



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, December 16, 2010**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF OCTOBER 21, 2010 AND NOVEMBER 18, 2010.

3. OLD BUSINESS

- A. Request for motion for rehearing regarding case Z10-15 Michael & Maureen Ryan, 15 Arch St., Tax Map 10, Lot 162, zoned RM-U, requests an Area Variance from the terms of Article IV, Section 170-11 and Section 170-12, to subdivide a parcel into 2 lots, creating one with frontage of sixty (60) feet, where a minimum of eighty (80) feet is required. The Variance was originally granted by the ZBA at their regular meeting held on November 11, 2010.

4. NEW BUSINESS

- A. * Z 10-17 Elie Khoury (Owner: North Haverhill Management), 171 Silver St., Tax Map 11, Lot 3A, zoned B-3, thoroughfare business, requests a Variance from the terms of Article II, Section 170-6B, and Article IX, Section 170-32. C., 5. a., to install an electronic LED type gas price sign.
- B. * Z 10-18 Wentworth-Douglass Hospital (Owner: Wentworth-Douglass Hospital), 789 Central Avenue, Tax Map 37, Lot 1, zoned O Office, requests a Variance from the terms of Article IV, Section 170-12, A., Article IX, Section 170-32, H., and Sign Regulations contained in the Office (O) District Table of Use including applicable footnotes, to allow 2 signs where 1 is allowed, to allow 800 square foot area where 12 sq. ft. is allowed, to permit 2 temporary signs (banners) where none are allowed, and to permit said temporary signs to be erected 25 ft. above the ground where a maximum of 16 ft. is allowed.

5. OTHER BOARD BUSINESS

- A. Review Zoning change recommendations from staff

6. ADJOURN

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

Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/CityofDoverNHPlanning.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, October 21, 2010**
Meeting Time: **7:00 pm**

1. ATTENDANCE:

Members Present: Sam Reid (Chair), William Colbath (Vice Chair), James Kelley, Otis Perry, Frank Landford

Members Not Present: Chris Prior (Alternate member)

Staff Present: Bruce Woodruff (Zoning Administrator), Lisa Ertle (Recording Secretary)

2. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 16, 2010.

Motion: O.Perry motioned to approve the September 16, 2010 minutes. J.Kelley seconded. Vote: Unanimous approval.

3. OLD BUSINESS

- A. Z 10-11 Chad Weathers & Olga Mollin, 24 Westwood Cr., Tax Map F, Lot 17-N, zoned R-40, requests a Variance from the terms of Article IV, Section 170-12.B, to construct an addition (garage) within 11 feet from a side property line where a minimum of twenty-five (25) feet is required.

Note: This item was tabled from the meeting of August 19, 2010.

The Chair read a correspondence from an abutter who is in favor of this application. (Copy in file)

Motion: O.Perry motioned to remove application from table for consideration. F.Landford seconded. Vote: Unanimous approval.

Chad Weathers and Olga Mollin, of 24 Westwood Circle, stated they are looking to remove an existing garage and replace it with a two bay garage. C. Weathers discussed a letter of correspondence from an abutter who is in favor of the request. (Copy on file)

Public Hearing Opened

In favor of the request-No one spoke.

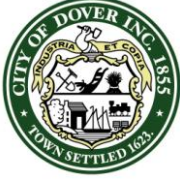
Not in favor of the request-No one spoke.

B.Woodruff discussed the mapping of the property and noted the change of the Zoning district from R-1 to R-40 after the houses had been constructed in 1979, which changed the side setback requirements. The Planning Department recommends the application be approved with the following condition: That the required building permits are acquired and a foundation plot plan is prepared by a surveyor prior to constructing the new garage.

The Chair and B.Woodruff confirmed the requirement for the foundation plot plan due to the fact that certification of foundation would not be required.

Public Hearing Closed

The Board discussed a surveyed map of property. (Copy on file)



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, October 21, 2010**
Meeting Time: **7:00 pm**

The Chair asked C. Weathers if there are any other garages this size in the neighborhood. C. Weathers noted possibly two other neighbors.

Public Hearing Closed

Motion: O.Perry motioned to grant the variance. F.Landford seconded. Vote: Unanimous approval.

Motion: O.Perry moved to amend motion to add the condition that the foundation is surveyed to confirm that the foundation is 11 feet from property lines. F.Landford seconded. Vote: Unanimous Approval.

Findings of Fact:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes. Per submission and presentation.
2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes. Per submission and presentation.
3. Did the Applicant provide proof that demonstrates how a variance will result in substantial justice? Yes. Per submission and presentation.
4. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes. Per submission and presentation.
5. 5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. (i) Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area? Yes. Per submission and presentation. (ii) Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes. Per submission and presentation. (iii) Did the applicant demonstrate that the proposed use is a reasonable one? Yes. Per submission and presentation.

4. NEW BUSINESS

- A. Z 10-14-A Suzanne French, Trustee, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests a Use Variance from the terms of Article IV, Section 170-11.A, B & D, to develop the land for either single family residence or a duplex residence.

Note: The following item will be heard if the previous item is granted.

- B. Z 10-14-B Suzanne French, Trustee, (Owner: Noel R. Goulet & Rachel R. Goulet Living Trust), 6 Hall St., Tax Map 37, Lot 17A, zoned B-3, requests an Area Variance from the terms of Article IV, Section 170-12.A & B and Section 170-39, to construct a single-family residence or a duplex residence with a front setback requirement of twelve (12) feet, where fifty (50) feet is required.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, October 21, 2010**
Meeting Time: **7:00 pm**

Attorney James Schulte represented the applicant. He discussed the unique location of this property that is located on Hall Street and abuts Hannaford shopping plaza property. There is little use for commercial this lot and feels residential is the best use. The applicant is asking for allowance of a single or multi family unit. The setbacks would be consistent with the neighborhood. The structure built will be constructed further back to avoid an existing sewer line.

Public Hearing Opened

In favor of the request-No one Spoke.

Not in favor of the request- No one Spoke.

B.Woodruff discussed the B-3 district zone. He noted the street is residential in character, and can not handle commercial traffic. The Planning Department recommends approval of this application with the following condition: That the use on the property remains residential in keeping with the neighborhood, that any future owner that may wish to use the property or structure for a commercial use (usually allowed by right) shall come back to the ZBA to request a change in the terms of this variance.

The Chair and B.Woodruff discussed the city regulations for this site and the concern from abutters. The Chair read a letter of concern from an abutter. (Copy on file)

The Board discussed the following: the purview of the Zoning Board, the permitted uses for the homes in the B-3 zone, and amount of mixed-used dwellings.

W.Colbath asked why the applicant is asking for a 12 ft. front setback. As stated previously from Attorney J. Schulte, the setback is consistent with other structures in the neighborhood. It is the front setback directly across the street, which is in an Office zone.

The board discussed the boundary lines that connect Dover into Rollinsford; Hall Street extends approximately 200 ft., which connects the City of Dover into the town of Rollinsford.

Public Hearing Closed

O.Perry and Attorney J. Schulte discussed the necessity of the condition for “multi-family” use.

The Chair noted his concern with the size of the lot and the street. J.Schulte discussed the average size lots in the City. J.Kelley noted his concern with crowding on the small lot. Discussion ensued on the size of the lot. If a multi unit is built there will be crowding on the lot and in the neighborhood.

Motion: O.Perry motioned to grant the variance for residential, subject that it only be a single family use, without the Planning Department recommendation. He noted his concern with the Planning Department recommendation. J.Kelley seconded. Vote: 4-1 (opposed F.Landford)

Motion: O.Perry motioned to grant a variance to allow the front setback to be 12 ft. F.Landford seconded. Vote: Unanimous approval.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, October 21, 2010**
Meeting Time: **7:00 pm**

Findings of Fact:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes. Per submission and presentation by applicant's attorney.
 2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes. Per submission and presentation by applicant's attorney.
 3. Did the Applicant provide proof that demonstrates how a variance will result in substantial Justice? Yes. Per submission and presentation by applicant's attorney.
 4. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes. Per submission and presentation by applicant's attorney.
 5. 5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. (i) Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area? Yes. Per submission and presentation by applicant's attorney. (ii) Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes. Per submission and presentation by applicant's attorney. (iii) Did the applicant demonstrate that the proposed use is a reasonable one? Yes. Per submission and presentation by applicant's attorney.
- C. Z10-15 Michael & Maureen Ryan, 15 Arch St., Tax Map 10, Lot 162, zoned RM-U, requests an Area Variance from the terms of Article IV, Section 170.11 and Section 170-12, to subdivide a parcel into 2 lots, creating one with frontage of sixty (60) feet, where a minimum of eighty (80) feet is required.

Attorney James Schulte represented the applicants. The Arch Street zone is currently designated RM-U, but there is a petition currently being brought before the Planning Board to vote on rezoning this to the R-12 zone. The street is residential with a mix of residential uses, and is used as a through street. The applicant will keep the existing house on one lot with a division line, and would prefer not to have a shared driveway. They plan to live on the new lot and sell the old lot. The purpose of frontage is to allow spacing for the buildings and to meet the setback requirements. He discussed the abutting properties, which are mainly backyards facing this property. He cited a letter from a RE Max realtor that addresses the issue of diminution of value to the abutting properties. (Copy on file)

Public Hearing Opened
In favor of the request-No one Spoke
Not in favor of the request-

Carol Boc, of 8 Arch Street, noted her concern of this application in regards to the current petition to the City for rezoning Arch Street. She stated her concerns with the 60ft. frontage request, the congestion of traffic the paving will incur, and the up keep of characteristic for this neighborhood. She submitted a plan that detailed the square footage of frontage for each home on Arch Street. (Copy on file) C.Bok suggested the following conditions for approval: applicant create a shared driveway, limit the house to single family residence.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, October 21, 2010**
Meeting Time: **7:00 pm**

Robert Doyle, 22 West Concord Street, noted his concern with the frontage of the lot, and the width of the driveway. The abutting backyard neighbors will have to look into a parking lot. He feels this will be best as a single family home.

Attorney J.Schulte stated having separate driveways is important to the clients. He discussed the concerns with having a shared driveway. The applicants would be willing to accept the condition of building a single unit residence with the 60 ft. frontage.

C.Boc stated she would stand by the approval of two lots with 70 ft. sq. frontage and two single units, with a shared driveway.

B.Woodruff noted the Planning Department recommends the ZBA ask the applicant whether this use is for a single or two family structure. The Planning Department recommends screening and a shared driveway to be considered as conditions. If the Board approves the variance, staff would suggest the following conditions: The plat shall go to the Planning Board for their review and approval; that the residential use be limited to a single family dwelling.

B.Woodruff discussed the rezoning of the district in 2009, and the replacement of frontage with build to lines to match the frontage in the neighborhood. Discussion ensued with the Board on this subject. W.Colbath suggested to make the two lots with 70 ft. sq. frontage, and to limit both lots to single family residence. Attorney Schulte noted the applicants are limited on the size of development and are willing to accommodate.

The Board and Attorney Schulte discussed the setbacks in regards to the neighborhood, and the position of the driveway in concern to abutters. Attorney Schulte suggested making both lots 70 ft. setback, and place the driveway on the right, and new house be centered on the lot.

J.Kelley and Attorney Schulte discussed the dimension of the lots and the dimensions of the existing garage. O.Perry noted the driveway access may be best placed on the southern side of the lot, and the residential use be a single family use. Discussion ensued on the garage located at the rear of the parcel.

Public Hearing Closed

C.Boc asked for clarification on the procedure in regards to changing the particulars in variance requests. B. Woodruff clarified that this was allowed.

Motion: O.Perry motioned to grant a variance subdividing the lot into 2 lots, one lot with 70 ft. of frontage and the new lot having 69.6 ft. of frontage (more or less); and on the new lot the driveway be on the southern side and no closer than 5 feet to the abutting lot. Finally, that the new lot be allowed only a single family residence use. J.Kelley seconded. Vote: Unanimous Approval.

Findings of Fact:

Document Created by, Planning
Secretary

Document Posted on: October 19, 2010

Draft.2010.10.21_ZoningBoardofAdjustment.Minutes.doc

Page 5 of 6



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, October 21, 2010**
Meeting Time: **7:00 pm**

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes.
2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes.
3. Did the Applicant provide proof that demonstrates how a variance will result in substantial Justice? Yes.
4. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes.
5. 5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. (i) Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area? Yes. (ii) Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes. (iii) Did the applicant demonstrate that the proposed use is a reasonable one? Yes.

5. OTHER BOARD BUSINESS

The Chair noted the receipt of a letter from Ann Wilkins, who had come before the ZBA Board for a variance to the side setback. B.Woodruff discussed the variance that was approved with a plan, which was submitted from the applicants, by the Zoning Board. The Wilkins are looking for clarification on the specifics of the variance. Discussion ensued on the variance that was granted, whether the variance was decided on the plans and documents submitted, and the concerns of the Wilkins. B.Woodruff noted he will not sign off on a building permit for the building official to grant a permit to build a foundation up to line the ZBA granted because the submitted plans indicated that the planned overhang of 2'-6" was at the approved setback. It has to be the plans that the ZBA approved. Any variances from this line will need to be brought before the ZBA Board.

B.Woodruff noted he has booklets of resource that may be helpful to Board Members. These are available for ordering to any of the Board members.

The Chair noted that B.Woodruff submitted a handout of policies and procedures for Findings of Fact that are used in other municipalities. B.Woodruff spoke about the handout. The Board discussed the terms necessary for the Finding of Facts. The facts have to come from the individual ZBA member and not as group, but all facts need to come together as a consensus from the group.

6. ADJOURN

O.Perry motioned to adjourn the meeting at 8:49 pm. W.Colbath seconded. Vote: Unanimous.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, November 18, 2010**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), William Colbath (Vice Chair), Otis Perry, Chris Prior (Alternate member)

Members Not Present: Jim Kelley, Frank Landford

Staff Present: Bruce Woodruff (Zoning Administrator), Lisa Ertle (Recording Secretary)

2. APPROVAL OF PRIOR MINUTES OF OCTOBER 21, 2010.

Motion: O.Perry motioned to defer the approval of the minutes to the meeting. Vote: Unanimous approval.

3. OLD BUSINESS

There was no Old Business.

4. NEW BUSINESS

- A. Z 10-16 Chris & Rebecca Anderson, 83 Spruce Ln., Tax Map I, Lot 81-R, zoned R-40, requests a setback and an Area Variance from the terms of Article IV, Section 170-12.B and Article X, Section 170-40.A and 170-41.D, to allow construction of an addition to an existing non-conforming dwelling within approximately 11.5 & 29 feet of the front property boundaries, where a minimum of forty (40) feet is required, and relief from the requirement that the maximum area of the addition shall not exceed 20% of the gross habitable floor space of the existing dwelling.

W.Colbath recused himself from the Board.

The Chair noted that the Board has three voting members; approval of this application will have to be a unanimous vote. He offered the applicants the choice to have this application be heard at the next ZBA meeting, in case they would like the opportunity for a better total vote. The applicant chose to be heard this evening.

Chris Anderson noted his family has increased to include eight family members, and have currently outgrown their home. He discussed the additional rooms that they would like to build. The home is located on a dual frontage/corner lot in the R-40 zone, and is located in a neighborhood with a mix of R-12 and R-40 lots. They are looking into a variance on the side and frontage for the addition.

O.Perry confirmed, with C.Anderson, that the addition would be on the Tanglewood Drive side of the home.

Public Hearing Opened – In Favor of the Request

Clifford Summers, resident of Gonic, NH, spoke in favor of the request. He discussed the work and involvement that will take place for the addition to the house. He noted that due to the economy moving would be a hardship to the family.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, November 18, 2010**
Meeting Time: **7:00 pm**

Mathew Colbath, of 82 Spruce Lane, noted his house is located across the street of the applicants. Their yards are similar despite the Zoning District difference. He feels there will be no negative effects to the neighborhood.

B.Woodruff discussed the lots in the neighborhood surrounding the location of this variance request. He noted the residential lot at 83 Spruce Lane contains approximately 9,800 sq. ft. area which is not quite one-third of the required lot size for a lot with City sewer and water in the R-40 zone. It must be noted that the subdivision was approved and the dwelling constructed under the old R-1 regulations that were put in place in 1948. The R-40 area regulations were instituted in 1979 and the parcels in this subdivision really don't fit/comply with those area and setback requirements. The parcel and the dwelling structure are grandfathered non-conforming. The parcel is a corner lot which therefore has two frontages, one side and one rear setback which leaves a very small building envelope (refer to plan) that if adhered to would preclude a common-sense addition given the internal layout of the house. This older subdivision on the south side of Spruce Lane abuts the less restrictive R-12 district which is directly across the street. When the major zoning amendments were codified in 1979, it may have made more sense to have included this neighborhood in the R-12, rather than drawing the boundary along the Spruce centerline. Since this was not done, granting relief from dimensional requirements appears to make sense. Staff concur with the variance requirement narrative contained in the application, however, would recommend placing substantial weight on any abutter comments during the public hearing before making a decision. The Planning Department recommends the Zoning Board accept the application, hold the public hearing. Additionally, staff recommends the Board ask questions and deliberate on the proposed bulk of the addition and how it may affect other aspects of the lot, such as driveway location and capacity. If the Board approves the variance, staffs offer no conditions for this application.

Public Hearing Opened- In opposition of Request-Nobody Spoke

Public Hearing Closed

The Chair asked C.Anderson for clarification on the projected plans for the existing driveway. C.Anderson noted the proposed addition will take up the area of one parking space, so they plan to take down a tree to allow for the width of driveway to make up for the loss of parking space.

The Chair asked if the intent is to keep the same architectural design. C.Anderson noted this is a one story addition, and they plan to keep with the look of the existing house.

O.Perry and B.Woodruff discussed the driveway width increasing, in regards to driveway permit requirements and streetscape. O.Perry noted he feels that the streetscape will not be affected on this side of Spruce Lane.

Motion: O.Perry motioned to grant variance. Discussion ensued. O.Perry amended to motion to grant the variance from the front setback off Tanglewood Drive and Spruce Lane, and to grant relief from the 20% maximum expansion area to be no greater than as proposed of the gross habitable floor area of the original dwelling. Additional discussion ensued regarding calculating the actual percentage of the addition. Although 45% maximum was used, the exact percentage was not



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, November 18, 2010**
Meeting Time: **7:00 pm**

calculated correctly and the original motion to approve the size of the addition as proposed prevails. C.Prior seconded. Vote: Unanimous approval.

Findings of Fact:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes. Per applicant's submission and testimony.
2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes. Per applicant's submission and testimony.
3. Did the Applicant provide proof that demonstrates how a variance will result in substantial
4. justice? Yes. Per applicant's submission and testimony.
5. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes. Per applicant's submission and testimony.
- 5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. (i) Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area? Yes. Per applicant's submission, testimony, and tax map of the area. (ii) Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes. Per the applicant's submission and testimony. (iii) Did the applicant demonstrate that the proposed use is a reasonable one? Yes. Per submission and testimony.

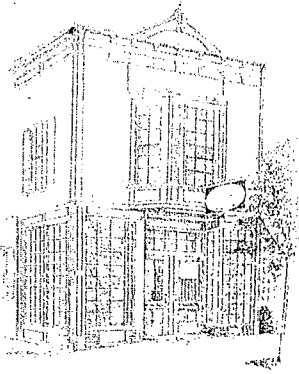
5. OTHER BOARD BUSINESS

The Chair noted a memo that was received from the Planning Director, in regards to zoning districts. He suggested periodically going around to make sure the zoning lines still makes sense. Discussion ensued on the zoning lines that need recommendation to bring to the Planning Department.

B.Woodruff discussed the B3 zone by Hannaford, Tanglewood Drive, and the UMUD Zone, which was done away with in 2009.

6. ADJOURN

Motion: O.Perry motioned to adjourn the meeting at 7:31 pm. W.Colbath seconded. Vote: Unanimous approval.



Wyskiel,
Boc,
Tillinghast
& Bolduc, P.A.
Attorneys at Law

NOV 19 2010
NOV 19 2010

*Christopher A. Wyskiel
William E. Boc
**D. Lance Tillinghast
*Michael J. Bolduc
Thomas G. Ferrini
*William R. Phipps
Stephan P. Parks
***Bain D. Testa

* also admitted in Maine
**also admitted in MA, ME & VT
***also admitted in MA

November 19, 2010

Dover Zoning Board of Adjustment
ATTN: Christopher Parker, Planning Director
Dover City Hall
288 Central Avenue
Dover, NH 03820

RE: Michael and Maureen Ryan / 15 Arch Street (Tax Map 10, Lot 162)
Case Z10-15 / Motion for Rehearing

Dear Chris:

Thank you for your e-mails following the Ryan October 21, 2010 ZBA hearing. Carol Boc has decided to formalize the objection we discussed, as outlined in the enclosed Motion for Rehearing which our office files as her counsel.

I have appended to my Motion your October 28 e-mail to me and others, summarizing your review of the ZBA hearing tape. Attorney Schulte's suggestion to the Board that it did not have jurisdiction to impose a single family residential use limitation on the Ryans' existing house is clearly in error. The Ryans' application submits all of their land to the ZBA jurisdiction, which gives the ZBA the right to impose reasonable conditions to any part of it.

The Ryans presently have a single family residence on a lot with insufficient frontage to build a second dwelling unit. Under current zoning, they could convert their single family to a duplex. Legally, then, the maximum number of units they could develop is two.

The variance granted, with the current condition, could allow them to have a maximum of three dwelling units. Such a density invites unreasonable congestion, density, traffic, etc. The Board should at least have an opportunity to reconsider the condition suggested by member Colbath, placing single family residential use limitations on both newly created lots, without the mistaken advice that the ZBA does not have the legal right to consider doing so.

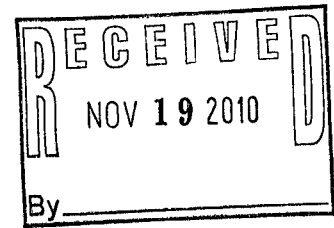
Please let me know when the Motion for Rehearing will be considered by the ZBA.

Sincerely,

Christopher A. Wyskiel

CAW/nl
Enclosure
cc: Carol Boc
James Schulte, Esquire
nl c:document/Boc-rehearing.ltr

STATE OF NEW HAMPSHIRE
City of Dover Zoning Board of Adjustment



RE: Case Z10-15

Michael and Maureen Ryan
15 Arch Street
Tax Map 10, Lot 162

MOTION FOR REHEARING PURSUANT TO N.H. RSA 677:2
BY ABUTTER CAROL BOC

NOW COMES Carol Boc, individually and as Co-Trustee of the William E. Boc and Carol D. Boc Revocable Living Trust u/t/a dated March 22, 2000, by and through her attorneys, Wyskiel, Boc, Tillinghast & Bolduc, P.A., and files this Motion for Rehearing Pursuant to N.H. RSA 677:2, stating as follows:

1. On October 21, 2010, the Dover Zoning Board of Adjustment ("ZBA") granted Michael and Maureen Ryan ("the Ryans"), owners of 15 Arch Street (Dover Tax Map 10, Lot 162) a variance from the minimum frontage requirements of the Dover Code (80 feet minimum for the RM-U Zone) to allow their lot to be subdivided into two lots, one lot (with the existing house) having 70 feet of frontage, and a second ("new") lot having 69.6 feet of frontage.
2. As a condition of the Ryans' variance, the ZBA required the "new lot" to be limited to only a single family residence use.
3. Carol Boc, as a Co-Trustee of her and her husband's estate planning trust, is an owner of the 8 Arch Street (Dover Tax Map 11, Lot 10) property located across the street from the Ryans.

4. As an “abutter” and a “person directly affected” by the ZBA’s conditional variance grant to the Ryans, Carol Boc has standing to file this Motion for Rehearing Pursuant to N.H. RSA 677:2.

5. This Motion for Rehearing is timely filed within 30 days of the ZBA’s October 21, 2010 Decision.

6. At the ZBA’s October 21, 2010 public hearing, Carol Boc presented evidence in opposition to the variance request, but offered as a possible compromise (to the Ryans’ request for one lot having 80 feet of frontage and one having 60 feet of frontage), the creation of two lots, each with approximately 70 feet of frontage, and both being limited to single family residence use.

7. Other citizens speaking at the public hearing expressed support for a condition limiting both lots to single family dwelling use.

8. The October 21, 2010 ZBA meeting minutes reflect that ZBA member William Colbath suggested making both lots approximately 70 feet in frontage, and limiting both lots to single family residences.

9. Attorney James Schulte, representing the Ryans, indicated that his clients “are willing to accommodate” the Colbath suggestion.

10. A review of the official tape of the October 21, 2010 ZBA meeting on this point is summarized by Dover Planning Director, Christopher Parker’s, October 28, 2010 e-mail (copy attached) to the undersigned (Attorney Wyskiel). About the single family residence restriction, Mr. Parker’s summary states, in part:

I listened to the audio and it is discussed and Attorney Schulte speaks to his client not being limited to a SF (single family) on the existing house. Colbath agrees that they should be 2 single family lots, but the Board does not seem to favor this

requirement. Otis and Jim Kelly speak against making the existing house stay SF (single family). Schulte speaks that the Board does not have the existing house in front of it, and the Board seemed to buy that.

Emphasis supplied.

11. Attorney Schulte's advice to the ZBA as paraphrased by Planning Director Parker (summarizing the official recording of the October 21 public hearing), is in error.

12. The ZBA did, in fact, have the Ryans' existing house in front of it.

13. In presenting their variance application to the ZBA, the Ryans submit all of their land to the jurisdiction of the ZBA. Thus, the ZBA had every right to impose a single family limitation on both, and not just one, of the new lots created by virtue of the granting of the variance.

14. To suggest otherwise, as Attorney Schulte apparently did, could have unreasonably and illegally impacted the ZBA's consideration of ZBA Board member Colbath's and abutter Carol Boc's reasonable suggested condition to limit both newly created lots to single family residential use.

15. Attorney Schulte's suggestion that the ZBA did not have the existing house in front of it is essentially the same as suggesting that a variance application requesting setback relief on one side of a structure submits only that side of a lot to ZBA jurisdiction and not the conforming side. That makes no sense.

16. ZBA Board member Colbath's suggested variance condition to limit both newly created lots to single family residential use was supported by the public hearing testimony in addition to abutter Carol Boc's.

17. Under current zoning, the Ryans have no right to subdivide and build a second dwelling on their lot without a variance. Legally, then, the maximum amount of dwelling units

their lot could ever sustain would be two (if their existing home was converted to a duplex, as allowed under current Dover zoning).

18. By not imposing a condition that both new lots, coming into being by virtue of the granted variance, be limited to single family residential use, the Ryans can still convert their existing house to a duplex, and thus enable themselves to develop three residential units on their existing land.

19. The evidence and rationale abutter Carol Boc and others presented at public hearing against the granting of a variance support a compromising condition which would limit both newly created lots resulting from a variance to be limited to single family use.

20. The current condition imposed by the ZBA, limiting only the "new" lot to be developed to single family use invites more density, more traffic, more congestion, and more potential problems to the existing neighborhood.

21. The map presented by abutter Carol Boc to the ZBA provided evidence of an historic development pattern on Arch Street, creating lots with 70 feet of frontage. Of the 22 developed lots having frontage on Arch Street, nine of them have 70 feet (or slightly less) frontage, and of those nine, seven are single family residences:

- Tax Map 10 - Lot 164
- Tax Map 10 - Lot 155
- Tax Map 10 - Lot 154
- Tax Map 10 - Lot 153
- Tax Map 11 - Lot 15
- Tax Map 11 - Lot 14B-1
- Tax Map 11 - Lot 9

(see supporting documentation attached)

24. In deciding upon its condition that the new (undeveloped) lot created by virtue of the variance alone be limited to single family use, the ZBA was misinformed and biased by Attorney Schulte's incorrect advice.

25. A rehearing is appropriate and just for Board members to reconsider the variance granted, and specifically to reconsider the condition imposed. By submitting their application to the ZBA, the Ryans submit all of their land to the ZBA jurisdiction, and thus the ZBA has every legal right to consider imposing a single family residential use on both lots coming into existence by virtue of the granted variance.

WHEREFORE, for all the above reasons, Carol Boc requests:

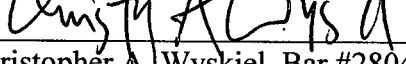
- A. The ZBA grant her Motion for Rehearing;
- B. The ZBA reschedule a reopened public hearing to reconsider the issues explained above;
- C. The ZBA deny the variance or, at a minimum, revise its conditions, imposing a single family residential use limitation on both the 70 foot frontage lot and 69.6 foot frontage lot, which come into existence by virtue of the variance; and
- D. Such other relief as may be deemed just.

Respectfully submitted,

Carol Boc

By her attorneys,

WYSKIEL, BOC, TILLINGHAST & BOLDUC, P.A.

By: 
Christopher A. Wyskiel, Bar #2804
561 Central Avenue
Dover, NH 03820
Tel. 603-742-5222

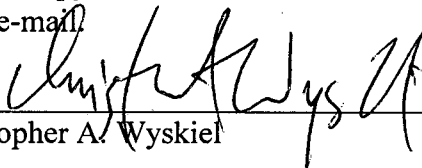
11/19/2010

CERTIFICATE OF SERVICE

STATE OF NEW HAMPSHIRE
County of Strafford

November 19, 2010

I hereby certify that a copy of the within Motion for Rehearing has been hand-delivered this date to the Planning Department, Dover City Hall, and a copy has been forwarded to James Schulte, Esquire, by first-class, United States mail and via e-mail.



Christopher A. Wyskiel

n1 c:document/Boc Motion for Rehearing

Parcel ID	St#	St Name	Use	2009 Total	2010 Land	2010 Building	2010 Total
10079-100000	17	ARBOR DR	Single Family Res	157,000	84,800	72,200	157,000
10074-W00000	19	ARBOR DR	Single Family Res	167,400	84,800	82,600	167,400
10079-F00000	21	ARBOR DR	Single Family Res	171,500	85,000	86,500	171,500
11009-000000	2	ARCH ST	Single Family Res	262,800	94,000	168,800	262,800
10164-000000	7	ARCH ST	Single Family Res	301,600	95,700	205,900	301,600
11010-000000	8	ARCH ST	Three Family Triplex	451,000	110,300	340,700	451,000
10163-000000	9	ARCH ST	Two Family Duplex	272,900	92,100	180,800	272,900
11011-000000	10	ARCH ST	Apt Conversions 4+	387,400	132,600	476,600	609,200
10162-000000	15	ARCH ST	Single Family Res	262,900	105,900	157,000	262,900
11012-000000	16	ARCH ST	Single Family Res	289,900	93,600	196,300	289,900
10161-001000	17	ARCH ST	Single Family Res	275,200	93,200	182,000	275,200
11013-000000	20	ARCH ST	Single Family Res	553,200	118,800	464,300	583,100
10157-000000	33	ARCH ST	Single Family Res	184,600	94,200	90,400	184,600
11014-B00001	34	ARCH ST	Single Family Res	307,900	121,800	186,100	307,900
10156-000000	35	ARCH ST	Single Family Res	196,100	96,300	99,800	196,100
11014-B00000	36	ARCH ST	Single Family Res	260,800	106,800	154,000	260,800
10155-000000	37	ARCH ST	Single Family Res	261,700	94,100	170,800	264,900
10154-000000	39	ARCH ST	Single Family Res	232,800	95,800	137,000	232,800
11015-000000	40	ARCH ST	Single Family Res	192,800	93,700	99,100	192,800
10153-000000	41	ARCH ST	Single Family Res	278,000	96,200	181,800	278,000
10152-000000	43	ARCH ST	Two Family Duplex	311,400	98,100	213,300	311,400
11016-000000	46	ARCH ST	Three Family Triplex	334,900	144,300	190,600	334,900
10151-000000	49	ARCH ST	Two Family Duplex	301,000	105,300	195,700	301,000
11014-000000		ARCH ST	Res Developable Land	197,500	248,800	-	248,800
33115-000000	1	ARCOLA ST	Single Family Res	140,300	83,200	59,900	143,100
33108-000000	2	ARCOLA ST	Single Family Res	173,400	87,200	86,200	173,400
33114-000000	3	ARCOLA ST	Single Family Res	153,300	91,200	62,100	153,300
33100-000000		ARCOLA ST	Res Unbuildable Land	600	600	-	600
33113-000000		ARCOLA ST	Res Unbuildable Land	600	600	-	600
F0018-F00001	11	ARLINGTON DR	Single Family Res	387,200	78,100	304,700	382,800
F0018-F00002	15	ARLINGTON DR	Single Family Res	399,600	80,800	318,800	399,600
10022-000151	1	ARROWBROOK RD	Mobile Home	54,400	-	54,400	54,400
10022-000150	3	ARROWBROOK RD	Mobile Home	45,800	-	45,800	45,800
10022-000140	4	ARROWBROOK RD	Mobile Home	46,000	-	46,000	46,000
10022-000149	5	ARROWBROOK RD	Mobile Home	44,900	-	44,900	44,900
10022-000141	6	ARROWBROOK RD	Mobile Home	50,600	-	50,600	50,600
10022-000148	7	ARROWBROOK RD	Mobile Home	50,800	-	50,800	50,800
10022-000142	8	ARROWBROOK RD	Mobile Home	47,700	-	47,700	47,700
10022-000147	9	ARROWBROOK RD	Mobile Home	46,200	-	46,200	46,200
10022-000146	11	ARROWBROOK RD	Mobile Home	46,000	-	46,000	46,000
10022-000145	15	ARROWBROOK RD	Mobile Home	48,100	-	48,100	48,100
10022-000144	17	ARROWBROOK RD	Mobile Home	44,700	-	44,700	44,700
10022-000134	18	ARROWBROOK RD	Mobile Home	46,300	-	46,300	46,300
10022-000143	19	ARROWBROOK RD	Mobile Home	50,000	-	50,000	50,000
10022-000113	20	ARROWBROOK RD	Mobile Home	51,700	-	51,700	51,700
10022-000099	21	ARROWBROOK RD	Mobile Home	55,700	-	55,700	55,700
10022-000098	23	ARROWBROOK RD	Mobile Home	46,900	-	46,900	46,900
10022-000097	25	ARROWBROOK RD	Mobile Home	46,600	-	46,600	46,600
10022-000111	26	ARROWBROOK RD	Mobile Home	70,700	-	70,700	70,700
10022-000096	27	ARROWBROOK RD	Mobile Home	47,200	-	47,200	47,200
10022-000095	29	ARROWBROOK RD	Mobile Home	45,600	-	45,600	45,600
10022-000094	31	ARROWBROOK RD	Mobile Home	47,500	-	47,500	47,500
10022-000092	32	ARROWBROOK RD	Mobile Home	49,200	-	49,200	49,200
10022-000093	33	ARROWBROOK RD	Mobile Home	69,600	-	69,200	69,200
30141-B00000	2	ASH ST	Single Family Res	168,300	66,300	98,200	164,500
30155-000002	10	ASH ST	Condo	184,000	84,400	99,600	184,000
30156-000000	12	ASH ST	Two Family Duplex	170,500	61,000	103,800	164,800
30153-D00000	20	ASH ST	Apt Conversions 4+	275,600	112,400	163,200	275,600
29086-000000	23	ASH ST	Single Family Res	193,400	67,600	141,800	209,400
30157-000000	24	ASH ST	Two Family Duplex	182,300	61,000	125,400	186,400

Christopher A. Wyskiel

From: Parker, Christopher G. [C.Parker@dover.nh.gov]
Sent: Thursday, October 28, 2010 4:48 PM
To: Christopher A. Wyskiel; carol.boc@comcast.net; Jack Buckley; William E. Boc
Subject: RE: October 21, 2010 ZBA Minutes

I spoke with Bruce and he said that he recalled the discussion about SF on both the new lot and existing home, and that the Board did not go along with that line of thinking. I listened to the audio and it is discussed and Attny Schulte speaks to his client not be limited to a SF on the existing house. Colbath agrees that they should be 2 single family lots, but the Board does not seem in favor of this requirement. Otis and Jim Kelly speak against making the existing house stay SF. Schulte speaks that the Board does not have the existing house in front of it and the Board seemed to buy that. Most of the Board discussion was on the frontage (60' vs 70').

Listening to the audio, I think the motion is clear that it is just restricting only the new lot be restricted to SF.

Chris

Christopher G. Parker, AICP
Director of Planning and Community Development
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169
e: c.parker@dover.nh.gov
p: 603.516.6008 f: 603.516.6007

Dover: First in New Hampshire, First with you!

www.dover.nh.gov

<http://dovernhplanning.blogspot.com/>

Facebook: www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351

Twitter: [@DoverNHPlanning](https://twitter.com/DoverNHPlanning)



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z10-17

Application Type: Sign Variance
 Applicant(s): Elie Khoury
 Owner(s): North Haverhill Management
 Location: 171 Silver Street (Assessor's Map 11, Lot 3A) (Irving station, formerly Gulf station)

INTENT: To obtain a Use Variance to allow the installation of an electronic LED type gasoline price sign on the existing freestanding sign.

LOTS/UNITS PROPOSED: 0 Lots

AGENDA ITEM #: 4-A

ZONING DISTRICT: Thoroughfare Business (B-3)

EXISTING LAND USE: Gasoline and convenience store

PROPOSED LAND USE: Same

SURROUNDING LAND USE: Single family, multi-family houses, elementary school and vacant education institution

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: No

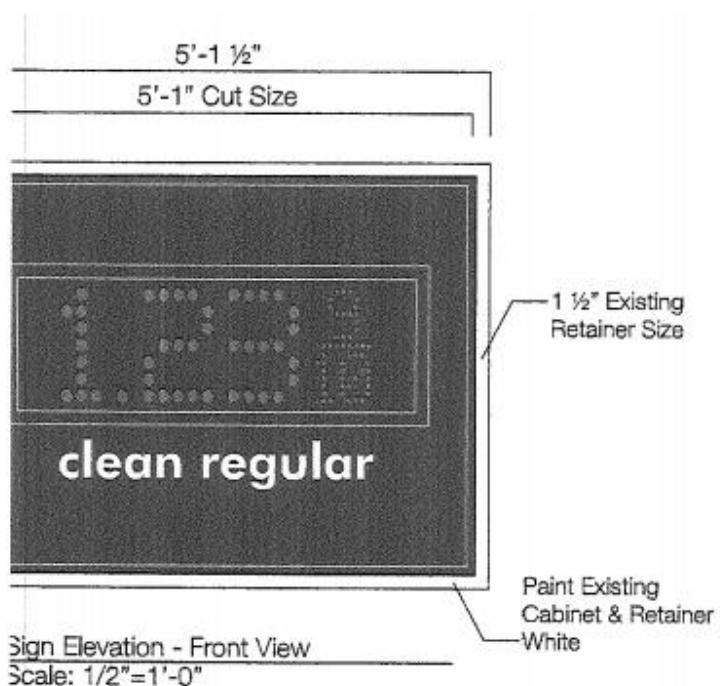
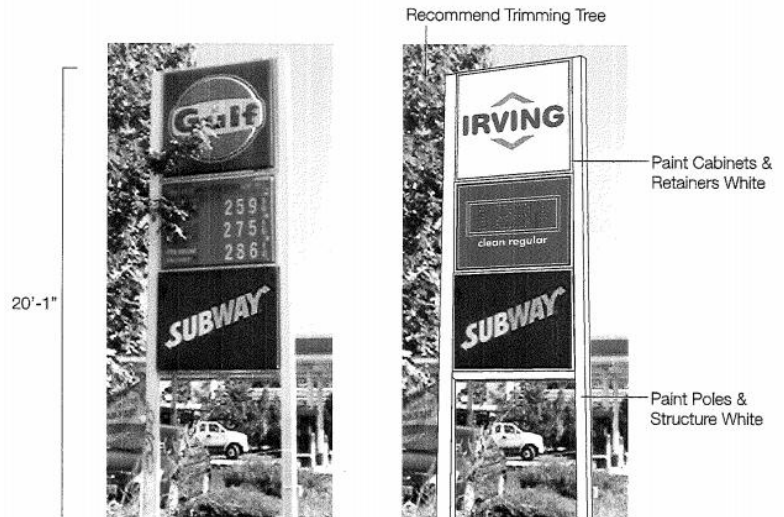
ATTACHMENT: sign detail, application

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:

The Planning Department is neutral on this application and therefore has no up or down recommendation, however, if the Board approves the variance, staff strongly recommend that specific conditions stating that the pricing on the sign will change no more than once every 24 hours, that it shall not flash, be animated, change colors or have moving borders or characters, that it will not change to show any other pricing other than the singular unleaded component., and that the intensity of the sign not exceed the maximum nits called out in the 2010 posted Zoning Amendments (just ratified Wednesday night by City Council).



Summary of Request and Background

The applicant has asked for a sign permit that would allow him to install an electronic (with remote control), LED type Unleaded Gasoline price sign. He has stated that the pricing on the sign will change, possibly once daily, but no more often than that. Additionally, he states this sign shall not flash, change colors or have moving borders or characters. He indicates it will not change to show any other pricing other than the requested unleaded component. The portion of the sign permit that included the LED



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z10-17

Application Type: Sign Variance
Applicant(s): Elie Khoury
Owner(s): North Haverhill Management
Location: 171 Silver Street (Assessor's Map 11, Lot 3A) (Irving station, formerly Gulf station)

gasoline pricing was not approved because the definition in the Zoning Ordinance on “**Flashing Sign**” is clear in that it specifically includes “electronic changeable message boards or SIGNS of similar technologies, excluding those deemed necessary for the public safety and welfare by Federal, State or municipal authorities. [Added 03-21-07 by Ord. No. 01-2007]”. The applicant was informed that he could either ask for relief from this section or appeal an administrative decision. The applicant feels that even though the sign is changeable, he won't be using it as a gimmick to get attention, he will only use it to change the pricing employing newer technology rather than the older number plates changed by hand.

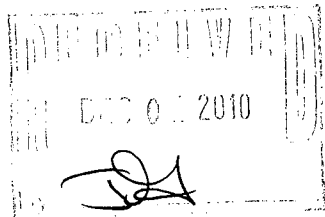
Reason for Staff Recommendation

There are instances of LED and/or electronic signs throughout the City, but none of them (with the exception of grandfathered or court case examples with strict rules) change legally at all. There are two central issues: 1. the sign WILL change, albeit only once a day at most; and 2. Sign technology has changed, and although it is a community character mandate that signs not be obtrusive and overbearing (flashing, intensity, attention-getting, etc.), LED and/or new technology signs should be able to be used with strict controls if possible.

Recommendation

1. Refer to Staff Recommendation above.

CASE # Z10-17 DATE RECEIVED 12/1/10
 AMOUNT PAID \$ 232.00 TIME RECEIVED _____



CR 4415

**CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION**

I. APPLICANT Eli Khoury PHONE #: 603 866 2622
 ADDRESS 171 silver st, Dover, NH 03820
 PROPERTY OWNER North Haverhill Management
 ADDRESS 32 Railroad Ave, Orleans, VT 05860
 PROPERTY LOCATION 171 silver st, Dover, NH 03820
 BRIEF DIRECTIONS _____

ZONE B-3 ASSESSOR'S MAP 11 LOT #(S) 3A

TYPE OF APPEAL: (Please check off one)

- | | | |
|---|-------------------|---------------------------|
| <input checked="" type="checkbox"/> VARIANCE | ARTICLE <u>II</u> | SECTION <u>170-6B</u> |
| _____ VARIANCE (Physical Disability - RSA 674:33-V) | ARTICLE _____ | SECTION <u>170-32C.5a</u> |
| _____ SPECIAL EXCEPTION | ARTICLE _____ | SECTION _____ |
| _____ ADMINISTRATIVE DECISION | ARTICLE _____ | SECTION _____ |
| _____ EQUITABLE WAIVER | ARTICLE _____ | SECTION _____ |

Flashing sign definitio

Describe briefly your plans for this property:

My plan was to improve the overall look of the store, which consist of a face lift and an LED price sign, to help increase the property value

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (9 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>7</u> X \$8.00 = | \$ <u>56.00</u> |
| Applicant & Owner <u>2</u> X \$8.00 = | \$ <u>16.00</u> |
| Foster's newspaper public notice | \$ <u>60.00</u> |
| TOTAL | \$ <u>232.00</u> |

III. **NARRATIVE:** Complete the section pertaining to your request for a 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

VARIANCE REQUIREMENTS: (PLEASE TYPE OR PRINT IN INK)

1. Provide proof that demonstrates the variance will not be contrary to the public interest.

the proposed sign will not, scroll, flash, change intensity, or display or show any animation what so ever

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

Sign ordinance prevent flashing signs, scrolling messages animations or change in the intensity of illumination. my sign don't scroll, flash, display animation or change of intensity and therefore is consistent with the intent of the sign ordinance

3. Provide proof that demonstrates how a variance will result in substantial justice.

changing gas price will be safer specially in the winter when its icy and slippery

4. Provide proof that demonstrates the variance will not diminish the values of surrounding properties.

Not at all the sign is neat and its low intensity not directional and won't pollute the area its easier to read by passing cars

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area; and

(ii) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

there is several LED signs and Digital signs in Dover and I'm a part of this city, I would like you to grant me the variance because the proposed sign is not Digital or Flashing

(iii) the proposed use is a reasonable one.

yes now these days the LED sign is being becoming standard in our industry

OR

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

SPECIAL EXCEPTION REQUIREMENTS

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

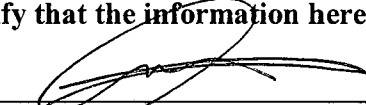
2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

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.

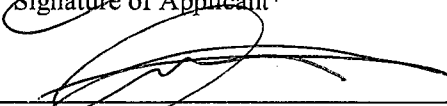
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED</p>
--

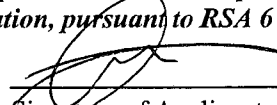


Signature of Applicant*



Signature of Owner*

*Both Signatures Required

<p><i>The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:</i></p>	
<p> _____ Signature of Applicant</p>	<p>Date <u>11 / 30 / 10</u></p>



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z10-18

Application Type: Sign Variance
 Applicant(s): Wentworth-Douglass Hospital
 Owner(s): Wentworth-Douglass Hospital
 Location: 789 Central Ave. (Assessor's Map 37, Lot 1)

INTENT: To obtain a Variance to allow the installation of two signs where 1 is allowed, to allow 2 temporary (banner) signs where none are allowed, to allow temp. signs of 800 sq. ft. area each where 12 sq. ft. is allowed, and to allow said signs to be 25 ft. above the ground where 16 ft is allowed. They are being requested for one year.

LOTS/UNITS PROPOSED: 0 Lots

AGENDA ITEM #: 4-B

ZONING DISTRICT: Office (O)

EXISTING LAND USE: Hospital

PROPOSED LAND USE: Same

SURROUNDING LAND USE: Single family, multi-family houses and medical and general offices

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: No

ATTACHMENT: sign detail, application

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:

The Planning Department does not oppose this. If the Board approves the variance, staff recommend that specific conditions stating that the banners shall only be up for a maximum of twelve months, that the applicant apply for and pay for sign permits and that this is a unique circumstance whereby any new requests would also require variances to the sign ordinance.

South Side Sign



North Side Sign



Summary of Request and Background

The applicant has erected two large banners that do not meet the requirements of the sign sections for the Office District in the Zoning Ordinance. The applicant is asking for multiple variances to allow these banners to remain for a period of twelve months (with occasional change-outs). Please refer to the application's Substantial Justice Element on page 3.

Reason for Staff Recommendation

Given the public benefit aspects of the work the hospital does and the nature of their ad campaign, it is reasonable to grant the variance, but with specific criteria that can be applied to the sign permit review process.

Recommendation

1. Refer to Staff Recommendation above.

CASE # 210-18 DATE RECEIVED _____
 AMOUNT PAID \$ 408.00 TIME RECEIVED _____

210

**CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION**

I. APPLICANT Wentworth-Douglass Hospital PHONE #: 742-5252
 ADDRESS 789 Central Avenue, Dover, NH
 PROPERTY OWNER same
 ADDRESS same
 PROPERTY LOCATION _____
 BRIEF DIRECTIONS _____

 ZONE 0 ASSESSOR'S MAP 37 LOT #(S) 1

TYPE OF APPEAL: (Please check off one)

<input checked="" type="checkbox"/> VARIANCE	ARTICLE <u>IV</u>	SECTION <u>170-12</u>
<input type="checkbox"/> VARIANCE (Physical Disability - RSA 674:33-V)	ARTICLE <u>IX</u>	SECTION <u>170-32 H</u>
<input type="checkbox"/> SPECIAL EXCEPTION	ARTICLE _____	SECTION <u>"O" District Table of</u>
<input type="checkbox"/> ADMINISTRATIVE DECISION	ARTICLE _____	SECTION <u>U.S.C.</u>
<input type="checkbox"/> EQUITABLE WAIVER	ARTICLE _____	SECTION _____

Describe briefly your plans for this property: Please see Exhibit A attached.
 The Applicant requests the following variances:

1. A variance to permit 2 signs where 1 is allowed.
2. A variance to permit signage of 800 sq. ft. where 12 sq. ft. is allowed.
3. A variance to permit 2 temporary signs where none are allowed.
4. A variance to permit 2 temporary signs 25 feet above ground elevation, where 16 ft. is allowed.

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', **(9 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>29</u> X \$8.00 =	\$ <u>232.00</u>
Applicant & Owner <u>2</u> X \$8.00 =	\$ <u>16.00</u>
Foster's newspaper public notice	\$ <u>60.00</u>
TOTAL	\$ <u>408.00</u>

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.


THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED

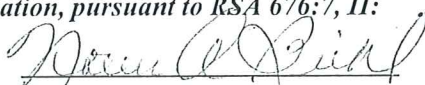


Signature of Applicant*
Wentworth-Douglass Hospital



Signature of Owner*
Wentworth-Douglass Hospital

*Both Signatures Required
Noreen A. Biehl, VP of Community Relations

<i>The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:</i>	
 Signature of Applicant	December 3, 2010 _____ Date

STRAFFORD, SS.

STATE OF NEW HAMPSHIRE

DOVER ZONING
BOARD OF ADJUSTMENT

IN RE: VARIANCE APPLICATIONS
OF WENTWORTH-DOUGLASS HOSPITAL

ASSESSOR'S MAP 37, LOT 1

The main campus of Wentworth-Douglass Hospital at 789 Central Avenue is located in the Office (O) District, as delineated in the Dover Zoning Ordinance. The main hospital campus consists of approximately 12.6 acres, with frontage on Central Avenue of approximately 600 feet. In contrast, the minimum lot size in the Office District is only 10,000 sq. ft. with minimum street frontage of 100 ft. Most properties along Central Avenue and in the other Office district areas of the City contain much smaller lots and less frontage than the main campus of Wentworth-Douglass Hospital.

The Hospital has retained a national firm to assist it in enhancing employee retention and recruitment and to assist in providing information to patients and the Dover community regarding the quality of healthcare at Wentworth-Douglass Hospital. The basic theme of the campaign is "Where Quality Matters" and "Where You Belong". This campaign is temporary and will last for a maximum period of twelve months and will coincide, to some degree, with the expansion of the Hospital which has been approved by the Dover Planning Board. The two signs which are the subject matter of the within variance request will be changed at 3-4 month intervals to highlight other hospital employees and other themes consistent with the campaign. The campaign has many facets, including internal banners, a website banner, and a booklet for patient rooms and other departments in the Hospital.

The two professionally prepared signs are located approximately 142 feet from Central Avenue and are oriented to be visible to vehicular traffic proceeding both north and south. Each sign contains 400 sq. ft. and is 20' x 20'. The base of the signs are located approximately 25 feet above ground level, and are placed on the limited areas of the Hospital building where wall space without windows are available to affix the signage. The signs are not distractions to the motoring public and do not create any unsafe condition, and are not lit.

Sign ordinances frequently attempt to establish a reasonable relationship between the baseline lot size and frontage sizes within a district. In this zone, a 12 sq. ft. sign for a 10,000 sq. ft. lot with 100 ft. of frontage would appear to reasonably accommodate these baseline proportionality concerns. It is significant to note that the B3 Zone which is located slightly north of the Wentworth-Douglass property provides for both temporary signs and larger signs than are permitted in the Office zone. It is likely the ordinance recognizes that larger signs would meet the proportionality test for lot sizing and

anticipated uses in the B3 Zone thereby permitting larger signs, as well as temporary signs. The Wentworth-Douglass campus is unique in terms of its size and frontage in the Office District which forms the primary basis for the within variance requests.

Variations Requested

The Applicant requests the following variances:

1. A variance to permit 2 signs where 1 is allowed.
2. A variance to permit total signage of 800 sq. ft. where 12 sq. ft. is allowed.
3. A variance to permit 2 temporary signs where none are allowed.
4. A variance to permit 2 temporary signs 25 feet above ground elevation, where 16 ft. is allowed.

Variance Criteria

The applicant will collectively address all 4 variance requests for each of the statutory variance requirements for the granting of a variance.

1. Provide proof that demonstrates the variance will not be contrary to the public interest. Wentworth-Douglass Hospital is the primary acute care hospital facility serving Dover and the region. The retention and improvement of qualified employees, as well as providing information to patients and the public with regard to the quality of its healthcare activities are clearly in the public interest. The Hospital has limited areas on its campus to display meaningful signage messages to vehicle traffic in a manner that is both visible and of a size to provide a meaningful message. The two signs are not lit and the sign campaign will last for a maximum period of twelve (12) months. The signage does not create a public safety issue, does not reduce property values, and is professionally prepared and conveys a message which is in the public interest.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance. The spirit of the ordinance relating to signs is to permit signs that bear a reasonable relationship to the baseline size of uses and lot sizing that exists in the zone. The minimum lot size in the Office District is only 10,000 sq. ft. and the minimum frontage is 100 ft. The Wentworth-Douglass main campus is more than 40 times minimum lot size in the Office District, and its frontage is approximately 6 times the

minimum frontage for the zone. The Hospital is also significantly set back from Central Avenue, with the signs being located approximately 142 feet from the sideline of Central Avenue. The size of the Wentworth-Douglass campus and the buildings thereon can reasonably accommodate signage greater than 10,000 sq. ft. without being offensive, disproportional, or without being a public safety issue, and without diminishing property values. It is reasonable to permit the temporary signage which is being sought to enhance professional recruitment and retention and to inform the public of the activities of the Hospital during its transition to a new bed tower facility and to inform the public of the quality of the health care being provided. The size of the signs are in context, and there is no other reasonable location on the building to locate the sign without blocking windows or decks on the front of the Hospital building. Therefore, two signs are necessary to provide visibility to north and southbound traffic. The height of the sign is necessary due to the topography of the site and the relationship to the street and due to the limitations of available space on the building and lot to place the signs.

3. The variance will result in substantial justice. Given the size of the Wentworth-Douglass campus in comparison with other properties in the Office District, and the significant setbacks of the signs from the street, and the temporary nature of the signs, substantial justice would be done to permit a temporary placement of two signs of a total of 800 sq. ft. in a location that does not adversely affect the public or result in a diminution of property values. It is in the best interest of the City of Dover that the Hospital be a vibrant facility with qualified employees with informed patients and substantial justice is served by advancing these interests for a temporary period of time not to exceed one (1) year.

4. The variance will not diminish the value of surrounding properties. Many of the surrounding properties to the Hospital provide specialized medical care to the community. Many of the physicians and patients of these private medical care facilities utilize the Hospital on a regular basis, and it is in their interest for the Hospital to be a vibrant, active, community-based facility staffed by professionals that can provide quality care. The signage which is being proposed is both professional and proportionate, and provides messages which are in the best interest of promoting the quality of professional healthcare being provided to the Dover community. The signs are temporary, are not lit, and are significantly set back from the street and do not create a traffic hazard. The signs do not adversely affect other properties in the vicinity of the Hospital and are compatible with many uses in the area. It is likely that properties in the vicinity of the Hospital will, in fact, benefit from signage that assists the Hospital in retaining and recruiting employees and provide information that will enhance the reputation of the Hospital and its provision of quality care to the community.

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

A. Special conditions of the property that distinguish it from other properties in the area are as follows: As noted above, the Hospital campus is relatively unique in the Office District because of its significant size (approximately 12.6 acres) and its

significant frontage (approximately 600 ft.). The minimum lot size in the Office District is only 10,000 sq. ft. with 100 ft. of frontage. Although it is reasonable to presume that one 12 sq. ft. sign and no temporary signs may be appropriate in the Office District with a limited lot size and limited frontage, special conditions exist on the Hospital property that distinguish it from these smaller properties in the area and which result in an unnecessary hardship. There are limited areas on the Hospital property to place the temporary signs which are being proposed. The temporary signs need to be at the height and size which is proposed because of both topography and the areas of the building which are available for the signage. The size of the signs are necessary because they are significantly set back from Central Avenue, but the signs nonetheless are proportionate to both the lot size and the building size. The signage is not disproportionate to other zones in the city which permit larger signs for non-residential purposes. Two signs are necessary to provide visibility to north and southbound traffic and there are no other reasonable locations on the building to place the signs.

B. The proposed use is a reasonable use. For all of the reasons cited above, the Hospital occupies a unique position in the community, both as to its lot size in the Office District, as well as services which it provides. The temporary placement of professionally prepared signage which does not create a traffic hazard and which should result in the effective retention and recruitment of staff, as well as providing reasonable information to the public regarding the quality of services being offered results in the proposed signage being reasonable. The signage is temporary and unlit, and will not result in a diminution of property values.

C. In the alternative, if the Board finds the above hardship criteria are not met, the following proof is provided that unnecessary hardship exists owing to the special conditions of the property that distinguish it from other property in the area.

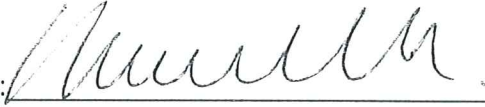
Special conditions exists for the Hospital because of the size and location of the lot and the building. It would be unreasonable to require strict conformance of the ordinance on a campus which is 40 times the minimum lot size and contains 6 times the minimum frontage required in the zone. Non-residential zones in relatively close proximity to the Hospital (the B3 Zone) permit temporary signs and also permit large signs. Any additional signage at the Hospital premises require a variance. The proposed signage is temporary, professionally prepared, unlit and does not create a safety hazard. The Hospital would be unable to convey an effective message on its property if it were limited to 12 sq. ft. of signage on a 12.6 acre lot, or it were not permitted to place temporary signs in appropriate locations for a maximum period of 12 months.

Summary

For all of the reasons stated above, it is respectfully requested that the Zoning Board of Adjustment granted the four requested variances.

Respectfully Submitted,
Wentworth-Douglass Hospital
McNEILL, TAYLOR & GALLO, PA

December 3, 2010

By:  _____

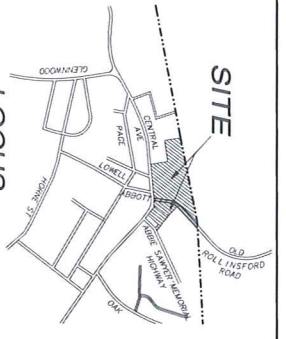
Malcolm R. McNeill, Jr., Esq.
P.O. Box 815
180 Locust Street
Dover, NH 03821-0815
(603) 749-5535
(603) 749-1187 facsimile

Wentworth-Douglass Hospital
Tax Map 37, Lot 1
December 3, 2010
(abutters within 200 feet)

<u>Tax Map</u>	<u>Lot No.</u>	<u>Owner Name & Mailing Address</u>
28	1-01	Seacoast Pediatrics Realty Partnership 17 Old Rollinsford Road, Suite 5 Dover, NH 03820
28	1-02	Wilmot S. Draper Rev. Trust of 1998 Wilmot S. Draper, Trustee P.O. Box 311 Dover, NH 03820
28	1-03	Richard A. Petrie 17 Old Rollinsford Road, Suite 4 Dover, NH 03820
28	1-04	Gateway Urology 17 Old Rollinsford Road, Suite 3 Dover, NH 03820
28	1-05	17 Dover LLC 84 Court Street Exeter, NH 03833
28	1-06	John P. Lanni, MD, PA c/o Gateway Urology 17 Old Rollinsford Road, Suite 3 Dover, NH 03820
28	1-07	Avis Goodwin Community Health Center 652F Central Avenue Dover, NH 03820
28	1-08	Orthopedic & Trauma Surgeons Marsh Brook Professional Center 237 Route 108, Suite 205 Somersworth, NH 03878
28	6A	Ralph Vaccaro c/o Gage's Auto Body Abbey Sawyer Memorial Highway Dover, NH 03820

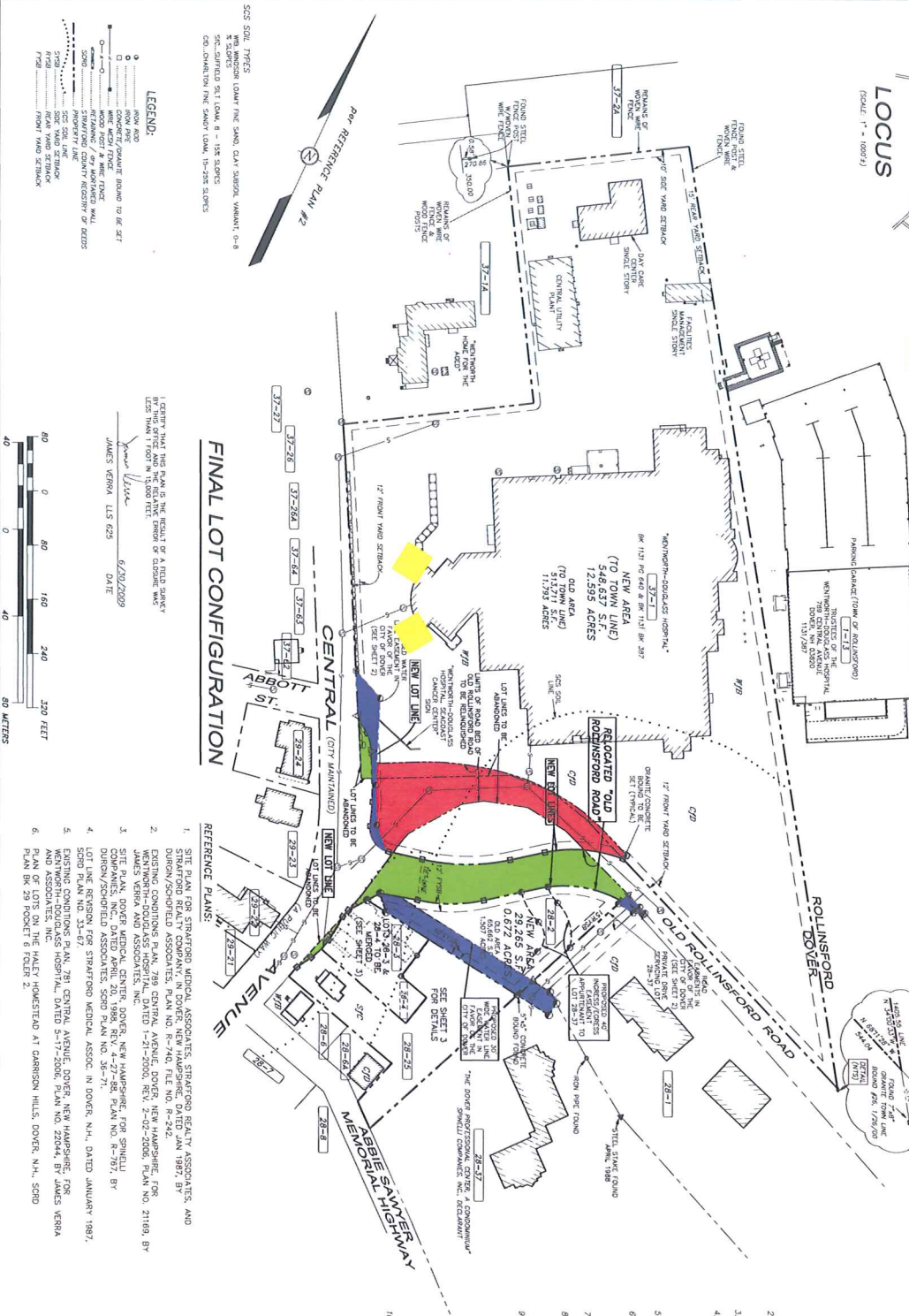
28	32 & Old Rollinsford Road	City of Dover 288 Central Avenue Dover, NH 03820
28	37-00	Spinelli Corp. 400 Central Avenue Dover, NH 03820
28	37-101	Atkinson Green LLC 308 Dover Point Road Dover, NH 03820
28	37-102	Gynecologic Paradox 15 Old Rollinsford Road Dover, NH 03820
37	1A	Wentworth Home for the Aged 795 Central Avenue Dover, NH 03820
37	2A	Public Service Company P.O. Box 330 Manchester, NH 03105
37	2B2	Joseph M. Graciano, Trustee & Paul T. Berry 801 Central Avenue Dover, NH 03820
37	2B3, 2B4	David B. Staples, Trustee David B. Staples Living Revocable Trust 2 Ruthies Run Dover, NH 03820
37	2B5	Paul F. & Margaret T. Maloney 302 Roberts Cove Road Alton, NH 03809-9722
37	26	First Horizon Home Loans c/o Met Life Home Loans 400 Horizon Way, Suite 100 Irving, TX 75063
37	26A	Peoples United Bank 537 Central Avenue Dover, NH 03820

37	27	Brian P. Cassidy, Trustee Roslea Realty Trust 796½ Central Avenue Dover, NH 03820
37	28	B-Team Realty LLC 37 Fieldstone Drive Dover, NH 03820
37	56	Benjamin & Anissa Gregory 1 Page Avenue Dover, NH 03820
37	57	Daniel & Alyssa Brigandi 1 Lowell Avenue Dover, NH 03820
37	58	W & L Nebesky 183 Mount Vernon Street Dover, NH 03820
37	61	Cynthia Vomvoris 6 Maple Avenue West Nyack, NY 10994-1810
37	62	Robert M. Chaplik 788 Central Avenue Dover, NH 03820
37	63	Jose Gregorio & Pamela D. Angulo 790 Central Avenue Dover, NH 03820
37	64	Scott M. Goodman 792 Central Avenue Dover, NH 03820



LOCUS
(SCALE 1" = 1000')

- CITY OF DOVER ROADWAY PARCELS FOR THE NEW OLD ROLLINSFORD ROAD ALIGNMENT
- CITY OF DOVER WATER & ROADWAY EASEMENTS
- AREA OF OLD ROLLINSFORD ROAD TO BE DISCONTINUED
- Banner/sign



FINAL LOT CONFIGURATION

LEGEND:
 1. CITY OF DOVER ROADWAY PARCELS FOR THE NEW OLD ROLLINSFORD ROAD ALIGNMENT
 2. CITY OF DOVER WATER & ROADWAY EASEMENTS
 3. AREA OF OLD ROLLINSFORD ROAD TO BE DISCONTINUED
 4. BANNER/SIGN

SCALE: 1" = 800'
 DATE: 6/20/2009
 DRAWN BY: JAMES VERRA
 CHECKED BY: JAMES VERRA

- REFERENCE PLANS:**
- SITE PLAN FOR STRATFORD MEDICAL ASSOCIATES, STRATFORD REALTY ASSOCIATES, AND STRATFORD REALTY COMPANY, IN DOVER, NEW HAMPSHIRE, DATED JAN 1997, BY DUNN/SPOFFORD ASSOCIATES, PLAN NO. R-746, FILE NO. R-742.
 - EXISTING CONDITIONS PLAN, 789 CENTRAL AVENUE, DOVER, NEW HAMPSHIRE, FOR JAMES VERRA AND ASSOCIATES, INC. 7-21-2008, FILE NO. 7-21-2008, PLAN NO. 21189, BY JAMES VERRA AND ASSOCIATES, INC.
 - SITE PLAN, DOVER MEDICAL CENTER, DOVER, NEW HAMPSHIRE, FOR SPINELLI CONSULTANTS, INC., DATED APRIL 20, 1988, REV. 4-27-88, PLAN NO. R-767, BY SPINELLI CONSULTANTS, INC.
 - SUBDIVISION PLAN FOR STRATFORD MEDICAL ASSOC. IN DOVER, N.H., DATED JANUARY 1987, PLAN NO. 13-67.
 - EXISTING CONDITIONS PLAN, 781 CENTRAL AVENUE, DOVER, NEW HAMPSHIRE, FOR WENTWORTH-DOUGLASS HOSPITAL, DATED 5-17-2006, PLAN NO. 22044, BY JAMES VERRA AND ASSOCIATES, INC.
 - PLAN BK 29 FOLDER 8 FOLDER 2.

NOTES:

- OWNER OF RECORD: WENTWORTH-DOUGLASS HOSPITAL
 DEED REFERENCE: BK 151 PG 640 & BK 151 PG 639
 TAX SHEET / LOT: 37-1
 OWNER OF RECORD: WENTWORTH-DOUGLASS HOSPITAL
 DEED REFERENCE: BK 5033 PG 697 & BK 5655 PG 648
 TAX SHEET / LOT: 28-2, 28-3, 28-4 & 28-5

SIGNATURE: FOR LOTS 37-1, 28-2, 28-3, 28-4 & 28-5
 THE CITY OF DOVER
 288 CENTRAL AVENUE, DOVER, NH 03820
 288 ROLLINSFORD ROAD
 OLD ROLLINSFORD ROAD
 TAX SHEET / LOT: N/A

- ZONED: OFFICE (O)
- MINIMUM LOT AREA: 10,000 S.F.
- FRONT YARD SETBACK: 10'
- REAR YARD SETBACK: 10'
- THE PARCELS SHOWN HEREON ARE SERVED BY MUNICIPAL SEWER AND WATER.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE SYNCHRONIZED AND ARE BASED UPON THE FIELD LOCATION OF ALL AVAILABLE RECORDS AND FIELD SURVEY DATA. THE LOCATION OF ALL AVAILABLE RECORDS AND FIELD SURVEY DATA, INCLUDING SANITARY, WATER, GAS, AND CABLE TELEVISION, SHALL BE SHOWN ON ALL ADJACENT LOTS. THE PURPOSE OF THIS PLAN IS TO REVEAL OLD ROLLINSFORD ROAD AND ADJUST THE LOT LINES OF ADJACENT LOTS.
- THE PARCELS SHOWN HEREON ARE IN ZONE "X", OUTSIDE THE 0.2% FLOODPLAIN AND ARE NOT SUBJECT TO FLOODING. THE CITY ENGINEER HAS REVIEWED AND APPROVED THE FLOODPLAIN MAP AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- A DWF FILE OF THE BOUNDARY BASED UPON THE CITY OF DOVER GIS WILL BE PROVIDED TO THE APPLICANT UPON FINAL APPROVAL.
- PARCEL 28-2 IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
- LOT 37-1 IS SUBJECT TO THE FOLLOWING:
 1. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 2. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 3. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 4. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 5. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 6. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 7. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 8. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 9. THE PARCEL SHOWN IS SUBJECT TO A 25' WIDE RIGHT OF WAY FOR WATER AND SEWER. SAID RIGHT OF WAY AND WATER LINE ARE TO BE ABANDONED AND RELOCATED AS SHOWN ON SHEET 2.
 10. SET PLANS BY LEO A DALY, TO BE SUBMITTED CONCURRENTLY, SHOWING UTILITIES, CURBING, CONTOURS AND PLANNING. ON FILE WITH THE CITY OF DOVER.

REV. NO.	DATE	DESCRIPTION	BY	APP'D
1	6/20/2009	INITIAL DESIGN	JAMES VERRA	
2	6/20/2009	REVISED DESIGN	JAMES VERRA	

JAMES VERRA AND ASSOCIATES, INC.
 101 SULLY ROAD
 NEWTON, MA 02459
 (603) 552-5500

ASSASSOR'S MAP NUMBERS: 37-1, 28-2, 28-3, 28-4 & 28-5
 Owner: WENTWORTH-DOUGLASS HOSPITAL

**MINOR LOT LINE ADJUSTMENT,
 LOT CONSOLIDATION PLAN,
 and OLD ROLLINSFORD ROAD REALIGNMENT
 789, 781, 779, 776 & 773 CENTRAL AVENUE
 DOVER, NEW HAMPSHIRE**

DATE: 4-8-2009
 SCALE: 1" = 800'
 DRAWN BY: JAMES VERRA
 CHECKED BY: JAMES VERRA

