

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, March 15, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 15, 2018

3. HEARINGS

- A. Z18-04 Applicant Todd Tucker and Owner Anne E Tucker Revocable Trust, 40 Littleworth Road (Tax Map G, Lot 3), located in the Rural Restricted Industrial (I-2) Zoning District, request a variance from **Section 170-12.A** to add a third dwelling unit to an existing two-family dwelling, where three-family dwellings are not a permitted use in the I-2 Zoning District.
- B. Z18-05 Applicant Coastal New England Development, LLC and Owner Jorel Booker, 20 Whittier Street (Tax Map 35, Lot 73), located in the Medium Density Residential (R-12) Zoning District, request a variance from **Section 170-12.B** to permit a lot size of approximately 11,390 square feet for each of two proposed lots, where a minimum of 12,000 square feet is required, and to permit a street frontage of approximately 78 feet for each of two proposed lots, where a minimum of 100 feet is required in the R-12 Zoning District.
- C. Z18-06 Applicant STF Development Corp. and Owner Strafford Farms Restaurant, Inc., 58 New Rochester Road (Tax Map 40, Lot 43), located in the Thoroughfare Business (B-3) Zoning District, request a special exception per **Section 170-12.A** of the Zoning Ordinance to permit multi-family dwellings.

4. OTHER BUSINESS

5. ADJOURN

Persons with questions or interested in reviewing the meeting materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm and Friday from 8:30 am to 4:00 pm. The meeting materials are also available online at www.dover.nh.gov. 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, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, February 15, 2017**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry, Frank Landford, Anthony Sillitta (Alternate), Rich Onufry (Alternate)

Members Absent: Bob Hall (Vice Chair), George Reagan, Nicholas Couturier (Alternate)

Staff Present: Elena Piekut (Assistant City Planner, Zoning Administrator)

The Chair called the meeting to order at 7:02 p.m. He introduced the Board and staff present to the audience and explained the process used to hear cases. He appointed both alternates present to decide the case.

Otis Perry moved to hold the election of officers at the end of the meeting. Frank Landford seconded. Vote: U/A

2. APPROVAL OF MEETING MINUTES OF DECEMBER 21, 2017

Motion: Frank Landford moved to approve the meeting minutes of December 21, 2017 as amended. Anthony Sillitta seconded. Otis Perry asked that the names of members present be corrected and that a statement be added to the minutes indicating the alternates that decided the cases. Frank Landford and Anthony Sillitta assented to the amendments. Vote: U/A.

3. HEARINGS

- A. Z18-01 Applicants Little Bay Marina & Development, LLC and Owners Little Bay Marina & Development, LLC and Richard & Victoria Benn, 421, 423, 425 & 427 Dover Point Road (Tax Map 8, Lots 11, 9, 12, and 10 respectively), request a variance to from **Section 170-11** to permit multi-family dwellings where multi-family dwellings are not a permitted use in the Little Bay Waterfront (LBW) Zoning District.

Attorney FX Bruton, Bruton & Berube, represented the Applicant. He provided an overview of the project, request, and its satisfaction of the five variance criteria.

Chris Prior asked for clarification on the two plans presented. Otis Perry asked for clarification between discussion of 15 units or 16 units and Atty. Bruton explained that the sixteenth unit is accessory to the 24-hour marina building and intended for its employee.

Frank Landford asked what effect the development will have on the marina. Atty. Bruton said that the marina would remain but boat storage would be eliminated.

Public hearing opened.

Gloria Esposito Anastas, 419 A Dover Point Road, spoke in favor of the project.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, February 15, 2017**
Meeting Time: **7:00 pm**

STAFF RECOMMENDATION:

Assistant City Planner Piekut explained the reasons for the Planning Department's support of the request, particularly its environmental benefits to the public interest and its consistency with the spirit and intent of the ordinance. She also explained that a similar development could be achieved on four separate lots, but allowing multifamily would both permit and require a unified site development plan.

Public hearing closed.

Motion: Otis Perry moved to grant approval of the variance request as presented. Anthony Sillitta seconded. Frank Landford noted his displeasure at the loss of marina space. Vote: U/A.

- B. Z18-02 Applicant Personal Best Dover, LLC and Owner 851 Central Ave, LLC request a variance from **Section 170-32.A and 170-12** to permit a wall sign of 71.35 square feet, where wall signs are limited to one square foot per linear foot of business frontage and the subject tenant space has 35 feet, 7 inches (35.58 feet) of business frontage.

Attorney Paul Bauer, Devine Millimet and John DeStefano, DeStefano & Associates, represented the Applicant. He provided an overview of the request and addressed how the five variance criteria are satisfied.

Otis Perry asked for clarification that there are three nonconforming signs that have been erected since 2003. Chris Prior asked whether the numbers on the table provided had been revised and John DeStefano explained that they had after he reviewed the permits file for the property. Discussion ensued regarding competition amongst businesses, and the color and size of the sign(s). John DeStefano presented visual representations of the proposed signage in comparison to the signage permitted by right.

Sherri Ritz, owner of Personal Best Dover, LLC, explained her reasons for requesting larger signage, including the guidance provided in the property owners leasing documents.

Public hearing opened.

STAFF RECOMMENDATION:

Assistant City Planner Piekut explained the reasons for the Planning Department's recommendation to deny the variance, particularly that the property has achieved half conforming signs and half legally nonconforming signs since being built and occupied for many years prior to the current zoning. She also explained that automobile-oriented signs are provided for by allowing freestanding signs, and that it is customary for this type of development to permit larger signs for larger tenancies.

Public hearing closed.

Frank Landford commented that the sign won't show up well on the proposed façade, but that he supports the request. Chris Prior noted the proximity to abutters creates a hardship.

Motion: Otis Perry made a motion to grant the variance. Frank Landford seconded. Vote: 4 to 1, with Rich Onufry opposed.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, February 15, 2017**
Meeting Time: **7:00 pm**

4. ELECTION OF OFFICERS

Otis Perry moved to nominate the current slate of officers, Chris Prior as Chair and Bob Hall as Vice Chair. Frank Landford seconded. The board voted by secret ballot and elected Chris Prior as Chair and Bob Hall as Vice Chair.

5. OTHER BUSINESS

None.

6. ADJOURN

Motion: Otis Perry moved to adjourn. Anthony Sillitta seconded. Vote: U/A. Adjourned: 8:05 p.m.

DRAFT

REGISTRATION IS NOW OPEN!

24th Annual Spring Planning & Zoning Conference Saturday, April 28, 2018

Hosted by the New Hampshire Office of Strategic Initiatives at the
Courtyard by Marriott
Grappone Conference Center
Concord, NH

FEATURING:

- **Plenary Session: State and Local Collaboration**
 - **What's New in Historic Preservation Planning**
 - **Accessory Dwelling Units: Lessons from the Field**
 - **Right to Know Law Issues for Land Use Boards**
 - **Solar 101 for Local Land Use Boards**
- and more...

To register, and for additional conference details, go to:

<http://www.nh.gov/osi>

Or contact Danielle Craver at 603-271-2155; e-mail: danielle.craver@osi.nh.gov

Registration Deadline: Friday, April 20, 2018

Registration fee is \$55 per person

Fee includes full conference participation, breakfast, lunch, and breaks.

Overnight Stay Accommodations

**The Courtyard by Marriott is offering a limited number of rooms
for conference attendees at a reduced rate of \$144.00.**

**To take advantage of this rate, call 603-225-0303 prior to April 2, 2018
and mention the Office of Strategic Initiatives conference.**

REMEMBER TO SUBMIT YOUR REGISTRATION EARLY - SESSIONS FILL QUICKLY

We look forward to seeing you at the conference!

Danielle Craver
Administrative Secretary
NH Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, March 15, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a three-family dwelling, where a two-family dwelling currently exists and a three-family dwelling is not permitted in the I-2 Zoning District.

UNITS PROPOSED: 3 (increase of 1)

AGENDA ITEM #: 4-A

ZONING DISTRICT: Rural Restricted Industrial (I-2)

FILE: Z18-04

APPLICANT/OWNER: Todd Tucker/Anne E Tucker Revocable Trust

LOCATION: 40 Littleworth Road (Tax Map G, Lot 3)

ACREAGE: 1.03 ac (44,867 sq. ft.)

EXISTING LAND USE: Two-family dwelling

PROPOSED LAND USE: Three-family dwelling

SURROUNDING LAND USE: Industrial/commercial (warehouse, storage, office, retail, auto service), single-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff does not support the request.

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The Applicant's property is located on the south side of Littleworth Road, abutting industrial/commercial uses on that side of the road in the Rural Restricted Industrial (I-2) Zoning District. On the north side of Littleworth Road is a small Low-Density Residential (R-20) Zoning District comprised of five single-family properties. Surrounding this R-20 District are additional industrial zoned properties in both the I-2 and Office and Assembly (I-4) Zoning District.

The existing structure at 40 Littleworth Road is a legally nonconforming two-family dwelling, which the Applicant says was a three-family dwelling when it was purchased by the family in 1978 but became a two-family dwelling many years ago. In October of 2017, a fire caused substantial damage to the structure. **Section 170-41.B** of the Zoning Ordinance allows that when a nonconforming structure/use is destroyed by fire or other hazard, it may be restored to its former dimensions (and use) if restoration begins within 12 months of the act of destruction. In other words, the Applicant may restore/reconstruct the structure on the same footprint and containing the same use, a nonconforming two-family dwelling. The applicant wishes to add another dwelling unit to create a three-family dwelling, which is not a permitted use in the I-2 Zoning District.

REASON FOR STAFF RECOMMENDATION

The Zoning Ordinance provides relief for nonconforming uses to continue in the event that the structure is unintentionally destroyed. Such structures may also be rebuilt where they are legally nonconforming to dimensional regulations. As the structure at 40 Littleworth Road was built circa 1900, it is a legally non-conforming residential use. Furthermore, the structure does conform to current dimensional regulations for the I-2 District.

The purpose of the I-2 District is "to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, WAREHOUSING, WHOLESALING, PUBLISHING, and shipping activities..." The abutting R-20 District across the street, though residential in nature, permits only single-family dwellings by right. As such, no special conditions of the property distinguish the property it from other properties in the area, particularly because it meets the minimum lot size and minimum frontage for a lot in the I-2 District and directly abuts existing industrial uses. Staff opinion is that increasing the density of residential units constitutes an increase in nonconformity and a land use that is not consistent with the spirit and intent of the ordinance.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing, evaluate each of the five variance criteria, and deny the request.

40 Littleworth Road

**Property Information**

Property ID G0003-000000
Location 40 LITTLEWORTH RD
Owner TUCKER ANNE E TRUSTEE

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 02/16/2018
Properties updated 03/06/2018



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only	Case #:	<u>Z18-04</u>	Date Received:	<u>FEB 22 2018</u>
	Amount Paid:	\$ <u>268.00</u> <u>CASH</u>	Time Received:	<u>Dover, New Hampshire</u>

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Todd Tucker Phone # 603-534-5491
Address of Applicant: 40 Littleworth Rd Dover
E-Mail Address: Tuckerpestcontrol@yahoo.com
PROPERTY OWNER (if different from applicant): Anne E Tucker
Address: #16, 54 Durham Rd Dover Phone # 603-749-1283
E-Mail Address: tucka61@yahoo.com

PROPERTY/PARCEL INFORMATION

Address: 40 Littleworth Rd Dover
Brief Directions: _____

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

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-12A</u> 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:

Interior of house was destroyed by fire 10-19-17
would like to convert from two apartments into
a three apartment ~~unit~~ house. The third apartment is
to be used as an in-law apartment.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

170-12A

A variance is requested from Section(s) ~~170-10~~ of the Zoning Ordinance to permit:

expansion of a non-conforming

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 residential use exists and continues as it was prior to the fire. Asking to return to the previous number of units with no increase of square feet of the building thus lessening the overall impact by reducing the number of bedrooms from six bedrooms to four bedrooms. Currently the building is being used as a four bedroom and a two bedroom unit

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

Spirit and intent of the ordinance was to allow existing uses to continue after zoning changes unimpeded. This variance will allow the residential uses to continue

3. Granting the variance would do substantial justice because:

Granting the variance will do substantial justice to all by allowing the residential use to continue but lessen the impact by having fewer bedrooms and thus fewer residents

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

There would be no measurable effect on surrounding properties as the use was in place prior to the construction of the industrial park and will continue as it has for decades

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:

This property is unique in that it has been in use for well over fifty years in its current format or as a three unit structure as shown by the tax card of 1978. The units were never formally abandoned only reconfigured as the needs of the family grew and children were born. The three furnace, three bath, three kitchen format and rooms, were not ever abandoned, the bulk of the kitchen cabinets were ~~removed~~ removed from one kitchen and that room was converted to a bedroom as the family grew.

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:

No fair and substantial relationship exists between the interpretation of the variance as it is being applied to this property. The use is residential the impact is being lessened as the number of bedrooms will be dropping from six to four, and therefore no school impact will occur and the overall use will be less.

and

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

The proposed is a reasonable one since it currently exists and will actually decrease in intensity

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

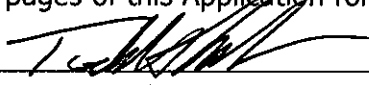
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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.

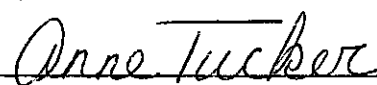
IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.

FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.



Signature of Applicant*



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: 2/22/18

Z18-04

Todd Tucker

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) _____
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application** _____
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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. _____
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). _____
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____
- F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only. _____
- G. **Mailing Labels** in triplicate with abutters names and addresses for notices. **(Use Avery 5160 label)** _____
- H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1. Application fee of:

\$100.00 VARIANCE (per Section requested)

\$ 100.00

\$100.00 SPECIAL EXCEPTION

\$ _____

\$100.00 APPEAL FROM ADMINISTRATIVE DECISION

\$ _____

\$100.00 EQUITABLE WAIVER

\$ _____

2. Certified letters fee: # of abutters 10 X \$8.00 =\$ 80.003. Applicant & Owner mailing fee: 1 X \$8.00 =\$ 8.00

4. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 = \$ _____

5. Foster's newspaper public notice

\$ 80.00**TOTAL FEE** \$ 268.00

PARCEL NO. G-3

CARD NO.

PROPERTY OWNERSHIP RECORD

Record of Ownership

Tucker, P. Douglas & Anne E. JT

Date

9/8/78

Book

1021

Page

427

40 Littleworth Road

0.16

Land corrected to agree with deed

ASSESSMENT RECORD

1963	LAND	1700	1964	LAND	2520	1965	LAND	2520	1966	LAND	2520
	BLDGS.	4740		BLDGS.	12680		BLDGS.	10670		BLDGS.	10670
	TOTAL	6440		TOTAL	15200		TOTAL	13190		TOTAL	13190
1964	LAND	2520	1965	LAND	2520	1966	LAND	2520	1967	LAND	2520
	BLDGS.	12680		BLDGS.	12680		BLDGS.	10670		BLDGS.	10670
	TOTAL	15200		TOTAL	15200		TOTAL	13190		TOTAL	13190
1965	LAND	2520	1966	LAND	2520	1967	LAND	2520	1968	LAND	2520
	BLDGS.	12680		BLDGS.	12680		BLDGS.	10670		BLDGS.	10670
	TOTAL	15200		TOTAL	15200		TOTAL	13190		TOTAL	13190

PROPERTY FACTORS

URBAN PROPERTY			RURAL PROPERTY			
TOPOGRAPHY	IMPROVEMENTS	TOPOGRAPHY	LEVEL	ROLLING	LEDGE	
LEVEL	WATER	SOIL TYPE	LOAM	SAND	CLAY	
HIGH	SEWER	LAND CLASS	GOOD	FAIR	POOR	
LOW	GAS	DRAINAGE	GOOD	FAIR	POOR	
ROLLING	ELECTRICITY	WATER SUPPLY	GOOD	FAIR	POOR	
SWAMPY	ALL UTILITIES	FENCES	GOOD	FAIR	NONE	
STREET			TREND OF DISTRICT			
PAVED	IMPROVING	ELECTRICITY	YES	NO		
SEMI-IMPROVED	STATIC	TELEPHONE	YES	NO		
DIRT	DECLINING	ROAD	PAVED	IMPR.	DIRT	
SIDEWALK						

PROPERTY INFORMATION

LAND COST	
BLDG. COST	
SALE PRICE	10.000 10.000
RENT	12.000 10.000
EXPENSE	1965 1RS 1320
NET RENT	1968 - 130.00
LAND	1978 - 33700
BLDG.	@ % =
TOTAL	

MEMORANDA

200
150 - 150
50 30
10 1007.
30

200 length.

100. 64. = 54
114

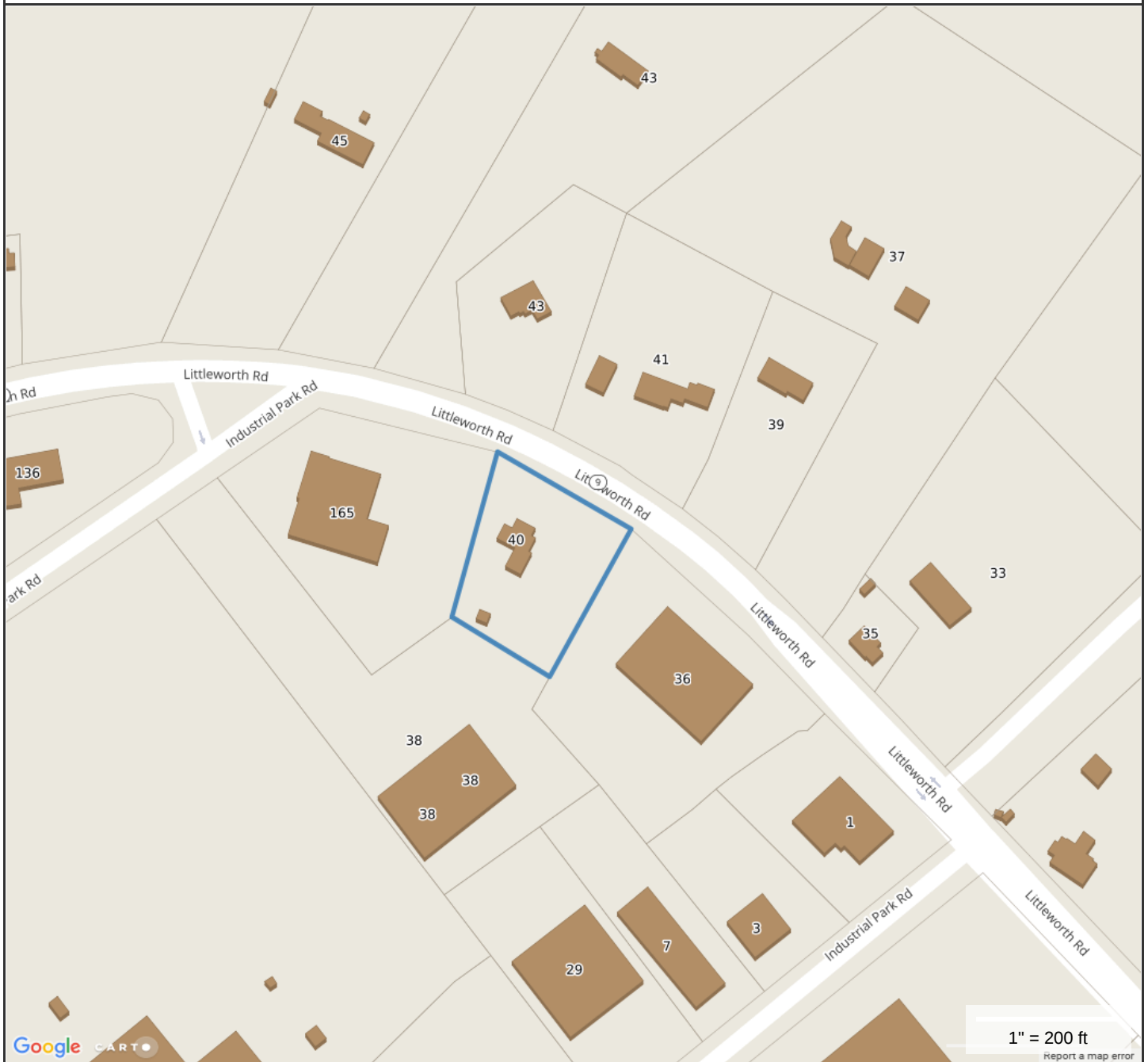
LAND VALUE COMPUTATIONS AND SUMMARY

CLASSIFICATION		NO. OF ACRES		RATE		TOTAL	
TILLABLE							
PASTURE							
WOODLAND							
WASTE LAND							
HOME SITE							
TOTAL ACREAGE							
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE			
174	175	12	12	1450		2520	
1907	200	12	121	1450		2610	
C. I.							
TOTAL VALUE LAND				2610		5A	
TOTAL VALUE BUILDINGS				10670			
TOTAL VALUE LAND & BUILDINGS				13280			
LAND VALUE COMPUTATIONS AND SUMMARY							
CLASSIFICATION		NO. OF ACRES		RATE		TOTAL	
TILLABLE							
PASTURE							
WOODLAND							
WASTE LAND							
HOMESITE							
TOTAL ACREAGE							
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE			
C. I.							
TOTAL VALUE LAND							
TOTAL VALUE BUILDINGS							
TOTAL VALUE LAND & BUILDINGS							

BUILDING RECORD

OCCUPANCY				NOTES — SPECIAL EQUIPMENT				SKETCH						
SINGLE FAMILY				HOTEL										
TWO FAMILY				ROOMING HOUSE										
APARTMENTS	2	1		GAS STATION										
STORES				WAREHOUSE										
OFFICES				INDUSTRIAL										
COMM. GARAGE				FARM										
CONSTRUCTION				DESIGN										
FOUNDATION				FLOORS										
CONCRETE				CEMENT	B	1	2	3	MODERN					
CONCRETE BLOCK				EARTH					RANCH TYPE					
BRICK OR STONE				PINE					CONVENTIONAL					
PIERS				HARDWOOD					DESIGN FACTOR					
BASEMENT				ASPH. TILE					GRADE FACTOR					
AREA FULL				ATTIC STRS. & FLOOR										
NO BASEMENT				INTERIOR FINISH				COMPUTATIONS						
HEAD ROOM					B	1	2	3	UNIT	AMOUNT				
WALLS				PINE					896 S.F.	14670				
BEVEL SIDING				HARDWOOD					ADD. & PCHS.	15670				
WIDE SIDING				PLASTER					WALL HT.					
DROP SIDING				DRY WALL					BSMT. AREA					
WOOD SHINGLES				UNFINISHED					FIN. BSMT.					
ASPHALT SHINGLES				FIN. BSMT. AREA					ATTIC	84 F. + 340				
ASBESTOS SHINGLES				FIN. ATTIC AREA					HEATING	+ 300				
STUCCO ON FRAME				FIREPLACE					PLUMBING	+ 1260				
STUCCO ON MASONRY				MODERN KITCHEN					M.F.	+ 10				
BRICK VENEER				HEATING					TOTAL	23710				
BRICK ON MASONRY				PIPELESS FURNACE					FACTOR					
CONC. OR CIND. BLOCK				HOT AIR FURNACE					REPL. VALUE	23710				
ARTIFICIAL STONE				FORCED AIR FURNACE										
STONE ON MASONRY				STEAM										
ROOFING				HOT WATER OR VAPOR										
ASPHALT SHINGLES				AIR CONDITIONING										
WOOD SHINGLES				RADIANT HEATING										
ASBESTOS SHINGLES				UNIT HEATERS										
SLATE				AUTO BURNER										
TILE				NO HEATING										
METAL				PLUMBING										
COMPOSITION				BATHROOM										
ROLL ROOFING				TOILET ROOM										
FRAMING				WATER CLOSET										
WOOD JOIST				LAVATORY										
TIMBER BEAMS & COLS.				KITCHEN SINK										
STEEL BEAMS & COLS.				STD. WATER HEATER										
WOOD RAFTERS				AUTO WATER HEATER										
NO. OF ROOMS				NO PLUMBING										
BSMT.				MODERN FIXTURES										
1ST				TILE BATH FLR. & WSCT.										
2ND				TILE TOILET FLR. & WSCT.										
3RD				LIGHTING										
				NO LIGHTING										
DATE LISTED				LISTED	MEAS.	AREA	PRICED	REV'D.	CHECKED	TOTAL VALUE BUILDINGS				
2/6/60				P.J.			MR. TW	JP					10670	

40 Littleworth Road

**Property Information**

Property ID G0003-000000
Location 40 LITTLEWORTH RD
Owner TUCKER ANNE E TRUSTEE

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 02/16/2018
Properties updated 02/21/2018

Z18-04

40 Littleworth Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
G0028-001A00	43 A LITTLEWORTH RD	MILLER JOHN P &	MILLER ROSEMARY	43 A LITTLEWORTH RD	DOVER	NH	03820
G0004-C00000	7 INDUSTRIAL PARK RD	JUSTRIGHT AWININGS LLC		7 INDUSTRIAL DR	DOVER	NH	03820
G0028-000000	LITTLEWORTH RD	GROSSMAN PENELOPE		132 JACKSON STREET	NEWTON CTR. MA	MA	02159
G0028-001D00	37 LITTLEWORTH RD	DUNPHY MICHAEL B &	DUNPHY JOY C	37 LITTLEWORTH RD	DOVER	NH	03820
G0028-001C00	39 LITTLEWORTH RD	KRUSPKI DAVID J &	KRUSPKI APRIL M	39 LITTLEWORTH RD	DOVER	NH	03820-4314
G0028-001B00	43 LITTLEWORTH RD	XYDIAS VASILIOS P		43 LITTLEWORTH RD	DOVER	NH	03820
G0004-C00001	29 INDUSTRIAL PARK RD	R&R BERNSTEIN HOLDING LLC		12 TIDE MILL RD	DOVER	NH	03820
G0004-G00001	36 LITTLEWORTH RD	38 LITTLEWORTH ROAD CONDOMINIUM	C/O 38 LITTLEWORTH RD LLC AND FISH LIP S	PO BOX 2232	HAMPTON	NH	03842
G0004-G00002	LITTLEWORTH RD	LITTLEWORTH/INDUSTRIAL PARK PROPERTIES L		165 INDUSTRIAL PARK DRIVE	DOVER	NH	03821
G0004-G00000	165 INDUSTRIAL PARK RD	LITTLEWORTH/INDUSTRIAL PARK PROPERTIES L		165 INDUSTRIAL PARK RD	DOVER	NH	03820
G0028-001000	41 LITTLEWORTH RD	BENNETT VERONICA		41 LITTLEWORTH RD	DOVER	NH	03820
		TODD TUCKER		40 LITTLEWORTH ROAD	DOVER	NH	03820
		ANNE TUCKER		#16, 54 LITTLEWORTH ROAD	DOVER	NH	03820



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, March 15, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests minimum lot size and minimum frontage variances to permit a subdivision of one lot into two.

UNITS PROPOSED: 2 lots (increase of 1)

AGENDA ITEM #: 4-B

ZONING DISTRICT: Medium Density Residential (R-12)

FILE: Z18-05

APPLICANT/OWNER: Coastal New England Development, LLC/Jorel Booker

LOCATION: 20 Whittier Street (Tax Map 35, Lot 73)

ACREAGE: 0.523 ac. (22,782 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling and single- or two-family dwelling

SURROUNDING LAND USE: Single-family dwellings, two-family dwelling

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: Yes, for minor subdivision

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff supports the request.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The Applicant's property is located on the east side of Whittier Street, north of its intersection with Sixth Street, in the Medium Density Residential (R-12) Zoning District. The property contains a little less than 23,000 square feet and has approximately 156 feet of frontage on Whittier Street.

The Applicant requests a variance to permit a minor subdivision (two lots total), where each lot has approximately 11,390 square feet in area and approximately 78 feet of street frontage. The R-12 District requires a minimum of 12,000 square feet of lot area and 100 feet of street frontage.

REASON FOR STAFF RECOMMENDATION

The intent of the R-12 Zoning District is to provide for conventional single-family neighborhoods with a density of one home per 12,000 square feet of land area and 100 feet of street frontage. The proposed variances differ only slightly from the minimum requirements. The Applicant would not be able to obtain sufficient additional street frontage through a lot line adjustment without increasing or creating a nonconformity on either of the abutting lots.

As such, staff opinion is that granting the variances is not contrary to the public interest, is consistent with the spirit and intent of the ordinance, will not negatively impact property values, and will do substantial justice. The size of the existing lot, just under 23,000 square feet where 24,000 square feet would be needed to avoid a minimum lot size variance, distinguishes the property.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing, evaluate each of the five variance criteria, and grant the variances.

20 Whittier Street

**Property Information**

Property ID 35073-000000
Location 20 WHITTIER ST
Owner BOOKER JOREL &

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 02/16/2018
Properties updated 03/06/2018



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

Office Use Only

Case #:

218-05

Date Received:

RECEIVED
Planning Office

Amount Paid:

\$ _____

Time Received:

FEB 22 2018

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Coastal New England Development LLC Phone # 978-964-4096

Address of Applicant: 750 Lafayette Rd. Portsmouth NH 03801

E-Mail Address: Samauffant@gmail.com

PROPERTY OWNER (if different from applicant): Jorel Booker

Address: 20 Whittier St. Dover NH Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 20 Whittier St.

Brief Directions: Approx. 600 FT North of the intersection of 6th St.
and Whittier St.

Zoning District: R-12 Assessor's Map # 35 Lot(s) # 73

TYPE OF APPEAL: (Please check one)

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

* Tables of Uses and
Dimensional Regulations (R-12)
from Section 170.12* 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:

To subdivide this 0.523 acre parcel into 2 lots. The existing Residence
would remain on 0.2615 acres (22,390 sq.ft.) with 77ft 9 inches of Rd. Frontage
and the other lot would contain 0.2615 Acres (22,390 sq.ft) with
77ft 9 inches of Rd. Frontage. The existing building would remain on
its 0.2615 Acre lot and a new single family residence would
be constructed on the other 0.2615 Acre lot.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant)
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING. X
- B. **10 Copies of Completed Zoning Board of Adjustment Application**
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)). X
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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. X
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). X
- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. X
- F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
 Certified letters fee # 3 of x \$8.00 = 24.00 168.00
 2. Certified letters fee: # of abutters 18 X \$8.00 = 144.00 \$ ~~200.00~~
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 = \$ _____
 4. Creating/Printing Abutter Labels in triplicate per sheet 18 x \$10.00 = \$ 180.00
- G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee of:

\$100.00 VARIANCE (per Section requested)	\$ <u>100.00</u>
\$100.00 SPECIAL EXCEPTION	\$ _____
\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
\$100.00 EQUITABLE WAIVER	\$ _____
 2. Foster's newspaper public notice \$ 80.00
- TOTAL FEE** \$ 528.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

* Tables of Use and Dimensional
Regulations (R-12)

A variance is requested from Section(s) 170.12* of the Zoning Ordinance to permit:

The subdivision of this 0.523 acre lot into 2 equally sized lots
of 0.2615 acres (22,390 sqft) and both lots would have 77ft 9 inches of
road frontage. A variance is needed for a minimum lot size of 22,390 sqft
and a variance is needed for a minimum frontage of 77ft. 9 inches

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:

See Attached

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

See Attached

3. Granting the variance would do substantial justice because:

See Attached

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

See Attached

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:

See Attached

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:

See Attached

and

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

See Attached

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:

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning ordinance to permit _____

1. Does the request involve a dimension requirement, not a use restriction? yes no

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION TO BE COMPLETED BY APPLICANTS APPEALING AN ADMINISTRATIVE DECISION ONLY

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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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.

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

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

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. _____

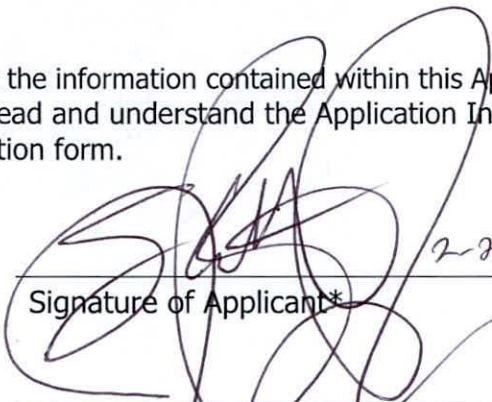
SIGNATURE PAGE

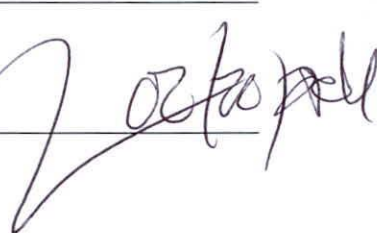
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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.

IMPORTANT

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

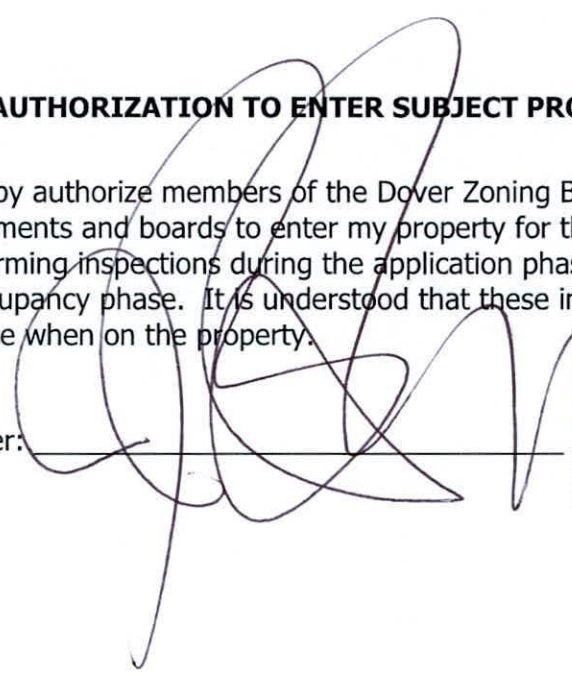
Signature of Applicant*  2-20-2018

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: 2/20/2018

2/20/17

To Whom it May Concern:

I Jorel Booker, hereby consent to give the the Applicant (Coastal New England Development LLC) and its agent(s) full authority to make any and all necessary applications to the Dover NH Zoning board of Adjustment in regards to my property located at 20 Whittier St. Dover NH 03820.

Property Owner: _____

Jorel Booker

Date: _____

02/20/2017

Durbin Law Offices, P.L.L.C.
144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com



Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
**Also admitted in MA*

BY: HAND DELIVERED

February 22, 2018

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

**Re: 20 Whittier Street, Dover (Tax Map 25, Lot 73)
Zoning Board Application**

Dear Board Members,

Enclosed, please find the following submission for the Board's consideration at its March 2018 meeting relative to the above referenced property:

1. Zoning Application with Landowner Consent;
2. Abutter List;
3. Check for Application Fee and Mailers;
4. Narrative;
5. Photographs of Existing Conditions;
6. Warranty Deed;
7. Tax Map Overview;
8. Plot Plan.

Ten (10) copies of all of the above documents have been included with the submission with the exception of the abutter list. Please do not hesitate to contact this office with any questions.

Sincerely,

Derek R. Durbin, Esq.

NARRATIVE IN SUPPORT OF ZONING RELIEF

Jorel Booker (Owner)
Coastal New England Development LLC (Applicant)
Tax Map 35, Lot 73
20 Whittier Street
Dover, NH 03820

Dear Board Members,

Please accept the following Narrative submitted by Durbin Law Offices, PLLC, in support of the variance relief sought by Coastal New England Development LLC (the "Applicant") for property located at 20 Whittier Street, Tax Map 35, Lot 70 (the "Property").

I. PROPERTY

The Property is located in the R-12 Zoning District in Dover. The Property is a little over an acre in size (0.52 acres) and contains a single-family dwelling built in 1890 that has fallen into significant disrepair. The Property was the subject of a recent foreclosure auction at which the Applicant was the highest bidder.

The Property itself consists of two (2) deeded lots. It appears that the City involuntarily merged the two (2) deed lots sometime in the 1960s, although the City records are no entirely clear as to when the merger occurred or how it came to be. The Property has a significant amount of road frontage on Whittier Street (155.8' +/-), making it a wide lot in comparison with many surrounding properties. In addition, the existing single-family residence is located very far to the left of the Property in near proximity to the common boundary with 18 Whittier Street. The right side of the Property remains as unimproved open-space, a particularly unique condition when you consider the surrounding developed parcels, most of which contain residential structures that are more centered on the lots.

II. PROPOSAL

The Applicant is proposing to subdivide the Property into two new lots of approximately equal dimension. Each lot would have 77.9'+/- of road frontage with a total lot area of 11,390 square feet +/- . The Applicant is proposing to renovate the existing single-family home which has been neglected and in need of a full rehabilitation. The Applicant is further proposing to construct a single-family residence on the newly created lot which presently consists of open space. The creation of a new single-family home lot is ultimately what makes the purchase and renovation of the existing home economically feasible for the Applicant. The Plot Plan submitted with the application is still conceptual in nature but represents the intent of what the Applicant intends to accomplish through the subdivision of the Property. The dimensions of the structure that is ultimately constructed may vary from the Plan submission as the house design details are finalized.

III. SUMMARY OF RELIEF

A. Section 170.12 (Tables of Use and Dimensional Regulations – R-12 Zoning District)

1. **Road Frontage:** The Applicant seeks a variance to allow 77.9' of road frontage on each newly created lot where 100' is the minimum required by the Zoning Ordinance.
2. **Lot Area:** The Applicant seeks a variance to allow 11,390 square feet +/- of lot area on each newly created lot where 12,000 square feet is minimum required.

IV. VARIANCE RELIEF

A. Public Interest/ Spirit of the Ordinance Test

In the case of *Chester Rod & Gun Club, Inc. v. Town of Chester*, the Court observed that the requirements that a variance not be "contrary to the public interest" or "injure the public rights of others" are coextensive and are related to the requirement that the variance be consistent with the spirit of the ordinance. 152 N.H. 577 (2005). In essence, the Court combined the public interest and spirit of the ordinance tests into one test. The Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but 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.'" *Id.* "Mere conflict with the terms of the zoning ordinance is insufficient to constitute a violation of the ordinance's basic zoning objectives." *Harborside Assoc v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011). "There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare." *Id.*

"R-12" is classified as a "Medium Density Residential District" pursuant to the Zoning Ordinance. "The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODS on LOTS not less than twelve thousand (12,000) square feet." *See* Article III, Section 170-7.

The variance requested for lot area is a *de minimis* request. Each newly created lot would be deficient in terms of lot area by a mere 610 square feet +/- . The deviation in road frontage is only 22.3'. By comparison, it appears that about half or more of the immediately surrounding properties contain far less lot area and road frontage than what is proposed in the instant case.

Aside from lot area and road frontage, the Applicant is proposing to meet all other setback and other dimensional requirements with respect to the new house lot. Moreover, the existing single-family home will be renovated and improved without creating any new non-conformities under the Zoning Ordinance.

The subdivision of the Property and variance from the minimum lot area requirement will have no impact upon the light, air and space with abutting properties. It will not "over-densify" the neighborhood. The health, safety and welfare of the public will be observed by granting the variance for road frontage, as the newly created lots will have adequate ingress and egress for vehicles, emergency and otherwise, to access the properties. There will be no excess demand upon municipal services imposed by the subdivision of the Property as presented.

What the Applicant is proposing will not change or alter the essential characteristics of the neighborhood. The newly created lots will be more nearly compliant with the dimensional requirements of the R-12 Zoning District than many of the surrounding properties, particularly those in the nearby Dowallby Court. Furthermore, the residential uses of each newly created lots will be in keeping with the spirit, intent and objectives of the R-12 Zoning District and will not in any marked degree conflict with the goals of the Zoning Ordinance. In the end, the public interest and spirit of the ordinance will be observed by the granting of the variances necessary to subdivide the Property.

B. Substantial Justice Test

To determine whether substantial justice is done, the Board must balance the equities between the rights of a private landowner and the public interest in deciding whether to grant or deny a variance request. The "only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997); *Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 (2007).

There would not be no public interest achieved by denying the lot area and road frontage variances necessary to subdivide the Property as proposed. The existing single-family home is in need of a full rehabilitation and will involve a significant investment. The Applicant has reasonably determined that it is not financially feasible to rehabilitate the existing residence without being able to subdivide the Property into two (2) separate parcels and construct a new single-family home to recoup the renovation costs. Under the circumstances, the equitable balancing test weighs heavily in favor of the Applicant. Substantial justice would be done by granting the variances necessary to subdivide the Property as proposed.

C. Diminution in Property Values Test

The Board can rely on its own expertise in concluding that the values of surrounding properties will *not* be diminished by the granting of the variances. To the contrary, the values of surrounding properties can only be improved by the subdivision of the Property, as the Applicant will be rehabilitating and improving the appearance of the existing residence and constructing a new, tasteful single-family home on the lot next door.

D. Unnecessary Hardship Test

1. Special Conditions of the Property

There are special conditions that distinguish the Property from others in the surrounding area. First and foremost, the orientation of the existing residence on the Property is such that it is located in close proximity to the common boundary of the abutting parcel, 18 Whittier Street, leaving the remainder of the Property entirely open and underutilized. There are very few properties in the surrounding area, if any, that are as oddly configured. Secondly, the Property consists of two deeded parcels of land.

2. Fair & Substantial Relationship

The R-12 Zoning District is intended to promote medium density residential uses and “conventional single-family NEIGHBORHOODS”. Granting the variances will be in keeping with the spirit and intent of the R-12 Zoning District objectives. Currently, the Property contains one (1) single-family residence and the land is under-utilized and contains substantially less building coverage than what is permitted by the Zoning Ordinance. Even with the creation of two (2) new lots, the uses of which will conform to the Zoning Ordinance, building coverages will still be far under what is permitted by right (30%). Overall, density is a non-issue with respect to the creation of the two (2) new lots. Moreover, aside from the lot area and road frontage variances sought, the subdivision of the Property and proposed development of the lots will comply with all dimensional and use requirements set forth in the Zoning Ordinance. As such, there is no fair and substantial relationship between the general purposes of the Zoning Ordinance provisions and their specific application to the Property.

3. Reasonableness of Proposed Use

The use of the Property will remain residential. Each newly created lot will contain a residential structure consistent with goals and use restrictions of the R-12 Zoning District. Accordingly, the use is reasonable.

V. CONCLUSION

The Applicant has established that she meets the criteria for granting the lot area and road frontage variances sought pursuant to Article 170.12 and the Tables of Use and Dimensional Regulations for the R-12 Zoning District. The Applicant respectfully requests that the Board approve the foregoing application.

Dated: February 22, 2018

Respectfully Submitted,

Coastal New England Development LLC

By and Through Its Attorneys,
DURBIN LAW OFFICES, PLLC

By:


Derek R. Durbin, Esq.

144 Washington Street

Portsmouth, NH 03801

(603)-287-4764

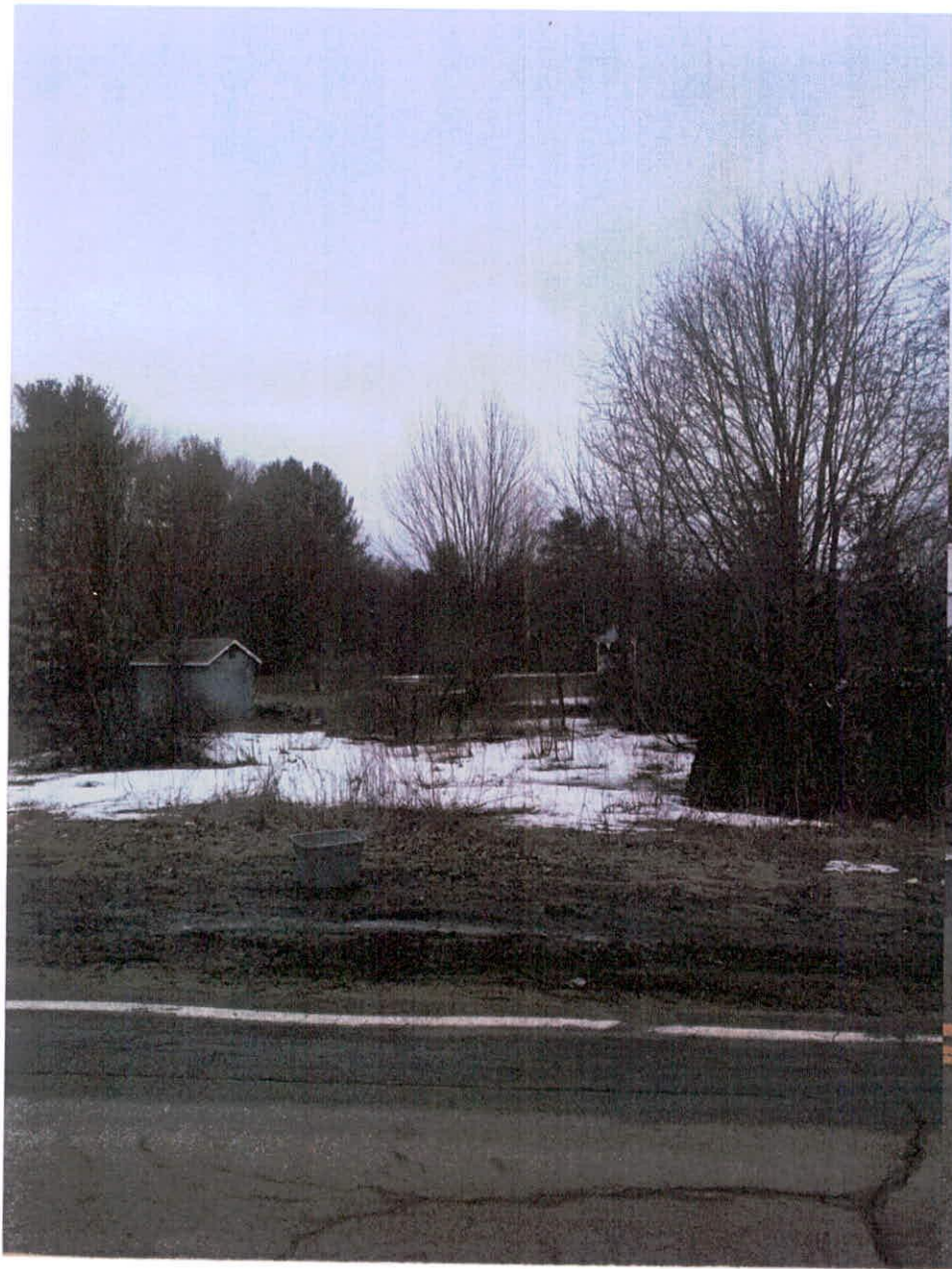
derek@durbinlawoffices.com



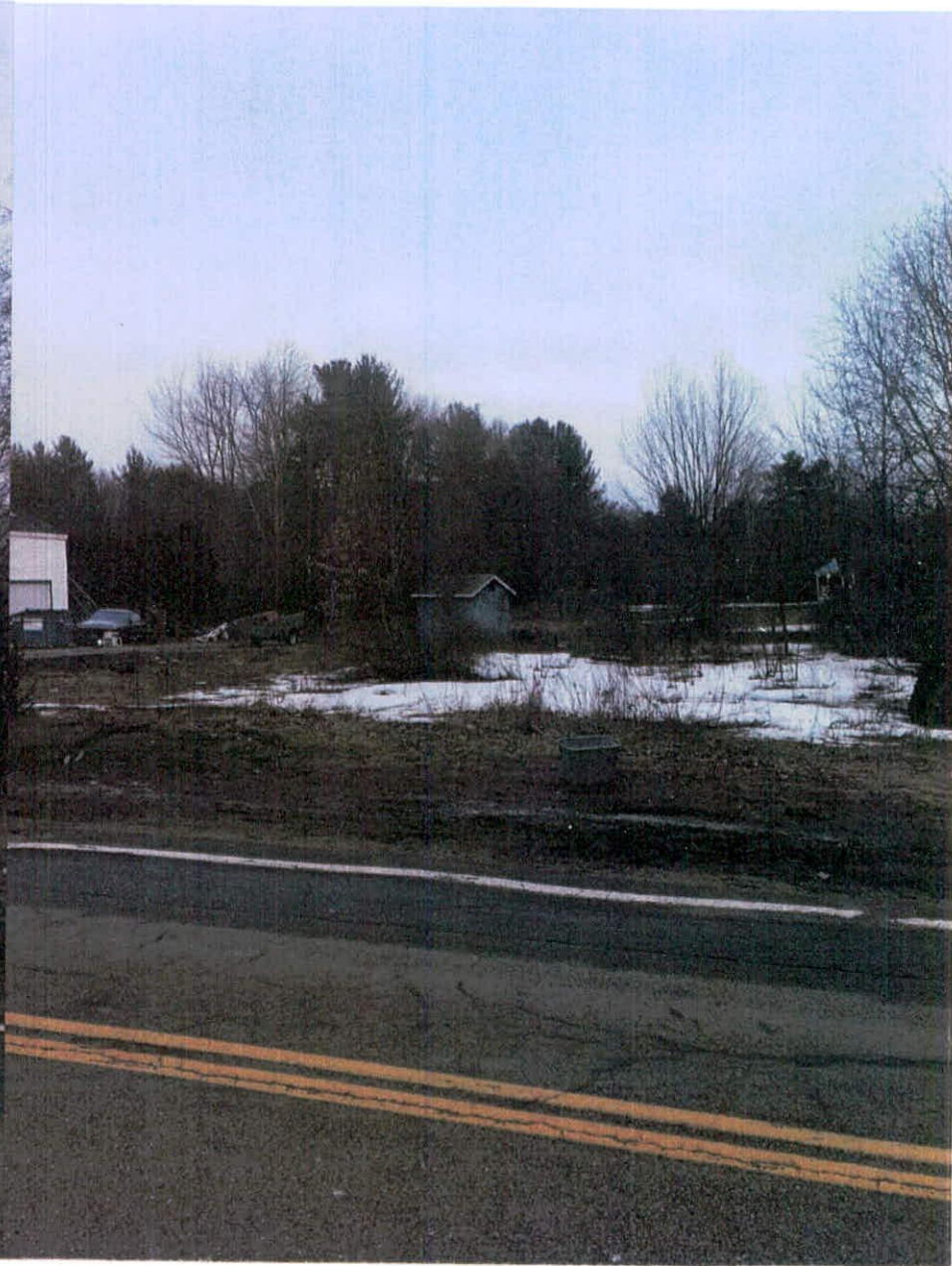
Open Space and Existing Structure From Whittier Street



Open Space and Existing Structure from Whittier Street



Open Space from Whittier Street



Open Space from Whittier Street



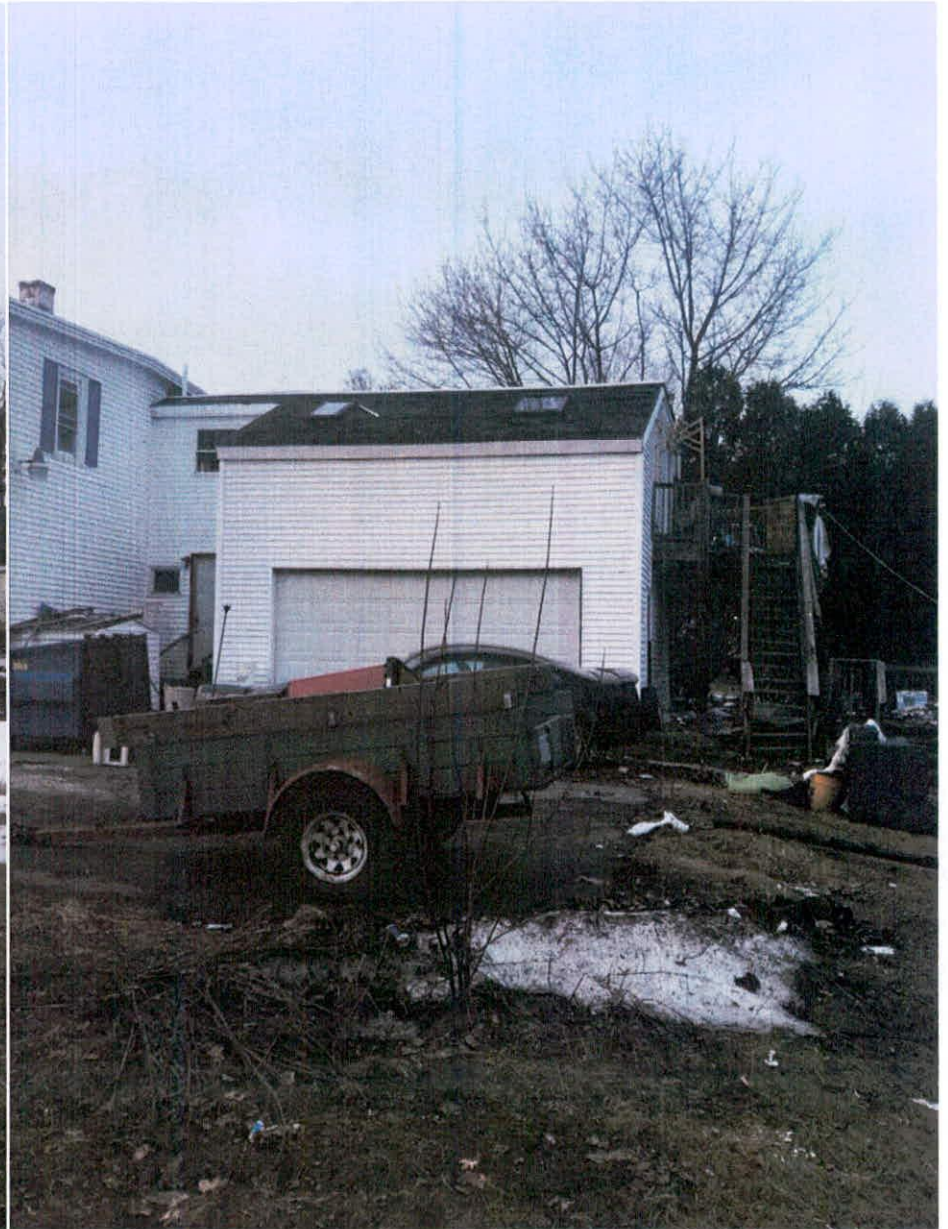
Existing Distressed Lot and Structure



Existing Distressed Lot and Structure



Open Space From Whittier Street



Existing Distressed Lot and Structure

2005 JAN -3 AM 11:11

REGISTER OF DEEDS
STRAFFORD COUNTY

000065

BK3124 PG0357

Return to: ²⁰¹⁴ FEE - JOREL BOOKER : JEAN DAVIS
20 WHITTIER ST.
DOVER, NH 03820

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF REVENUE ADMINISTRATION		REAL ESTATE TRANSFER TAX	
***3 THOUSAND 2 HUNDRED AND 93 DOLLARS			
MO. DAY YR.	696937	AMOUNT	\$ ****3293.00
01/03/2005			
VOID IF ALTERED			

WARRANTY DEED

Mark E. Richmond and Debra A. Richmond, as husband and wife, as Joint tenants, of 20 Whittier Street, Dover, Strafford County, State of New Hampshire for *consideration paid, and in full consideration* of Two Hundred Nineteen Thousand Five Hundred dollars and Zero cents, (\$219,500.00)

grant to Jorel Booker and Jean Davis of 221 Nottingham Road, Nottingham, NH 03290, as joint tenants with rights of survivorship with *WARRANTY COVENANTS* the following described real estate:

PARCEL ONE: A certain tract of land with the buildings thereon situated in Dover, County of Strafford and State of New Hampshire, on the Easterly side of the cross-road leading from the late Thomas Cunus house Northerly, bounded and described as follows:

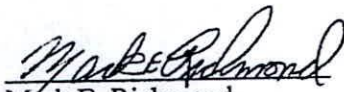
Beginning on the Easterly side line of said cross-road at the Southwesterly corner of land sold to James Littlefield, deceased, from the Cunus farm; thence running Southerly by said cross-road One Hundred Forty-seven (147) feet and Seven inches (7); thence Easterly parallel with said land formerly owned by James Littlefield One Hundred Forty-seven (147) feet and Seven (7) inches; thence Northerly on a line parallel with said cross-road One Hundred Forty-seven (147) feet and Seven (7) inches to said Littlefield's land; thence Westerly by same One Hundred Forty seven (147) feet and Seven (7) inches to the point begun at.

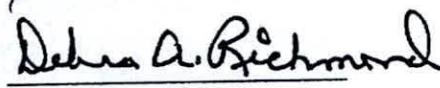
PARCEL TWO: A certain tract of land with the buildings thereon situated in Dover, County of Strafford and State of New Hampshire, bounded and described as follows, viz:
Beginning on the Southeasterly side of Whittier Street, formerly known as Mineral Street at a stake in the ground at the Northwesterly corner land presently owned by grantees; thence running Easterly alongside said Armand and Brenda M. Hassen land a distance of One Hundred forty seven (147) feet and seven (7) inches to a stake set in the ground at other land retained by grantor; thence running Northerly along said other Lewis land on a line parallel with said Whittier Street a distance of Eight (8) feet to a stake set in the ground, thence westerly alongside still along other Lewis land. and. on a line parallel with the first described bound, a distance of One Hundred Forty Seven (147) Feet and seven (7) inches to a stake at the side of Whittier Street; thence Southerly along said. Whittier Street a distance of Eight (8) feet to the point of beginning

For Grantors' title see recorded in Book 1941, Page 0781.

Quitclaim Deed
6/16/04 rtb


Witness:


Mark E. Richmond


Debra A. Richmond

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

December 31, 2004

Then personally appeared the above name Mark E. Richmond and Debra A. Richmond,
satisfactorily proven to be the same, and acknowledged the foregoing instrument to be their free
act and deed for the purpose stated herein. Before me,


Notary Public: Andrew S. Davis
My Commission Expires: 1-6-05

ANDREW SEAN DAVIS, Justice of the Peace
My Commission Expires January 5, 2005

BK3124 PG0358

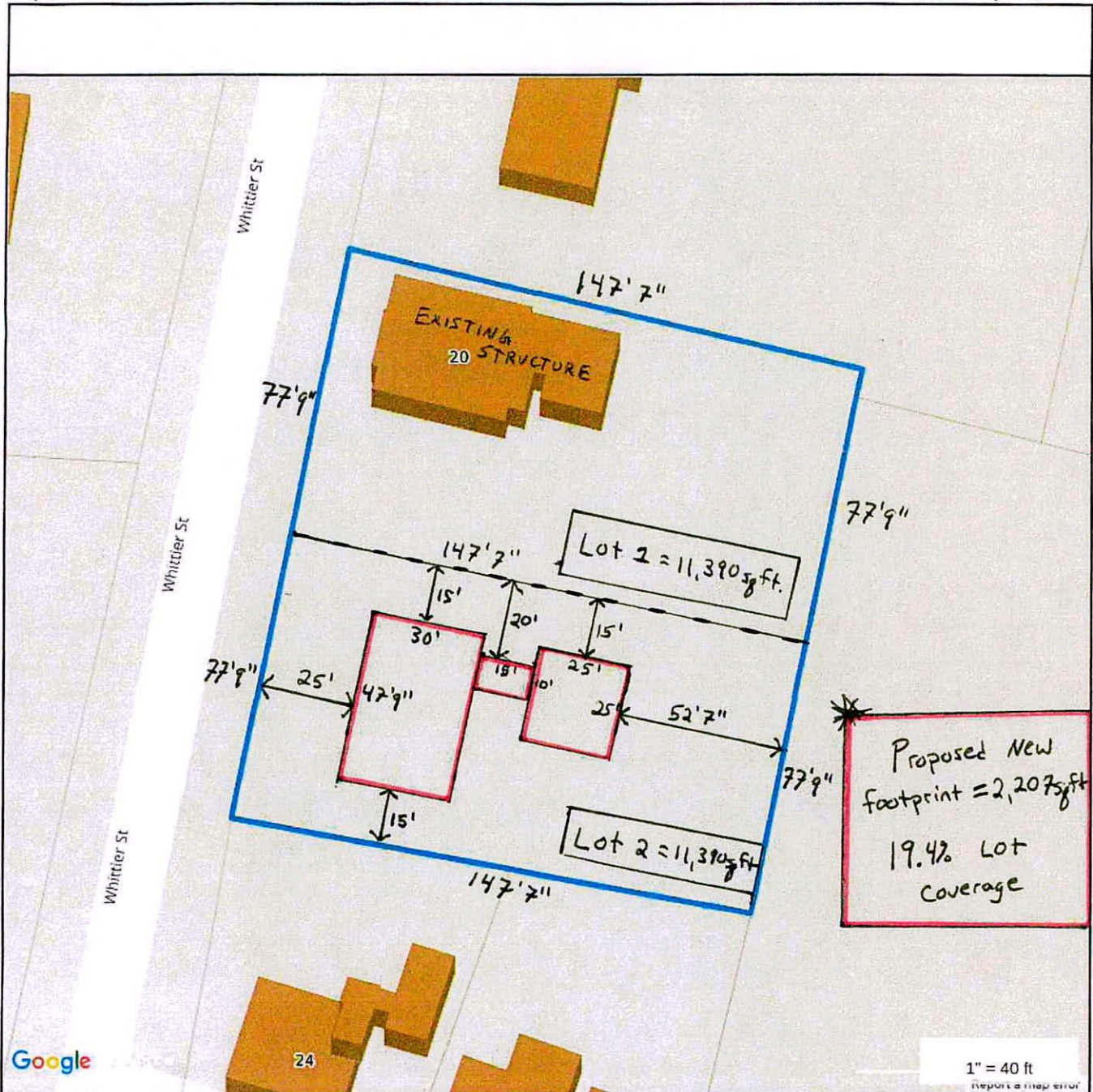
**Property Information**

Property ID 35073-000000
Location 20 WHITTIER ST
Owner BOOKER JOREL &

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 02/16/2018
Properties updated 02/21/2018



Property Information

Property ID 35073-000000
 Location 20 WHITTIER ST
 Owner BOOKER JOREL &



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 02/16/2018
 Properties updated 02/20/2018

Z18-05

20 Whittier Street

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
36024-000000	HILLCREST DR	MURRAY PATRICK M		17 HILLCREST DRIVE	DOVER	NH	03820
35071-000000	28 WHITTIER ST	DANOWSKI JOHN D		14243 N 25TH AVE	PHOENIX	AZ	85023-5908
36022-E00000	18 WHITTIER ST	BRENNAN CECILE L	BRENNAN BERNARD C	18 WHITTIER STREET	DOVER	NH	03820
E0072-001000	23 WHITTIER ST	RETROSI ANTHONY A & STEPHANIE W	RETROSI ANTHONY A & STEPHANIE W REVOCALB	23 WHITTIER ST	DOVER	NH	03820
35067-000000	143 1/2 SIXTH ST	THEIL RYAN W &	THEIL SAMANTHA K	143 1/2 SIXTH ST	DOVER	NH	03820
35072-A00000	24 WHITTIER ST	HIBSCHWEILER RITA A		24 WHITTIER ST	DOVER	NH	03820-2634
35072-B00000	26 WHITTIER ST	MA AMY & ALLEN GAHEIN &	MA HENRY GAHGATE	26 WHITTIER ST	DOVER	NH	03820
E0072-A00000	17 WHITTIER ST	HASTINGS NATHANIEL M &	HASTINGS JENNIFER K	17 WHITTIER ST	DOVER	NH	03820
35064-000000	141 SIXTH ST	RICHARDSON BARBARA		141 SIXTH ST	DOVER	NH	03820
E0072-C00000	19 WHITTIER ST	COUTURE NANCY C &	COUTURE ALAN P	19 WHITTIER STREET	DOVER	NH	03820
E0072-D00000	15 WHITTIER ST	STOCKER KATHLEEN M TRUSTEE	STOCKER KATHLEEN M REVOCABLE TRUST	15 WHITTIER ST	DOVER	NH	03820
35072-000000	5 DOWALIBY CT	HAMCHA MOHAMED &	HAMCHA LISA K	5 DOWALIBY CT	DOVER	NH	03820
E0072-000000	21 WHITTIER ST	MIRANDA JEREMY P &	MORIN MICHELLE D	21 WHITTIER ST	DOVER	NH	03820
35072-D00000	4 DOWALIBY CT	YUNEN RIGOBERTO &	RODRIGUEZ CHARO	254 LAWRENCE RD	SALEM	NH	03079-4318
35072-C00000	3 DOWALIBY CT	GAULIN ROBERT M		3 DOWALIBY CT	DOVER	NH	03820
E0071-A00000	25 WHITTIER ST	EIGHMEY D&E IRREVOCABLE TRUST	EIGHMEY DUANE AND MARIE TRUSTEES	25 WHITTIER ST	DOVER	NH	03820
36022-000000	16 WHITTIER ST	LEWIS ROBERT & DOROTHY TRUSTEES	LEWIS ROBERT AND DOROTHY REVOCABLE LIVIN	16 WHITTIER ST	DOVER	NH	03820
		AUFFANT, SAMUEL	COASTAL NEW ENGLAND DEVELOPMENT LLC	750 LAFAYETTE ROAD	PORTSMOUTH	NH	03801
		JOREL BOOKER		20 WHITTIER STREET	DOVER	NH	03820
		DEREK R. DURBIN, ESQ.	DURBIN LAW OFFICES, PLLC	P.O. BOX 1222, 144 WASH	PORTSMOUTH	NH	03802
		FORD DAVID & STRACUZZI NENA		143 SIXTH STREET	DOVER	NH	03820



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, March 15, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a special exception to permit multi-family dwellings.

UNITS PROPOSED: 12 residential, 6000 sq. ft. commercial

AGENDA ITEM #: 4-C

ZONING DISTRICT: Thoroughfare Business (B-3)

FILE: Z18-06

APPLICANT/OWNER: STF Development Corp./Strafford Farms Restaurant, Inc.

LOCATION: 58 New Rochester Road (Tax Map 40, Lot 43)

ACREAGE: 0.69 ac. (30,082 sq. ft.) to be subdivided

EXISTING LAND USE: Parking lot for Strafford Farms Restaurant

PROPOSED LAND USE: Mixed use commercial and residential

SURROUNDING LAND USE: Restaurant, auto service, multi-family apartment buildings, single- and two-family dwellings, mixed-use, sewer pump station

PREVIOUS ZBA ACTION:
None

PLANNING BOARD APPROVAL REQUIRED: Yes, for minor subdivision and site plan review

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff supports the request.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The Applicant's property is located on the west side of New Rochester Road (Route 108) and contains Strafford Farms Restaurant. The Applicant intends to subdivide 30,000 square feet of the southerly portion of the lot, which is currently parking lot, for the proposed project. This minor subdivision, as well as site plan review, will require approval by the Planning Board.

The Applicant requests a special exception to permit multifamily dwellings on the new lot. Per the Thoroughfare Business (B-3) Zoning District table of uses and dimensional requirements, multifamily dwellings are a use permitted by special exception provided that two criteria are met: the lot must contain at least five thousand (5,000) square feet per dwelling unit and the units must only be located on the second story or higher of the new structure. The proposed use shall also meet the general conditions for a special exception as outlined in **Section 170-52.C(3)** of the Zoning Ordinance.

Although a 30,000-square-foot lot yields only six dwelling units, the Applicant proposes 12 units. This is permitted through the Transfer of Development Rights Overriding District, per **Section 170-27.2** of the Zoning Ordinance. The Applicant will purchase the right to develop six additional units by contributing to the City the cost of preserving six acres of open space at the current rate of \$13,000 per acre.

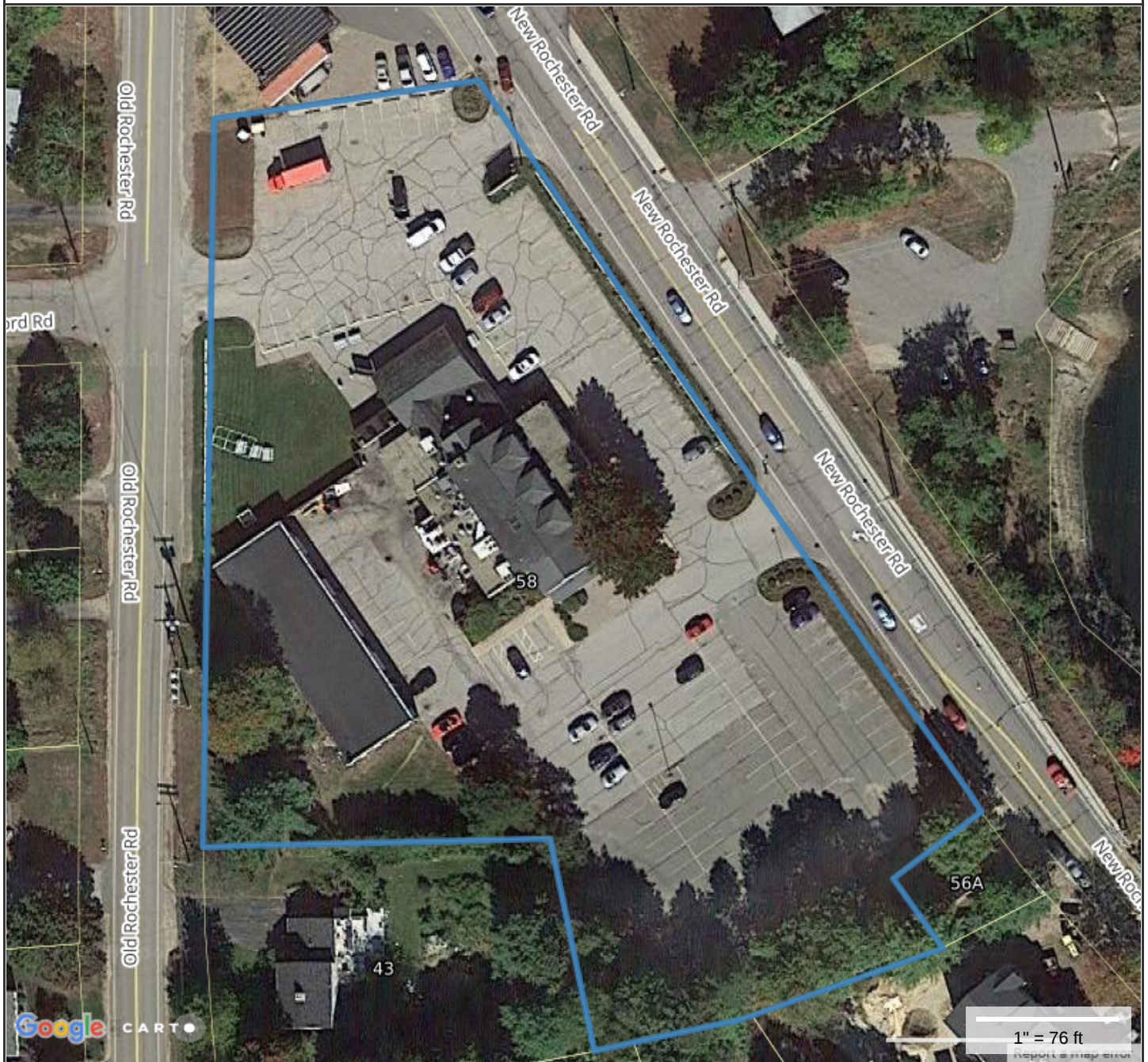
REASON FOR STAFF RECOMMENDATION

The Board must grant a special exception if all special exception criteria are met. Staff has found that the density requirement is met (and exceeded in accordance with the Transfer of Development Rights Overriding District). The second specific criterion is met as the Applicant proposes that all dwelling units will be located above first-floor commercial uses. Staff is also of the opinion that the general criteria of **170-52.C(3)** are met by the proposal. Furthermore, site plan and subdivision review by the Planning Board will provide additional assurances that those criteria are satisfied.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing, evaluate each of the special exception criteria, and grant the special exception.

58 New Rochester Road

**Property Information**

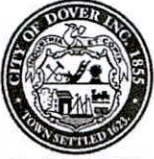
Property ID 40043-000000
Location 58 NEW ROCHESTER RD
Owner STRAFFORD FARMS RESTAURANT INC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 02/16/2018
Properties updated 03/06/2018



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

RECEIVED
Planning Office

Office Use Only Case #:

218-06

Date Received:

FEB 23 2018

Amount Paid: \$ _____

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: STF Development Corp Phone # 603-742-2121

Address of Applicant: 242 Central Ave, Dover, NH 03820

E-Mail Address: Dave@CentralFallsRealty.com

PROPERTY OWNER (if different from applicant): Strafford Farms Restaurant Inc.

Address: 58 New Rochester Rd, Dover, NH 03820 Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 58 New Rochester Rd

Brief Directions: _____

Zoning District: B-3 Assessor's Map # 40 Lot(s) # 43

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 <u>B-3 Table</u> 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:

Develop a mixed use building with residential use on the second and third floor of the structure.

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.

See Narrative

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

See Narrative

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.

See Narrative

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. As described in the Narrative, the applicants will have 5,000 square feet provided per unit for six of the units and will utilize the

B. TDR ordinance for the remaining six.

C.

D.

E.

F.

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.

IMPORTANT

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



Signature of Applicant*



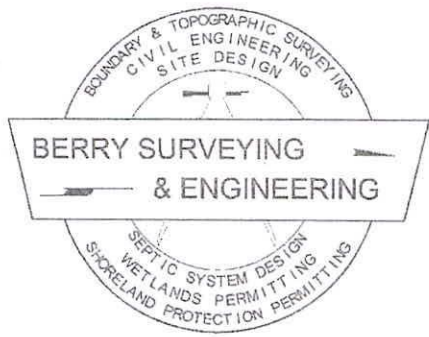
Signature of Owner*

*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: 2-22-18



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825
Phone: (603) 332-2863
Fax: (603) 335-4623
www.BerrySurveying.Com

February 22, 2018

City of Dover Zoning Board
Attention: Elena Piekut Zoning Administrator
288 Central Ave
Dover, NH 03820

RE: Proposed mixed-use development
Special Exception Request to B-3 Table
58 New Rochester Road
Tax Map 40, Lot 43

Ms. Piekut, Mr. Chairman and Members of the City of Dover Zoning Board of Adjustment,

Berry Surveying & Engineering (BS&E) on behalf of the applicant STF Development Corp., (STF) and the land owners Strafford Farms Restaurant Inc. is filing a Special Exception request to allow residential units to be located on the second and third floor of a mixed use building, located within the B-3 Zone.

The applicant is proposing a mixed use building in the location of the existing parking lot to the south of the existing Strafford Farms Restaurant. The building will contain commercial space on the first floor as required in the zone and is proposing a total of twelve units on the second and third floor of the structure. Under the requirements of the Special Use Criteria for Multi-Family in the B-3 zone, a minimum of 5,000 square feet is required per unit. The applicant is proposing a lot which would create 30,000 square feet, affording them six units using the special exception criteria. The applicant is then proposing to use the Transfer of Development Rights (TDR) ordinance to obtain the additional six units proposed.

To the criteria required for the City of Dover Zoning Board to grant this special exception we offer the following:

- 1.) *"Explain how the requested use would be essential or desirable to the public convenience or welfare"*
 - a. **The existing site is an under-utilized parking lot. The use would allow for additional commercial space to be placed in an area of the City of Dover that is lacking in growth. The mixed use style of construction would be consistent with the construction theme**

at 56 New Rochester Road, and would provide convenient housing for the northern section of the City.

2.) *"Detail of the requested use would not create undue traffic congestion or unduly impair pedestrian safety."*

a. **The applicant has been before the City of Dover TRC and has presented a comprehensive Traffic Impact Analysis (TIA) which was generally accepted by the TRC. Traffic will continue to move in and out freely at the main intersection. The site plan provides for better traffic management at the existing entrance, and the trips generated by the proposal are generally off peak from the existing peak traffic in and out of the site. The New Rochester Road corridor is equipped with ample lane widths and an existing left turn bay. Pedestrian access is maintained along New Rochester Road. A pedestrian access is proposed from the site to a new COAST bus location, which will be equipped with a concrete pad, bench, and refuge pull off for the bus.**

3.) *Describe how the requested use would not overload any public water, drainage or sewage 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."*

a. **The project will draw approximately 4,000 gallons per day from the municipal water system, and intern will generate the same amount of waste to the sewer system. In this area of the city there is no know deficit of volume or pressure in water, and the project is close proximity to the sewer pump station. Storm drainage is captured, treated, and re-infiltrated through the use of an onsite rain garden. There are no other known hazards that would affect the health safety or welfare of the public with regards to a mixed use development project.**

Thank you for your time and attention to this matter and we hope you look favorably upon the request.

Respectfully Submitted,

BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825

(603) 332-2863 / (603) 335-4623 FAX

www.BerrySurveying.Com

APPLICATION CHECKLIST (Please check off)

A. **Application signed** by Applicant and Property Owner (if different from Applicant)
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

✓

B. **10 Copies of Completed Zoning Board of Adjustment Application**

Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).

✓

C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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.

✓

D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above).

✓

E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application.

✓

F. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.

1. Applicant & Owner, engineer, architect, land surveyor or soil scientist

Certified letters fee # _____ of x \$8.00 =

2. Certified letters fee: # of abutters _____ X \$8.00 =

\$ _____

3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 =

\$ _____

4. Creating/Printing Abutter Labels in triplicate per sheet _____ x \$10.00 =

\$ _____

G. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1. Application fee of:

\$100.00 VARIANCE (per Section requested)

\$ _____

\$100.00 SPECIAL EXCEPTION

\$ 100.00

\$100.00 APPEAL FROM ADMINISTRATIVE DECISION

\$ _____

\$100.00 EQUITABLE WAIVER

\$ _____

2. Foster's newspaper public notice

\$ 80.00

TOTAL FEE

\$ 180.00

CTCS

Z18-06

58 New Rochester Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
40025-000000	52 OLD ROCHESTER RD	SALTY SEA LLC		30 GOVERNOR SAWYER LN	DOVER	NH	03820
40044-000000	60 NEW ROCHESTER RD	MIDON PROPERTY MANAGEMENT SERVICES		60 NEW ROCHESTER RD	DOVER	NH	03820
40018-D00000	49 NEW ROCHESTER RD	CAMPBELL GILBERT G TRUSTEE	CAMPBELL GILBERT 2006 REVOCABLE TRUST	176 CHURCH ST	LOWELL	MA	01852
D0009-B00000	48 OLD ROCHESTER RD	GAGNON MARC KEITH		48 OLD ROCHESTER ROAD	DOVER	NH	03820
40041-000000	9 WILLAND AV	SUPITUX STEVEN		18 MOSELEY ST #2	DORCHESTER	MA	02125
40028-000000	42 OLD ROCHESTER RD	BEATS ANDREW S &	BEATS LISA T	42 OLD ROCHESTER RD	DOVER	NH	03820
40026-000000	46 OLD ROCHESTER RD	OUELLETTE LAWRENCE D JR &	FRENCH NICOLE	46 OLD ROCHESTER RD	DOVER	NH	03820
40018-E00000	47 NEW ROCHESTER RD	CAMPBELL GILBERT G TRUSTEE	CAMPBELL GILBERT 2006 REVOCABLE TRUST	176 CHURCH ST	LOWELL	MA	01852
40042-000000	43 OLD ROCHESTER RD	ALLEN PETER J &	ALLEN KATHLEEN C	43 OLD ROCHESTER RD	DOVER	NH	03820
D0009-000000	50 OLD ROCHESTER RD	BRILLARD RICKY A & MARY S REV LIV TRUST	BRILLARD RICKY A AND MARY S TRUSTEES	167 VARNEY RD	DOVER	NH	03820
40037-000000	54 NEW ROCHESTER RD	CHASE STERLING R &	FONTAINE MICHELE L	54 NEW ROCHESTER ROAD	DOVER	NH	03820
40017-000000	WILLAND POND RD	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
40027-000000	44 OLD ROCHESTER RD	EMERSON DAVID L &	EMERSON APRIL D	44 OLD ROCHESTER RD	DOVER	NH	03820
40043-A00000	56 A NEW ROCHESTER RD	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
40029-000000	40 OLD ROCHESTER RD	PAUL JANICE		9 MONROE ST	DOVER	NH	03820
D0010-T00000	1 STRAFFORD RD	GAGNON MADELEINE	GAGNON CONRAD	1 STRAFFORD ROAD	DOVER	NH	03820
40038-000000	5 WILLAND AV	FLETCHER SALLY E		5 WILLAND AV	DOVER	NH	03820
40038-A00000	56 NEW ROCHESTER RD	OAK BLUFF REALTY LLC		242 CENTRAL AVE	DOVER	NH	03820
40018-F00000	45 NEW ROCHESTER RD	CAMPBELL GILBERT G TRUSTEE	CAMPBELL GILBERT 2006 REVOCABLE TRUST	176 CHURCH ST	LOWELL	MA	01852
40038-B00000	7 WILLAND AV	LARSEN DENISE R	LARSEN KEITH L	7 WILLAND AVE	DOVER	NH	03820
40041-A00000	41 OLD ROCHESTER RD	MONIZ LEONARD F JR &	MONIZ BARBARA J	41 OLD ROCHESTER RD	DOVER	NH	03820
		STF DEVELOPMENT CORP		242 CENTRAL AVE	DOVER	NH	03820
		STRAFFORD FARMS RESTAURANT INC		58 NEW ROCHESTER RD	DOVER	NH	03820
		BERRY SURVEYING & ENGINEERING	CHRISTOPHER BERRY	335 SECOND CROWN PT. RD.	BARRINGTON	NH	03825

- 1.) "PROPOSED PARKING EXPANSION PLAN PREPARED FOR STRAFFORD FARMS RESTAURANT NH ROUTE 108 DOVER, NEW HAMPSHIRE"
BY: MCENEANEY SURVEYING ASSOCIATES, INC.
DATED: FEBRUARY 18, 1997
S.C.R.D. PLAN # 50-16
- 2.) "PLAN OF LAND PREPARED FOR THE CITY OF DOVER, NH ROUTE 108 - WILLAND POND DOVER & SOMERSWORTH, NEW HAMPSHIRE"
BY: MCENEANEY SURVEYING ASSOCIATES, INC.
DATED: JUNE 29, 1994
S.C.R.D. PLAN # 47-4
- 3.) "LOT LINE ADJUSTMENT FOR STRAFFORD FARMS RESTAURANT IN DOVER, N.H."
BY: BRUCE POHOPEK
DATED: FEBRUARY 5, 1990
S.C.R.D. PLAN # 37A-139
- 4.) "PLAN OF LOT, COLEMAN OIL CO. DOVER, NEW HAMPSHIRE"
BY: G.L. DAVIS & ASSOCIATES
DATED: DECEMBER 1995
FILE NO. 62-64
ON FILE AT THIS OFFICE

● IRON BOUND (TBS)
 ○ IRON BOUND/REBAR (FND)
 ○ IRON PIPE (FND)
 ● STEEL STAKE (FND)
 ○ UTILITY POLE
 ● GUY WIRE
 - - - BUILDING SETBACK LINE
 - - - PROPOSED BOUNDARY LINE
 - - - EXISTING EASEMENT
 - - - APPROX. ABUTTING LOT LINE
 FND FOUND
 TBS TO BE SET
 TYP TYPICAL
 S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

STONE RIDGE ENVIRONMENTAL, LLC.
CINDY BALCIUS, CWS #61

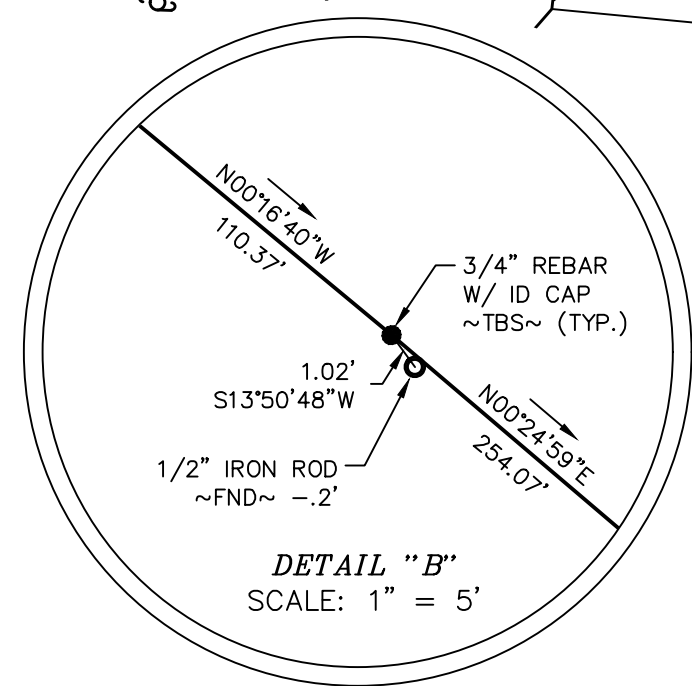
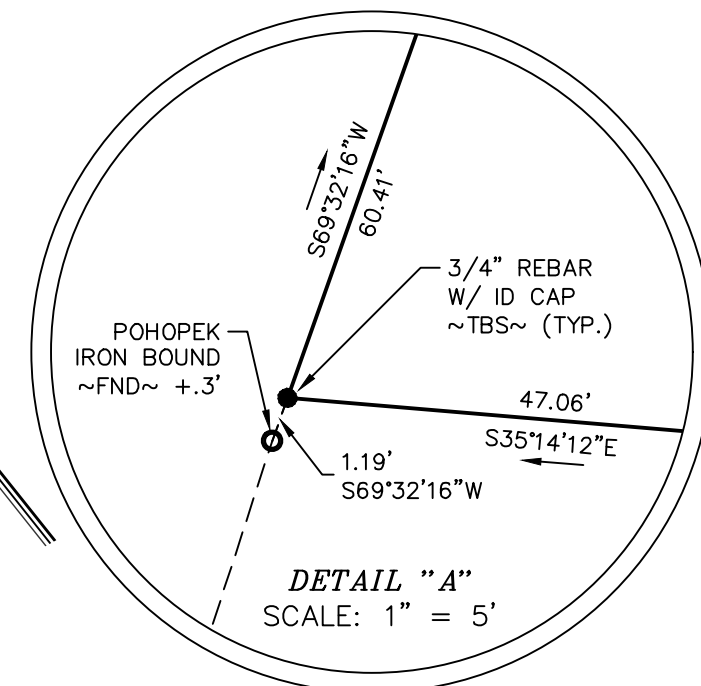
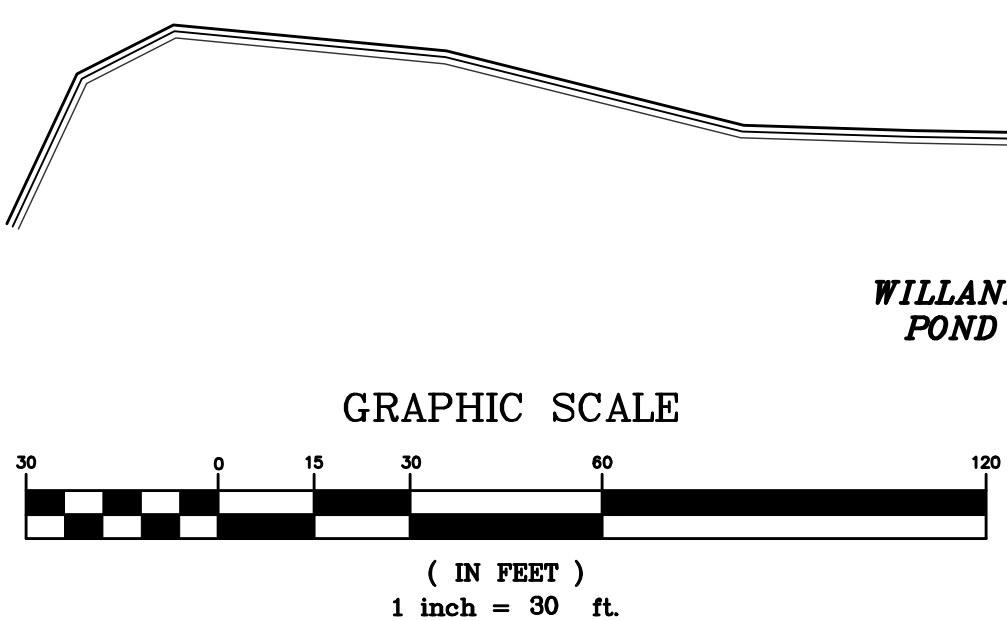
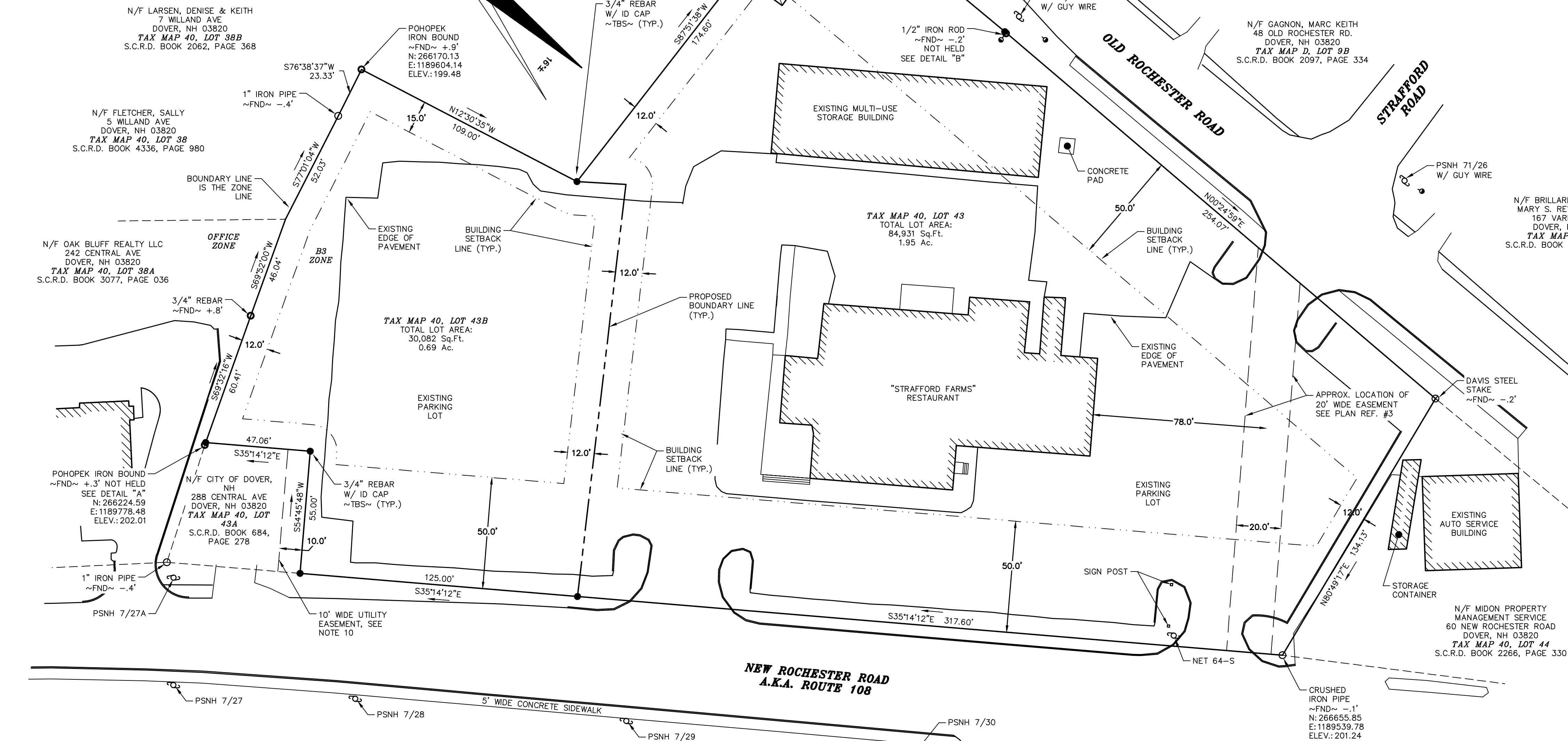
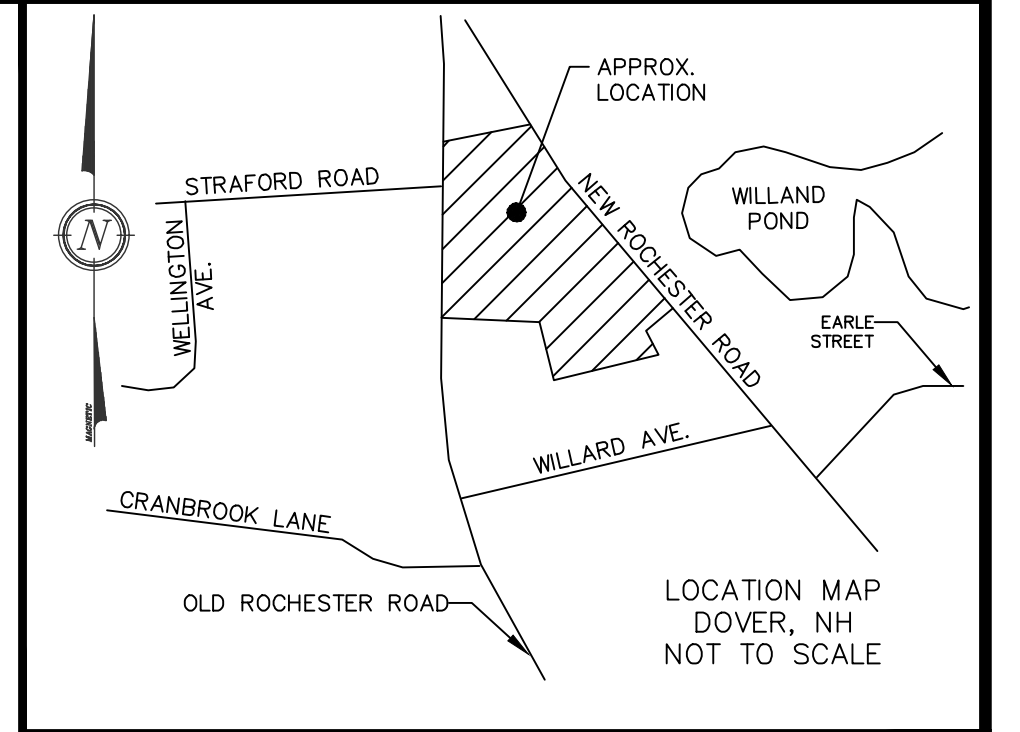
- 1) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0. 2010. L.M. VASILAS, G.W. HURT, AND C.V. NOBLE (EDS.). UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS.
- 2) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND. VERSION 3. APRIL 2004. NEWIPCC WETLANDS WORKGROUP. WILMINGTON, MA 01887.
- 3) NATIONAL AMERICAN DIGITAL FLORA: NATIONAL WETLAND PLANT LIST. VERSION 2.1.0 (HTTP://WETLAND.PLANTS.USACE.ARMY.MIL). U.S. ARMY CORPS OF ENGINEERS, ENGINEER RESEARCH AND DEVELOPMENT CENTER, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY, HANOVER, NH, AND BONAP, CHAPEN HILL.
- 4) CLIMATIC OF NEW HAMPSHIRE 2014 WETLAND PLANT LIST. LOHVAR, R.W., M. BUTTERWICH, N.C. NELVIN, AND W.N. KIRCHNER. 2014. THE NATIONAL WETLAND PLANT LIST: 2014 UPDATE OF WETLAND RATINGS. PHYTONEXURON 2014-411-4-42.
- 5) CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, JANUARY 1987. U.S. ARMY CORPS OF ENGINEERS. PROGRAM TECHNICAL REPORT Y-87-1.
- 6) REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH CENTRAL AND NORTHEAST REGION. JANUARY 2012, VERSION 2. U.S. ARMY CORPS OF ENGINEERS.
- 7) ENVIRONMENTAL LABORATORY EROD/EC TOX-12-1.
- 8) DISTRIBUTION OF WETLAND PLANT HABITATS OF THE UNITED STATES. DECEMBER 1979. L. COWARDIN, V. CARTER, F. GOLET, AND E. LAROE. U.S. DEPARTMENT OF THE INTERIOR. FISH AND WILDLIFE SERVICE. FWS/OBS-79/31.

CURRENT OWNER: STAFFORD FARMS RESTAURANT INC.
58 NEW ROCHESTER ROAD
DOVER, NH 03820

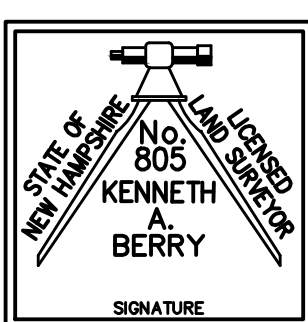
APPLICANT: STF DEVELOPMENT CORP.
242 CENTRAL AVE.
DOVER, NH 03820

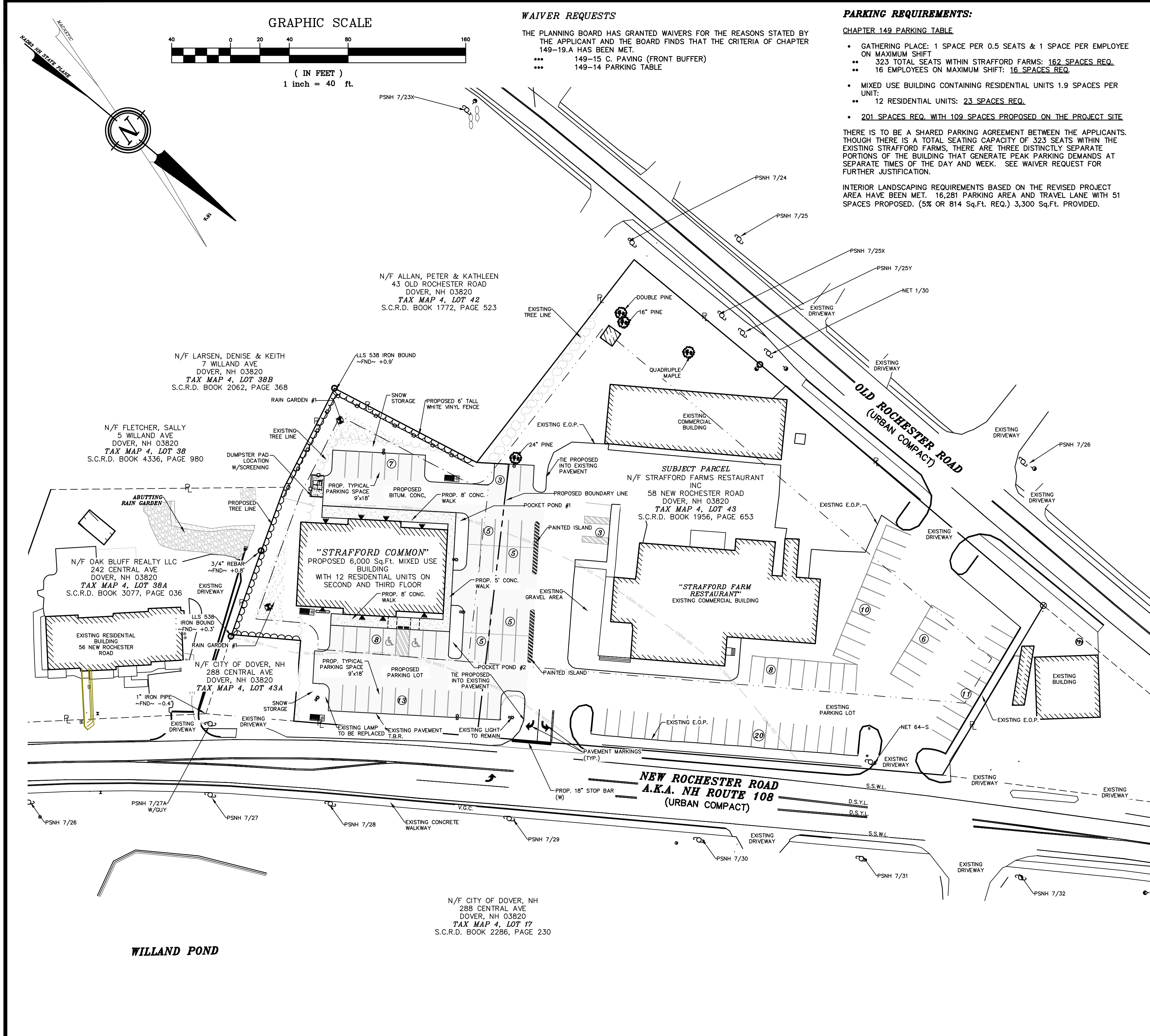
- 2.) TAX MAP 40, LOT 43
- 3.) S.C.R.D. BOOK 1956, PAGE 650
- 4.) LOT AREA: 115,013 Sq. Ft., 2.64 Ac.
- 5.) THE INTENT OF THIS PLAN IS TO SUBDIVIDE TAX MAP 40, LOT 43 INTO 2 INDIVIDUAL LOTS USING THE CITY OF DOVER SUBDIVISION REGULATIONS. THIS IS A 2 SHEET PLAN SET. SHEET 1 IS THE DETAIL SUBDIVISION SHEET, SHEET 2 SHOWS TOPOGRAPHY AND OTHER FEATURES OF THE LOTS. SHEET 1 WILL BE RECORDED AT THE STAFFORD COUNTY REGISTRY OF DEEDS.
- 6.) ZONING: B-3 / THOROUGHFARE BUSINESS DISTRICT
MINIMUM LOT SIZE ~ 20,000 Sq. Ft.
FRONTAGE ~ 125.0'
FRONT SETBACK ~ 50.0'
ABUTTING A STREET ~ 50.0'
REAR SETBACK ~ 15.0'
SIDE SETBACK ~ 12.0'

SHORELAND SETBACKS FROM WILLAND POND
PRIMARY STRUCTURE SETBACK ~ 50.0'
NATURAL WOODLAND BUFFER ~ 150.0'
SHORELAND PROTECTION ZONE ~ 250.0'
LOCAL CONSERVATION DISTRICT ~ 100.0'
- 7.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, PART OF THIS PARCEL DOES FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY# - 330190, MAP# -- 33017C0310E, DATED: SEPTEMBER 30, 2015.
- 8.) VERTICAL DATUM BASED ON USGS NAVD88 ELEVATIONS. HORIZONTAL COORDINATES BASED ON NAD83. COORDINATES GATHERED USING TOPCON HIPER SR SURVEY GRADE GPS RECEIVERS.
- 9.) TAX MAP 40, LOT 43A WILL BE GRANTED AN ACCESS AND PARKING EASEMENT OVER THE CURRENT DRIVEWAY/PARKING LOT OF TAX MAP 40, LOT 43. NO NEW DRIVEWAY CUT WILL BE CREATED.
- 10.) UTILITY EASEMENT GRANTED BY CITY COUNCIL MAY 14, 1997.
- 11.) NO PORTION OF THIS PROJECT TAKES PLACE WITHIN 100' OF THE CITY OF DOVER CONSERVATION DISTRICT AROUND WILLAND POND.
- 13.) SEE CORRESPONDING SITE PLAN, DOVER PLANNING NO. P18-10.
- 14.) AS-BUILT PLANS OF THE SUBDIVISION SHALL BE SUBMITTED ON PAPER AND IN DIGITAL FORMAT IN PDF AND AUTOCAD DWG, AUTOCAD DXF OR ERSI FORMAT TO THE CITY OF DOVER ENGINEERING OFFICE UPON COMPLETION OF PROJECT. AS-BUILT PLANS SHALL BE PREPARED AND CERTIFIED CORRECT BY A L.L.S. OR P.E. DIGITAL FILE SHALL BE GEO-REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATES NAD83 AND SHALL BE EXPRESSED IN FEET.
- 15.) THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION, AND TELEPHONE LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE FOR WHICH DEVELOPMENT IS PROPOSED. SITE PLANS SHALL SHOW ANY EASEMENTS FOR THESE SERVICES.
- 16.) BOTH LOTS WILL BE SERVICED BY MUNICIPAL WATER AND SEWER.
- 17.) THE PROPOSED USE FOR TAX MAP 40, LOT 43B WILL MIXED USE. LOT 43 WILL STAY FOOD SERVICE.
- 18.) STREET ADDRESSES FOR EACH LOT WILL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.



KENNETH A. BERRY L.L.S. 805 DATE

#1	2-22-18	MODIFY SUBDIVISION
REVISION	DATE	DESCRIPTION
SUBDIVISION PLAN LAND OF STRAFFORD FARMS RESTAURANT INC. FOR STF DEVELOPMENT CORP. 58 NEW ROCHESTER ROAD DOVER, N.H. <i>TAX MAP 40, LOT 43</i>		
		
BERRY SURVEYING & ENGINEERING 335 SECOND CROWN POINT RD. BARRINGTON, N.H. (603)332-2863		
SCALE : 1 IN. EQUALS 30 FT.		
DATE : JANUARY 18, 2018		
FILE NO. : DB 2017-160		



UTILITY NOTE :

THE UNDERGROUND UTILITIES SHOWN ON THIS PLAN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR NOR THE ENGINEER MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

WAIVER REQUESTS

THE PLANNING BOARD HAS GRANTED WAIVERS FOR THE REASONS STATED BY THE APPLICANT AND THE BOARD FINDS THAT THE CRITERIA OF CHAPTER 149-19.A HAS BEEN MET.

- *** 149-15 C. PAVING (FRONT BUFFER)
- *** 149-14 PARKING TABLE

PARKING REQUIREMENTS:

CHAPTER 149 PARKING TABLE

- GATHERING PLACE: 1 SPACE PER 0.5 SEATS & 1 SPACE PER EMPLOYEE ON MAXIMUM SHIFT
- 323 TOTAL SEATS WITHIN STRAFFORD FARMS: 162 SPACES REQ.
- 16 EMPLOYEES ON MAXIMUM SHIFT: 16 SPACES REQ.
- MIXED USE BUILDING CONTAINING RESIDENTIAL UNITS 1.9 SPACES PER UNIT:
- 12 RESIDENTIAL UNITS: 23 SPACES REQ.
- 201 SPACES REQ. WITH 109 SPACES PROPOSED ON THE PROJECT SITE

THERE IS TO BE A SHARED PARKING AGREEMENT BETWEEN THE APPLICANTS. THOUGH THERE IS A TOTAL SEATING CAPACITY OF 323 SEATS WITHIN THE EXISTING STRAFFORD FARMS, THERE ARE THREE DISTINCTLY SEPARATE PORTIONS OF THE BUILDING THAT GENERATE PEAK PARKING DEMANDS AT SEPARATE TIMES OF THE DAY AND WEEK. SEE WAIVER REQUEST FOR FURTHER JUSTIFICATION.

INTERIOR LANDSCAPING REQUIREMENTS BASED ON THE REVISED PROJECT AREA HAVE BEEN MET. 16,281 PARKING AREA AND TRAVEL LANE WITH 51 SPACES PROPOSED. (5% OR 814 Sq.Ft. REQ.) 3,300 Sq.Ft. PROVIDED.

NOTES:

- 1.) THE INTENT OF THIS PLAN SET IS TO DEMONSTRATE THE SITE PLAN DESIGN OF PROPOSED OFFICE/COMMERCIAL SPACE WITH TWELVE RESIDENTIAL UNITS IN ONE BUILDING ON NEW ROCHESTER ROAD.
- 2.) CURRENT OWNER: STRAFFORD FARMS RESTAURANT INC.
58 NEW ROCHESTER ROAD
DOVER, NH 03820

APPLICANT : STF DEVELOPMENT CORP.
242 CENTRAL AVE.
DOVER, NH 03820
- 3.) THE PROJECT PARCEL IS TAX MAP 40, LOT 43
58 NEW ROCHESTER ROAD
DOVER, NH 03820
- 4.) LOT AREA: 115,013 Sq. Ft., 2.64 Ac.
- 5.) TITLE REFERENCE FOR THE PROJECT PARCEL IS THE STRAFFORD COUNTY REGISTRY OF DEEDS, (S.C.R.D.) BOOK NO. 1956, PAGE NO. 653
- 6.) LOCUS PARCEL IS SUBJECT TO EASEMENTS AS NOTED. SEE EXISTING CONDITIONS PLANS FOR LOCATIONS.
- 7.) ZONING: B-3 / THOROUGHFARE BUSINESS DISTRICT
MINIMUM LOT SIZE ~ 20,000 SQUARE FEET
FRONTAGE ~ 125.0'
FRONT SETBACK ~ 50.0'
REAR SETBACK ~ 15.0'
SIDE SETBACK ~ 12.0'
MAX. BUILDING HEIGHT ~ 40'
- 8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY BERRY SURVEYING & ENGINEERING IN FALL 2017 WITH AN ERROR OF CLOSURE GREATER THAN 1 IN 30,000 UNDER NO SNOW CONDITIONS.
- 9.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, PART OF THIS PARCEL DOES FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY# -330190, MAP# - 33017C0310E, DATED: SEPTEMBER 30, 2015.
- 11.) AS-BUILT PLANS OF THE SITE SHALL BE SUBMITTED ON A REPRODUCIBLE MYLAR MEDIUM AND IN A DIGITAL DXF FORMAT ON DISK TO THE CITY OF DOVER ENGINEER'S OFFICE UPON COMPLETION OF PROJECT. AS-BUILT PLANS SHALL BE PREPARED AND CERTIFIED CORRECT BY A L.L.S. OR P.E.
- 12.) THE SITE HAS BEEN REVIEWED FOR WETLANDS BY STONEY RIDGE ENVIRONMENTAL AND NOT WETLANDS WERE FOUND. SEE CORRESPONDING LETTER SUBMITTED FOR THE PLANNING FILE.
- 13.) EXTERIOR LIGHTING SHALL BE CUT-OFF TYPE FIXTURES PER CHAPTER 149-14-E AND SHALL PROVIDE LIGHTING DIRECTED ON-SITE ONLY. SEE LIGHTING PLAN WITH LIGHTING LEGEND AND LOCATIONS.
- 14.) TOPOGRAPHIC SURVEY PERFORMED BY BERRY SURVEYING & ENGINEERING IN FALL OF 2017 UNDER NO SNOW CONDITIONS AND IS SHOWN AT 1 FOOT INTERVALS.
- 15.) DATUM: PROJECT DATUM IS BASED ON GPS COORDINATES ESTABLISHED WITH A TOPCON HIPER SR RECEIVER IN FALL 2017 AND REPRESENTED IN NEW HAMPSHIRE STATE PLANE COORDINATES NAD 1983 AND VERTICALLY BY NAVD 1988.
- 16.) THE PROPOSED STRUCTURE SHALL BE SERVED BY A SPRINKLER SYSTEM AS REQUIRED UNDER CHAPTER 109-30 OF THE CODE OF THE CITY OF DOVER AND THE 2009 STATE BUILDING CODES.
- 17.) SPRINKLER CONNECTIONS MUST BE FLUSHED IN ACCORDANCE WITH NFPA 24 AND A CONTRACTOR'S MATERIALS AND TEST CERTIFICATE FOR UNDERGROUND PIPING FORM MUST BE COMPLETED.
- 18.) FIRE DEPARTMENT CONNECTIONS SHALL BE LOCATED ON THE STREET SIDE OF THE BUILDING PER NFPA 13.
- 19.) A SECURITY SYSTEM SHALL BE INSTALLED AS REQUIRED BY CHAPTER 58, ARTICLE I, SECTION 58-2 OF THE CODE OF THE CITY OF DOVER.
- 20.) ALL ON-SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.
- 21.) THE SUBJECT PARCEL IS SERVED BY MUNIOPAL WATER AND SEWER.
- 22.) ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY AND STATE CODES.
- 23.) APPROVED BACKFLOW PREVENTORS SHALL BE PROVIDED FOR BOTH FIRE AND DOMESTIC WATER LINES.
- 24.) ALL EROSION CONTROL NOTES SHALL INCLUDE PROVISIONS FOR CONSTRUCTION SEQUENCING, TEMPORARY EROSION CONTROL MEASURES, AND PERMANENT STANDARDS SUCH AS LOAM SPREAD RATE FOR DISTURBED AREAS, RATES OF LIME, TYPE AND RATES FOR FERTILIZER, AND SEED AND MULCH MIXTURE WITH RATES OF APPLICATION.
- 25.) THE LIMITS OF CONSTRUCTION DISTURBANCE SHALL BE STAKED, FLAGGED AND CLEARLY IDENTIFIED PRIOR TO THE COMMENCEMENT OF SITE WORK.
- 26.) ALL TREATMENT SWALES TO BE CONSTRUCTED SHALL HAVE SOD BOTTOMS.
- 27.) A LETTER OF CREDIT FOR THE COST OF RE-VEGETATING ALL DISTURBED AREAS ON THE SITE SHALL BE SUBMITTED PRIOR TO ANY EARTH DISTURBING ACTIVITY OCCURS. COORDINATE WITH CITY OF DOVER, COMMUNITY SERVICES AND ENGINEERING DEPARTMENT.
- 28.) A PRE-CONSTRUCTION CONFERENCE WITH THE DEVELOPER, THE DESIGN ENGINEER, THE EARTHWORK CONTRACTOR, AND THE CITY ENGINEER SHALL OCCUR PRIOR TO ANY EARTH DISTURBING ACTIVITY.
- 29.) BUILDING ADDRESSES SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- 30.) THE PROPOSED USE FOR THE SITE IS 6,000 SQUARE FEET OFFICE WITH 12 TWO BEDROOM RESIDENTIAL UNITS.
- 31.) THE FOLLOWING FEDERAL AND STATE PERMITS HAVE BEEN ISSUED FOR THE SUBJECT PROPERTY:
NH NATURAL HERITAGE BUREAU: PENDING
SHORELAND IMPACT PERMIT: PENDING
SEWER DISCHARGE PERMIT: PENDING
- 32.) LIST ANY VARIANCES OR SPECIAL EXCEPTIONS GRANTED BY THE ZONING BOARD OF ADJUSTMENT FOR THE PROPOSED STRUCTURE: SPECIAL EXCEPTIONS: RESIDENTIAL USE IN B3 ZONE. THE TRANSFER OF DEVELOPMENT RIGHTS ORDINANCE IS BEING UTILIZED FOR THIS PROJECT.
- 33.) THIS PLAN PROPOSES 35,000 SQ. FT. OF DISTURBANCE.
- 34.) CALL DIG SAFE PRIOR TO BEGINNING WORK (1-888-344-7233)
- 35.) ALL CONSTRUCTION SHALL CONFORM TO THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION. CONSTRUCTION SHALL ALSO CONFORM TO THE CITY OF DOVER POLICIES AND PRACTICES.
- 36.) WRITTEN DIMENSION ON THIS PLAN TAKE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL USE CAUTION WHEN SCALING REPRODUCED PLANS. IN THE EVENT OF A CONFLICT BETWEEN THIS PLAN SET AND ANY OTHER DRAWINGS AND/OR SPECIFICATIONS, THE ENGINEER SHALL BE NOTIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR IS TO CONFIRM ALL ELEVATIONS. CONFLICTS WILL BE REPORTED TO THE DESIGN ENGINEER PRIOR TO CONSTRUCTION.
- 37.) THERE IS CLEAR SITE DISTANCE IN BOTH THE NORTH AND SOUTH DIRECTIONS AT THE PROPOSED ENTRANCE OF THE SITE. SEE PROVIDED SIGHT DISTANCE PROFILES.
- 38.) LAMP BASES ARE TO BE A MINIMUM OF 3' OFF THE EDGE OF PAVEMENT AND PAINTED A NEUTRAL COLOR.
- 39.) SNOW STORAGE AREAS ARE AS SHOWN ON THIS SITE PLAN, WHICH PROVIDES FOR APPROXIMATELY 4,400 SQUARE FEET OF STORAGE. THIS REPRESENTS A 3.5:1 RATIO. EXCESS SNOW WILL BE REMOVED FROM THIS SITE AND DISPOSED OF IN A QUALIFIED LOCATION.
- 40.) THE APPLICANT IS ABLE TO MAKE LIKE CHANGES TO PRODUCTS SO LONG AS THE DESIGN ENGINEER APPROVES THAT THEY MEET THE DESIGN INTENT. THE DESIGN ENGINEER IS TO NOTE THE PROPOSED PRODUCT CHANGE AND SEND REQUEST FOR REVIEW TO THE CITY ENGINEER FOR APPROVAL.
- 41.) THE CONSTRUCTION HOURS SHALL BE LIMITED TO MONDAY-FRIDAY 7AM-6PM, SATURDAY 9 AM-4PM WITH NO SUNDAY HOURS. HOURS OF CONSTRUCTION SHALL BE DOCUMENTED ON A SITE CONSTRUCTION SIGN ALONG WITH THE CONTACT INFORMATION FOR THE GENERAL CONTRACTOR. DIRECTIONAL SIGNS FOR THE PATRONS OF THE STRAFFORD FARMS BUSINESS DURING CONSTRUCTION WILL BE REQUIRED.

DOVER FILE #P18-10

DOVEN FILE #F 10-11

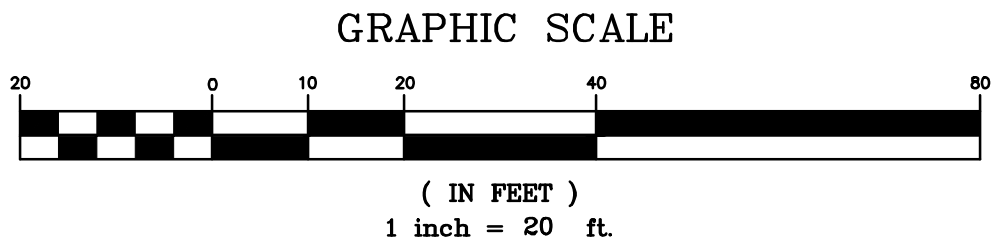
OVERVIEW SITE PLAN

LAND OF
STRAFFORD FARMS RESTAURANT INC.
FOR
STF DEVELOPMENT CORP.
58 NEW ROCHESTER ROAD
DOVER, NH
TAX MAP 40, LOT 43

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863

SCALE : 1 IN. EQUALS 40 FT.
DATE : JANUARY 18, 2017
FILE NO. : DB 2017 - 160

STATE OF NEW HAMPSHIRE
KENNETH A. BERRY
No. 14243
LICENSED PROFESSIONAL ENGINEER



N/F LARSEN, DENISE & KEITH
7 WILLAND AVE
DOVER, NH 03820
TAX MAP 4, LOT 38B
S.C.R.D. BOOK 2062, PAGE 368

N/F ALLAN, PETER & KATHLEEN
43 OLD ROCHESTER ROAD
DOVER, NH 03820
TAX MAP 4, LOT 42
S.C.R.D. BOOK 1772, PAGE 523

N/F FLETCHER, SALLY
5 WILLAND AVE
DOVER, NH 03820
TAX MAP 4, LOT 38
S.C.R.D. BOOK 4336, PAGE 980

N/F OAK BLUFF REALTY LLC
242 CENTRAL AVE
DOVER, NH 03820
TAX MAP 4, LOT 38A
S.C.R.D. BOOK 3077, PAGE 036

N/F CITY OF DOVER, NH
288 CENTRAL AVE
DOVER, NH 03820

N/F CITY OF DOVER, NH
288 CENTRAL AVE
DOVER, NH 03820
TAX MAP 4, LOT 17
S.C.R.D. BOOK 2286, PAGE 230

SUBJECT PARCEL
N/F STRAFFORD FARMS RESTAURANT
INC.
58 NEW ROCHESTER ROAD
DOVER, NH 03820
TAX MAP 4, LOT 43
S.C.R.D. BOOK 1956, PAGE 653

"STRAFFORD FARM
RESTAURANT"
EXISTING COMMERCIAL BUILDING

NEW ROCHESTER ROAD
A.K.A. NH ROUTE 108
(URBAN COMPACT)

NOTES:

- 1.) THE INTENT OF THIS PLAN SET IS TO DEMONSTRATE THE SITE PLAN DESIGN OF PROPOSED OFFICE/COMMERCIAL SPACE WITH TWELVE RESIDENTIAL UNITS IN ONE BUILDING ON NEW ROCHESTER ROAD.
- 2.) CURRENT OWNER: STRAFFORD FARMS RESTAURANT INC.
58 NEW ROCHESTER ROAD
DOVER, NH 03820
APPLICANT : STF DEVELOPMENT CORP.
242 CENTRAL AVE.
DOVER, NH 03820
- 3.) THE PROJECT PARCEL IS TAX MAP 40, LOT 43
58 NEW ROCHESTER ROAD
DOVER, NH 03820
- 4.) LOT AREA: 115,013 Sq. Ft., 2.64 Ac.

NOTES: (CONTINUED)

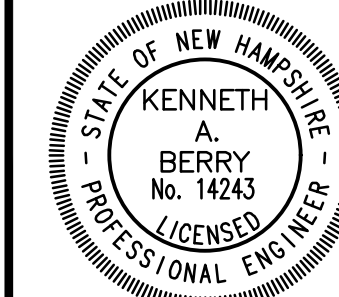
- 42.) AS IT IS ENCOURAGED ON MIXED USE SITES, THE APPLICANT INTENDS TO HAVE SHARED PARKING BETWEEN THE OFFICE USE AND THE RESIDENTIAL USE. THESE USES ARE GENERALLY COMPLIMENTARY TO EACH OTHER IN TERMS OF PEAK HOUR PARKING USAGE. THE ONSITE SPACES ARE TO BE MUNICIPALLY OWNED AND METERED. OFFSITE PARKING LEASE WITH THE CITY OF DOVER IS ARRANGED WITHIN THE M.O.V. FOR THE PROPOSED PROJECT.
- 43.) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVE AND BELOW GROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. ANY UTILITY CONFLICTS SHOULD BE REPORTED IMMEDIATELY TO THE DESIGN ENGINEER.
- 44.) SEDIMENT & EROSION CONTROL PLAN AND CONSTRUCTION DETAILS E101 & E102 FOR INLET PROTECTION DETAILS
- 45.) ALL ELEVATIONS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE DESIGN ENGINEER IS TO BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCY. TEMPORARY BENCHMARKS (T.B.M.) ARE TO BE PROVIDED BY THE DESIGN ENGINEER.
- 46.) NOTE THAT THE PROJECT IS NOT SUBJECT TO THE EPA NPDES PHASE II. OPERATION OF THE SITE WILL CONFORM TO THE STORM WATER MANAGEMENT PLAN PER CITY OF DOVER CHAPTER 149-14. WEEKLY INSPECTIONS WILL BE CONDUCTED BY THE DESIGN ENGINEER, OR THIRD PARTY INSPECTOR, SEE E101.
- 47.) UPON FINAL COMPLETION AND 85% STABILIZATION THE DRAINAGE SYSTEM IS TO BE CLEANED OF ALL DEBRIS TO INCLUDE THE PUMPING OF THE BASIN SUMPS.
- 48.) ALL UNPAVED AREAS ARE TO RECEIVE 4" QUALITY LOAM AND SEED.
- 49.) THE APPLICANT IS ABLE TO MAKE LIKE CHANGES TO PRODUCTS SO LONG AS THE DESIGN ENGINEER APPROVES THAT THEY MEET THE DESIGN INTENT. THE DESIGN ENGINEER IS TO NOTE THE PROPOSED PRODUCT CHANGE AND SEND REQUEST FOR REVIEW TO THE CITY ENGINEER FOR APPROVAL.
- 50.) FINAL UTILITY LOCATIONS TO BE COORDINATED BETWEEN THE CONTRACTOR, ALL APPROPRIATE UTILITY COMPANIES, AND THE DOVER DPW.
- 51.) CONTRACTOR TO CONTACT DOVER DPW A MINIMUM OF TWO WEEKS PRIOR TO ANY CONSTRUCTION TO COORDINATE ALL WORK CONCERNING INSTALLATION OF ANY PROPOSED WATER LINE IMPROVEMENTS.
- 52.) CONTRACTOR SHALL COORDINATE ALL ELECTRICAL INSTALLATIONS WITH EVERSOURCE AT (800) 662-7764. ALL ELECTRIC CONDUIT INSTALLATION SHALL BE INSPECTED BY EVERSOURCE PRIOR TO BACKFILL. A 48-HOUR MINIMUM NOTICE IS REQUIRED.
- 53.) CONTRACTOR SHALL COORDINATE ALL TELECOMMUNICATIONS INSTALLATIONS WITH FAIRPOINT COMMUNICATIONS AT (603) 427-5525.
- 54.) CONTRACTOR SHALL COORDINATE ALL CABLE INSTALLATIONS WITH COMCAST.
- 55.) THE SITE SHALL BE ACCESSIBLE IN ALL WEATHER CONDITIONS AT ALL TIMES DURING CONSTRUCTION.
- 56.) THE BUILDING DESIGN WILL BE IN COMPLIANCE WITH APPLICABLE ACCESSIBLE REGULATIONS FOR THE COMPLETE SITE CERTIFIED BY A QUALIFIED DESIGN PROFESSIONAL.
- 57.) SEE CORRESPONDING SUBDIVISION OF THIS PARCEL.
- 58.) A SHARED PARKING AND ACCESS AGREEMENT WILL BE REQUIRED FOR THIS PROJECT SITE AS WELL AS A MUTUAL DRAINAGE AGREEMENT.

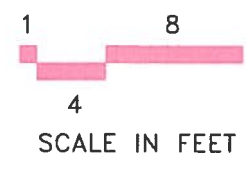
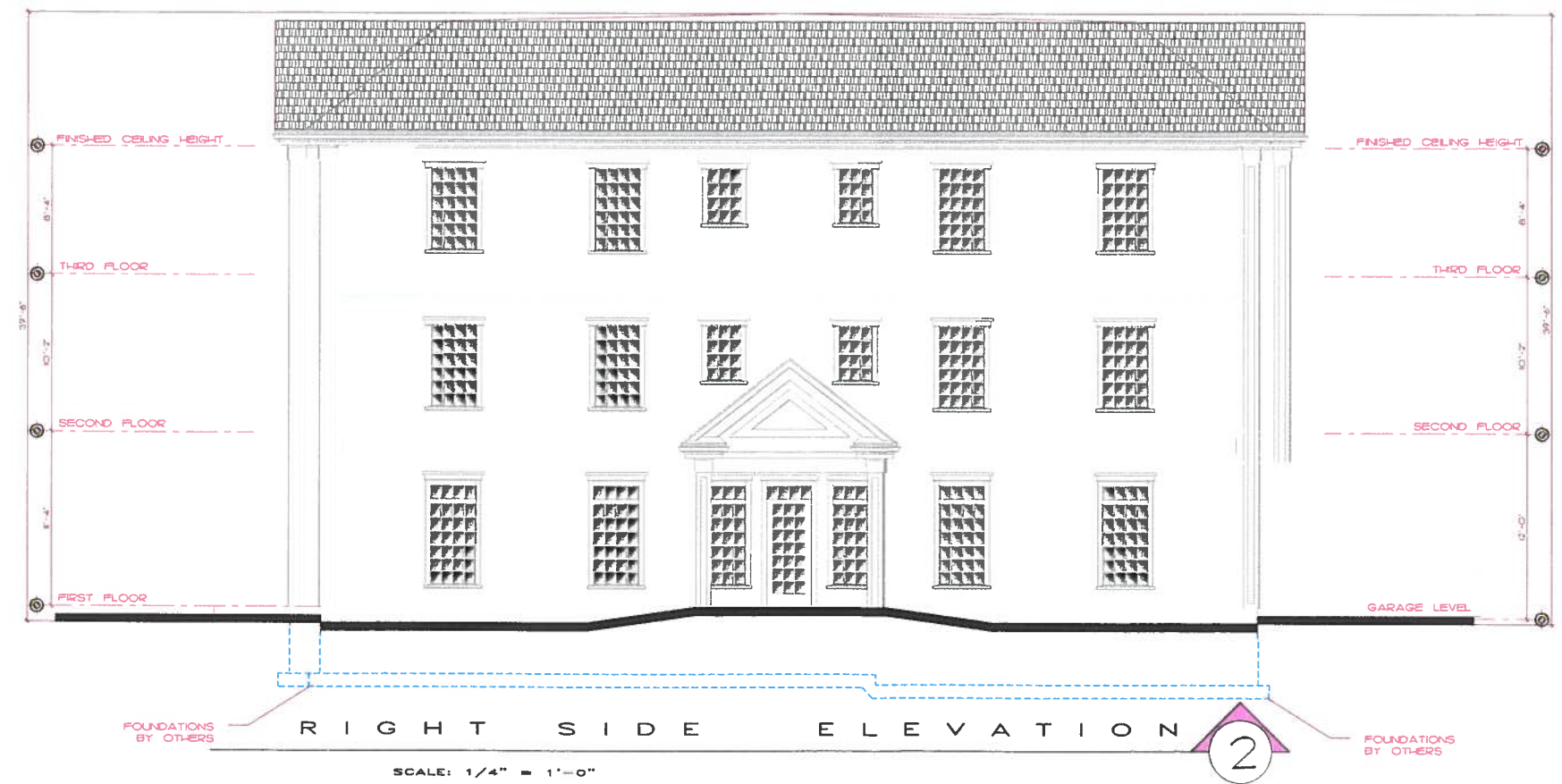
EXISTING IMPERVIOUS COVER: 79,648 SF 69.25%
PROPOSED IMPERVIOUS COVER (TOTAL SITE) 78,164 SF 67.80%
EXISTING BUILDING COVER: 15,534 SF 13.51%
PROPOSED BUILDING COVER (TOTAL SITE): 21,534 SF 18.72%

DOVER FILE #P18-10

SITE PLAN
LAND OF
STRAFFORD FARMS RESTAURANT INC.
FOR
STF DEVELOPMENT CORP.
58 NEW ROCHESTER ROAD
DOVER, NH
TAX MAP 40, LOT 43

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863
SCALE : 1 IN. EQUALS 20 FT.
DATE : JANUARY 18, 2017
FILE NO. : DB 2017 - 160





ISSUED:
20 DECEMBER 2017

REVISIONS	REVISIONS

PREPARED BY:

Warnick Associates, Inc.
ARCHITECTURE
151 Main Street, Salem New Hampshire 03079
TEL: 603 490 5964
timwarnick@waldesign.com

Stamp

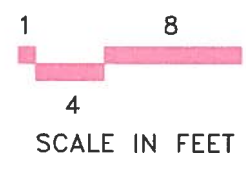
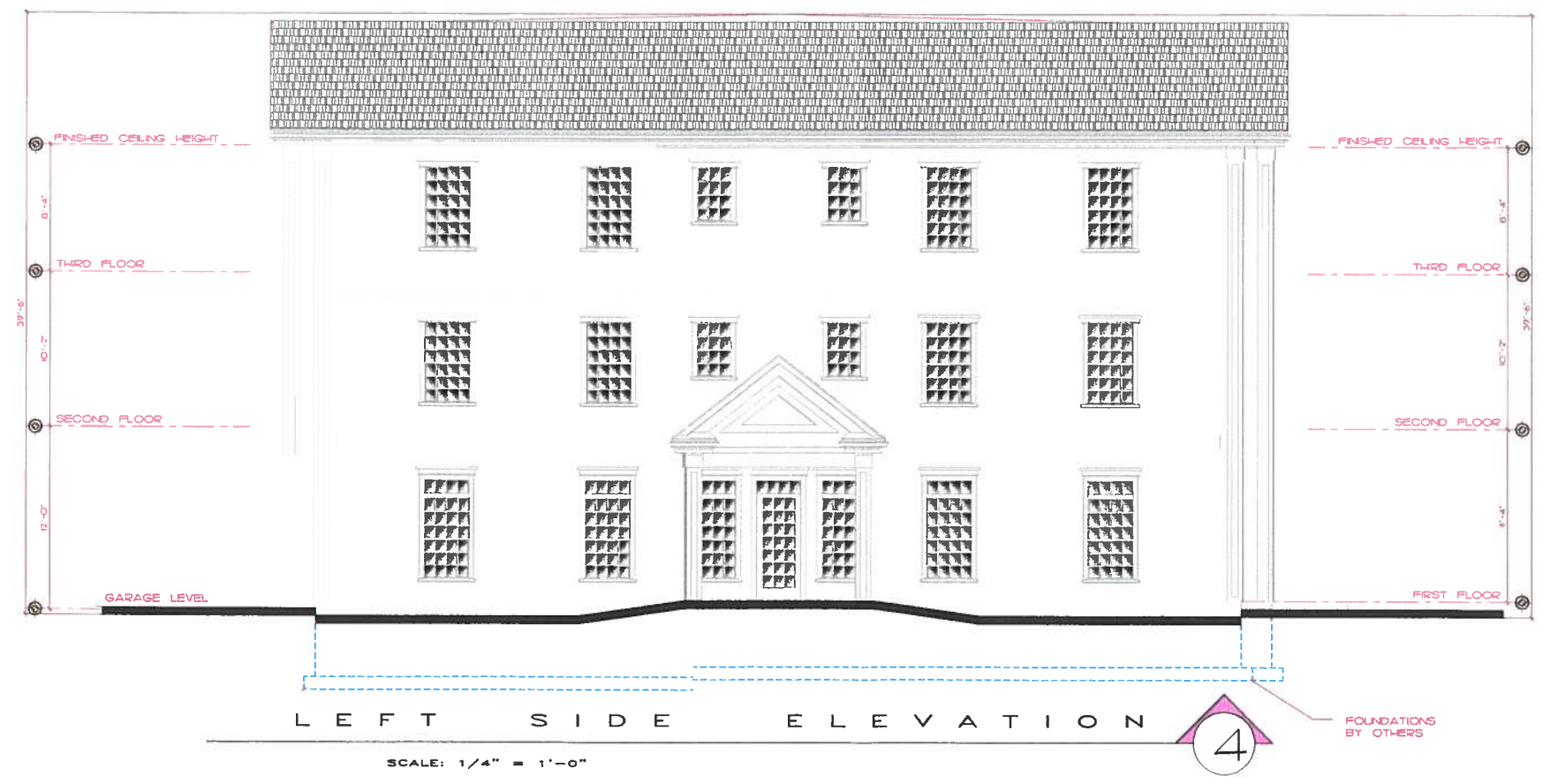
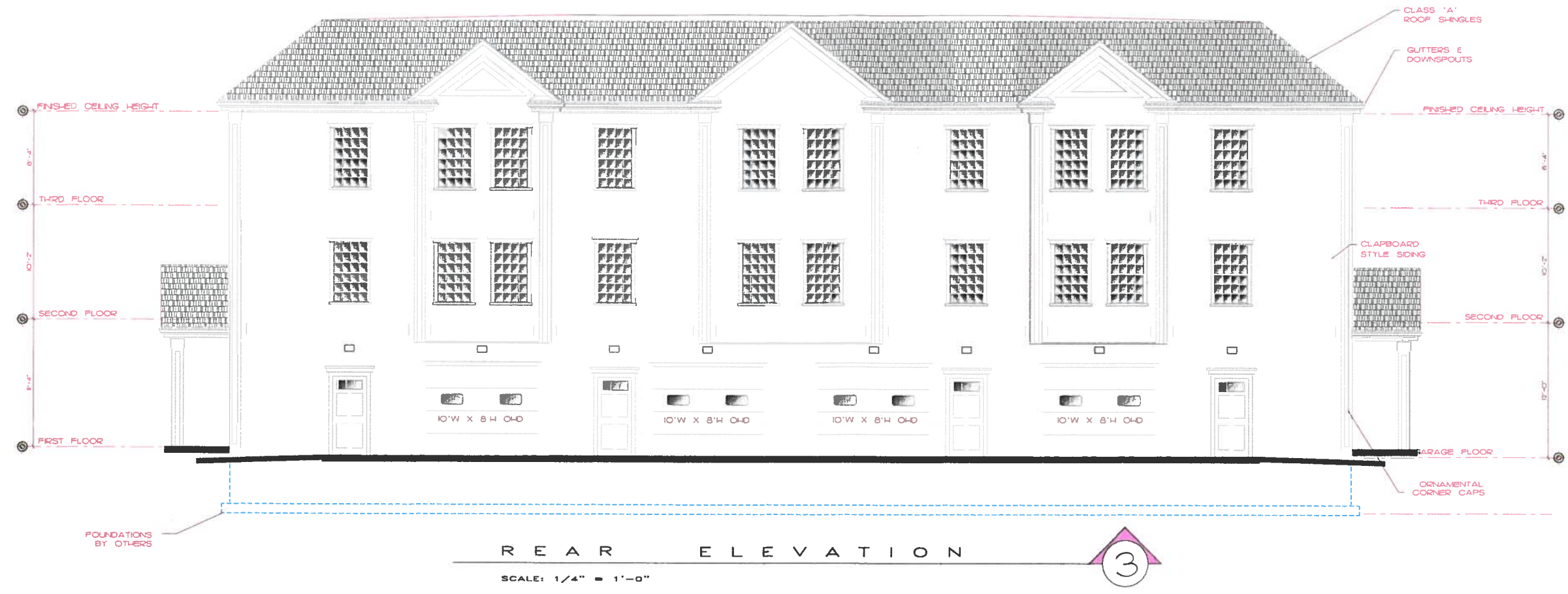
Project: **Proposed Office & Residential Building**

Prepared for: **Paolini Bros.**

Sheet Title:
Exterior Elevations

Sheet:
4 of 5

ARCHITECTURAL



ISSUED:
20 DECEMBER 2017

REVISIONS	REVISIONS

Warnick Associates, Inc.
 ARCHITECTURE
 151 Main Street, Salem, New Hampshire 03079
 TEL: 603.430.5964
 TimWarnick@Warnick.com

Stamp:

Project: **Proposed Office & Residential Building**
 Prepared for: **Paolini Bros.**

Sheet Title:
Exterior Elevations

Sheet:
5 of 5
 ARCHITECTURAL