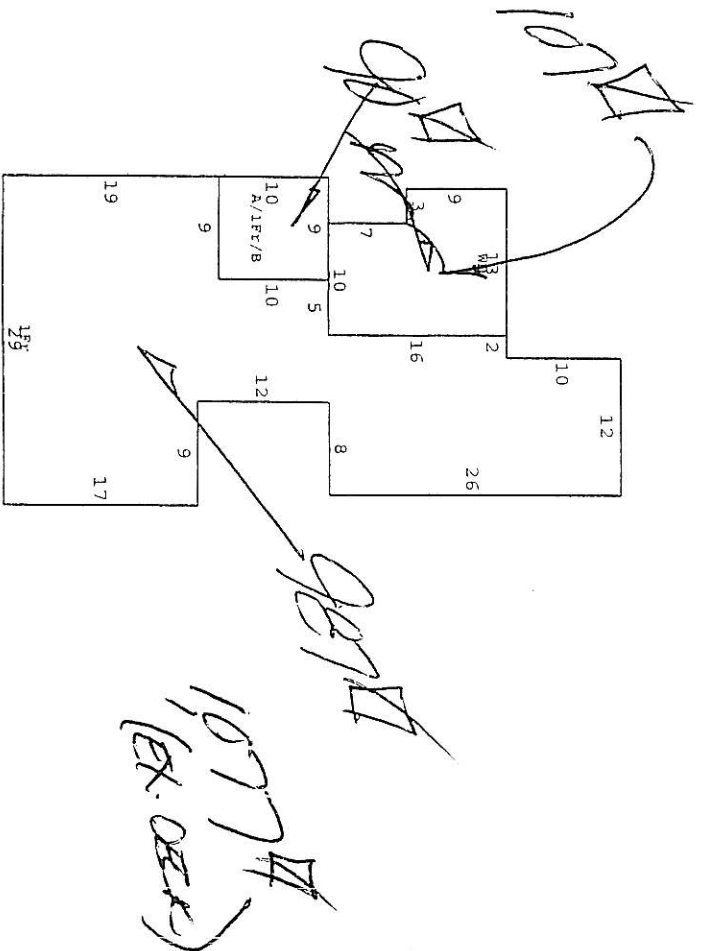
COST APPROACH COMPUTATIONS
 Base Price 19,730
 Plumbing 77800
 Additions
 Unfin. Area
 Basement
 Attic
 Heat/AC Adj.
 FBIA
 Rec Rm
 Fireplace
 Bsmt. Gar.
 SUBTOTAL 99,150
 Grade Factor 1.00
 C & D Factor
 TOTAL RCN 59,150
 % Good 0.70
 Market Adj.
 TOTAL RCNID \$69,400

Type	Qty	Yr	Size1	Size2	Grd	Cond	Ma	Value
RS1	1	1990	8	10	C	A		\$640

VALUE FLAG:5

NOTES:
2007=CHECK FIRE DAMAGE

OUTBUILDING TOTAL: \$600





Diversified Building & Maintenance

Custom Builders
Interior/Exterior
Design
Construction
Management

Building Specifications

24 x 44 new construction half of duplex

Slab (PINNED)

All drains at footing level

All concrete floors poured to a thickness of 4"

½" x 8" j bolt

Foundation coating (where applicable)

2 x 12 carrying beam

7' spacing lally column

2 x 10' floor joists 16 inches o/c

¾ inch Advantech sub-floor

2 x 6 exterior walls 16 inches o/c

2 x 10 headers/ engineered lumber for all spans larger then 4'

7/16 OSB Sheathing with house wrap

2 x10 roof rafter 16 inches o/c 6/12 pitch (TRUSSES)

½ inch Advantech sheathing

30 year IKO Shingle

Ice and Water Shield (3ft)

15 pound felt

8" aluminum drip edge

Ridge vent

Certainteed Vinyl siding (or equivalent)

Harvey vinyl windows and slider with grills

Steel exterior doors

R-19 insulation in walls and basement ceiling

R-38 insulation in ceilings

100 amp electrical service

Cable and floor jacks in every room

Smoke detectors per code

Forced hot air or hot water heating system

Standard bathroom fixtures

Servicing all your needs

1888 Blackwater Road

Fax 1-603-343-5442

Cell Phone

1-603-817-8241

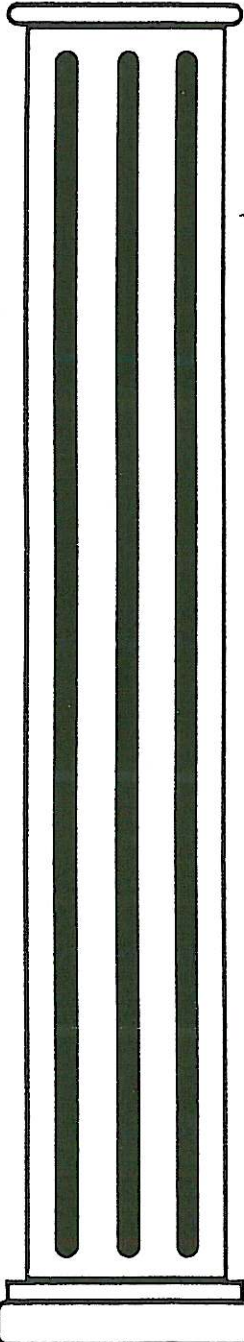
Business Phone

1-603-343-5440



**Diversified Building
& Maintenance**

Custom Builders
Interior/Exterior
Design
Construction
Management



Cell Phone
1-603-817-8241
Business Phone
1-603-343-5440

· ½" drywall main house
· ½" moisture board (bathrooms)
· 5/8 " fire rated drywall (Garage - 1 hour rating)

· 1 coat primer on walls
· 2 coats flat washable on walls (Owner's choice)
· 2 coats semi-gloss on trim (Owner's choice)

· Raised panel interior doors
· Colonial Casing on all doors and windows
· Colonial base for all baseboard

· Gas fireplace with mantle
· pressure treated deck
· Pre-cast front steps with rail

Notes:

2006 International Residential building code to be followed .

Respectfully Submitted:

Claude Gagnon

Servicing all your needs

1888 Blackwater Road

Fax 1-603-343-5442



Diversified Building & Maintenance

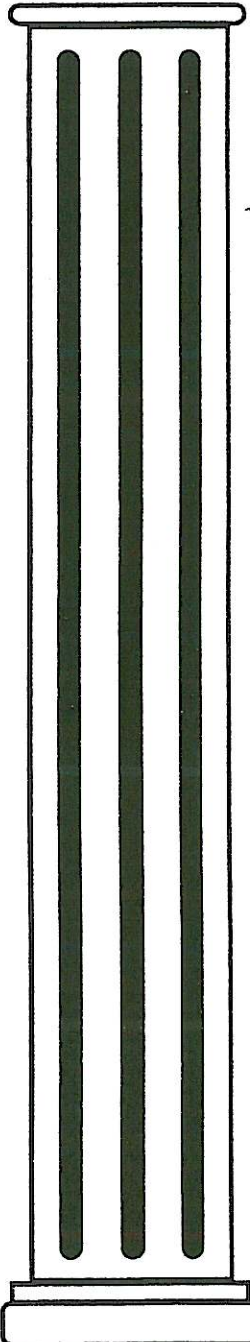
August 23, 2007

Construction Break down for Kevin

Custom Builders

Interior/Exterior Design

Construction Management



1. Site work	\$ 0
2. Septic system	\$ 0
3. Well	\$ 0
4. Foundation	\$ 0
5. Frame	\$ 26,000.00
6. Frame labor	\$ 15,000.00
7. Roof	\$ 2,000.00
8. Siding	\$ 7,000.00
9. Windows and doors	\$ 3,000.00
10. Concrete slab	\$ 5,500.00
11. Rough electrical	\$ 3,000.00
12. Rough Plumbing and heating	\$ 8,000.00
13. Insulation	\$ 3,000.00
14. Drywall	\$ 5,500.00
15. Interior painting	\$ 3,000.00
16. Interior trim and doors	\$ 5,000.00
17. Kitchen cabinets	\$ 5,500.00
18. Flooring	\$ 5,000.00
19. Shelving	\$ 400.00
20. Steps and decks	\$ 2,500.00
21. Paving	\$ 2,500.00
22. Gas fireplace	\$ 2,000.00
23. Finish electrical	\$ 2,000.00
24. Finish plumbing and heating	\$ 6,500.00

Total \$ 106,900.00

Kevin

This number may be a little high. I will not know the prices of materials until we start. Does not include site work or and water hook ups. Does include paving and gas fireplace.

Respectfully Submitted: Diversified Building & Mtnee.

Per :

Claude Gagnon
Servicing all your needs

1888 Blackwater Road

Fax 1-603-343-5442

Cell Phone
1-603-817-8241
Business Phone
1-603-343-5440



Middleton Building Supply, Inc

5 Kings Highway
 Middleton, NH 03887
 Phone: (603)473-2314 * eFax: (425)790-0134
 bsmith@lavalleys.com

QUOTATION

Job Key: 0807BKS4879

Date: Wednesday, Aug 15 2007

Customer Information:

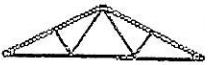
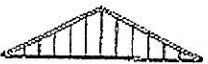
Name: Fill in later Contact: Fill in Later
 Address: _____
 City, State, Zip: _____
 **

Project Information:

Name: DIVERSIFIED BUILDERS
 Address: _____ Region: _____
 City, State, Zip: SOMERSWORTH, NH

Salesman: CHARLIE TURNER
 Designer: Brian K. Smith

Notes: _____

Qty	Span	Description	Truss	Slope TC/BC	BDFT	OH - L OH - R	CANT-L CANT-R	STUB-L STUB-R	Price Each	Price Qty
21	28-00-00	DIVERSIFIED R1 135.1 lbs. each		6.00 2x6 / 2x4	64.33 1351.00	00-00-00 00-00-00	01-00-00 01-00-00	00-00-00 00-00-00	\$79.32	\$1,665.72
2	28-00-00	DIVERSIFIED R1G 151.9 lbs. each		6.00 2x6 / 2x4	72.33 144.67	00-00-00 00-00-00	01-00-00 01-00-00	00-00-00 00-00-00	\$82.54	\$165.08

NOTICE: We warn that trusses can cause property damage or personal injury if improperly installed or braced. Customer's, or his agents acceptance hereof shall constitute his affirmative representation that he is fully trained in the proper methods of truss installation and bracing. Please refer to WTCA bracing recommendations in BCSI-B1, BCSI-B2, BCSI-B3 and BCSI-B7 (for floor trusses). Unless otherwise noted, this quote does NOT include design fees for the bracing system for this building.

It is the customers responsibility to provide access to the jobsite.

Please confirm all dimensions, quantities, and loading. Fabrication will not commence until these drawings are signed and dated

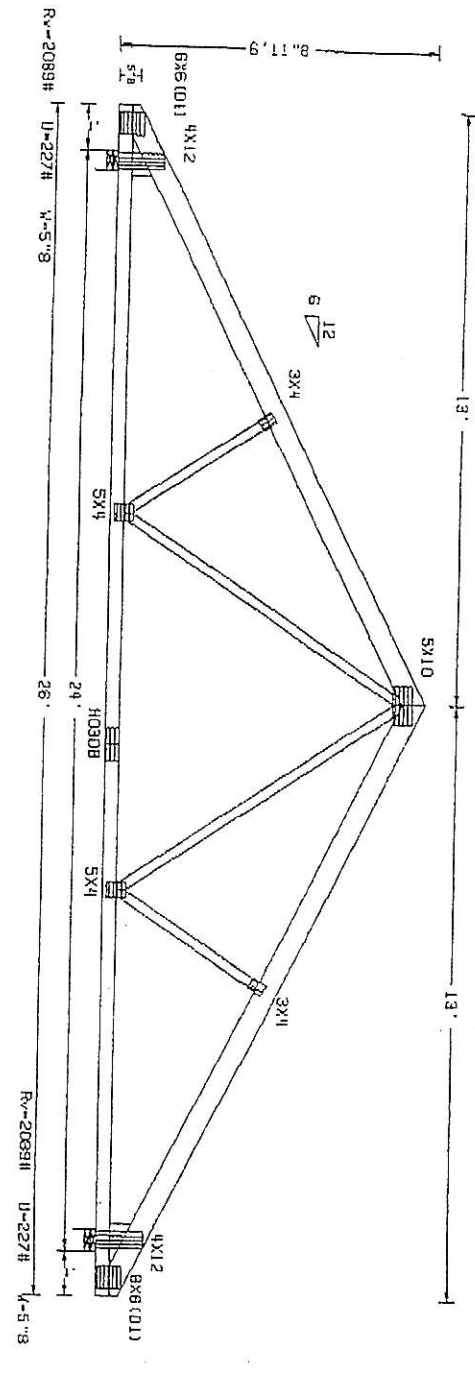
Net Total	\$1,830.80
Tax of 0%	\$0.00
Grand Total	\$1,830.80

Accepted By _____ P.O. # _____ Date: _____ (15.53)

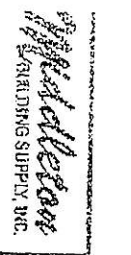
ARTHUR PAUL SURRETT

10. (UBU/BNS48/Y) - DIVERSIFIED BUILDERS - FILL IN later / DIVERSIF THIS DNS. PREPARED FROM COMPUTER INPUT LOADS & DIMENSIONS) SUBMITTED BY TRUSS MFR.

100 mph wind, 15.00 ft mean ht, ASCE 7-02, CLOSED bldg, Loaded anywhere in roof, CAT III, EXP C, wind TC DL=1.8 psf, wind BC DL=3.0 psf.
 Wind reactions based on MWFRS pressures.
 Bottom chord checked for additional 20 psf live load in areas with 42"-high x 24"-wide clearance.
 Truss designed for unbalanced snow load using 0.00/1.50 windward/leeward
 Footings, based on Pg=60.00 psf, Ct=1.10, Ca=1.00, CAT III & Pf=50.82 psf.



AG = T1
 LT. TYP. - WRYE



1000 Middleboro Rd
 Middleboro, MA 01530
 (403) 973-2311 Fax: (403) 973-8531
 (403) 973-9799 www.middleboro.com

IBC/TP12002 (STD) Cg/RT-1.00(1.25/106.0) QTY = 21 TOTAL = 21
 REV. 7.34.0209.23 SEQ = 40279
 SCHL = 0.2500

REV.	DATE	DESCRIPTION	BY
1	08-15-2007	TRUSS MFR. INSTALLED AND BRACKETED	REF
2	08-15-2007	TRUSS MFR. INSTALLED AND BRACKETED	DATE
3	08-15-2007	TRUSS MFR. INSTALLED AND BRACKETED	DRWG
4	08-15-2007	TRUSS MFR. INSTALLED AND BRACKETED	O/R LEN. 26
5	08-15-2007	TRUSS MFR. INSTALLED AND BRACKETED	JOB #: 0807BKS487
6	08-15-2007	TRUSS MFR. INSTALLED AND BRACKETED	TYPE COMM

THIS DWG. PREPARED FROM COMPUTER INPUT LOADS & DIMENSIONS SUBMITTED BY TRUSS MFR.

Top chord 2x6 SPF (S) #2
 Bot chord 2x4 SPF (S) #2
 Webs 2x3 SHF #1/#2

MBX CSI: TC = 0.26, BC = 0.33, WEBS = 0.00.

Truss spaced at 24.0" OC designed to support 1-0-0 top chord cutloaders.
 Cladding load shall not exceed 10.00 PSF. Top chord must not be cut or notched.

Deflection meets L/380 live and L/240 total load.

Truss designed for unbalanced snow load using 0.00/1.50 windward/leeward factors, based on Pg=60.00 psf, Ct=1.10, Ce=1.00, CAT III & Pf=50.82 psf.

100 mph wind, 15.00 ft mean height, ASCE 7-02, CLOSED bldg, located anywhere in roof, CAT III, EXP C, wind TC DL=4.8 psf, wind BC DL=3.0 psf.

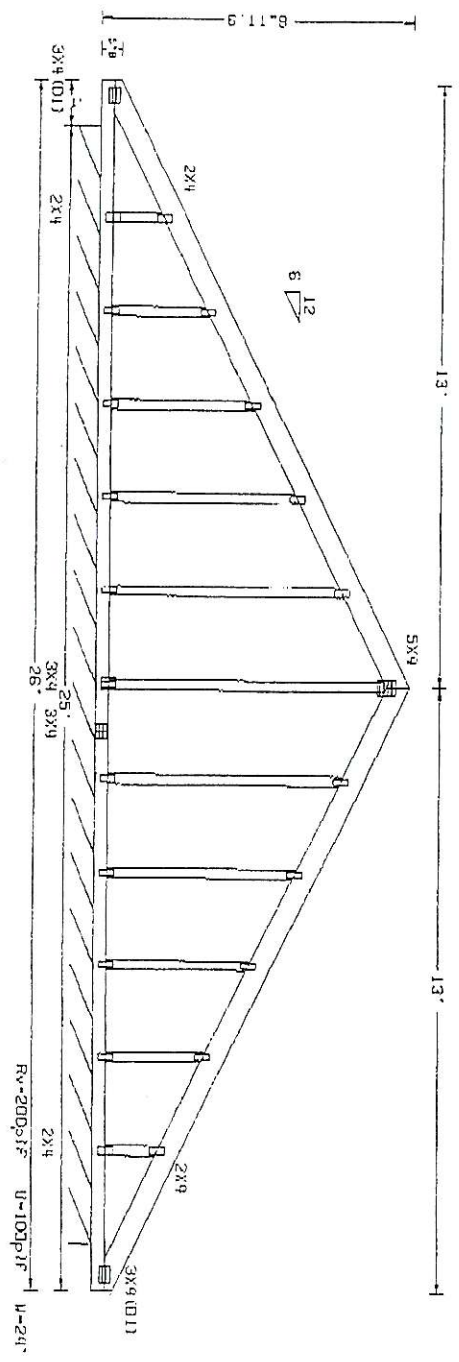
Wind reactions based on WFRS pressures.

All plates are 1.5x4 except as noted.

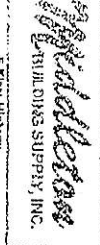
See DWGS A10015EE1106, DBLLETIN1106, & DBLBRSTD1106 for more requirements.

Bottom chord checked for additional 20-psf live load in areas with 42'-high x 24'-wide clearance.

Plates sized for a minimum of 2.00 sq.in./piece.



TRG = T2
 P.L.T. TYP. WAVE



100/PT2002(STD) Cq/R1-1.00(1.25)/100 01 QTY = 2 TOTAL = 2

DESIGNER: J. W. BROWN, INC. 100/PT2002(STD) Cq/R1-1.00(1.25)/100 01 QTY = 2 TOTAL = 2
 CHECKED: J. W. BROWN, INC. 100/PT2002(STD) Cq/R1-1.00(1.25)/100 01 QTY = 2 TOTAL = 2
 APPROVED: J. W. BROWN, INC. 100/PT2002(STD) Cq/R1-1.00(1.25)/100 01 QTY = 2 TOTAL = 2
 THE TRUSS DOCTOR
 5 KING HIGHWAY
 MADISON, NH 03067
 TEL: (603) 473-8531 FAX: (603) 473-8531
 WWW.TRUSSDOCTOR.COM

REV.	DATE	DESCRIPTION	BY	APP'D
7.34.0209.23	08-15-2007	50.0psf	JWB	JWB
		10.0psf	JWB	JWB
		0.0psf	JWB	JWB
		70.0psf	JWB	JWB
		1.15	JWB	JWB
		24.0"	JWB	JWB

REV. 7.34.0209.23
 SCALE = 40283
 -0.2500

New Hampshire Residential Energy Code Application for Certification of Compliance

New Construction

<p>A. Owner/Owner Builder: (Company Name if applicable)</p> <p>Name:</p> <p>Mail Address:</p> <p>City: State: Zip:</p> <p>Phone:</p> <p>E-Mail:</p>	<p>B. General Contractor (Company Name)</p> <p>Name: <u>Diversified Builders</u></p> <p>Mail Address: <u>188 Blackwater Rd</u></p> <p>City: <u>Somerset</u> State: <u>NH</u> Zip: <u>03878</u></p> <p>Phone: <u>(603) 343-5440</u> <u>(603) 817-8241</u></p> <p>E-Mail: <u>CTG64@Comcast.net</u></p>
<p>C. Proposed Structure: Map Lot</p> <p>Street:</p> <p>City:</p>	<p>D. Official Use Only: Date Rec'd:</p> <p>Approved by: Date:</p> <p>Approval Number:</p>
<p>E. Type of Construction:</p> <p><input checked="" type="checkbox"/> New Residence <input type="checkbox"/> Small Commercial</p> <p>If you are building an Addition, Sunroom Addition or Renovating, Use Addition Application.</p>	<p>Stamp:</p>
<p>F. Compliance Method:</p> <p><input checked="" type="checkbox"/> Performance Package <input type="checkbox"/> NH Architect or Engineer Certification</p> <p><input type="checkbox"/> Rescheck Software <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Third party Home Energy Rating <input type="checkbox"/> Exempt (if exempt complete box I)</p>	<p>G. Who is Submitting this Application?</p> <p><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Designer</p> <p><input type="checkbox"/> Builder <input type="checkbox"/> Other (explain)</p> <p><input type="checkbox"/> Architect</p>
<p>H. Additional Information:</p> <p>Total Floor Area ft² <u>1056</u> ft² (Heated Space)</p> <p>Heating System AFUE % <u>86</u> %</p> <p>Highest Window U Value <u>0.</u></p> <p>Window Type <input type="checkbox"/> Clear <input checked="" type="checkbox"/> Low-e <input type="checkbox"/> Low-e Argon</p> <p>Fuel Type(s): <input checked="" type="checkbox"/> Oil <input type="checkbox"/> Gas <input type="checkbox"/> Propane</p> <p>Heating System Type <input checked="" type="checkbox"/> Hot Water <input type="checkbox"/> Hot Air <input type="checkbox"/> Stove</p>	<p>I. Structure is EXEMPT because:</p> <p><input type="checkbox"/> NH Modular Home Program <input type="checkbox"/> Mobile Home</p> <p><input type="checkbox"/> On a historic register <input type="checkbox"/> Greenhouse for agricultural use only</p> <p><input type="checkbox"/> Addition less than 150 ft²</p> <p><input type="checkbox"/> Contains no provision for fossil fuel heat. <input type="checkbox"/> Low energy use (less than 1 watt/ ft²)</p> <p><input type="checkbox"/> Electric Resistance <input type="checkbox"/> Wood <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Heat Pump</p>

Signature _____ Print Name _____ Date _____

New Construction Take off Worksheet

Complete Box K & L for performance packages. Complete Box K- Q Rescheck© Software

K. Window Area Including: Windows, Basement windows in conditioned basements, Glazed Doors Skylights

	Width	x	Height	x	Number	=	R.O. Area	U-value	Model	Manufacturer	
A	38	x	61	x	8	=	18,544 in ²	.33	Vicon	Harvey	
B	38	x	41	x	4	= +	6,232 in ²	.33	Vicon	Harvey	
C	72	x	80	x	1	= +	5,760 in ²	.34	Vicon	Harvey	
D		x		x		= +	in ²				
E		x		x		= +	in ²				
F		x		x		= +	in ²				
G		x		x		= +	in ²				
H		x		x		= +	in ²				
I		x		x		= +	in ²				
Total Square Inches Glass (Glazing)							30,536 in ²	÷ 144 =	212 ft ²	← Enter this number on page 4 box R Glazing Area	

Window Type: Clear Low-e Low-e + Argon Other (describe)

L. Area of Above Grade Walls Enclosing Heated Space

Add lengths of walls (including basement walls more than 50% above grade if Floor (basement ceiling) is not insulated) in feet.

Floor	Front	Side 1	Back	Side 2	Total	Wall Height	Gross Wall Area
1 st	44	+ 24	+ 44	+ 24	= 136	x 9	= 1224 ft ²
2 nd	44	+ 24	+ *	+ 24	= 92	x 9	= 828 ft ²
other		+	+	+	= 228	x	= ft ²
Total =							2052 ft ²

Enter this number on page 4 box R Gross Wall Area →

If showing compliance using performance package method STOP HERE. If showing compliance using Rescheck complete below.

M. Area of Solid Doors (Use unit or rough opening dimensions) Do not include cellar door

	Width * x	Height* x	number	= Door Area	U value	Model	Manufacturer
1.	36 x	80 x	2	in ²	.35	class. C	Thermatec
2.	36 x	x		+ in ²			
3.	x	x		+ in ²			
Total				5760	÷ 144 =	40	Total ft ² doors

N. Area of Conditioned Basement (below grade) Walls (Heated Basement)

Add lengths of walls (including basement walls more than 50% above grade if Floor (basement ceiling) is not insulated) in feet.

Front	Side 1	Back	Side 2	Total	Wall Height	Gross Wall Area
	+	+	+	=	x	= ft ²

O. Area of Ceilings Over Heated Space

	Length	Width	Area
Flat	44	x 24	1056 ft ²
Sloped		x	ft ²

P. Area of Floor (basement ceiling)

	Length	Width	Area
Flat	44	x 24	1056
Sloped		x	
Total			ft ²

Q. Slab Length

	44 x 24
+	
Total	1056 ft

Perimeter---(running feet)

Use this form for NEW CONSTRUCTION ONLY 2X6 or LOG Walls ONLY	NEW CONSTRUCTION Performance Package Worksheet	
---	---	--

R PLANNED GLAZING PERCENTAGE $100 \times \frac{212 \text{ ft}^2}{2052 \text{ ft}^2} = 10.3$ Glazing Area Gross Wall Area Glazing Percentage (from box k) (From box L)	S. CHOSEN PERFORMANCE PACKAGE → <u>10-3</u>
--	---

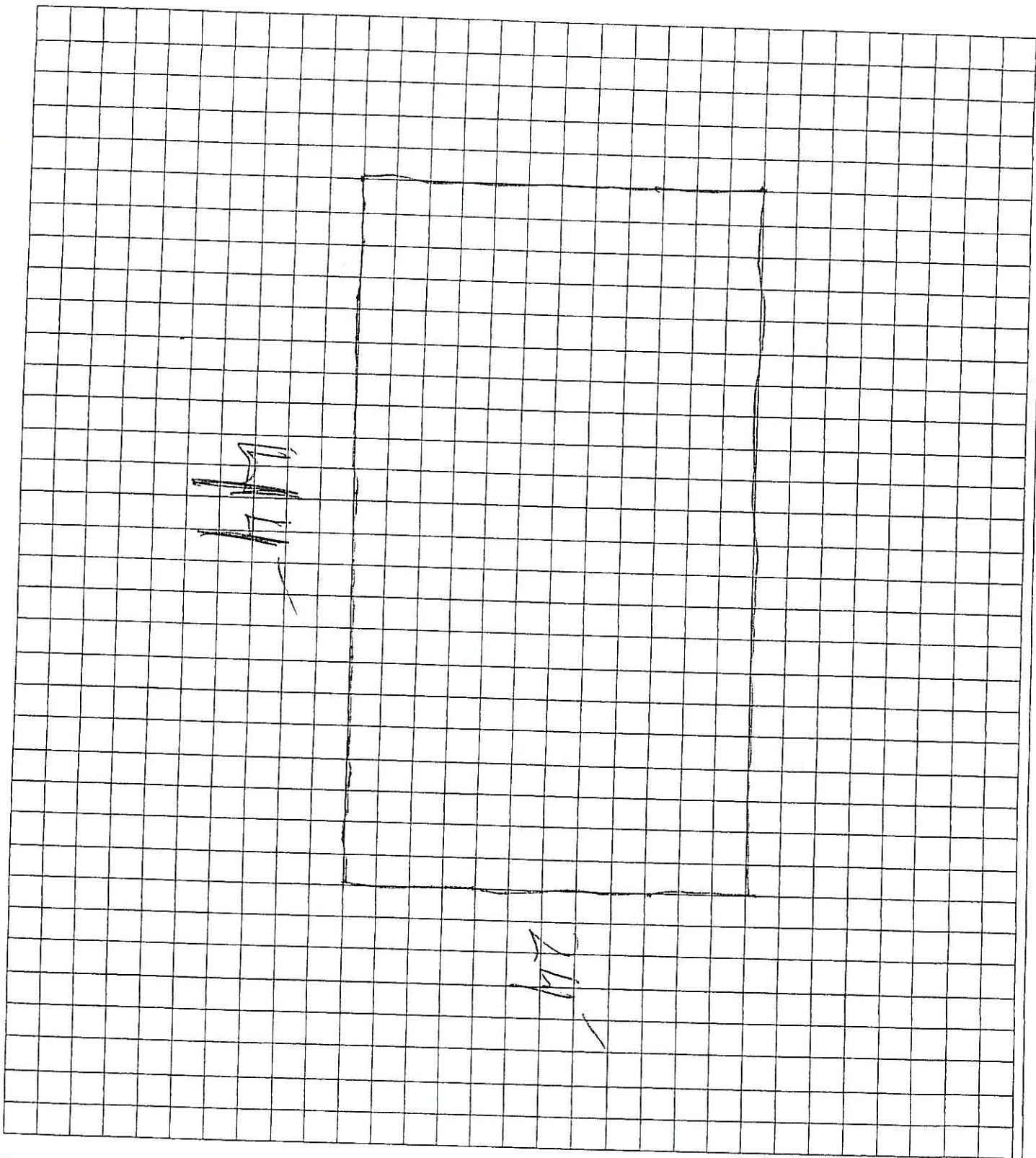
T.	PACKAGE REQUIREMENTS	YOUR PROPOSED STRUCTURE	
	Copy selected performance package requirements from below.	Planned R or U Values	Brands / Models / insulation type and thickness
Window U Value (smaller U is better)	.45	.33	Aerobly UCCN
Ceiling R Value	38 38	R-38	CWINGS Fiberglass
Above Grade Wall R Value	19	R-19	CWINGS Fiberglass
Floor R Value	19	R-19	CWINGS Fiberglass
Door U-Value	.35	.35	Thermastre Classic
% AFUE Efficiency	82	.86	Peerless / or equivalent
Basement Wall	13	R-19	CWINGS Fiberglass
Slab	5		

Choose a performance package from the chart below. Performance package **MUST BE** greater than or equal to your planned glazing percentage as figured above. The packages with a + indicate a higher efficiency (approximately 15% more efficient) than the minimum energy code

Maximum Glazing % ->	10 % Packages			13 % Packages			15% Packages		
	10-1	10-2	10-3	13-1	13-2	13-3	15-1	15-2	15-3
Performance Package ->	10-1	10-2	10-3	13-1	13-2	13-3	15-1	15-2	15-3
Window U-Value	.35	.4	.45	.35	.39	.45	.32	.36	.40
Ceiling R Value	30	30	38	30	38	38	38	38	38
Above Grade Wall R-Value	19	19	19	19	19	19	19	19	19
Floor R-Value	19	30	19	30	19	30	30	19	30
Door U-Value	.35	.35	.35	.35	.35	.35	.35	.35	.35
% AFUE Efficiency	82	82	82	83	84	86	84	85	86
Basement Wall	11	13	13	13	11	13	13	13	13
Slab R Value	5	8	5	5	8	8	8	8	13

Maximum Glazing % ->	18% Packages		25% Packages		10% Log		13 % Log		18 % Log	
	18-1	18-2	25-1	25-2	10-A	10-B	13-A	13-B	18-A	18-B
Performance Package ->	18-1	18-2	25-1	25-2	10-A	10-B	13-A	13-B	18-A	18-B
Window U-Value	.32	.36	.32	.34	.4	.35	.35	.33	.32	.28
Ceiling R-Value	38	38	38	49	38	38	38	38	38	38
Above Grade Wall R Value	19	21	19	21	8"	8"	8"	8"	8"	8"
Floor R Value	30	30	30	30	Log	Log	Log	Log	Log	Log
Door U-Value	.35	.35	.35	.35	30	30	30	30	30	30
% AFUE Efficiency	84	86	89*	86	.35	.35	.35	.35	.35	.35
Basement Wall	15	15	19	19	86	85	86	85	90*	86
Slab R Value	13	13	5	10	10	10	18	18	18	18
					10	10	10	10	10	10

J. Drawing of Structure (you may attach a plan in lieu of this page) include side view if sloped ceilings are planned. Note window and door locations & identify to correspond with window list.)
Scale: One square equals 2 feet



NH Energy Code Window and Door Default tables.

These tables should be used when you do not have an NFRC Rated door or window.

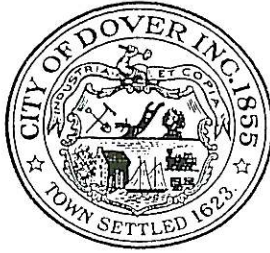
Window Type	Wood/Vinyl		Metal Clad Wood		Metal Without Thermal Break		Metal Without Thermal Break		Steel Doors		Wooden Doors		
	single	double	single	double	single	double	single	double	w/foam core	w/out foam core			
Operable	.89	.55	.90	.57	1.08	.65	1.27	.87	.35	.60	w/panel 1.75"	.54	.36
	Fixed	.98	.56	.98	.56	1.07	.63	1.13	.69		Hollow	.46	.32
Skylights	1.47	.84	1.75	1.05	1.89	1.11	1.98	1.31			Solid core	.40	.26
											w/panel 1.125"	.39	.28

Notes

1. Glazing area for new construction is the ratio of glazing assemblies (including sliding glass doors, skylights and windows in conditioned basements but excluding solid doors) to the gross vertical wall area, expressed as a percentage.
2. Glazing U-Values must be documented by the National Fenestration Rating Council (NFRC) or taken from the default table above.
3. Ceiling R-Values do not assume raised or oversized truss construction. If the insulation achieves its full thickness over the exterior walls or is continuous such as a roof deck or built-up roof, R-30 insulation may be substituted for R-38.
4. Wall R-Values are the sum of cavity insulation and insulating sheathing (if used). Scoutles or pull-down stairs must be insulated to at least R-10 and may not exceed 15 square feet.
5. Floor requirements apply to floors over unconditioned space such as basements or crawlspaces. Floors over outside air must be insulated to at least R-30. If floors over unheated basements are insulated do not consider the basements walls, windows or doors for the purposes of this code. If basement or crawlspace walls are insulated, do not include floor areas.
6. Walls of basement below an insulated floor must be insulated from the top of the rim joist to 10 feet below grade or to the bottom of the basement wall whichever is less. Basement walls less than 50% below grade must be considered above-grade walls and insulated accordingly. Basement windows under un-insulated floors must be included with other glazing and meet the same U-value requirements. Basement doors under un-insulated floors must have a maximum U-value of 0.35 except for 1 tractor cellar access door, for example at top of cellar stairs. The walls of heated basements must be insulated to the required levels and the Floor (basement ceiling) ignored. A crawlspace R-Value is for walls of unventilated crawlspaces. The insulation must extend from the top of the wall, (including sill plate) to at least 12 inches below grade.
7. Slab R-Values are for slabs without embedded heating pipes and require insulation to extend a total of 48 inches down from the top of the slab and under it; a total of 48 inches down from the top of the slab and horizontally away from it covered with at least 10 inches of soil or pavement; or straight down 48" from the top of the slab. Add an additional R-2 for slabs having embedded heating pipes or un-insulated ducts.
8. REMEMBER: Glazing areas and U-Values are maximum acceptable levels. Insulation R-Values are minimum acceptable levels. The R-values listed are those of the insulation only and do not include any structural elements. If your planned design does not meet the provisions of any of the prescriptive Packages, consider using the Rescheck software. Package available for download from the PUC at

NEW HAMPSHIRE ENERGY CODE
Summary of Basic Requirements

Air Leakage	Joints, penetrations and all other similar openings in the building envelope that are sources of air leakage must be caulked, gasketed, weather-stripped or otherwise sealed. The maximum leakage rates for manufactured windows and doors are shown in the 'notes' section. Recessed lights must be type IC rated and installed with no penetrations or installed in appropriate air-tight assemblies with 0.5 in clearance from insulation.
Vapor Retarder	Vapor retarders must be installed on the warm-in-winter side of all non-vented framed ceilings, walls and floors. In floors, exterior rated sheathing qualifies as a vapor retarder. This requirement does not apply where moisture or its freezing will not damage building materials.
Materials and Insulation Information	Materials and equipment must be identified so that compliance can be determined. Manufacturer manuals for all installed heating, cooling and service water heating equipment must be provided. Insulation R-values, glazing and door U-values and heating and cooling equipment efficiency must be clearly marked on the building plans, drawings, specifications or Area Calculation Worksheet.
Duct Insulation	Supply and return ducts for heating and cooling systems located in unconditioned spaces must be insulated to at least R-5 Exceptions: Insulation is not required for exhaust air ducts, ducts within HVAC equipment or when the design temperature difference between the air in the duct and the surrounding air is 15° F or less.
Duct Construction	Ducts must be sealed using mastic with fibrous backing tape. For fibrous ducts pressure-sensitive tape may be used. Other sealants may be approved by the building official. Duct tape is not permitted. The HVAC system must provide a means for balancing air and water systems.
Temperature Controls	Where used to control comfort heating, thermostatic controls shall be capable of being set locally or remotely by adjustment or selection of sensors down to 55° F (13°C) or lower. Where used to control comfort cooling, thermostatic controls shall be capable if being set locally or remotely by adjustment or selection of sensors up to 85° (29°C) or higher. Where used to control both comfort heating and cooling, thermostatic controls shall be capable of providing a temperature range or deadband of at least 5° F (Δ3°C) within which the supply of heating and cooling energy is shut off or reduced to a minimum.
HVAC Piping Insulation	HVAC piping in unconditioned spaces conveying fluids at temperatures above 120°F or chilled fluids at less than 55°F must be insulated to R-4
Heated Swimming Pools	All heated swimming pools must have an on/off pool heater switch. Heated pools require a pool cover unless more than 20% of the heating energy is from renewable sources. Any swimming pool pump must be equipped with a time clock.
Circulating and Non-Circulating Hot Water Systems	Circulating hot water systems must have automatic or manual controls and must be insulated. ALL DOMESTIC HOT WATER SYSTEMS flowing through unconditioned space shall be insulated to a minimum of R-3.
Electric System	Each multifamily dwelling unit must be equipped with a separate electric meter.



Thomas L. Clark
Building Inspector
Zoning Administrator
t.clark@ci.dover.nh.us

288 Central Ave.
Dover, NH 03820-4169
(603) 516-6008
Fax: (603) 516-6067

CITY OF DOVER, NEW HAMPSHIRE

OFFICE OF THE BUILDING OFFICIAL

PERMIT/PLAN REVIEW

THE FOLLOWING SHALL BECOME PART OF THIS PERMIT'S OFFICIAL RECORD

BP # 07-423

Pg. 1 OF 1

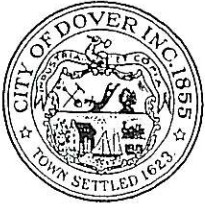
LOCATION: 55 A BACK RIVER RD

PROJECT DESCRIPTION: ADDITION TO CONVERT TO TWO-FAMILY DWELLING

- 1) Contact the Fire Dept. @ 516-6152 re: construction of chimney/fireplace (if applicable), installation of heating system & smoke detector locations.
- 2) An approved temp. toilet facility must be on site for construction workers.
- 3) The assigned address must be properly displayed prior to occupancy (use a contrasting color in a location clearly visible from the street).
- 4) Obtain a driveway permit prior to const./installation (application attached).
- 5) The necessary sewer and water investment fees must be paid prior to the utilities being connected.
- 6) The required public school impact fee must be paid prior to the issuance of a Certificate of Occupancy.
- 7) Indicate garage location on plot plan.
- 8) Supply const. specs/details for required fire separation between dwelling units.
NO garage per Kevin
- 9) Supply clear opening specs for bedroom windows. *2 hour Rating s/g Sheetrock*
R/O 38 X 6 1/2" 27" clear
- 10) Supply dimensions (tread & riser sizes, width, clear headroom, etc.) for interior & exterior stairways. *7 1/4" Riser 10" Tread*
80 1/2" clear Head
- 11) Hurricane anchors must be installed on rafter ends.

ORIGINAL TO APPLICANT; COPY TO FILE

DATE: 1/20/11



City of Dover, NH

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

288 Central Avenue

Dover, NH 03820

INVOICE # 07-62

BUILDING PERMIT #: 07-423

DATE: October 19, 2007

ACCOUNT: 1000-00000-2588-0000-00-18

For Billing Inquiries Dial (603) 516-6008

TO: Kevin & Lisa Turgeon
225 Green St
Somersworth, NH 03878

DATE	DESCRIPTION	CHARGES	CREDITS	BALANCE
10/19/07	Public School Impact Fee for Map I, Lot 60 (a/k/a 55 A Back River Rd) Additional unit to convert to two-family dwelling	\$3,226.00		\$3,226.00
		Balance Due		<u>\$3,226.00</u>

Payment of the Public School Impact Fee is required prior to the issuance of an Occupancy Permit by the City of Dover. Please return your check with a copy of this invoice.

Make checks payable to: City of Dover

The Impact Fee Ordinance contains a waiver provision in Chapter 170-28.7, G. Requests for a waiver of the impact fee shall be made to the Planning Board on the Impact Fee Waiver Request Form available in the Planning Department.

CITY OF DOVER
NEW HAMPSHIRE



BUILDING PERMIT

PERMIT NO. 07-423 DATE 10/19/2007

This Permit is for Garage/Deck Addition - 5482
NAME OF OWNER ADDRESS OF OWNER

has permission to construct as shown to

convert bus to a two-family dwelling

at 55-A Brook Green Rd
ADDRESS WHERE WORK IS TO BE DONE

Thomas L. Cook
BUILDING INSPECTOR

IMPORTANT

This Building Permit (1) is subject to any applicable ordinances; (2) is void if work is not begun within six months of the above date; and (3) is issued based on the plans and/or specifications submitted.

This permit is not an authorization to occupy and/or use such building or structure upon completion of work.

THIS CARD MUST BE CONSPICUOUSLY POSTED AT THE FRONT OF THE PREMISES AND MUST NOT BE REMOVED UNTIL THE COMPLETED WORK HAS BEEN APPROVED BY THE BUILDING INSPECTOR.