



**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, June 19, 2014**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

### 2. APPROVAL OF MEETING MINUTES OF MAY 15, 2014

### 3. HEARINGS

- A. \* Z 14-16 City of Dover (Property Owner: Cochecho Mills Holdings, LLC), 33 Chestnut Street (Tax Map 31, Lot 4B), located in the Central Business District (CBD) – Transit Oriented Development (TOD) sub-district, requests a variance from **Section 170-32.A** of the Zoning Ordinance and the CBD-TOD District Table of Use and Dimensional Requirements to permit the construction of a 144” tall by 120” wide freestanding sign where freestanding signs are not permitted in the CBD-TOD.
- B. \* Z 14-14 Jordan & Shannon Plante (Property Owners: Jordan & Shannon Plante), 92 Long Hill Road (Tax Map A, Lot 53G-1), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the construction of a single family dwelling on the existing foundation located approximately 237 ft. from Long Hill Road, where principal buildings are required to be located between 5 ft. and 25 ft. from the front lot line.
- C. \* Z 14-15 Jordan & Shannon Plante (Property Owners: Jordan & Shannon Plante), 92 Long Hill Road (Tax Map A, Lot 53G-1), located in the Medium Density Residential (R-12) District, appeals the determination of the Zoning Administrator that a variance is required to construct a single family home on the existing foundation located on the subject property.
- D. \* Z 14-11 John L. Eaton Jr. (Property Owners: John & Patricia Eaton), 73 A Old Rochester Road (Tax Map A, Lot 3-1), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the construction of a single family home to be located 50 ft. from the front lot line where the house is required to be located 30 ft. from the front lot line, which is the build to line equal to the average setback for all properties within the R-12 District within 500 ft. of the subject property.
- E. \* Z 14-12 Tom Schlosser (Property Owner: Gerald Smith), 1 Arbor Drive (Tax Map I, Lot 74R), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the construction of an addition to be located 23 ft. from the rear lot line where a minimum setback of 30 ft. from the rear lot line is required.
- F. \* Z 14-13 Adam Fogg (Property Owners: Jade & Sheryl Fogg and Adam Fogg), 25 Nute Road (Tax Map L, Lot 13), 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 construction of a single family home to be located 4 ft. from the side lot line shared with 23 Nute Road where a minimum setback of 20 ft. from the side lot line is required.

### 4. REVIEW OF ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE

### 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 <http://www.dover.nh.gov/government/city-operations/planning/index>. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Thursday, May 15, 2014**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Sam Reid (Chair), Frank Landford, Chris Prior, Jennifer Stone, Bob Hall (Alternate), Joshua Cote (Alternate)

**Members Not Present:** Otis Perry (Vice Chair), George Reagan (Alternate)

**Staff Present:** Timothy Corwin (Assistant City Planner), Diane Britt (Recording Secretary)

The 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 REGULAR MEETING MINUTES OF APRIL 17, 2014

**Motion:** J.Stone made the motion to accept the April 17, 2014 meeting minutes. Seconded by B.Hall.

S.Reid stated that all appearances of "Public Hearing Opened" should be moved to the space immediately below the legal notice.

Vote: U/A as amended

### 3. RE-HEARING REQUEST – Z 14-07(R) CHANGING PLACES, LLC, 104 COURT STREET (TAX MAP 20, LOT 113)

S.Reid announced that T.Corwin received an email from the re-hearing applicant, Lisa O'Grady, withdrawing the request.

### 4. HEARINGS

- A. A. \*Z 14-10 Changing Places, LLC (Property Owner: Maloney Family Revocable Trust of 2012)**, 104 Court Street (Tax Map 20, Lot 113), located in the Medium Density Residential (R-12) District, received a variance on March 20, 2014 from the R-12 District minimum frontage requirements in order to subdivide the property into three lots. Applicant requests a second variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the proposed dwellings on the new lots to be located between 25 ft. and 48 ft. from the front lot line where the dwellings are required to be located 48 ft. from the front lot line, which is the build to line equal to the average setback for all properties within the R-12 District within 500 ft. of the property to be subdivided.

#### *Public Hearing Opened*

Attorney James Schulte represented the applicants and explained that the variance granted in March was to allow two new homes to be built on this property. The existing home is centered on the lot and the new homes would be to the left and to the right of this. There had been discussions with the abutter to the left, Lisa O'Grady, to do a boundary line adjustment to deed to her a triangle of land to square off her lot. Since then, when the land was surveyed, it was found that there were two additional feet of frontage, and it was agreed that the enlarged triangle of land which went from 2,900 sq. ft. to approximately 4,400 sq. ft. would be deeded to L.O'Grady. He further explained that, due to the configuration of the land and the slope, L.O'Grady is unable to drive a vehicle to the rear



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of her property and it has been agreed to deed to her an easement that is 11 feet wide and about 100 feet deep for access. He explained how the 48 foot average setback affected the location of the proposed house next to L.O'Grady's house and how it reduced her privacy and reduced the usable land for the proposed houses.

By using the 27 foot average build to line for the proposed homes, this places them more consistently with the other houses nearby and improves land use. Atty. Schulte stated there is a written agreement with L.O'Grady.

J.Stone confirmed with Atty. Schulte that the existing house at 104 Court Street is set back about 50 feet. She also confirmed with Atty. Schulte that the area of the triangle of land being deeded to L.O'Grady is approximately 4,400 sq. ft. and the area of the easement is 1,100 sq. ft. Atty. Schulte passed out a new plan for the Board to look at.

There was discussion regarding the rear lengths of the new lots. Atty. Schulte explained that all the three lots are larger than the required 12,000 sq. ft. and will have 67 foot frontage.

J.Stone asked Atty. Schulte to explain the reason for the easement.

Atty. Schulte said the easement is to allow for pedestrian and vehicular access to the back of L.O'Grady's property.

S.Reid confirmed with Atty. Schulte that the easement will be grass and that L.O'Grady will continue to park her vehicle in front of her house.

B.Hall asked about privacy for the rear yards on the new lots.

Atty. Schulte explained that the new owners would buy the properties with full knowledge of rights of privacy, stating that the existing house in the middle will be sitting sort of in the back yards of the new houses.

B.Hall explained that he has an issue with the proposed houses being placed in front of the existing house.

Atty.Schulte stated a range for the setback of the proposed houses would be acceptable such as 27 to 30 feet.

*The Chair appointed B.Hall to vote on this case.*

Robert Woodbury, L.O'Grady's fiance, stated L.O'Grady is out of town and he brought an email from her which he gave to S.Reid, and it was passed around to the Board members. The email is in support of the 27 foot setback. He explained that her house is about 22 feet back from the road and, with the 27 foot setback, the proposed house will be 5 feet behind the front of her house. He stated the closer the proposed house is built to the road the happier she will be. He stated L.O'Grady supports the proposed 27 foot setback.

B.Hall asked for clarification as to why this case is back for a variance.

R.Woodbury stated this was because L.O'Grady found out where the proposed house was going to be placed relative to her property, and it would have been in her back yard.

S.Reid stated he remembered that when the original variance request came before the Zoning Board there was a range for the setback from 25 to 48 feet.



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T.Corwin explained that L.O'Grady was not attuned to zoning concepts and did not understand the scope of the project and how it would affect her. He stated the build to line request is not driven by the applicant; it is driven to accommodate the abutter in this case.

### STAFF RECOMMENDATION

T.Corwin stated staff supports the requested variance for the reasons stated in the staff memo with the condition that the proposed houses be 27 feet from the front lot line.

J.Stone asked T.Corwin how far the right of way extends beyond the pavement edge.

T.Corwin stated that the right of way extends beyond the edge of the pavement usually 5-6 feet and the abutting properties would follow suit.

*Public Hearing Closed*

**Motion:** C.Prior made a motion to grant the variance with the condition that the proposed new houses be located 27 feet from the front lot line. Seconded by F.Landford. Vote: 4/1 (B.Hall was opposed)

S.Reid asked the Board to review the Rules of Procedure, which was brought up at the last meeting. He stated that he spoke to T.Corwin earlier in the day and suggested that any changes could be discussed tonight, then a vote could be taken at the next meeting.

T.Corwin explained that tonight he has given members of the Board a composite of the Rules of Procedure document with comments from O.Perry which are bolded. He stated he added his own comments for discussion purposes, and he sent the Rules of Procedure to the City's paralegal, who added a couple of suggested changes that he noted at the beginning of the document. He stated it is up to the Chair on how to proceed.

B.Hall added that his input is that counsel should go through the entire document to make sure it is compliant with the state statute because he knows there were many changes in 2013.

S.Reid stated this document should reflect what the Zoning Board does and should reflect current law.

B.Hall stated that the Board can require an independent appraisal and evaluation at the expense of the applicant of the property being impacted. He does not know the RSA clause but he wants to have this option included in the document.

S.Reid stated he has seen Rules of Procedure that the New Hampshire Municipal Association suggests and he is not sure if they are consistent with what the Zoning Board does. Discussion ensued regarding the Zoning Board's authority under state law and the question of if it should be put in the Rules of Procedure which should be addressed by counsel.

S.Reid said that O.Perry suggested that the email account language be liberalized a little bit. The previous City Attorney was fairly insistent that he did not want Board members to use their private email accounts based on the concern that if there is ever litigation, the attorney for the party bringing the litigation would have to the right to look at their private emails. O.Perry suggests that private email accounts can be used as long as it is clear that it is only for communication and not for discussion.



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S.Reid suggested changing the language regarding election of the Chair to read that this would be done at the first scheduled meeting of each calendar year.

Discussion ensued regarding the “clerk” in the Rules of Procedure.

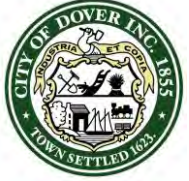
T.Corwin explained that the “clerk” is the staff person designated by the Director of Planning and Community Development.

S.Reid stated Board members could email their comments and feedback to T.Corwin, and the City Attorney should review the document.

### 5. ADJOURN

**Motion:** C.Prior made the motion to adjourn at 7:46 p.m. Seconded by F.Landford. Vote: U/A

DRAFT



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z14-16)

Application Type:	Variance
Applicant:	City of Dover
Owner:	Cochecho Mills Holdings, LLC
Location:	33 Chestnut Street (Tax Map 31, Lot 4B)

**INTENT:** The property is currently improved with a municipal parking lot and the Dover Transportation Center. The applicant seeks a variance to install a 144” tall by 120” wide freestanding sign where freestanding signs are not permitted in the Central Business District – Transit Oriented Development sub-district. The sign, which will be located near the intersection of Chestnut Street and Third Street, is intended to advertise the Dover Transportation Center, its tenants, the Community Trail, and the transit providers that operate from the Transportation Center.

**UNITS PROPOSED:** N/A

**AGENDA ITEM #:** 3-A

**ZONING DISTRICT:** Central Business District – Transit Oriented Development sub-district

**EXISTING LAND USE:** Municipal Parking Lot, Dover Transportation Center

**PROPOSED LAND USE:** Same

**SURROUNDING LAND USE:** Commercial, Residential, and Assembly Halls

**PREVIOUS ZBA ACTION:** None

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:** Application, plot plan, sign rendering

**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 currently improved with a municipal parking lot and the Dover Transportation Center. Dover Main Street intends to donate a 144’ tall by 120” wide freestanding sign to the City of Dover to be installed at the Chestnut and Third Street corner of the property. The purpose of the sign is to provide wayfinding for the Transportation Center, and to provide signage observable from the Chestnut Street right-of-way for the Transportation Center tenants, the Community Trail, and the transit providers that operate out of the Transportation Center. Freestanding signs are not permitted in the Central Business District – Transit Oriented Development sub-district. Therefore, a variance from Section 170-32.A and the CBD-TOD Table of Use is required in order to install the sign.

### Reason for Staff Recommendation

The property is clearly unique in that it contains the City’s only Transportation Center. Moreover, the building is setback significantly from Chestnut Street (approximately 260 ft.) and is surrounded on three sides by a large municipally operated parking lot. Given the setback of the Transportation Center, as well as the small size of the building (allowed sign area is calculated on the basis of the buildings frontage), it would be nearly impossible to design signage for the building that could adequately and safely attract the attention of passing traffic. It is staff’s view, therefore, that this property has unique characteristics that make it a good candidate for a variance and which would create an unnecessary hardship if a freestanding sign is not permitted.

Also, in clearly identifying the Transportation Center, the sign serves the public good and furthers several significant governmental interests including:

- Identifying the gateway to Dover for rail and bus riders with an attractive and impressive sign.
- Providing safe wayfinding by clearly and prominently identifying the Transportation and its tenants.
- Identifying the presence of the Community Trail, the provision of which is a key goal of the City’s Master Plan.

### Recommendation

The Planning Department recommends that the Board approve the variance as requested.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 214-16 Date Received:
Amount Paid: \$ N/A Time Received:
RECEIVED JUN 04 2014

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: City of Dover Phone # 603.516.6023
Address of Applicant: 288 Central Avenue Dover
E-Mail Address: c.parker@dover.nh.gov

PROPERTY OWNER (if different from applicant): Cocheco Mills Holdings LLC
Address: 3 Penstock Way Newmarket Phone # 603 944-2580
E-Mail Address: Brinton.Shone@Chimburg.com

PROPERTY/PARCEL INFORMATION

Address: 33 Chestnut St.
Brief Directions: Corner of Chestnut & 3rd St, near
or crossing entrance to Transportation Center
Zoning District: CBD-700 Assessor's Map # 31 Lot(s) # 4B

TYPE OF APPEAL: (Please check one)

- [X] Variance from Section 170-32 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:

Erect a free-standing sign to alert people
to the various transportation modes
located at DTC where free-standing is not allowed.

# VARIANCE REQUIREMENTS

## THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

### A. Variance Requested

A variance is requested from Section(s) 170-32 of the Zoning Ordinance to permit:

A 6' Free standing sign along Chestnut street  
290' more or less from the structure on the  
site

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

Please demonstrate compliance with the following:

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

The sign is erected to alert the public to  
the publicly funded & operated transportation  
services. There is a wall sign on the  
building, but it is not visible from Chestnut  
Street.

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

The spirit & intent of ordinance was to  
promote buildings along Right of Way, and if  
the building could be relocated & that would  
work, however the ordinance does not contemplate  
a building 300 feet from R.O.W., which is an  
anomaly.

3. Granting the variance would do substantial justice because:

It would enhance way finding and  
address confusion as to which operators  
are at the Center.

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

The surrounding property is all ~~residential~~ <sup>non-residential</sup> in nature and has adequate signage including directional signs.

**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 lot is primarily a parking lot with a transportation center on it. No other lot downtown exists like it. Furthermore, no other lot in the downtown area has a building sited 300 feet from ROW.

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 ordinance does not contemplate municipal or ~~residential~~ civic uses only commercial.

and

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

It is reasonable to select uses to the transportation alternatives that exist on the parcel.

**OR**

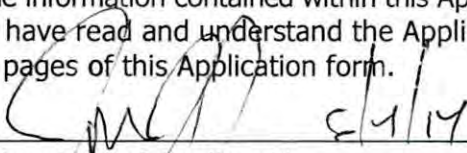
5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable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

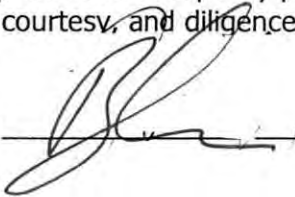
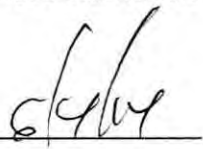
  
\_\_\_\_\_  
Signature of Applicant\*

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

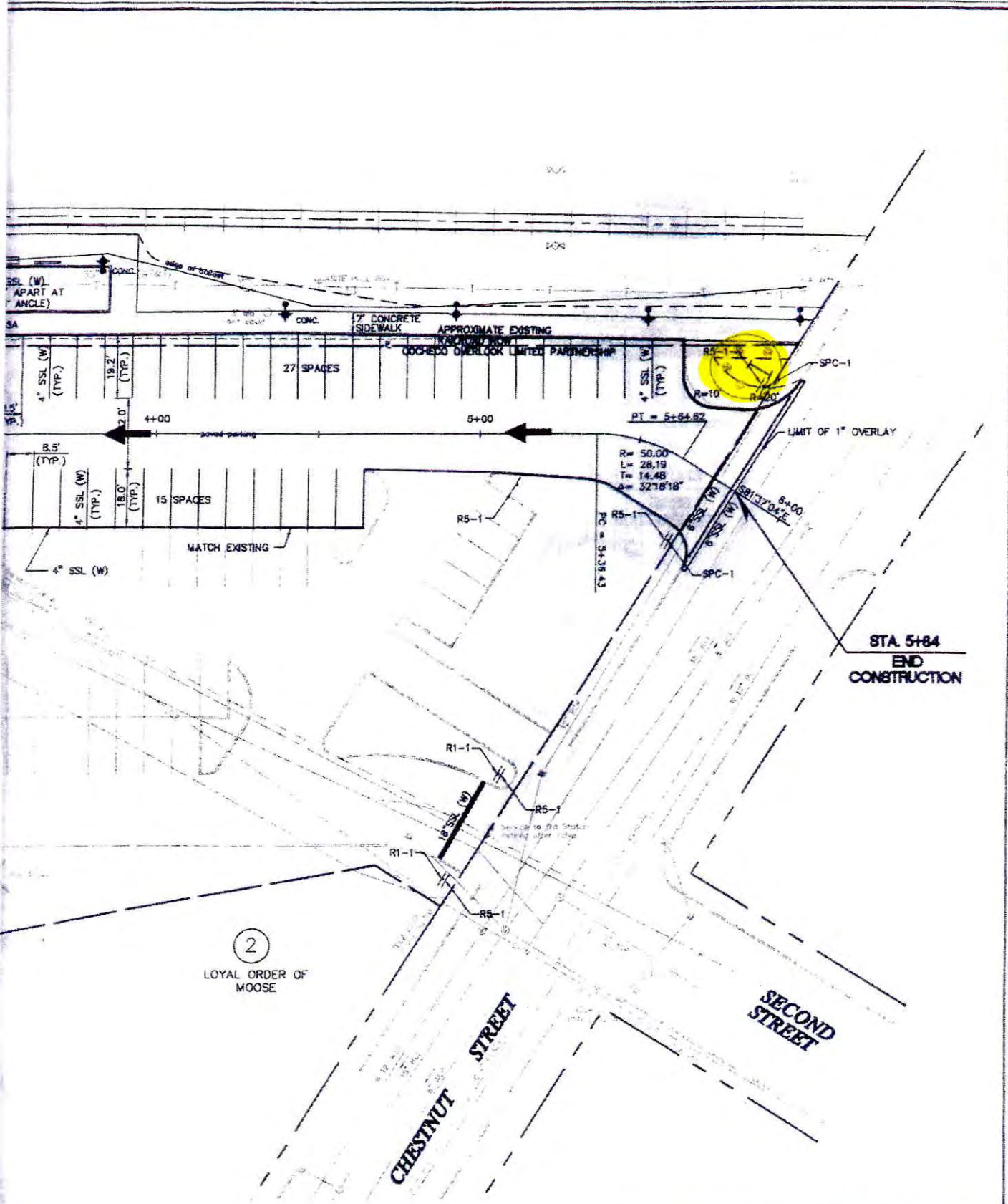
\*Both Signatures Required

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

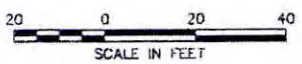
I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction 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:  \_\_\_\_\_





2  
LOYAL ORDER OF  
MOOSE



<b>VHB Vanasse Hangen Brustlin, Inc.</b>		
REVISION DATE	DRAWING NAME	SHEET SCALE
SEPT 26, 2000	51083PAVE	AS SHOWN

STATE OF NEW HAMPSHIRE			
PASSENGER RAIL STATION - DOVER, N.H.			
<b>PAVEMENT MARKING &amp; SIGNING LAYOUT PLAN</b>			
FEDERAL PROJECT NO.	STATE PROJECT NO.	SHEET NO.	TOTAL SHEETS
00-N-5108(2000)	10023-D	23	58



Job#:

Qty:

Materials:

Background Color:

Vinyl Color:

Other:

SS  DS

HP  Int



PortsmouthSign.com  
603-436-0047

**REVISION:**

All orders under \$250 include 1 revision only.  
All orders over \$250 include 3 revisions only.  
Additional revisions will be charged at \$25 per revision.

**NOTE:** Designs are NOT actual size

6/5/14

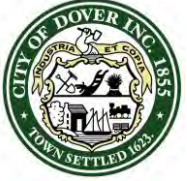
I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order exactly. I authorize fabrication according to this approval.

SIGNATURE: \_\_\_\_\_

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

**RETURN SIGNED TO:** [service@portsmouthsign.com](mailto:service@portsmouthsign.com)

Member of:  
GREATER  
PORTSMOUTH  
CHAMBER OF COMMERCE  
the Greater  
York Region  
Chamber of Commerce



CITY OF DOVER

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z14-14)

Application Type: Variance  
Applicants: Jordan & Shannon Plante  
Owners: Jordan & Shannon Plante  
Location: 92 Long Hill Road (Tax Map A, Lot 53G-1)

**INTENT:** The Applicant proposes to construct a single family dwelling on the property. A variance is required to permit the home to be located approximately 237 ft. from Long Hill Road, where principal buildings are required to be located between 5 ft. and 25 ft. from the front lot line.

**UNITS PROPOSED:** One (1) Single Family Dwelling

**AGENDA ITEM #:** 3-B

**ZONING DISTRICT:** R-12 District

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:**  
Residential and Institutional

**PREVIOUS ZBA ACTION:** Variance granted on 9/9/13 to permit a proposed single family dwelling to be setback further than the maximum permitted setback of 25 ft. (in a different location than what is proposed by the current applicant).

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:** Application, narrative, septic plan

**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 6.48 acres in size and is improved with a foundation for a garage that was constructed sometime after 1996 but never completed. The Applicant proposes to construct a single family dwelling on the garage foundation. A variance is required from Section 170-12.A of the Zoning Ordinance and the R-12 District Table of Use to permit the home to be located approximately 237 ft. from Long Hill Road where principal buildings in the R-12 District are required to be located no closer than 5 ft. and no greater than 25 ft. from the front lot line.

The Board granted a variance for this property from the R-12 front build to requirement in Case Z13-16. However, a condition of approval was that the home be located in the location depicted on the plan submitted with that application. Because that condition cannot be administratively waived, and the applicant proposes to locate the home in a location other than what was shown on the plan in Case Z13-16, the applicant is seeking a new variance.

### Reason for Staff Recommendation

Although large in overall size, the property is severely restricted towards the front where the zoning regulations require new construction to be located. Specifically, the lot has approximately 102 ft. of frontage and narrows to approximately 60 ft. wide at a point approximately 200 ft. from the lot line. In addition, this narrow front portion of the property is encumbered by wetlands and the 50 ft. wetland protection buffer. For these reasons, it is not possible to comply with the build to requirements which requires that principal buildings in the R-12 District be located no closer than 5 ft. and no greater than 25 ft. from the front lot line (note that the R-12 District was amended to require a build to line instead of a minimum setback *after* the lot was created). Although the proposed setback is not consistent with the setbacks of other homes in the area, the requested variance is the minimum necessary to ensure reasonable use in light of the unique characteristics of this property.

### Recommendation

The Planning Department recommends the Board approve the variance as requested.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 214-14 Date Received:
Amount Paid: \$ 316.00 Time Received:
CR# 283 \$ 2915
RECEIVED JUN 04 2014 By RB

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Jordan and Shannon Plante Phone #

Address of Applicant: 6 Quarry Drive, Rochester, NH 03867

E-Mail Address:

PROPERTY OWNER (if different from applicant): Same

Address: Phone #

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 92 Long Hill Road, Dover, NH

Brief Directions: New Rochester Road North to Old Rochester Road North, Left onto Long Hill Road, Property located on South side of Road

Zoning District: R-12 Assessor's Map # A Lot(s) # 53G-1

TYPE OF APPEAL: (Please check one)

- X Variance from Section 170-12.A of the Zoning Ordinance
Physical Disability Variance (RSA 674:33-V) from Section of the Zoning Ordinance
Special Exception per Section of the Zoning Ordinance
Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

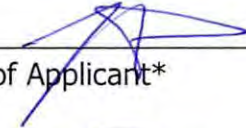
The Applicant proposes to utilize the existing foundation to build a two (2) car garage with living space above.


# 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: 6/4/14

**JORDAN AND SHANNON PLANTE**  
**92 Long Hill Road**  
**Map A, Lot 53G-1**

**APPLICATION FOR VARIANCE**

**Introduction**

The property subject to this application is located at 92 Long Hill Road and is depicted on the City's Tax Maps at Map A, Lot 53G-1. The property is within the R-12 zoning district. The property is comprised of 6.4 acres, with a significant portion of the property containing wetlands. (See a copy of the attached Septic System Design plan, hereinafter the "Plan"). The parcel is unique, not only in its size, but also as to its shape. The parcel is a "pork-chop" lot. The narrow portion of the parcel that connects to Long Hill Road (or the Neck") is approximately 204 feet in length to its narrowest point, with the first 123 feet containing wetlands and an approved driveway to the existing foundation. The existing foundation exists at the end of the Neck, the property also has an existing well and an existing septic system attached to the foundation. The existing foundation was intended to be used for a detached garage by a former owner.

The Applicant would like to use the existing foundation, well and septic system to build a two-car garage, with living space above, as depicted on the Plan. The garage structure will be approximately 2 feet further back from the existing foundation. Pursuant to Section 170-12.A and the Table of Uses and Dimensional Requirements, construction of single family dwellings are required to be located no closer than 5 feet and no greater than 25 feet from the front lot line, or a "25 foot build-to-line." The existing foundation is approximately 237 feet from Long Hill Road.

The lot itself was subject to a previous request for the grant of a variance, which this Board granted on September 19, 2013 (Case# Z 13-16). At the time, the former owner had requested that he be permitted to construct a house beyond the 25 foot build-to-line requirement. That structure, however, would have been located much further toward back of the property, and located closer to the wetlands. The current owner does not wish to construct a detached garage on the property, but has decided to utilize the existing foundation, well and septic system to build a house on the foundation with the additional two car garage and living space feature. Given the unique shape of the lot, the location of wetlands within the Neck, and the requirement that a principal building be constructed no greater than 25 feet away from the front property line, which requirement did not exist at the time of the subdivision of the land, it would be difficult for a structure with well and septic to be located within the 25 build-to-line. The closest location that could be used by the Applicant, and would be most consistent with the 25 foot build-to-line with septic and a well is in fact the existing foundation, where all of those improvements already exist. For the reasons set forth herein, the Applicant respectfully submits that the grant of the variance is reasonable and can be supported by the following evidence:

### Variance Requirements:

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

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred, all of these reasons are consistent with the purpose behind the Medium Density Residential District (R-12), which provides for conventional single-family neighborhoods on lots not less than 12,000 square feet. In addition, by allowing the location of the single-family residence as depicted on the Plan represents a context sensitive design, given the location of wetlands within the Neck, and the need to locate a well and septic, and considering the sounding properties within the area. As such, the proposed use will not be contrary to the public interest, as the use will not “alter the essential character of the locality.” See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). Granting the variance will permit the location of a dwelling in the most appropriate location due to the configuration of the Neck and the location of wetlands within the Neck. Also, given the existing foundation, well and septic system would avoid waste and would not threaten the public health, safety or welfare.

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

The Applicant respectfully submits that if the variance was granted, the spirit of the ordinance would be observed as the use in question is suitable, considering configuration of the lot, the location of wetlands within the Neck, and the surrounding properties, and therefore result in an encouragement of the most appropriate use of the land. In addition, by allowing the location of the single-family residence as depicted on the Plan, the purpose of the “build-to-line” will be preserved, as the area represents a context sensitive design, located closer to Long Hill Road than the existing approved variance location. Further, the proposed use is consistent with the purpose behind the Medium Density Residential District, which mainly is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet, particularly along Long Hill Road. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance’s basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the reasons set forth above, the granting of the variance will promote the ordinance’s basic zoning objectives.

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

The grant of the variance would due substantial justice because it would allow the Applicant’s property to be utilized in a similar fashion to other properties located within the area,

by allowing the location of a structure, in a location that is consistent with the intent of the ordinance, but would avoid construction in the wetlands within the Neck, and allow use of the existing foundation, septic and well. This test considers whether the benefit to the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the proposed location of the structure, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

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

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings to be located upon the Applicant's property. In this instance, the location of the structure in the area sought by the Applicant will have no negative affect upon any abutter, with respect to its property, as the use will be consistent with other uses in the near vicinity, and consistent with the intent of the existing zoning.

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

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

As one can see from the Plan, the parcel in this case has a narrow Neck, which was created when the zoning required that structures be *no closer than* 30 feet from Long Hill Road. Also, within the Neck, there exists significant wetlands which must be avoided. The lots located beyond this subdivision are square in shape, rather than the "pork-chop" shape of the subject property, and thus, do not utilize a "neck" in order for access to Long Hill Road. In this case, the existence of the Neck; the existence of the foundation, well and septic system; the location of wetlands within the Neck; and the need for a well and septic create special conditions of the property.

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

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks locate a single-family residence in the area depicted on the Plan. We understand, after discussing the issue previously with the Planning Department, that the purpose of the "build-to-line" concept is geared to context sensitive design, and, in this case the context appears to be single family homes located to the road when feasible. As such, the purpose of the ordinance and the specific restriction itself will be preserved given that the existing foundation is adjacent to the end of the Neck. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require a structure to be built within the Neck.

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

The proposed use is reasonable because it provides for the location of the single-family residence within an area that is “context sensitive,” given the other homes within the area. The proposed location will allow the use of the existing foundation, well and septic system, which is reasonable, all within an area that is consistent with the “build-to-line” concept, but not within the Neck or the existing wetlands within the Neck.

**REVISED**  
**ABUTTERS' LIST**  
**FOR**  
**JORDAN AND SHANNON PLANTE**  
**Map A, Lot 53G-1**  
92 Long Hill Road  
Dover, New Hampshire  
**June 4, 2014**

**MAP/LOT**

**NAME/ADDRESS**

---

**OWNER/APPLICANT:**

Map A, 53G-1

Jordan and Shannon Plante  
6 Quarry Drive  
Rochester, NH 03867

**ABUTTERS:**

Map A, Lot 15

Stonecroft Homeowners Association  
24 Varney Road Extension  
Dover, NH 03820

Map A, Lot 16-1

George Kramlinger  
91 Long Hill Road  
Dover, NH 03820

Map A, Lot 16-2

First Rate Real Estate Group, LLC  
3510 Lafayette Road, Suite 4  
Portsmouth, NH 03801

Map A, Lot 16-H

Jehovah's Witnesses, Inc.  
c/o Scott Cunningham  
PO Box 1294  
Berwick, ME 03901

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Kent Cassidy  
96 Long Hill Road  
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100 Long Hill Road  
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Paul & Bonnie Battis  
60 Long Hill Road  
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Map A, Lot 53F

Nancy and Gary Gagne  
86 Long Hill Road  
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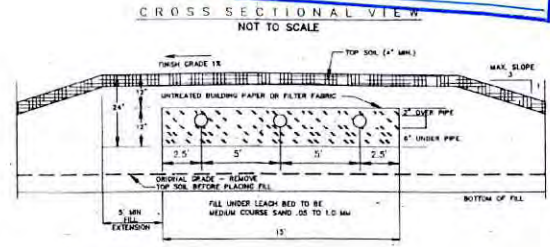
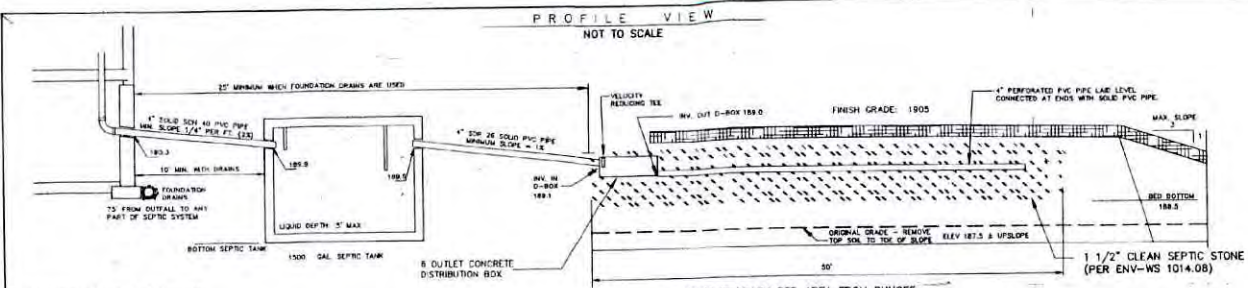
Map A, Lot 53E

Joseph Charland and Geraldine Vaccaro  
82 Long Hill Road  
Dover, NH 03820

**ABUTTERS' LIST  
FOR  
JORDAN AND SHANNON PLANTE  
Map A, Lot 53G-1  
92 Long Hill Road  
Dover, New Hampshire  
June 4, 2014**

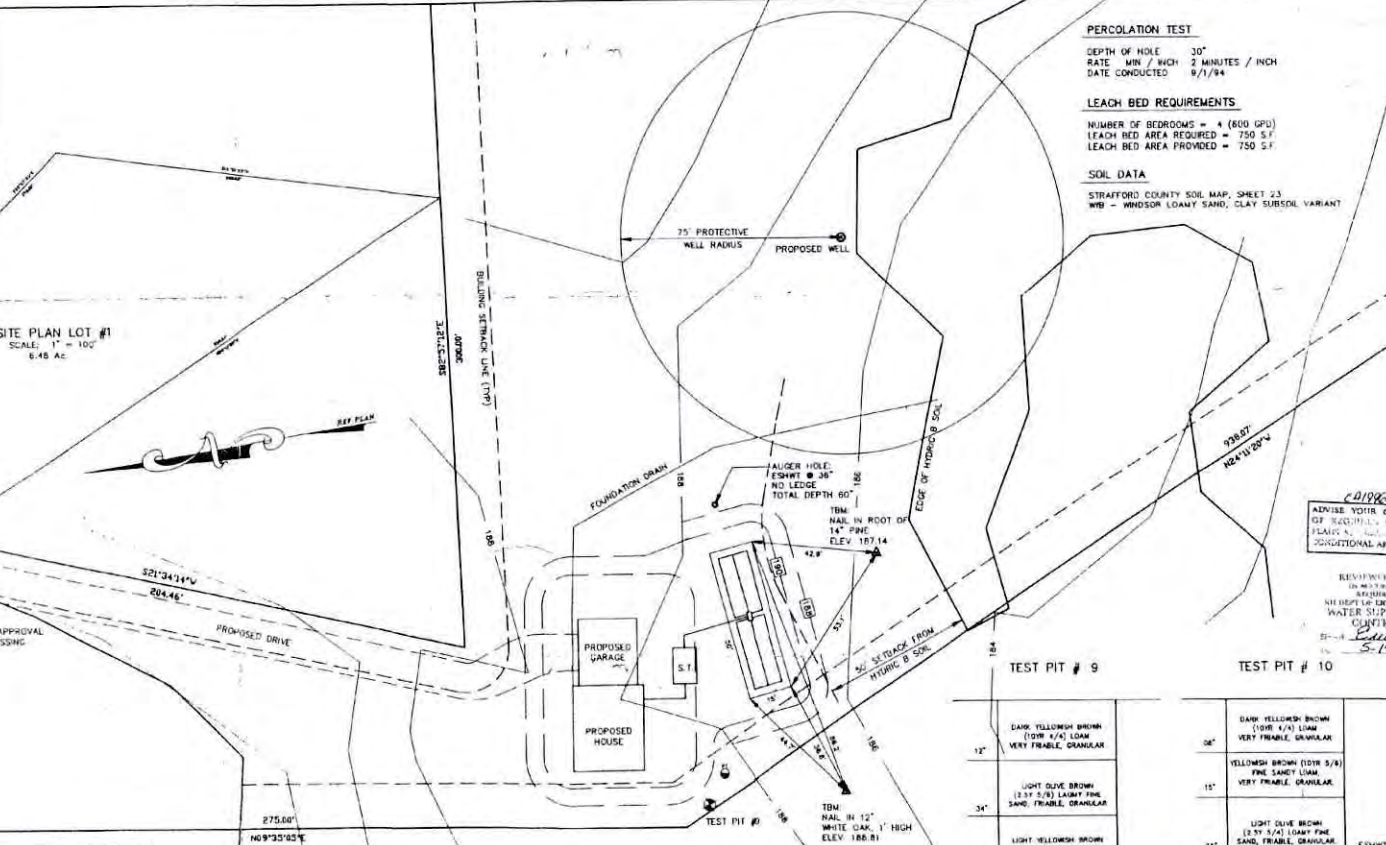
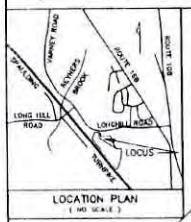
Map A, Lot 53D	Peter Baker and Julie Maloney 78 Long Hill Road Dover, NH 03820
Map A, Lot 53C	David Abott 74 Long Hill Road Dover, NH 03820
Map A, Lot 53B	Lois Smith Trustee 70 Long Hill Road Dover, NH 03820
Map A, Lot 53A	Claire McMahon & Carolyn Metcalf 66 Long Hill Road Dover, NH 03820
Map D, Lot 10A & 10	Doris A. Grady, Trustee 42 Long Hill Road Dover, NH 03820
Map D, Lot 9C	Melissa & Timothy Waterhouse 26 Wellington Avenue Dover, NH 03820
<b>PROFESSIONALS: ATTORNEY</b>	Francis X. Bruton, III, Esquire Bruton & Berube, PLLC 798 Central Avenue Dover, NH 03820

RECEIVED  
JUN 04 2014  
 By \_\_\_\_\_



REMOVE ALL ORGANIC MATTER  
RAKE ALL SMEARED OR COMPACTED  
SURFACES BEFORE PLACING FILL  
(PER ENV-WS 1014.07)

PROTECT LEACH BED AREA FROM RUNOFF  
BY CONSTRUCTING A TEMPORARY DIKE TO DIVERT  
RUNOFF AWAY FROM CONSTRUCTION AREA  
(PER ENV-WS 1014.10)



**PERCOLATION TEST**

DEPTH OF HOLE 30"  
RATE MIN / INCH 2 MINUTES / INCH  
DATE CONDUCTED 9/1/84

**LEACH BED REQUIREMENTS**

NUMBER OF BEDROOMS = 4 (600 GPD)  
LEACH BED AREA REQUIRED = 750 S.F.  
LEACH BED AREA PROVIDED = 750 S.F.

**SOIL DATA**

STRAFFORD COUNTY SOIL MAP, SHEET 23  
WB - WINDSOR LOAMY SAND, CLAY SUBSOIL VARIANT

**NOTES**

- 1) DESIGN INTENT:  
BED BOTTOM TO BE NO LESS THAN 1.0 FEET ABOVE THE ORIGINAL GROUND ON THE UPSLOPE SIDE TO MAINTAIN 4.0 FEET ABOVE ESHWT.
- 2) THIS SYSTEM CONSISTS OF AN STONE LEACH FIELD WITH A DISTRIBUTION BOX RECEIVING EFFLUENT FROM A SEPTIC TANK WITH GRAVITY FEED.
- 3) SEPTIC TANK TO BE 1500 GALLON CONCRETE SEPTIC TANK AS MANUFACTURED BY GILBERT BLOCK, OR EQUIVALENT. TANK MUST BE SEALED AND GROUTED.
- 4) DISTRIBUTION BOX IS TO BE 3 OUTLET CONCRETE.
- 5) THERE ARE NO TYPE A HYDRIC SOILS WITHIN 75 FEET OF THE SYSTEM OR TYPE B HYDRIC SOILS WITHIN 50 FEET OF THE SYSTEM.
- 6) WELL MUST BE MINIMUM OF 75 FEET FROM SYSTEM.
- 7) THE FOUNDATION DRAIN OUTLET FOR THE HOUSE MUST BE GREATER THAN 75 FROM THE SEPTIC TANK.
- 8) ALL PIPE JOINTS TO BE SEALED WITH HYDRAULIC CEMENT.
- 9) LEACH FIELD TO BE REBUILT IN PLACE IF FAILURE OCCURS.
- 10) GARBAGE DISPOSAL OR GRINDER PUMP SHOULD NOT BE USED WITH THIS SYSTEM.
- 11) NHDES-WSPCD SUBDIVISION APPROVAL # 54195200006
- 12) INSTALLER IS TO PROVIDE AS-BUILT INFORMATION TO MCGNEANEY SURVEY ASSOCIATES, INC.

ADVISE YOUR CONTRACTOR OF ANY CHANGES IN PLANS TO BE FIELD ON THIS CONSTRUCTION APPROVAL

City of Dover  
 5/2/96

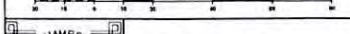
**RECEIVED**  
 MAY 0  
 DEPT. OF ENVIRONMENTAL  
 ENGINEERING

REVIEWED AND APPROVED IN WRITING THE SUBDIVISION FOR THE NHDES UP ENVIRONMENTAL REVIEW WATER SUPPLY & POLLUTION CONTROL DIVISION  
 5-14-96  
 E. Williams

**SEPTIC SYSTEM DESIGN**

PREPARED FOR  
**ED WILKINS**  
**LOT #1, LONGHILL ROAD**  
**DOVER, NEW HAMPSHIRE**

DRAWN BY: KJF/RJM FILE: C3 P2151.011C  
 SCALE: 1" = 20' DATE: MARCH 20, 1996



NEW HAMPSHIRE  
Division of  
Subdivision Disposal  
Systems  
1000  
1000  
& Pollution

**McGneaney**  
**Survey**  
**Associates, Inc.**

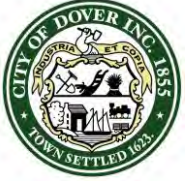
P.O. Box 681 - 17 PORTLAND STREET  
 DOVER, NH 03820 (603) 742-0911

TEST PIT # 9	TEST PIT # 10
12"	06"
34"	15"
54"	34"
72"	72"
NO LEDGE NO OBSERVED WATER	NO LEDGE NO OBSERVED WATER

NO.	DATE	DESCRIPTION	BY	CHK
1	4/30/96	ROTATE HOUSE 180° REVERSE CONTOUR	KJF	RJM
REVISIONS				
96-811	SEPTIC	95-11	69-71	
PROJECT NO	TYPE	FIELDBOOK	PAGES	

NOTE:  
 \* SEPTIC SYSTEM IS NOT TO BE CONSTRUCTED UNTIL NHDES-WSPCD HAS APPROVED DESIGN AND A REVISION TO THIS PLAN SHOWS APPROVAL AND APPROVAL NUMBER.

NHDES-WSPCD APPROVAL NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_



CITY OF DOVER

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z14-15)

Application Type: Administrative Appeal  
Applicants: Jordan & Shannon Plante  
Owners: Jordan & Shannon Plante  
Location: 92 Long Hill Road (Tax Map A, Lot 53G-1)

**INTENT:** The Applicant appeals the determination of the Zoning Administrator that a variance is required to construct a single family home on the existing foundation located on the subject property.

**UNITS PROPOSED:** One (1) Single Family Dwelling

**AGENDA ITEM #:** 3-C

**ZONING DISTRICT:** R-12 District

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential and Institutional

**PREVIOUS ZBA ACTION:** Variance granted on 9/9/13 to permit a proposed single family dwelling to be setback further than the maximum permitted setback of 25 ft. (in a different location than what is proposed by the current applicant).

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:** Application, narrative, subdivision plan

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:** The Planning Department opposes the administrative appeal.

### Summary of Request and Background

The property is 6.48 acres in size and is improved with a foundation for a garage that was constructed sometime after 1996 but never completed. The Applicant proposes to construct a single family dwelling on the garage foundation. It is staff's determination that a variance is required from Section 170-12.A of the Zoning Ordinance and the R-12 District Table of Use to permit the home to be located approximately 237 ft. from Long Hill Road where principal buildings in the R-12 District are required to be located no closer than 5 ft. and no greater than 25 ft. from the front lot line. The applicant's position is that the subdivision is "vested" and therefore that the current build to requirement does not apply to this property.

### Reason for Staff Recommendation

It is staff's view that RSA 674:39 does not apply in this case, where no improvements were required under the approved plan. RSA 674:39 was designed to protect investments, based on a reading of plain language of the statute. Common law vesting also appears to have the same purpose. According to Peter Loughlin, "[t]he key elements for vesting are the absence of regulation, good faith, and the incursion of substantial liabilities." 15 New Hampshire Practice: Land Use Planning and Zoning, Ch. 11, Vesting, § 11.02 (LexisNexis Matthew Bender). In this case, there has been no "incursion of substantial liabilities," and therefore, vesting is not applicable here. *See Dow v. Town of Effingham* 148 NH 121 (2002) (minimal expenses and effort in furtherance of construction did not give plaintiff a vested right).

We also view it as implausible that for a small subdivision with no infrastructure improvements, the legislature intended to freeze in place for eternity all use, dimensional, parking, signage, and all other land use regulations applicable on the date that the subdivision plan was submitted for review.

### Recommendation

The Planning Department recommends the Board deny the applicant's administrative appeal.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 214-15 Date Received:
Amount Paid: \$ 316.00 Time Received:
ck# 288 \$ 2915
RECEIVED JUN 04 2014 RB

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Jordan and Shannon Plante Phone #

Address of Applicant: 6 Quarry Drive, Rochester, NH 03867

E-Mail Address:

PROPERTY OWNER (if different from applicant): Same

Address: Phone #

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 92 Long Hill Road, Dover, NH

Brief Directions: New Rochester Road North to Old Rochester Road North,
Left onto Long Hill Road, Property located on South Side of Road

Zoning District: R-12 Assessor's Map # A Lot(s) # 53G-1

TYPE OF APPEAL: (Please check one)

- 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
[X] Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:


The Applicant proposes to utilize the existing foundation
to build a two (2) car garage with living space above.

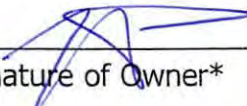
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Signature of Applicant\*

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

\*Both Signatures Required

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Signature of Property Owner:  \_\_\_\_\_ Date: 6/4/14

**REVISED**

**ABUTTERS' LIST  
FOR  
JORDAN AND SHANNON PLANTE  
Map A, Lot 53G-1  
92 Long Hill Road  
Dover, New Hampshire  
June 4, 2014**

**MAP/LOT**

**NAME/ADDRESS**

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**OWNER/APPLICANT:**

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**ABUTTERS:**

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**ABUTTERS' LIST  
FOR  
JORDAN AND SHANNON PLANTE  
Map A, Lot 53G-1  
92 Long Hill Road  
Dover, New Hampshire  
June 4, 2014**

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Map D, Lot 9C	Melissa & Timothy Waterhouse 26 Wellington Avenue Dover, NH 03820
<b>PROFESSIONALS: ATTORNEY</b>	Francis X. Bruton, III, Esquire Bruton & Berube, PLLC 798 Central Avenue Dover, NH 03820

**JORDAN AND SHANNON PLANTE**  
**92 Long Hill Road**  
**Map A, Lot 53G-1**

**APPEAL OF ADMINISTRATIVE DECISION**

**Introduction**

The property subject to this appeal is located at 92 Long Hill Road and is depicted on the City's Tax Maps at Map A, Lot 53G-1. The property is within the R-12 zoning district. The property is comprised of 6.4 acres. The property is owned by Jordan and Shannon Plante (hereinafter referred to as the "Applicants"), pursuant to certain deeds recorded in the Strafford County Registry of Deeds at Book 4190, Page 0656 and at Book 4190, Page 0659.

The parcel depicted as Lot No. 1 on a plan of subdivision prepared for Karin Sue Childs, which was approved by the Dover Planning Board on April 19, 1995 and recorded at the Strafford County Registry of Deeds on April 20, 1995 as Plan Number 45-78. A copy of this subdivision plan is attached hereto.

As depicted on the subdivision plan, the zoning table provides that the front yard setback is thirty (30) feet. The current zoning for this lot, which is believed, and therefore averred to have been instituted in 2012, requires a build-to-line of twenty-five (25) feet. When the lot was purchased, the Applicants were under the assumption that they could proceed with a building, as long as they satisfied the zoning requirements that are set forth within the subdivision, including, but not limited to, the thirty (30) foot front yard setback.

On May 07, 2014, Mr. Timothy Corwin, Dover's Assistant City Planner and Code Office Administrator advised the Applicants that, given the newly enacted 25 foot build-to-line requirement to the road, a variance would be required for the applicant to build upon the existing foundation on the property. For the reasons set forth herein, it is the position of the Applicants that they do not need to obtain a variance for the purposes of building on existing foundation located on the property, to the extent that they complied with the zoning provisions contained within the subdivision plan.

The Applicant respectfully submits that Lot 1 on the subdivision plan is vested from all subsequent changes in subdivision regulations, or the zoning ordinance. The Applicants acknowledge that the lot is not vested with respect to the imposition of impact fees adopted pursuant to RSA 674:21. The Applicant believes the lot is vested pursuant to RSA 674:39. A copy of RSA 674:39 is attached hereto.

There are two forms of vesting in New Hampshire. There is common law vesting, and there is vesting pursuant to RSA 674:39.

**Common Law Vesting**

It is the position of the Applicants that the lot is vested pursuant to the legal theory of "Common Law Vesting," and was vested as of 1995. This concept of common law vesting is set forth within the case of Henry and Murphy, Inc. v. Town of Allenstown, 120 NH 910 (1980).

Specifically, in that case, the applicant brought a declaratory judgment to determine whether or not the lots in question had gained vested rights status in the subdivision as a whole, rather than on a lot-by-lot basis, and thus, need not comply with subsequently enacted zoning ordinance restrictions. It is important to note that in this case, the landowner maintained that it had vested status as to the entire subdivision, including the undeveloped lots, without regard to the subsequently enacted restrictive zoning provisions. However, the Town argued that there was only a vested status as to the improved lots and only to those specific improvements previously made by the developer prior to the zoning change raising the minimum lot size of lots from 10,000 sq. ft. to 20,000 sq. ft. The Court agreed with the landowner and indicated that the entire subdivision maintained the vested status, and, thus, the unimproved lots were not subject to the subsequently enacted zoning restrictions. Specifically, the Court stated, "It would be unfair and unreasonable to say, at this time, that the plaintiff and its successors in interest may not develop the remaining lots in conformity with the distinct character of the developed portion of the subdivision in which they are located." *Id.* at 913. In this case, as a vested subdivision (not just lot), the *distinct character of the developed portion of the subdivision* includes, but is not limited to, the 30 feet front yard setback requirement, not the newly enacted 25 build-to-line. Even if one was to consider the vesting argument in terms of the lot itself, prior to 2012, the lot maintained the existing foundation as well as a well connected to the foundation and a septic system connected to the foundation.

#### **Statutory Vesting Pursuant to RSA 674:39**

The relevant portion of RSA 674:39 provides, "**Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.**"

The first step under RSA 674:39 is to consider whether a project is vested for a period of five (5) years by determining whether "**active and substantial development**" has occurred within 24 months from approval. The next step is to consider whether, within the initial five year period, the project reaches "**substantial completion,**" where the project becomes vested forever.

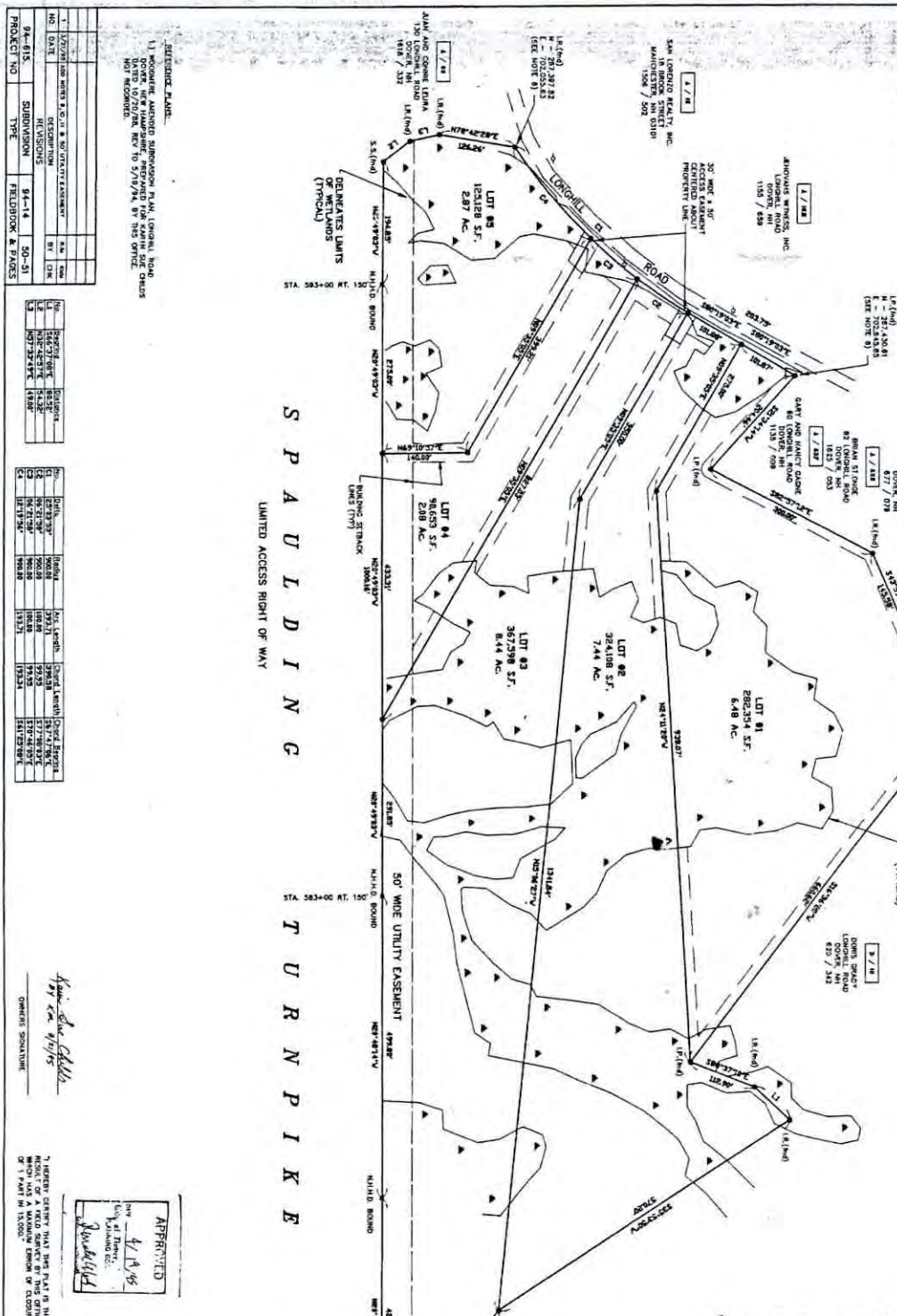
In this instance, the lot is part of a five (5) lot subdivision that occurred on Longhill Road. It is understood that all of the lots had houses constructed on them prior to the 2012 zoning change that required the 25 foot build-to-line. The lot itself has an existing foundation, installed well and installed septic system. The Applicants believe their lot is taxed currently, and for all relevant periods, has been taxed as a buildable lot. This project required absolutely no improvements at all in order for the subdivision to be substantially complete. In most cases involving the analysis of vesting in a subdivision, there is discussion with respect to improvements of a road within the subdivision and utilities. In this case, there is no such road, nor are there any utilities to be installed, pursuant to the plan. As such, the Applicant respectfully submits that the subdivision is vested upon being recorded at the Strafford County Registry of Deeds, or as of April 20, 1995. To the extent that the plan did vest, as the Applicants believe, then that plan received "permanent vesting" pursuant to the common law theory of vesting and RSA 674:39. Thus, the Applicants believe that the construction of a home on the lot

in question needs only to satisfy the requirements set forth within the zoning table contained within the referenced plan.

It is believed that the decision of Mr. Corwin, as set forth herein, is unreasonable and/or illegal, and, as such, should be reversed. Upon reversal, the Applicants respectfully request that Dover Zoning Board of Adjustment find:

1) That the subdivision is vested pursuant to the doctrine of common law vesting and pursuant to the terms of RSA 674:39; and

2) The Applicants are permitted to construct a home on the lot in question and need only to satisfy the requirements set forth within the zoning table contained within the referenced subdivision plan, including, but not limited to the 30 foot front yard setback requirement, not the 25 foot build-to-line.



**S P A U L D I N G**  
 LIMITED ACCESS RIGHT OF WAY  
**T U R N P I K E**

**DEFERRED PLANS**

1) WORKING ARCHITECT SUBDIVISION PLAN, LONGHILL ROAD  
 DATED 10/20/78, REV' TO 5/11/79, BY 832 OFFICE  
 NOT RECORDED.

NO.	DATE	DESCRIPTION	BY	CHK
94-615	9-4-14	SUBVISIONS		
	50-51	REVISIONS		

PROJECT NO. TYPE PRELIMINARY & PAGES

NO.	DATE	DESCRIPTION	BY	CHK
1	10/20/78	PRELIMINARY		
2	11/27/78	REVISED		
3	12/13/78	REVISED		
4	1/10/79	REVISED		
5	2/14/79	REVISED		
6	3/11/79	REVISED		
7	4/8/79	REVISED		
8	5/6/79	REVISED		
9	6/3/79	REVISED		
10	7/1/79	REVISED		
11	7/29/79	REVISED		
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**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z14-12)

Application Type:	Variance
Applicant:	Tom Schlosser
Owner:	Gerald Smith
Location:	1 Arbor Drive (Tax Map I, Lot 74R)

**INTENT:** The Applicant proposes to construct a 16 ft. by 20 ft. addition onto the rear of the existing single family home. A variance is required to permit the home to be located approximately 23 ft. from the rear lot line, where a minimum rear yard setback of 30 ft. is required.

**UNITS PROPOSED:** N/A

**AGENDA ITEM #:** 3-E

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential and Elementary School

**PREVIOUS ZBA ACTION:** None

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:** Application, floor plan, plot plan, photo

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**  
The Planning Department supports the variance request.

### Summary of Request and Background

The subject property is a corner lot improved with a 960 sq. ft. single family ranch home. The home is positioned at an angle to Arbor Drive. The applicant proposes to construct a 16 ft. by 20 ft. addition to the home to accommodate a dining room. The proposed addition - like the existing home - will sit at an angle to the rear property line shared with 13 Meridian Drive, and will be located approximately 23 ft. from the rear lot line. The minimum required rear setback in the R-12 District is thirty (30) feet. Therefore, a variance is required to permit the addition to encroach approximately 7 ft. into the minimum required rear setback.

### Reason for Staff Recommendation

The proposed addition is a modest proposal to increase the size of and the functionality of the existing modestly sized home. The applicant worked earnestly to try and accommodate the addition within the applicable setbacks, but was unable to do so given the existing improvements on the property. The extent of the encroachment would be reduced if the home sat flush with the front lot line, as are the majority of homes in this area. As a result of the proposed location and the existence of vegetation and an opaque fence along the Garrison Road side of the property, the addition will be nearly invisible from both Arbor Drive and Garrison Road. As a result, there will be no discernible impact on the neighborhood. It is staff's understanding the only persons affected by the proposed addition (being the abutters at 13 Meridian Drive and 3 Arbor Drive) will provide letters to the Board at the hearing in support of the variance.

### Recommendation

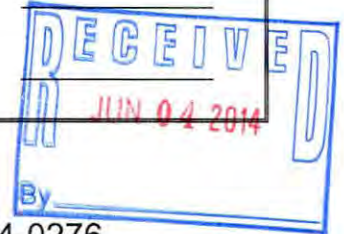
The Planning Department supports the variance request with the condition that the addition is constructed in accordance with the plans and materials submitted.



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

[Adopted: August 16, 2012]

Office Use Only	Case #:	<u>214-12</u>	Date Received:	
	Amount Paid:	\$ <u>324.00</u> <u>ck# 1218</u>	Time Received:	



### APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Tom Schlosser Phone # 603-944-0276

Address of Applicant: 6 Winston Ave Dover NH, 03820

E-Mail Address: thomaspricebuilders@gmail.com

PROPERTY OWNER (if different from applicant): Gerald Smith

Address: 1 Arbor Dr Dover NH, 03820 Phone # 603-742-7055

E-Mail Address: cynote25@comcast.net

### PROPERTY/PARCEL INFORMATION

Address: 1 Arbor Dr Dover NH, 03820

Brief Directions: Back river road, (L) Garrison Ave, (L) 1 Arbor Drive, Corner lot

Zoning District: R-12 Assessor's Map # ~~12~~ I Lot(s) # ~~12AR~~ 74R

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Variance                         | from Section _____ of the Zoning Ordinance      |
| <input type="checkbox"/> Physical Disability Variance (RSA 674:33-V) | from Section _____ of the Zoning Ordinance      |
| <input type="checkbox"/> Special Exception                           | per Section _____ of the Zoning Ordinance       |
| <input type="checkbox"/> Appeal of Administrative Decision           | regarding Section _____ of the Zoning Ordinance |
| <input type="checkbox"/> Equitable Waiver                            | per Section _____ of the Zoning Ordinance       |

### DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Construct Addition 16' x 20' to existing home with access to new deck 12' x 16' Connect addition to existing home through Kitchen.

# 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:

Variance requested to build addition within rear setback Area by 7 FT. Rear setback Distance Needed is 23 FT where 30 FT is current Zoning Requirement

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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:

Addition is consistent with properties in the neighborhood

Addition is situated so that there is minimal visual impact from the front and side views

Roof lines of new structure will best line up and not interfere with existing car port

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

Location of Kitchen in home directs location of addition to be placed in line with to maximize flow to the new space.

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3. Granting the variance would do substantial justice because:

This addition creates much needed square footage to existing home and accommodates modern living conditions to bring Washer and Dryer to first floor to reduce burden on homeowners where washer and dryer is currently located in basement area

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

This addition increases the usable space in the home, and increases the home value with modern updates and new deck area

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**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:

Existing house is angled on the property lot, distance to rear lot lines are not equal from the existing house causing different rear set back measurements and areas to build within.

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**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:

Asking for 64 square feet of new space with variance on lot size of 10,906 square feet

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**and**

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

New Addition to home will be used as Dining room and utility space for the existing owners.

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**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:

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# 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.

<p><b>IMPORTANT</b></p> <p>PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED.</p>
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Thos. J. Smith #  
Signature of Applicant\*

Carol Smith / Gerald L. Smith  
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: Gerald L. Smith Date: June 3, 2014



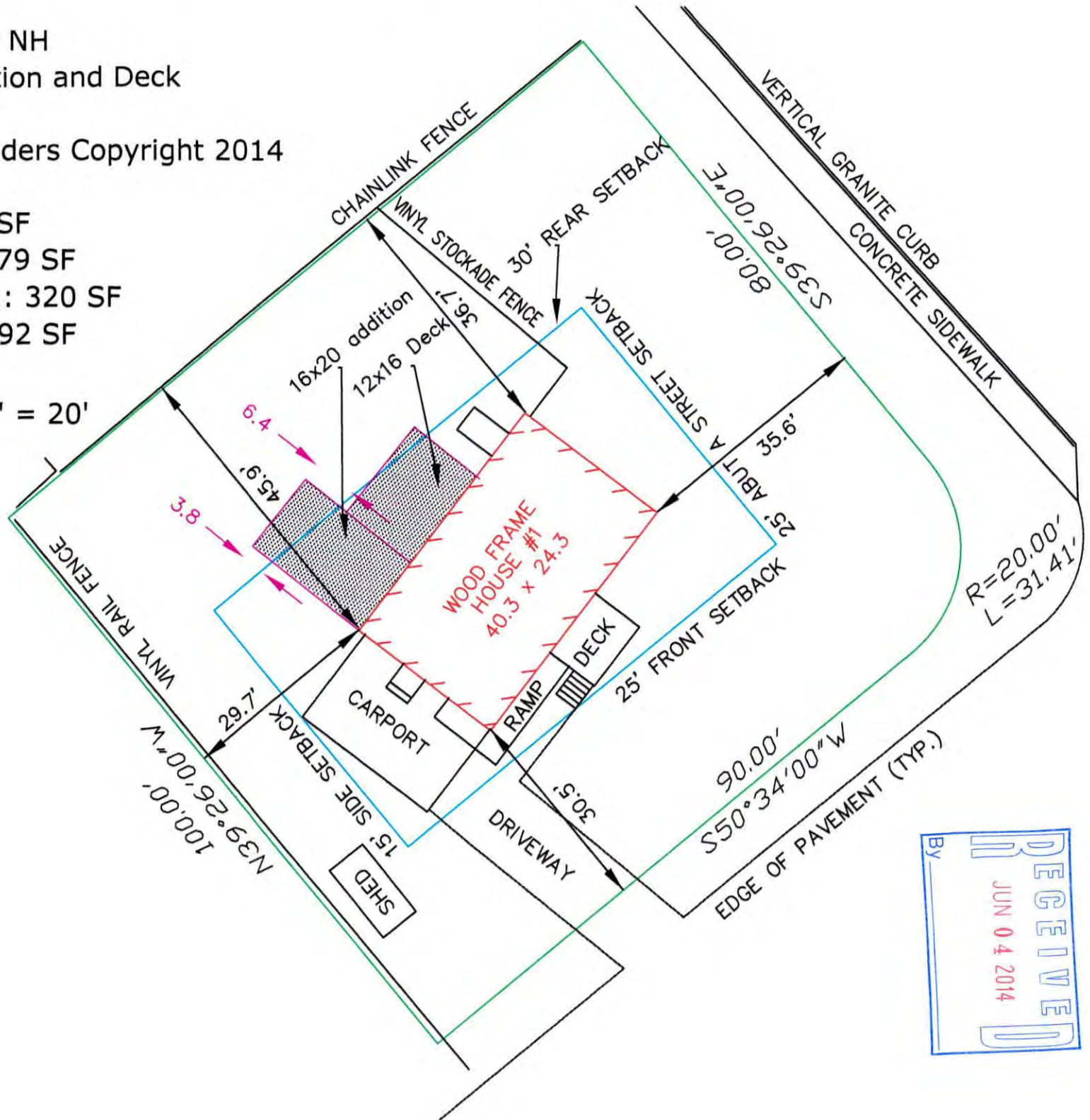


1 Arbor Dr, Dover NH  
Plot Plan for Addition and Deck

Thomas Price Builders Copyright 2014

Lot area: 10,906 SF  
Existing House: 979 SF  
Proposed Addition: 320 SF  
Proposed Deck: 192 SF

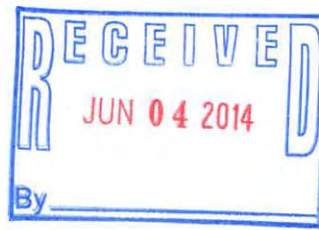
Drawing Scale: 1" = 20'



RECEIVED  
JUN 04 2014  
BY



Thomas Price Builders  
Tom Schlosser  
6 Winston Ave  
Dover, NH 03820  
C -603-944-0276

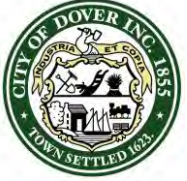


June 2, 2014

- Existing Conditions  
1 Arbor Drive, Dover NH



**Back of House with views of carport, rooflines, and layout for addition**



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z14-13)

Application Type: Variance  
Applicant: Adam Fogg  
Owner: Jade & Sheryl Fogg and Adam Fogg  
Location: 25 Nute Road (Tax Map L, Lot 13)

**INTENT:** The Applicant proposes to replace the existing non-conforming house with a new house and garage. A variance is required to permit the house to be located approximately 4 ft. from the side lot line shared with 23 Nute Road where a minimum setback of 20 ft. from the side lot line is required.

**UNITS PROPOSED:** Replace existing single family home with a new single family home

**AGENDA ITEM #:** 3-F

**ZONING DISTRICT:** R-20

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential

**PREVIOUS ZBA ACTION:** None

**PLANNING BOARD APPROVAL REQUIRED:** No

**ATTACHMENTS:** Application, letter from Atty. Scott Hogan, photos, plot plan

**APPLICATION IS COMPLETE:** Yes

**NOTICES AS REQUIRED:** Yes

**STAFF RECOMMENDATION:**  
The Planning Department takes no position on the variance request.

### Summary of Request and Background

The property is currently improved with a one story single family home. The home is located approximately 1.2 feet from the side lot line shared with 23 Nute Road. The applicant proposes to remove the existing home and replace it with a new two-story single family dwelling that will sit approximately 4.2 feet from the side lot line shared with 23 Nute Road. If a dimensionally nonconforming structure is removed, the “grandfathered” nonconformity is extinguished and any new structure must meet the current zoning regulations. Therefore, the proposed structure must comply with the R-20 minimum required side yard setback of 20 feet Applicant requests a variance to construct the proposed home 4.2 feet from the side lot line.

### Reason for Staff Recommendation

The proposed addition will result in a more compliant structure than what exists now (4.2 feet from the side lot line instead of 1.2 feet from the lot line). However, the massing of the building will double as the existing home is one story and the proposed home is 2 stories. Staff is also concerned that the significantly larger footprint of the proposed home is at least partly responsible for the necessity and extent of the variance, thereby resulting in a form of “self-created” hardship.

### Recommendation

The Planning Department takes no position on the variance request.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: 214-13 Date Received: JUN 04 2014
Amount Paid: \$ 236.5 Time Received:
CB # 4019 By: JB

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: ADAM FOGG Phone # 659-8939

Address of Applicant: 149 MILL ROAD, DURHAM, NH

E-Mail Address: ATLANTICSURVEY@COMCAST.NET

PROPERTY OWNER (if different from applicant):

Address: Phone #

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 25 NUTE ROAD

Brief Directions: TAKE SPUR ROAD TO NUTE ROAD, GO TO END

Zoning District: R-20 Assessor's Map # L Lot(s) # 13

TYPE OF APPEAL: (Please check one)

- X Variance
Physical Disability Variance (RSA 674:33-V)
Special Exception
Appeal of Administrative Decision
Equitable Waiver

PLEASE SEE COVER
from Section LETTER of the Zoning Ordinance
from Section of the Zoning Ordinance
per Section of the Zoning Ordinance
regarding Section of the Zoning Ordinance
per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

REPLACE AN EXISTING 60 YEAR OLD UPGRADED CAMP AND GARAGE WITH A NEW HOUSE AND GARAGE.

# VARIANCE REQUIREMENTS

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

**A. Variance Requested**

PLEASE SEE COVER

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

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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:

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

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3. Granting the variance would do substantial justice because:

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# The Law Office of Scott E. Hogan

66 Lee Road  
P.O. Box 33  
Durham, New Hampshire 03824

Phone: 603-969-1183

Fax: 603-659-9092

hoganlaw@comcast.net

Dover Zoning Board of Adjustment  
288 Central Ave.  
Dover, NH 03820

June 3, 2014

RE: Variance Application of Adam, Jade and Sheryl Fogg  
Tax Map L, Lot 13/ 25 Nute Road/ R-20 Zoning District

## Introduction

25 Nute Road currently consists of a single family residence built prior to 1926, with a separate stand-alone garage. This is a proposal to replace the existing residence with a new residential structure, and to remove the existing garage. The project would result in an overall reduction in impervious surface on the lot, would entail no impacts to wetlands or surface waters, and would result in the residence utilizing municipal water and sewer utilities for the first time. The Applicants are requesting a variance to allow a side setback of 4.2 feet, where 1.2 feet currently exists, and where 20 feet is required under the R-20 low density residential district.

## Variance Requirements (Presented in the order outlined in the City's application form)

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

On this requirement the New Hampshire Supreme Court has stated:

“...to be contrary to the public interest or injurious to public rights of others, the variance must unduly and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives.” Chester Rod & Gun Club, Including.. v. Town of Chester, 152 N.H. 577, 581 (2005).

The use of the property would be substantially the same as the use made of it in the past, will in no way affect wetlands or surface waters, and will provide an improved situation, as the proposal will result in an overall reduction in impervious surface on the lot, and the new residential structure will utilize municipal utilities, thus eliminating any possible risk to groundwater or surface water in terms of water and sewage treatment issues. The size and placement of the new structure is reasonable, and will in fact *increase* the amount of side setback

separation over existing historic conditions. See Plan. Thus the proposal is not contrary to the public interest, and in fact is in the public interest.

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

As noted above, the new residential structure proposed is reasonably sized, and appropriately located, given the former location of the residence and the overall lay-out of the lot, and the new structure will *decrease* the existing nonconformity of the current structure regarding the side setback. See Plan attached. Further, the owners of the abutting property that shares this common side boundary have no objection to the placement of the new structure, and the side setback variance requested. The new structure is consistent with the historic use of both properties, and would result in an increased side setback over existing conditions, and is thus consistent with the spirit of the Ordinance.

Granting the variance would do substantial justice because:

On this requirement the New Hampshire Supreme Court has stated:

“...the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” Malachy Glen Associates v. Town of Chester, 155 N.H. 102, 109 (2007).

As noted above, the various improved conditions that would result from this proposal are in the public interest, including changing a water-front residential property from on-site private sewage treatment to municipal sewer utilities, and reducing overall impervious surface (thus there is no gain to the general public by denying the requested side setback variance). The loss to the individual would be the inability to improve existing conditions with a modern residence that is appropriately designed and appropriately located on the lot.

The value of surrounding property will not be diminished because:

This proposal is to eliminate the existing residence built prior to 1926 and to eliminate the existing stand-alone garage, and replace them with a well designed modern residence, with overall improvements to the site. The resulting conditions will be a dramatic improvement over existing conditions, and will represent a significant investment in the property, which will clearly have the result of increasing the value of the property. Such improvements will in fact have the effect of *increasing* the value of surrounding property. As noted above, the property owners who share the common side boundary have no objection to the requested variance.

...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:

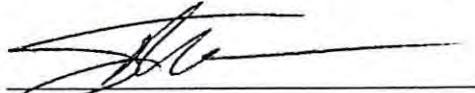
As seen on the Plan attached, the unique 'special conditions' of the subject property are readily apparent: the lot is located at the end of Nute Road, on the shore-front of the Bellamy River. The configuration of the lot, and the historic location of the existing residence dictate the appropriate location for the proposed residence. The proposed location allows the new residence to be located with no impacts on wetlands or surface waters. The size and design of the proposed residence is reasonable, and in keeping with surrounding uses. Requiring a full 20 foot side setback (particularly where that separation has never existed on this lot) would prevent the owners from establishing a reasonable, appropriately sized residence, and the requested setback relief is therefore necessary.

We look forward to discussing these issues with the Board.

Respectfully submitted,

Adam, Jade and Sheryl Fogg

By their attorney,  
THE LAW OFFICE OF SCOTT E. HOGAN



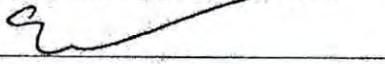
Scott E. Hogan, Esq.  
66 Lee Road  
P.O. Box 33  
Durham, NH 03824  
603-969-1183  
[hoganlaw@comcast.net](mailto:hoganlaw@comcast.net)  
NH Bar ID#: 10542


## 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\*

**SAME**   
\_\_\_\_\_  
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: 6/4/2014

**ABUTTERS LIST**  
**25 Nute Road, Dover, NH**

- L-2 Calvin J. Erickson  
43 Spur Road  
Dover, NH 03820
- L-10 Mark & Donna Sears  
19 Nute Road  
Dover, NH 03820
- L-11 Dover Realty Revocable Trust  
Carol, Chandler & Gaissl Estabrook  
254 Hall Street  
Dunstable, MA 01827
- L-12 Russell E. Charlston & Stephanie LeFlem  
23 Nute Road  
Dover, NH 03820
- L-14F Dale S.D. Roemer Revocable Trust  
Dale S.D. Roemer, Trustee  
51 Spur Road  
Dover, NH 03820

Shoreland Protection Photos  
25 Nute Road  
Dover, NH



**Photo 1**



**Photo 2**



**Photo 3**



**Photo 4**

Shoreland Protection Photos  
25 Nute Road  
Dover, NH



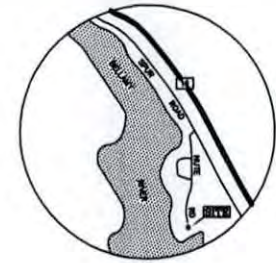
**Photo 5**



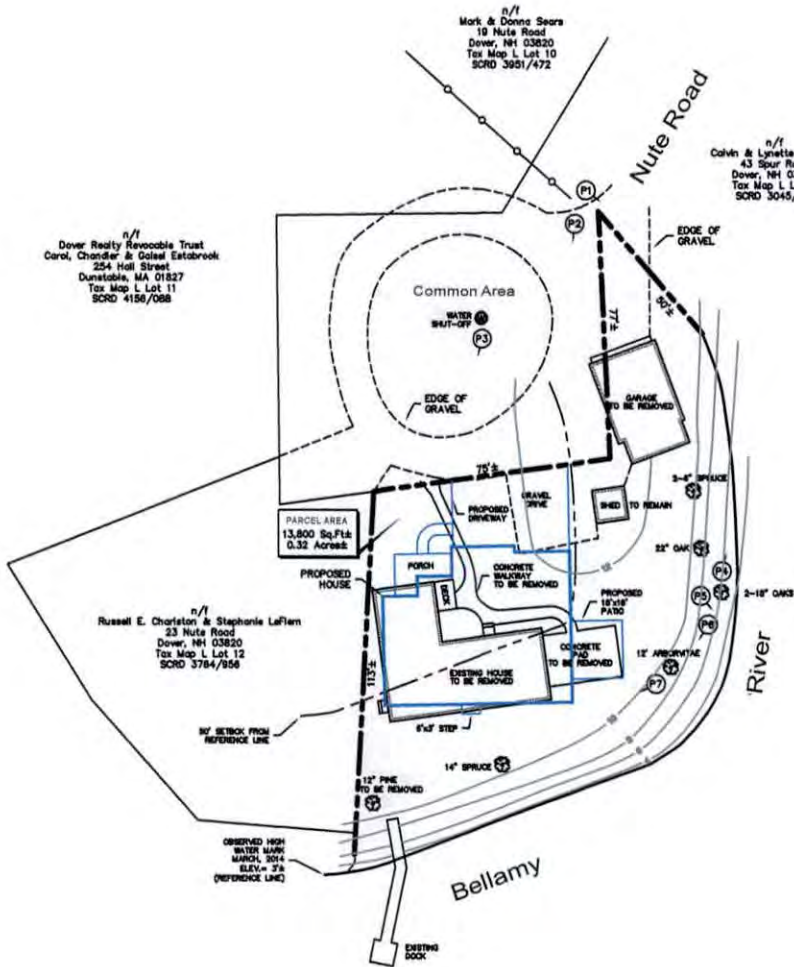
**Photo 6**



**Photo 7**



LOCATION PLAN



n/i  
Dover Realty Revocable Trust  
Carol, Chandler & Galea Estabrook  
254 Hill Street  
Dunstable, MA 01827  
Tax Map L Lot 11  
SCRD 4156/088

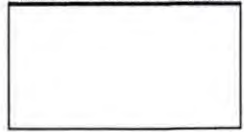
n/i  
Mark & Donna Sears  
19 Nute Road  
Dover, NH 03820  
Tax Map L Lot 10  
SCRD 3951/472

n/i  
Calvin & Lynette Erikson  
43 Spur Road  
Dover, NH 03820  
Tax Map L Lot 2  
SCRD 3045/631

n/i  
Russell E. Charleton & Stephanie LaFlem  
23 Nute Road  
Dover, NH 03820  
Tax Map L Lot 12  
SCRD 3784/856

n/i  
Dale S.D. Roemer Revocable Trust  
Dale S.D. Roemer, Trustee  
51 Spur Road  
Dover, NH 03820  
Tax Map L Lot 14F  
SCRD 2054/150

CITY of DOVER  
PLANNING BOARD APPROVAL



OWNERS SIGNATURE

\_\_\_\_\_  
ADAM R. FOGG

NOTES

- REFERENCE PLAN:  
"REVERSIDE CAMP LOTS" BY W.S. WHEELER DATED JUNE, 1928.  
SCRD PLAN No. 47, FOLDER 3, FOLDER 1
- ELEVATIONS BASED ON NAVD 1988.
- ZONING DIMENSIONAL AND DENSITY REQUIREMENTS ARE AS FOLLOWS:
  - ZONING DISTRICT R-30
  - MINIMUM LOT SIZE IS 20,000 Sq.Ft.
  - MINIMUM LOT FRONTAGE IS 125 Ft.
  - BUILDING SETBACKS:
 

FRONT:	20'
SIDE:	20'
REAR:	30'



LEGEND:

	2' CONTOUR LINE		PHOTO LOCATION
	EDGE OF GRAVEL		EXISTING TREE
	REFERENCE SETBACK LINE		WATER SHUT-OFF

PRE/POST CONDITIONS PLAN

OWNER: ADAM FOGG, JADE FOGG & SHERYL FOGG  
149 MILL ROAD  
DURHAM, NH 03824

LOT ADDRESS: 25 NUTE ROAD  
DOVER, NH

TOWN INFO: TAX MAP L, LOT 13  
REGISTRY OF DEEDS: DURHAM BOOK 4021, PAGE 303

GRAPHIC SCALE 1 inch = 20 Feet

APRIL 30, 2014  
CAD FILE: 07143-28A



NEW HAMPSHIRE  
Designer  
of  
Subsurface Disposal  
Systems  
\*\*\*  
Adam R. Fogg  
No. 1377  
Soil Supply & Pollution Control

ATLANTIC  
SURVEY CO., LLC

149 Mill Road, Durham, New Hampshire 03824

PREPARED BY:  
SURVEYORS  
PLANNERS  
SEPTIC DESIGNERS

603-658-8938