



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue Dover NH 03820
Meeting Date: **Tuesday, January 25, 2011**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- January 11, 2011 Regular Meeting Minutes

3. OLD BUSINESS

- A. Consideration and possible vote on a Conditional Use Application for Gary & Carol Allen, Assessor's Map E, Lot 49A, zoned R-40, located at 163 Tolend Rd. (2,283 sq. ft. of wetland disturbance) (P10-21)
- B. Consideration and possible vote on a Site Review of land for Gary & Carol Allen, Assessor's Map E, Lot 49A, zoned R-40, located at 163 Tolend Rd. (60,318 sq. ft. of total disturbance) (P10-36)

4. NEW BUSINESS

- A. Introduction of the 2011 Addendum to the Land Use Chapter of the Master Plan focusing on Economic Development. The Addendum is available for viewing on the City's web site under Current Reports.
- B. Consideration and acceptance of a Site Review of land for McDonalds c/o Bohler Engineering Assessor's Map 38, Lot 21 & 23F, zoned B-3, located at 912 Central Avenue. (raze and rebuild of the existing McDonald's restaurant) *(P11-01)
- C. Consideration and acceptance of a Conditional Use Permit for Paul & Bonnie Lamson, Assessor's Map 7, Lot 13B, located at 33A Boston Harbor Road. (demo & replace existing residence) *(P11-02)
- D. Consideration and acceptance of a Citizen Petition for Joanne Johnson, Assessor's Map H, Lot 2A, to rezone 9.49 acres of land from Hotel/Retail (B-4) and Assembly & Office (I-4) to Rural Residential (R-40), located at 56 Freshet Road. *(11-03)
- E. Consideration and acceptance of a Minor Lot Line Adjustment of land for Margaret McDaniel 2010 Revocable Trust and City of Dover, Assessor's Map L, Lot 37, located at 141 Spur Road. *(P11-04)
- F. Consideration and acceptance of a waiver request (reduced setback) for Eric Kinsman, 38 Cornerstone Drive, Assessor's Map B, Lot 18-39, zoned R-40, located at 38 Cornerstone Drive. *(P11-05)

5. STAFF COMMENTS

6. COMMITTEE REPORTS

7. ADJOURNMENT

* Indicates that if the application is accepted for discussion, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board.

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/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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Members Present: Marcia Gasses (Chair), Frank Torr (Vice Chair), Don Andolina, John Swartzendruber, Linda Merullo, Ron Cole, Tom Clark, Dave White, Lee Skinner (Alternate), Gary Green (Alternate), Jake Forget (Alternate)

Members Not Present: Dean Trefethen

Staff Present: Christopher Parker (Planning Director), Lisa Ertle (Recording Secretary)

The Chair called the meeting to order at 7:00 pm.

1. ELECTION OF OFFICERS

F.Torr motioned to nominate M.Gasses as Planning Board Chair.

R.Cole motioned to nominate F.Torr as Planning Board Vice Chair.

The Board voted by secret ballot. The Secretary tallied the votes and the results were announced by C.Parker. M.Gasses was elected as Chair, and F.Torr remains Vice Chair.

R.Cole gave a statement in regards to his years on the Planning Board, and the great accomplishments achieved with the Planning Board, along with the work from the Planning Department.

2. CITIZENS' FORUM

No one spoke.

3. APPROVAL OF THE PRIOR MINUTES

- December 21, 2010 Regular Meeting Minutes

T.Clark noted corrections to be made on the December 21, 2010 minutes.

Motion: R.Cole motioned to approve the December 21, 2010 Regular Meeting minutes, as corrected, L.Merullo seconded. Vote: Unanimous approval.

4. OLD BUSINESS

C.Parker addressed the revisions to the Planning Board agenda concerning the withdrawal of the Gulf Road application, to allow applicant time to meet with the Technical Review Committee (TRC), and the Cornerstone Crossing application, due to no change in conditional use.

C.Parker noted to the Board that the Planning Department and City Council have been in receipt of two letters from Mark Jones and Suzanne Jones, whom are requesting for a rehearing from the Planning Board and a Protest Petition from the City Council. He addressed his concerns that are in opposition of approving a rehearing.

F.Torr recused himself as an abutter. L.Skinner sat in for F.Torr.

M.Gasses stated after a public session on December 7, 2010, the Dover Planning Board approved the petitioners request to rezone Arch Street from RM-U to R-12 and B-3 as discussed. Following decision, abutters, Mark and Suzanne Jones, have requested that the Planning Board Rehear the Petition.



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R.Cole noted his understanding for the request of a rehearing from Mr. and Mrs. Jones, but feels the Planning Board made the right decision.

Motion: T.Clark motioned to deny the reconsideration since the allegations of conflict of interest are outside the purview of the Planning Board, the composition of the membership of the Planning Board is consistent with State statute, and the State law cited by the Jones supporting the motion to reconsider does not apply to the Planning Board. Specifically the Board finds that: 1) Alleged violations of the zoning code are the purview of the Zoning Administrator, not the Planning Board. 2) Alleged attorney conflicts are not the purview of the Planning Board. 3) City staff are permitted to sit on the Planning Board by state statute. 4) The provisions of RSA 677:2 regarding re-hearings are not applicable to the Planning Board. D.White seconded. Vote: Unanimous approval.

L.Skinner stepped down. F.Torr took his seat.

5. NEW BUSINESS

- A. Consideration and acceptance of a Minor Lot Line Adjustment of land for Paula Forbes and MPJ Development, LLC, Assessor's Map E, Lots 50-1, 50-2, 50-3, zoned R-40, located at Pacific Drive. (P10-53)

Christopher Berry, of Berry Surveying, represented both of the applicants. The applicants are looking to modify three lot lines. Both the applicants would like to adjust the lot line for 50-2 and 50-3, in respect of proper planning and lot lines they will be borrowing from 50-1.

Motion: L.Merullo motioned to accept the application. J.Swartzendruber seconded Vote: Unanimous approval.

Public Hearing Opened-Nobody Spoke-Public Hearing Closed

C.Parker noted the applicant is requesting waivers to allow septic systems in the 50-foot perimeter buffer for lot 50-2 and in the 100-foot front perimeter buffer for lot 50-1. Additionally the proposed house on lot 50-1 is only 83 feet from an existing residential structure when 100 feet is required.

When this development was approved as an open space subdivision without lot lines, the houses were shown in approximately the same locations and the proposed septic system suitable leaching areas were located in the 50 and 100 foot perimeter buffers. When the plan with lot lines was approved, no septic systems were shown. The Planning Department supports the granting of the requested waivers because the house and septic system locations are consistent with the previously approved subdivision plan and without the waivers the lots would be virtually unbuildable.

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owner's signature to the plat.
2. Provide a digital version of the plat to the Planning Office.



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3. The approval includes the granting of the three waivers requested for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 155-51-A have been met.
4. The applicant shall revise the plat to add the Planning File #P10-52 to the title block.
5. The applicant shall revise the plat to amend the setback from the existing residential structure to be 83 feet per the waiver.
6. The applicant shall revise the plat to add a note requiring the planting five eight foot tall red maple trees each on lots 50-1 and 50-2 prior to the issuance of a building permit.
7. The applicant shall verify that the driveway easement shown on lot 50-3 is accurately depicted per the recorded easement.
8. The applicant shall provide proof the Alteration of Terrain is still valid, or not necessary.

Motion: F.Torr motioned to approve with staff recommendations. D.Andolina seconded. Vote: Unanimous approval.

B. Discussion Regarding Prioritization of suggested Land Use Regulation changes.

C.Parker discussed the process of requesting each board and commission associated with land use to submit any suggestions on changes it would like to see the Planning Board review in 2011. The submissions were reviewed and staff added some of its own. The list of areas include:

- Adding Transit Oriented Development guidelines to the Subdivision and Site Review chapters.
- Adding allowances for alternative transportation infrastructure in lieu of installing sidewalks to the Subdivision and Site Review chapters.
- Reviewing the Definitions for various elderly housing styles, office types and separating the definition of gas and auto service station.
- Consider rezoning areas along Hall Street, Spruce Lane, Map 15-105, and Westwood Circle.
- Allowing gas stations as a permitted use in the B-3, where it is by special exception now.
- Altering the required build to line, and calculation of the dimension of the line in the R-12 and R-20 districts.
- Clarifying the fence height required for farm animals for family use.
- Consider allowing closely conditioned LED lighting for certain signs.

M.Gasses reminded the board that if an item is reviewed, it does not mean it will be adopted or recommended for adoption. After listing the areas proposed, general discussion ensued regarding elements. The Board chose to remove the rezoning of the area around Westwood Circle from the list, and to have staff move forward drafting recommendations for each.

C.Parker reviewed a proposed timeline for completion of the amendments, beginning on February 23, 2011.

6. STAFF COMMENTS

C.Parker noted that the Planning Board members have received a copy of the Planning Board By-Laws and Rules. The members have also received a copy of the 2011 Economic Development Addendum to the Land Use Analysis Chapter. D.Barufaldi, Economic Director, will be attending the January 25, 2011 meeting to answer any questions from the Board members.



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C.Parker noted a media presence of T.Clark on the Do It Yourself Network, on the Renovation Realities show.

C.Parker congratulated M.Gasses on her position as Planning Board Chair.

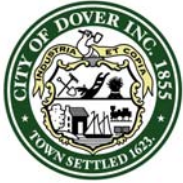
7. COMMITTEE REPORTS

None

8. ADJOURNMENT

Motion: R.Cole motioned to adjourn the meeting at 8:00 pm. J.Swartzendruber seconded. Vote: Unanimous approval.

DRAFT



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-21

Application Type: Conditional Use Permit
Applicant: Gary & Carol Allen
Owner: Gary & Carol Allen
Location: 163 Tolend Road (Assessor's Map E, Lot 49A)

INTENT: To obtain a Conditional Use Permit to construct a driveway within the Wetland Protection District and Conservation District.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 3-A

ACREAGE: 17.94 acres

ZONING DISTRICT: Rural Residential (R-40)

EXISTING LAND USE:
Vacant parcel

PROPOSED LAND USE: Single Family home, with a driveway that crosses Horn Brook.

SURROUNDING LAND USE:
Single Family residential

ZBA ACTION: None

ATTACHMENTS:
Conditional Use Permit Plan

APPLICATION IS COMPLETE:
Planning Board accepted on 7/27/10

NOTICES SENT: Yes

PERMITS REQUIRED:

- NHDES Wetlands Permit (Approved on 11/22/2010)
- City of Dover Conditional Use Permit

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant has submitted a revised set of plans for review. The applicant wishes to construct a fourteen foot wide driveway off of Pacific Drive to the vacant house lot. The driveway would be within the Wetland

Protection District and Conservation District. The applicant proposes 1,690 square feet of wetland impact and 27,247 square feet of Conservation District disturbance. The driveway has been narrowed from 20-feet in width to reduce the impacts.

The applicant appeared before the Conservation Commission on April 26, 2010 and June 14, 2010. The Commission voted to endorse the application with two conditions (see enclosed June 14, 2010 minutes). The Planning Board conducted a site walk on August 4, 2010.

The applicant has received a NH Department of Environmental Services Wetlands Permit on November 22, 2010 (enclosed).

The Code Enforcement violation issue has been addressed by the applicant and a tree restoration plan has been approved. The plan will be implemented in the spring and inspected by the Zoning Administrator.

Consistency with Land Use Regulations

The Wetland Protection District and Conservation District ordinances provides for Conditional Use Permits to allow impacts to wetlands, wetland buffers and conservation districts if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board remove the application from the table, reopen the public hearing, and approve the conditional use permit with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.

Conditions to Be Met Prior to Issuance of a Building Permit or Driveway Permit:

3. The applicant shall complete the tree restoration per the plan dated November 8, 2010 as prepared by Berry Surveying and Engineering no later than May 31, 2011, and notify the Zoning Administrator so that an inspection can be done.
4. To insure that the planted trees survive after being planted, the applicant shall set up a required follow-up inspection by the Zoning Administrator one year later.
5. The applicant shall post an acceptable form of surety to cover the tree restoration if construction of the driveway or house begins within one year of the inspection in condition #3.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P10-36

Application Type: Site Plan
Applicant: Gary & Carol Allen
Owner: Gary & Carol Allen
Location: 163 Tolend Road (Assessor's Map E, Lot 49A)

INTENT: To obtain Site Review approval and a Conditional Use Permit to construct a driveway within the Wetland Protection District and Conservation District, with a total land disturbance of 50,160 square feet.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 3-B

ACREAGE: 17.94 acres

ZONING DISTRICT: Rural Residential (R-40)

EXISTING LAND USE: Vacant parcel

PROPOSED LAND USE: Single Family home, with a driveway that crosses Horn Brook

SURROUNDING LAND USE:
Single Family residential

ZBA ACTION: None

ATTACHMENTS: Revised Site Plan

APPLICATION IS COMPLETE:
Planning Board accepted on 7/27/10

NOTICES SENT: Yes

PERMITS REQUIRED:

- NHDES Wetlands Permit - (Approved on 11/22/2010)
- City of Dover Conditional Use Permit

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant has submitted a revised set of plans for review. The applicant wishes to construct a fourteen foot wide driveway off of Pacific Drive to the vacant house lot. The driveway would be within the Wetland Protection District and Conservation District. The applicant proposes 1,690 square feet of wetland impact, 27,247 square feet of

Conservation District disturbance, and 50,160 square feet of total land disturbance. The driveway has been narrowed from 20-feet in width to reduce the impacts. Chapter 149-4 requires site review for construction activities that result in a land disturbance of more than one acre.

The applicant appeared before TRC on May 27, 2010. The applicant appeared before the Conservation Commission on April 26, 2010 and June 14, 2010. The Commission voted on June 14th to endorse the Conditional Use application with two conditions. The Planning Board conducted a site walk on August 4, 2010.

The applicant has received a NH Department of Environmental Services Wetlands Permit on November 22, 2010 (enclosed).

The Code Enforcement violation issue has been addressed by the applicant and a tree restoration plan has been approved. The plan will be implemented in the spring and inspected by the Zoning Administrator.

Consistency with Land Use Regulations

The Site Review Regulations provides for a review of land disturbance greater than one acre to make sure that the development is designed to reduce erosion and sedimentation impacts. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board remove the application from the table, reopen the public hearing, and approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.

Conditions to Be Met Prior to Issuance of a Building Permit or Driveway Permit:

3. The applicant shall complete the tree restoration per the plan dated November 8, 2010 as prepared by Berry Surveying and Engineering no later than May 31, 2011, and notify the Zoning Administrator so that an inspection can be done.
4. To insure that the planted trees survive after being planted, the applicant shall set up a required follow-up inspection by the Zoning Administrator one year later.
5. The applicant shall post an acceptable form of surety to cover the tree restoration if construction of the driveway or house begins within one year of the inspection in condition #3.

N/F BAKKE, ERIK & JENNIFER
173 TOLEND ROAD
DOVER, NH 03820
TAX MAP E, LOT 48B-2
S.C.R.D. BOOK 2231, PAGE 159

N/F MARTIN, LUCAS & LAURIE
169 TOLEND ROAD
DOVER, NH 03820
TAX MAP E, LOT 48B-1
S.C.R.D. BOOK 2190, PAGE 697

N/F BIGELOW, JUSTIN & GAIL
149 TOLEND ROAD
DOVER, NH 03820
TAX MAP E, LOT 54A

N/F BURKE, ARTHUR
2 UNION STREET
DOVER, NH 03820
TAX MAP E, LOT 53

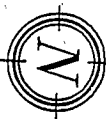
PROPOSED BUILDING FROM
S.C.R.D. PLAN #89-32

N/F MPJ DEVELOPMENT, LLC.
158 NORTHWOOD ROAD
STRAFFORD, NH 03884
TAX MAP E, LOT 50

N/F LIBERTY MUTUAL INSURANCE CO.
c/o BRAGG, JOANNE
175 BERKELEY ST. MS 03L
BOSTON, MA
TAX MAP E, LOT 24
ACROSS RIVER

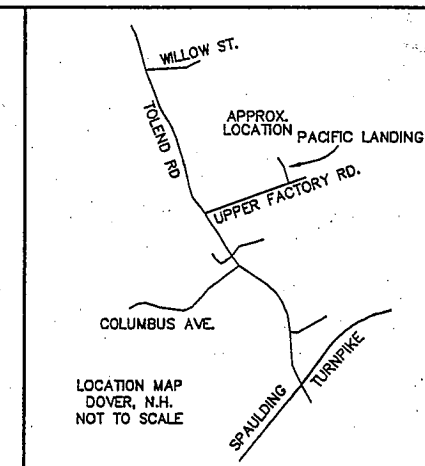
N/F STERN, BRIAN
201 TOLEND ROAD
DOVER, NH 03820
TAX MAP E, LOT 47

PER PLAN REF. W



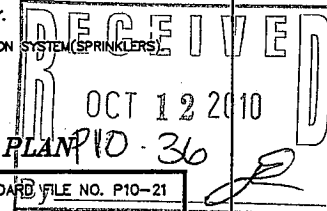
LEGEND:

- EDGE OF POORLY DRAINED WETLAND
- - - - - LOCATION OF 50' PUBLIC ACCESS EASEMENT



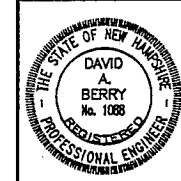
NOTES :

- 1.) THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION AND CONSTRUCTION REQUIREMENTS FOR A NEW DRIVEWAY ACROSS MAP E, LOT 49A TO ACCESS A BUILDING SITE FOR A PROPOSED HOUSE.
- 2.) OWNER OF RECORD: GARY & CAROL ALLEN
163 TOLEND ROAD
DOVER, NH 03820
- 3.) THE LOT IS SHOWN AS LOT 49A, MAP E OF THE CITY OF DOVER TAX ASSESSOR'S MAPS.
- 4.) THE PROJECT PARCEL CONTAINS 17.94 AC. OR 781,668 SQ.FT. OF LAND.
- 5.) TITLE REFERENCE FOR THE PROJECT PARCEL IS THE STRAFFORD COUNTY REGISTRY OF DEEDS BOOK 3494, PAGE 497.
- 6.) ZONING DIMENSIONAL AND DENSITY REQUIREMENTS ARE AS FOLLOWS:
ZONING DISTRICT: R-40
MINIMUM LOT SIZE: 40,000 SQ.FT.
MINIMUM FRONTAGE: 150'
SETBACKS: FRONT ~ 40'
 SIDE ~ 25'
 REAR ~ 30'
MAXIMUM LOT COVERAGE: 10%
MAXIMUM BUILDING HEIGHT: 35 FT.
THIS PROPERTY FALLS WITHIN THE FOLLOWING ZONING OVERLAY DISTRICTS:
CONSERVATION & WETLAND PROTECTION
- 7.) PROPERTY LINE INFORMATION WAS OBTAINED FROM A SURVEY PERFORMED BY BERRY SURVEYING & ENGINEERING IN OCTOBER, 1999 WITH AN ERROR OF CLOSURE NOT GREATER THAN 1 IN 10,000.
- 8.) A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA, COMMUNITY #330145, MAP #33017003100, DATED MAY, 2005.
- 9.) ALL ON-SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.
- 10.) LOT 49A WILL BE SERVED BY ON-SITE WELL AND SEPTIC SYSTEM.
- 11.) ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY AND STATE CODES.
- 12.) THE LIMITS OF CONSTRUCTION DISTURBANCE THAT ARE LOCATED IN OR WITHIN THE 50 FT. OF CONSERVATION AND WETLAND DISTRICTS SHALL BE STAKED, FLAGGED AND CLEARLY IDENTIFIED PRIOR TO THE COMMENCEMENT OF SITE WORK.
- 13.) A STREET ADDRESS FOR LOT 49A SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- 14.) THE PROPOSED USE FOR THE SITE IS SINGLE FAMILY.
- 14.) THE PROPOSED HOUSE WILL HAVE A FIRE SUPPRESSION SYSTEM (SPRINKLERS).



OVERALL LOCATION PLAN 10-36

PLANNING BOARD FILE NO. P10-21	
#2	10-1-10
#1	7/12/10
REVISION	DATE
MULTIPLE MAJOR REVISIONS ADD NOTES & ABUTTERS, REVISE TITLE BLOCK	
DESCRIPTION	
PROPOSED DRIVEWAY FOR GARY & CAROL ALLEN PACIFIC DRIVE DOVER, N.H. TAX MAP E, LOT 49A	
BERRY SURVEYING & ENGINEERING 335 SECOND CROWN POINT RD. BARRINGTON, N.H. 332-2863	
SCALE : 1 IN. EQUALS 60 FT.	
DATE : MARCH 4, 2010	
FILE NO. : DB 2009 - 068	

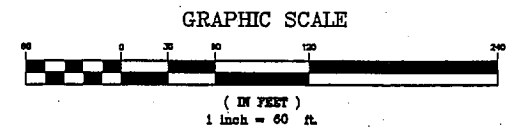


PLAN REFERENCE:

- 1.) *PROPOSED LOT LINE ADJUSTMENT; FOR; GARY & CAROL ALLEN; TOLEND ROAD & PACIFIC LANDING; DOVER, N.H.; TAX MAP E, LOT 48B
BY: BERRY SURVEYING & ENGINEERING
DATED: SEPTEMBER 25, 2009
FILE # DB2009-068
S.C.R.D. PLAN DR 98-100

WETLAND NOTE:
THE DELINEATION DEPICTED IDENTIFIES A PORTION OF NATURAL JURISDICTIONAL WETLAND BOUNDARIES AS DELINEATED BY MARC JACOBS, CERTIFIED WETLAND SCIENTIST NUMBER 090, IN SEPTEMBER 2009 ACCORDING TO THE STANDARDS OF THE US ARMY CORPS OF ENGINEERS - WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1, JANUARY 1987. (ENVIRONMENTAL LABORATORY, 1987: US ARMY ENGINEERS WATERWAYS EXPERIMENT STATION, VICKSBURG, MS); AND THE CODE OF ADMINISTRATIVE RULES, NH DEPARTMENT OF ENVIRONMENTAL SERVICES-WETLANDS BUREAU. PREDOMINANT HYDRIC SOILS WERE IDENTIFIED UTILIZING THE FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 3, APRIL 2004. (NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE, 2004, 3RD ED. FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND. NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA) THE INDICATOR STATUS OF HYDROPHYTIC VEGETATION WAS DETERMINED ACCORDING TO THE NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST REGION, U.S. FISH AND WILDLIFE SERVICE (MAY 1989). COPIES OF THE SITE PLAN DEPICTING THE WETLAND DELINEATION WHICH HAVE BEEN REVIEWED BY THE WETLAND SCIENTIST ARE INDIVIDUALLY STAMPED & SIGNED.

50' WIDE PUBLIC ACCESS EASEMENT
S.C.R.D. BOOK 3494, PAGE 483





CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P11-01

Application Type: Site Plan
Applicant: McDonald's/Bohler Engineering
Owner: McDonald's USA, LLC
Location: 912 Central Avenue (Assessor's Map 38 Lots 21 & 23F)

INTENT: Site Plan review for a proposal to raze and rebuild the existing McDonald's restaurant.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 4-B

ACREAGE: 69,000 sq. ft.

ZONING DISTRICT: Thoroughfare Business District – B-3

EXISTING LAND USE:
McDonald's Restaurant

PROPOSED LAND USE: McDonald's Restaurant

SURROUNDING LAND USE:
Mixed Commercial/Retail uses

ZBA ACTION: None

ATTACHMENTS:
Site Plan and application

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Yes

PERMITS REQUIRED: None

WAIVERS REQUESTED:

- Chapter 149-14.E.2.b – Site lighting standards
- Chapter 149-13.A.20 – Traffic analysis

Summary of Request and Background

The applicant has applied for Site Plan review to demolish the existing McDonalds and rebuild a 4,665 square foot fast food restaurant with 110 seats and a drive-thru. There are 67 parking spaces proposed.

The applicant appeared before TRC on January 6, 2011 (TRC Notes enclosed).

The applicant has applied for two waivers, one to lighting levels and one to the requirement to do a standard traffic impact assessment and analysis. Since there are two new light poles proposed to the site, the Planning Department does not support the lighting waiver. Since this is a replacement of an existing restaurant and there are less parking spaces and increased vehicle queuing space, the Planning Department supports the traffic analysis waiver.

Consistency with Land Use Regulations

This project is located in the Thoroughfare Business District (B-3), which encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. This application meets these standards.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the site plan with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The owner's signature shall be added to the final plan set submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plan.
3. The applicant shall prepare a Lot Merger Form for the Chair's signature and recording at the Registry of Deeds Office.
4. The applicant shall revise sheet C-4 of the plan to designate employee parking spaces in the southern parking lot.
5. The applicant shall add a note to sheet C-4 to require that the drive-through comply with Chapter 149-15-G.
6. The approval includes the granting of the requested waiver for the requirement for a traffic analysis for the reasons stated by the applicant and as outlined above. The Board finds that the criteria of Chapter 149-19-A have been met.
7. The applicant shall revise the lighting plan to comply with Chapter 149-14-E-2.
8. The applicant shall have the Stormwater Management Maintenance and Inspection Plan approved by the Community Services Department.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P11-01

Application Type: Site Plan
Applicant: McDonald's/Bohler Engineering
Owner: McDonald's USA, LLC
Location: 912 Central Avenue (Assessor's Map 38 Lots 21 & 23F)

9. The applicant shall revise the plan so that all drainage pipes have a minimum of 2.5 feet of cover, preferably 3 feet.
10. The applicant shall revise the plan to add hoods and deep sumps to catch basins B, 1, 2, 4, and 5.
11. The applicant shall revise sheet #C-9 of the plan to replace the hydro seeded area with maintenance free landscaping on the northerly re-graded hillside due to issues with mowing on a slope.

**Conditions to Be Met Prior to Issuance
of a Building Permit or Driveway Permit:**

12. The new buildings shall pay the current impact fees in place at the time of building permit application.
13. Construction hours shall be limited to Monday-Friday 7am-6pm, Saturday 8am-5pm, No Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.

**Conditions to Be Met Prior to Issuance
of a Certificate of Occupancy:**

14. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.



City of Dover, New Hampshire SITE REVIEW APPLICATION

[Revision Date: July 19, 2010]

Office Use Only	Project #:	<u>P11-01</u>	Date Received:	<u>12/20/10</u>
	Amount Paid:	<u>\$913.75</u>	Time Received:	_____

APPLICANT AND OWNER INFORMATION

Name of Applicant: McDonalds c/o Bohler Engineering Telephone # 508-480-9900

Address of Applicant: 352 Turnpike Road Southborough, MA 01772

Name of Property Owner (if different from applicant): _____ Telephone # _____

Address of Property Owner: 690 Canton Street Westwood MA 02090

PROPERTY INFORMATION

Address of Property: 912 Central Ave

Assessor's Map # 38 Lot(s) # 21 + 23F

Zoning District(s) B-3 Overlay District(s) Groundwater Overlay

Size of Parcel: 69,000 sq. ft. 1.58 ac, Property Deed: Book 116/2687 Page: 628/754

Existing Use of Property: McDonald's Restaurant

SITE PLAN INFORMATION

Describe Proposed Use: Rebuild existing restaurant

Area of Parcel to be Developed: 69,000 sq. ft.

If Multi-family Residential, Specify Number of Units & Buildings Proposed: N/A

Number of Parking Spaces: Existing 93 Proposed 67

Highway Access (check where applicable): City Street State Highway

Number of Employees Total: unknown In Maximum Shift: 12

Disposition of Parcel:

Building Footprint 4,665 sq. ft.

Total Building Area 4,665 sq. ft.

Paved Area ±33,500 sq. ft.

Building Setbacks:

Front Yard 52.0 ft.

Rear Yard 128.7 ft.

Side Yard: Right 107.2 ft.
Left 53.2 ft.

City Water? Yes No How far is city water from the property? On-site

City Sewer? Yes No How far is city sewer from the property? On-site

BUILDING INFORMATION

Type of Building to be Built: Restaurant-wood frame

Height of Building: 21'-4" Finished Floor Elevation: 181.60

Number of Seats (where applicable) 110

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) John Lynch, Control Point Associates

Address 35 Technology Drive, Warren, NJ 07059 Telephone #: (908) 668-0099

Professional License #: 899 E-mail address: _____

ENGINEER INFORMATION

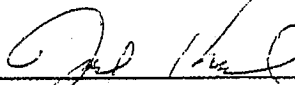
Name of Engineer and Company (Licensed in N.H.) Matt Smith, Bohler Engineering

Address 352 Turnpike Road, Southborough, MA 01772 Telephone #: (508) 480-9900


Professional License #: 12,931 E-mail address: msmith@bohlereng.com

SIGNATURES

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

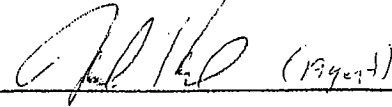
Signature of Property Owner:  Date: 12/17/10

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent:  Date: 12/17/10

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  (Agent) Date: 12/17/10

**SITE REVIEW
LIST OF ABUTTERS**

Pursuant to RSA 676:7, the State Law of New Hampshire, the City of Dover is required to notify the applicant and every abutter of the public hearing by certified mail, return receipt requested.

The following information must be completed by the applicant and verified by the Tax Assessor's Office in order for the processing of any site review application to begin.

ABUTTER is defined as any person whose property is located in New Hampshire and adjoins or is within two hundred (200) feet (including land across the street or waterway) from the land under consideration by the Planning Board.

Owner:

TAX MAP	LOT #	PROPERTY OWNER	MAILING ADDRESS
		McDonald's USA, LLC	690 Canton Street, Westwood, MA 02090

Applicant:

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS
John Kucich	Bohler Engineering	352 Turnpike Road, Southboro, MA 01772

Surveyor and/or Engineer:

NAME	COMPANY	MAILING ADDRESS
	Control Point Associates	35 Technology Drive, Warren, NJ 07059

Conservation Easement Holder:

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS
		N/A	N/A

Abutters:

TAX MAP	LOT #	OWNER(S) OF RECORD	MAILING ADDRESS
38009-A00000		Black Dog Car Wash Central Avenue LLC	123 Farmington Road, Rochester, NH 03867
38009-B00000		Nebesky Daniel W.	P.O. Box 723, Dover, NH 03821-0723
38010-000000		Nantucket Holding Company LLC	340 Central Ave, Ste 202, Dover, NH 03820
38101-A00000		State of New Hampshire	JD Morton Bldg, Concord, NH 03301
38011-000000		RT 125 Associates	P.O. Box 977, Dover, NH 03821
38011-000004		903 Central Avenue Associates, LLC	903 Central Ave, Unit 5, Dover, NH 03820
38011-000005		GC/AAA Associates	P.O. Box 977, Dover, NH 03820
38011-00003A		RT 125 Associates	P.O. Box 977, Dover, NH 03820
38011-00003B		RT 125 Associates	P.O. Box 977, Dover, NH 03820
38011-B00000		256 Investment Assoc.	625 Amherst Street, Nashua, NH 03063
38012-A00000		911 Central LLC	12 West Concord Street, Dover, NH 03820
38013-000000		Pizza Hut of America Inc.	3445 North Webb Road, Wichita, KS 67226

38017-000000		PPD Orazio LLC	143 River Road, West Newbury, MA 10985
38018-000000		State of New Hampshire	P.O. Box 483, Concord, NH 03820
38020-000000		Lam Johnny SM	2 Victoria Circle, Rochester, NH 03867
38021-000000		McDonald's Corp.	P.O. Box 6300, Amherst, NH 03031-6300
38022-000000		Matthew Michael Realty LLC	26 Fox Run Road, Portsmouth, NH 03801- 2810
38022-A00000		SAS Realty Limited Partnership	129 Manchester Street, Concord, NH 03301
38023-A00000		Matthew Michael Realty LLC	26 Fox Run Road, Portsmouth, NH 03801- 2810
38023-B00000		Matthew Michael Realty LLC	26 Fox Run Road, Portsmouth, NH 03801- 2810



BOHLER ENGINEERING

352 Turnpike Road
Southborough, MA 01772
PHONE 508.480.9900
FAX 508.480.9080

January 7, 2011

City of Dover
Planning Department
Attn: Christopher Parker
288 Central Avenue
Dover, NH 03820

Re: Proposed McDonald's Raze & Rebuild
912 Central Avenue
Dover, NH

Mr. Parker:

Enclosed, please find the information outlined below, in support of our application for Site Plan Review for the referenced project. The information is reflective of TRC comments made regarding our initial December 17, 2010 submittal to the Planning Board.

- Fifteen (15) copies of an area plan;
- Four (4) sets of Site Plans, dated 3/30/10 and revised through 1/7/11;
- Eleven (11) copies of the above mentioned Site Plans on 11x17 sheets;
- Fifteen (15) copies of a Colored Building Elevation;
- Drainage Summary, dated 1/7/11, including revised O&M Plan;
- Traffic Narrative;
- A CD containing the above mentioned plans as PDF's.

On behalf of McDonald's USA, LLC, we are pleased to submit this application for the proposed raze and rebuild of the existing McDonald's restaurant located at 912 Central Avenue. As part of an ongoing effort to rejuvenate their existing facilities, McDonald's is proposing to make substantial improvements to what is currently an outdated restaurant.

The resulting design will work within the existing limits of development and utilize the existing curb cuts. The proposed building will be of similar size to the existing building so as not to significantly intensify the existing use. It is notable that the new building will comply with the front yard setback where the existing does not, resulting in a large landscape buffer between the proposed building and Central Avenue. The design will also eliminate the existing nonconforming parking, which is within the required 5-ft landscape setback.

The project will provide improvements to the building, parking lot, landscaping, traffic circulation, and utilities infrastructure. As the site is located within a groundwater protection area, we have provided over 2,200 SF of new landscaped areas by removing existing parking spaces to promote additional groundwater recharge and to reduce stormwater flows from the site. Additionally, we have proposed an underground Stormtech system, and a leaching drywell to infiltrate clean storm water. The attached Drainage Summary explains the above improvements in further detail. Further, it is our understanding that a Conditional Use Permit is not needed under Chapter 170-28.3 Groundwater Protection.

OTHER OFFICE LOCATIONS:

• Albany, NY 518.438.9900	• Ronkonkoma, NY 631.738.1200	• Warren, NJ 908.668.8300	• Center Valley, PA 610.709.9971	• Chalfont, PA 215.996.9100	• Philadelphia, PA 267.402.3400
• Towson, MD 410.821.7900	• Bowie, MD 301.809.4500	• Sterling, VA 703.709.9500	• Warrenton, VA 540.349.4500	• Fort Lauderdale, FL 954.202.7000	

CIVIL AND CONSULTING ENGINEERS • PROJECT MANAGERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS

www.BohlerEngineering.com



As mentioned above, traffic circulation will be improved as a result of the redevelopment of the site. The new side-by-side drive thru configuration significantly reduces the time of the ordering process by allowing two vehicles to be ordering simultaneously. Drive thru queue lengths will be shortened by this, creating a positive impact on the site. Additionally, a recirculation lane will be provided in front of the building, allowing patrons to circulate the site without first having to exit onto Central Avenue.

The existing site is surrounded by mature vegetation which will predominately remain and will provide a buffer to the surrounding properties. We have also proposed to improve the visual buffer to the street by adding several new trees along the frontage of the site.

As the perimeter lot lights have been in place for years, we are requesting the following waivers from the Site Plan Regulations:

Section 149-14.E.2.b - The existing light poles along the perimeter of the lot are going to be reused fitted with new 400 watt fixtures, to replace the existing 1,000 watt fixtures. To create consistent light levels, we have supplemented the existing lights with two additional proposed lights. The light levels are close to, but exceed the 6:1 uniformity ratio. It is notable that the lot lights comply with light height requirements. We feel the intent of the lighting regulations is met, but request a waiver for this slight deviation.

Section 149-13.A.17 – Color renderings of the streetscape have not been prepared at this time as the proposal replaces an existing use in kind; however, this will be provided prior to the 1/25/11 hearing.

Section 149-13.A.20 – A traffic analysis has not been conducted for the project. As mentioned previously, the use is not being intensified by the rebuild project, and the addition of the recirculation lane and double drive thru should actually serve to improve traffic conditions on and around the site.

We believe that the above requested waivers would not result in any adverse impacts to the community or patrons of the restaurant, and that the site design is in harmony with the intent of the applicable ordinances and regulations.

If you should have any questions or comments upon reviewing the enclosed materials, please do not hesitate to contact either of us to discuss. We look forward to working with you.

Sincerely,

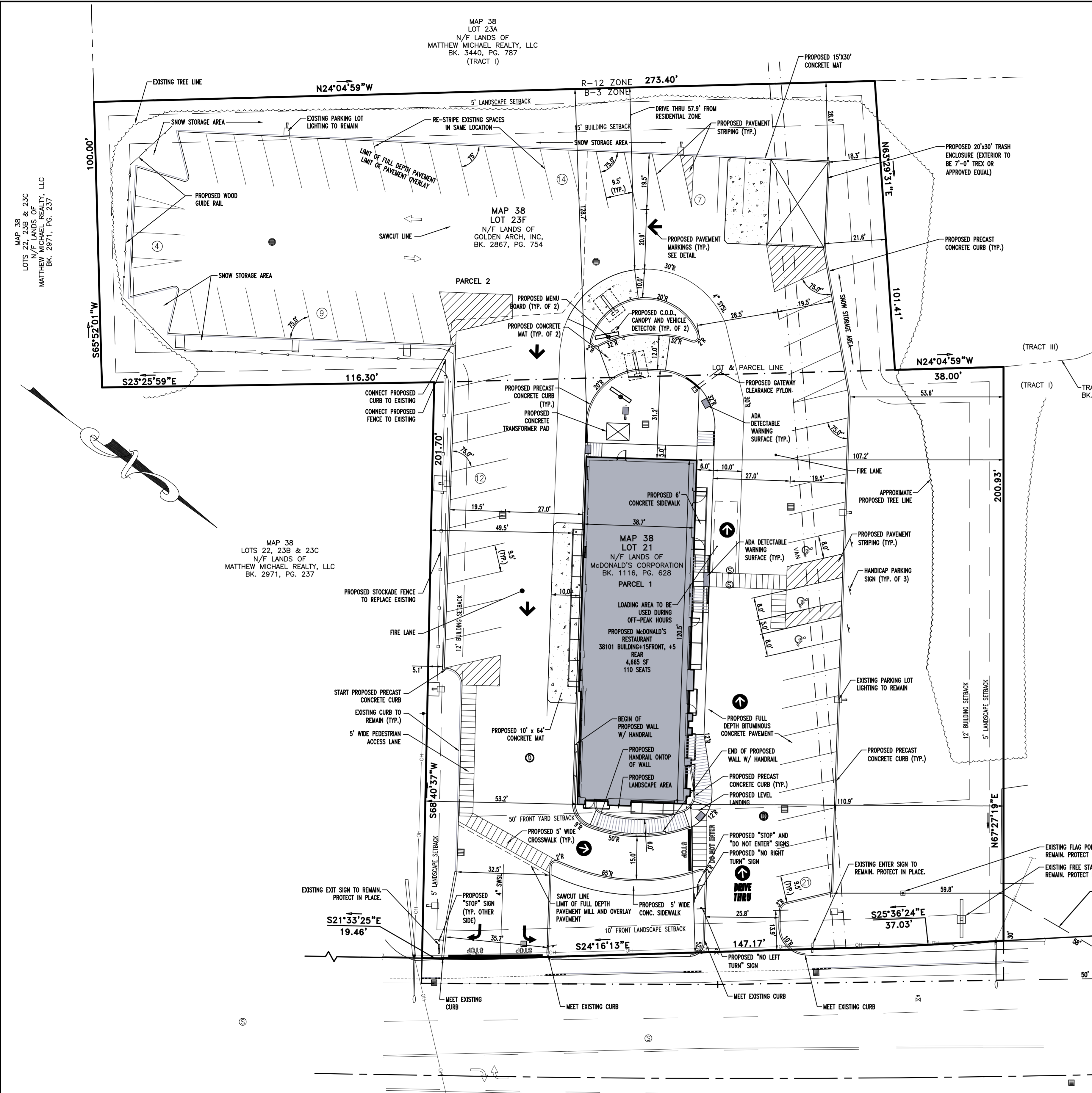
BOHLER ENGINEERING

Matthew D. Brook

John A. Kucich, P.E.

Cc: Adam Guilmette, McDonald's USA, LLC

W102003
Ltr Planning 12-07-10.doc



ZONING ANALYSIS TABLE			
ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
ZONING DISTRICT:	B-3 THOROUGHFARE BUSINESS DISTRICT FAST FOOD RESTAURANT ALLOWED (BY SITE PLAN REVIEW) GROUNDWATER PROTECTION OVERLAY DISTRICT		
MINIMUM LOT AREA	20,000 SF	±69,000 SF	NO CHANGE
MINIMUM LOT FRONTAGE	125'	203'	NO CHANGE
MIN. FRONT SETBACK	50'	35.5' (E)	52.0'
MIN. SIDE SETBACK	12'	53.0'	53.2'
MIN. REAR SETBACK	15'	192.2'	128.7'
LANDSCAPE SETBACK (FRONT)	10'	11'	13.9'
LANDSCAPE SETBACK (SIDE)	5'	4' (E)	5.1'
MAX. BUILDING HEIGHT	40'	<40'	21'-4"
MAX. LOT COVERAGE (BLDG)	50%	4.3%	6.8%
IMPERVIOUS AREA	20% MAX	65% (E)	55.3%
INTERIOR LANDSCAPE AREA	5% (2)	1.5% (E)	3.6%
PARKING SPACES	67	93	67
PARKING CRITERIA:	FAST FOOD RESTAURANT 0.5 SPACES PER SEAT + 1 PER EMPLOYEE 110x0.5 + 12 = 67 SPACES		

SIGN SUMMARY TABLE			
TYPE	ALLOWED	EXISTING	PROPOSED
SITE SIGNAGE			
FREESTANDING SIGN	1 @ 40' SF MAX. 30-FT HEIGHT	1 EXISTING TO REMAIN, SIZE UNKNOWN	EXISTING ID SIGN TO REMAIN
DIRECTIONAL SIGNS	4 SF	2 EXISTING TO REMAIN, SIZE UNKNOWN	NONE
BUILDING SIGNAGE			
FRONT WALL SIGN	1	1 "McDonald's" @ 31.2 SF	1 "M" LOGO @ 5.5 SF
REAR WALL SIGN	-	NONE	NONE
DRIVE-THRU WALL SIGN	-	NONE	NONE
NON DRIVE-THRU WALL SIGN	-	NONE	1 "M" LOGO @ 5.5 SF

NOTE: SIZE OF PROPOSED WALL SIGNS IS REDUCED FROM EXISTING CONDITION.

PAVEMENT STRIPING LEGEND	
	SYSL = SINGLE YELLOW SOLID LINE
	SWSL = SINGLE WHITE SOLID LINE

- (1) 6800 SF REDUCTION IN IMPERVIOUS AREA.
- (2) FOR PARKING LOTS WITH 21-125 PARKING SPACES.
- (E) EXISTING NONCONFORMITY

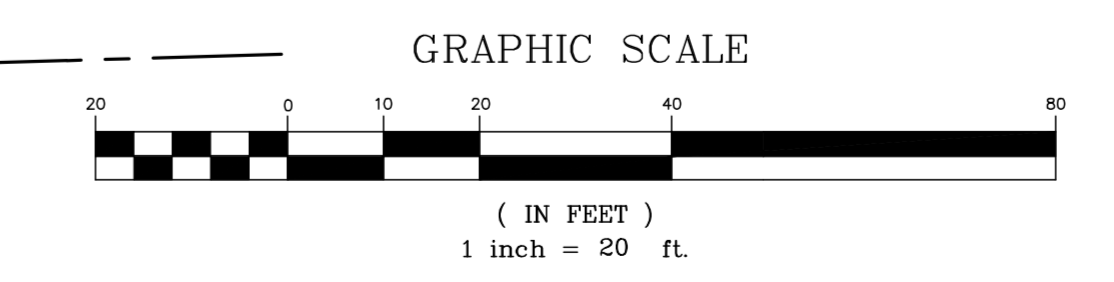
REV	DATE	DESCRIPTION
1	12/13/10	REVISED PER NEW BUILDING

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MCDONALD'S CORPORATION AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.

OFFICE: NORTHEAST REGION
ADDRESS: 690 CANTON STREET, WESTWOOD, MA 02090 (781) 329-1450

PLAN APPROVALS		DATE
SIGNATURE (2 REQUIRED)		
REGIONAL MGR.		
CONST. MGR.		
OPERATIONS DEPT.		
REAL ESTATE DEPT.		
CO-SIGN SIGNATURES		
CONTRACTOR		
OWNER		

STATUS	DATE	BY
PRELIMINARY	-	-
PLAN CHECKED	-	-
AS-BUILT	-	-
DRAWN BY:		GWD
CHECKED BY:		JAK
DATE:	03/30/10	
SCALE:	AS SHOWN	
SHEET NO.		



CENTRAL AVENUE
(A.K.A. NEW HAMPSHIRE STATE HIGHWAY ROUTE 9, 16 & 108)
(PUBLIC - VARIABLE WIDTH R.O.W.)

BOHLER ENGINEERING
CIVIL & CONSULTING ENGINEERS
382 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
TEL: (508) 485-9900
WWW.BOHLENGINEERING.COM

BOHLER ENGINEERING
CORPORATE OFFICE: WARRINGTON, VA
PROJECT MANAGERS: ALBANY, NY; BOWLING GREEN, OH; CHESAPEAKE, VA; CHARLOTTE, NC; CLEVELAND, OH; DENVER, CO; FORT LAUDERDALE, FL
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

CONSTRUCTION CHECK _____ DATE _____

CONSTRUCTION CHECK _____ DATE _____

M.D. SMITH

PROFESSIONAL ENGINEER
MASSACHUSETTS LICENSE No. 45496
RHODE ISLAND LICENSE No. 8145
CONNECTICUT LICENSE No. 24567
MAINE LICENSE No. 11023
NEW HAMPSHIRE LICENSE No. 12931

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

PROJECT No: W102003

CAD I.D. #: W102003ss1.dwg

STOP CALL BEFORE YOU DIG

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DIG THE EARTH'S SURFACE ANYWHERE IN THE STATE:
MASSACHUSETTS 1-888-344-7233
CONNECTICUT 1-800-922-4860
NEW HAMPSHIRE 1-800-962-7860



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P11-02

Application Type: Conditional Use Permit
Applicant: Paul & Bonnie Lamson
Owner: Paul & Bonnie Lamson
Location: 33A Boston Harbor Road (Assessor's Map 7, Lot 13B)

INTENT: To obtain a Conditional Use Permit to impact wetlands and the Conservation District.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 4-C

ACREAGE: 0.1898 acres

ZONING DISTRICT: Low Density Residential District - R-20

EXISTING LAND USE:
Single-family residential

PROPOSED LAND USE Single-family residential

SURROUNDING LAND USE:
Single Family residential

ZBA ACTION: None

ATTACHMENTS:
Conditional Use Permit Plan and application

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Yes

PERMITS REQUIRED:

- NHDES Wetlands Permit
- NHDES Shoreland Protection Permit
- City of Dover Conditional Use Permit

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant has submitted a set of plans for review to impact the Conservation District, which includes impacts to 750 square feet of tidal area (300 temporary, 450 permanent) for the installation of stone rip rap along a 70-foot section of eroding riverbank on Little Bay within the Conservation District. Additionally, a gravel driveway would impact 320 square feet within the Conservation District and a 330 square foot dock system including a ramp and float is proposed.

The applicant appeared before the Conservation Commission on January 10, 2011. The Commission voted to endorse the application with one conditions (see enclosed Conservation Commission minutes).

Consistency with Land Use Regulations

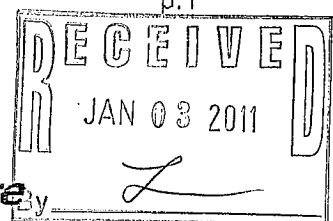
The Wetland Protection District and Conservation District ordinances provides for Conditional Use Permits to allow impacts to wetlands, wetland buffers and conservation districts if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This application meets these standards. The proposed stone rip rap will prevent further erosion of the riverbank.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the conditional use permit with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetland Permit.
2. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Shoreland Protection Permit.



City of Dover, New Hampshire CONDITIONAL USE PERMIT APPLICATION

[Revision Date: August 16, 2010]

Office Use Only	Project #:	<u>P11-02</u>	Date Received:	_____
	Amount Paid:	_____	Time Received:	_____

APPLICANT AND OWNER INFORMATION

Name of Applicant: Paul and Bonnie Lamson Telephone # 561-734-9700

Address of Applicant: 9591 Aloe Road, Boynton Beach, FL 33436

Name of Property Owner (if different from applicant): _____ Telephone # _____

Address of Property Owner: _____

PROPERTY INFORMATION

Address of Property: 33A Boston Harbor Road

Assessor's Map #: 7 Lot(s) #: 13B

Zoning District(s): R-20 Overlay District(s): _____

Existing Use of Property: Single family residence

CONDITIONAL USE PERMIT INFORMATION

Type of Conditional Use Permit (Check All That Apply):

- Conservation District
- Groundwater Protection
- Wetland Protection District
- RCM Use Overlay District
- Off-Street Parking and Loading
- Central Business District
- I-1 District Uses

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

Demolish existing residence and 14' x 14' deck and replace with a new residence on same footprint with a new 12' x 14' deck, riprap 70' of eroding bank and construct a seasonal 3' x 40' ramp with 12' x 20' float.

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: DES Wetlands dredge and fill permit (pending)
DES Shoreland protection permit (pending)

Name of Professional That Prepared Plans: Robert Prokop dba/Wetland Consulting Services

Address: 15 Bisson Lane, Merrimac, MA 01860 Telephone #: 978-346-9857

Professional License #: Cert. Wet. Scientist #063 E-mail address: Wcsbobp@aol.com

SIGNATURES

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

Signature of Property Owner: Paul M Lamson Date: 30/12/10

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent: Robert Burt Date: 12/30/10

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department, Conservation Commission and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Paul M Lamson Date: 30/12/10



Wetland Consulting Services

December 31, 2011

City of Dover Planning Board
288 Central Avenue
Dover, NH 03820

WCS Proj # Lamson-1

RE: Bank Stabilization and House Construction, Paul and Bonnie Lamson, 33A Boston Harbor Road, Dover, NH

Dear Members:

Please accept the enclosed Conditional Use permit application for work in the Wetland Protection District, filed in behalf of Paul and Bonnie Lamson, 9591 Aloe Road, Boynton Beach, FL 33436.

The project involves rip-rapping approximately 70 ft feet of badly eroding bank along Little Bay. In addition to the riprap, the existing 27.5' x 28.2' one and ½ story camp would be demolished and replaced with a 2-story residence on the same footprint. The existing 14' x 14' attached deck would also be replaced with a 12' x 14' deck. The existing cabin and deck are both located within the 100 ft upland buffer zone to salt marsh.

The applicants' are also planning to construct a 3' x 40' ramp with a 12' x 20' float of the deck on to Little Bay. A 12' wide gravel driveway that would impact 320 s.f. of the 100 ft tidal buffer is also proposed. This driveway would service a new unattached 18' x 36' garage that would be located outside the Wetland Protection District. All of the proposed work would occur on their lot located at 33A Boston Harbor Road in Dover, NH.

At this time, a NH Wetlands Bureau Dredge and Fill permit application is pending and a Shoreland Protection Act Variance will be applied for shortly.

In addition to this report, the enclosed package contains the following documents:

- a) Conditional Use permit application
- b) locus map (Figure 1)
- c) 1" = 20' scale existing and proposed conditions plan of the project prepared by Knight Hill Land Surveying Services, Inc. of Newington, NH
- d) cross-section of the bank area to be rip-rapped (Figure 2)
- e) abutter's map (Figure 3) and list
- f) photographs A through D of the wetlands and lot proposed for impact
- g) correspondence dated August 23, 2010 from the Natural Heritage Inventory

*15 Bisson Lane, Merrimac, MA 01860
978-346-9857 • 978-346-7479 (FAX)*

Site Description

The approximately 0.203 acre (8,850 s.f.) residential lot (Map 7, lot # 13B) is located along the south side of Boston Harbor Road in Dover, NH (see locus map Figure 1). Approximately 70 ft of the lot fronts directly on Little Bay. The Bank bordering Little Bay is badly eroding. Rock rubble and debris has accumulated along the shore from the eroding bank (see Photos C and D).

A single 27.5 x 28.2 one and one half story wooden structure exists on the lot (see Photos A and B). A 14' x 14' deck attached to the structure is also present. The residence has been in existence for well over 50 years. The residence is serviced with both City sewer and water. A gravel road accessed off Boston Harbor Road cuts through the center of the lot. This gravel road not only provides access to this lot but to many of the other residences located off Boston Harbor Road.

The area around the residence exists as lawn with a few trees and ornamental shrubs. The location of these trees have been plotted on the 1" = 10' scale plan. The portion of the lot east of the access road remains undeveloped and exists as a mix of upland forest and sparsely vegetated open areas.

Proposed Project

The Lamson's are proposing to demolish the existing residence and deck and build a new residence and deck on the same footprint. The deck, however, would be slightly smaller (12' x 14') than the existing deck (14' x 14').

Once the existing residence is demolished, and before new construction begins, the eroding bank would be repaired. Sands and silts have gradually washed out of the bank leaving an assortment of small stones and other rubble behind (see Photo C). Approximately 6' to 10' of land has been lost [in places] over the past 10 years due to erosion. A 2001 survey of the adjacent lot filed under NH DES permit # 2001-1945, that also included the Lamson property, shows the loss of land since the current survey was done.

This project involves repairing the eroding bank with 18" to 24" stone riprap similar to that found on the abutting property to the north. Riprap would extend from approximately elevation 3 to elevation 7. The lowest level of riprap would be placed approximately 1' to 2' below grade in order to "toe in" the riprap. This will minimize the possibility that the riprap would later be undermined and collapse. The slope of the riprap would match, as much as possible, the existing slope. Before any riprap is installed, the bank will be re-graded, where needed, to a 3:1 slope. Any debris uncovered during the excavation will be removed and disposed of properly. In order to construct a "straight" line of riprap, a total of **450 s.f.** of newly formed but disturbed tidal mud flats would be filled. Once the bank has been graded to the proper slope, a layer of geo-textile

fabric would be laid over the slope. Riprap will then be placed over the fabric (see cross-section Figure 2). The fabric will prevent the underlying soil from washing out of the riprap. An additional 300 s.f. of disturbed mud flats will temporarily be impacted to remove other rubble that has accumulated on the mudflats due to Bank erosion. Total area of proposed work below the high tide line is 750 s.f. No salt marsh is proposed for impact.

In addition to the rip-rapping, the applicant is proposing to construct a 3' x 30' ramp leading out to a 12' x 20' float. The ramp would be hinged and connected to the new deck. The float would be attached to the ramp and rest on the mudflats during low tide. Concrete anchors placed on the mudflats will hold the float in place. The float and ramp are seasonal and would be removed yearly.

Finally, 320 s.f. of the 100 ft tidal buffer would be impacted to construct a 12' wide gravel driveway that would service an 18' x 36' garage. The garage and a portion of the driveway would be constructed outside the 100 ft buffer (see Photo D).

Alternative proposed provides for the least impact to wetland.

The No Action alternative will not stabilize the existing Bank. Lack of any action would lead to the further erosion of the bank and the eventual collapse the deck and possibly the dwelling. Riprap will sufficiently stabilize the Bank with minimal impact to the bordering mud flats and salt marsh fringe. Riprap is also a cost effective and easily constructed alternative.

Rock rubble and other debris contained within the eroding Bank have "spilled" onto the tidal mud flats (see Photos C and D). This and other unsuitable material uncovered during the repair will be removed. Clean fill will be added to supplement any removed material within the Bank area only.

The proposed ramp and float are seasonal and will be removed and stored off-site.

The proposed new residence will be the same size as the existing structures, although it would possess a full second story. The proposed deck (12' x 14') will be slightly smaller than the original deck (14' x 14'). The new structure cannot be located further from the Bank since the gravel road that is used to access this site and many of the abutting property lies just 11' from the rear of the residence (see Photo B).

The Impact on Plants, Fish and Wildlife Including Rare, Special Concern Species, State and Federally Listed Threatened and Endangered Species, Species at the Extremities of their Ranges, and Migratory Fish, and/or Exemplary Communities Identified by the New Hampshire Natural Heritage Inventory (NHI) - Department of Resources and Economic Development.

Conditional Use Permit Application
Paul and Bonnie Ramson
33A Boston Harbor Road
Dover, NH
page

No special concern, rare, threatened or endangered species of plants or exemplary plant communities were observed in the project area. However, the Natural Heritage Inventory has responded (see August 23, 2010 correspondence), and they note that while an un-named species exists in the area, it will not be affected from the project.

Impact on Abutting Property Owners.

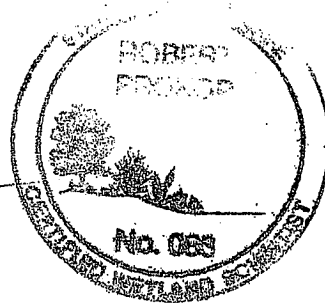
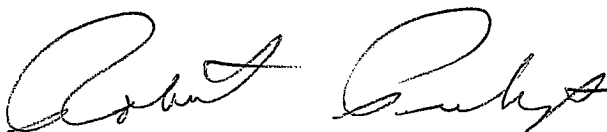
The purpose of the project is to construct a new residence that meets current building codes, and to stabilize the shoreline along the Lamson property. Riprap is likely to have the least impact on abutting properties since the stone would dissipate the energy from incoming waves. Construction of a concrete retaining wall or similar type structure would deflect waves to abutting properties and possibly aggravate eroding banks on these adjacent properties.

Impact of the Project on Values and Functions of the Total Wetland Complex.

Stabilization of the bank would allow for expansion of the fringe area of salt marsh that is currently developing. Removal of debris that has fallen into the mud flats will also improve the integrity of the marsh. Restoration and stabilization of the Bank area will have a long term positive effect on the total wetland system.

If you have any questions or require any additional information regarding this project and the accompanying application, please feel free to contact me at (978) 346-9857.

Sincerely,
Wetland Consulting Services,



Robert Prokop
NH Certified Wetland Scientist (#063)

Attachments



To: Robert Prokop, Wetland Consulting Services
15 Bisson Lane

Merrimac, MA 01860

From: NH Natural Heritage Bureau

Date: 8/23/2010 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 8/17/2010

NHB File ID: NHB10-2095

Applicant: Paul and Bonnie Lamson

Location: Dover
Tax Maps: 7-138

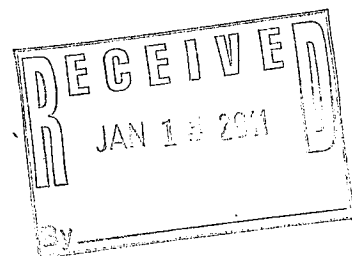
Project

Description: Demolish existing house and rebuild, rprap eroding bank and install yea-round deck

Your project was reviewed by staff of the NH Natural Heritage Bureau and/or the Nongame and Endangered Species Program. It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 8/17/2010, and can not be used for any other project.



Wetland Consulting Services



January 11, 2011

City of Dover Planning Board
288 Central Avenue
Dover, NH 03820

WCS Proj # Lamson-1

RE: Plan Revision, Paul and Bonnie Lamson, 33A Boston Harbor Road, Dover, NH

Dear Members:

The Dover Conservation Commission voted on January 10, 2011 to recommend for approval the Conditional Use permit request filed on behalf of Paul and Bonnie Lamson for their house demolition and re-construction project at 33A Boston Harbor Road. One condition for the approval was to provide additional erosion control details. The attached revised plan (dated January 11, 2011) shows these details.

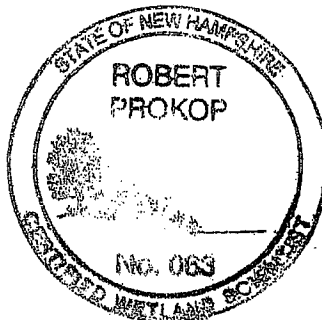
Two rows of silt fence have been added to the plan. The first row of silt fence would be installed just upslope of the narrow band of salt marsh, but just below the proposed riprap that would be installed for bank stabilization. The second row of silt fence will be installed along the upland edge, just upslope of the proposed riprap.

Since the house demolition and debris removal will take less than one day, the silt fences would be installed in two phases after demolition. Immediately after the existing structure has been removed, the lower row of silt fence will be installed. Once the bank has been riprapped, the second row of silt fence will be installed. Delaying the installation of the upper row of silt fence allows easy access to the bank area in need of stabilization. Once house construction is complete and the surrounding area is stable, both rows of silt fence will be removed¹.

If you have any questions or require any additional information regarding this revision, please feel free to contact me at (978) 346-9857.

Sincerely,
Wetland Consulting Services,

Robert Prokop
NH Certified Wetland Scientist (#063)



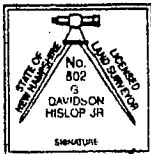
Attachment

¹ Some silt fence may need to be removed during installation of the deck.

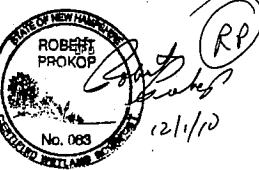
PLAN REFERENCES:
 1.) "STANDARD BOUNDARY SURVEY PLAN FOR LAND KNOWN AS TAX MAP 7 LOT 13 LOCATED ALONG BOSTON HARBOR ROAD, DOVER, N. H." BY KNIGHT HILL LAND SURVEYING SERVICES, INC., DATED AUG. 2001, RECORDED AT SCRD AS PLAN #63-28.

GENERAL NOTE:
 1.) THE BUILDING DIMENSIONS SHOWN ARE THE OUTSIDE DIMENSIONS.
 2.) PROPOSED IMPROVEMENTS SHOWN AS DIRECTED BY BOB PROKOP, NH CERTIFIED WETLAND SCIENTIST (#063)/WLDLIFE BIOLOGIST WETLAND CONSULTING SERVICES, 15 BISSON LANE, MERRIMACK, MA., 01860 978-346-9857.

CERTIFICATION
 I CERTIFY THAT THE HOUSE KNOWN AS 33A BOSTON HARBOR ROAD IS SHOWN ACCURATELY HEREON RELATIVE TO THE PROPERTY LINES. THE LOCATION SHOWN IS THE RESULTS OF AN INSTRUMENT FIELD SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION.



G. DAVIDSON HISLOP JR. LLS #502 DATE



LEGEND

- PROPERTY LINE
- EDGE OF EASEMENT
- EDGE OF GRAVEL DRIVE
- SURVEY TIE LINE
- APPROX. UNDERGROUND SEWER
- SEWER MANHOLE
- OVERHEAD ELECTRIC
- APPROX. HIGH WATER MARK
- IRON PIPE/PIN
- STRAFFORD COUNTY REGISTRY OF DEEDS
- UTILITY POLE
- GRANITE CURB
- WATER SHUT OFF
- MARSH GRASS AREA
- LOW WATER MARK

BENCH MARK
 SPIKE SET IN BASE 30"± TREE
 ELEVATION = 10.8
 (DATUM IS NGVD 1929)

SITE DATA

MAP 7 LOT 13B

OWNER OF RECORD: PAUL M. LAMSON TRUST
 PAUL M. LAMSON, TRUSTEE
 9591 ALOE ROAD
 BOYNTON BEACH, FL., 33436-7357

DEED: S.C.R.D. BK. 3852 PG. 899

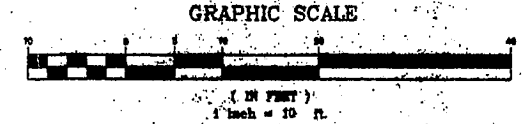
AREA: AREA = 8,268± SQ. FT./0.1898± ACRE

**PROPOSED IMPROVEMENTS
 TOPOGRAPHIC OVERLAY WORKSHEET
 &
 CERTIFIED PLOT PLAN**
 for property known as
MAP 7 LOT 13B
 located at
**33A BOSTON HARBOR ROAD
 DOVER, N. H.
 STRAFFORD COUNTY**

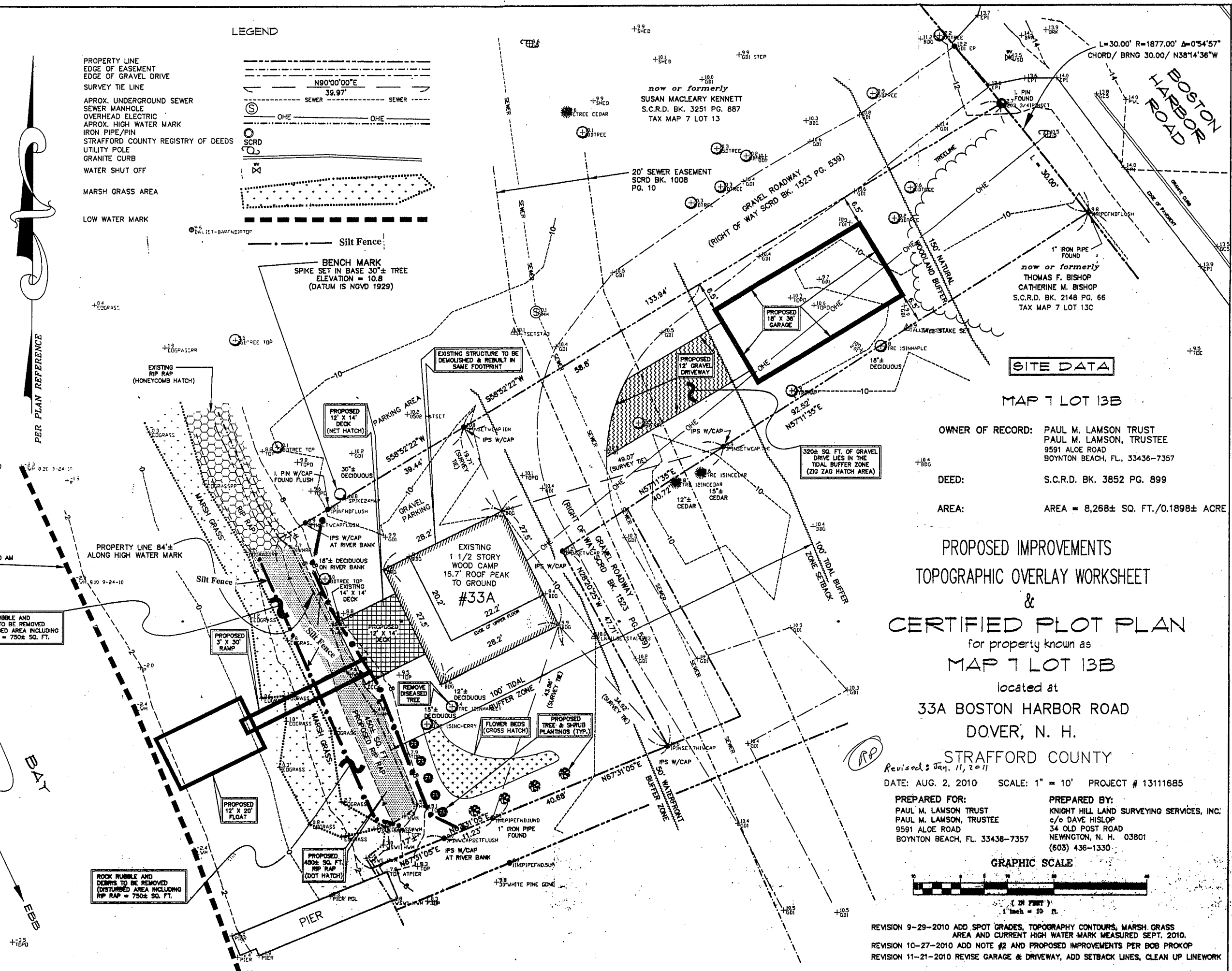
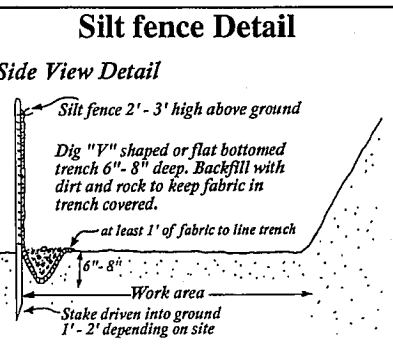
Revised Jan. 11, 2011
 DATE: AUG. 2, 2010 SCALE: 1" = 10' PROJECT # 13111685

PREPARED FOR:
 PAUL M. LAMSON TRUST
 PAUL M. LAMSON, TRUSTEE
 9591 ALOE ROAD
 BOYNTON BEACH, FL. 33438-7357

PREPARED BY:
 KNIGHT HILL LAND SURVEYING SERVICES, INC.
 c/o DAVE HISLOP
 34 OLD POST ROAD
 NEWINGTON, N. H. 03801
 (603) 436-1330



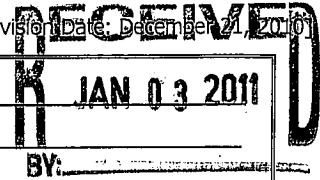
REVISION 9-29-2010 ADD SPOT GRADES, TOPOGRAPHY CONTOURS, MARSH GRASS AREA AND CURRENT HIGH WATER MARK MEASURED SEPT. 2010.
 REVISION 10-27-2010 ADD NOTE #2 AND PROPOSED IMPROVEMENTS PER BOB PROKOP
 REVISION 11-21-2010 REVISE GARAGE & DRIVEWAY, ADD SETBACK LINES, CLEAN UP LINework





City of Dover, New Hampshire REZONING APPLICATION

[Revision Date: December 21, 2010]



Office Use Only	File #:	<u>P11-03</u>	Date Received:	<u>JAN 03 2011</u>
	Amount Paid:	_____	Time Received:	_____
			BY:	_____

APPLICANT and OWNER INFORMATION

Name of Applicant: Joanne Johnson Telephone # (603) 749-6144

Address of Applicant: 56 Freshet Road, Dover, NH 03820

Name of Property Owner (if different from applicant): _____ Telephone # _____

Address of Property Owner: _____

GENERAL INFORMATION

General Description of Area for Rezoning: The applicant owns 9.49 acres with frontage on Freshet Road. The property was re-zoned from R-40 to B-4 and I-4. The applicant is requesting that the property be returned to R-40.

Assessor's Map # H Lot(s) # 2A

Current Zoning District(s) B-4 and I-4 Overlay District(s) _____

Size of Area: 9.49 Acres Existing Use of Property: Residential

Proposed Zoning District(s) R-40 Overlay District(s) _____

Proposed Use of Property: Residential

REZONING INFORMATION

Please indicate, in a separate narrative, how your proposed amendment addresses the following requirements of RSA 674:17. If the requirement is not applicable, please write N/A.

Does the amendment:

- Lessen congestion in the streets;
- Secure safety from fires, panic and other dangers;
- Promote health and the general welfare;
- Provide adequate light and air;
- Prevent the overcrowding of land;
- Avoid undue concentration of population;
- Facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- Assure proper use of natural resources and other public requirements;
- Encourage the preservation of agricultural lands and buildings; and
- Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy (see RSA 674:17 I (j) for full text).

Also, please describe how the amendment has been made with reasonable consideration to the character of the area involved.

REQUIRED ATTACHMENTS

- Fifteen (15) hard copies and one digital copy of the following:
 - A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;
 - A statement of the purposes and intent of the proposed amendment
 - A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and neighborhoods;
 - A statement describing how the proposal meets the elements outlined above in the Rezoning Information section.
 - A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;
- The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;
- A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within one hundred (100) feet of the subject area. The list shall be current within ten (10) days of submittal; and
- A non-refundable fee in the sixty dollars (\$60.00) to cover the cost of the newspaper notice, and a non-refundable fee of one dollar (\$1.00) per landowner and Abutter required to be notified.

SIGNATURES

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

Signature of Property Owner: Joanne A. Johnson Date: 12/30/10

Signature of Applicant (if different from owner): _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Joanne A. Johnson Date: 12/30/10

This application for re-zoning is filed on behalf of Joanne Johnson, who owns the parcel of land identified as City of Dover Tax Map H, Lot 2A. This parcel contains approximately 9.49 acres. Approximately 2,325 square feet of the parcel is located within the Town of Madbury, while the remaining 413,370 square feet is located in the City of Dover. The road frontage for the property is along Freshet Road, which runs northerly from Route 108 to Route 155. While most of Freshet Road is located in Madbury, at a point near the applicant's land the road turns to the east such that almost all of the applicant's land is located in Dover, while most of the other parcels having frontage on Freshet Road are located primarily in Madbury.

Currently, the applicant's land is bisected by the B-4 and the I-4 zoning district lines. The applicant's property is used as her residence. Reflecting the fact that most of the parcels along Freshet Road are located primarily in Madbury, the development along Freshet is almost entirely residential.

The applicant's land was zoned R-40 before it was re-zoned to B-4 and I-4. The B-4 zone was established to allow commercial development along Route 108, and the I-4 zone was established to recognize the industrial development along Mast Road. Both of those zones extend to the Madbury Town line, and thus they bisect the applicant's land.

The applicant's road frontage is located 1,000 feet from Route 108. Freshet Road is a fairly narrow road, which is residential in character. There is no commercial or industrial development along Freshet Road between the applicant's property and Route 108. The B-4 and the I-4 zones do not allow single family residences. Three of the four parcels which abut the applicant's land have frontage on Route 108, and would be suitable for commercial development. The applicant's land, and the residence located at 18 Freshet Road, do not have frontage on Route 108 and are not suitable for commercial development. The physical location of the applicant's land, and the character of the surrounding properties along Freshet Road make it highly unlikely that the applicant's land could be developed into any of the uses which are allowed in either the B-4 or the I-4 zones.

The impact of this amendment would be minimal. If the property is re-zoned to R-40, any development would be in character with the surrounding properties along Freshet Road, which is residential. Since the property cannot be used for the permitted uses in the B-4 or the I-4 zones, changing the zoning for this parcel would make it more likely that it could be developed for a use consistent with the neighborhood, which would be of benefit to the City. There would be no burden on either City services or facilities. Any residential development would require lots of at least 40,000 square feet.

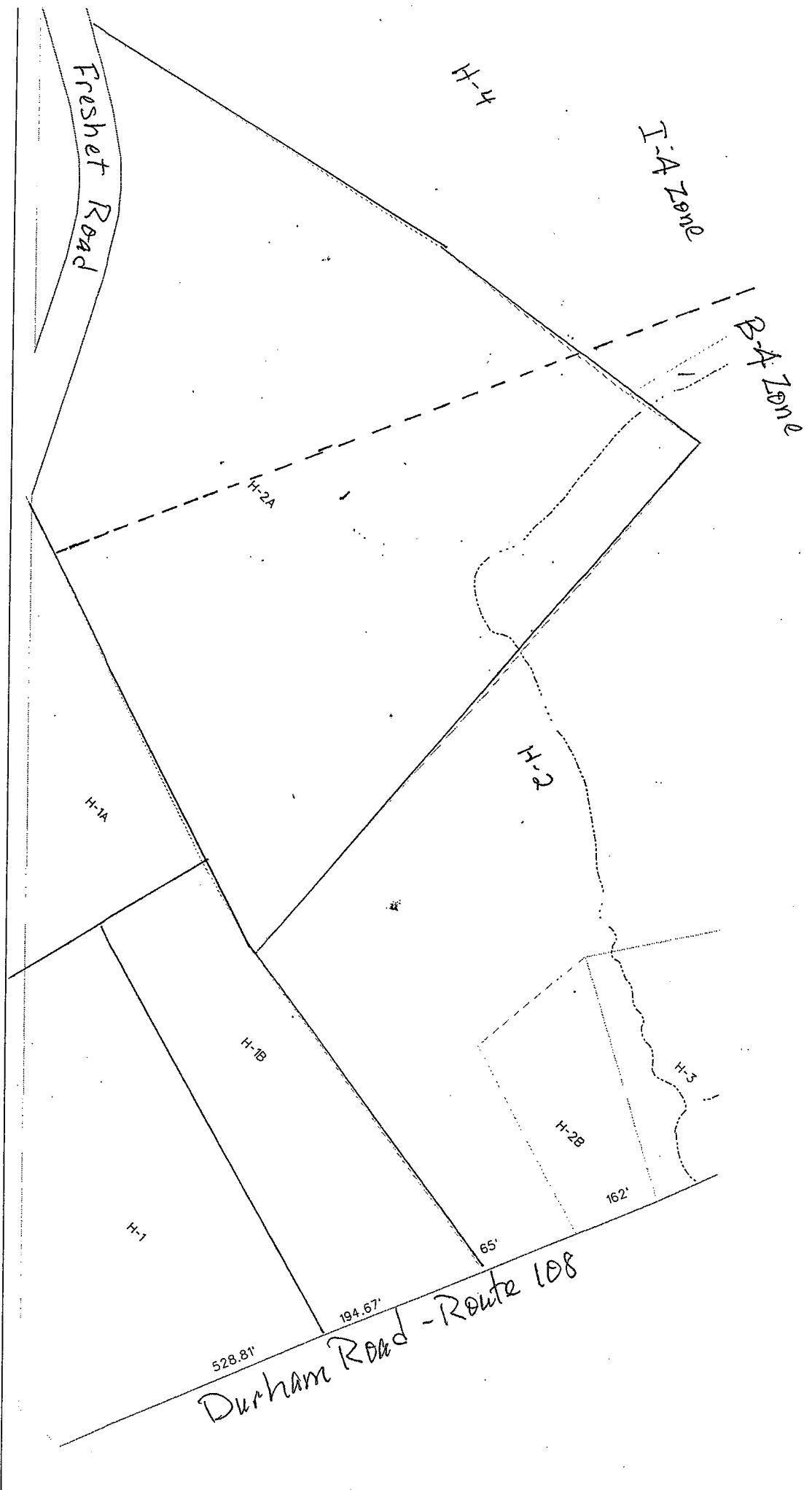
If this property were to be developed for one of the purposes allowed in either the B-4 or the I-4 zones, then such development would cause an increase in traffic and congestion along Freshet Road. That commercial development would be intrusive into this residential neighborhood, would be more intensive than the residential development permitted in the R-40 zone, and would be less beneficial to the health and general welfare of this neighborhood.

Tax Map H, Lot 1A Donna M. Bell
20 Freshet Road
Dover, NH 03820

Tax Map H, Lot 1B David S. Geanoulis
299 Durham Road
Dover, NH 03820

Tax Map H, Lot 2 City of Dover, NH
288 Central Avenue
Dover, NH 03820

Tax Map H, Lot 4 Heron Bay Partners, LLC
242 Central Avenue
Dover, NH 03820





CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P11-04

Application Type:	Minor Lot Line Adjustment
Applicant:	Margaret McDaniel 2010 Revocable Trust
Owner:	Margaret McDaniel 2010 Revocable Trust and City of Dover
Location:	141 Spur Road (Assessor's Map L, Lot 37)

INTENT: To adjust the lot lines between one existing lot and the right-of-way of Spur Road, with no increase in the number of lots.

LOTS/UNITS PROPOSED: One existing lot enlarged

AGENDA ITEM #: 4-E

ACREAGE: 0.21 acres

ZONING DISTRICT: Low Density Residential District - R-20

EXISTING LAND USE: Single family home

PROPOSED LAND USE: Single family home

SURROUNDING LAND USE: Single family residential

ZBA ACTION: None

ATTACHMENTS: Lot line adjustment plan and application

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Yes

PERMITS REQUIRED: None

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant has submitted an application requesting approval of a lot line adjustment plan to add 1,780 square feet of land to the existing lot. The land would come from the right-of-way of Spur Road that is in excess of the normal 50-foot width, subject to approval by the City Council.

Consistency with Land Use Regulations

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owner's signature to the plat.
2. Provide a digital version of the plat to the Planning Office.
3. The applicant shall add the Planning File number to the title block of the plat.
4. This approval is contingent on obtaining approval from the Dover City Council for conveyance of the city-owned right-of-way.



City of Dover, New Hampshire
MINOR LOT LINE ADJUSTMENT APPLICATION

[Revision Date: July 19, 2010]

Office Use Only	Project #:	<u>P11-04</u>	Date Received:	_____
	Amount Paid:	<u>209.00</u>	Time Received:	_____

APPLICANT INFORMATION

CH#6444

Name of Applicant: MARGARET MCDANIEL 2010 REVOCABLE TRUST Telephone # 749-2258
 Address of Applicant: 141 SPUR ROAD DOVER NH 03820

FIRST PROPERTY OWNER AND PARCEL INFORMATION

Name of 1st Property Owner (if different from applicant): SAME Telephone # _____

Address of 1st Property Owner: _____

Address of Property: 141 SPUR ROAD DOVER NH

Assessor's Map # L Lot(s) # 37

Property Deed: Book 3801 Page: 121

Zoning District(s) R-20 Overlay District(s) _____

Size of Existing Parcel (sq. ft.): 8,965 Size of Proposed Parcel (sq. ft.): 10,745

SECOND PROPERTY OWNER AND PARCEL INFORMATION

Name of 2nd Property Owner (if different from applicant): CITY OF DOVER Telephone # 516-6008

Address of 2nd Property Owner: 288 CENTRAL AVENUE DOVER NH 03820

Address of Property: 141 SPUR ROAD (SPUR ROAD R.O.W.)

Assessor's Map # N/A Lot(s) # N/A

Property Deed: Book N/A Page: N/A

Zoning District(s) R-20 Overlay District(s) _____

Size of Existing Parcel (sq. ft.): 1,780 Size of Proposed Parcel (sq. ft.): 0

[Use additional application form if more than two lots are being adjusted]

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) MCENEANEY SURVEY ASSOCIATES

Address 2A CHESTNUT ST. DOVER, NH 03820 Telephone #: 742-0911

Professional License #: NH LLS 661 E-mail address: kevin@surveynh.com

SIGNATURES

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

Signature of First Property Owner: x Margaret McDaniel Date: 12/3/2010
Signature of Second Property Owner: _____ Date: 1/3/11
Signature of Applicant (if different from owner): _____ Date: _____
Signature of Agent: _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: x Margaret McDaniel Date: 12/2/2010

CITY OF DOVER MINOR LOT LINE ADJUSTMENT LIST OF ABUTTERS

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested.

The applicant must obtain the abutter information from the records of the Tax Assessor's Office (not more than five days prior to filing) in order to process the minor lot line adjustment application.

ABUTTER is defined as the owner of record of a parcel of land located in New Hampshire and that adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For a condominium or other collective form of ownership, abutter means the officers of the collective or association.

First Owner:

TAX MAP	LOT #	FIRST PROPERTY OWNER	MAILING ADDRESS
L	37	MARGARET MCDANIEL	141 SPUR RD DOVER, NH 03820

Second Owner:

TAX MAP	LOT #	SECOND PROPERTY OWNER	MAILING ADDRESS
N/A	N/A	CITY OF DOVER	288 CENTRAL AVE DOVER NH 03820

Applicant (if different from owners): SAME

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS

Surveyor:

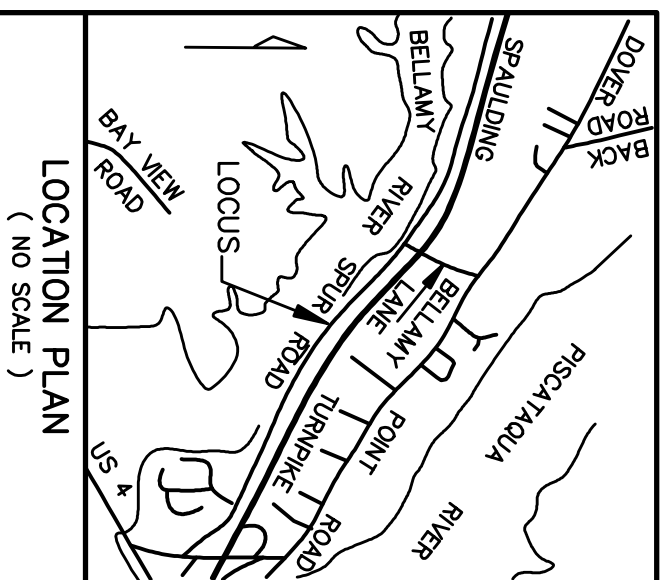
NAME	COMPANY	MAILING ADDRESS
KEVIN McENEANEY	McENEANEY SURVEY ASSOC.	24 CHESTNUT ST. DOVER NH 03820

Conservation Easement Holder: N/A

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS

Abutters:

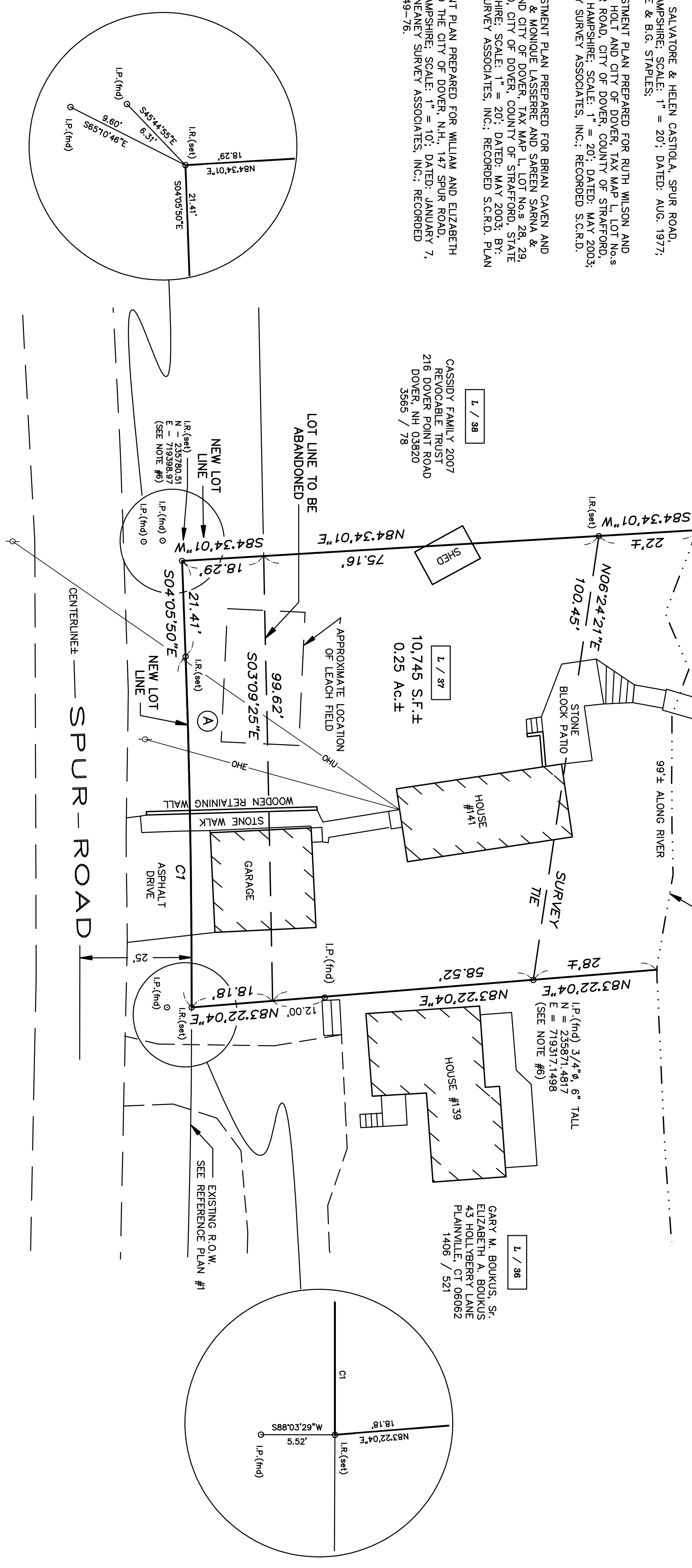
TAX MAP	LOT #	OWNER (S) OF RECORD	MAILING ADDRESS
L	37	MARGARET MCDANIEL	141 SPUR ROAD DOVER NH 03820
L	36	GARY + ELIZABETH BOWKUS	43 Hollyberry Ln. Plainville CT 06062
L	38	Cassidy Family 2007 Rev Trust	216 Dover Pt Rd. Dover NH 03820
J	22.B	W+B Draper Revocable Trust	PO Box 311 Dover NH 03820
Spaulding Turnpike		State of NH - DOT	John O. Maxton Building 7 Hazen Drive Concord NH 03301
Surveyor:		McEneaney Survey Associates	24 Chestnut St. Dover NH 03820



B E L L A M Y R I V E R

EBB ← {TIDAL} → FLOOD

- REFERENCE PLANS:**
- 1) LOT LINE ADJUSTMENT PLAN PREPARED FOR GARY & ELIZABETH BOUKUS AND CITY OF DOVER, TAX MAP L, LOT No. 36, 139 SPUR ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 15', DATED: JUNE 1, 2010; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 100-001.
 - 2) PLAN OF BELLAMY VIEW PARK, DOVER, N.H.; DATED: NOVEMBER 1925; BY: L.E. SCRUTTON, C.E.; RECORDED S.C.R.D. PLAN 46; POCKET 3, FOLDER 1.
 - 3) PLAN OF LAND, SALVATORE & HELEN CASTOLA, SPUR ROAD, DOVER, NEW HAMPSHIRE, SCALE: 1" = 20'; DATED: AUG. 1977; BY: K.E. MOORE & B.S. STABLES.
 - 4) LOT LINE ADJUSTMENT PLAN PREPARED FOR RUTH WILSON AND BARBARA JEAN HOLT AND CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20'; DATED: MAY 2003; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 72-48.
 - 5) LOT LINE ADJUSTMENT PLAN PREPARED FOR BRIAN CAVEN AND JEAN-JACQUES & MONIQUE LASSERRE AND SAREEN SARNA & SURESH K. SURESH AND CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20'; DATED: MAY 2003; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 72-47.
 - 6) LOT ADJUSTMENT PLAN PREPARED FOR WILLIAM AND ELIZABETH BERHMANN AND THE CITY OF DOVER, N.H., 147 SPUR ROAD, DOVER, NEW HAMPSHIRE, SCALE: 1" = 10'; DATED: JANUARY 7, 1996; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 49-76.



No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	02°12'07"	2045.00	78.59	78.58	S02°59'47"E

- LEGEND**
- IR (fnd) ○ — IRON ROD FOUND
 - IP (fnd) ○ — IRON PIPE FOUND
 - IK (set) ● — IRON ROD WITH PLASTIC I.D.
 - — IRON ROD SET
 - UTILITY POLE
 - LIMITED ACCESS RIGHT OF WAY
 - STRAFFORD COUNTY REGISTRY OF DEEDS

SPAUDLING TURNPIKE — LS 1821(1) 300' WIDE L.A.R.O.W.



"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEYING IN NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

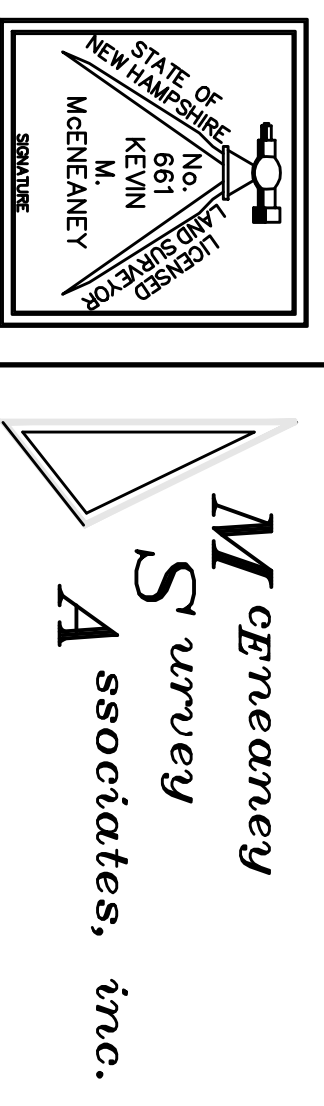
OWNERS SIGNATURES

NOTES:

- 1) OWNERS OF RECORD: MARGARET MGDANIEL, 2010 REVOCABLE TRUST MARGARET MGDANIEL, TRUSTEE 100 SPUR ROAD DOVER, NEW HAMPSHIRE 03820 S.C.R.D. VOLUME 3801, PAGE 121
 - 2) L / 87 — DENOTES TAX MAP AND LOT NUMBER.
 - 3) THE INTENT OF THIS PLAN IS TO ADJUST THE LOT LINE BETWEEN LOT [L/37] AND THE CITY OF DOVER R.O.W. AS SHOWN, PARCEL (A) (1,760 S.F.) WILL BE ADDED TO LOT [L/37].
 - 4) L / 87 OLD AREA 8,965 S.F.± NEW AREA 10,745 S.F.±
 - 4) BASIS OF BEARING IS CITY OF DOVER/GEOD CORPORATION GRID.
 - 5) CORPORATES SHOWN ARE BASED ON CITY OF DOVER/GEOD CORPORATION GRID.
 - 6) A DIGITAL VERSION OF THE PLAN WILL BE PROVIDED TO THE CITY OF DOVER PLANNING DEPARTMENT.
 - 7) ZONING DISTRICT IS R-20:
 - MINIMUM LOT SIZE = 20,000 S.F.
 - MINIMUM FRONTAGE = 125 FEET
 - MINIMUM SETBACKS (PRINCIPAL BUILDING):
 - FRONT = 20 FEET
 - SIDE = 20 FEET
 - REAR = 20 FEET
 - MINIMUM SETBACKS (OUTBUILDING):
 - FRONT = 10 FEET
 - SIDE = 10 FEET
 - REAR = 10 FEET
 - MAXIMUM LOT COVERAGE = 30%
 - MAXIMUM BLDG HEIGHT = 35 FEET
- A PORTION OF THE PARCEL IS ALSO SUBJECT TO THE CONSERVATION OVERLAY DISTRICT — 100' FROM THE REFERENCE LINE OF A TIDAL RIVER.

LOT LINE ADJUSTMENT PLAN
PREPARED FOR
MARGARET MGDANIEL 2010 REV. TRUST
AND
CITY OF DOVER
TAX MAP L, LOT No. 37
141 SPUR ROAD
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

DOVER PLANNING FILE NO. P 10-
DRAWN BY: KJP
SCALE: 1" = 15'
FILE: GRK\1827\10-1905
DATE: AUGUST 20, 2010



SURVEYING — PLANNING — CONSULTING

For Registry of Deeds Use

For Registry of Deeds Use



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P11-04

Application Type: Minor Lot Line Adjustment
Applicant: Margaret McDaniel 2010 Revocable Trust
Owner: Margaret McDaniel 2010 Revocable Trust and City of Dover
Location: 141 Spur Road (Assessor's Map L, Lot 37)

INTENT: To adjust the lot lines between one existing lot and the right-of-way of Spur Road, with no increase in the number of lots.

LOTS/UNITS PROPOSED: One existing lot enlarged

AGENDA ITEM #: 4-E

ACREAGE: 0.21 acres

ZONING DISTRICT: Low Density Residential District - R-20

EXISTING LAND USE: Single family home

PROPOSED LAND USE: Single family home

SURROUNDING LAND USE: Single family residential

ZBA ACTION: None

ATTACHMENTS: Lot line adjustment plan and application

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Yes

PERMITS REQUIRED: None

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant has submitted an application requesting approval of a lot line adjustment plan to add 1,780 square feet of land to the existing lot. The land would come from the right-of-way of Spur Road that is in excess of the normal 50-foot width, subject to approval by the City Council.

Consistency with Land Use Regulations

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the lot line adjustment plat with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Add the owner's signature to the plat.
2. Provide a digital version of the plat to the Planning Office.
3. The applicant shall add the Planning File number to the title block of the plat.
4. This approval is contingent on obtaining approval from the Dover City Council for conveyance of the city-owned right-of-way.



City of Dover, New Hampshire
MINOR LOT LINE ADJUSTMENT APPLICATION

[Revision Date: July 19, 2010]

Office Use Only	Project #:	<u>P11-04</u>	Date Received:	_____
	Amount Paid:	<u>209.00</u>	Time Received:	_____

APPLICANT INFORMATION

CH#6444

Name of Applicant: MARGARET MCDANIEL 2010 REVOCABLE TRUST Telephone # 749-2258
 Address of Applicant: 141 SPUR ROAD DOVER NH 03820

FIRST PROPERTY OWNER AND PARCEL INFORMATION

Name of 1st Property Owner (if different from applicant): SAME Telephone # _____

Address of 1st Property Owner: _____

Address of Property: 141 SPUR ROAD DOVER NH

Assessor's Map # L Lot(s) # 37

Property Deed: Book 3801 Page: 121

Zoning District(s) R-20 Overlay District(s) _____

Size of Existing Parcel (sq. ft.): 8,965 Size of Proposed Parcel (sq. ft.): 10,745

SECOND PROPERTY OWNER AND PARCEL INFORMATION

Name of 2nd Property Owner (if different from applicant): CITY OF DOVER Telephone # 516-6008

Address of 2nd Property Owner: 288 CENTRAL AVENUE DOVER NH 03820

Address of Property: 141 SPUR ROAD (SPUR ROAD R.O.W.)

Assessor's Map # N/A Lot(s) # N/A

Property Deed: Book N/A Page: N/A

Zoning District(s) R-20 Overlay District(s) _____

Size of Existing Parcel (sq. ft.): 1,780 Size of Proposed Parcel (sq. ft.): 0

[Use additional application form if more than two lots are being adjusted]

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) MCENEANEY SURVEY ASSOCIATES

Address 2A CHESTNUT ST. DOVER, NH 03820 Telephone #: 742-0911

Professional License #: NH LLS 661 E-mail address: kevin@surveynh.com

SIGNATURES

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

Signature of First Property Owner: x Margaret McDaniel Date: 12/3/2010
Signature of Second Property Owner: _____ Date: 1/3/11
Signature of Applicant (if different from owner): _____ Date: _____
Signature of Agent: _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: x Margaret McDaniel Date: 12/2/2010

CITY OF DOVER MINOR LOT LINE ADJUSTMENT LIST OF ABUTTERS

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested.

The applicant must obtain the abutter information from the records of the Tax Assessor's Office (not more than five days prior to filing) in order to process the minor lot line adjustment application.

ABUTTER is defined as the owner of record of a parcel of land located in New Hampshire and that adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For a condominium or other collective form of ownership, abutter means the officers of the collective or association.

First Owner:

TAX MAP	LOT #	FIRST PROPERTY OWNER	MAILING ADDRESS
L	37	MARGARET MCDANIEL	141 SPUR RD DOVER, NH 03820

Second Owner:

TAX MAP	LOT #	SECOND PROPERTY OWNER	MAILING ADDRESS
N/A	N/A	CITY OF DOVER	288 CENTRAL AVE DOVER NH 03820

Applicant (if different from owners): SAME

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS

Surveyor:

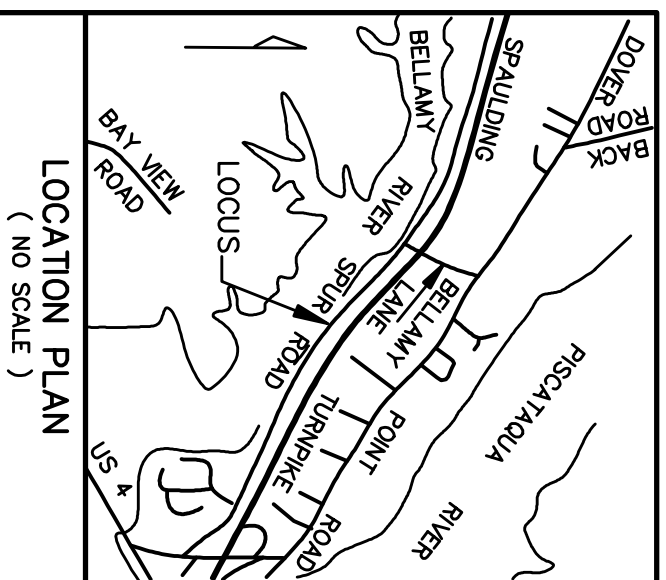
NAME	COMPANY	MAILING ADDRESS
KEVIN McENEANEY	McENEANEY SURVEY ASSOC.	24 CHESTNUT ST. DOVER NH 03820

Conservation Easement Holder: N/A

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS

Abutters:

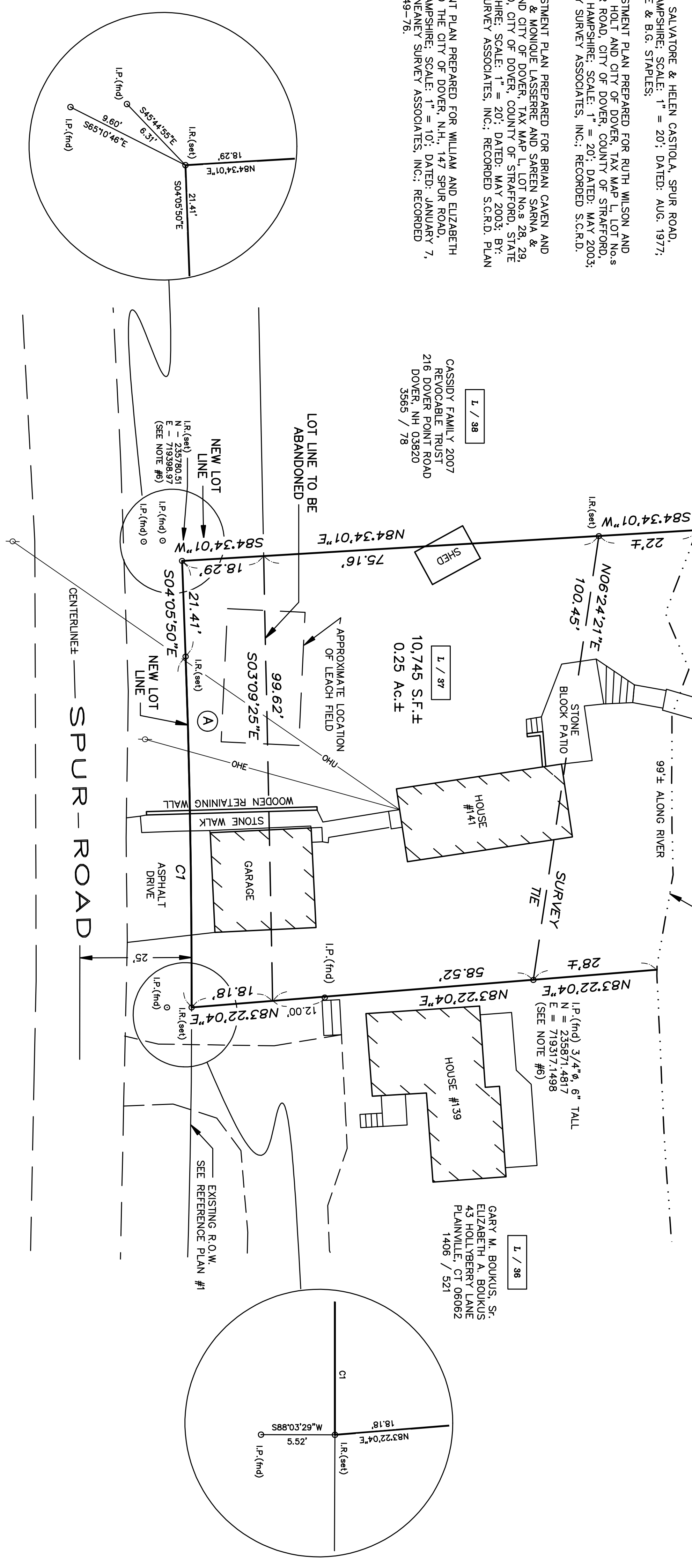
TAX MAP	LOT #	OWNER (S) OF RECORD	MAILING ADDRESS
L	37	MARGARET MCDANIEL	141 SPUR ROAD DOVER NH 03820
L	36	GARY + ELIZABETH BOWKUS	43 Hollyberry Ln. Plainville CT 06062
L	38	Cassidy Family 2007 Rev Trust	216 Dover Pt Rd. Dover NH 03820
J	22.B	W+B Draper Revocable Trust	PO Box 311 Dover NH 03820
Spaulding Turnpike		State of NH - DOT	John O. Maxton Building 7 Hazen Drive Concord NH 03301
Surveyor:		McEneaney Survey Associates	24 Chestnut St. Dover NH 03820



B E L L A M Y R I V E R

EBB ← {TIDAL} → FLOOD

- REFERENCE PLANS:**
- 1) LOT LINE ADJUSTMENT PLAN PREPARED FOR GARY & ELIZABETH BOUKUS AND CITY OF DOVER, TAX MAP L, LOT No. 36, 139 SPUR ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 15', DATED: JUNE 1, 2010; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 100-001.
 - 2) PLAN OF BELLAMY VIEW PARK, DOVER, N.H.; DATED: NOVEMBER 1925; BY: L.E. SCRUTTON, C.E.; RECORDED S.C.R.D. PLAN 46; POCKET 3, FOLDER 1.
 - 3) PLAN OF LAND, SALVATORE & HELEN CASTOLA, SPUR ROAD, DOVER, NEW HAMPSHIRE, SCALE: 1" = 20'; DATED: AUG. 1977; BY: K.E. MOORE & B.S. STABLES.
 - 4) LOT LINE ADJUSTMENT PLAN PREPARED FOR RUTH WILSON AND BARBARA JEAN HOLT AND CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20'; DATED: MAY 2003; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 72-48.
 - 5) LOT LINE ADJUSTMENT PLAN PREPARED FOR BRIAN CAVEN AND JEAN-JACQUES & MONIQUE LASSERRE AND SAREEN SARNA & SURESH K. SURESH AND CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SCALE: 1" = 20'; DATED: MAY 2003; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 72-47.
 - 6) LOT ADJUSTMENT PLAN PREPARED FOR WILLIAM AND ELIZABETH BERHMANN AND THE CITY OF DOVER, N.H., 147 SPUR ROAD, DOVER, NEW HAMPSHIRE, SCALE: 1" = 10'; DATED: JANUARY 7, 1996; BY: MGENANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 49-76.



No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	$02^{\circ}12'07''$	2045.00	78.59	78.58	$S02^{\circ}59'47''E$



CITY OF DOVER
GRID NORTH

SPAUDLING TURNPIKE - LS 1821(1) 300' WIDE L.A.R.O.W.

- LEGEND**
- IR (fnd) ○ - IRON ROD FOUND
 - IP (fnd) ○ - IRON PIPE FOUND
 - IK (set) ● - IRON ROD WITH PLASTIC I.D.
 - - IRON ROD SET
 - - UTILITY POLE
 - - LIMITED ACCESS RIGHT OF WAY
 - - STRAFFORD COUNTY REGISTRY OF DEEDS

NO.	DATE	DESCRIPTION	REVISIONS	BY	CHK
10-1905		LLAUD	CE		
PROJECT NO		TYPE	FIELDBOOK & PAGES		

For Registry of Deeds Use

For Registry of Deeds Use

NOTES:

- 1) OWNERS OF RECORD: MARGARET MGDANIEL, TRUSTEE; MARGARET MGDANIEL, TRUSTEE; 100 SPUR ROAD, DOVER, NEW HAMPSHIRE 03820, S.C.R.D. VOLUME 3801, PAGE 121
 - 2) L / 87 - DENOTES TAX MAP AND LOT NUMBER.
 - 3) THE INTENT OF THIS PLAN IS TO ADJUST THE LOT LINE BETWEEN LOT [L/37] AND THE CITY OF DOVER R.O.W. AS SHOWN, PARCEL (A) (1,760 S.F.) WILL BE ADDED TO LOT [L/37].
 - 4) L / 87 OLD AREA 8,965 S.F.±; NEW AREA 10,745 S.F.±
 - 4) BASIS OF BEARING IS CITY OF DOVER/GEOD CORPORATION GRID.
 - 5) CORPNATES SHOWN ARE BASED ON CITY OF DOVER/GEOD CORPORATION GRID.
 - 6) A DIGITAL VERSION OF THE PLAN WILL BE PROVIDED TO THE CITY OF DOVER PLANNING DEPARTMENT.
 - 7) ZONING DISTRICT IS R-20; MINIMUM LOT SIZE = 20,000 S.F.; MINIMUM FRONTAGE = 125 FEET; MINIMUM SETBACKS (PRINCIPAL BUILDING): FRONT = 20 FEET; SIDE = 20 FEET; REAR = 10 FEET; MINIMUM SETBACKS (OUTBUILDING): FRONT = 10 FEET; SIDE = 10 FEET; REAR = 10 FEET; MAXIMUM LOT COVERAGE = 30%; MAXIMUM BLDG HEIGHT = 35 FEET
- A PORTION OF THE PARCEL IS ALSO SUBJECT TO THE CONSERVATION OVERLAY DISTRICT - 100' FROM THE REFERENCE LINE OF A TIDAL RIVER.

OWNERS SIGNATURES

LOT LINE ADJUSTMENT PLAN
PREPARED FOR
MARGARET MGDANIEL 2010 REV. TRUST
AND
CITY OF DOVER
TAX MAP L, LOT No. 37
141 SPUR ROAD
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

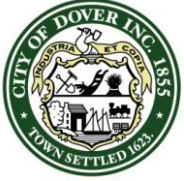
DOVER PLANNING FILE NO. P 10-
DRAWN BY: KJP FILE: GRK\1827\10-1905
SCALE: 1" = 15' DATE: AUGUST 20, 2010

McGenaney Associates, Inc.
P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEYING AS SPECIFIED IN THE NEW HAMPSHIRE CODE OF ADMINISTRATION, TITLE 508-A:01, AND THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

DATE: / KEVIN M. MGENANEY LIS # 661

SURVEYING - PLANNING - CONSULTING



CITY OF DOVER

PLANNING BOARD – STAFF MEMO FILE #P11-05

Application Type: Waiver Request to Subdivision Regulations
Applicant: Eric Kinsman
Owner: Eric Kinsman
Location: 38 Cornerstone Drive (Assessors Map B, Lots 18-39)

INTENT: The applicant has requested a waiver to the requirement that houses be separated by a minimum of forty feet.

LOTS/UNITS PROPOSED: None

AGENDA ITEM #: 4-F

ACREAGE: 0.358 acres

ZONING DISTRICT: R-40 Rural residential

EXISTING LAND USE: Single Family House

PROPOSED LAND USE: Single Family House

SURROUNDING LAND USE: Single Family residential

ZBA ACTION: None

ATTACHMENTS: Request letter and house addition sketch

APPLICATION IS COMPLETE: N/A

NOTICES SENT: Yes

PERMITS REQUIRED: N/A

WAIVERS REQUESTED: Waiver to Chapter 155-22-F to allow less than forty feet between houses.

Summary of Request and Background

When this subdivision was approved in 1988, the Subdivision Regulations (Chapter 155-22-F) required a minimum of forty feet between houses and there were no setbacks to lot lines. The Open Space Subdivision Regulations were amended to remove the 40-foot separation requirement and replace it with a 20-foot setback to lot lines for Open Space subdivision lots. However since this lot was created with the 40-foot separation requirement, the standard still applies. The applicant is asking to construct a 23' x 26' foot addition to the house that would be 28 feet from an abutting house.

Consistency with Land Use Regulations

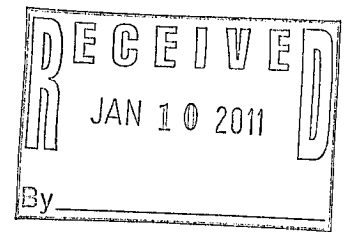
The standards for a waiver request are set forth in Chapter 155-51-A. It is required that the Planning Board find that strict conformity would pose an unnecessary hardship and that specific circumstances of the subdivision or conditions of the land indicate that a waiver will carry out the spirit and intent of the regulations.

The existing houses are only 40.5 feet apart now, so any addition would require a waiver. The owner of the only abutting house that would be impacted has submitted a letter supporting the request. One factor to consider is that under today's regulations, in a cluster with no lot lines, units are allowed to be 30 feet apart. 28 feet is in line with that standard. Additionally the lots in the neighborhood are fairly small so it is not unexpected that the houses would be closer together.

STAFF RECOMMENDATION:

The Planning Department recommends that the waiver be approved with the following conditions:

1. The Board finds that the criteria of Chapter 155-51-A have been met.
2. The applicant shall provide the Building Official with a foundation certification to insure that the 28-foot separation is complied with.



P11-05

January 5, 2011

Mr. Ron Cole - Chairperson
City of Dover Planning Board
288 Central Ave
Dover, NH 03820

Dear Mr. Cole,

My wife Deanna and I have been proud residents of Dover for 7 years. We live with our two children, ages 11 and 7, at #38 Cornerstone Drive, a home which was built for us nearly four years ago. Although very excited about a newly constructed home, we had to make some concessions regarding specific architectural plans in an effort to stay within our budgetary parameters. Now, as we look towards the future, we have begun the initial stages of planning for an addition to our home.

Currently, our home sits on the lot (Zone R-40, Map B, Lot 18-39) at the end of a cul-de-sac as part of the Cornerstone Drive Homeowners Association. We have one unoccupied, constructed house (Lot 18-40) to our left and common land behind and to the right of us. Our house is a 35' x 26' colonial containing living space which exists mainly on the first two floors. The third floor consists of a fourth spare bedroom. Our hopes are to add a 23' x 26' structure to the left side of our home with the goal being to add a larger family room on the first floor, and additional bedroom space on the second floor for our two children. Although the addition will include the third floor as well, it will be used mainly as storage space.

Through some investigation I discovered a rule which was included when the original Phase III subdivision plans were put together. More specifically, it was defined to me as an "Open Space Subdivision Regulation." This regulation indicated that there shall be at least forty (40) feet between structures. Currently, the home to our left sits 40.5 feet away from our home.

As Chris Parker, Steve Bird and Bruce Woodruff can attest, we have been very forthcoming with our plans and very eager to follow the appropriate steps to make sure our dreams can become a reality. They have assured me that a letter requesting a waiver from this regulation is the first crucial step. Bruce Woodruff was kind enough to review the most recent survey plans for the neighborhood and determined that our addition would infringe on the setback by approximately 12 feet, making the total clearance 28 feet. Because the unoccupied home is still owned by the builder, Brad Benson, I have been very open with both he and his assistant, John Voter. I have a signed letter from Brad indicating that he does not object to our plans and has been aware of the process I am following. I have also been in communication with our Homeowners Association, since they would be considered an abutter as well.

In conclusion, I am requesting a waiver from this regulation so that we may move forward with our desire to provide more living space for our family. It will be an aesthetically pleasing structure which would not only add value to the neighborhood, but generate additional tax revenue for the City. I thank you for your time and look forward to the meeting on the 25th of January.

Sincerely,

A handwritten signature in black ink, appearing to read 'EMK', with a long horizontal flourish extending to the right.

Eric M. Kinsman
38 Cornerstone Drive
Dover, NH 03820

CITY OF DOVER

P1105

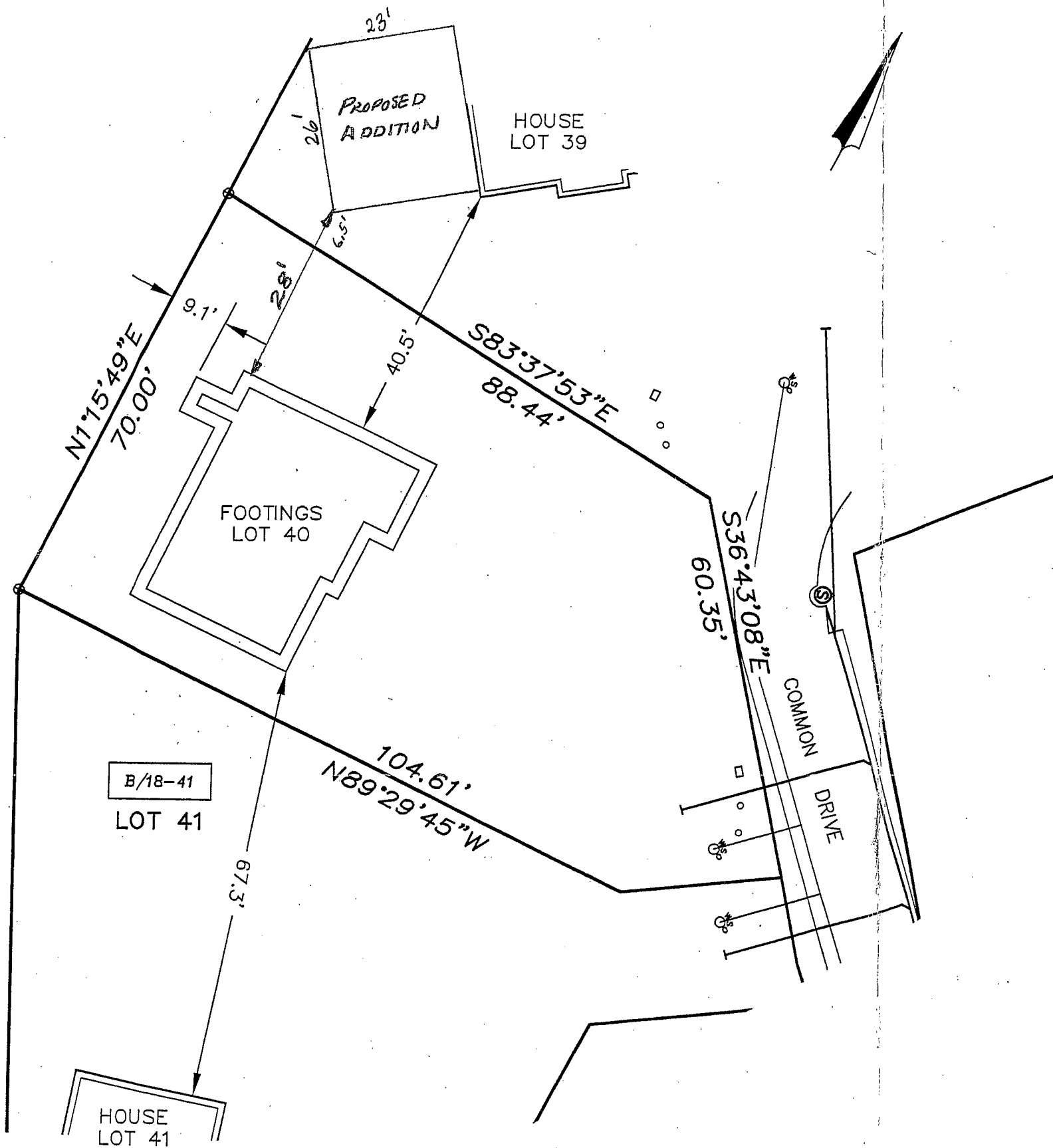
Pursuant to RSA 676:7, the State Law of New Hampshire, the City of Dover is required to notify the applicant and every abutter of the public hearing by certified mail, return receipt requested. The cost of required publication or posting of notice, and the cost of mailing said notices, shall be paid by the applicant.

THE FOLLOWING INFORMATION MUST BE COMPLETED BY THE APPLICANT

"Abutter" is defined in Chapter 170, Dover Zoning Ordinance, as "Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purpose of receipt of notification for a public hearing by the Board, the term of abutting property owner for a condominium or other collective form of ownership means the officers of the collective or association as defined in RSA 356-B :3, XXIII."

Tax Map	Lot No.	Owner(s) of Record	Mailing Address
B	18-40 18-41	BRAD BENSON	BENSON'S LUMBER
B	18-41	CORNERSTONE HOMEOWNERS ASSOCIATION	PAUL GIBBONS - ASSOCIATION PRESIDENT 7 NICHOLS CIRCLE DOVER, NH 03820
B	18-41	SEAN KING 34 CORNERSTONE DR.	
B	18-42	BRAD BENSON	60 MARTIN ST DERRY, NH 03038 PO BOX 444
B	18-43	ERIC LATOUR 28 CORNERSTONE DR DOVER	
B	18-32	BRAD BENSON	
		ERIC KINSMAN 38 CORNERSTONE DR 603-817-1854	

"DRAWN TO SCALE"



REFERENCE PLANS:

- 1.) CORNER STONE CROSSING - AMENDED RESIDENTIAL SUBDIVISION, DOVER, N.H. SCALE: 1" = 50'; DATED: 09/10/02, REVISED THROUGH 05/04/04; BY JONES & BEACH ENGINEERS, INC. RECORDED S.C.R.D. PLANS 76-06 & 76-07.

NOTES:

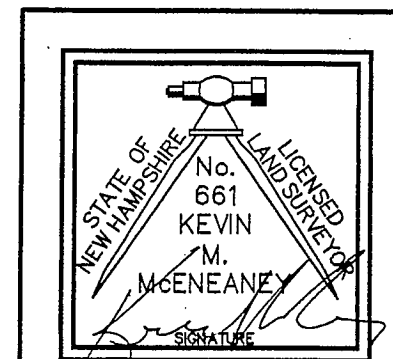
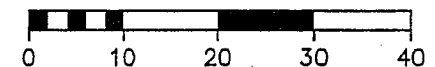
- 1.) ZONING DISTRICT IS R-40, SUBDIVISION IS A.D.S. BUILDING SETBACKS: FRONT = 35 FEET FROM PAVEMENT BETWEEN STRUCTURES = 40 FEET
- 2.) THIS IS NOT A BOUNDARY SURVEY, IT IS INTENDED TO SHOW THE LOCATION OF THE FOUNDATION ONLY.

"I CERTIFY THAT THE FOOTING LOCATION SHOWN MEETS THE SETBACK REQUIREMENTS, AND IS LOCATED WITHIN AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

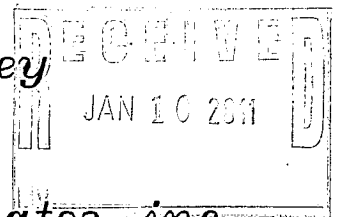
FOOTING CERTIFICATION

FOR
 #36 TAYTAV PARTNERSHIP
 (LOT #40) - CORNER STONE DRIVE
 DOVER, NEW HAMPSHIRE

1" = 20' DECEMBER 3, 2009



McEneaney
 Survey
 Associates, inc.



P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911