

**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT AGENDA

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Thursday, July 18, 2013**  
Meeting Time: **7:00 pm**

**1. ATTENDANCE**

**2. APPROVAL OF PRIOR MINUTES OF JUNE 20, 2013**

**3. HEARING – CONTINUED FROM JUNE 20, 2013**

- A. \* Z 13-10 Robert F. Fisher (Owner: Anne E. Tucker Revocable Trust), 49 Littleworth Road (Tax Map G, Lot 29) located in the Low Density Residential (R-20) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements to permit a lunch cart on the property where lunch carts are not a permitted use in the R-20 District.

**4. HEARING - NEW**

- A. \* Z 13-08 New England Veterinary Cremation Services (Owner: Jewett Commercial Park LLC), 24 Crosby Road, Unit 3 (Tax Map G, Lot 31-3) located in the Rural Restricted Industrial (I-2) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the I-2 District Table of Use and Dimensional Requirements to permit a pet crematory where a pet crematory is not a permitted use in the I-2 District.

**5. ADJOURN**

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

Persons with questions or interested in reviewing the application materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm. The application materials are also available on-line at [www.dover.nh.gov](http://www.dover.nh.gov). A map showing project locations can be found at [www.dover.nh.gov/planhome.htm](http://www.dover.nh.gov/planhome.htm).

Follow us on Twitter @DoverNHPlanning and find us on Facebook at [www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351](https://www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351).



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, City Hall, Dover, NH 03820  
Meeting Date: **Thursday, June 20, 2013**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Otis Perry (Vice Chair), Frank Landford, James Kelley, Chris Prior, Jennifer Stone (Alternate), Bob Hall (Alternate)

**Members Not Present:** Sam Reid (Chair), Joshua Cote (Alternate)

**Staff Present:** Timothy Corwin (Assistant City Planner), Gail Pare (Recording Secretary)

The Vice Chair called the meeting to order at 7:00 p.m. He opened the meeting, introduced the Board and staff members to the audience, and described the process used to hear cases.

### 2. APPROVAL OF PRIOR MINUTES OF THE MAY 16, 2013 MEETING

**Motion:** J.Stone motioned to accept the May 16, 2013 meeting minutes. Seconded by F.Landford. Vote: U/A.

### 3. HEARINGS – NEW

- A. Z 12-11(A) Rensselaer Properties, Ltd., 142 Broadway, Tax Map 27, Lot 278, located in the Urban Density Multi-Residential (RM-U) District, requests an amendment to a prior variance approval to permit office on the first floor of the building in addition to the beauty shop use previously approved under the variance.

*The vice-chair appointed Jennifer Stone (alternate) to vote on this case.*

Steve McCusker, Project Manager for the property explained the two previous variances granted; one (1) for reconstruction, which is now complete; and two (2) to allow for a beauty salon. The beauty shop did not go in. After all the construction was done, the owner thought that the commercial space would be better used as office space. The applicant is asking for an amendment to the original variance which would allow for office space on the first floor.

S.McCusker confirmed for Bob Hall that there would be up to five offices. He explained that there are five rooms which would have been used as spaces for the salon. The space has not been leased as of yet.

*Public hearing open. Nobody spoke. Public hearing closed.*

T.Corwin spoke to the request for the amendment, which staff supports.

J.Kelley commented about the previous variance request from 2012, and that there was a concern about parking on Oak Street at the time. It required curbing.

S.McCusker confirmed for J.Kelley that there would be no additional parking requested and that there is no door to enter the apartment from the Oak Street side. As part of the construction, a new and substantial stairway was built along the existing parking lot side which included ADA requirements. He stated that there is a sign stating no parking at any time. They had met with the public works and reviewed where a fence or plantings would be installed. Because of the tight space, they opted for neither, and installed a no parking sign.

T.Corwin commented that he would make sure that the TRC plan is followed through.



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S.McCusker confirmed for C.Prior that the total parking space allocation is about 15 spaces.

T.Corwin explained that the parking requirements are by square footage and with the office use it would be less restrictive.

**Motion:** J.Kelley motioned to amend the variance as requested. Seconded by F.Landford. Vote: 5-0

- B. Z 10-06A & B(A) JNM Realty Trust, 54 Dover Point Road, Tax Map K, Lot 20, located in the Thoroughfare Business (B-3) District, requests an amendment to a prior variance approval and from Section 170-12.A. of the Zoning Ordinance the B-3 District Table of Use and Dimensional Requirements to permit the second floor of the existing office building to be used for a maximum of two (2) residential units.

*The vice-chair appointed Bob Hall (alternate) to vote on this case.*

Atty. James Schulte represented the applicant and discussed the original plan for the property including offices and townhouses and the original need for the variance. There was an amendment to the site plan approval. There have been commercial tenants in the building for over a year but they are unable to rent the second floor units. The applicant is asking for an amendment to allow for two residential units on the second floor. This would lower the parking requirements. There are other properties in that area that have combined mixed-use residential/commercial spaces. He pointed out that these units would be rental units only and would not be sold.

*Public hearing open. Nobody spoke. Public hearing closed.*

T.Corwin spoke in support of the amendment; however, he questioned why the 2010 variance included a condition of approval restricting use of the building to residential only. He reviewed the file and could not find anything in the minutes or otherwise as to why the Zoning Board added that condition as part of their approval.

Atty.Schulte responded that the original thought was there would be a certain number of units on site and when they asked to separate the residential from the commercial units; they removed the third floor and reduced the height, and took that space and moved it over to the residential lot, anticipating they would rent the office space out; The condition was imposed not out of concern about having the mixed use, but more of a concern about having a certain number of units on the residential lot. With today's market they have been unable to rent the second floor commercial units.

**Motion:** B.Hall motioned to approve the amendment to the 2010 variance and to grant the variance. Seconded by F.Landford. Vote: 5-0

- C. Z 13-09 Stephanie Vocell (Owner: Theresa D. Sherlock), 20 Roberts Road, Tax Map L, Lot 96-H, located in the Low Density Residential (R-20) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements to permit the following: (a) fifteen (15) chickens on the property where a maximum of six (6) are permitted; (b) four (4) ducks on the property where the keeping of ducks is not a permitted use in the R-20 District; and (c) the coop and fenced enclosure for the chickens and ducks to be located zero (0) ft. from the



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side lot line and sixteen (16) ft. from the rear property line where a minimum of twenty (20) ft. is required.

*The vice-chair appointed Jennifer Stone (alternate) to vote on this case.*

Stephanie Vocell presented her application for a variance. She stated that the current coop has been in the same location for 10-12 years and was built by her father. She stated that they currently have 15 chickens which they would like to keep.

Ms. Vocell confirmed for C.Prior that she has 15 chickens and she has had them for about three years.

J.Kelley questioned the vacant lot on the corner.

Ms. Vocell stated that the owner of the vacant lot also owns another property that runs down to the water. She stated that as far as she knows, the owner of the property intends to sell it.

Ms. Vocell confirmed for J.Stone that the chickens are contained within the coop and pen.

*Public hearing open.*

O.Perry read a letter of opposition submitted by Paul & Jennifer Malone, from 244 Dover Point Road. The letter summarized concerns with the location of the coop and enclosure and the piles of fecal matter and wet soiled bedding materials spilling over onto their property. They are concerned about their property values as well.

Ms. Vocell responded to the Malone's letter discussing the property line distances and the location of the coop. She stated that the piles are mostly leaves including compost which would be removed and doesn't believe that surrounding property values would be affected.

T.Corwin confirmed that he has been out there and that the chickens are kept in an enclosure. The Planning staff was recommended that there be no more than 12 fowl including up to 4 ducks. The applicant has requested 19 fowl (15 chickens and 4 ducks). Staff is recommending approval under the following conditions:

1. No more than a total of 12 chickens and/or ducks but no more than 4 ducks may be kept on the property at any time.
2. The applicant shall supply evidence to the Planning Dept. within 30 days of approval that 3 sq. ft. of coop is provided per animal and that at least 20 sq. ft. of fenced enclosure is provided for each animal per the requirements of the R-20 District.

B.Hall asked T.Corwin why ducks are not allowed in the ordinance.

T.Corwin commented that the definition of farm animals for family use include chickens, goats, and sheep. He does not know the intent of not allowing ducks and that the inclusion of ducks as a farm animal originates with State statute.



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J.Stone asked the applicant if the ducks and chickens habitat together and if the coop is already the correct size to allow for the increase of the chickens.

Ms. Vocell confirmed for J.Stone that may consider getting one duck. She commented she wanted to apply for the maximum number of what she wanted.

Bob Hall commented about the ongoing removal of the compost and the leaf pile. He stated that the applicant is thorough and he is impressed with the amount of work the applicant did on the application with the abutters and the research about raising chickens.

T.Corwin confirmed for B.Hall that if the variance is granted it is not limited to the current occupants, but a variance runs with the property.

Board discussion ensued regarding the variance request and that the City ordinance should be reviewed.

O.Perry stated that for the record there are 19 letters supporting the chickens. He went on to read the (5) criteria to be met for the variance.

**Motion:** C.Prior motioned to grant the variance with no more than 12 chickens. There was no second. This motion fails for lack of a second.

**Motion:** J.Kelley motioned to deny the request for a variance. There was no second.

Board discussion ensued.

J.Kelley stated that he is disturbed by the amount of fecal matter. He read the real estate letter presented and that it only states that there is no effect on property values whether there are 6 of 15 chickens. The person most concerned is the one closest to the property – the others are somewhat removed from the property. He also stated that the variance runs with the land and the neighbors are stuck with it.

C.Prior commented that there have been 15 chickens for a number of years without any concern.

T.Corwin explained there was a zoning complaint and that the application for a variance was a result of a neighbor across the street who complained about the chickens and the location of coop. There seems to be other issues but the Planning staff will not get involved in personal disputes.

C.Prior feels it becomes an enforcement issue and that the owner with (6) fowl could place the chickens anywhere she wants as long as it doesn't become a health issue for the neighbors.

J.Kelley commented that his thought process is that anyone in downtown Dover would then request a variance for additional chickens. The Board should be looking at if 12 or 19 fowl are okay, and waste is not excessive, then change the zoning ordinance to accommodate that number. He is not in favor.

J.Stone stated that she agrees with J.Kelley. If the increased number is okay, then the zoning should be changed so that people don't have to come in for variance each time. Secondly, the coop and enclosure is right on the



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property line so it doesn't conform. She stated that she doesn't have a problem with ducks and chickens, but if the ducks are not allowed, they are not allowed.

B.Hall and F.Landford commented they both share the same concerns.

O.Perry stated there are two parts to the variance. The first is for the number of fowl and the second is for the location of the coop.

**Motion:** J.Kelley motioned to grant the variance to keep the coop at the current location and to keep the number of fowl as per the current ordinance. Seconded by J.Stone. Vote: 4-1 (*C.Prior opposed.*)

Given the nature of the vote, O.Perry reviewed the five variance criteria with the Board.

**Motion:** J.Kelley voted to deny the variance for number of fowl above what the zoning ordinance permits. Vote: 4-1. (*Prior opposed.*)

- D. Z 13-10 Robert F. Fisher (Owner: Anne E. Tucker Revocable Trust), 49 Littleworth Road (Tax Map G, Lot 29) located in the Low Density Residential (R-20) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements to permit a lunch cart on the property where lunch carts are not a permitted use in the R-20 District.

Robert Fisher asked for O.Perry to recuse himself due to alleged adversarial relationships from the past. He stated that the reason for the rehearing request was that the original finding of facts sheet mailed to him did not include any facts in the decision. He stated he provided maps of the property which he gave to staff in the fall. It shows it is a big lot which will easily accommodate the lunch cart. The map shows 4 cars parked on the driveway portion, with space between them, an empty space to the right and a space in the front of the lot. He reviewed Mr. Corwin's summary that there are other uses available within the ordinance; he stated that it is immaterial. He asked the board if this use is a permitted one under the current statute. He stated the Board is aware of the five criteria that it must consider. The most important factor is that there is absolutely no opposition with the location. There was no opposition at the last meeting and there is no opposition at this meeting. The public has been advised, and they don't object. The property can certainly handle the use of the property. He reviewed the criteria. The character of the neighborhood is a mixed use district and is across from the industrial park. There is a mix of commercial use and multi-family use in the area. He referenced the Simplex case and the new state statute in place. He stated that Mr. Corwin's recommendation doesn't provide any facts that would result in denial of the 5 points which Mr. Fisher needs to prove to acquire a variance.

Mr. Fisher again asked for Mr. Perry to sit out and stated that he is entitled to a fair hearing in front of a impartial board.

O.Perry stated that although he does not believe he is biased, he recused himself so as to not let it become an issue.

**Motion:** J.Kelley nominated F.Landford as chair for this case. Vote: 5-0.



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T.Corwin discussed the rehearing request from a previous meeting. At that time, the Board requested he prepare finding of fact based on the initial hearing. He explained that he prepared those and distributed to the Board for their reference and use.

J.Kelley commented that there is a lack of new materials for this meeting.

T.Corwin commented that no new materials were submitted for this case by the applicant. The rehearing request was granted. A letter was sent to Mr. Fisher for the hearing. The fees for the new hearing were paid but no materials were submitted. The old application from the first hearing was emailed to Board members.

C.Prior asked if a second mailing went out to all the abutters. He noted today that he drove by the property and there was no public hearing poster on the property and he was concerned that abutters were not properly notified.

R.Fisher stated that he was not advised he had to hang a sign and he was not given one. He stated that if he had been given one, he would have hung the sign up. He stated that the abutters list was verified and he assumed that the abutters were notified. He didn't want to see this delayed due to a technicality.

J.Kelley stated that if the poster was not posted, then this application is not complete.

**Motion:** J.Kelley motioned to postpone the case for one month. Seconded by C.Prior. Vote: 3-2 (Hall, Landford opposed). The applicant will be notified that he must post the sign at least 5 days prior to the meeting date on July 18, 2013.

#### 4. ADJOURN:

**Motion:** J.Kelley motioned to adjourn at 8:31 p.m. Seconded by C.Prior. Vote: 5-0.



CITY OF DOVER

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-10)

Application Type:	Variance
Applicant:	Robert F. Fisher
Owner:	Anne E Tucker Revocable Trust
Location:	49 Littleworth Road (Tax Map G, Lot 29C)

**INTENT:** Applicant proposes to operate a lunch cart on the subject property. A variance is required to permit the lunch cart which is not a permitted use in the zoning district in which the property is located (R-20).

**LOTS/UNITS PROPOSED:** n/a

**AGENDA ITEM #:** 3D

**ZONING DISTRICT:** R-20

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:**  
Residential and Commercial

**SURROUNDING LAND USE:** Single-family residential, industrial and commercial

**PREVIOUS ZBA ACTION:**

- Variance sought to permit an eating and drinking establishment in a residential zoning district (Case Z00-9). Variance denied per Notice of Decision dated April 20, 2000.
- Variance sought to permit a lunch cart on the property where lunch carts are not a permitted use in the R-20 District (Case Z12-09). Variance denied on November 14, 2012. Request for rehearing granted on April 18, 2013.

**PLANNING BOARD APPROVAL REQUIRED:** No

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**

The Planning Department does not support the variance request.

**Summary of Request and Background**

The subject property is located at 49 Littleworth Road and is improved with a multi-family dwelling unit. The applicant has requested a variance to operate a “lunch truck” on the property which is a non-permitted commercial use of the property. A similar variance request for a “mobile lunch truck” was made in 2000 (Case Z00-9), at which time the property was located in the R-40 District. The variance request was denied by the ZBA.

For your reference, below is a timeline of events related to this application:

- 2000 – variance denied for an eating and drinking establishment (lunch truck)
- May 29, 2012 – application submitted by applicant for variance to permit a lunch truck (Case Z12-09)
- November 15, 2012 – hearing on Case Z12-09, request denied
- December 6, 2012 – request for re-hearing submitted by applicant
- April 18, 2013 – request for re-hearing granted
- June 20, 2013 – hearing for Case Z13-10, case continued to permit property to be posted

**Reason for Staff Recommendation**

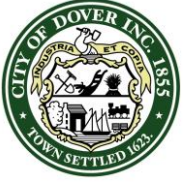
Staff believes that there are no special conditions of the property that distinguishes it from any other property similarly zoned. The property is already being used for a multi-family residence, and there are several other uses permitted in the R-20 District that the property could be used for, if desired. A similar request was made to the ZBA in 2000 and was denied where the ZBA concluded that the application failed to meet all five (5) of the variance criteria.

**Recommendation**

The Planning Department recommends the Board hold the public hearing, and deny the variance.

**ATTACHMENTS:**

- Tax Map
- Draft Findings of Fact and Conclusions of Law
- Application for Case Z12-09
- Aerial photo submitted at 11/14/12 hearing for Case Z12-09
- Case Z12-09 Notice of Decision
- Case Z 12-09 Re-Hearing Request (12/6/12 letter from applicant)
- Case Z00-9 Application



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## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-10)

Application Type:	Variance
Applicant:	Robert F. Fisher
Owner:	Anne E Tucker Revocable Trust
Location:	49 Littleworth Road (Tax Map G, Lot 29C)

- Case Z00-9 Notice of Decision

## CASE Z13-10

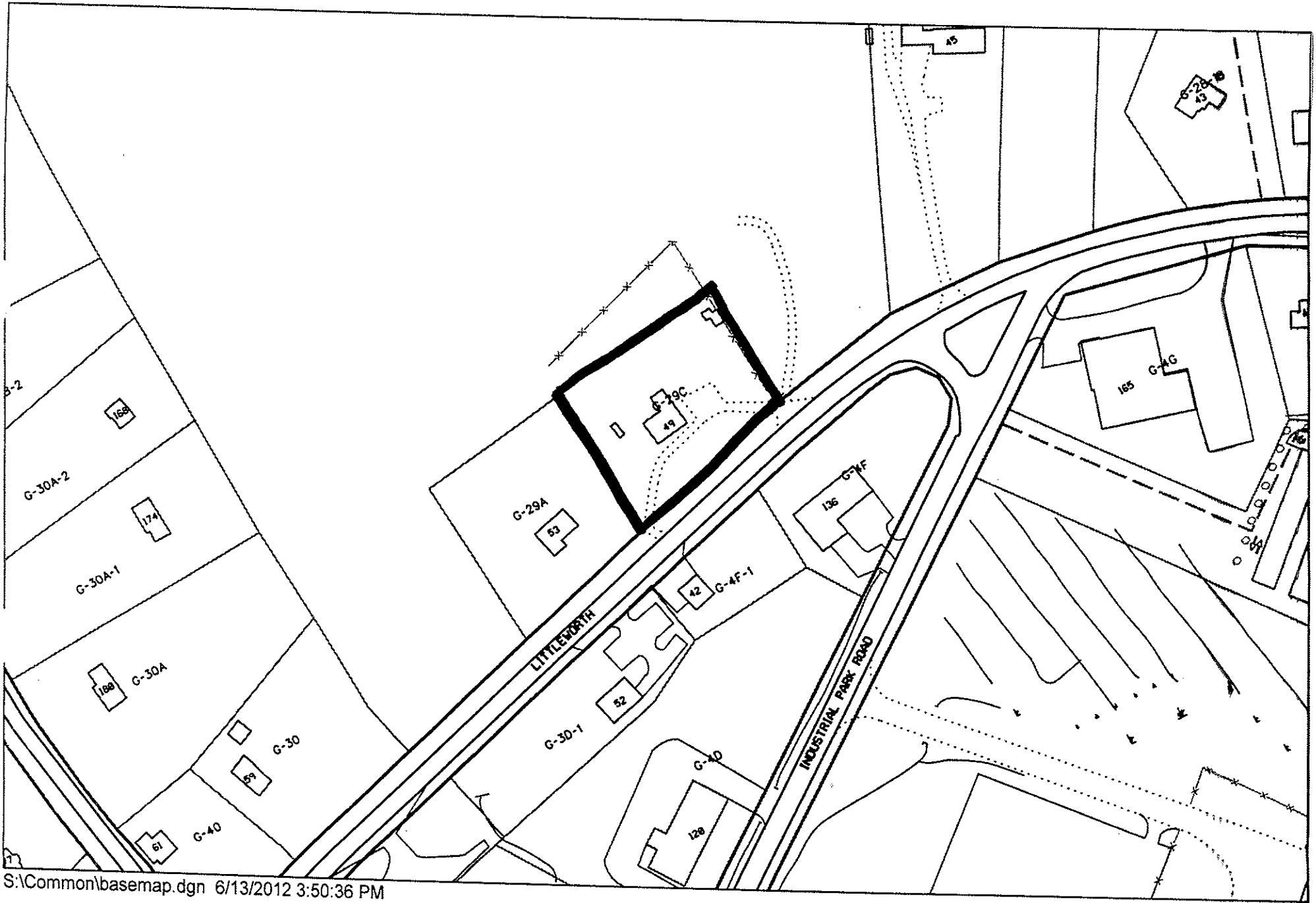
### FINDINGS OF FACT

1. The subject property is located at 49 Littleworth Road, identified as Tax Map G, Lot 29C, and is located in the Low Density Residential (R-20) District.
2. The property is improved with a multi-family structure which is currently occupied.
3. The applicant proposed to operate a “lunch truck” on the property.
4. A lunch truck would be considered an “eating and drinking establishment” under Chapter 170 of the Code of the City of Dover (“Zoning Ordinance”).
5. An eating and drinking establishment is not a permitted use in the R-20 District and therefore a variance is required from Section 170-12.A and the R-20 District Table of Use to permit the proposed lunch truck to be operated on this property.
6. The property is surrounded on three sides by other properties located in the R-20 District, as depicted on the City of Dover Zoning Map. Across Littleworth Road, the properties are located in the Rural Restricted Industrial (I-2) District. Eating and drinking establishments are permitted in the I-2 District.
7. The uses in the immediate vicinity include residential, low density industrial, and a lawyer’s office across the street. The nearest retail is the Dover Paint & Varnish located at 25 Littleworth Road, located approximately one-half mile from the subject property.
8. A similar variance was sought in 2000 to permit an eating and drinking establishment in a residential zoning district (Case Z00-9). The variance was denied per Notice of Decision dated April 20, 2000.

### CONCLUSIONS OF LAW

1. THE VARIANCE WILL BE CONTRARY TO THE PUBLIC INTEREST AND THE SPIRIT OF THE ORDINANCE WILL NOT BE OBSERVED. The surrounding neighborhood consists of primarily residential and industrial uses, with the nearest retail located approximately one-half mile away. The introduction of an eating and drinking establishment is fundamentally out of character with the surrounding neighborhood and, therefore, would alter its essential character. Indeed, the separation of distinct categories of uses into separate zoning districts (e.g. commercial, residential, and industrial) is one of the most basic and core components of traditional Euclidean zoning. As a result, the proposal does not meet the spirit and intent of the ordinance and public interest criteria.

2. THE VALUES OF THE SURROUNDING RESIDENTIAL PROPERTIES WILL BE DIMINISHED. No evidence was presented by the applicant that demonstrates the value of the surrounding properties will not be diminished by the proposed use, other than the applicant affirming that no such diminution will take place. Since the grant of this variance would result in a severe deviation from not only what is permitted by the Zoning Ordinance but also from what the actual surrounding uses consist of, it is not clear that the operation of a lunch truck on this property will have no effect on the property values of the abutting residential uses.
3. SUBSTANTIAL JUSTICE WILL NOT BE DONE. Under New Hampshire case law, any loss to the individual which is not outweighed by a gain to the general public is an injustice. Also, the court will examine whether the proposed development is consistent with the area's present use. New Hampshire Office of Energy and Planning Zoning Board of Adjustment Handbook, October 2012, p. II-11, *citing Malachy Glen Assoc. v. Chichester*, 155 N.H. 102 (2007). Here, the property is already being used in a manner entirely consistent with what the Zoning Ordinance permits and with the actual use of the surrounding residential properties. Therefore, there is no "loss" to the applicant by not permitting a commercial use of the property which bears no relationship to any permitted use in the R-20 District and is wholly inconsistent with the existing surrounding uses. It is important to note that the grant of the variance would permit a commercial use *in addition* to the existing multi-family residential use of the property. The variance would, in other words, permit a "bonus" use of the property for no other reason than the fact that the applicant wishes it.
4. LITERAL ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE WOULD NOT RESULT IN AN UNNECESSARY HARDSHIP. There are no special conditions of the property that distinguish it from other properties in the area that are similarly zoned. The property is zoned for residential use and that is how it is used, as are the other surrounding properties located in the R-20 District. There is nothing special or unique about this property that would justify granting a variance for a completely unpermitted use, or which would create a hardship were the variance to be denied. The proposed use is unreasonable in that the property is already being utilized with a permitted residential use, there are no other similar uses in the area, and there would be no hardship suffered were the **variance to be denied**



# 49 Littleworth Road Dover, NH



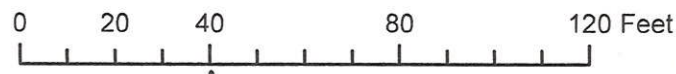
**Legend** 

Parcels

2010 USGS/NHDOT  
Orthophotos

*Presented to ZBA by Applicant  
on 11/15/12*

1 inch = 40 feet



*NOT TO SCALE*

Note: This is not a survey.  
*GREEN CAR  
-TABLE-*

# VARIANCE REQUIREMENTS

**THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY**

**A. Variance Requested**

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

A LUNCH CART

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

Please demonstrate compliance with the following:

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

A lunch cart will enhance the property and neighborhood.

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

See #1.

3. Granting the variance would do substantial justice because:

See #1.

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

The land is large enough to accommodate this use and the property is already multi family.

**NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.**

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

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

The property is larger enough and suitable for the proposed use

**and**

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

The property is suitable for the use

**and**

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

A hard-soft will not be offensive to the neighbors

**OR**

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

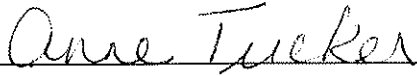
# SIGNATURE PAGE

**THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS**

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

<b>IMPORTANT</b>
PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED.

  
\_\_\_\_\_  
Signature of Applicant\*

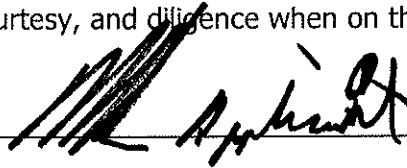
x   
\_\_\_\_\_  
Signature of Owner\*

\*Both Signatures Required

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

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

Signature of Property Owner: \_\_\_\_\_



Date: \_\_\_\_\_

6-1-12

# SPECIAL EXCEPTION REQUIREMENTS

***THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY***

**A. General Special Exception Requirements (as set forth in §170-52.C.3 of the Zoning Ordinance)**

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

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

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

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**B. Specific Special Exception Requirements (as may be set forth in the applicable Table of Use)**

Explain how the proposal meets the specific special exception requirements as may be set forth in the Table of Use for the zoning district in which the subject property is located:

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

D. \_\_\_\_\_

E. \_\_\_\_\_

F. \_\_\_\_\_

CHRISTOPHER G. PARKER, AICP  
Director

c.parker@dover.nh.gov



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

*City of Dover, New Hampshire*  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Zoning Board of Adjustment  
NOTICE OF DECISION

November 20, 2012

Robert E. Fisher  
PO Box 70  
Dover, NH 03821-0070

Re: Z 12-09 Robert E Fisher/Anne E. Tucker Revocable Trust, 49 Littleworth Road (Tax Map G, Lot B)

Dear Applicant:

Please be advised that the Zoning Board of Adjustment, at a public hearing held on November 15, 2012, voted **5-0** to **deny** your request for a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements to permit a lunch cart on the property where lunch carts are not a permitted use in the R-20 District.

Please see the attached Order outlining the basis for the Board's decision. Any person affected directly by this decision has a right to appeal this decision to the Zoning Board of Adjustment. If you wish to appeal, you must act within thirty days of the date following the date of the Board vote. See New Hampshire Statutes, RSA Chapter 677 (Rehearing & Appeal Procedures) for more details.

If you have any questions, please do not hesitate to contact me by phone at (603) 516-6008 or by email at t.corwin@dover.nh.gov.

Sincerely,

Timothy J. Corwin  
Assistant City Planner

Cc: Anne E. Tucker Revocable Trust, property owner  
Christopher G. Parker, Planning Director

Case # Z12-09

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

The Zoning Board of Adjustment for the City of Dover, New Hampshire, having held a public hearing on 11-15-12, to consider an application for a Variance submitted by Robert F. Fisher for the property located at 49 Littleworth Rd. and having heard all the arguments presented at the hearing, makes the following **FINDINGS OF FACT**, and draws the following **CONCLUSIONS** to each of the required criteria:

1. Did the Applicant provide proof that demonstrates the variance will not be contrary to the public interest? Yes \_\_\_ No \_\_\_

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

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2. Did the Applicant provide proof that demonstrates how a variance observes the spirit of the ordinance? Yes \_\_\_ No X

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

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3. Did the Applicant provide proof that demonstrates how a variance will result in substantial Justice? Yes \_\_\_ No X

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

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4. Did the Applicant provide proof that demonstrates the variance will not diminish the values of surrounding properties? Yes \_\_\_ No X

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

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5A. The Applicant was to provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

i. Did the Applicant demonstrate that special conditions of the property exist that distinguish it from other properties in the area? Yes \_\_\_ No X

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

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ii. Did the Applicant demonstrate that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property? Yes \_\_\_ No X

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

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iii. Did the Applicant demonstrate that the proposed use is a reasonable one?

Yes  No

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OR**

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

Yes  No

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ordered this 15<sup>th</sup> day of November, 2012

*Samuel B. Reid*

Zoning Board of Adjustment  
Chairperson

**FISHER & FULLER**

ATTORNEYS-AT-LAW

600 CENTRAL AVENUE  
DOVER, NEW HAMPSHIRE

MAILING ADDRESS:

P.O. BOX 70  
DOVER, NEW HAMPSHIRE  
03821-0070

603-742-6131

ROBERT E. FISHER  
SARAH FISHER FULLER

LEWIS J. FISHER  
1937-1977  
HAROLD D. MORAN  
1949-1986

FAX NO.  
603-749-0542

December 6, 2012

Timothy J. Corwin, Assistant City Planner  
City of Dover  
Department of Planning and Community Development  
288 Central Avenue  
Dover, NH 03820

**Re: Z-12-09 Robert E. Fisher/Ann E. Tucker Revocable Trust, 49 Littleworth Road (Tax Map G, Lot B)**

Dear Mr. Corwin:

Could you kindly consider this letter to be a Motion for Rehearing for the following reasons:

1. The Board did not specify the facts justifying its decision.
2. The Board ignored the fact that the lot was large.
3. The Board ignored the fact that the lot was located across the street from an industrial zone.
4. The Board ignored the fact that no one spoke against the granting of the variance.
5. The Board did not specify any facts that granting the variance would be contrary to the public interest, in violation of the spirit of the ordinance, not result in substantial justice or not result in diminution of surrounding property values.

Z-12-09 Robert E. Fisher/Ann E.      -2-  
Tucker Revocable Trust,  
49 Littleworth Road (Tax Map G, Lot B)

December 6, 2012

6. The Board did not find that the special conditions mentioned above distinguished it from other residential properties in the zoning district.
7. The Board did not find that there was a relationship between the general purpose of the statute and the proposed use.
8. The Board did not find that the proposed use was unreasonable.
9. 3 members of the Board, namely, Otis Perry, Sam Reid and Bill Colbath was biased against the Plaintiff and were familiar enough with myself that they should have recused themselves.
10. The 3 page Denial Statement is inadequate as a matter of law and cannot justify the denial of the variance application.

For the reasons mentioned, I request that a Rehearing be granted and that the variance application be granted.

Very truly yours,

  
ROBERT E. FISHER

REF/cg

CASE # 200-9

DATE RECEIVED 4/5/00

AMOUNT PAID \$ 145.86

TIME RECEIVED 3:20 pm

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

I. APPLICANT Steven + Katharine Hensel PHONE #: 749-9645  
ADDRESS 49A Littleworth Road Dover NH 03820  
PROPERTY OWNER Douglas AND Anne Tucker  
ADDRESS 40 Littleworth Road Dover NH 03820  
PROPERTY LOCATION 49 Littleworth Road Dover NH  
BRIEF DIRECTIONS West on Route 9, white colonial on right across from Industrial Park  
ZONE R-20 ASSESSOR'S MAP G-1 LOT #(S) 29C

TYPE OF APPEAL: (Please check off one)

<input checked="" type="checkbox"/> VARIANCE	ARTICLE <u>IV</u>	SECTION <u>170-11</u>
<input type="checkbox"/> SPECIAL EXCEPTION	ARTICLE _____	SECTION _____
<input type="checkbox"/> ADMINISTRATIVE DECISION	ARTICLE _____	SECTION _____
<input type="checkbox"/> EQUITABLE WAIVER	ARTICLE _____	SECTION _____

Describe briefly your plans for this property: To park mobile lunch truck, take out only, on side of driveway during the business week. 8AM to 2PM. We will be moving it during the weekends, going to events and Hilton Park. We would like to sell food for the area businesses, coffee and lunch, only 4 days a week, Tuesday-Friday. It is in a residential area but clearly would not be a problem to neighboring properties. Since it is in a business community.

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (12 copies). They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. ✓
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. ✓

C. Application fee of:

\$100.00 VARIANCE	\$ <u>100.00</u>
\$100.00 SPECIAL EXCEPTION	\$ _____
\$25.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
\$100.00 EQUITABLE WAIVER	\$ _____

D. Certified letters fee:

# of abutters <u>5</u> X \$2.98 =	\$ <u>14.90</u>
Applicant & Owner <u>2</u> X \$2.98 =	\$ <u>5.96</u>
Foster's ad	\$ <u>25.00</u>

TOTAL \$ 145.86

III. NARRATIVE: Complete the section pertaining to your request. Keep your answers brief and be prepared to explain them in detail at the meeting. If you need more space use an additional sheet of paper.

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

1. Describe the unnecessary hardship created for the applicant's property based on the existing zoning ordinance.

The subject property is located on Littleworth Road. It is adjacent to an industrial park which contains both industrial + commercial facilities. Several businesses are located directly across the street from the subject property. The surrounding area is largely commercial, and many of the businesses exist as a result of previously granted variances, or as non-conforming uses. As such, the subject property is located in an area which has become less than ideal for residential use.

2. Explain how granting of the variance will result in substantial justice.

Within the last few years, at least 2 use variances have been granted to neighboring properties. As a result, a retail tractor dealership and a used car lot exist within 2/10 of a mile from the subject property. Much of the surrounding area has been utilized for commercial and industrial use, and the proposed use is consistent with the area's present use.

3. Explain how a variance would be consistent with the spirit and intent of the ordinance.

The presence of a single mobile lunch truck will not violate the spirit and intent of the zoning ordinance. The area in question was designated as an R-20 zone many years ago. However, the entire neighborhood has undergone substantial change since that time. Although an "eating and drinking establishment" is not permitted use in an R-20 zone, a mobile lunch truck is arguably not covered by that prohibition.

4. Explain how the variance will not result in a diminution in value of surrounding properties.

Although the proposed lot is located in an R-20 zone, it is located adjacent to an I-2 industrial zone. Across the street are several commercial uses, including Shaw's Ridge Farm Equip. and Goodwin's office products, both retail dealers. The lot abutting to the south operates seasonal perennial plant sale business, as well as a riding stable. Within 1/4 of a mile are a used car lot, gas station/convenience store. Given the current neighboring commercial

5. Discuss how the variance would not be contrary to the public interest.

Neighboring businesses and industries would benefit from the convenience and easy accessibility to a mobile lunch wagon. Abutters and local businesses have indicated their consent to the proposed use of the property. The proposed use should have little impact on traffic, as intended customers would be those already working in the area.

**SPECIAL EXCEPTION REQUIREMENTS**

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

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

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

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**APPEAL FROM AN ADMINISTRATIVE DECISION**

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

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

*Katharine Hensel*

Signature of Applicant\*

*Arme Tucker*

*P. D. Doughton*

Signature of Owner\*

\*Both Signatures Required

**IMPORTANT**

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

Case # Z 00-9

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

The Zoning Board of Adjustment for the City of Dover, New Hampshire, having held a public hearing on 4/20/00, to consider an application for a variance submitted by Douglas & Ann Tucker for the property located at 49 Littleworth Rd., and having heard all the arguments presented at the hearing, makes the following **FINDINGS OF FACT** and draws the following **CONCLUSIONS**:

1. It is the Board's **CONCLUSION** that, if the applicant complies with the strict letter of the ordinance, he/she (<sup>J. Murphy, R. Callaghan</sup> does / does not) face an unnecessary hardship.

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

Because there are numerous other locations in the immediate area that this business could be run with no relief needed, therefore there is no hardship in this land.

2. It is the Board's **CONCLUSION** that, if granted, the variance (<sup>D. Conway, J. Murphy</sup> will / will not) deliver substantial justice.

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

This <sup>particular</sup> business could be operated in numerous locations in the immediate area without relief no injustice would occur with denial of application.

3. It is the Board's **CONCLUSION** that, if granted, the variance (<sup>J. Murphy</sup> will / will not) be in harmony with the spirit and intent of the zoning ordinance.

The CONCLUSION is based on the following FINDINGS OF FACT:

*This particular business application does not meet the intent of a residential zone.*

4. It is the Board's CONCLUSION that, if granted, the variance (will / will not) result in a diminution in value of surrounding properties.

This CONCLUSION is based on the following FINDINGS OF FACT:

*The neighborhood is a mixed use already, the addition of this operation would not affect property values.*

5. It is the Board's CONCLUSION that, if granted, the variance (will / will not) be contrary to the public interest.

This CONCLUSION is based on the following FINDINGS OF FACT:

*The proposed use is probably desired by the public that works or commutes in the area.*

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

Ordered this 20<sup>th</sup> day of April, 2000

*Dean W. Trefethen*  
Zoning Board of Adjustment  
Chairperson



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z13-08)

Application Type:	Variance
Applicant:	New England Veterinary Cremation Services
Owner:	Jewett Commercial Park LLC
Location:	24 Crosby Road, Unit 3 (Tax Map G, Lot 31-3)

**INTENT:** The applicant proposes to operate a pet crematory in Unit 3 on the property. A pet crematory is not a permitted use in the I-2 District and, therefore, a variance is required for this use.

**UNITS PROPOSED:** N/A

**AGENDA ITEM #:** 4-A

**ZONING DISTRICT:** I-2 District

**EXISTING LAND USE:** multi-tenant industrial/wholesale/warehousing

**PROPOSED LAND USE:** pet crematory

**SURROUNDING LAND USE:** industrial/wholesale/warehousing

**PREVIOUS ZBA ACTION:**

- Z11-05: Special Exception granted to establish auto service facility in units 3 and 4
- Z05-13: Special Exception granted to establish an auto service facility in units 3 and 4 (reapplication)

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:** Tax Map

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**

The Planning Department supports the variance request.

### Summary of Request and Background

The property is located in an industrial park on Crosby Road, and is improved with two (2) one story multi tenant buildings. The applicant proposes to operate a pet crematory in Unit 3 of the building identified as 24 Crosby Road. A pet crematory is not a permitted use in the Rural Restricted Industrial (I-2) District and, in fact, is not a permitted use in any zoning district in the City of Dover. Therefore, a variance is required from Section 170-12.A of the Zoning Ordinance and the I-2 Table of Use to permit a pet crematory.

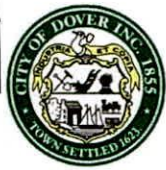
### Reason for Staff Recommendation

Although a pet crematory is not specifically listed as a permitted use in any zoning district, Staff believes that it is important to accommodate all lawful uses within the City of Dover. The proposed location is well suited to this type of use since it is an industrial property surrounded by industrial uses.

### Recommendation

The Planning Department recommends the Board hold the public hearing and approve the variance as requested.

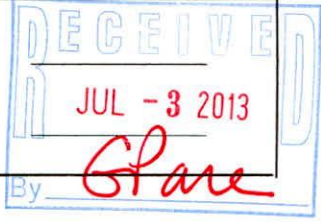




# City of Dover, New Hampshire ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

poster ✓

<b>Office Use Only</b>	Case#:	<u>Z13-08</u>	Date Received:	
	Amount Paid:	\$ <u>278.00</u> <u>CK# 1003</u>	Time Received:	

### APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: New England Veterinary Cremation Services Phone # 609-457-7483

Address of Applicant: PO Box 1181 Rye, NH 03870

E-Mail Address: [chris@nevetcremation.com](mailto:chris@nevetcremation.com); [ken@nevetcremation.com](mailto:ken@nevetcremation.com) Chris Flint, Ken Meyers

PROPERTY OWNER (if different from applicant): Jewett Commercial Park LLC

Address: 32 Harriman Hill Rd Raymond, NH 03077 Phone # 603-895-6080

E-Mail Address: [kellie@jmanagementcorp.com](mailto:kellie@jmanagementcorp.com)

### PROPERTY/PARCEL INFORMATION

Address: Jewett Commercial Park, 24 Crosby Rd Unit 3 Dover, NH 03820

Brief Directions: spaulding tpke to exit 8 West, follow Rt 9 1 mile

Zoning District: I-2 Assessor's Map # G Lot(s) # 31-3

### TYPE OF APPEAL:(Please check one)

- X Variance from Section \_\_\_\_\_ of the Zoning Ordinance
- Physical Disability Variance (RSA 674:33-V) from Section \_\_\_\_\_ of the Zoning Ordinance
- Special Exception per Section \_\_\_\_\_ of the Zoning Ordinance
- Appeal of Administrative Decision regarding Section \_\_\_\_\_ of the Zoning Ordinance
- Equitable Waiver per Section \_\_\_\_\_ of the Zoning Ordinance

### DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

We would like to operate a pet crematory to support veterinary hospitals

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# VARIANCE REQUIREMENTS

## THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

### A. Variance Requested

A variance is requested from Section(s) \_\_\_\_\_ of the Zoning Ordinance to permit:

\_\_\_\_\_ Pet Crematory

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

Please demonstrate compliance with the following:

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

\_\_\_\_\_ no noise, pollution, nor would we encroach on anyone's rights or property

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

\_\_\_\_\_ The business does not negatively affect or adversely affect any surrounding properties or businesses.

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3. Granting the variance would do substantial justice because:

\_\_\_\_\_ This business serves a public need in an environmentally conscious manner with the utmost professionalism and ethics \_\_\_\_\_

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

\_\_\_\_\_The business will be run in a professional, clean and efficient manner. Total care will be taken to keep the facility neat, orderly and clean. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.**

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

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

\_\_\_\_\_Physical location is ideal for servicing the NH, Southern ME, and northern MA areas. Size, layout and access to natural gas make it ideal for our business purpose and potential expansion. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

\_\_\_\_\_Property is already a commercial space. Not allowing would prevent an increase in business for the area and the business tax basis. The business would also allow for future employment opportunity. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ and

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

\_\_\_\_\_There is no negative effect on the property or community and it allows for an increase in business and employment opportunity. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

OR

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# SIGNATURE PAGE

**THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS**

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

<b>IMPORTANT</b>
PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED.

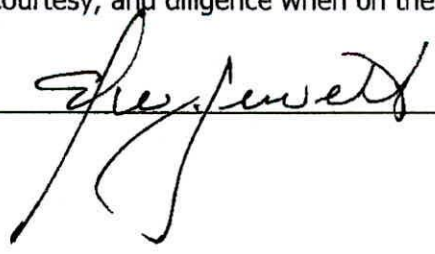
  
\_\_\_\_\_  
Signature of Applicant\*

  
\_\_\_\_\_  
Signature of Owner\*

\*Both Signatures Required

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

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

Signature of Property Owner:  Date: 7-2-13