



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, April 19, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF MARCH 15, 2018

3. HEARINGS

- A. Z18-07 Applicant Industrial Tower and Wireless, LLC and Owners Peter and Susan Rousseau, 200 Henry Law Avenue (Tax Map K, Lot 1), located in the Rural Residential (R-40) Zoning District, request a variance from **Section 170-22.C(1)** of the Zoning Ordinance to permit the construction of a new, 180-foot tall telecommunications tower on the above referenced property, where the construction of new telecommunications towers is only permitted on 15 parcels specified by the Zoning Ordinance.
- B. Z18-08 Applicant and Owner Scott Coughlin, 19 Piscataqua Road (Tax Map I, Lot 94-B), located in the Rural Residential (R-40) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-40 Table of Uses and Dimensional Regulations to permit the use of an existing barn for the shelter of horses, where the barn is located 40 feet from the side lot line and the shelter of farm animals is only permitted where the shelter is located no closer than 100 feet to any property boundary.
- C. Z18-09 Applicant Thomas Strange and Owner Hambone, LLC, 44-46 Ham Street (Tax Map 27, Lot 88), located in the Urban Density Residential (RM-U) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance to permit the conversion of a two-family dwelling into a four-family dwelling, where three-to-four dwellings are permitted only by special exception and the Applicant cannot meet the special exception criterion regarding setbacks with the legally nonconforming, existing structure.

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, March 15, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry, Frank Landford, George Reagan, Nicholas Couturier (Alternate), Rich Onufry (Alternate)

Members Absent: Bob Hall (Vice Chair), Anthony Sillitta (Alternate)

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

The Chair called the meeting to order at 7:00 p.m. He introduced the Board and staff present to the audience and explained the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 15, 2018

Motion: Otis Perry moved to approve the meeting minutes of February 15, 2018 as written. Frank Landford seconded. Vote: 4-0-2 with George Reagan and Nick Couturier abstaining.

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.

Todd Tucker presented an overview of the request and his reasons for seeking to add a third unit. He explained that when the family purchased the property in 1978 it contained three separate units. Frank Landford asked about the three units and Todd Tucker confirmed that there had been three separate units. He said a kitchen sink was removed in 2007. Frank Landford asked whether the house will be rebuilt in the same footprint and Todd Tucker confirmed that it will. Frank Landford asked whether the intent is to provide an in-law apartment and Todd Tucker explained that one unit is for his wife's parents and another is for his step-daughter. George Reagan asked how long there have been two units and Todd Tucker said it was changed to two units around 1979. Rich Onufry asked how many bedrooms there were before the fire and Todd Tucker said there were six and the intent is to have four.

Chair Prior indicated that Rich Onufry will vote on this case.

Public hearing opened.

STAFF RECOMMENDATION:

Assistant City Planner Piekut explained staff's reasons for recommending denial, including that there is no hardship inherent in the property as it has been zoned industrial since the 1960s and is surrounded by industrial uses, with some single-family homes across the road. She explained that the ordinance already provides relief for the nonconforming use by allowing it to be reconstructed after an accident such as a fire. The variance would also be contrary to the public interest in that it conflicts with the City Council's stated goals of increasing industrially and commercially zoned land and industrial and commercial developments to balance the tax base. The ordinance also would not prevent all three families living together with separate living spaces, but no more than two kitchens. She



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also explained that though it is not relevant to the variance criteria, adding a third unit would trigger a number of additional obstacles for the applicants, such as: paying impact fees and water and sewer investment fees, abandoning the septic system and connecting to City sewer, and installing a sprinkler system.

Discussion ensued regarding sewage disposal and the other implications of creating a third unit.

Public hearing closed.

Frank Landford said he doesn't want to deny the variance and sees the hardship is met but not all of the other criteria are met.

Motion: Otis Perry moved to deny the variance request as it does not meet the five variance criteria. George Reagan seconded. Vote: 4-1 with Frank Landford opposed.

- 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.

Chair Prior noted that Nick Couturier will vote on this case.

Derek Durbin, Esq. represented the Applicant. The owners of Coastal New England Development, LLC were all present. Atty. Durbin provided an overview of the property and its history. He addressed how the request meets the five variance criteria and noted that about half of the surrounding lots are nonconforming in terms of minimum lot size and/or minimum street frontage.

George Reagan asked about the Applicant's building plans. Sam Auffant, of Coastal New England Development, LLC, stated that he intends to construct an 1,800-square-foot, three-bedroom home. Nick Couturier asked about their plans for the existing structure and Sam Auffant said they intend to renovate it. Rich Onufry asked about whether the current owner is staying or not. Atty. Durbin explained that the property has gone into foreclosure and the Applicants are under contract to purchase the property. Frank Landford asked why the plan shows a 2,200-square-foot house and Sam Auffant explained that that figure includes the garage.

Public hearing opened.

Rita Hibsweiler, 24 Whittier Street, shared her opinion that granting the variance would cause a significant change in the neighborhood, that a 20% reduction in the required frontage is not insignificant, that a 15-foot side setback is not sufficient, and questioned whether there will be a single-family or a two-family.

Nancy Couture, 19 Whittier Street, stated that the current owner let the house fall into disrepair, and that she is totally opposed to the variance.

Tony Retrosi, 23 Whittier Street, also commented on the property's deterioration, said he believes the house includes an apartment, and that the variance would negatively impact property values.



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Assistant City Planner Piekut explained why the abutter's notice says the proposed land use may include a two-family dwelling, as the existing dwelling may be converted to a two-family dwelling given its age (predating May 27, 1964). Atty. Durbin said the Applicants would not buy the property if the variance is not granted. Frank Landford asked whether there is an apartment in the house. Sam Auffant said it appears that there is a space above the garage but they are not sure and are not sure of its legality. Rich Onufry asked whether the owner is there during the foreclosure, and Atty. Durbin said it appears that he is, but that they don't know much about the property. George Reagan explained that the current owner will no longer own the property if the sale is completed and Atty. Durbin confirmed that he and any other tenants will leave if the Applicants buy the property. Atty. Durbin reiterated that many nearby lots are nonconforming.

STAFF RECOMMENDATION:

Assistant City Planner Piekut explained why the Planning Department supports the variance request, as the lots would be very close to conforming and the spirit and intent of the ordinance is upheld by being so close to the required density intended for this single-family zoning district. She explained that the Applicant cannot obtain conforming street frontage without creating a nonconformity on either side.

Public hearing closed.

Chair Prior suggested a condition of approval preventing further variances from the R-12 Zoning District requirements.

Motion: George Reagan made a motion to grant the variance with the condition that no further variances are granted on the property. Otis Perry seconded. Vote: U/A

- 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.

Chair Prior noted that Rich Onufry will vote on the case.

Chris Berry, Berry Surveying & Engineering, represented the Applicant. He provided an overview of the special exception and site plan, which has already been reviewed by the Technical Review Committee. He explained how elements of the site plan show that the proposal meets the general criteria for a special exception, and how the proposal, along with the use of transfer of development rights, meets the criteria specific to this use in the B-3 Zoning District.

Discussion ensued regarding the application of the Transfer of Development Rights Overriding District and how the special exception criteria are met in part by relocating the COAST bus stop and providing a bus pull-out. Rich Onufry asked about the type of units proposed and Chris Berry said they will be a mix of one- and two-bedroom apartments.

Public hearing opened.



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STAFF RECOMMENDATION:

Assistant City Planner Piekut explained that staff is of the opinion that all the special exception criteria are met and supports the request.

Public hearing closed

Motion: Otis Perry moved to grant the special exception. Rich Onufry seconded. Vote: U/A

4. OTHER BUSINESS

Chair Prior noted that the Office of Strategic Initiatives annual Planning & Zoning Conference will be held April 28th, 2018 at the Grappone Center in Concord.

5. ADJOURN

Motion: Otis Perry moved to adjourn. George Reagan seconded. Vote: U/A. Adjourned: 8:08 p.m.



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, April 19, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a new telecommunications tower, where telecommunications facilities are not permitted on this lot.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-A

ZONING DISTRICT: Rural Residential (R-40)

FILE: Z18-07

APPLICANT: Industrial Tower and Wireless, LLC

OWNER: Peter & Susan Rousseau

LOCATION: 200 Henry Law Avenue (Tax Map K, Lot 1)

ACREAGE: 55.18 acres

EXISTING LAND USE: Single-family dwelling/farm

PROPOSED LAND USE: Single-family dwelling/farm, with telecommunications tower

SURROUNDING LAND USE: Single-family dwellings, Cochecho River Wildlife Management Area, conserved open space, WTSN radio

PREVIOUS ZBA ACTION:
None

PLANNING BOARD APPROVAL REQUIRED: Yes

ATTACHMENTS: Application, site plans

STAFF RECOMMENDATION: Staff opposes the request, but if the Board requires more information, staff recommends tabling for a site walk.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The property subject to this variance request is an approximately 55-acre cattle farm located on the east side of Henry Law Avenue, north side of Back Road, and on both sides of McKone Lane. Although McKone Lane divides the property, it is one lot. Assessing records indicate the home dates to 1790. The property is located in the Rural Residential (R-40) Zoning District.

The Telecommunication Facilities section of the Zoning Ordinance, **Section 170-22**, permits the construction of new telecommunications towers on 15 specific lots around the City. This section also permits co-location, or the placement of facilities on existing towers or alternative tower structures, much more broadly, throughout the City (see attached map). “Towers” include not only dedicated telecommunications towers, but also alternative structures such as steeples and smokestacks.

The Applicant requests a variance to permit construction of a new, 180-foot tall tower on a lot where the use is not permitted. The Applicant is a tower developer who has identified a specific tenant, T-Mobile, but who has also expressed an intent to lease space on the tower for other wireless service providers’ facilities.

The proposed tower height 180’, on land at an elevation of approximately 145’, for a total elevation of 325’. For comparison, the highest point in Dover, Garrison Hill, is at elevation 291’.

In addition to Section 170-22 of the Zoning Ordinance, the City of Dover, in its permitting processes, must also adhere to the requirements of the federal Telecommunications Act of 1996, as well as NH RSA 12-K, Deployment of Personal Wireless Facilities, **if the Applicant is a wireless service provider**. These laws do not apply to speculative developers of tower structures. If the variance to permit this use is granted, Planning Board review and approval will be required per Section 170-22.

REASON FOR STAFF RECOMMENDATION

Under NH RSA 674:33, the Zoning Board of Adjustment is granted the power to authorize a variance from the terms of the Zoning Ordinance if:

- “(1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship...” (See



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<http://www.gencourt.state.nh.us/rsa/html/lxiv/674/674-33.htm> for the full text of the law.)

Staff's opinion as to each criterion is discussed below:

- (1) The variance will not be contrary to the public interest:

There is value to the public in allowing the provision of fully sufficient wireless service throughout the City. However, public safety officials including the Chief of Police and Fire Chief have reported that they are not aware of any service problems in the area of the City described by the Applicant as lacking wireless service. The Board should consider whether granting the variance alters the essential character of the neighborhood or threatens the health, safety, or general welfare of the public.

- (2) The spirit of the ordinance is observed:

The Supreme Court has stated that "To be contrary to the public interest...the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives."

The spirit (and stated intent) of the Zoning Ordinance is to first provide for the health, safety, and welfare of the public in a manner consistent with the adopted Master Plan.

The purpose and intent section of the Telecommunications Facilities ordinance includes eight statements. **Section 170-22.C(4)** states that one of these eight goals is to "Permit the construction of new TOWERS only where all other reasonable alternatives have been exhausted, and to encourage the owners and users of TOWERS and ANTENNAS to configure them in a manner that minimizes visual impacts of said STRUCTURES.

The lots where new tower construction is permitted were determined through an analysis

intended to facilitate provision of service City-wide. The ordinance then provides more automatically for co-location of telecommunications facilities on existing towers or alternative tower structures throughout the City without Planning Board review. When new towers are proposed the Applicant is required to supply the Planning Board with several specific pieces of evidence to demonstrate that no other existing structure is suitable—even when proposed on a lot where the use is permitted. Permitting the use by variance will make this requirement redundant, and takes away from the Planning Board's purview of telecommunications facilities.

The New Hampshire Office of Strategic Initiatives has advised, "when the ordinance contains a restriction against a particular use of the land, the board of adjustment would violate the spirit and intent of the ordinance by allowing that use. If an ordinance prohibits industrial and commercial uses in a residential neighborhood, granting permission for such activities would be of doubtful legality. **The board cannot change the ordinance**" (emphasis in original).

For these reasons, the criterion is not met.

- (3) Substantial justice is done:

Substantial justice requires board members to determine whether a loss to the individual is outweighed by a gain to the general public. In this case, denial of the variance request may result in a loss to the Applicant that is not outweighed by a gain to the general public.

This is only true if being unable to provide a service that does not yet exist, through the construction of a structure that does not exist and is not permitted by right, is considered a "loss." The Applicant does not have a tower in place and has not demonstrated how there is financial loss by continuing to not have one. Were it the case that every other telecommunications provider was located in the area, but this one was not, then maybe you could make a case, but no other provider is located on this site or in this area. For this reason, this criterion is not met.

- (4) The values of surrounding properties are not diminished:

It is up to the Zoning Board of Adjustment to exercise its judgement and knowledge of the area to determine whether property values are affected by the requested variance, taking into account all testimony provided by the Applicant and at the public hearing.

The Applicant has provided little to no evidence (such as a professional appraisal) to demonstrate that property values will *not* be



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negatively affected if the variance is granted. The Board should take into consideration evidence presented during the public hearing in its determination. It should be noted that a tower of 180 feet in height will require lighting in accordance with Federal Aviation Administration and Federal Communications Commission requirements.

The Applicant references AM radio antennas located in the vicinity. These towers have been in place since at least 1956, predating any zoning regulations regarding telecommunications facilities, and are located deep within a parcel historically used for commercial broadcasting. Moreover, those antennas are surrounded by tree line and very few houses, compared to the subject parcel, which has many homes within sight of its boundaries, including 17 lots newly subdivided off of McKone Lane. They are also located at a lower elevation and are rarely visible from downtown.

- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

There is no inherent condition of the property that results in a hardship if the ordinance is applied as written. The property owner may make reasonable use of an approximately 55-acre parcel in the R-40 Zoning District through its current use or by means of many other permitted uses and opportunities for subdivision afforded by Chapter 155 of the City of Dover Code. Although the southern portion of the property abuts AM radio station WTSN, the station and its radio towers are located in wetlands that could not otherwise be developed, and are not as closely surrounded by single-family development.

Most importantly, the Applicant has pursued colocation with the WTSN towers and declined an agreement due to a “commercially unreasonable” rent. Hardship specifically excludes financial hardship. The Applicant does not address any inquiries into colocation at nearby WOKQ/WPKQ.

The Applicant describes the R-40 Zoning District as a most-permissive residential district and the general area as an area of mixed uses. Although the R-40 District is permissive in terms of rural uses such as farms and manufactured housing, it is less permissive than the City’s 18 other general districts in terms of permitting commercial, industrial, or denser residential uses. It is not a mixed use district. It is the least dense residential district in the City in terms of minimum lot size, minimum frontage, and structure setbacks. The lowest maximum building height in the City, 35 feet, applies to all buildings in the R-40 Zoning District. Any major subdivision in the R-40 Zoning District is required to be an Open Space Subdivision. The subject property abuts an Open Space Subdivision and directly abuts its permanently conserved open space. It also directly abuts a Wildlife Management Area owned by New Hampshire Fish & Game that provides habitat for bald eagles and many other wildlife species.

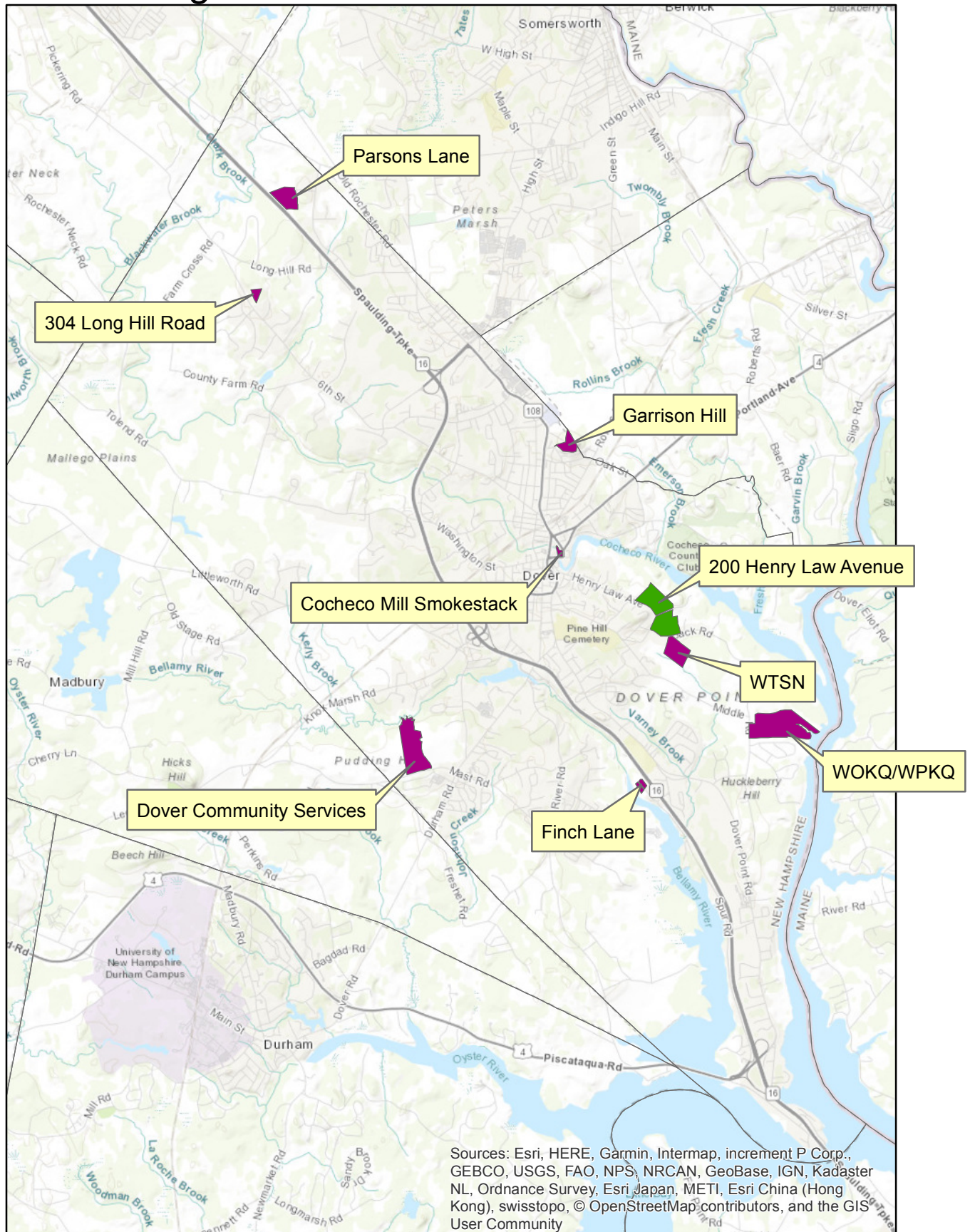
In addition to the information provided by the Applicant, staff is aware that the identified wireless service provider (T-Mobile, through its agent) recently contacted the City in an effort to terminate its long term lease on City property before the agreement permits. T-Mobile has operated a telecommunications facility on a City-owned tower at 271 Mast Road since October 2003. The terms of the lease describe five, five-year terms, providing the tenant the option to terminate the lease with 30 days’ notice at the end of each of the five-year periods. In February 2018, T-Mobile sought a rent reduction as part of its “relocation program,” and in order to prevent relocation of the facility at Mast Road. When the City refused a rent reduction, T-Mobile offered to extend the lease for 30 years in exchange for a rent reduction (which the City also refused). The next opportunity for T-Mobile to terminate its lease agreement is in fall 2018.

The narrative radiofrequency analysis provided by the Applicant refers to a colored map depicting several levels of wireless coverage throughout the City, but this map was not included in the Applicant’s submission. Without this, the Board does not have enough information to determine that an additional tower is required for T-Mobile to provide wireless services. Regardless, the Board should keep in mind that T-Mobile is not the Applicant nor the Property Owner.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing, evaluate and make findings on the five variance criteria, and deny the variance request. Alternatively, the Board may table the public hearing, and schedule a site walk with a request that the height of the proposed tower be physically represented with a balloon. The Board may also request more information, such as the coverage map referred to by the Applicant’s radiofrequency engineer.

Existing Tower/Alternative Tower Locations



**ZONING BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

**200 Henry Law Avenue
Map K, Lot 1-0-0**

180' Lattice Tower

Prepared for:
City of Dover
288 Central Avenue
Dover, NH 03820

Prepared By:
Industrial Tower and Wireless, LLC
40 Lone St
Marshfield, MA 02050

RECEIVED
Planning Office
MAR 23 2018
Dover, New Hampshire

 **Industrial
Communications®**



Industrial Communications & Electronics, Inc.
Industrial Tower and Wireless, LLC
Industrial Communications, LLC

40 Lone Street
Marshfield, Massachusetts 02050
781-319-1111 • Fax 781-837-4000

March 20, 2018

City of Dover
Zoning Board of Adjustment
288 Central Avenue
Dover, NH 03820-4169

Re: **Application for Variance**

Property Address: 200 Henry Law Avenue
Dover, NH 03820-4169
Assessor's Map K, Lot # 1-0-0
Applicant: Industrial Tower and Wireless, LLC

Dear Honorable Members of the Zoning Board of Adjustment:

Industrial Tower and Wireless, LLC (ITW) formally submits this Application for a Variance from Art. VI, Sec. 170.22.C, of the Zoning Ordinance of the City of Dover, NH under Section 170.22.C.

ITW has entered into an agreement with Peter and Susan Rousseau to design, permit, build, lease and own the communications tower.

ITW, founded in 1974, is an established wireless communications company, providing unique communication solutions to businesses throughout New England and South Florida. Our company headquarters are located 30 miles south of Boston in Marshfield, Massachusetts. ITW offers an extensive inventory of strategically located tower sites throughout New England, South Florida, Colorado, Kansas, Nebraska and Wyoming, with first class state-of-the-art tower facilities.

FACILITY

The proposed communications facility will consist of a gravel access driveway and a 80' X 80' compound. This crushed stone surface compound will have a chain-link perimeter security fence, and space for five (5) personal wireless communication service shelters or concrete pads with communications equipment, and additional supporting infrastructure. The proposed antenna tower will consist of a 180' lattice tower with antennas for each carrier.

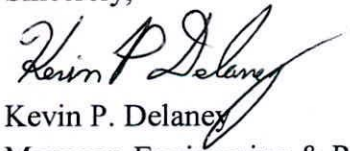
SUBMITTALS

The following materials are submitted to support the Application:

TAB #	CONTENTS
1	Zoning Board of Adjustment Application Supplement to the Application for a Variance Abutter Notification/Mailing Labels Check payable to City of Dover
2	Project Site Plans – 7 sheets
3	T-Mobile – Radio Frequency Analysis
4	Alternative Site Analysis spreadsheet

Industrial Tower and Wireless, LLC respectfully request that the Dover Zoning Board of Adjustment grant a Variance from Art. VI, Sec. 170.22.C, of the Zoning Ordinance of the City of Dover, NH.

Sincerely,



Kevin P. Delaney
Manager, Engineering & Regulatory Compliance
Industrial Tower & Wireless, LLC



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

<i>Office Use Only</i>	Case #: <u>218-07</u>	Date Received: _____
	Amount Paid: \$ _____	Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Industrial Tower and Wireless, LLC Phone # 781-319-1011

Address of Applicant: 40 Lone Street, Marshfield, MA 02050

E-Mail Address: kevin.delaney@induscom.com

PROPERTY OWNER (if different from applicant): Peter and Susan Rousseau

Address: 200 Henry Law Avenue Phone # 603-396-6120

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 200 Henry Law Avenue

Brief Directions: From City Hall, go north on Central Avenue 0.08 miles, turn sharp right onto Henry Law Avenue, go 1.10 miles. Property is on left (barn and power lines).

Zoning District: R-40 Assessor's Map # K Lot(s) # 1-0-0

TYPE OF APPEAL: (Please check one)

- | | |
|--|---|
| ☒ Variance | from Section _____ of the Zoning Ordinance |
| ☐ Physical Disability Variance (RSA 674:33-V) | from Section _____ of the Zoning Ordinance |
| ☐ Special Exception | per Section _____ of the Zoning Ordinance |
| ☐ 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:

Industrial Tower and Wireless, LLC proposes to lease a 100' x 100' (10,000 square foot) area with a right of way on the parcel to construct a 180 foot tall antenna tower and 80' x 80' compound.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) X _____
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** X _____
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. 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. _____
- 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
\$100.00 SPECIAL EXCEPTION	\$ _____
\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
\$100.00 EQUITABLE WAIVER	\$ _____
 2. Foster's newspaper public notice \$ **80.00**
- TOTAL FEE** \$ _____

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170.22.C of the Zoning Ordinance to permit:

To build a 180-foot tall antenna tower on a parcel that is not one of the fifteen (15) specific parcels
listed in the ordinance on page P170-70. Under C. Location (1)

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 supplement to the Application on Page 8 #4

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

See attached supplement to the Application on Page 7 #3

3. Granting the variance would do substantial justice because:

See attached supplement to the Application on Page 8 #5

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

See attached supplement to the Application on Page 6 #2

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 supplement to the Application on Page 5 #1

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 supplement to the application on Page 5 #1

and

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

See attached supplement to the Application on Page 5 #1

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

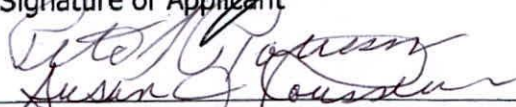
I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

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*

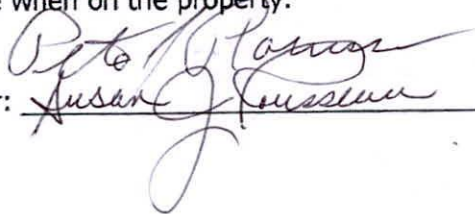


Signature of Owner*

*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: 3/21/18

**CITY OF DOVER, NH
ZONING BOARD OF ADJUSTMENT
City Hall - 288 Central Avenue
Dover, NH 03820**

**SUPPLEMENT TO APPLICATION FOR A VARIANCE FROM
ARTICLE VI, SECTION 170-22.C, OF THE
DOVER ZONING ORDINANCE**

Applicant: INDUSTRIAL TOWER & WIRELESS, LLC, d/b/a
INDUSTRIAL COMMUNICATIONS
by and through its legal counsel,
Steven E. Grill, Esquire

Owner: PETER & SUSAN ROUSSEAU

Owner's Address: 200 Henry Law Avenue
Dover, NH 03820

Applicant's Representative: Steven E. Grill, Esq.
P.O. Box 10186
Bedford, NH 03110
603-488-2371
sgrill@stevegrill.com

Location of Subject Property: 200 Henry Law Avenue
Dover, NH 03820

Zoning: R-40 (Rural Residential)

Type of Request: VARIANCE from Art. VI, Sec. 170.22.C, of the Zoning
Ordinance of the City of Dover, NH

Overview of the Applicant, the Project and the Requested Relief

The Applicant, INDUSTRIAL TOWER & WIRELESS, LLC, d/b/a INDUSTRIAL COMMUNICATIONS, together with its affiliated companies ("Industrial Communications"), builds, owns and maintains wireless antenna facilities throughout northern New England. Industrial Communications is a licensed provider of federally-licensed specialized mobile radio services and it uses its antenna facilities to support its own network. In addition, Industrial Communications leases space on its facilities to other wireless carriers, such as T-Mobile, Verizon, AT&T, Sprint, and U.S. Cellular, all of whom serve mobile phone customers in New Hampshire with their own wireless networks. The federally-licensed services provided by Industrial Communications and its business partners are "personal wireless services" ("PWS") within the meaning of Section 704 of the Telecommunications Act of 1996 (the "Act") and the antenna facilities which Industrial Communications builds are "personal wireless services facilities" within the meaning of Section 704 of the Telecommunications Act of 1996. *See* 47 U.S.C. §332(c)(7)(C)(i), (ii). The Act imposes certain limits on local government regulation of such facilities.

In order to provide PWS, Industrial Communications and its business partners need to install and maintain networks of antenna facilities. These antenna networks must be sufficiently robust so as to allow reliable transmission and receipt of signals to and from wireless devices. This means, among other things, that the antennas need to be placed at sufficient heights above ground to allow the signals to avoid blockage from natural objects, such as trees and ridges, and from manmade objects, such as buildings and other structures. In addition, each antenna site must be strategically located; the sites must be close enough to each other so that signals can be "handed off" from one antenna site to the other yet not so close to each other as to provide merely redundant coverage or to cause interference with neighboring sites.

What is more, each antenna site can only handle a certain amount of signals. Once the maximum capacity of a site is reached, users of wireless devices (cell phones, tablets, computers, etc.) will be unable to connect to the wireless network or will experience other service problems, including dropped calls, amounting to a coverage gap.

Two trends in wireless communications have resulted in a need for an increased number of antenna sites. First, there has been a dramatic growth in the amount of wireless network usage, particularly with respect to data, and this growth is expected to continue. As the amount of usage grows, the area served by any given antenna site is reduced. Each antenna site will communicate with the devices that are in closest proximity, *i.e.*, those with the strongest signals, so when there are more devices in a particular vicinity, users further away from the nearest site will not have an effective link to the network. This will lead to gaps in coverage even where no gaps previously existed.

Second, as more and more people and businesses shift from using land lines to wireless devices for both voice and data, there is an increased need for "in building" coverage, that is, more and more wireless device users want to connect to nearby antenna sites from inside their homes, workplaces and other buildings. This requires stronger signals, because the buildings are constructed of materials which can absorb the radio signals and make it much more difficult for the devices to communicate with antennas sites.

Where these or other coverage problems exist, new antenna facilities must be added to wireless networks in order to address the problems and ensure that people can use their devices reliably.

To be sure, there are several wireless antenna sites presently serving the City of Dover. However, the number of users and their demands for "in building" coverage for voice and data (that is, for wireless Internet connectivity) has absorbed most of the capacity of these sites and created or increased coverage gaps. Thus, existing sites do not presently provide adequate coverage for all of Dover, and meanwhile the demand for wireless phone and data services in the City continues to skyrocket. As a result, inadequate coverage problems in parts of the City will continue to worsen.

Industrial Communications' business partners have expressed a need for new antenna facilities in Dover. In particular, T-Mobile needs to upgrade its Fourth Generation ("4G") coverage in the eastern downtown area and in the areas to the east of downtown. This can be described roughly as the area around Central Avenue and the area to the east of Central Avenue in an area which includes Cocheco Street, Henry Law Avenue and Court Street.

Industrial Communications has researched the City of Dover's land use regulations, including its Zoning Ordinance, and has also looked for existing tall structures in the vicinity as well as vacant land

which a new antenna facility might be feasible. As explained more fully below, based on this research Industrial Communications has concluded that the only feasible way to meet the coverage needs of T-Mobile is to construct a new antenna tower using a parcel of land which is not one of the handful of parcels on which new antenna facilities are allowed as a matter of right.

Industrial Communications was able to locate a large parcel upon which such a facility can be built. This parcel, which is the subject of this application, is known as 200 Henry Law Avenue. Although a variance is needed, a new antenna tower on this large parcel will not be out of character with the existing neighborhood and will otherwise be compatible with the City of Dover's overall land use objectives and policies.

In short, if the requested relief is granted, then Industrial Communications will be able to construct a wireless telecommunications antenna facility (the "Facility") which will allow it to address the coverage issues referred to above without significant adverse impacts to the City.

Details Regarding the Property and the Proposed Project

As shown on the plans attached as Tab 2 hereto, in order to construct the Facility, Industrial Communications proposes to lease a 100' x 100' (10,000 square foot) area, and to obtain a right of way, on a parcel of land known as 200 Henry Law Avenue and identified on the City's Tax Map at Map K, Lot 1-0-0 (the "Property"). The Property consists of 28.8 acres. It is improved by a residence and several additional buildings and is currently used for cattle farming. It is burdened by two utility easements, that include high voltage transmission towers that cross the property.

As demonstrated by the Radio Frequency Analysis prepared by T-Mobile Radio Frequency Engineer Ryan Monte De Ramos, attached hereto as Tab 3 (the "RF Analysis"), T-Mobile has determined that a new antenna facility installed at the proposed location at a height of 180 feet is needed to close the gaps in available network coverage in the area described above. This will help fulfill T-Mobile's overall engineering and technical plan and requirements for Dover.

T-Mobile has also conducted a "drive test" which confirmed that there are coverage gaps in this part of Dover.

In addition, Industrial Communications' own analysis has confirmed that other wireless carriers who are licensed to provide PWS in this part of New Hampshire will also be able to use the Facility to meet their own coverage requirements.

As demonstrated both by the RF Analysis (Tab 3) and by the Alternative Site Analysis spreadsheet which is attached hereto as Tab 4, Industrial Communications reviewed the fifteen (15) specific parcels in Dover upon which new antenna facilities are allowed as a matter of right and concluded that none of them offer a feasible opportunity to provide the coverage which is needed. In fact, the closest one of those parcels to the area in question is on Finch Lane a/k/a Spur Road, and T-Mobile already has antennas installed on a tower at that location, but it is unable to close its coverage gap from that facility. The remaining fourteen (14) parcels are even further away from the area in question and it would not be possible to provide the needed coverage from any of them.

Industrial Communications also searched for existing tall structures in the vicinity, and was unable to locate any that would be suitable for an antenna facility. In fact, prior to authorizing Industrial Communications to try to find an appropriate location, T-Mobile had engaged in negotiations with the

owner of a parcel which presently contains four existing 200-foot tall AM antennas structures. This parcel is .39 miles away from the subject Property. Unfortunately, after approximately one year of negotiations, the owner of that parcel demanded terms which were not commercially reasonable and thus neither that parcel nor the existing antenna structures on the parcel are available for the antenna facility that T-Mobile requires.

Industrial Communications has conducted a thorough search of the vicinity and concluded that the subject Property is the most appropriate location for the Facility. Several factors support this conclusion.

Most important, in addition to meeting the network coverage requirements as developed by the RF engineers, the Property is one of only a few in the area that has enough unimproved land to allow a facility to be installed which will satisfy the coverage objectives of Industrial Communications and other providers of wireless services, while meeting all of the City's land use regulations for wireless facilities (*e.g.*, height, setbacks, and vegetative buffers), thereby respecting the interests of neighboring property owners and the City of Dover as a whole, to the maximum extent possible.

Second, the Property is located in the Rural Residential Zone of Dover, which has the least restrictive zoning of all of the several residential districts in the City.

Third, the neighborhood is less densely populated than other areas of the City, which means that few if any residential properties will be impacted by the proposed Facility. The neighborhood includes mixed uses, including a cattle farming operation on the subject Property. Moreover, the Property itself features several tall electric transmission towers, which is consistent with the use for a telecommunications tower. Other uses in the area include the four existing AM antenna towers which were mentioned above.

Finally, at the proposed location, the Facility will only be visible from a limited number of vantage points. To the extent the new tower might be visible from certain properties, moreover, most of these properties are believed to already have a view of the four tall AM antenna towers, and the additional visual impact will not be particularly significant.

Based on these facts, Industrial Communications respectfully submits that the proposed Facility will not adversely affect the area and, particularly because of features like the electric transmission line towers mentioned above, it will not be out of character with the surrounding neighborhood.

The Requested Relief

Under the City of Dover's Zoning Ordinance, new wireless facilities are permitted on only fifteen (15) specific parcels, which are enumerated in Section 170-22.C of the Ordinance. On all other parcels, antennas are only allowed to be installed on existing structures. *Id.*

None of the enumerated parcels, however, are close enough to the area of the coverage gap to provide a feasible opportunity for the gap to be closed. In fact, T-Mobile already has antennas installed on an existing tower on the Finch Lane/Spur Road parcel, which is the closest to the coverage gap. Neither that antenna site nor any other existing antenna site provides the coverage needed to close the gap. And, even if it were possible to build a new tower on any of the remaining parcels on which towers are authorized under the Ordinance, antennas installed at those locations simply will not provide the coverage needed.

There also are no existing structures of any kind in the vicinity of the coverage gap which are tall enough to allow antennas to be installed at the height needed for adequate coverage.

In short, without a variance it will not be feasible for coverage to be provided in the area of Dover which is the subject of this application.

Industrial Communications therefore is requesting a variance from the strictures of the Ordinance which restrict where antenna facilities can be built, so that it can build a 180-foot tall antenna tower. Industrial Communications believes that it meets all the criteria for the relief requested herein.

Criteria for a Variance

Pursuant to Article XIII, Section 170-52.C (4) of the Dover Zoning Ordinance, the ZBA is empowered to grant a variance “where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this Chapter.”

This criterion appears to be less restrictive – that is, more flexible – than the relevant New Hampshire statute, which is RSA 674:33. Under that statute, Industrial Communications is entitled to a variance if it establishes that (a) denial of the variance would result in unnecessary hardship to the applicant; (b) no diminution in value of surrounding property would occur; (c) the proposed use would not be contrary to the spirit of the Ordinance; (d) granting the variance would benefit the public interest; and (e) granting the variance would do substantial justice. For the purposes of this Application, Industrial Communications will assume that all of the statutory criteria must be met and will address each of them. Industrial Communications respectfully submits that it meets all of these criteria.

1. Denial of the variance would result in unnecessary hardship.

Pursuant to RSA 674:33, I (A), in order to demonstrate that literal enforcement of an ordinance will result in “unnecessary hardship,” an applicant seeking a variance must show that:

owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one.

Given the unique characteristics of the subject property, the need to eliminate an existing gap in coverage in the area, the generally industrial and commercial nature of the neighborhood, and the lack of feasible alternatives, both of these criteria are met in this case.

In addition, pursuant to RSA 674:33, I (B), “[i]f the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.” These criteria are also satisfied.

In the case of wireless services, “hardship” has a special meaning under federal law. In this regard, municipalities have a duty to adopt and apply regulations in a manner which afford federally-licensed carriers, including Industrial Communications as well as its business partners such as T-Mobile, a

reasonable opportunity to provide the coverage required to provide adequate and reliable service to their customers; if there is no such opportunity, then the regulations will be deemed to “effectively prohibit” the provision of wireless services, and this would be a violation of federal law. *Omnipoint Holdings, Inc. v. City of Cranston*, 586 F.3d 38 (1st Cir. 2009); *Nextel v. Wayland*, 231 F. Supp. 2d 396, 406-07 (D. Mass. 2002). See also, *Indus. Communs. & Elecs, Inc. v. Town of Alton*, 2012 U.S. Dist. LEXIS 135158 (D.N.H. 2012) (where evidence established that a municipal ordinance made it impossible to provide adequate coverage without a variance, ZBA's decision to deny a variance had the effect of prohibiting the provision of wireless services in violation of federal law.)

The New Hampshire Supreme Court has recognized this interplay between federal law and New Hampshire law. See *Daniels v. Town of Londonderry*, 157 N.H. 519 (2008) (local land use officials must consider federal law when deciding applications for permission to construct wireless facilities, because federal telecommunications law acts like an “umbrella” over otherwise applicable state law).

Regulations like the Dover Zoning Ordinance, which restrict telecommunications facilities to a relatively small number of specific parcels, are problematic under federal law; if constructing facilities on the specified parcels is too difficult or if facilities located on the specified parcels will not provide the necessary coverage, then use variances are required so that parcels can be utilized from which it is feasible to provide adequate coverage. See, e.g., *Omnipoint Commun. MB Operations v. Town of Lincoln*, 107 F. Supp. 2d 108 (D. Mass. 2000).

The issue in the present matter can thus be stated as whether or not the absolute prohibition in the Dover Ordinance against new freestanding antenna facilities on all but fifteen specific parcels in Dover, coupled with the fact that a number of those enumerated parcels are not actually feasible locations for a new antenna tower and in any event, none are located where a new facility could be built that would solve the coverage problems described in this Application, makes it unreasonably difficult to provide wireless services in this part of Dover without a variance. In other words, are these restrictions a fair and reasonable way to regulate wireless facilities, given the limited coverage “footprint” provided by any given wireless antenna site and the need for every antenna site to have enough height to allow the wireless signals to reach mobile devices in vehicles and inside buildings?

As already noted, none of the fifteen enumerated parcels is located where a new antenna tower would provide adequate coverage to the area of the coverage gap. In addition, there are no existing structures in the vicinity which are of adequate height.

Bearing in mind the need of Industrial Communications, T-Mobile and other Industrial Communications business partners to add antenna facilities in this vicinity in order to close coverage gaps, and in light of the absence of any locations from which it would be feasible to provide the necessary coverage without a variance, the restrictions imposed by the Ordinance create a “hardship” within the meaning of the law as it applies to the special case of wireless antenna facilities.

2. No diminution in value of surrounding properties would be suffered.

Granting Industrial Communications’ requested variance and allowing the construction of the Facility will not diminish the value of surrounding properties. Industrial Communications has selected a parcel which is in proximity to existing agricultural, radio transmission and electric transmission uses. The parcel, moreover, is in a district where such mixed uses are permitted. In fact, many homes have been

built in this area despite the existence of the four large AM antenna towers, and the existence of those antenna towers does not significantly diminish the value of those homes.

In short, because the proposed use is generally consistent with the character of the neighborhood and will not have significant visual impact to most properties in the neighborhood, the value of properties will not be diminished by allowing the Facility to be built as proposed by Industrial Communications.

3. The use is not contrary to the spirit of the Ordinance.

The Dover Zoning Ordinance was adopted to:

promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

See Ordinance, Article 1, Section 170-3. Similarly, the City's Master Plan, which has been undergoing review since 2012, and the documents which set forth recommendations resulting from that review, express desires for orderly economic growth, strong infrastructure and excellent municipal services.

Plainly, in today's world, wireless services are an essential part of any economic development plan, in that such services are considered necessary by both businesses and individuals. Wireless antenna facilities are more than just a convenience to City residents but are an essential part of life. In fact, more and more people are doing away with land lines all together and relying on wireless devices (including not only phones but also tablets and computers) for voice and data communications. This trend will certainly continue into the foreseeable future.

Wireless services are also an essential component of municipal safety and first response plans. In the event of accidents or other catastrophes, people expect that that their mobile devices will allow them to communicate quickly with the appropriate authorities as well as with their loved ones. Adequate coverage is thus essential.

Given the importance of adequate wireless communications and the limited area which each antenna site can serve, deployment of additional wireless antenna sites is consistent with the City's overall planning goals. Moreover, at the location proposed, Industrial Communications can build a site from which several carriers can close gaps in coverage, which will minimize the need for multiple sites in this part of the City. Moreover, the facility proposed by Industrial Communications will meet all of the dimensional requirements and other Performance Standards set forth in Section 170-22.E of the Ordinance.

In short, Industrial Communications has selected one of the very few sites in this part of Dover where it is possible to locate a new freestanding wireless antenna facility which will meet the City's standards for such facilities. Except for the fact that the parcel in question is not on the list of fifteen (15) enumerated parcels set forth in the Ordinance, the proposed Facility will comply in all respects with the letter and the spirit of the Ordinance.

4. Granting the variance would be of benefit to the public interest.

Advanced wireless telecommunications services, such as those provided by Industrial Communications, by T-Mobile, and by the other providers that Industrial Communications expects will want to co-locate their antennas on the Facility, are an essential part of the communications infrastructure in today's world. Increasingly, families, businesses, public safety officials and government agencies rely upon mobile communications and mobile computing. Devices such as smartphones and tablets are used everywhere, and many families no longer have land line phones at all. What is more, essential public safety services such as E-911 require a fully-developed mobile network. It is precisely because of this increased public demand and public need that Industrial Communications must build the Facility. For example, if a fire, serious crime, or other catastrophe were to occur in this part of Dover, the lack of network coverage could cause delays in notifying public safety authorities.

In short, the Facility that Industrial Communications proposes to construct is entirely consistent with the public interest.

5. By granting the variance substantial justice would be done.

Unless it obtains the requested variance, Industrial Communications and T-Mobile, and other wireless carriers who are Industrial Communications' business partners, will be unable to fulfill their obligations under federal law to provide reliable wireless services to their customers. As a result, substantial losses will be suffered by Industrial Communications and other wireless carriers if the request for a variance is denied.

Even more important, members of the general public will also be harmed, in that they will be unable to obtain the level of wireless services required by individuals, businesses and public safety officials.

Accordingly, substantial justice will be done by granting this request for variance and permitting Industrial Communications to construct the Facility.

Conclusion

The thoughtful deployment of wireless facilities in a city such as Dover is essential in order for people who work, live and travel through the City to enjoy the safety, convenience and business benefits which only reliable wireless services can provide.

The City's Zoning Ordinance goes a good deal of the way in providing a reasonable opportunity for such services to be provided in some parts of the City. Unfortunately, however, the very limited number of parcels where a new freestanding facility can be located makes it impossible to provide adequate coverage in all parts of the City. This problem has grown more acute with the explosive growth of wireless devices, which have become a primary means of communication for citizens and businesses, and which now provide vital links to the Internet. More sites are needed, and more flexibility is thus required with respect to the restrictions imposed by the Ordinance.

Here, Industrial Communications has selected a site on which a facility can be built which complies with the Performance Standards of the Ordinance. The Facility will have minimal adverse impact and will thus honor the objectives expressed in the Ordinance while allowing a critical need in the City to be addressed.

For all the foregoing reasons, Industrial Communications respectfully requests that the Board grant the requested variance, thus permitting Industrial Communications and the wireless carriers with whom Industrial Communications does business to fulfill their mission, as contemplated by federal law, to provide reliable wireless coverage to the community.

Dover, New Hampshire – Abutter Notification/Mailing Labels

200 Henry Law Avenue

Property Owner - Peter & Susan Rousseau, 200 Henry Law Ave, Dover, NH 03820

Applicant – Industrial Tower & Wireless, LLC, 40 Lone Street, Marshfield, MA 02050

Applicant's Representative – Steven E. Grill, Esq. P.O. Box 10186, Bedford, NH 03110

Surveying & Engineering - Fieldstone Land Consultants, PLLC, 206 Elm Street, Milford, NH03055

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VOL.4363 PG.772 3/7/2016

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VOL.950 PG.157

K-2-0-0
STATE OF NEW HAMPSHIRE
C/O NH FISH & GAME
11 HAZEN DRIVE
CONCORD, NH 03301
VOL.2340 PG.7 7/9/2001

K-1-A-0
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VOL.3247 PG.620 8/25/2005

21-26-33-0
PHILIP & CLARICE OTMINSKI
51 KETTLE RUN
EAST AURORA, NY 14052
VOL.4490 PG.382 7/6/2017

21-26-30-0
CATHERINE S. SCHIRMER
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VOL.1966 PG.526 11/10/1997

21-26-28-0
ALLEN D. & TANYA DEMARAY
197 HENRY LAW AVE
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VOL.2146 PG.307 9/30/1999

21-26-27-0
THOMAS A. & ANN MARIE HACKETT
43 SAMUEL HANSON AVE
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VOL.1613 PG.653 6/1/1992

21-77-0-0
FREDA LACROIX
183 HENRY LAW AVE
DOVER, NH 03820
VOL.C19YR03 PG.ET620 1/1/1970

21-26-12-0
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OF THE ROBERT & SUZAN DUNLAVEY
REVOCABLE LIVING TRUST
193 HENRY LAW AVE
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VOL.3731 PG.175 4/22/2009

21-26-11-0
MARK & CHRISTINE O. MORRISON
191 HENRY LAW AVE
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VOL.1568 PG.68 12/27/1999

21-26-10-0
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2 PENNY LANE
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VOL.1775 PG.285 10/28/1994

21-26-1A-0
AMY V. & NORM FRACASSA JR.
1 PENNY LANE
DOVER, NH 03820



Industrial Communications

DOVER, NH



APPROVALS

CITY OF DOVER, NH ZONING BOARD

CHAIRMAN	DATE
MEMBER	DATE
MEMBER	DATE
MEMBER	DATE
MEMBER	DATE

SHEET INDEX

SHT NO.	TITLE	REV. NO.
T	TITLE SHEET	0
1	EXISTING CONDITIONS PLAN	0
2	AERIAL OVERLAY	0
3	SITE LOCUS PLAN	0
3A	DETAILED SITE PLAN	0
4	TOWER ELEVATION & DETAILS	0
5	SITE CONSTRUCTION DETAILS	0

**Industrial
Communications**

Engineering Division
40 Lone Street
Marshfield, MA 02050

CO-APPLICANT:

T-Mobile

T-MOBILE NORTHEAST LLC
15 COMMERCE WAY
NORTON, MA 02766

SITE:

DOVER,
NEW HAMPSHIRE
NH-10148

ADDRESS:

MAP K
LOT 1-00
200 HENRY LAW AVE
DOVER, NH 03820

PROJECT NO:

SITE - DOVER, NH - NH-10148

DRAWN BY: RICK

SCALE: NONE

NO	DATE	ISSUE
0	2/6/18	2/6/18

SHEET TITLE:

TITLE
SHEET

SHEET NUMBER

T



Engineering Division
40 Lone Street
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CO-APPLICANT:



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SITE - DOVER, NH-10148
DRAWN BY: RICK

SCALE: NONE

NO	DATE	ISSUE
1	2/6/18	2/6/18

PROJECT TITLE

PROPOSED
COMMUNICATIONS
FACILITY
PETER & SUSAN
ROUSSEAU
DOVER, NH 03820
MAP K - LOT 1-0-0

SHEET TITLE

AERIAL
OVERLAY

SHEET NUMBER

2

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21-26-30-0
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199 HENRY LAW AVE
DOVER, NH 03820
VOL.1966 PG.526 11/10/1997

21-26-28-0
ALLEN D. & TANYA DEMARAY
197 HENRY LAW AVE
DOVER, NH 03820
VOL.2146 PG.307 9/30/1999

21-26-27-0
THOMAS A. & ANN MARIE HACKETT
43 SAMUEL HANSON AVE
DOVER, NH 03820
VOL.1613 PG.653 6/1/1992

21-27-0-0
FREDA LACROIX
183 HENRY LAW AVE
DOVER, NH 03820
VOL.C19YR03 PG.ET620 1/1/1970

21-26-12-0
ROBERT & SUZAN DUNLAVEY, TRUSTEES
OF THE ROBERT & SUZAN DUNLAVEY
REVOCABLE LIVING TRUST
193 HENRY LAW AVE
DOVER, NH 03820
VOL.3731 PG.175 4/22/2009

21-26-11-0
MARK & CHRISTINE O. MORRISON
191 HENRY LAW AVE
DOVER, NH 03820
VOL.1588 PG.69 12/27/1999

21-26-10-0
DOUGLAS E. & DONNA J. EASON
2 PENNY LANE
DOVER, NH 03820
VOL.1775 PG.295 10/28/1994

21-26-1A-0
AMY V. & NORM FRACASSA JR
1 PENNY LANE
DOVER, NH 03820

REFERENCE PLANS:

1. "SUBDIVISION OF LAND - FOR - PETER & SUSAN ROUSSEAU - IN - DOVER, N.H.", SCALE: 1"=100', DATED JULY 26, 1988 BY BRUCE L. POHOPEK & RECORDED IN PLAN DRAWER 35, NUMBER 137 IN THE S.C.R.D.
2. "OPEN SPACE SUBDIVISION & LOT MERGER PLAN - FOR THE - MARTINEAU PROPERTY - ON - MCKONE LANE - IN - DOVER, NEW HAMPSHIRE", SCALE: 1"=100', DATED AUGUST 6, 2007 BY POHOPEK LAND SURVEYORS & SEPTIC DESIGNERS, LLC. AND RECORDED IN PLAN DRAWER 92, NUMBER 44 IN THE S.C.R.D.
3. "MINOR SUBDIVISION OF LAND - PREPARED FOR - SUSAN AND PETER ROUSSEAU - TAX MAP K, LOT No. 1 - MCKONE LN, HENRY LAW AVE & BACK RD - CITY OF DOVER - COUNTY OF STRAFFORD - STATE OF NEW HAMPSHIRE", SCALE: 1"=60', DATED OCTOBER 7, 2010 & REVISED THROUGH DECEMBER 10, 2010 BY McENEANEY SURVEY ASSOCIATES, INC. AND RECORDED IN PLAN DRAWER 100, NUMBER 071 IN THE S.C.R.D.

NOTES:

1. THE OWNERS OF RECORD FOR TAX MAP PARCEL K-1-0-0 ARE PETER & SUSAN ROUSSEAU - 200 HENRY LAW AVENUE, DOVER, NH 03820. DEED REFERENCE TO PARCEL IS BK.1139 PG.797 DATED 7/27/1984 IN THE S.C.R.D.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE TOPOGRAPHY AND EXISTING CONDITIONS ON A PORTION OF TAX MAP PARCEL K-1-0-0.
3. THE TOTAL AREA OF THE SITE (TRACT 1) IS 28.8 ACRES, PER REFERENCE PLAN #1.
4. ZONING FOR THE ENTIRE SITE IS R-40, RURAL RESIDENTIAL.
MINIMUM LOT SIZE: 40,000 S.F.
MINIMUM FRONTAGE: 150 FT.
MINIMUM FRONT YARD: 40 FT.
MINIMUM SETBACKS: 40 FT. FRONT, 30 FT. REAR, & 25 FT. SIDE.
5. THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE REFERENCE PLANS CITED HEREON.
6. TOPOGRAPHY & PLAN GRAPHICS WERE DEVELOPED FROM AN ON THE GROUND FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF JANUARY, 2018.
7. HORIZONTAL ORIENTATION BASED ON REFERENCE PLAN #1.
8. THE SUBJECT LOT K-1-0-0 LIES OUTSIDE THE BOUNDARY OF THE 100-YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP FOR THE TOWN OF DOVER, NH, F.I.R.M. COMMUNITY PANEL NUMBER 33017C0330E DATED SEPTEMBER 30, 2015.
9. THE SUBJECT LOT K-1-0-0 IS SUBJECT TO A POSSIBLE 20-FT WIDE DRAINAGE EASEMENT. DEED REFERENCE TO EASEMENT IS BK.1215 PG.639 DATED 2/27/1986 IN THE S.C.R.D. NO REFERENCE PLAN FOUND.

APPLICANT:
INDUSTRIAL TOWER
& WIRELESS
40 LONE STREET
MARSHFIELD, MA 02050

OWNERS:
PETER & SUSAN ROUSSEAU
200 HENRY LAW AVENUE
DOVER, NH 03820

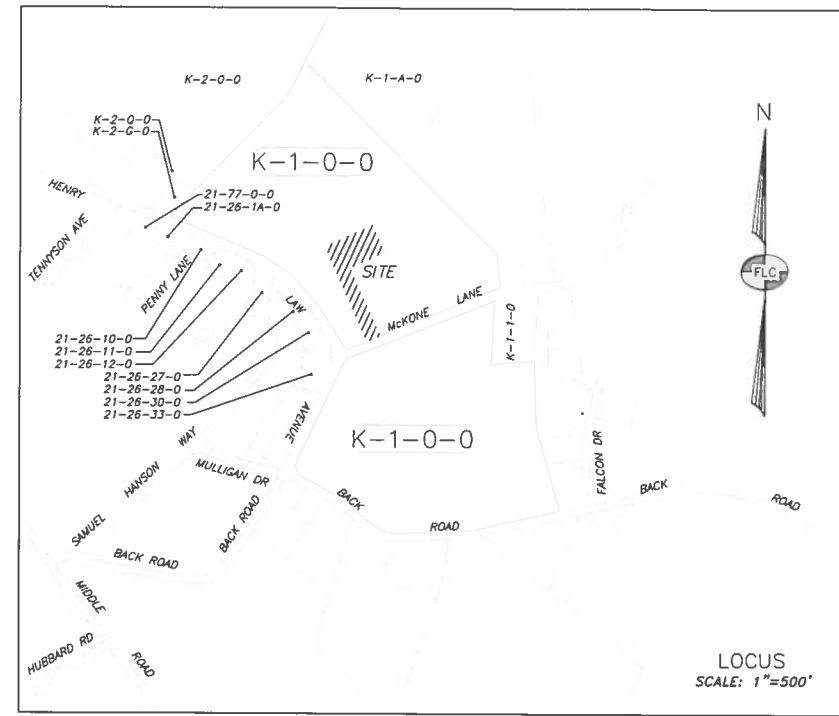
ASSESSORS REFERENCE: MAP K
LOT 1-0-0

ZONING REFERENCE: R-40
RURAL RESIDENTIAL

MIN. LOT SIZE: 40,000 S.F.
MIN. FRONTAGE: 150 FT.
MIN. FRONT YARD: 40 FT.
MIN. SIDE YARD: 25 FT.
MIN. REAR YARD: 30 FT.

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

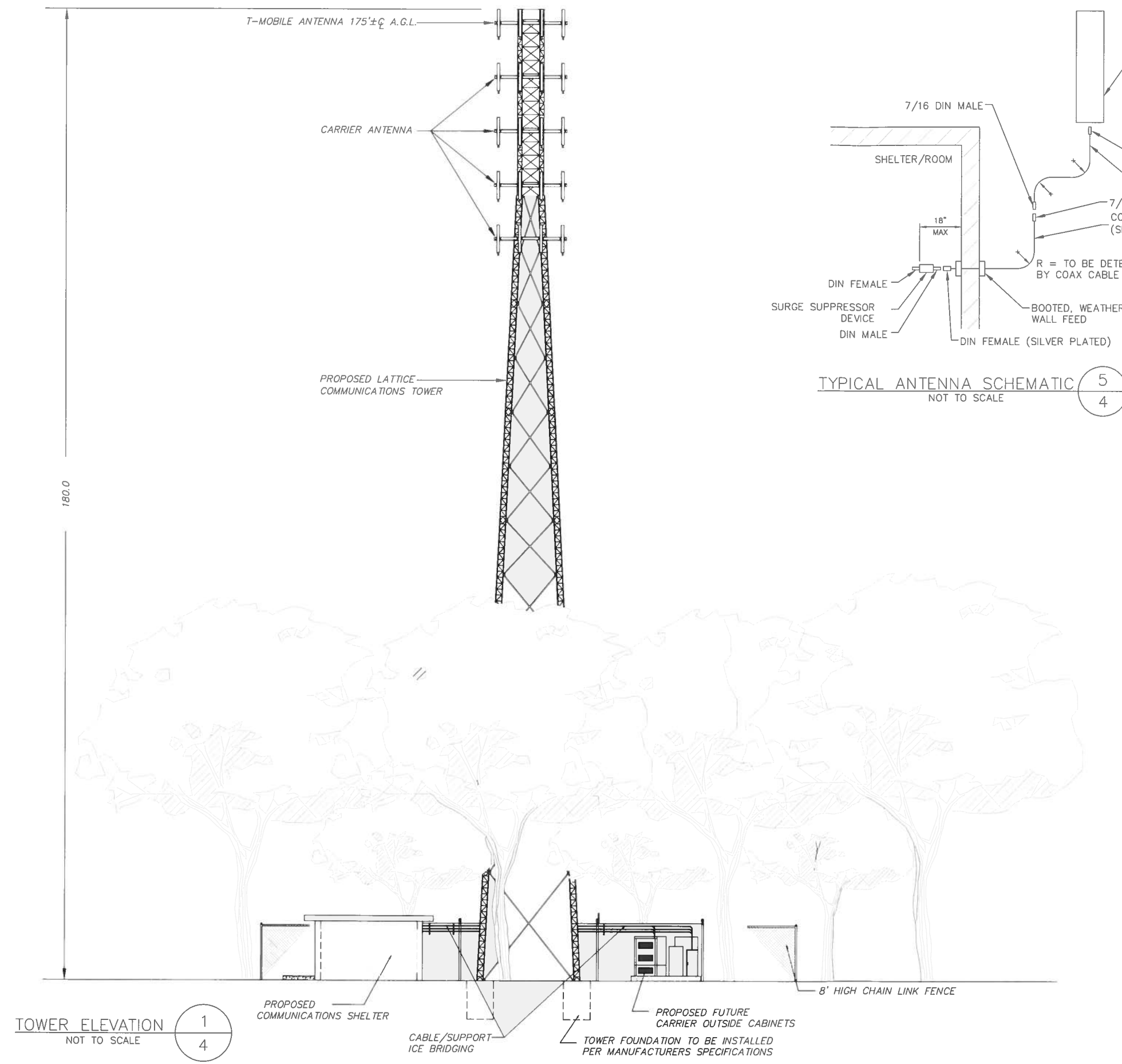


LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- STONE WALL
- EDGE OF TREE LINE
- ELECTRIC FENCE
- PROPOSED EASEMENT LINE
- OVERHEAD UTILITY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- UTILITY POLE & GUY
- TAX MAP & LOT NUMBER
- IRON PIN FOUND
- IRON PIPE FOUND
- IRON PIN SET

NRCS SOILS LEGEND:
SOURCE: USDA NRCS WEB SOIL SURVEY

- BzB BUXTON SILT LOAM, 3-8% SLOPES
- CsB CHARLTON FINE SANDY LOAM, 3-8% SLOPES, VERY STONY
- CsD CHARLTON VERY STONY FINE SANDY LOAM, 15-25% SLOPES
- HcB HOLLIS-CHARLTON FINE SANDY LOAM, 3-8% SLOPES
- HcC HOLLIS-CHARLTON FINE SANDY LOAM, 8-15% SLOPES
- HdB HOLLIS-CHARLTON VERY ROCKY FINE SANDY LOAMS, 3-8% SLOPES
- HdC HOLLIS-CHARLTON VERY ROCKY FINE SANDY LOAMS, 8-15% SLOPES
- HdD HOLLIS-CHARLTON VERY ROCKY FINE SANDY LOAMS, 15-25% SLOPES
- ScA SCANTIC SILT LOAM, 0-3% SLOPES
- WdE WINDSOR LOAMY SAND 15-80% SLOPES
- WfC WINDSOR LOAMY FINE SAND, CLAY SUBSOIL VARIANT, 8-15% SLOPES

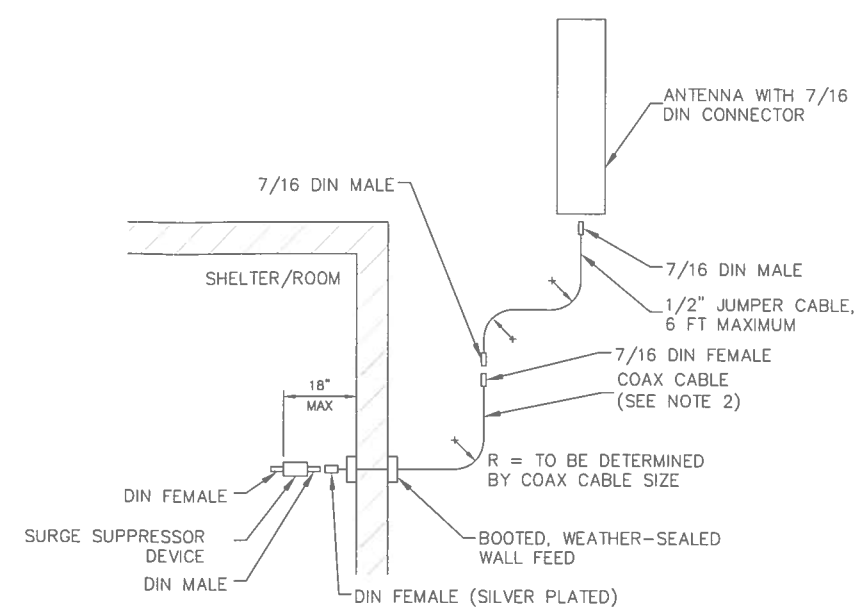


TOWER ELEVATION

1

4

NOT TO SCALE



TYPICAL ANTENNA SCHEMATIC

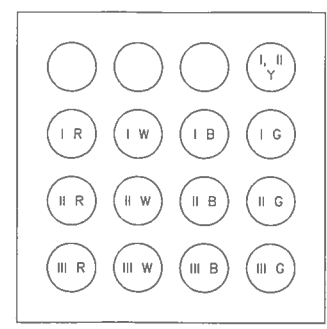
5

4

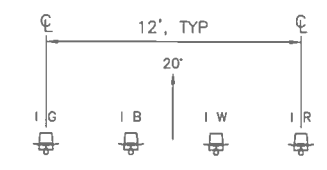
NOT TO SCALE

COAX PORT ASSIGNMENTS

(VIEWED FROM INSIDE EQUIPMENT ROOM/SHELTER)

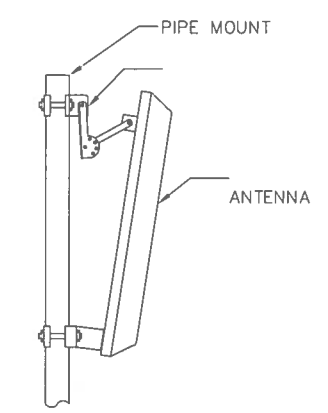


COLOR KEY	
R - RED	B - BLUE
W - WHITE	G - GREEN
Y - YELLOW (GPS)	



COAX PORT ASSIGNMENTS

(VIEWED FROM INSIDE EQUIPMENT ROOM/SHELTER)



MOUNT ANTENNA IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDED PROCEDURE

ANTENNA W/ DOWN-TILT

NOT TO SCALE

3

4

NOTES

1. COAX CABLE SIZE WILL BE DETERMINED BY RF ENGINEER. REFER TO RF SCHEDULE FOR CABLE SIZE, MANUFACTURER, AND COLOR-CODING.
2. COLOR-CODE COAXIAL CABLE:
 - AT TOP, JUST ABOVE GROUND KIT, 2" WIDE TO BE VISIBLE FROM THE GROUND
 - AT BOTTOM, JUST OUTSIDE COAX PORT
 - INSIDE EQUIPMENT ROOM/ENCLOSURE
 - AT ALL WALL/FLOOR PENETRATIONS
3. RADIUS 'R' SHALL BE EQUAL TO OR GREATER THAN MANUFACTURER'S RECOMMENDATION.

Industrial Communications

Engineering Division
40 Lone Street
Marshfield, MA 02050

CO-APPLICANT:
T-Mobile

T-MOBILE NORTHEAST LLC
15 COMMERCE WAY
NORTON, MA 02766

SITE:
**DOVER,
NEW HAMPSHIRE
NH-10148**

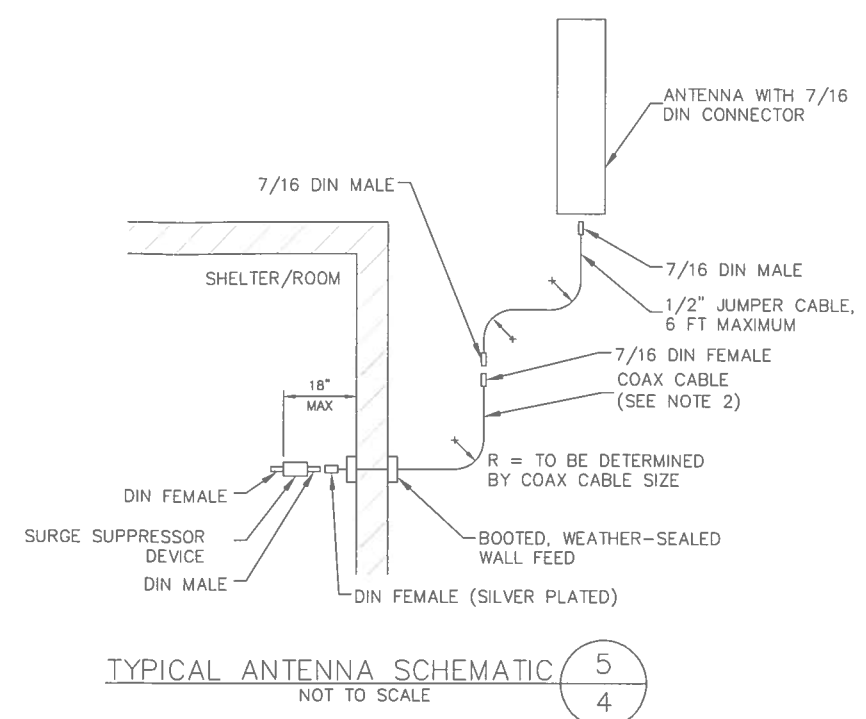
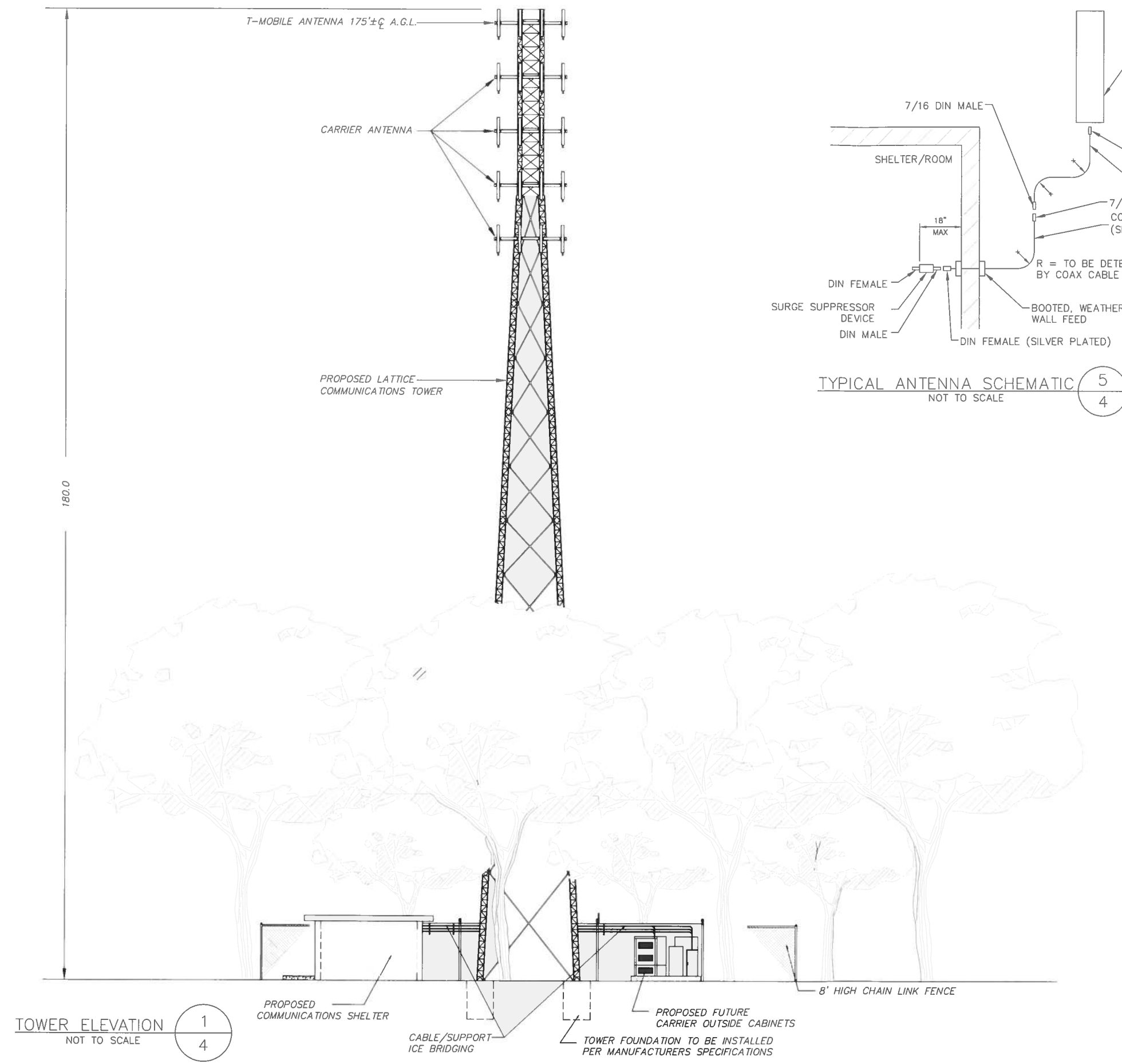
ADDRESS:
**MAP K
LOT 1-0-0
200 HENRY LAW AVE
DOVER, NH 03820**

PROJECT NO.
SITE - DOVER, NH - NH-10148
DRAWN BY: RICK
SCALE: 1"=60'

NO	DATE	ISSUE
0	2/6/18	2/6/18

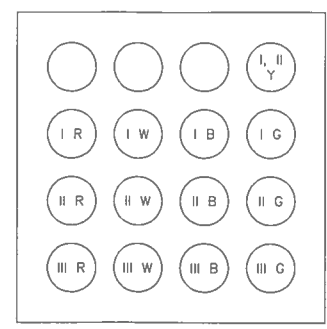
SHEET TITLE
**TOWER
ELEVATION
& DETAILS**

SHEET NUMBER
4



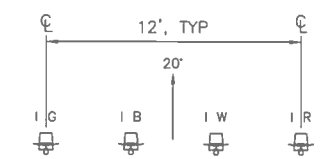
COAX PORT ASSIGNMENTS

(VIEWED FROM INSIDE EQUIPMENT ROOM/SHELTER)



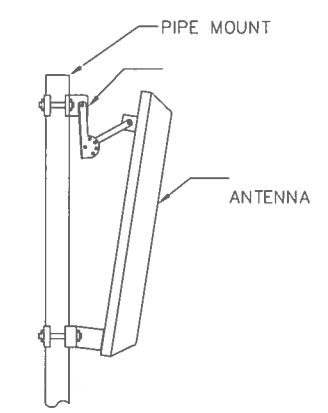
COLOR KEY

R - RED	B - BLUE
W - WHITE	G - GREEN
Y - YELLOW (GPS)	



COAX PORT ASSIGNMENTS

(VIEWED FROM INSIDE EQUIPMENT ROOM/SHELTER)



MOUNT ANTENNA IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDED PROCEDURE

ANTENNA W/ DOWN-TILT

NOT TO SCALE

NOTES

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 - AT TOP, JUST ABOVE GROUND KIT, 2" WIDE TO BE VISIBLE FROM THE GROUND
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 - AT ALL WALL/FLOOR PENETRATIONS
3. RADIUS 'R' SHALL BE EQUAL TO OR GREATER THAN MANUFACTURER'S RECOMMENDATION.

Industrial Communications
Engineering Division
40 Lone Street
Marshfield, MA 02050

CO-APPLICANT:

T-MOBILE NORTHEAST LLC
15 COMMERCE WAY
NORTON, MA 02766

SITE:

DOVER,
NEW HAMPSHIRE
NH-10148

ADDRESS:

MAP K
LOT 1-0-0
200 HENRY LAW AVE
DOVER, NH 03820

PROJECT NO.
SITE - DOVER, NH - NH-10148
DRAWN BY: RICK
SCALE: 1"=60'

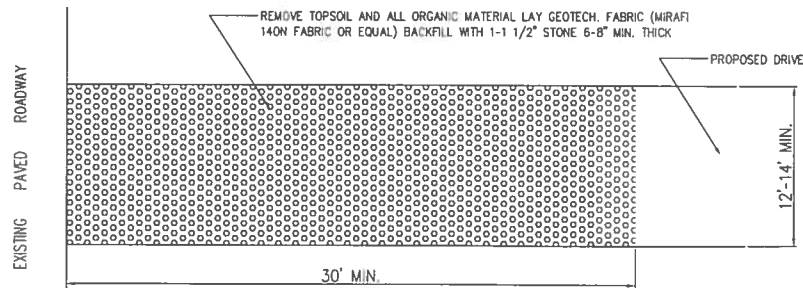
NO	DATE	ISSUE
0	2/6/18	2/6/18

SHEET TITLE

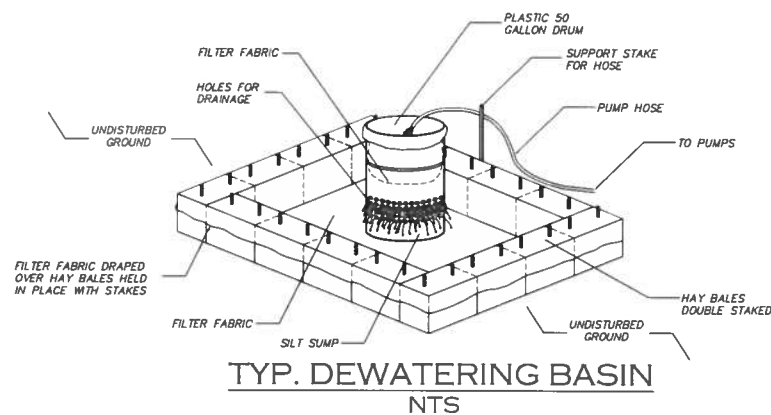
TOWER
ELEVATION
& DETAILS

SHEET NUMBER

4

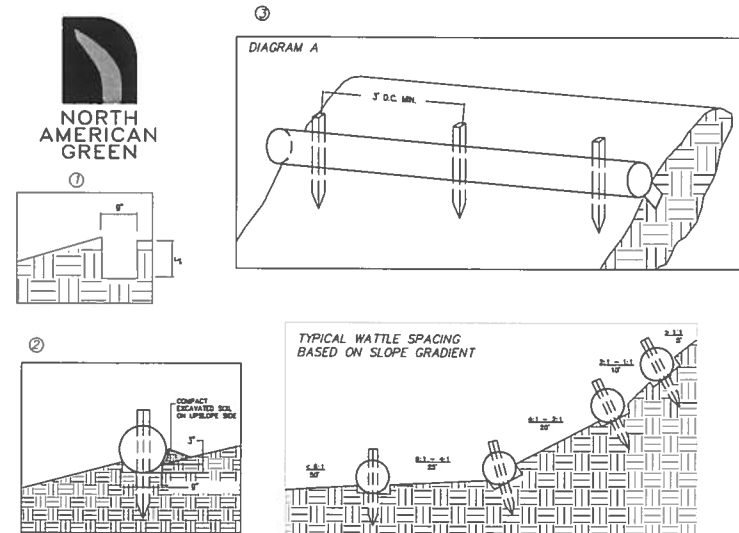


TEMPORARY CONSTRUCTION
ENTRANCE/EXIT DETAIL
NTS



TYP. DEWATERING BASIN
NTS

STRAW WATTLE INSTALLATION GUIDE

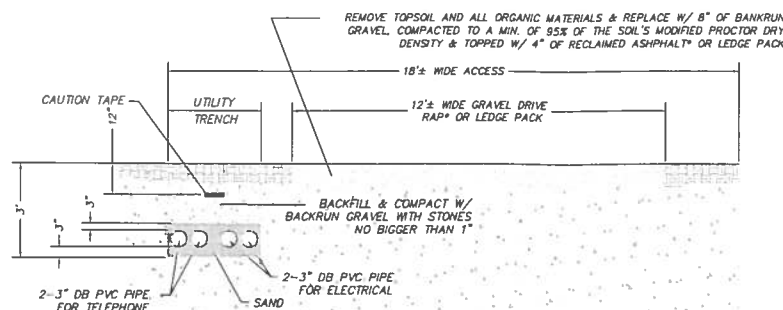


- BEGIN AT THE LOCATION WHERE THE WATTLE IS TO BE INSTALLED BY EXCAVATING A 2-3" DEEP X 9" WIDE TRENCH ALONG THE CONTOUR OF THE SLOPE. EXCAVATED SOIL SHOULD BE PLACED UP-SLOPE FROM THE ANCHOR TRENCH.
- PLACE THE WATTLE IN THE TRENCH SO THAT IT CONTOURS TO THE SOIL SURFACE. COMPACT SOIL FROM THE EXCAVATED TRENCH AGAINST THE WATTLE ON THE UPHILL SIDE. ADJACENT WATTLES SHOULD TIGHTLY ABUT.
- SECURE THE WATTLE WITH 18-24" STAKES EVERY 3-4" AND WITH A STAKE ON EACH END. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE LEAVING AT LEAST 2-3" OF STAKE EXTENDING ABOVE THE WATTLE. STAKES SHOULD BE DRIVEN PERPENDICULAR TO THE SLOPE FACE.

- CRITICAL POINTS
- OVERLAPS AND SEAMS
 - PROJECTED WATER LINE
 - CHANNEL BOTTOM/SIDE SLOPE VERTICES

NOTE
* HORIZONTAL STAPLE SPACING SHOULD BE ALTERED IF NECESSARY TO ALLOW STAPLES TO SECURE THE CRITICAL POINTS ALONG THE CHANNEL SURFACE.
** IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS IN EXCESS OF 6" (15 CM) MAY BE NECESSARY TO PROPERLY ANCHOR THE BLANKETS.

SILTATION BARRIER
DETAIL

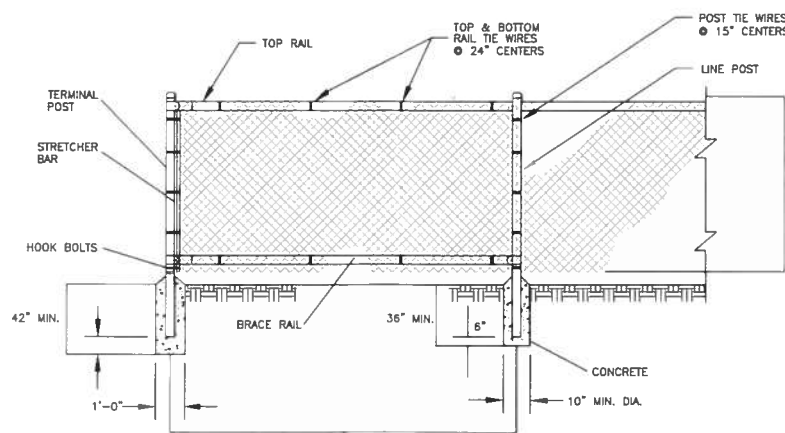


TYPICAL DRIVE & UTILITY CROSS SECTION
N.T.S.

* (Reclaimed asphalt pavement (RAP) is the term given to removed and/or reprocessed pavement materials containing asphalt and aggregates. These materials are generated when asphalt pavements are removed for reconstruction, resurfacing, or to obtain access to buried utilities. When properly crushed and screened, RAP consists of high-quality, well-graded aggregates.)

NOTE:

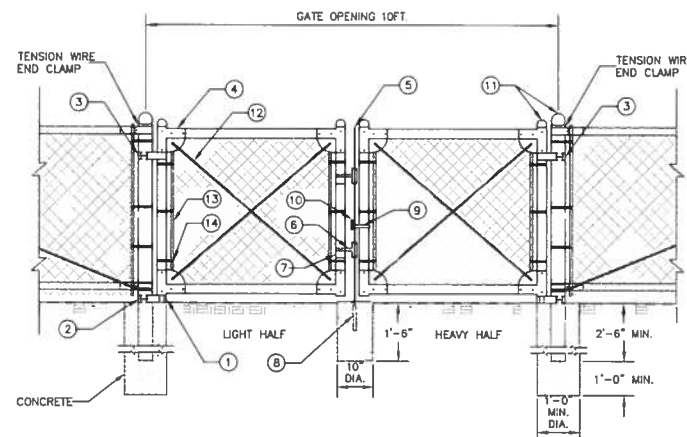
THE ACCESS ROAD SHALL BE INSPECTED & MAINTAINED AS FREQUENTLY AS POSSIBLE TO ASSURE CONTINUED ACCESS.



FENCE DETAILS
N.T.S.

CONSTRUCTION NOTES

- MATERIALS AND WORKMANSHIP NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE MANUFACTURER'S SPECIFICATIONS.
- ALL POSTS SHALL BE INSTALLED VERTICALLY. WHERE POSTS ARE INSTALLED ON AN INCLINED SURFACE, THE ANGLE OF THE POST SHALL BE ADJUSTED SO THAT THE POST WILL BE VERTICAL.
- THE FENCING SHALL BE #9 GAGE FENCE FABRIC, STANDARD 2-INCH CHAIN LINK DIAMOND MESH.



SERVICE GATE DETAIL
N.T.S.

LEGEND

PART NO.	DESCRIPTION	QUANTITY
1	STRAIGHT PLUG	2
2	BOTTOM HINGE	2
3	TOP HINGE	2
4	CORNER ELBOW	8
5	PLUNGER ROD	1
6	LATCH FORK	2
7	FORK CATCH	2
8	PLUNGER ROD CATCH	1
9	LOCK KEEPER GUIDE	1
10	LOCK KEEPER	1
11	ORNAMENTAL TOPS	6
12	TRUSS RODS	4
13	STRETCHER BAR	4
14	HOOK BOLTS	12



Engineering Division
40 Lone Street
Marshfield, MA 02050

CO-APPLICANT:



T-MOBILE NORTHEAST LLC
15 COMMERCE WAY
NORTON, MA 02766

SITE:

DOVER,
NEW HAMPSHIRE
NH-10148

ADDRESS:

MAP K
LOT 1-0-0
200 HENRY LAW AVE
DOVER, NH 03820

PROJECT NO

SITE - DOVER, NH - NH-10148

DRAWN BY: RICK

SCALE: 1"=60'

NO	DATE	ISSUE
0	2/6/18	2/6/18

SHEET TITLE

SITE
CONSTRUCTION
DETAILS

SHEET NUMBER

5

RADIO FREQUENCY ANALYSIS

T-MOBILE PROPOSE FACILITY ON 200 Henry Law Avenue DOVER, NEW HAMSHIRE

T-Mobile is proposing a new wireless telecommunications facility at the propose height of 180 ft on property located at 200 Henry Law Avenue, Dover, NH. This proposed facility is specifically intended to address significant gap in coverage within T - Mobile Network along Henry Law Avenue, Court Street, and E Watson Street.

This report documents the general methodology used by T-Mobile Network to select the location of new sites and includes a description of the objectives for the Town of Dover.

200 Henry Law Avenue Propose Facility

The purpose of the Project is to expand and improve T-Mobile advanced AWS 4th Generation Long Term Evolution (4G LTE) services to the Town of Dover particularly along Henry Law Avenue, Court Street, and E Watson Street. More specifically, the proposed facility will extend and improve In-Building Coverage for recreation facilities, businesses, restaurants, shopping and residential areas within the targeted coverage area.

Insufficient coverage in portion of Town of Dover originates from T-Mobile existing wireless telecommunications facilities in and around Dover (Existing Monopole on 35 Spur Road at 127 feet; Existing Monopole on 273 Mast Road at 143 feet; Existing Self-Support Tower on 15 Abby Sawyer Memorial Drive at 132 feet; Existing Guyed Tower on 286 Middle Road at 205 feet; and Existing Smokestack on 43 Washington Street at 150 feet) . None of these existing facilities can be upgraded or modified to an extent practicable to provide a significant level of new service to the target area. All other T-Mobile facilities are too far away and/or are blocked by surrounding terrain and vegetative clutter to provide reliable service to the Town of Dover.

General Methodology – Network Design

T-Mobile approach to cell site location begins with recognition that a particular geographic area cannot be sufficiently covered from the existing wireless telecommunications facilities in the surrounding network. Within the new cell, a search area is identified which targets specific locations from which a new wireless facility is able to satisfy the coverage objectives of the cell.

Traditional search area objectives are to maximize coverage in population centers and / or along major transportation corridors. Wireless telecommunication sites must be close enough together to provide seamless coverage, but also properly spaced so as not to interfere with one another. In theory, this required spacing creates a "cellular" grid, or honeycomb-like pattern. This pattern, however, can be distorted as the actual coverage area of a particular wireless telecommunication site will vary due to factors such as population, topography and vegetation.

Due to the factors described above, neighboring facilities are sporadic at best in the eastern portion of town, as shown in the coverage map. When viewing the coverage map, green layer represents the area that is currently served (or propose) at a level deemed acceptable relative to T-Mobile network standards; areas in yellow shows not so reliable for In-Building but acceptable to In-Vehicle, while the areas in white are void of reliable 4G LTE services.

To provide a dominant (i.e., reliable and continuous) level of advanced 4G LTE communications services to the eastern portions of town, construction of a new wireless telecommunications facility is required. The propose 180 ft will cover 2.178 square miles of In-Building Coverage in and around target area that overlaps existing T-Mobile facility for contiguous coverage.

Wireless telecommunication transmissions are broadcast at a very low power level (compared to radio and TV). For this reason, wireless telecommunication signals can only travel so far, and are impeded by topography and vegetation, hills or buildings, and even foliage can block the signal, which is why wireless telecommunications coverage can sometimes be better in the winter (when leaves are down) than in the summer. Due to these factors, not all locations within a search area will provide adequate coverage. A computer model must be used to analyze each prospective site to determine if it meets the applicable coverage objectives. The transmitting antennas must be placed above the trees and high enough to "see" over nearby hills or buildings. The search area is generally near the center of the defined coverage area, and varies in size with that of the coverage area.

Once the search area is defined, T-Mobile looks for a site within the search area that is both technically appropriate and sensible from a zoning and land use perspective. Subject to technical limitations, a site search generally involves consideration of the following: existing towers; other existing tall structures; industrial and commercial zones; agricultural zones; and lastly, residential zones. Municipal properties can be located within any zoning district; therefore, these properties are evaluated with respect to the surrounding properties.

Site Analysis Summary

As outlined previously, T-Mobile generally looks for collocation opportunities on existing towers or other structures of significant height (buildings, silos, etc.) before considering developing a new tower. Since there are no existing structures with sufficient height to achieve the coverage objective, T-Mobile is proposing on building and installing a new Lattice at the height of 180 feet which will enable T-Mobile to satisfy its site's coverage objective and address the significant gap in coverage in the Town of Dover particularly along Henry Law Avenue, Court Street, and E Watson Street.

Ryan Monte de Ramos
Ryan Monte de Ramos

RF Engineer, T-Mobile

C. Location. TELECOMMUNICATIONS FACILITIES shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

General Location	Map-Lot Number	Comments
Finch Lane	K-35A	Parcel is located 1.58 miles from Subject site and has 2 existing Crown Castle towers does not meet RF coverage objectives
Middle Road	M-57	Eversource 9.03 parcel behind City Waste Water Treatment -2.23 miles SE from Subject site - does not meet RF coverage
Blackwater Road	A-29	328 Blackwater Road is a 5 acre parcel that is located 5.38 miles NW of the Subject site - does not meet Rf coverage
Blackwater Road	A-1	City of Dover property - parcel A29-A1 is 42.26 acre located next to the Spaulding Turnpike 5.18 miles NW. Does not meet coverage
Parsons Lane	A-36	Existing Sprint Spectrum tower located at 38 Parsons Lane 4.81 miles from subject site. Does not meet RF coverage objectives.
Venture Drive	D-7	Dover Business & Ind Development parcel containing 25 acres located 3.10 miles NW of Subject. Does not meet RF coverage
Venture Drive	D-5A	City of Dover parcel containing 17.95 acres located 2.98 miles NW of Subject site. Does not meet RF coverage objectives.
Glen Hill Road	C-2012	Parcel C-0020-A is owned by the City. Glen Hill, Rochester Neck, and Tolend Road are more than 4 miles NW of Subject site.
Glen Hill Road	C-7	City of Dover parcel located on Rochester Neck Road containing 21 acres. Is 5.26 miles NW of Subject. Does not meet RF coverage.
Glen Hill Road	C-8	City of Dover property located 5.22 miles NW of Subject. Does not meet RF coverage objectives. Contains 9 acres.
Glen Hill Road	C-20	City of Dover parcel containing 38 acres. Located 5.10 miles NW of Subject. Does not meet RF coverage objectives.
Glen Hill Road	C-19	City of Dover 8 acre parcel located 5.06 miles NW of Subject site. Contains 8 acres. Does not meet RF coverage objective.
Glen Hill Road	C-22	City of Dover parcel containing 5 acres. Located 5.08 miles NW of Subject site. Does not meet RF objectives.
Tolend Road	C-27	City of Dover parcel containing 34 acres. This parcel is located 4.91 miles NW of Subject site. It does not meet RF coverage.
French Cross Road	F-14	City of Dover property. Lot contains 25.50 acres and is located 4.20 miles NW of Subject site. It does not meet RF objectives.
Henry Law Ave	K-1	Subject site located at 200 Henry Law Avenue. Lot contains 28.8 acres. Site meets RF coverage objectives.

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
21026-002000	3 PENNY LN	WEBBER DANA M		3 PENNY LN	DOVER	NH	03820
21026-009000	4 PENNY LN	ROSE GEORGE F		3044 KNOX MCRAE DR	TITUSVILLE	FL	32780
21026-010000	2 PENNY LN	EASON DOUGLAS E &	EASON DONNA J	2 PENNY LN	DOVER	NH	03820
21026-011000	191 HENRY LAW AV	MORRISON MARK	MORRISON CHRISTINE O	191 HENRY LAW AV	DOVER	NH	03820-3849
21026-012000	193 HENRY LAW AV	DUNLAVEY ROBERT & SUZAN TRUSTEES	DUNLAVEY ROBERT AND SUZAN REV LIV TRUST	193 HENRY LAW AV	DOVER	NH	03820
21026-013000	47 SAMUEL HANSON AV	BOUCHER THOMAS W & SALLY CO-TRUSTEES	BOUCHER FAMILY REVOCABLE TRUST	47 SAMUEL HANSON AVE	DOVER	NH	03820
21026-014000	45 SAMUEL HANSON AV	WALKER MATTHEW &	WALKER COLLEEN	45 SAMUEL HANSON AV	DOVER	NH	03820
21026-01A000	1 PENNY LN	FRACASSA NORM JR	FRACASSA AMY V	1 PENNY LN	DOVER	NH	03820
21026-027000	43 SAMUEL HANSON AV	HACKETT THOMAS A	HACKETT ANN MARIE	43 SAMUEL HANSON AVENUE	DOVER	NH	03820
21026-028000	197 HENRY LAW AV	DEMARAY ALLEN D & TANYA L		197 HENRY LAW AVE	DOVER	NH	03820
21026-029000	41 SAMUEL HANSON AV	CLOUGH JASON T &	CLOUGH MELISSA L	41 SAMUEL HANSON AVE	DOVER	NH	03820-4175
21026-030000	199 HENRY LAW AV	SCHIRMER CATHERINE S		199 HENRY LAW AV	DOVER	NH	03820
21026-031000	39 SAMUEL HANSON AV	WINN CARL E & CHRISTINA J TRUSTEES	WINN FAMILY REVOCABLE TRUST OF 2014	39 SAMUEL HANSON AVENUE	DOVER	NH	03820
21026-032000	37 SAMUEL HANSON AV	VILES FRED		37 SAMUEL HANSON AVENUE	DOVER	NH	03820
21026-033000	203 HENRY LAW AV	OTMINSKI PHILIP &	OTMINSKI CLARICE	51 KETTLE RUN	EAST AURORA	NY	14052
21026-034000	35 SAMUEL HANSON AV	WONG STEVEN P		35 SAMUEL HANSON AVENUE	DOVER	NH	03820
21026-036000	205 HENRY LAW AV	PROULX RAYMOND ROGER &	PROULX SARANINA VERONICA	205 HENRY LAW AV	DOVER	NH	03820
21026-038000	207 HENRY LAW AV	BAKER THEODORE S JR	BAKER KATHERINE G	207 HENRY LAW AV	DOVER	NH	03820
21026-040000	209 HENRY LAW AV	NGUYEN NGUYEN THI		209 HENRY LAW AVENUE	DOVER	NH	03820
21026-041000	1 MULLIGAN DR	CAPERN MICHAEL S &	CAPERN DONNA J	1 MULLIGAN DRIVE	DOVER	NH	03820
21026-042000	3 MULLIGAN DR	CHALIFOUR DIANNE		3 MULLIGAN DR	DOVER	NH	03820
21026-048000	2 MULLIGAN DR	OLSEN-HAYWARD ANNE MARIE		2 MULLIGAN DR	DOVER	NH	03820
21076-000000	31 TENNYSON AV	SLINGERLAND STEPHEN D &	PAOLA MARY ELLEN	31 TENNYSON AVENUE	DOVER	NH	03820
21077-000000	183 HENRY LAW AV	LACROIX FREDA		183 HENRY LAW AV	DOVER	NH	03820
K0001-001000	43 MCKONE LN	SURINA MATTHEW P & JENNIFER L TRUSTEES	SURINA FAMILY REVOCABLE TRUST	43 MCKONE LN	DOVER	NH	03820
K0001-A00000	38 MCKONE LN	MARTINEAU RAYMOND J JR TRUSTEE	MARTINEAU RAYMOND JR REVOCABLE TRUST	PO BOX 118	DOVER	NH	03821
K0001-B00000	MCKONE LN	STATE OF NEW HAMPSHIRE	FISH AND GAME DEPT	11 HAZEN DR	CONCORD	NH	03301
K0002-000000	HENRY LAW AV	STATE OF NEW HAMPSHIRE	C/O NH FISH AND GAME	11 HAZEN DR	CONCORD	NH	03301
K0002-E00000	180 HENRY LAW AV	GOLLEDGE CAROL C	GOLLEDGE GARY A	180 HENRY LAW AVENUE	DOVER	NH	03820
K0002-G00000	182 HENRY LAW AV	CROTEAU JEFFREY &	MCDERMOTT CAROL E	182 HENRY LAW AVE	DOVER	NH	03820
K0002-Q00000	HENRY LAW AV	LORD ELAINE &	BUNDZA JUANITA LORD	125 HENRY LAW AV	DOVER	NH	03820
K0006-A00000	101 BACK RD	BROADCAST LANE LLC		126 DANIEL ST STE 200	PORTSMOUTH	NH	03801
K0007-000000	117 BACK RD	BORRIN ERIC D &	KATZ JENNIFER A	117 BACK RD	DOVER	NH	03820
K0007-001000	109 BACK RD	FREDETTE ROBERT F & ANN B TRUSTEES	FREDETTE FAMILY REVOCABLE TRUST	109 BACK RD	DOVER	NH	03820
K0007-A00000	131 C BACK RD	ROULEAU MICHAEL B		131 BACK RD	DOVER	NH	03820
K0008-000000	81 BACK RD	MULLIGAN FRANK A	MULLIGAN LINDA	81 BACK ROAD	DOVER	NH	03820
K0008-A00000	89 BACK RD	MULLIGAN THOMAS C &	MULLIGAN FRANCES A	89 BACK RD	DOVER	NH	03820
K0009-001000	75 BACK RD	SANDAHN KYLE A &	SANDAHN DIANNE	75 BACK RD	DOVER	NH	03820
K0010-000000	61 BACK RD	EAGAN RAYMOND J		61 BACK RD	DOVER	NH	03820
K0010-A00000	67 BACK RD	KIRKPATRICK CHARLES DARROW &	KIRKPATRICK ZOE LITSIOS	67 BACK RD	DOVER	NH	03820
N0019-0000PN	FALCON DR	FALCON DRIVE HOMEOWNER'S ASSOCIATION	C/O ROSS JOHN J	18 FALCON DR	DOVER	NH	03820
N0019-001000	12 FALCON DR	BERNIER JOEL A &	BERNIER ALICA N	12 FALCON DR	DOVER	NH	03820-5017
N0019-002000	18 FALCON DR	COOK WILLIAM F &	HERSEY SHACINA J	18 FALCON DR	DOVER	NH	03820
N0019-003000	26 FALCON DR	FLANDERS CHASE H &	TERRY JANINE E	26 FALCON DR	DOVER	NH	03820-5017
N0019-005000	47 MCKONE LN	AYER ANTHONY P		47 MCKONE LN	DOVER	NH	03820
N0021-000000	160 BACK RD	AYER JACQUELINE TRUSTEE	AYER JACQUELINE REV TRUST	100 MCKONE LN # A	DOVER	NH	03820-3852
N0021-002000	152 BACK RD	WINKLER EDWARD S &	WINKLER ANNE-MARIE	152 BACK RD	DOVER	NH	03820
		PETER & SUSAN ROUSSEAU		200 HENRY LAW AVENUE	DOVER	NH	03820
		INDUSTRIAL TOWER & WIRELESS, LLC		40 LONE STREET	MARSHFIELD	MA	02050
		STEVEN E GRILL, ESQ		P.O. BOX 10186	BEDFORD	NH	03110
		FIELDSTONE LAND CONSULTANTS, PLLC		206 ELM STREET	MILFORD	NH	03055

ABUTTERS:

K-1-0 & K-1-0-0
MATTHEW P. & JENNIFER L. SURINA,
TRUSTEES OF THE SURINA FAMILY
REVOCABLE TRUST
43 MCKONE LANE
DOVER, NH 03820
VOL.4363 PG.772 3/7/2016

K-2-0-0
ELAINE LORD &
JUANITA LORD BUNDZA
125 HENRY LAW AVE
DOVER, NH 03820
VOL.950 PG.137

K-2-0-0
STATE OF NEW HAMPSHIRE
C/O NH FISH & GAME
11 HAZEN DRIVE
CONCORD, NH 03301
VOL.2340 PG.7 7/9/2001

K-1-A-0
RAYMOND J. MARTINEAU JR., TRUSTEE
OF THE RAYMOND J. MARTINEAU JR.
REVOCABLE TRUST
PO BOX 118
DOVER, NH 03820
VOL.4363 PG.772 3/7/2016

K-2-G-0
JEFFREY CROTEAU &
CAROL E. McDERMOTT
182 HENRY LAW AVE
DOVER, NH 03820
VOL.3247 PG.620 8/25/2005

21-26-33-0
PHILIP & CLARICE OTMINSKI
51 KETTLE RUN
EAST AURORA, NY 14052
VOL.4490 PG.382 7/6/2017

21-26-30-0
CATHERINE S. SCHIRMER
199 HENRY LAW AVE
DOVER, NH 03820
VOL.1966 PG.526 11/10/1997

21-26-28-0
ALLEN D. & TANYA DEMARAY
197 HENRY LAW AVE
DOVER, NH 03820
VOL.2146 PG.307 9/30/1999

21-26-27-0
THOMAS A. & ANN MARIE HACKETT
43 SAMUEL HANSON AVE
DOVER, NH 03820
VOL.1613 PG.653 6/1/1992

21-77-0-0
FREDA LACROIX
183 HENRY LAW AVE
DOVER, NH 03820
VOL.C19YR03 PG.ET620 1/1/1970

21-26-12-0
ROBERT & SUZAN DUNLAHEY, TRUSTEES
OF THE ROBERT & SUZAN DUNLAHEY
REVOCABLE LIVING TRUST
193 HENRY LAW AVE
DOVER, NH 03820
VOL.3731 PG.175 4/22/2009

21-26-11-0
MARK & CHRISTINE O. MORRISON
191 HENRY LAW AVE
DOVER, NH 03820
VOL.1588 PG.69 12/27/1999

21-26-10-0
DOUGLAS E. & DONNA J. EASON
2 PENNY LANE
DOVER, NH 03820
VOL.1775 PG.295 10/28/1994

21-26-1A-0
AMY V. & NORM FRACASSA JR.
1 PENNY LANE
DOVER, NH 03820

REFERENCE PLANS:

- "SUBDIVISION OF LAND - FOR - PETER & SUSAN ROUSSEAU - IN - DOVER, N.H., SCALE: 1"=100', DATED JULY 26, 1988 BY BRUCE L. POHOPEK & RECORDED IN PLAN DRAWER 35, NUMBER 137 IN THE S.C.R.D.
 - "OPEN SPACE SUBDIVISION & LOT MERGER PLAN - FOR THE - MARTINEAU PROPERTY - ON - MCKONE LANE - IN - DOVER, NEW HAMPSHIRE", SCALE: 1"=100', DATED AUGUST 6, 2007 BY POHOPEK LAND SURVEYORS & SEPTIC DESIGNERS, LLC. AND RECORDED IN PLAN DRAWER 92, NUMBER 44 IN THE S.C.R.D.
 - "MINOR SUBDIVISION OF LAND - PREPARED FOR - SUSAN AND PETER ROUSSEAU - TAX MAP K, LOT NO. 1 - MCKONE LN, HENRY LAW AVE & BACK RD - CITY OF DOVER - COUNTY OF STRAFFORD - STATE OF NEW HAMPSHIRE", SCALE: 1"=60', DATED OCTOBER 7, 2010 & REVISED THROUGH DECEMBER 10, 2010 BY McENEANY SURVEY ASSOCIATES, INC. AND RECORDED IN PLAN DRAWER 100, NUMBER 071 IN THE S.C.R.D.
- NOTES:
- THE OWNERS OF RECORD FOR TAX MAP PARCEL K-1-0-0 ARE PETER & SUSAN ROUSSEAU - 200 HENRY LAW AVENUE, DOVER, NH 03820. DEED REFERENCE TO PARCEL IS BK.1139 PG.797 DATED 7/27/1984 IN THE S.C.R.D.
 - THE PURPOSE OF THIS PLAN IS TO DEPICT THE TOPOGRAPHY AND EXISTING CONDITIONS ON A PORTION OF TAX MAP PARCEL K-1-0-0.
 - THE TOTAL AREA OF THE SITE (TRACT 1) IS 28.8 ACRES, PER REFERENCE PLAN #1.
 - ZONING FOR THE ENTIRE SITE IS R-40, RURAL RESIDENTIAL.
MINIMUM LOT SIZE: 40,000 SQ.FT.
MINIMUM FRONTAGE: 150 FT.
MINIMUM SETBACKS: 40FT. FRONT, 30FT. REAR, & 25FT. SIDE.
 - THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED ENTIRELY FROM THE REFERENCE PLANS CITED HEREON.
 - TOPOGRAPHY & PLAN GRAPHICS WERE DEVELOPED FROM AN ON THE GROUND FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF JANUARY, 2018.
 - HORIZONTAL ORIENTATION BASED ON REFERENCE PLAN #1.
 - THE SUBJECT LOT K-1-0-0 LIES OUTSIDE THE BOUNDARY OF THE 100-YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP FOR THE TOWN OF DOVER, NH, F.I.R.M. COMMUNITY FLOOD NUMBER 3301700330E DATED SEPTEMBER 30, 2015.
 - THE SUBJECT LOT K-1-0-0 IS SUBJECT TO A POSSIBLE 20-FT WIDE DRAINAGE EASEMENT. DEED REFERENCE TO EASEMENT IS BK.1215 PG.639 DATED 2/27/1986 IN THE S.C.R.D. NO REFERENCE PLAN FOUND.

APPLICANT:
INDUSTRIAL TOWER
& WIRELESS
40 LONE STREET
MARSHFIELD, MA 02050

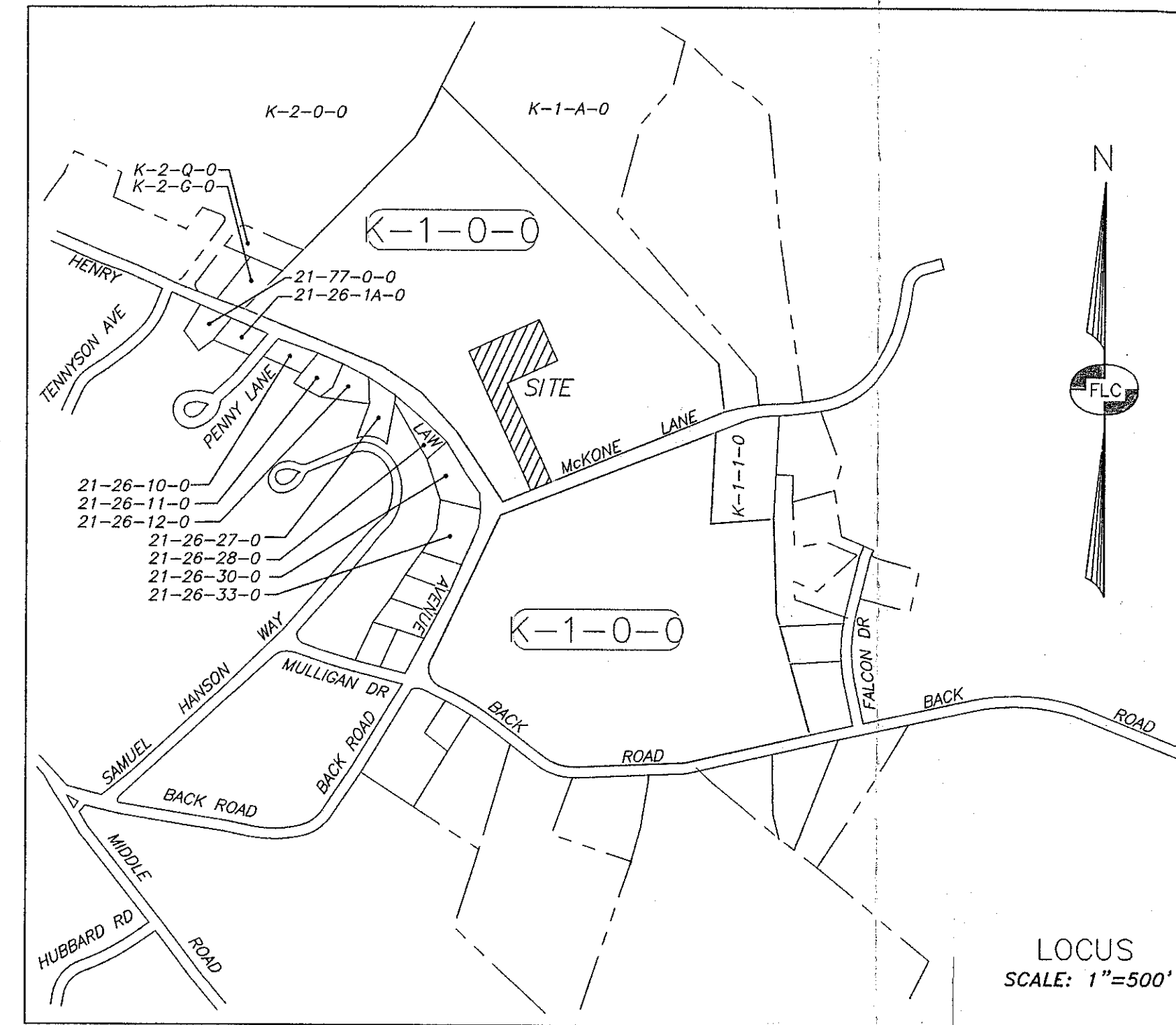
OWNERS:
PETER & SUSAN ROUSSEAU
200 HENRY LAW AVENUE
DOVER, NH 03820

ASSESSORS REFERENCE: MAP K
LOT 1-0-0

ZONING REFERENCE: R-40
RURAL RESIDENTIAL
MIN. LOT SIZE: 40,000 S.F.
MIN. FRONTAGE: 150 FT
MIN. FRONT YARD: 40 FT
MIN. SIDE YARD: 25 FT
MIN. REAR YARD: 30 FT

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.



LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- ABUTTING LOT LINE
- EDGE OF PAVED ROAD
- EDGE OF GRAVEL ROAD
- STONE WALL
- EDGE OF TREE LINE
- ELECTRIC FENCE
- PROPOSED EASEMENT LINE
- OVERHEAD UTILITY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- UTILITY POLE & GUY
- TAX MAP & LOT NUMBER
- IRON PIN FOUND
- IRON PIPE FOUND
- IRON PIN SET

NRCS SOILS LEGEND:

SOURCE: USDA NRCS WEB SOIL SURVEY

- BzB BUXTON SILT LOAM, 3-8% SLOPES
- CsB CHARLTON FINE SANDY LOAM, 3-8% SLOPES, VERY STONY
- CsD CHARLTON VERY STONY FINE SANDY LOAM, 15-25% SLOPES
- HcB HOLLIS-CHARLTON FINE SANDY LOAM, 3-8% SLOPES
- HcC HOLLIS-CHARLTON FINE SANDY LOAM, 8-15% SLOPES
- HdB HOLLIS-CHARLTON VERY ROCKY FINE SANDY LOAMS, 3-8% SLOPES
- HdC HOLLIS-CHARLTON VERY ROCKY FINE SANDY LOAMS, 8-15% SLOPES
- HdD HOLLIS-CHARLTON VERY ROCKY FINE SANDY LOAMS, 15-25% SLOPES
- ScA SCANTIC SILT LOAM, 0-3% SLOPES
- WdE WINDSOR LOAMY SAND 15-60% SLOPES
- WfC WINDSOR LOAMY FINE SAND, CLAY SUBSOIL VARIANT, 8-15% SLOPES



Engineering Division
40 Lone Street
Marshfield, MA 02050

CO-APPLICANT:

Mobile

T-MOBILE NORTHEAST LLC
15 COMMERCE WAY
NORTON, MA 02786

SITE:

DOVER,
NEW HAMPSHIRE
NH-10148

ADDRESS:

MAP K
LOT 1-0-0
200 HENRY LAW AVE
DOVER, NH 03820

PROJECT NO:
SITE - DOVER, NH - NH-10148

DRAWN BY: RICK

SCALE: 1"=80'

NO	DATE	ISSUE
0	2/6/18	2/6/18

PROJECT TITLE

PROPOSED
COMMUNICATIONS
FACILITY
PETER & SUSAN
ROUSSEAU
DOVER, NH 03820
MAP K - LOT 1-0-0

SHEET TITLE

LOCUS SITE
PLAN

SHEET NUMBER

3

RECEIVED
Planning Office
MAR 23 2018
Dover, New Hampshire

LAW OFFICE OF STEVEN E. GRILL
PO Box 10186
Bedford, NH 03110
603.488.2371
sgrill@stevegrill.com

RECEIVED
Planning Office
APR 13 2018
Dover, New Hampshire

April 11, 2018

Zoning Board of Adjustment
City of Dover, NH
City Hall - 288 Central Avenue
Dover, NH 03820

Re: Case No. Z18-07
Application of Industrial Tower and Wireless, LLC, for a Variance for a Wireless
Telecommunications Facility proposed to be installed at 200 Henry Law Avenue, Dover, NH

Dear Sirs/Madams:

This office is counsel to Industrial Tower and Wireless, LLC (the "Applicant") with respect to the above captioned matter, which is scheduled for a public hearing on Thursday April 19, 2018. I am writing to provide additional information in support of the Application, which seeks permission to construct a wireless telecommunications antenna facility that will allow the Applicant and/or its business partners, including T-Mobile, to provide wireless telecommunications to people who live, work and travel through the eastern portion of downtown Dover and surrounding areas.

In the Summer of 2016, T-Mobile conducted a "drive test" to evaluate the coverage provided by existing antenna facilities in and around Dover. The result of that test, a copy of which is enclosed, confirmed that there is inadequate coverage in the subject area. The test involved driving around roads in the area and measuring signal strength in accordance with industry standards. The measurements were then recorded onto a map. Areas with adequate signal strength are depicted in green; areas with adequate "in vehicle" signal strength but inadequate "in building" coverage are depicted in yellow; and, areas with inadequate "in vehicle" and "in building" coverage are depicted in red. As you can see, significant portions of Henry Law Avenue, Stark Avenue, Court Street and other roads in Dover were found to lack adequate coverage to serve users in their places of work, homes and vehicles.

This situation has continued to worsen since 2016, and is expected to continue to deteriorate. Carriers are often asked to explain how coverage can deteriorate in this fashion. The reason is that increased usage of wireless devices, such as smartphones and tablets, for Internet access has created an enormous demand for data. As each antenna site is utilized to accommodate the demands for data transmission and reception, the "footprint" served by each site shrinks. Users who are closest to existing sites continue to have adequate service, but others who are farther away do not. Each antenna site has a finite capacity and is designed to "recognize" and communicate with the wireless devices that have the strongest signal strength, that is, the devices which are closest. As both the number of devices and the amount of data consumed by each such device continues to increase, the available capacity of any given site becomes

Page 2
Zoning Board of Adjustment
City of Dover, NH
April 11, 2018

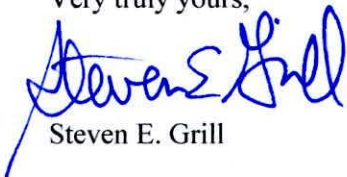
fully utilized by the devices closest to the site, shrinking the footprint and creating coverage problems for users who are farther away.

This is exactly what has happened in Dover. Although there are several existing wireless antenna sites in and around Dover, these sites are unable to accommodate all of the users of wireless devices. As a result, an additional site is needed.

The Applicant will provide more information concerning the drive test and coverage issues in general at the April 19 hearing and will, of course, answer any questions that the Board may have in this regard.

In the interim, please do not hesitate to contact me or the Applicant's other representatives if you require any additional information or have any questions.

Very truly yours,



Steven E. Grill

Enclosure

SEG



LAW OFFICE OF STEVEN E. GRILL
PO Box 10186
Bedford, NH 03110
603.488.2371
sgrill@stevegrill.com

April 16, 2018

BY EMAIL AND FEDEX

Zoning Board of Adjustment
City of Dover, NH
City Hall - 288 Central Avenue
Dover, NH 03820

Re: Case No. Z18-07
Application of Industrial Tower and Wireless, LLC, for a Variance for a Wireless
Telecommunications Facility proposed to be installed at 200 Henry Law Avenue, Dover, NH

Dear Sirs/Madams:

As I believe you are aware, this office is counsel to Industrial Tower and Wireless, LLC (the "Applicant") with respect to the above captioned matter, which is scheduled for a public hearing on Thursday April 19, 2018.

We have received a copy of the Staff Memo which evaluates the Application, contains "Recommendations," and apparently is being submitted to the Board prior to the hearing. I am writing to express the Applicant's surprise and disappointment concerning this Memo, to address what appear to be several legal and factual errors related to critical issues, and to object to what appears to be a pre-judgment of the Application prior to the submission of all relevant evidence at the scheduled public hearing.

The errors we identified during our review include, but are not limited to, the following:

- 1) "[T]he federal Telecommunications Act of 1996, as well as NH RSA 12-K...do not apply" because the Applicant is a "speculative developer[] of tower structures." (Memo, p. 1)
This statement is factually and legally incorrect. The Applicant is not proposing to build a structure for "speculation," but rather to meet the needs of a specifically-identified wireless carrier (T-Mobile) which is committed to deploying its antennas on the proposed facility. Even if, however, T-Mobile had not been so identified, the federal law cited in the Memo, referred to as the TCA, does indeed apply, and many federal courts have so held. For example, in a case involving this same Applicant decided earlier this year in Rhode Island, the federal court found that "the TCA protections extend beyond providers of wireless services to others involved with telecommunications technologies, including landowners and tower developers." *See Industrial Tower and Wireless, LLC v. Zoning Board of Review of the Town of Foster*, No. 17-057-JJM

(U.S. Dist. Ct., R.I., Jan. 22, 2018), p. 4 (citations omitted). A copy of this decision is enclosed herewith for the convenience of the Board.

Because of this apparent misunderstanding regarding the application of federal law, the Memo addresses only the general requirements for a variance under New Hampshire law, and does not address the fact that under federal law, the critical question is whether, in the absence of a willingness to grant variances, the Dover Ordinance's restriction of wireless facilities to fifteen specific parcels effectively prohibits adequate wireless services in significant portions of the City. The Applicant, which plainly has standing to raise this issue, has already addressed it. *See* Supplement to Variance Application (Tab 1 to Application).

To the extent the Memo suggests, moreover, that somehow seeking a variance is intended to avoid submittal requirements that would apply if this were an application to the Dover Planning Board (Memo, p. 2), the Applicant is simply following the procedure which is required by the provisions of the Dover Ordinance: an application to this Board for a "use" variance. Even more important, the Application does indeed explain that no other existing structure is suitable. The Applicant will address this issue in more detail at the public hearing and will, of course, answer any questions which this Board may have in that regard. In addition, if additional submissions are reasonably requested, the Applicant will work with the Board to comply.

- 2) **"[A] tower of 180 feet...will require lighting in accordance with Federal Aviation Administration and Federal Communications Commission requirements." (Memo, p. 2)**
This is a misstatement of applicable regulations. Lighting is not required by either the FAA or the FCC. To be sure, FAA regulations presume that any structure which is *more than 200 feet in height* constitutes a hazard to air navigation and, therefore, must comply with certain lighting requirements. *See generally* 14 CFR Part 77. In this case, however, the Applicant is proposing a structure which is lower than the FAA's 200-foot threshold. Even more important, the Applicant has received a determination from the FAA that the proposed structure will not be a hazard to air navigation, a copy of which is enclosed for the Board's convenience.
- 3) **The site "abuts a Wildlife Management Area...." (Memo, p. 3)** Although this is an accurate statement, the New Hampshire Natural Heritage Bureau has determined that wildlife will not "be impacted by the proposed project." *See* Determination dated April 6, 2018, a copy of which is enclosed for the Board's convenience.
- 4) **Four (4) "AM radio antennas located in the vicinity.... are located deep within a parcel....surrounded by tree line and very few houses....[and] are rarely visible from downtown." (Memo, p. 3)** While we will cannot evaluate the purely subjective assessment that these four towers are "rarely seen," it is simply inaccurate to suggest that these large towers are hidden from view or that they cannot be seen from nearby homes, whether because of trees or anything else. As the photograph enclosed with this letter shows, the towers are located in an open field and are more-or-less directly across the street from Falcon Drive, where many expensive homes were built approximately 12 years ago. Indeed, the fact that expensive homes were built and sold within such a short distance of several large existing towers establishes that towers do not have an adverse impact on the value of neighboring properties.

On a related issue also raised by the Memo, to the extent that the Applicant is unable to use these four existing antenna structures due to financial reasons, the Memo is simply incorrect in suggesting that the economic realities of using alternative locations to provide wireless services are irrelevant. As the United States Court of Appeals for the First Circuit and other federal courts have found, when it comes to wireless facilities, if other sites are not available on commercially reasonable terms, then by definition those other sites are not feasible and they cannot be used as a basis for a local board to conclude that feasible alternatives exist. See *Omnipoint Holdings, Inc. v. City of Cranston*, 586 F.3d 38 (1st Cir. 2009); *Indus. Communs. & Elecs, Inc. v. Town of Alton*, 2012 U.S. Dist. LEXIS 135158 (D.N.H. 2012). The Applicant will address its inability to use these existing towers in more detail at the public hearing.

- 5) **"The Applicant does not address any inquiries into colocation at nearby WOKQ/WPKQ."** (Memo, p. 3) T-Mobile already has installed antennas on these radio towers. They do not provide the coverage necessary to fill the service gap which is proposed to be addressed by the facility that is the subject of this Application.

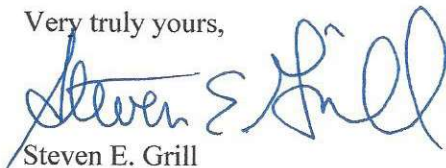
As already noted, the above issues (and others) will be fully addressed at the public hearing. To the extent the Memo can be read as suggesting it is either possible or appropriate to judge an application for a variance solely on the basis of submissions made prior to a public hearing, without giving the applicant a full and fair opportunity to address questions or concerns about that evidence, we respectfully disagree. Similarly, to the extent the Memo can be read as suggesting that all necessary evidence had to be included with the Application itself, we are not aware of any such requirement.

The Applicant acknowledges that staff can play an important role in providing assistance to the Board with respect to applications such as this, which can be complex and potentially controversial. Nevertheless, we respectfully submit that no valid purpose can be served by pre-judging the Application before all the evidence is presented at the public hearing. This is particularly true in this case, where several errors have been made in the Memo, most if not all of which could have been avoided with a simple inquiry to the Applicant. We therefore must respectfully object to the submission of this Memo in its current form, which seems to exhibit a hostility towards this Application.

The Applicant looks forward to explaining the need for the proposed wireless facility at the hearing on April 19, 2018.

Please do not hesitate to contact me or the Applicant's other representatives if you require any additional information or have any questions.

Very truly yours,



Steven E. Grill

Enclosure
SEG



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2017-ANE-4141-OE

Issued Date: 11/13/2017

Kevin P. Delaney
Industrial Tower and Wireless, LLC.
40 Lone Street
Marshfield, MA 02050

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower Dover
Location:	Dover, NH
Latitude:	43-11-22.50N NAD 83
Longitude:	70-51-18.90W
Heights:	146 feet site elevation (SE)
	180 feet above ground level (AGL)
	326 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 05/13/2019 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5922, or debbie.cardenas@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-ANE-4141-OE.

Signature Control No: 347826688-348868892

(DNE)

Debbie Cardenas
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2017-ANE-4141-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Kevin Delaney, Industrial Tower and Wireless, LLC
40 Lone Street

Marshfield, MA 02050

From: NH Natural Heritage Bureau

Date: 4/6/2018 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 3/29/2018

NHB File ID: NHB18-1011

Applicant: Kevin Delaney

Location: Dover
Tax Maps: Map K, Lot 1-0-0

Project Description: Applicant proposes to construct a 180' communications tower within an 80'x80' compound.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

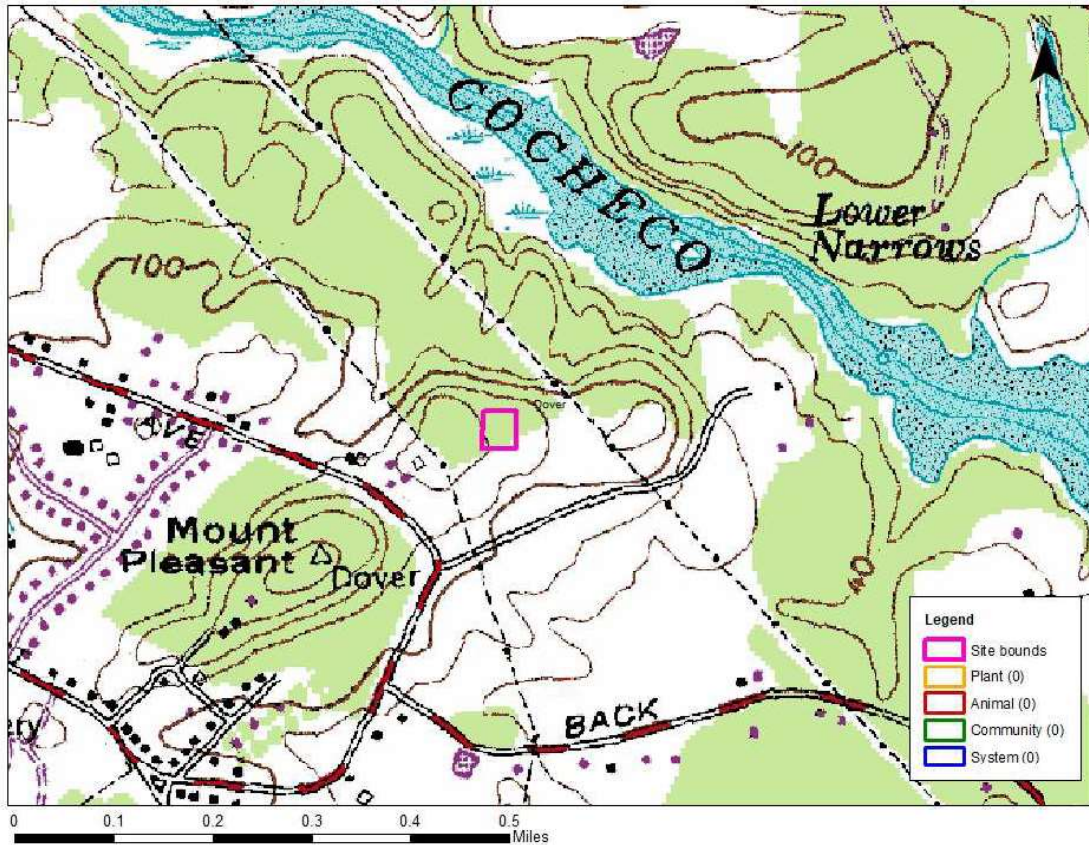
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 3/29/2018, and cannot be used for any other project.

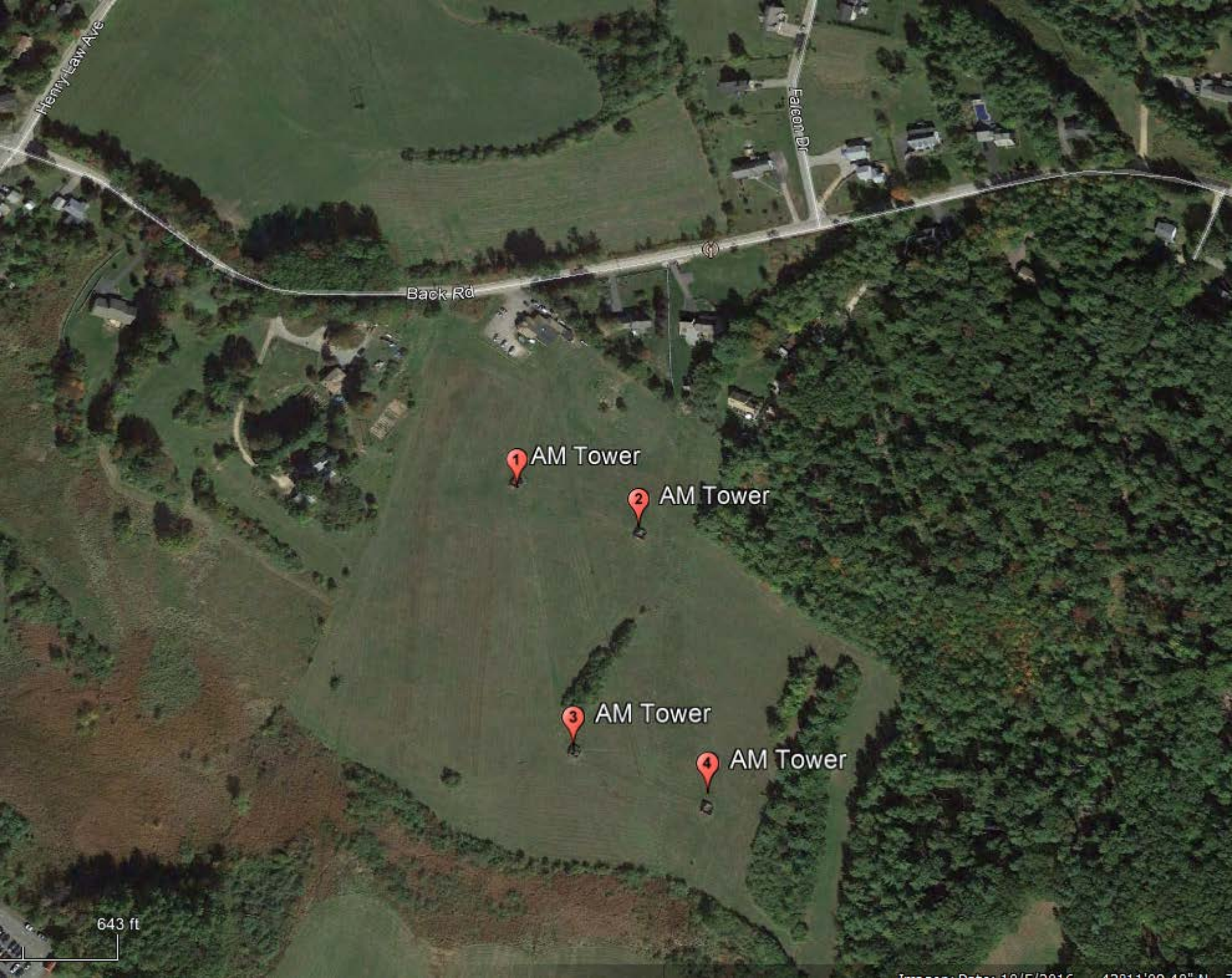


NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACheck RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: **NHB18-1011**

NHB18-1011





Back Rd

Falcon Dr

Henry Law Ave

1 AM Tower

2 AM Tower

3 AM Tower

4 AM Tower

643 ft

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

INDUSTRIAL TOWER AND
WIRELESS, LLC,
Plaintiff,

v.

JOHN ESPOSITO, PAULA MOTTSHAW,
DAVID PAOLINO, HEIDI COWELL,
THOMAS DIRAIMO, ROBERT DELUCA,
and HOLLY REGOLI, and as they are
members of the TOWN OF FOSTER
ZONING BOARD OF REVIEW,
Defendants.

C. A. No. 17-057-JJM-PAS

MEMORANDUM AND ORDER

JOHN J. MCCONNELL, JR., United States District Judge.

Plaintiff Industrial Tower and Wireless, LLC (ITW) filed this action seeking injunctive and other relief from Defendant the Town of Foster Zoning Board's ("the Board") decision denying it a special use permit for the construction of a telecommunications tower in the Town of Foster. Before the Court is ITW's Motion for Summary Judgment (ECF No. 16) to which the Board and Intervenor Defendants Robert and Mary-Elena DeLuca have objected and cross-moved for summary judgment. ECF Nos. 19, 20. After reviewing the submitted materials, including affidavits submitted with the motions, and hearing oral argument, the Court GRANTS ITW's motion, and orders the Board to grant the special use permit.

I. FACTS AND BACKGROUND

In May 2016, ITW applied¹ for a special use permit seeking to build a telecommunications tower on a piece of property in Foster, Rhode Island. In support of its proposal, ITW included a site analysis with maps to demonstrate that the tower height limits and setback requirements complied with the applicable Foster ordinances. ITW also conducted propagation studies and analysis of alternative sites to determine whether there was a significant gap in cell coverage, that the proposed location would address such a gap, and that there was no other feasible site to fill the gap. The Board conducted a hearing on the application that included expert testimony from, among others, Kevin Delaney, ITW's Engineering and Regulatory Compliance Manager and John Champ, ITW's Site Acquisition Specialist, and Mr. and Mrs. DeLuca and their son, Robert DeLuca, Jr.

After a hearing, the Board denied the application by a three-to-two vote.² The Board issued its written denial on January 12, 2017, the written decision consisting of the minutes of the Board meeting and the Findings of Fact and Legal Conclusions. In the minutes, one of the "no" voters, Ms. Paula Mottshaw opined that ITW failed to do its due diligence in terms of siting the proposed tower and that ITW's application is incompatible with the Comprehensive Plan. In the Findings of Fact and Legal

¹ Prior to seeking Board approval, ITW sought and received approval from the Foster Planning Board, who found in its Master Plan Decision that the application was "consistent with the Comprehensive Community Plan and has satisfactorily addressed the issues where there are inconsistencies in accordance with the Rhode Island General Laws Section 45-23-30."

² Three members of the Board voted to issue the permit and two members voted against it, but according to the Board's rules, four affirmative votes are necessary for approval of a special use permit.

Conclusions section at the end of the decision, the Board cited the state statutes governing special use permits and the Foster Zoning Ordinances and concluded that “[f]rom the detailed testimony of the Professional witnesses, the Board accepts the facts as presented and described as reliable and probative and finds that the Applicant has NOT, through its authorized representatives, satisfied its burden as it relates to the standards reiterated above.” ECF No. 1-4 at 11.

ITW sued the Board and its members in their official capacities, alleging a violation of the Federal Telecommunications Act of 1996 (“TCA”) because it effectively prohibited the provision of personal wireless services in denying ITW’s application for a special use permit. For relief, ITW requests that the Court order the Board to grant its special use permit.

II. ANALYSIS

A. Standing

Before it gets to the meat of ITW’s motion, the Court considers the DeLuca’s argument that ITW does not have standing to bring this suit under the TCA because, as a site acquisition company not a cell phone service provider, it cannot claim that it suffered harm from a significant gap in cell service coverage in Foster. ITW argues that it has standing because to bring a suit under the TCA, it needs only to be a “person adversely affected by any final action or failure to act by a State or local government ...”, citing 47 U.S.C. § 332(c)(7)(B)(v). Its adverse treatment was the Board’s decision to deny it a special use permit.

As part of the Court's standing inquiry, it must determine whether ITW's interest here is in the "zone of interests" safeguarded by the TCA. *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 134 S. Ct. 1377, 1388 (2014). In enacting that statute, Congress intended "to promote competition and higher quality in American telecommunications services and to encourage rapid deployment of new telecommunications technologies. One of the means by which it sought to accomplish these goals was reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers." *Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115 (2005) (internal citation omitted). In light of these goals, the Court finds that the TCA protections extend beyond providers of personal wireless services to others involved with telecommunications technologies, including landowners and tower developers. *See Green Mountain Realty Corp. v. Leonard*, 688 F.3d 40, 44 (1st Cir. 2012) (cell tower manager); *ATC Realty, LLC v. Town of Kingston, N.H.*, 303 F.3d 91, 92 (1st Cir. 2002) (developer). ITW was "adversely affected" within the meaning of the TCA when the Board denied its special use permit application to build the proposed telecommunications tower in Foster and therefore has standing to bring this suit under the TCA.

B. Substantial Evidence

While Congress clearly intended to ensure telecommunication's growth, the TCA also sought to preserve state and local control over zoning matters, specifically over the siting of cell phone towers, subject to several limitations. *T-Mobile S., LLC v. City of Roswell, Ga.*, 135 S. Ct. 808, 814 (2015); *Nat'l Tower, LLC v. Plainville*

Zoning Bd. of Appeals, 297 F.3d 14, 21–22 (1st Cir. 2002). The two limitations that ITW invokes in this case are that 1) any decision by a municipality “to deny a request to place, construct, or modify personal wireless service facility shall be in writing and be supported by substantial evidence in the written record,” 47 U.S.C. § 332(c)(7)(B)(iii); and 2) local zoning authorities “shall not prohibit or have the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. § 332(c)(7)(B)(i)(II). ITW argues that the Board’s decision fails under these two sections, justifying its reversal.

In a case invoking the TCA such as this, even though the motion is styled as one for summary judgment, the standard of review is driven by the nature of the TCA claim. The claim in this case is rooted in the question of whether the Board’s decision denying ITW’s application to build a cell tower was supported by substantial evidence.

The ‘substantial evidence’ standard of review is the same as that traditionally applicable to a review of an administrative agency’s findings of fact.’ For motions for summary judgment, under the APA [Administrative Procedure Act], the Court’s review ‘is limited to the administrative record,’ and the ‘entire case’ on review is a question of law.’ Thus, a district court’s role in considering summary judgment in a case such as this one is not to resolve contested fact questions which may exist in the underlying administrative record, but rather to determine the legal question of whether the Board’s decision was supported by substantial evidence.

Varsity Wireless, LLC v. Boxford Zoning Bd. of Appeals, C.A. No. CV 15-11833-MLW, 2017 WL 4220575, at *10 (D. Mass. Sept. 22, 2017) (citations omitted).

Ultimately, a written decision must contain a “sufficient explanation of the reason for the denial ‘to allow a reviewing court to evaluate the evidence supporting

those reasons.” *Nat’l Tower*, 297 F.3d at 21 (quoting *Sw. Bell Mobile Sys., Inc. v. Todd*, 244 F.3d 51, 60 (1st Cir. 2001)). “[T]hese reasons need not be elaborate or even sophisticated, but rather, as discussed below, simply clear enough to enable judicial review.” *T-Mobile S.*, 135 S. Ct. at 815. Conclusory statements simply citing local zoning ordinance provisions, however, are insufficient to meet the written denial requirement of the TCA. *See Nextel Communications of the Mid-Atlantic, Inc. v. Town of Randolph*, 193 F. Supp. 2d 311, 318-319 (D. Mass. 2002).

In evaluating whether substantial evidence supports a Board’s decision, the Court must review the written record as a whole, but the Court’s judicial review of a local regulatory agency decision is narrow.

Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The reviewing court must take into account contradictory evidence in the record. But the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency’s finding from being supported by substantial evidence.

Penobscot Air Servs., Ltd. v. Fed. Aviation Admin., 164 F.3d 713, 718 n. 2 (1st Cir. 1999) (citations omitted). Even though substantial evidence review is narrow, it “is not a rubber stamp.” *Id.* The burden of showing that the Board’s decision was not supported by substantial evidence is on the party who applied for relief, but “courts defer to the decision of the local authority, provided that the local board picks between reasonable inferences from the record before it.” *Green Mountain Realty*, 688 F.3d at 50 (quoting *Nat’l Tower*, 297 F.3d at 23).

Upon review of the written record as a whole, the Court finds that ITW has demonstrated that the Board’s January 12, 2017 denial in writing is plainly deficient.

The discussion in the meeting minutes among Board members, raising the pluses and minuses of the application does not enable the Court to evaluate the evidence in support of the Board's denial. The Court cannot speculate about what specific evidence convinced the Board members to deny the application. Moreover, in the Findings of Fact and Legal Conclusions section where the Board makes its explicit denial, the Board cited the state statutes governing special use permits and the Foster Zoning Ordinances and concluded that "[f]rom the detailed testimony of the Professional witnesses, the Board accepts the facts as presented and described as reliable and probative and finds that the Applicant has NOT, through its authorized representatives, satisfied its burden as it relates to the standards reiterated above." ECF No. 1-4 at 11. This statement also fails to identify any facts upon which the Court may evaluate the evidence supporting its conclusions, relying instead upon little more than a conclusory statement that recites its ordinance and Comprehensive Plan and generally references the entire record. This conclusory statement does not meet the TCA's requirement that the decision be based on "substantial evidence in the written record."

Not only did ITW show that the decision was deficient, but it also cites to the record quite convincingly that it did submit substantial evidence that the proposed plan did comply with state law and local ordinances. It relies mainly on its real estate appraiser who opined that the cell tower would not have a negative impact on real estate values or alter the character of the neighborhood. The Court cannot find in the record any evidence to refute these opinions. On the contrary, one of the Board's

stated reasons for denial – that the application is inconsistent with the plan – was contradicted by the Master Plan Decision of the Foster Planning Board, who approved the application, determining that the tower plan was “consistent with the Comprehensive Community Plan and has satisfactorily addressed the issues where there are inconsistencies in accordance with” state law.

The Board “is not free to prescribe what inferences from the evidence it will accept and reject, but must draw all those inferences that the evidence fairly demands.” *Sw. Bell*, 244 F.3d at 59 (quoting *Penobscot Air Servs.*, 164 F.3d at 718). As such, the Court finds that the Board had no basis to draw an inference that the proposed plan was not in harmony with the rural character of the town. The Board’s rejection of the special use permit application was not based on the substantial evidence in the written record as required by the TCA.³

C. Remedy

Now that the Court has determined that the Board violated the TCA, the question of what remedy should be awarded remains. ITW advocates that the Court award its requested injunctive relief of a permit to build the proposed tower; Defendants advocate, in the face of the Court’s denial of their cross-motions for summary judgment, for a remand in light of the deficiency of the Board’s written decision. Essentially, Defendants want the Board to have another opportunity to provide the Court with the bases of its decision to enable a proper review. But, after

³ Because the Court has found that the Board failed to articulate its denial of a special use permit on substantial evidence in writing as the TCA requires, it need not consider the parties’ arguments on effective prohibition.

reviewing applicable law and in light of the facts of this case, this is not the best course.

“Congress has directed that disputes under the TCA must be determined ‘on an expedited basis,’ 47 U.S.C. § 332(c)(7)(B)(v), and ‘[a]n award of injunctive relief, rather than a remand for further proceedings, best fulfills this statutory goal.’” *Indus. Tower & Wireless, LLC v. Haddad*, 109 F. Supp. 3d 284, 304 (D. Mass. 2015) (quoting *Brehmer v. Planning Bd. of Town of Wellfleet*, 238 F.3d 117, 121 (1st Cir. 2001)).

The statutory requirements that the board act within ‘a reasonable period of time,’ and that the reviewing court hear and decide the action ‘on an expedited basis,’ indicate that Congress did not intend multiple rounds of decisions and litigation, in which a court rejects one reason and then gives the board the opportunity, if it chooses, to proffer another. Instead, in the majority of cases the proper remedy for a zoning board decision that violates the Act will be an order, like the one the district court issued in this case, instructing the board to authorize construction.

Natl Tower, LLC, 297 F.3d at 21–22 (citing *Brehmer*, 238 F.3d at 120–22; *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 497 (2d Cir. 1999)). The Court is persuaded by the course taken in similar circumstances. The Court orders the Board to grant ITW’s special use permit on its application for the proposed telecommunications tower.

III. CONCLUSION

ITW’s Motion for Summary Judgment (ECF No. 16) is GRANTED. The DeLuca’s Cross-Motion for Summary Judgment (ECF No. 19) and The Town of Foster’s Cross-Motion for Summary Judgment (ECF No. 20) are DENIED. In light

of the Court's decision on ITW's motion, its two motions to strike (ECF Nos. 25, 26) are DENIED AS MOOT.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

January 22, 2018



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, April 19, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit the keeping of horses in a barn that does not meet the minimum setback for sheltering farm animals.

UNITS PROPOSED: N/A

AGENDA ITEM #: 4-B

ZONING DISTRICT: Rural Residential (R-40)

FILE: Z18-08

APPLICANT/OWNER: Scott Coughlin

LOCATION: 19 Piscataqua Road (Tax Map I, Lot 94-B)

ACREAGE: 2.31 acres (100,624 sq. ft.)

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling

SURROUNDING LAND USE: Single-family dwellings, vacant lots

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, lot line adjustment and subdivision plans, variance plan

STAFF RECOMMENDATION: Staff opposes the request.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The Applicant's property is located on the west side of Piscataqua Road, north of Hidden Valley Drive, an open space subdivision that was created by the Applicant in 2009.

Recently, the Planning Board approved the Applicant's minor subdivisions of two abutting lots owned by the Applicant, totaling 6.5 acres. These two minor subdivisions created five lots, one of which is 19 Piscataqua Road. This lot contains 100,844 square feet, which is the minimum lot size required for the keeping of farm animals as defined by Section 170-6. The plans received final approval in December 2017.

The barn intended to shelter a horse or horses is an existing structure that appears to have been built in 1992.

REASON FOR STAFF RECOMMENDATION

This lot was created four months ago, by the Applicant, with a lot area barely exceeding 100,000 square feet, suggesting that the Applicant intended to seek a variance from the second dimensional requirement for keeping farm animals: a 100-foot setback for all structures housing them. Any hardship was created by the Applicant's choice of subdivision layout and could easily be remedied by a lot line adjustment or lot merger, as the Applicant still owns two direct abutting lots to the north and one abutting lot to the south.

STAFF RECOMMENDATION

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

19 Piscataqua Road

**Property Information**

Property ID I0094-B00000
Location 19 PISCATAQUA RD
Owner COUGHLIN SCOTT

**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 03/29/2018
Properties updated 04/11/2018



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only	Case #: _____	Date Received: _____
	Amount Paid: \$ _____	Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Scott Coughlin Phone # (603) 866-6638

Address of Applicant: 10 Hidden Valley Drive, Dover, NH 03820

E-Mail Address: Scott Coughlin <scottcough@icloud.com>

PROPERTY OWNER (if different from applicant): Same

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 19 Piscataqua Road, Dover, NH 03820

Brief Directions: 19 Piscataqua Road, Dover, NH. Just before Hidden Valley Drive

Zoning District: R-40 Assessor's Map # I Lot(s) # 94-B

TYPE OF APPEAL: (Please check one)

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

To use an existing horse barn for horses, where the ordinance requires a setback of 100 feet and the existing barn is located 40 feet from the adjacent lot.

APPLICATION CHECKLIST (Please check off)

A. **Application signed** by Applicant and Property Owner (if different from Applicant) X
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** X
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. 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. **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. X

G. **Mailing Labels** in triplicate with abutters names and addresses for notices. **(Use Avery 5160 label)** X

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 <u>12</u> X \$8.00 =	\$ 96.00
3.	Applicant & Owner mailing fee: <u>2</u> X \$8.00 =	\$ 16.00
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 \$ 292.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

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

See attached

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:

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.

Scott M. Gephlin
Signature of Applicant*

Scott M. Gephlin
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: Scott M. Gephlin Date: 3-29-18

A. Variance Requested

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

Allowing an existing barn to be used to house one or more horses with a sideline setback of approximately 40 feet where a setback of one hundred (100) feet is required.

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 public interest is affected if the proposed variance would constitute a fundamental change in the neighborhood or if there would be a substantial impact on health or safety. Raising horses is a permitted use in this zone since this lot contains more than 100,000 square feet. The property contains an existing residence and a barn which has been used for horses but is presently empty. Because of sideline setback requirements, any residence to be constructed on the lot which is closest to the existing barn will be a minimum of 65 feet away, and likely will be closer to 100 feet away from the barn. Allowing this existing barn to continue to be used in its present location for horses will not change the fundamental character of this neighborhood and would not have a substantial impact on health or safety.

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

The spirit of the ordinance is to allow for spacing between barns and residences which are located on adjacent parcels of land. The existing barn is located more than 100 feet from all boundaries except the northerly boundary. The adjacent parcel to the north is presently vacant, and the home which will be located on that adjacent lot will be sited with awareness of the location of the barn and horses, and can be located a reasonable distance from the existing barn.

3. Granting the variance would do substantial justice because:

The New Hampshire Supreme Court has held that an injustice occurs when the injury to the applicant resulting from denying the variance would be greater than any benefit that would accrue to the public if the variance is denied. In this case, raising horses is a permitted use in the R-40 zone, and the barn has been used in the past for horses and is equipped for horses. The location of the barn exceeds the 100 foot setback requirement for all boundaries except the northerly boundary. Denying the variance will not confer a benefit on the general public since there is only one lot within 100 feet of the barn and adequate spacing will exist between the existing barn and a residence to be constructed on the adjacent parcel to the north. Denying the variance would be a detriment to the applicant because that denial would prevent the applicant from the reasonable use of the existing horse barn and there is no other location where a horse barn could be erected on this lot.

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

The value of adjacent properties will not be affected because the use of the property to raise horses is a permitted use. There is only one lot located within 100 feet of the existing barn. The new home to be constructed on that adjacent parcel can be located a reasonable distance from the existing horse barn.

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

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

The applicant's lot contains more than 100,000 square feet of area and contains an existing barn which has been used for horses. The lot is large enough to raise horses and the existing barn is equipped for that purpose. There is no other location on the lot where a horse barn could reasonably be constructed due to the configuration of the lot and the location of the existing residence.

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

The general purposes of the ordinance provision are to ensure spacing between barns and houses which are located on adjacent parcels. The lot contains sufficient acreage to raise horses. The barn is an existing structure which was built for horses and which has been used for that purpose. The location of the barn exceeds the 100 foot setback requirement for all boundaries except the northerly boundary. Since the home on the adjacent parcel to the north has not yet been constructed, the new home on that adjacent lot can be located a reasonable distance from the existing barn.

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

The lot contains sufficient acreage to raise horses. The barn is an existing structure which was built for horses and which has been used for that purpose. The location of the barn exceeds the 100 foot setback requirement for all boundaries except the northerly boundary. Since the home on the adjacent parcel to the north has not yet been constructed, the new home on that adjacent lot can be located a reasonable distance from the existing barn.

ABUTTER LIST

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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

"Abutter" is defined in Chapter 170, Dover Zoning Ordinance, as:

The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within **two hundred (200) feet** (including land across the street or waterway) of the proposed site under consideration by the Board.

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 only by first class mail.

PLEASE NOTE: abutter ownership information for lots located in Dover, shall be obtained through the City's Tax Assessment Office.

[illegible]

Abutters' List

Map	Parcel	- Owner Name and Address
Applicant		
I	94B	Scott Coughlin 10 Hidden Valley Drive Dover, NH 03820
Abutters		
I	94B-1 94B-2 94A 94A-1	Scott Coughlin 10 Hidden Valley Drive Dover, NH 03820
I	94	Anthea Smith Life Estate Matje Smith and Gudrun and Kreis Maida 62 Drew Road Dover, NH 03820
I	94-1	Louis & Caterina Cammarosano 56 Drew Road Dover, NH 03820
I	94-2	Petersen Ventures, LLC 18 Heald Road Ashburnham, MA 01430
I	94C	Hidden Valley Homeowner's Association 10 Hidden Valley Drive Dover, NH 03820
I	94E	Jonathan and Allison Davis 11 Hidden Valley Drive Dover, NH 03820
I	96	Darlene White 32 Piscataqua Road Dover, NH 03820
I	96A	Bruce Batchelder 14 Piscataqua Road Dover, NH 03820

I	96B	Stephen A. & Amy E. Spivack 18 Piscataqua Road Dover, NH 03821
I	96C	Cory Dean & Susan Dimick Stone 22 Piscataqua Road Dover, NH 03820
I	96D	Brian J. & Robin E. Therrien Revocable Trust 26 Piscataqua Road Dover, NH 03820
I	124	John J. & Carolyn McGlone Patricia Seaford 25 Piscataqua Road Dover, NH 03820
I	125	Eleanor E. Grenier Life Estate Sandra Foster and Alan Grenier 21 Piscataqua Road Dover, NH 03820

Attorney for Applicant

Francis X. Bruton, III, Esquire
Bruton & Berube, PLLC
601 Central Avenue
Dover, NH 03820

(603) 749-4529

GENERAL INFORMATION

OWNER/APPLICANT

MAP 1 LOTS 93-A & 94-B
SCOTT M. COUGHLIN
10 HIDDEN VALLEY DRIVE
DOVER, NH 03820

MAP 1 LOT 94-C
HIDDEN VALLEY DRIVE
HOMEOWNERS' ASSOCIATION
10 HIDDEN VALLEY DRIVE
DOVER, NH 03820

RESOURCE LIST

PLANNING DEPARTMENT
288 CENTRAL AVENUE
DOVER, NH 03820
(603) 516-6008
CHRISTOPHER PARKER, DIRECTOR OF PLANNING

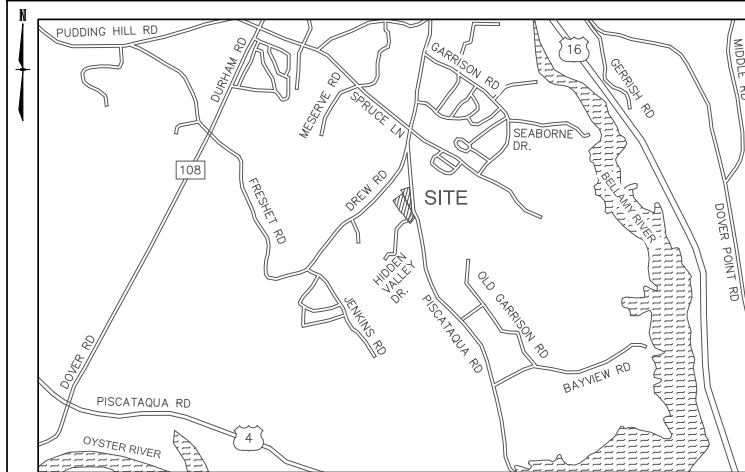
ZONING DEPARTMENT

288 CENTRAL AVENUE
DOVER, NH 03820
(603) 516-6008
ELENA PIEKUT, ASSISTANT CITY PLANNER/
ZONING ADMINISTRATOR

LOT LINE ADJUSTMENT PLANS & MINOR SUBDIVISION PLANS FOR SCOTT M. COUGHLIN & HIDDEN VALLEY DRIVE HOMEOWNERS' ASSOCIATION 17 & 19 PISCATAQUA ROAD & 10 HIDDEN VALLEY DRIVE, DOVER, NEW HAMPSHIRE JUNE 29, 2017

LAST REVISED NOVEMBER 20, 2017

VICINITY PLAN



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

INDEX OF SHEETS

SHEET	SHEET TITLE
S-0	COVER SHEET
S-1	EXISTING CONDITIONS PLAN
S-2	LOT LINE ADJUSTMENT PLAN MAP 1 LOTS 94-B & 94-C
S-3	LOT LINE ADJUSTMENT PLAN MAP 1 LOTS 93-A & 94-B
S-4	MINOR SUBDIVISION PLAN MAP 1 LOT 94-B
S-5	MINOR SUBDIVISION PLAN MAP 1 LOT 93-A
S-6	TOPOGRAPHIC AND SOILS PLAN
S-7	AERIAL IMAGE PLAN

PERMITS / APPROVALS

	NUMBER	APPROVED
NHDES SUBDIVISION APPROVAL	#eSA2017091403	9/14/2017

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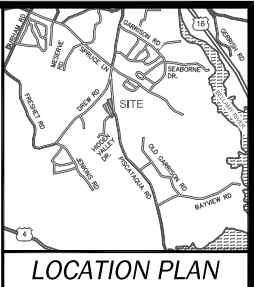
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Thomas F. Moran, Inc.

				Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists	170 Commerce Way, Suite 102 Portsmouth, NH 03801 Phone (603) 431-2222 Fax (603) 431-0910 www.tfmoran.com
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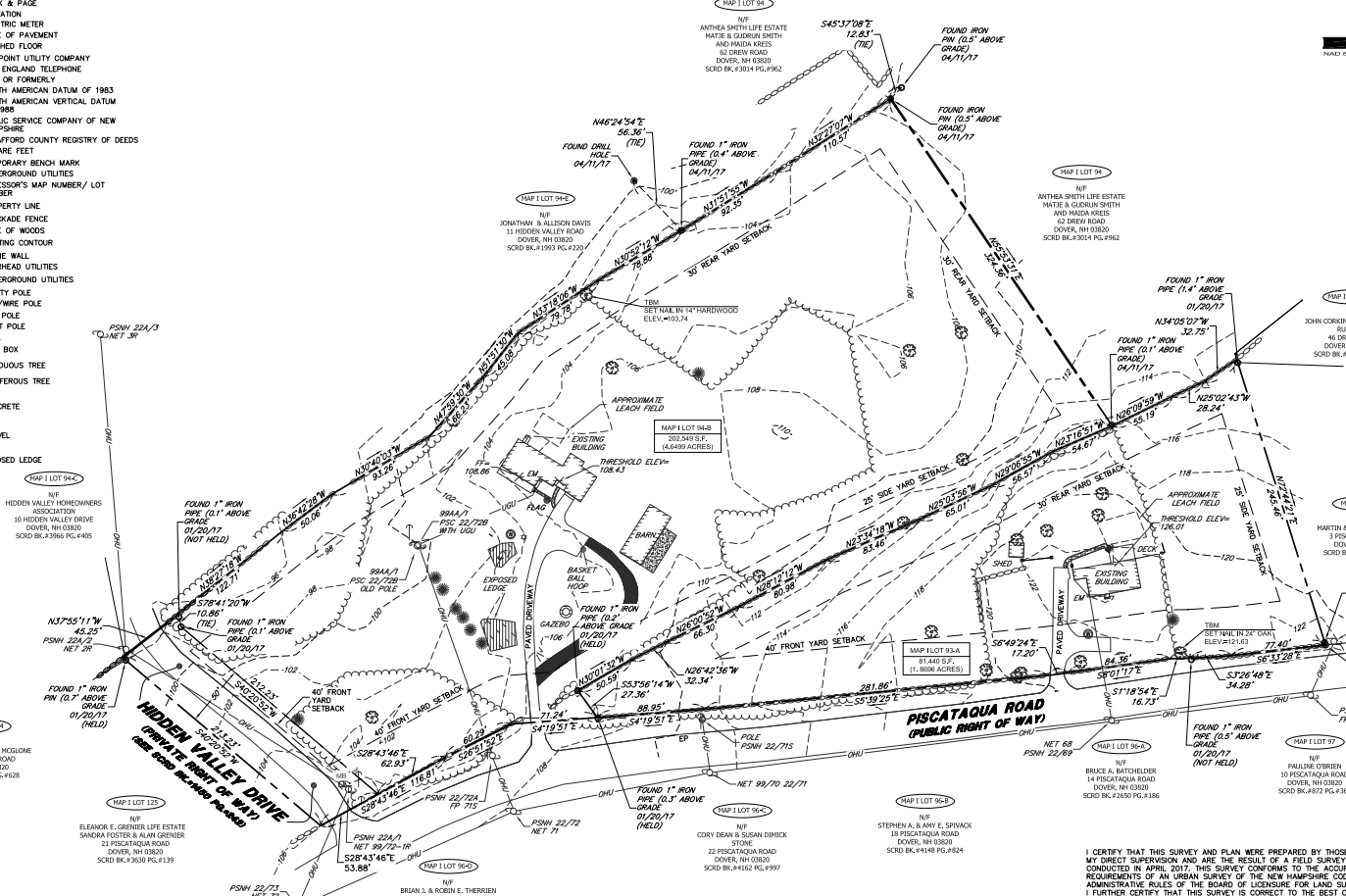
LEGEND:

BK/PG	BOOK & PAGE
ELEV.	ELEVATION
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
FF	FAIRPOINT UTILITY COMPANY
NET	NEW ENGLAND TELEPHONE
NAD83	NORTH AMERICAN DATUM OF 1983
NAV08	NORTH AMERICAN VERTICAL DATUM OF 1988
PSNH	PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
SCRD	STAFFORD COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
TBM	TEMPORARY BENCH MARK
UGU	UNDERGROUND UTILITIES
MAP 47 LOT 11	ASSASSOR'S MAP NUMBER/ LOT NUMBER
---	PROPERTY LINE
---	STOCKADE FENCE
---	EDGE OF WOODS
---	EXISTING CONTOUR
---	STONE WALL
---	OVERHEAD UTILITIES
---	UNDERGROUND UTILITIES
---	UTILITY POLE
---	GUY/WIRE POLE
---	GUY POLE
---	LIGHT POLE
---	WELL
---	MAIL BOX
---	DECIDUOUS TREE
---	CONIFEROUS TREE
---	CONCRETE
---	GRAVEL
---	EXPOSED LEDGE



NOTES:

- THE PARCELS ARE LOCATED IN THE RURAL RESIDENTIAL (R-40) DISTRICT.
- THE PARCELS ARE SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP 1 AS LOTS 93-A & 94-B.
- THE PARCELS ARE LOCATED IN FLOOD HAZARD AREA ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM), STAFFORD COUNTY, NEW HAMPSHIRE, PANEL 540 OF 400, MAP NUMBER 3301703020 & PANEL 320 OF 400, MAP NUMBER 3301703020, EFFECTIVE DATE: 09/30/2015.
- OWNER OF RECORD:
MAP 1 LOT 93-A
SCOTT M. COUGHLIN
10 HIDDEN VALLEY DRIVE
DOVER, NH 03820
SCRD BK-#448 PG-#24
- TOTAL PARCEL AREA:
MAP 1 LOT 93-A
EXISTING AREA:
81,440 SF
(1.8696 ACRES)
- ZONING REQUIREMENTS:
MINIMUM LOT SIZE: 40,000 S.F.
MAXIMUM LOT COVERAGE: 100%
MINIMUM FRONTAGE: 150 FT
PRINCIPAL BUILDING:
FRONT SETBACK: 40 FT
ABUT A STREET SETBACK: 40 FT
SIDE SETBACK: 25 FT
REAR SETBACK: 30 FT
OUTBUILDING/ACCESSORY USE:
FRONT SETBACK: 40 FT
ABUT A STREET SETBACK: 40 FT
REAR SETBACK: 10 FT
BUILDING HEIGHT:
PRINCIPAL BUILDING: 35 FT MAX.
OUTBUILDING/ACCESSORY USE: 35 FT MAX.
- UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND RECORD PLANS. THEY ARE APPROXIMATE LOCATIONS ONLY. CONTACT DISAFT, 601-888-DISAFT TO VERIFY UTILITIES.
THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT THE ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
THE PURPOSE OF THIS PLAN IS TO SHOW THE CURRENT EXISTING FEATURES OF MAP 1 LOT 93-A & A TAX MAP 1 LOT 94-B.
10. HORIZONTAL DATUM IS NAD83 (2011), PER STATIC GPS OBSERVATIONS.
11. VERTICAL DATUM IS NAVD83, PER STATIC GPS OBSERVATIONS.
12. FIELD SURVEY COMPLETED BY 1000 C. EMERSON IN APRIL 2017 USING A TOPCON DT503 AND TOPCON TESLA DATA COLLECTOR.



PLAN REFERENCES:

- "SUBDIVISION PLAT OF LAND FOR GUDRIN SMITH IN DOVER, NH STAFFORD COUNTY JANUARY 2004 REVISED FEBRUARY 2004" BY LANDRY SURVEYING, LLC. SCRD PLAN #74-88.
- "BOUNDARY LINE ADJUSTMENT FOR DAVID L. LABRIE & PATRICIA A. MCGLONE PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY K.E.M. LAND SURVEY, INC. DATED APRIL 1995. SCRD PLAN #48-15.
- "PROPOSED MINOR LOT LINE ADJUSTMENT LAND OF JOHN & CAROLYN MCGLONE AND PHILIP NUTE PISCATAQUA ROAD & HIDDEN VALLEY DRIVE DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED DECEMBER 20, 2009 WITH REVISION 2 DATED 1/28/03. SCRD PLAN #65-54.
- "PROPOSED LOT LINE REVISION LAND OF DAVID LABRIE & PATRICIA MCGLONE PISCATAQUA ROAD DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED FEBRUARY 28, 2009 WITH REVISION 2 DATED 4/10/02. SCRD PLAN #65-65.
- "HIDDEN VALLEY DRIVE AN OPEN SPACE SUBDIVISION WITH A COMMERCIAL COMPONENT PREPARED FOR SCOTT COUGHLIN TAX MAP 1, LOT NO. 94-C & 127A HIDDEN VALLEY DRIVE CITY OF DOVER COUNTY OF STAFFORD STATE OF NEW HAMPSHIRE, BY MCNEANEY SURVEY ASSOCIATES, INC., DATED JANUARY 11, 2009 WITH REVISION 4 DATED 6/7/09. SCRD PLAN #67-61.
- "PLAN OF LAND PARCELS 1, 2, 3 & 4 JACK R. & DOROTHY A. STORMS DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCGLONE DOVER, N.H., DATED AUG. 1977. SCRD PLAN #18-67.
- "PLAN OF LOT NO.5 JACK & DOROTHY I. STORMS DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCGLONE DOVER, N.H., DATED AUG. 1977. SCRD PLAN #18-67.
- "SUBDIVISION OF LAND OF JACK & DOROTHY STORMS PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY RICHARD P. TOWLE, R.L.S. DOVER, N.H. DATED AUG. 1974. SCRD PLAN #3-58.
- "LOT LINE ADJUSTMENT & SUBDIVISION PLAN PREPARED FOR D.R. LEMUEX BUILDERS INC. AND DARLINE WHITE FOR LAND IDENTIFIED AS TAX MAP 1 LOTS 96, 98B & 96C LOCATED ON PISCATAQUA ROAD IN CITY OF DOVER, STAFFORD COUNTY STATE OF NEW HAMPSHIRE" BY POWHOLEX LAND SURVEYORS & SEPTIC SYSTEM DESIGN, LLC, DATED NOVEMBER 29, 2012. SCRD PLAN #105-08.
- "SUBDIVISION OF LAND FOR ATHANASIOS IORDANOU IN DOVER, NH" BY SEACOST ENGINEERING ASSOCIATES, INC. DATED MARCH 25, 1988. SCRD PLAN #35-38.

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN APRIL 2017. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN UNBUILT SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000. THIS PLAN CONFORM TO APPLICABLE LOCAL ZONING ORDINANCES AND RULES.

TAX MAP 1 LOTS 93-A & 94-B EXISTING CONDITIONS PLAN

**17 & 19 PISCATAQUA ROAD
DOVER, NEW HAMPSHIRE
COUNTY OF STAFFORD**
OWNED BY
SCOTT M. COUGHLIN

SCALE: 1" = 50' (25:34)
1" = 100' (11:17) **JUNE 20, 2017**

Civil Engineers
Structural Engineers
Traffic Engineers
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170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone: (603) 431-2222
Fax: (603) 431-0910
www.msceengineers.com

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LICENSED LAND SURVEYOR			DATE	
2	11/29/17	NO REVISIONS THIS SHEET		
1	10/12/17	NO REVISIONS THIS SHEET		
REV.	DATE	DESCRIPTION	DR	OK

47243.00	DN	BK	FB				S-1
	CK	JC	CA	PL	LE		



CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

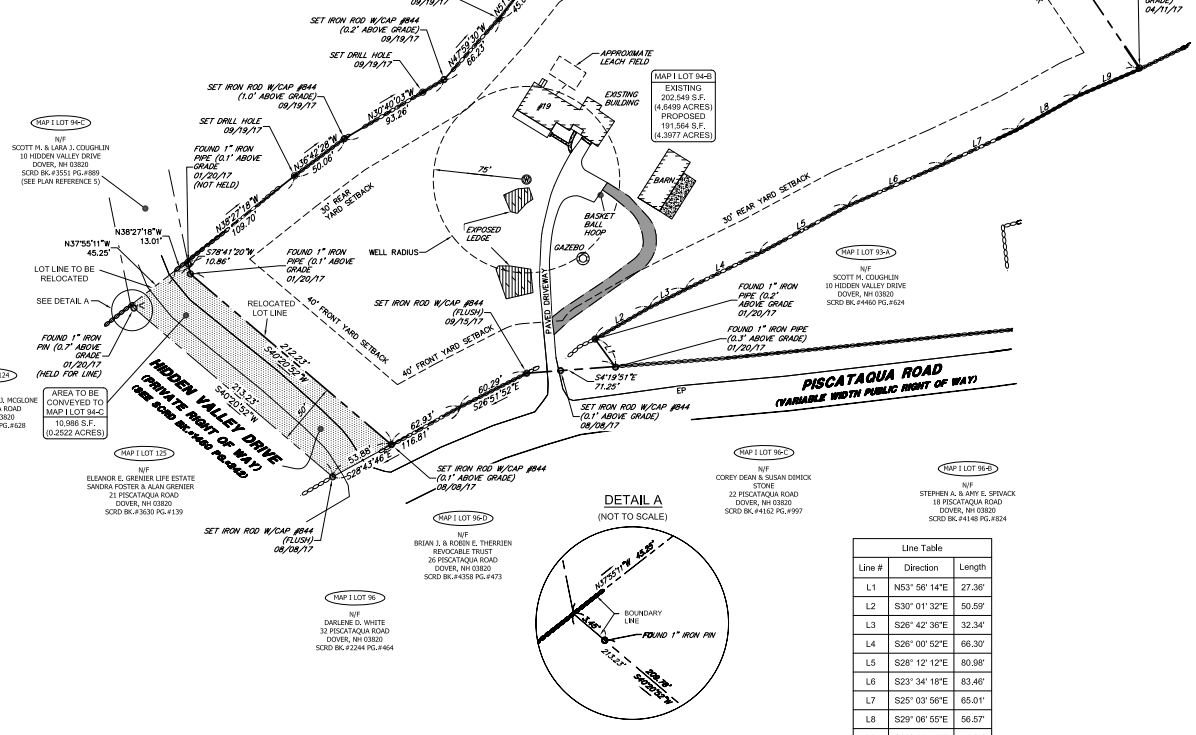
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LEGEND:

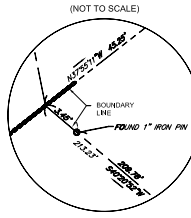
BOOK & PAGE	BOOK & PAGE
EDGE OF PAVEMENT	EDGE OF PAVEMENT
N/A	N/A
NAD83	NORTH AMERICAN DATUM OF 1983
NAV088	NORTH AMERICAN VERTICAL DATUM OF 1988
PSNH	PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
SORD	STRAFFORD COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
ASSESSOR'S MAP NUMBER/ LOT NUMBER	ASSESSOR'S MAP NUMBER/ LOT NUMBER
PROPERTY LINE	PROPERTY LINE
STONE WALL	STONE WALL
WELL	WELL
CONCRETE	CONCRETE
GRAVEL	GRAVEL
EXPOSED LEDGE	EXPOSED LEDGE
AREA TO BE CONVEYED TO MAP 1 LOT 94-C	AREA TO BE CONVEYED TO MAP 1 LOT 94-C

PLAN REFERENCES:

- "SUBDIVISION PLAT OF LAND FOR GUDRUM SMITH IN DOVER, NH STRAFFORD COUNTY JANUARY 2004 REVISED FEBRUARY 2004" BY LAND SURVEYING, LLC. SORD PLAN #74-98.
- "BOUNDARY LINE ADJUSTMENT FOR DAVID L. LABRIE & PATRICIA A. MCCLONE PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY K.E.M. LAND SURVEY, INC. DATED APRIL 1995. SORD PLAN #46-11.
- "PROPOSED MINOR LOT LINE ADJUSTMENT LAND OF JOHN & CAROLYN MCCLONE AND PHILIP NUTE PISCATAQUA ROAD & HIDDEN VALLEY DRIVE, DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED DECEMBER 20, 2002 WITH REVISION 2 DATED 1/29/03. SORD PLAN #68-54.
- "PROPOSED LOT LINE REVISION LAND OF DAVID LABRIE & PATRICIA MCCLONE PISCATAQUA ROAD DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED FEBRUARY 28, 2002 WITH REVISION 2 DATED 4/10/02. SORD PLAN #65-65.
- "HIDDEN VALLEY DRIVE AN OPEN SPACE SUBDIVISION WITH A COMMERCIAL COMPONENT PREPARED FOR SCOTT COUGHLIN TAX MAP 'I', LOT NO. 94-C & 127A HIDDEN VALLEY DRIVE CITY OF DOVER COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE" BY MCKENNEY SURVEY ASSOCIATES, INC. DATED JANUARY 11, 2009 WITH REVISION 4 DATED 6/17/09. SORD PLAN #97-51.
- "PLAN OF LAND PARCELS 1, 2, 3 & 4 JACK R. & DOROTHY A. STORMS DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCCLONE DOVER, N.H.", DATED AUG. 1977. SORD PLAN #18-67.
- "PLAN OF LOT NO.5 JACK & DOROTHY L. STORME DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCCLONE DOVER, N.H.", DATED NOV. 1979. SORD PLAN #17C-144.
- "SUBDIVISION OF LAND OF JACK & DOROTHY STORMS PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY RICHARD P. TONLE, R.L.S. DOVER, N.H. DATED AUG. 1974. SORD PLAN #9-3-58.
- "LOT LINE ADJUSTMENT & SUBDIVISION PLAN PREPARED FOR D.R. LEMUEUX BUILDERS INC. AND DARLENE WHITE FOR LANDS IDENTIFIED AS TAX MAP I LOTS 94-B, #88 & #90 LOCATED ON PISCATAQUA ROAD IN CITY OF DOVER, STRAFFORD COUNTY STATE OF NEW HAMPSHIRE" BY POKOPEX LAND, SURVEYORS & SEPTIC SYSTEM DESIGN, LLC, DATED NOVEMBER 29, 2012. SORD PLAN #100-008.
- "SUBDIVISION OF LAND FOR ATHANASIOS IOERDANOU IN DOVER, NH" BY SEACREST ENGINEERING ASSOCIATES, INC. DATED MARCH 25, 1988. SORD PLAN #35-38.



DETAIL A (NOT TO SCALE)



Line #	Direction	Length
L1	N53° 58' 14"E	27.36'
L2	S30° 01' 32"E	50.59'
L3	S28° 42' 36"E	32.34'
L4	S28° 00' 52"E	66.30'
L5	S28° 12' 12"E	80.98'
L6	S23° 34' 18"E	83.46'
L7	S25° 03' 56"E	65.01'
L8	S29° 06' 55"E	56.57'
L9	S23° 16' 51"E	54.67'

ROAD 63 (2011)

NOTES:

- THE PARCELS ARE LOCATED IN THE RURAL RESIDENTIAL (R-40) DISTRICT.
- THE PARCELS ARE SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP 1 AS LOTS 93-A, 94-B & 94-C.
- THE PARCELS ARE LOCATED IN FLOOD HAZARD AREA ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) STRAFFORD COUNTY, NEW HAMPSHIRE, PANEL 340 OF 405, MAP NUMBER 33017C0340E & PANEL 320 OF 405, MAP NUMBER 33017C0320E, EFFECTIVE DATE: 09/30/2015.
- OWNER OF RECORD:
MAP 1 LOT 93-A
SCOTT M. COUGHLIN
10 HIDDEN VALLEY DRIVE
DOVER, NH 03820
SORD BK #4460 PG.#624
MAP 1 LOT 94-B
SCOTT M. COUGHLIN
10 HIDDEN VALLEY DRIVE
DOVER, NH 03820
SORD BK #4448 PG.#44
MAP 1 LOT 94-C
SCOTT M. COUGHLIN
10 HIDDEN VALLEY DRIVE
DOVER, NH 03820
SORD BK #3551 PG.#889
- TOTAL PARCEL AREA:
MAP 1 LOT 94-B
EXISTING AREA:
202,549 S.F.
(4,649 ACRES)
PROPOSED AREA:
191,565 S.F.
(4,397 ACRES)
- MINIMUM REQUIREMENTS:
MINIMUM LOT SIZE:
40,000 S.F.
MINIMUM LOT COVERAGE:
100%
MINIMUM FRONT SETBACK:
150 FT
PRINCIPAL BUILDING:
40 FT
FRONT SETBACK:
25 FT
SIDE SETBACK:
25 FT
REAR SETBACK:
30 FT
OUTBUILDING/ACCESSORY USE:
FRONT SETBACK:
40 FT
REAR SETBACK:
10 FT
BUILDING HEIGHT:
35 FT MAX.
OUTBUILDING/ACCESSORY USE:
35 FT MAX.
- SHEETS 5-2 THROUGH 5-5 SEPARATE THE LOT LINE ADJUSTMENTS & 2 MINOR SUBDIVISIONS PER THE REQUIREMENT OF THE DOVER PLANNING DEPARTMENT. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DETERMINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE. THE PURPOSE OF THIS PLAN IS TO RELOCATE THE COMMON BOUNDARY LINE BETWEEN TAX MAP 1 LOT 94-B & TAX MAP 1 LOT 94-C.
- HORIZONTAL DATUM IS NAD83 (2011), PER STATIC GPS OBSERVATIONS.
- FIELD SURVEY COMPLETED BY 1000 C. EMERSON IN APRIL 2017 USING A TOPCON DS103 AND TOPCON TESLA DATA COLLECTOR.
- PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY J. COREY COLWELL, L.L.S. #844 ON JUNE 29, 2017 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- NO WETLANDS WERE OBSERVED DURING THE COURSE OF THIS SURVEY.
- PLANS OF THE LOT LINE ADJUSTMENT SHALL BE SUBMITTED IN DIGITAL FORMAT IN PDF AND AUTOCAD DWG, AUTOCAD DXF OR ESRI FORMAT TO THE CITY OF DOVER ENGINEER'S OFFICE UPON COMPLETION OF PROJECT. DIGITAL FILES SHALL BE GEO-REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATES NAD83 AND SHALL BE EXPRESSED IN FEET.
- NO LETTER OF CREDIT FOR THE COST OF REVEGETATING ALL DISTURBED AREAS ON THE SITE NOR AN APPROVED CONSTRUCTION SIGN IS REQUIRED DUE TO NO EARTH DISTURBING ACTIVITY.
- STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED USE FOR THE SITE IS SINGLE FAMILY.
- THE LOTS ARE PROPOSED TO BE SERVED BY ON-SITE WELLS AND SEPTIC SYSTEMS.

TAX MAP 1 LOTS 94-B & 94-C
LOT LINE ADJUSTMENT PLAN
17 & 19 PISCATAQUA ROAD & 10 HIDDEN VALLEY DRIVE
DOVER, NEW HAMPSHIRE
COUNTY OF STRAFFORD
OWNED BY
SCOTT M. COUGHLIN &
LARA J. COUGHLIN

SCALE: 1" = 60' (22x34)
1" = 100' (15x17)

JULY 28, 2017



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists
170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone: (603) 431-2222
Fax: (603) 431-0910
www.mscengineers.com

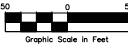
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47243.00

DR BAK FB
OK JCC CADFE

S-2

FILE # P17-82



REV.	DATE	DESCRIPTION	BY	CHK
2	11/28/17	ADD NOTE 18	NO	JCC
1	10/12/17	REVISE PER CONDITIONS OF APPROVAL	NAM	BAK

LICENSED LAND SURVEYOR DATE

OWNER'S SIGNATURE DATE

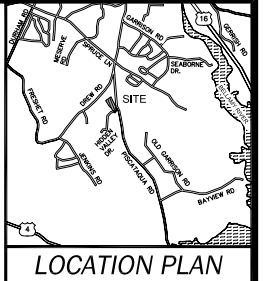
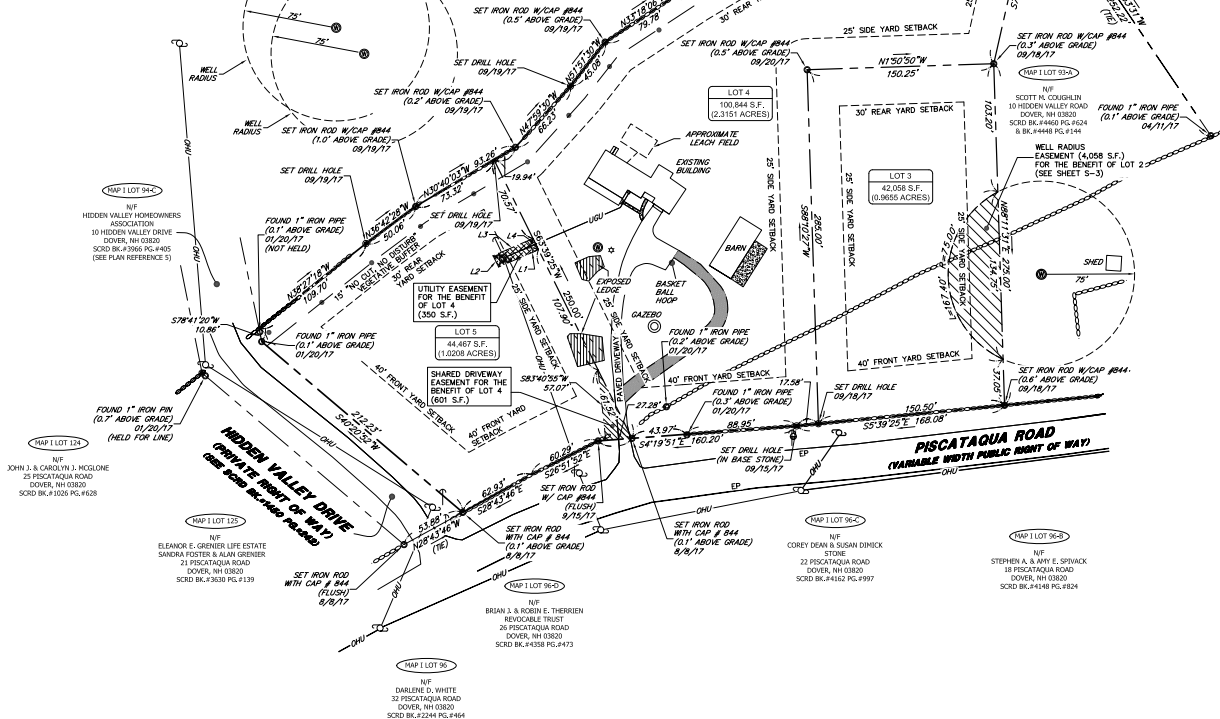
LEGEND:

BOOK/PAGE	BOOK & PAGE
EP	EDGE OF PAVEMENT
N/F	NOW OR FORMERLY
NAD83	NORTH AMERICAN DATUM OF 1983
NAV088	NORTH AMERICAN VERTICAL DATUM OF 1988
PSNH	PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
SCRD	STRAFFORD COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
MAP 47 LOT 11	ASSESSOR'S MAP NUMBER / LOT NUMBER
---	PROPERTY LINE
---	NO CUT VEGETATIVE BUFFER
---	STONE WALL
---	EXISTING OVERHEAD UTILITIES
---	PROPOSED OVERHEAD UTILITIES
---	UNDERGROUND UTILITIES
---	UTILITY POLE
---	PROPOSED UTILITY POLE
---	WELL
---	PROPOSED WELL
---	VEGETATIVE BUFFER PLACARDS TO BE SET
---	CONCRETE
---	GRAVEL
---	EXPOSED LEDGE
---	AREA TO BE CONVEYED TO MAP 1 LOT 94-C
---	DRIVEWAY EASEMENT
---	UTILITY EASEMENT

Line #	Length	Direction
L1	35.00'	S23° 23' 44"E
L2	10.01'	S63° 39' 25"W
L3	35.00'	N23° 23' 44"W
L4	10.01'	N63° 39' 25"E

PLAN REFERENCES:

- "SUBDIVISION PLAT OF LAND FOR GUDRIN SMITH IN DOVER, NH STRAFFORD COUNTY JANUARY 2004 REVISED FEBRUARY 2004" BY LANDRY SURVEYING, LLC. SORD PLAN #74-98.
- "BOUNDARY LINE ADJUSTMENT FOR DAVID L. LABRIE & PATRICIA A. MCLOONE PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY K.E.M. LAND SURVEY, INC. DATED APRIL 1995. SORD PLAN #46-11.
- "PROPOSED MINOR LOT LINE ADJUSTMENT LAND OF JOHN & CAROLYN MCLOONE AND PHILIP WITE PISCATAQUA ROAD & HIDDEN VALLEY DRIVE DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED DECEMBER 20, 2002 WITH REVISION 2 DATED 1/29/03. SORD PLAN #68-54.
- "PROPOSED LOT LINE REVISION LAND OF DAVID LABRIE & PATRICIA MCLOONE PISCATAQUA ROAD DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED FEBRUARY 25, 2002 WITH REVISION 2 DATED 4/10/02. SORD PLAN #65-65.
- "HIDDEN VALLEY DRIVE AN OPEN SPACE SUBDIVISION WITH A COMMERCIAL COMPONENT PREPARED FOR SCOTT COUGHLIN TAX MAP 'Y', LOT NO. 84C & 127A HIDDEN VALLEY DRIVE CITY OF DOVER COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE, BY MCNEANEY SURVEY ASSOCIATES, INC. DATED JANUARY 11, 2009 WITH REVISION 4 DATED 6/17/09. SORD PLAN #97-51.
- "PLAN OF LAND PARCELS 1, 2, 3 & 4 JACK R. & DOROTHY L. STORME DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCORONE DOVER, N.H., DATED AUG. 1977. SORD PLAN #9-57.
- "PLAN OF LOT No.5 JACK & DOROTHY L. STORME DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCORONE DOVER, N.H., DATED NOV. 1979. SORD PLAN #70-144.
- "SUBDIVISION OF LAND OF JACK & DOROTHY STORME PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY RICHARD P. TONLE, R.L.S. DOVER, N.H. DATED AUG. 1974. SORD PLAN #9-58.
- "LOT LINE ADJUSTMENT & SUBDIVISION PLAN PREPARED FOR D.R. LEMUEUX BUILDERS INC. AND DARLENE WHITE FOR LANDS IDENTIFIED AS TAX MAP I LOTS 94C, 94B & 94C LOCATED ON PISCATAQUA ROAD IN CITY OF DOVER, STRAFFORD COUNTY STATE OF NEW HAMPSHIRE" BY POPOREX LAND SURVEYORS & SEPT. SYSTEM DESIGN, LLC. DATED NOVEMBER 29, 2012. SORD PLAN #105-008.
- "SUBDIVISION OF LAND FOR ATHANASIOS IDEANOU IN DOVER, NH" BY SEACREST ENGINEERING ASSOCIATES, INC. DATED MARCH 25, 1988. SORD PLAN #35-38.



NOTES:

- THE PARCEL IS LOCATED IN THE RURAL RESIDENTIAL (R-40) DISTRICT.
- THE PARCEL IS SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP 1 AS LOT 94-B.
- THE PARCEL IS LOCATED IN FLOOD HAZARD AREA ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM), STRAFFORD COUNTY, NEW HAMPSHIRE, PARCEL 540 OF 405, MAP NUMBER 33017C0340C & PARCEL 320 OF 405, MAP NUMBER 33017C0320C, EFFECTIVE DATE: 09/30/2015.
- OWNER OF RECORD: MAP 1 LOT 94-B: SCOTT M. COUGHLIN 10 HIDDEN VALLEY DRIVE DOVER, NH 03820 SORD BK #4448 PG #144
- TOTAL PARCEL AREA: MAP 1 LOT 94-B: 44,467 SF (1.0208 ACRES) 187,369 SF (4.3014 ACRES)
- PROPOSED LOT 3: 42,058 SF (0.9655 ACRES) PROPOSED LOT 4: 100,844 SF (2.3151 ACRES) PROPOSED LOT 5: 44,467 SF (1.0208 ACRES)
- ZONING REQUIREMENTS: MINIMUM LOT SIZE: 40,000 SF MINIMUM FRONTAGE: 150 FT MINIMUM PRINCIPAL BUILDING: 40 FT FRONT SETBACK: 40 FT ABOUT A STREET SETBACK: 25 FT SIDE SETBACK: 30 FT REAR SETBACK: 30 FT OUTBUILDING/ACCESSORY USE: 40 FT FRONT SETBACK: 40 FT ABOUT A STREET SETBACK: 10 FT REAR SETBACK: 35 FT MAX. BUILDING HEIGHT: 35 FT MAX. PRINCIPAL BUILDING: 35 FT MAX. OUTBUILDING/ACCESSORY USE: 35 FT MAX.
- SHEETS S-2 THROUGH S-5 SEPARATE THE LOT LINE ADJUSTMENT & 2 MINOR SUBDIVISIONS PER THE REQUIREMENT OF THE DOVER PLANNING DEPARTMENT.
- UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND RECORD PLANS. THEY ARE APPROXIMATE LOCATIONS ONLY. CONTACT UTILITIES 911-HRM-6646 TO VERIFY UTILITIES.
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DETERMINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT 94-B INTO 3 LOTS.
- HORIZONTAL DATUM IS NAD83 (2011), PER STATIC GPS OBSERVATIONS.
- FIELD SURVEY COMPLETED BY TODD C. EMERSON IN APRIL 2017 USING A TOPCON DS103 AND TOPCON TESLA DATA COLLECTOR.
- PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY J. COREY COUGHLIN, L.L.S., #844 ON JUNE 20, 2017 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- NO METALINES WERE OBSERVED DURING THE COURSE OF THIS SURVEY.
- AS-BUILT PLANS OF THE SUBDIVISION SHALL BE SUBMITTED ON PAPER AND IN DIGITAL FORMAT IN PDF AND AUTOCAD DWG, AUTOCAD DXF OR ESI FORMATS 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. DIGITAL FILES SHALL BE GEO-REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATES NAD83 AND SHALL BE EXPRESSED IN FEET.
- 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.
- THE SUBDIVISION LOTS ARE PROPOSED TO BE SERVED BY ON-SITE WELLS AND SEPTIC SYSTEMS.
- A LETTER OF CREDIT FOR THE COST OF REMEDIATING ALL DISTURBED AREAS ON THE SITE AND APPROVED CONSTRUCTION SIGN SHALL BE IN PLACE PRIOR TO ANY EARTH DISTURBING ACTIVITY.
- STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED USE FOR THE SITE IS SINGLE FAMILY.
- FINAL LOT NUMBERS WILL BE ASSIGNED BY THE ASSESSING DEPARTMENT.
- NEEDS SUBDIVISION APPROVAL. #A020709403.

**TAX MAP I LOT 94-B
MINOR SUBDIVISION PLAN**

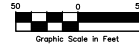
**19 PISCATAQUA ROAD
DOVER, NEW HAMPSHIRE
COUNTY OF STRAFFORD**

OWNED BY
SCOTT M. COUGHLIN

SCALE: 1" = 50' (25:34)
1" = 100' (11:17) **JUNE 20, 2017**

TFM	MSC	Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists	170 Commerce Way, Suite 102 Portsmouth, NH 03801 Phone: (603) 431-2222 Fax: (603) 431-0910 www.msceengineers.com
47243.00	DN	BNK	FB
	OK	JCC	CADFILE
			S-4

FILE #P17-42



REV	DATE	DESCRIPTION	BY	CHK
1	11/29/17	ADD ABUTTING WELL, BARN AND WETLAND PLACARDS		
2	10/12/17	REVISE PER CONDITIONS OF APPROVAL	NM	DM
			OK	OK

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN APRIL 2017. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSES FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000. THIS PLAN CONFORMS TO APPLICABLE LOCAL ZONING ORDINANCES AND RULES.

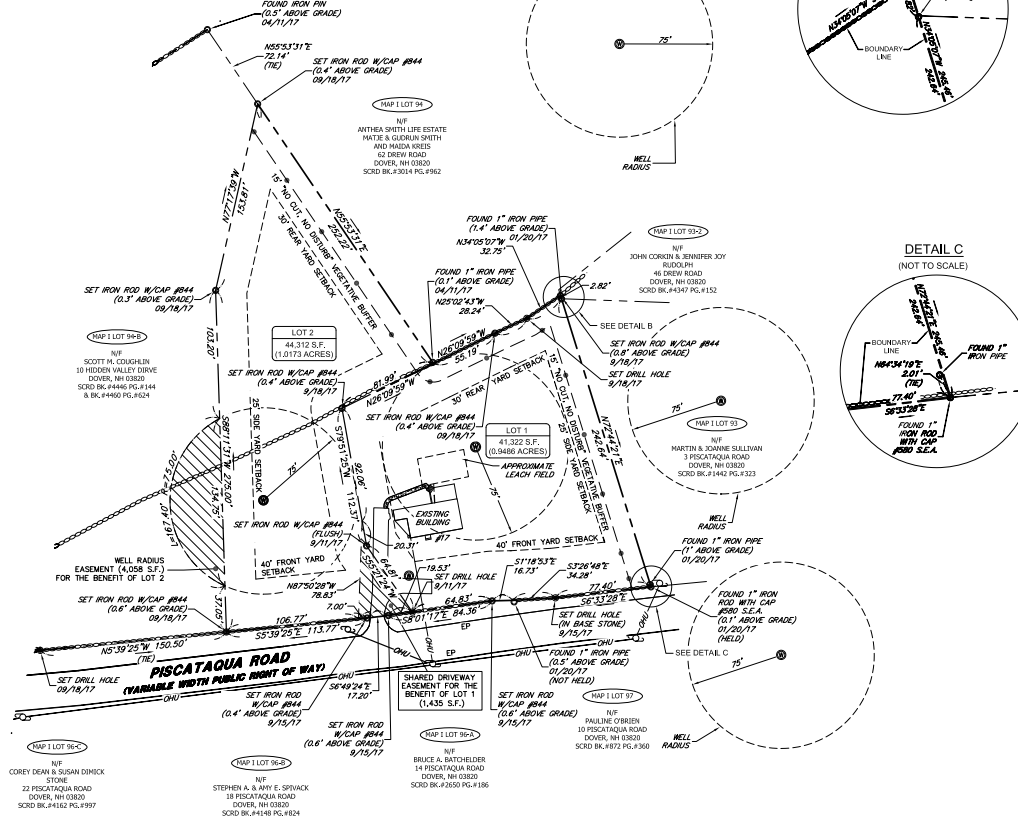
LICENSED LAND SURVEYOR DATE OWNER'S SIGNATURE DATE

PLAN REFERENCES:

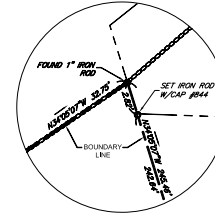
- "SUBDIVISION PLAN OF LAND FOR GUDRIN SMITH IN DOVER, NH STRAFFORD COUNTY JANUARY 2004 REVISED FEBRUARY 2004" BY LANDRY SURVEYING, LLC. SORD PLAN #74-98.
- "BOUNDARY LINE ADJUSTMENT FOR DAVID L. LABRIE & PATRICIA A. MCGLOONE PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY K.E.M. LAND SURVEY, INC. DATED APRIL 1995. SORD PLAN #66-11.
- "PROPOSED MINOR LOT LINE ADJUSTMENT LAND OF JOHN & CAROLYN MCGLOONE AND PHILIP NUTE PISCATAQUA ROAD & HIDDEN VALLEY DRIVE DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED DECEMBER 10, 2002 WITH REVISION 2 DATED 1/29/03. SORD PLAN #68-54.
- "PROPOSED LOT LINE REVISION LAND OF DAVID LABRIE & PATRICIA MCGLOONE PISCATAQUA ROAD DOVER, N.H." BY BERRY SURVEYING & ENGINEERING, DATED FEBRUARY 28, 2002 WITH REVISION 2 DATED 4/10/02. SORD PLAN #65-65.
- "HIDDEN VALLEY DRIVE AN OPEN SPACE SUBDIVISION WITH A COMMERCIAL COMPONENT PREPARED FOR SCOTT COUGHLIN TAX MAP 1, LOT NO. 94C & 127A HIDDEN VALLEY DRIVE CITY OF DOVER COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE" BY MCNEANEY SURVEY ASSOCIATES, INC., DATED JANUARY 11, 2009 WITH REVISION 4 DATED 6/17/09. SORD PLAN #97-51.
- "PLAN OF LAND PARCELS 1, 2, 3 & 4 JACK R. & DOROTHY A. STORMS DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCCORNE DOVER, N.H.", DATED AUG. 1977. SORD PLAN #18-67.
- "PLAN OF LOT NO.5 JACK & DOROTHY I. STORMS DOVER NEW HAMPSHIRE SURVEYED AND DRAWN BY R.W. MCCORNE DOVER, N.H.", DATED NOV. 1979. SORD PLAN #17-144.
- "SUBDIVISION OF LAND OF JACK & DOROTHY STORMS PISCATAQUA ROAD DOVER, NEW HAMPSHIRE" BY RICHARD P. TOWLE, R.L.S. DOVER, N.H. DATED AUG. 1974. SORD PLAN #13-58.
- "LOT LINE ADJUSTMENT & SUBDIVISION PLAN PREPARED FOR D.R. LEMUEUX BUILDERS INC. AND DARLENE WHITE FOR LANDS IDENTIFIED AS TAX MAP 1 LOTS 96, 96B & 96C LOCATED ON PISCATAQUA ROAD IN CITY OF DOVER, STRAFFORD COUNTY STATE OF NEW HAMPSHIRE" BY POWHOPK LAND SURVEYORS & SEPTIC SYSTEM DESIGN, LLC, DATED NOVEMBER 29, 2012. SORD PLAN #105-008.
- "SUBDIVISION OF LAND FOR ATHANASSIOS IORGANOUDIS IN DOVER, NH" BY SEACOAST ENGINEERING ASSOCIATES, INC. DATED MARCH 25, 1988. SORD PLAN #35-38.

LEGEND:

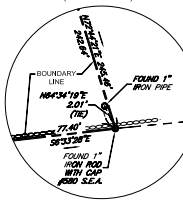
BK/PG	BOOK & PAGE
EP	EDGE OF PAVEMENT
N/A	NOW OR FORMERLY
NAD83	NORTH AMERICAN DATUM OF 1983
NAVDS8	NORTH AMERICAN VERTICAL DATUM OF 1988
PSNH	PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
SORD	STRAFFORD COUNTY REGISTRY OF DEEDS
S.F.	SQUARE FEET
MAP 47 LOT 11	ASSESSOR'S MAP NUMBER/ LOT NUMBER
---	PROPERTY LINE
---	NO CUT VEGETATIVE BUFFER
---	STONE WALL
---	EXISTING OVERHEAD UTILITIES
---	PROPOSED OVERHEAD UTILITIES
---	UTILITY POLE
---	PROPOSED UTILITY POLE
---	WELL
---	PROPOSED WELL
---	VEGETATIVE BUFFER PLACARDS TO BE SET
---	CONCRETE
---	EASEMENT



DETAIL B
(NOT TO SCALE)



DETAIL C
(NOT TO SCALE)



NOTES:

- THE PARCEL IS LOCATED IN THE RURAL RESIDENTIAL (R-40) DISTRICT.
- THE PARCEL IS SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP 1 AS LOT 93-A.
- THE PARCEL IS LOCATED IN FLOOD HAZARDOUS AREA ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) STRAFFORD COUNTY, NEW HAMPSHIRE, PANEL 340 OF 405. MAP NUMBER 33017C0340E & PANEL 320 OF 405. MAP NUMBER 33017C0320E. EFFECTIVE DATE: 09/30/2015.
- OWNER OF RECORD:
MAP 1 LOT 93-A
SCOTT M. COUGHLIN
10 HIDDEN VALLEY DRIVE
DOVER, NH 03820
SORD BK #4460 PG #624
- TOTAL PARCEL AREA:
MAP 1 LOT 93-A
EXISTING AREA:
85,634 SF
(1.9658 ACRES)
- PROPOSED LOT 1: 41,322 SF (0.9486) ACRES
PROPOSED LOT 2: 44,312 SF (1.0173) ACRES
- ZONING REQUIREMENTS:
MINIMUM LOT SIZE: 40,000 SF
MAXIMUM LOT COVERAGE: 100%
MINIMUM FRONTAGE: 150 FT
PRINCIPAL BUILDING:
FRONT SETBACK: 40 FT
ABUT A STREET SETBACK: 40 FT
SIDE SETBACK: 25 FT
REAR SETBACK: 30 FT
OUTBUILDING/ACCESSORY USE:
FRONT SETBACK: 40 FT
ABUT A STREET SETBACK: 40 FT
SIDE SETBACK: 10 FT
REAR SETBACK: 10 FT
BUILDING HEIGHT:
PRINCIPAL BUILDING: 35 FT MAX.
OUTBUILDING/ACCESSORY USE: 35 FT MAX.
- SHEETS 5-2 THROUGH 5-5 SEPARATE THE LOT LINE ADJUSTMENT & 2 MINOR SUBDIVISIONS PER THE REQUIREMENTS OF THE DOVER PLANNING DEPARTMENT.
- UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND RECORD PLANS. THEY ARE APPROXIMATE LOCATIONS ONLY. CONTACT UTILITIES @ 1-800-GOSAFE TO VERIFY UTILITIES.
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT 93-A INTO 2 LOTS.
- HORIZONTAL DATUM IS NAD83 (2011). FOR STATIC GPS OBSERVATIONS.
- FIELD SURVEY COMPLETED BY TODD C. EMERSON IN APRIL 2017 USING A TOPCON DS103 AND TOPCON TESLA DATA COLLECTOR.
- PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY J. COREY COUGHLIN, L.L.S. #844 ON JUNE 20, 2017 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- AS-BUILT PLANS OF THE SUBDIVISION SHALL BE SUBMITTED ON PAPER AND IN DIGITAL FORMAT IN PDF AND AUTOCAD DWG, AUTOCAD DXF OR ESBF FORMAT 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. DIGITAL FILES SHALL BE GEO-REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATES NAD83 AND SHALL BE EXPRESSED IN FEET.
- THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION AND TELEPHONE LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE FOR WHICH DEVELOPMENT IS PROPOSED. SET PLANS SHALL SHOW ANY EASEMENTS FOR THESE SERVICES.
- THE SUBDIVISION LOTS ARE PROPOSED TO BE SERVED BY ON-SITE WELLS AND SEPTIC SYSTEMS.
- A LETTER OF CREDIT FOR THE COST OF REVEGETATING ALL DISTURBED AREAS ON THE SITE AND APPROVED CONSTRUCTION SIGN SHALL BE IN PLACE PRIOR TO ANY EARTH DISTURBING ACTIVITY.
- STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED USE FOR THE SITE IS SINGLE FAMILY.
- FINAL LOT NUMBERS WILL BE ASSIGNED BY THE ASSESSING DEPARTMENT.
- NEECS SUBDIVISION APPROVAL: #62402704003.

TAX MAP 1 LOT 93-A MINOR SUBDIVISION PLAN

**17 PISCATAQUA ROAD
DOVER, NEW HAMPSHIRE
COUNTY OF STRAFFORD**

OWNED BY
SCOTT M. COUGHLIN

SCALE: 1" = 60' (38134)
1" = 100' (16147)

JUNE 20, 2017



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone: (603) 431-2222
Fax: (603) 431-0910
www.mscengineers.com

A division of TFMoran, Inc.

47243.00

DR BAK FB
CK JCC CADFILE

S-5

FILE # P17-41



REV.	DATE	DESCRIPTION	BY	CHK
1	11/20/17	ADD LOT 1 & ABUTTING WELL ROW	NO	JCC
2	10/12/17	REVISE PER CONDITIONS OF APPROVAL	NAM	BWK

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN APRIL 2017. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000. THIS PLAN CONFORMS TO APPLICABLE LOCAL ZONING ORDINANCES AND RULES.

LICENSED LAND SURVEYOR DATE

OWNER'S SIGNATURE DATE

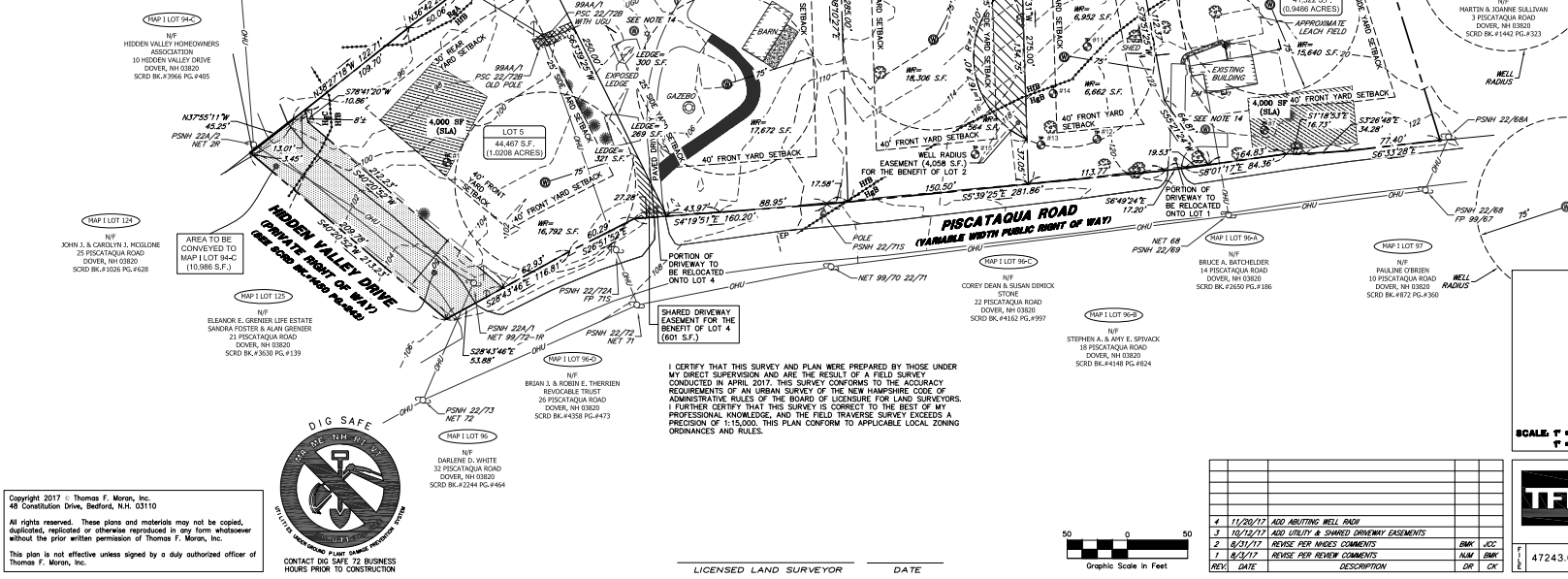
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F:\MISC-Projects\2017-18\18-Piscataqua-Road-Dover\Drawings\17 & 18-Piscataqua-Road-Dover.dwg

LEGEND:

- BOOK & PAGE
ELEV. ELEVATION
EP ELECTRIC METER
EP EDGE OF PAVEMENT
FAIRPORT COMPANY
NET NEW ENGLAND TELEPHONE
N/E NOW OR FORMERLY
NAD83 NORTH AMERICAN DATUM OF 1983
NAV1988 NORTH AMERICAN DATUM OF 1988
PSNH PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
SCRD STRAFFORD COUNTY REGISTRY OF DEEDS
SLA SUITABLE LEACH AREA
S.F. SQUARE FEET
UDU UNDERGROUND UTILITIES
ASSESSOR'S MAP NUMBER/ LOT NUMBER
PROPERTY LINE
H/W HILLSIDE
H/C HILLSIDE
EDGE OF WOODS
EXISTING CONTOUR
STONE WALL
OHU OVERHEAD UTILITIES
UDU UNDERGROUND UTILITIES
UTU UTILITY POLE
GUY WIRE POLE
LIGHT POLE
WELL
PROPOSED WELL
TEST PIT
DECIDUOUS TREE
CONIFEROUS TREE
CONCRETE
GRAVEL
EXPOSED LEDGE
SUITABLE 4,000 S.F. LEACHING AREA
AREA TO BE CONVEYED TO MAP I LOT 94-C
WELL RADIUS
EASEMENT
SHARED DRIVEWAY EASEMENT
UTILITY EASEMENT

NHDES LOT SIZING BY SOIL TYPE
LOT SIZE = (Q (gpd) / 2000 (gpd/acre)) x SEWAGE LOADING FACTOR
Q = 600

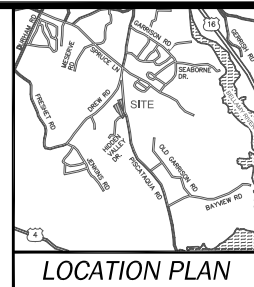
LOT	SOIL TYPE	NHDES GROUP #	SEWAGE LOADING FACTOR	AREA REQUIRED	SOIL TYPE AREA	NON-USABLE AREA	USABLE AREA
1	H/B	4	1.45	2,388 S.F.	5,196 S.F.	2,032 S.F.*	3,164 S.F.
	H/gB	4	1.45	16,561 S.F.	36,126 S.F.	15,640 S.F.*	20,486 S.F.
	TOTAL:			18,949 S.F.	41,322 S.F.	17,672 S.F.	23,650 S.F.
2	H/B	4	1.45	13,662 S.F.	31,933 S.F.	6,952 S.F.*	24,981 S.F.
	H/gB	4	1.45	5,287 S.F.	12,379 S.F.	6,662 S.F.*	5,717 S.F.
	TOTAL:			18,949 S.F.	44,312 S.F.	13,614 S.F.	30,698 S.F.
3	H/B	4	1.45	16,258 S.F.	36,079 S.F.	18,306 S.F.*	17,773 S.F.
	H/gB	4	1.45	2,691 S.F.	5,979 S.F.	564 S.F.*	5,415 S.F.
	TOTAL:			18,949 S.F.	42,058 S.F.	18,870 S.F.	23,188 S.F.
4	H/gC	1	1.1	1,495 S.F.	10,452 S.F.	0 S.F.	1,495 S.F.
	H/B	4	1.45	16,884 S.F.	90,392 S.F.	17,672 S.F.*	72,719 S.F.
	TOTAL:			18,379 S.F.	100,844 S.F.	18,241 S.F.	73,646 S.F.
5	H/gC	1	1.1	158 S.F.	502 S.F.	0 S.F.	502 S.F.
	R/gA	5	3.0	94 S.F.	1,057 S.F.	0 S.F.	1,057 S.F.
	H/B	4	1.45	18,153 S.F.	42,908 S.F.	16,792 S.F.*	25,795 S.F.
	TOTAL:			18,405 S.F.	44,467 S.F.	17,113 S.F.	27,354 S.F.



SOILS LEGEND

SYMBOL	DESCRIPTION	SLOPE, %	NHDES GROUP #
H/B	HOLLIS-GLUCESTER FINE SANDY LOAMS	3-8	4*
H/gB	HOLLIS-GLUCESTER VERY ROCKY FINE SANDY LOAMS	3-8	4*
H/gC	HOLLIS-GLUCESTER VERY ROCKY FINE SANDY LOAMS	8-15	1
R/gA	RIDGEBURY FINE SANDY LOAM	0-3	5

*GROUP USED PER TEST PIT RESULTS



NOTES:

- THE PARCELS ARE LOCATED IN THE RURAL RESIDENTIAL (R-40) DISTRICT.
- THE PARCELS ARE SHOWN ON THE CITY OF DOVER ASSESSOR'S MAP I AS LOTS 93-A & 94-B.
- THE PARCELS ARE LOCATED IN FLOOD HAZARD AREA ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) STRAFFORD COUNTY, NEW HAMPSHIRE, PANEL 340 OF 405, MAP NUMBER 33017C0302 & PANEL 322 OF 405, MAP NUMBER 33017C0302, EFFECTIVE DATE: 09/30/2015.
- OWNER OF RECORD:
MAP I LOT 93-A: SCOTT M. COUGHLIN, 10 HIDDEN VALLEY DRIVE, DOVER, NH 03820, SCRD BK #4480 PG #24
MAP I LOT 94-B: SCOTT M. COUGHLIN, 10 HIDDEN VALLEY DRIVE, DOVER, NH 03820, SCRD BK #4448 PG #144
MAP I LOT 94-C: SCOTT M. COUGHLIN, 10 HIDDEN VALLEY DRIVE, DOVER, NH 03820, SCRD BK #4448 PG #144
MAP I LOT 94-D: SCOTT M. COUGHLIN, 10 HIDDEN VALLEY DRIVE, DOVER, NH 03820, SCRD BK #4448 PG #144
- TOTAL PARCEL AREA:
MAP I LOT 93-A: 18,949 S.F. (0.4348 ACRES)
MAP I LOT 94-B: 18,949 S.F. (0.4348 ACRES)
MAP I LOT 94-C: 18,949 S.F. (0.4348 ACRES)
MAP I LOT 94-D: 18,949 S.F. (0.4348 ACRES)
6. ZONING REQUIREMENTS:
MINIMUM LOT SIZE: 4,000 S.F.
MINIMUM LOT COVERAGE: 10%
MINIMUM FRONTAGE: 150 FT
PRINCIPAL BUILDING: 40 FT
FRONT SETBACK: 40 FT
SIDE SETBACK: 25 FT
REAR SETBACK: 25 FT
OUTBUILDING/ACCESSORY USE: 40 FT
FRONT SETBACK: 40 FT
SIDE SETBACK: 10 FT
REAR SETBACK: 10 FT
BUILDING HEIGHT: 35 FT MAX.
OUTBUILDING/ACCESSORY USE: 35 FT MAX.
7. UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND RECORD PLANS. THEY ARE APPROXIMATE LOCATIONS ONLY. CONTACT DISAFC 01-888-005456 TO VERIFY UTILITIES.
8. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT SPATIAL DESCRIPTIONS. IT IS NOT THE ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
9. THE PURPOSE OF THIS PLAN IS TO SHOW THE TOPOGRAPHY AND SOILS INFORMATION FOR THE ENTIRE SITE AND TO SHOW THE SUITABLE LEACHING AREAS (SLA) AND PROPOSED WELLS FOR PROPOSED LOTS 1-5.
10. HORIZONTAL DATUM IS NAD83 (2011), PER STATIC GPS OBSERVATIONS.
11. VERTICAL DATUM IS NAVD83, PER STATIC GPS OBSERVATIONS.
12. FIELD SURVEY COMPLETED BY TODD C. EMERSON IN APRIL 2017 USING A TOPCON DISTO AND TOPCON TSC4 DATA COLLECTOR.
13. SEE "TEST PIT REPORT" DATED MAY 3, 2017 AND "TEST PIT REPORT" DATED JUNE 5, 2017 BY CHRISTOPHER K. DANFORTH, DESIGNER #79 OF TDMAN, INC. FOR TEST PIT INFORMATION. THESE DOCUMENTS WERE INCLUDED IN THE APPLICATION FOR SUBDIVISION SUBMITTAL PACKAGE SUBMITTED TO THE CITY OF DOVER, JUNE 5, 2017.
14. EXISTING WELLS ARE TO BE ABANDONED AND SEALED PER NHDES ENVIRONMENTAL FACT SHEET-WO-008B-1-7 "MAINTENANCE OF INACTIVE WELLS AND DECOMMISSIONING OF ABANDONED WELLS".
15. NHDES SUBDIVISION APPROVAL: #642017081403

TAX MAP I LOTS 93-A & 94-B
TOPOGRAPHIC AND SOILS PLAN
17 & 19 PISCATAQUA ROAD
DOVER, NEW HAMPSHIRE
COUNTY OF STRAFFORD
OWNED BY
SCOTT M. COUGHLIN

SCALE: 1" = 50' (25:34)
1" = 100' (11:17)
JUNE 29, 2017

TFM

47243.00

MSC

47243.00

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone: (603) 431-2222
Fax: (603) 431-0910
www.msceingeneers.com

DR BMK
DR CC
DR CC
DR CC

FB
CAPLE

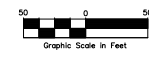
S-6

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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



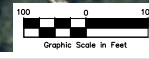
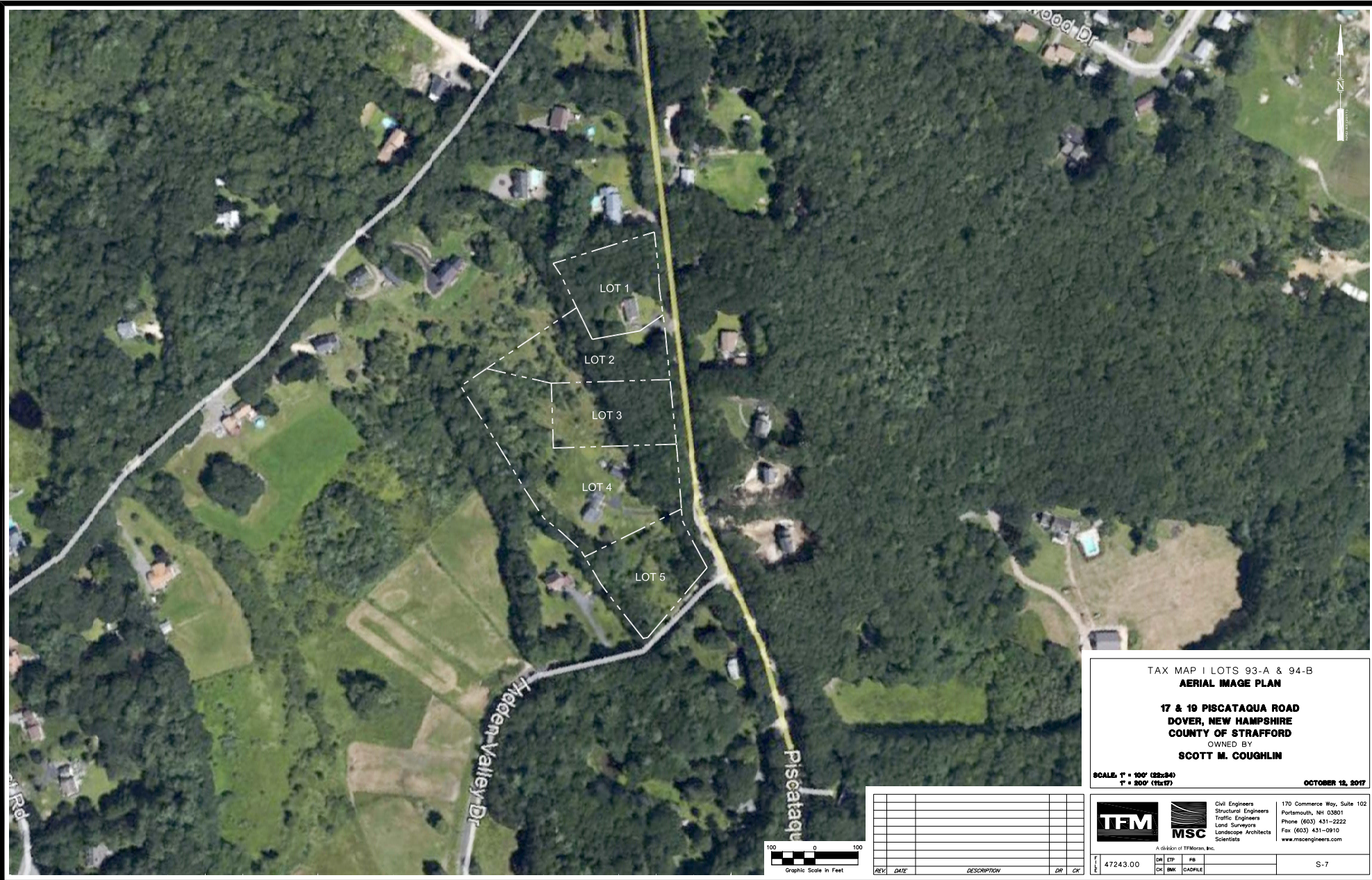
CONTRACT DIG SAFE 72 BUSINESS
HOURS PRIOR TO CONSTRUCTION

LICENSED LAND SURVEYOR DATE



REV.	DATE	DESCRIPTION	BY	CHK
1	11/29/17	ADD ABUTTING WELL RADIUS	BMK	JCC
2	12/12/17	REVISE PER NAD83 COMMENTS	BMK	JCC
3	6/27/17	REVISE PER REVIEW COMMENTS	NAM	DMK
4		REVISED	DMK	CHK

Nov 22, 2017 - 5:40am
F:\MSC\Projects\47243 - Piscataqua Road - Dover\47243-00 - CDD-Coughlin - 17 & 19 Piscataqua Road\Survey\Drawings\47243-00_Aerial Image Plan.dwg



REV	DATE	DESCRIPTION	OK	OK

TAX MAP | LOTS 93-A & 94-B
AERIAL IMAGE PLAN

17 & 19 PISCATAQUA ROAD
DOVER, NEW HAMPSHIRE
COUNTY OF STRAFFORD

OWNED BY
SCOTT M. COUGHLIN

SCALE: 1" = 100' (22x34)
1" = 200' (11x17)

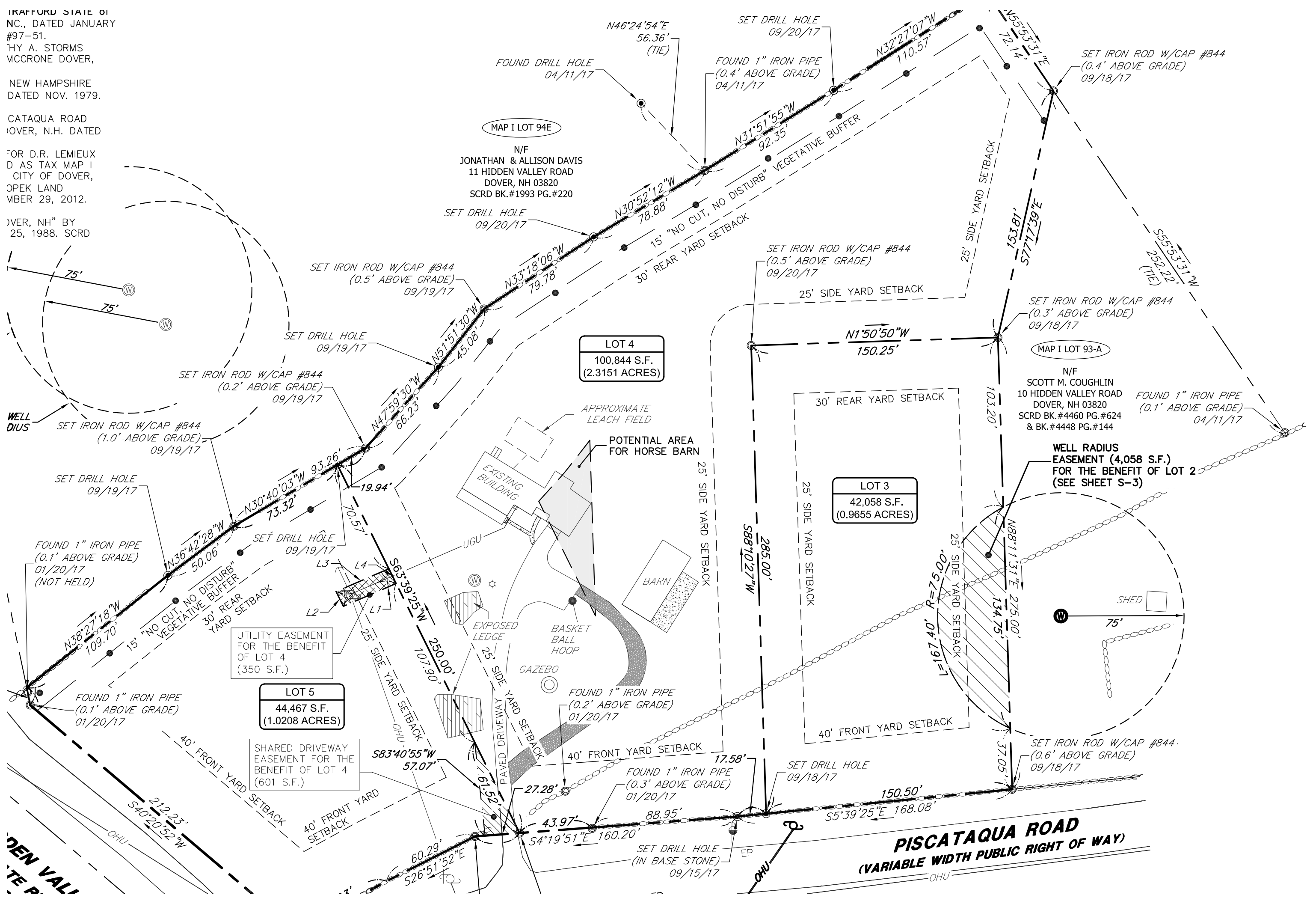
OCTOBER 18, 2017

A division of TFMoran, Inc.

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone: (603) 431-2222
Fax: (603) 431-0910
www.msceengineers.com

47243.00	DN	ETP	FB	S-7
	CK	BNK	CADFILE	



Z18-08

19 Piscataqua Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
I0093-A00000	17 PISCATAQUA RD	COUGHLIN SCOTT M		10 HIDDEN VALLEY DR	DOVER	NH	03820
I0093-A00001	PISCATAQUA RD	COUGHLIN SCOTT M		10 HIDDEN VALLEY DR	DOVER	NH	03820
I0094-000000	62 DREW RD	SMITH ANTHEA LIFE ESTATE &	SMITH MATJE AND GUDRUN AND KREIS MAIDA	62 DREW RD	DOVER	NH	03820
I0094-001000	56 DREW RD	CAMMAROSANO LOUIS &	CAMMAROSANO CATERINA	56 DREW RD	DOVER	NH	03820
I0094-002000	68 DREW RD	PETERSEN VENTURES LLC		18 HEALD RD	ASHBURNHAM	MA	01430
I0094-B00001	PISCATAQUA RD	COUGHLIN SCOTT		10 HIDDEN VALLEY DR	DOVER	NH	03820
I0094-B00002	PISCATAQUA RD	COUGHLIN SCOTT		10 HIDDEN VALLEY DR	DOVER	NH	03820
I0094-C000PN	HIDDEN VALLEY DR	HIDDEN VALLEY HOMEOWNERS' ASSOCIATION		10 HIDDEN VALLEY DR	DOVER	NH	03820
I0094-E00000	11 HIDDEN VALLEY DR	DAVIS JONATHAN &	DAVIS ALLISON	11 HIDDEN VALLEY RD	DOVER	NH	03820-5231
I0096-A00000	14 PISCATAQUA RD	BATCHELDER BRUCE A		14 PISCATAQUA RD	DOVER	NH	03820
I0096-B00000	18 PISCATAQUA RD	SPIVACK STEPHEN A &	SPIVACK AMY E	18 PISCATAQUA RD	DOVER	NH	03820
I0096-C00000	22 PISCATAQUA RD	STONE CORY DEAN &	STONE SUSAN DIMICK	22 PISCATAQUA RD	DOVER	NH	03820
I0096-D00000	26 PISCATAQUA RD	TERRIEN BRIAN J & ROBIN E TRUSTEES	TERRIEN BRIAN J AND ROBIN E REVOCABLE T	26 PISCATAQUA RD	DOVER	NH	03820
		DARLENE WHITE		32 PISCATAQUA ROAD	DOVER	NH	03820
		JOHN J. & CAROLYN MCGLONE	PATRICIA SEAFORD	25 PISCATAQUA ROAD	DOVER	NH	03820
		ELEANOR E. GRENIER LIFE ESTATE	SANDRA FOSTER AND ALN GRENIER	21 PISCATAQUA ROAD	DOVER	NH	03820
		FRANCIS X. BRUTON, III, ESQUIRE	BRUTON & BERUBE, PLLC	601 CENTRAL AVENUE	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, April 19, 2018
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a four-family dwelling, where three- and four-family dwellings are permitted only by special exception.

UNITS PROPOSED: 2 additional

AGENDA ITEM #: 4-C

ZONING DISTRICT: Urban Density Residential (RM-U)

FILE: Z18-09

APPLICANT: Thomas Strange

OWNER: Hambone, LLC

LOCATION: 44-46 Ham Street (Tax Map 27, Lot 88)

ACREAGE: 0.29 acre (12,632 sq. ft.)

EXISTING LAND USE: Two-family dwelling

PROPOSED LAND USE: Four-family dwelling

SURROUNDING LAND USE: Two-, three-, and four-family dwellings

PREVIOUS ZBA ACTION:
None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff supports the request.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The property is located on the north side of Ham Street between Broadway and Everett Street. While located in the Urban Density Residential (RM-U) Zoning District, it directly abuts the Downtown Gateway Sub-District of the Central Business District.

The Applicant seeks a variance to permit the existing two-family dwelling to be converted into a four-family dwelling, within the existing structure. Three- and four-family dwellings are a use permitted by special exception in the RM-U district, subject to five specific conditions regarding open space, parking, and setbacks.

REASON FOR STAFF RECOMMENDATION

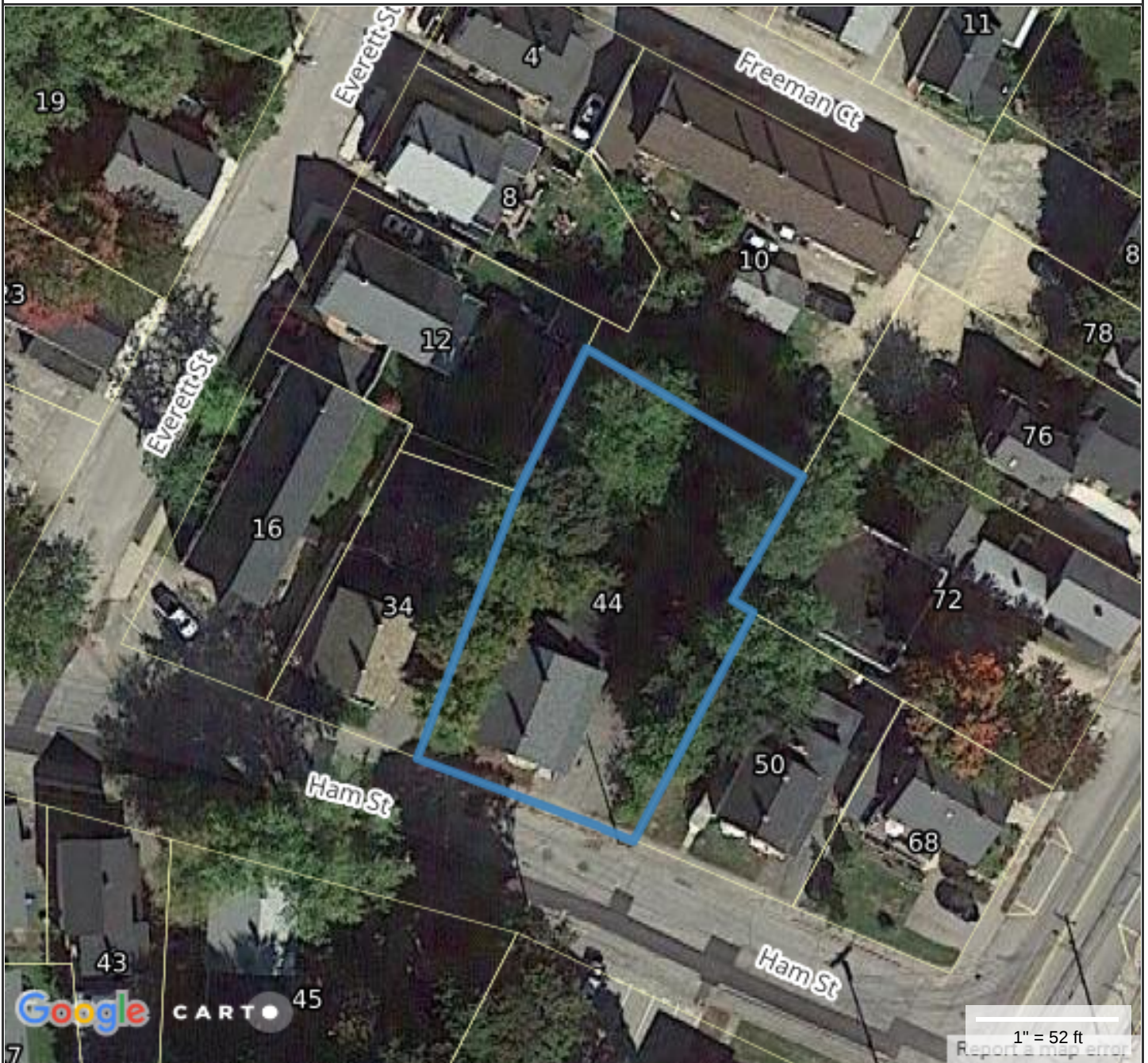
The Applicant has demonstrated that they are able to meet four of the five special exception criteria specific to this use in this zoning district. The fifth criterion requires that the structure be at least 20 feet from the front lot line and 15 feet from the side lot line. The existing structure is located 12.8 feet from a side lot line at its closest point and 6.3 feet from the front lot line. Staff is considering a language or policy change to exempt existing structures from these dimensional requirements.

All but two of the seven directly abutting properties are three- or four-family dwellings. Staff is of the opinion that the existing setbacks, as well as the abutting, existing three- and four-family dwellings that also do not meet the setbacks, present a hardship. As the use will be contained to the existing structure it is unlikely to affect property values. The variance is not contrary to the public interest and is consistent with the spirit of the ordinance. Denying the variance would result in a loss to the individual that is not outweighed by a gain to the general public, and thus substantial justice is done by granting it. The Applicant could tear down the existing building and build a new structure by obtaining a special exception; however, this would detract from the circa-1900 character of Ham Street. Allowing the conversion to a four-family dwelling will trigger a life safety code requirement for a sprinkler system, decreasing fire risk to abutting structures.

STAFF RECOMMENDATION

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

44 - 46 Ham Street

**Property Information**

Property ID 27088-000000
Location 44 46 HAM ST
Owner STRANGE THOMAS C

**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 03/29/2018
Properties updated 04/11/2018



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only	Case #:	<u>218-09</u>	Date Received:	<u>RECEIVED</u> <u>Planning Office</u> <u>MAR 30 2018</u>
	Amount Paid:	\$ _____	Time Received:	<u>Dover, New Hampshire</u>

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Thomas Strange Phone # 603-817-3876

Address of Applicant: 3 Ridge Stone Dr, Rochester, NH 03867

E-Mail Address: _____

PROPERTY OWNER (if different from applicant): Hambone LLC

Address: 242 Central Ave, Dover, NH 03820 Phone # 742-2121

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 44-46 Ham Street

Brief Directions: Off of Central Ave, between Hill Street and New York Street.

Zoning District: RM-U Assessor's Map # 27 Lot(s) # 88

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>Table of Permitted Uses</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:

See Narrative

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

Table of Permitted
Uses in the

A variance is requested from Section(s) RM-U Zone of the Zoning Ordinance to permit:

See Narrative

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 Narrative

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

See Narrative

3. Granting the variance would do substantial justice because:

See Narrative

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

See Narrative

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 Narrative

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 Narrative

and

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

See Narrative

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:

See Narrative

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

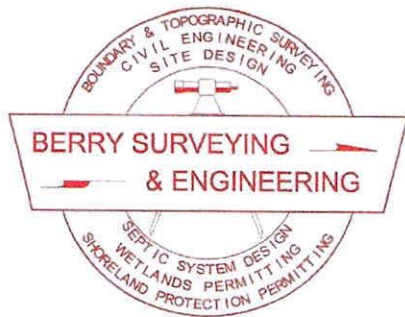
I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction 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: 3-29-18

Z18-09

44-46 Ham Street

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
24002-J00000	63 71 BROADWAY	MCSILLS REALTY LLC		63 BROADWAY	DOVER	NH	03820
26012-000000	85 BROADWAY	NRBA REALTY INC		PO BOX 669	DOVER	NH	03821-0669
27053-000000	64 BROADWAY	MURRAY PATRICK M		17 HILLCREST DRIVE	DOVER	NH	03820
27054-000000	45 47 HAM ST	PETROVITSIS JOHN T		26 ROGERS ST	DOVER	NH	03820
27055-000000	43 HAM ST	DORR WILLIAM W		43 HAM ST	DOVER	NH	03820
27056-000000	19 21 EAST ST	HEADS UP REAL ESTATE GROUP LLC		290 HERITAGE AVE	PORTSMOUTH	NH	03801-5680
27057-000000	17 EAST ST	DALZELL CYNTHIA	DALZELL GREGORY	PO BOX 1786	DOVER	NH	03821-1786
27058-000000	15 EAST ST	BYRON SCOTT J &	BYRON GAIL A	113 PASTURE HILL RD	BARRINGTON	NH	03825
27059-000000	11 13 EAST ST	STANTON SEABURY II		6836 WINSLOW ST	SARASOTA	FL	34243
27066-000000	BROADWAY	MURRAY PATRICK M		17 HILLCREST DRIVE	DOVER	NH	03820
27067-000000	62 BROADWAY	MURRAY PATRICK M		17 HILLCREST DRIVE	DOVER	NH	03820
27068-000000	50 52 HAM ST	MURRAY PATRICK M		17 HILLCREST DRIVE	DOVER	NH	03820
27068-A00000	68 70 BROADWAY	SAMSON PAMELA J & MEGHAN E CO-TRUSTEES	SAMSON PAMELA J REVOCABLE LIVING TRUST	68 BROADWAY	DOVER	NH	03820
27069-000000	72 74 BROADWAY	BROADWAY BREEZE LLC		7 HIGHLANDER DR	NORTH HAMPTON	NH	03862
27070-000000	76 BROADWAY	CIASCHINI MICHAEL W TRUSTEE	CIASCHINI MICHAEL W REVOCABLE TRUST	42 MUNSEY DR	HAMPTON	NH	03842
27071-000000	78 BROADWAY	78 BROADWAY REALTY LLC		10 KILDA ST	SOMERSWORTH	NH	03878
27072-000000	80 BROADWAY	HAROURUNIAN KRIKOR MICHAEL		PO BOX 178	NORTHWOOD	NH	03261
27073-000000	82 BROADWAY	THORNE STUART L &	THORNE CHRISTINE J	82 BROADWAY	DOVER	NH	03820-3226
27078-000000	10 BAKER ST	HOLT SHIRLEY H IV &	HOLT CHERRIE	10 BAKER ST	DOVER	NH	03820
27080-000000	2 EVERETT ST	HAWKINS MATTHEW & ASHLEY TRUSTEES	HAWKINS FAMILY REVOCABLE TRUST	PO BOX 308	DOVER	NH	03821-0308
27081-000000	3 5 FREEMAN CT	HALE DONALD & YVONNE TRUSTEES	HALE FAMILY REVOCABLE TRUST	3 FREEMAN COURT	DOVER	NH	03820
27082-000000	7 9 FREEMAN CT	SANTHANAKRISHNAN VIVEK		351 POST RD	GREENLAND	NH	03840-2318
27082-A00000	11 FREEMAN CT	HEERALAL SATYAJIT		15 CONNECTICUT AVE	SOMERVILLE	MA	02145-2110
27083-000000	10 FREEMAN CT	JONES JONATHAN		1B SYLVAN DR	DOVER	NH	03820
27084-000000	4 6 EVERETT ST	ISHII JENNY G &	ISHII JUN	58 ALMONT STREET UNIT 7	MALDEN	MA	02148
27085-000000	8 10 EVERETT ST	MCCARTHY COLIN F &	HOULE DAVID L	8 10 EVERETT ST	DOVER	NH	03820
27086-000000	16 24 EVERETT ST	HAWKINS MATTHEW & ASHLEY TRUSTEES	HAWKINS FAMILY REVOCABLE TRUST	121 BELKNAP ST	DOVER	NH	03820
27086-A00000	12 14 EVERETT ST	LABRIE PRISCILLA A		14 EVERETT ST	DOVER	NH	03820
27087-000000	34 36 HAM ST	LONG JAMES H III		26 BASILS PL	DOVER	NH	03820-5237
27089-A00000	32 HAM ST	FIRST RATE REAL ESTATE LLC		290 HERITAGE AVE	PORTSMOUTH	NH	03801-5680
27090-000000	19 21 EVERETT ST	CHIPMAN ROBERT I		7 FELICIA DR	NEWTON	NH	03858
27090-A00000	23 EVERETT ST	JOYCE EDWARD	JOYCE GERALDINE	11 SUMMIT AVENUE	AMESBURY	MA	01913
27090-B00000	3 5 EVERETT ST	HILL JONATHAN G		108 MAST RD	DOVER	NH	03820
27091-000000	1 EVERETT ST	PELLETIER DANA		1A EVERETT STREET	DOVER	NH	03820
		THOMAS STRANGE		3 RIDGE STONE DR	ROCHESTER	NH	03867
		HAMBONE LLC		242 CENTRAL AVE	DOVER	NH	03820



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

crberry@metrocast.net

March 29, 2018

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

Re: Hambone LLC
Variance Request
44 & 46 Ham Street
Dover, NH
Tax Map 27, Lot 88

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

On behalf of our client Hambone LLC, and the applicant, Thomas Strange, Berry Surveying & Engineering (BS&E) is submitting to discuss a proposed conversion of an existing duplex to a four family dwelling, located at 44 & 46 Ham Street

Background and General Narrative:

Hambone LLC owns the parcel known as 44 & 46 Ham Street in Dover, NH (Tax Map 27, Lot 88). BS&E has conducted an on-site survey of the parcel, boundaries and existing features. The site contains a single brick structure which sits in the front of the lot abutting Ham Street. The parcel is 0.28 acres in size and has approximately 82 feet of frontage along Ham Street. There are two driveways which are used to access the parcel from Ham Street. The rear and sides of the site are lightly wooded, which creates a natural buffer from the abutting lots. The front of the site is open towards Ham Street.

The Proposal:

We are proposing to convert the existing structure into a 4 unit building. In order to access the back of the lot, the proposed 18 foot driveway will be constructed where the easterly driveway is currently located. An eight space parking lot will be constructed in the rear of the site to provide the necessary parking for the proposed four units. This parking lot was designed such that it meets all the requirements the RM-U district in relation to the parking lot and the open space requirement, with seven parking spaces located behind the building and one parallel spot adjacent to the building. Placing the driveway and parking lot in this location allows for the

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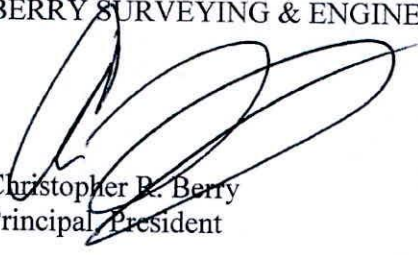
MAR 30 2018

Dover, New Hampshire

natural wooded buffer at the rear and sides of the lot to remain. In addition to this, added spruce trees will be planted along easterly and westerly property lines, to screen the abutting lots from headlights. The existing westerly driveway will be reclaimed and planted with loam and seed to provide more open space and create a natural buffer between the structure and the abutting lot.

We look forward to working with staff on this proposal.

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



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

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Fax: (603) 335-4623

www.BerrySurveying.Com

March 29, 2018

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

RE: Proposed Variance
Permitted Uses RMU District
44-46 Ham Street
Tax Map 27, Lot 88

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, Thomas Strange, and the land owner, Hambone LLC, is requesting a variance to allow the conversion of an existing two-unit structure to a four-unit structure at 44-46 Ham Street.

The conversion of a structure to a three or four-unit structure is allowed in the table of uses within the RMU zone by special exceptions under the following circumstances:

- A. The site will have the same amount of open space as the abutting lands within 200'
- B. Two parking spaces per unit is available on-site.
- C. Parking areas shall maintain a 5' setback from side boundary lines and 10' from front boundary lines
- D. Parking Areas shall be screened from the street and abutting lots
- E. Structures shall be at least 15' from side boundary lines and 20' from front boundary lines

With the exception of item E, the applicant can meet these special exception criteria.

- A. The applicant can maintain the same ratio of open space that the abutting lands enjoy within 200 feet.
- B. As can be seen on the enclosed site plan, two parking spaces are available on site, with the construction of a small parking area.
- C. As can be seen on the enclosed site plan, the proposed parking area can maintain a 5' boundary line setback.
- D. Screening could be easily added if it is determined that either additional vegetation or fencing is required.

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- E. The existing structure sits within the sideline setback as well as the front setback.

It was determined that due to the fact that the applicant desires to increase the use from a two-unit building to a four-unit building within the same footprint, and that existing footprint is non-conforming / non-compliant with the Special Exception Criteria, a Variance to the Table of uses in the RMU Zone is required.

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

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

- a. The public interest is in allowing productive development which has minimal effects on the City of Dover as a whole or on the locality in which the use is situated. The abutting uses, as well as the general area of the city contains a mix of duplex, three and four-unit structures as it is generally zoned for as prescribed within the master plan. It is not contrary to the public interest in this case to allow the proposed conversion of a two-unit building to a four-unit building, in the same footprint, with a site design that would satisfy all but one of the special exception criteria.

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

- a. The ordinance allows for the conversion of this structure from two units to a three or four-unit structure by special exception, however the criteria E is not met. This criteria discusses the requirement to be twenty feet from the front lot line, and fifteen feet from the sideline. The structure does not meet this condition in the existing condition. Due to the fact that all other criteria of the special exception can be met, and the existing footprint is not proposed to change, the modification of use from a two-unit structure to a four-unit structure would not be contrary to the spirit and intent of the ordinance.

3.) Granting the variance would do substantial justice because"

- a. It will allow the applicant to modify the structure to a four-unit building while keeping within the character of the neighborhood and maintaining the space and bulk standards required to otherwise permit the proposed use.



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4.) "The value of surrounding property would not be diminished because"

a. Value of surrounding properties would not be diminished because the conversion to a four-unit structure is keeping with the unit density of the surrounding neighborhood. Additionally, the changes to the structure are proposed to be internal and therefore there will be no noticeable difference to abutting land owners, other than the intensity of use from two to four units.

5.) A: "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:"

ii. The properties size compared to the most immediate abutters to the left and right, is much larger. This allows this property to satisfy the parking requirements of two spaces per unit designated as off street parking. Due to the abutting lot sizes those lots may not be able to provide the same amenity or claim that nearly all of the Special Exception criteria could be met.

iii. The unnecessary hardship is the denial of the conversion of an existing structure, within the same foot print, to a use otherwise permitted in the zone, on the basis that it does not conform, in the existing condition, to the current setbacks.

i. *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:*

iv. There is no fair and substantial justice between the general purpose of this regulation and its application to this project site, whereas the building is existing non-conforming with a foot print that is not proposed to be expanded. If the use is contained within the same structure, then proximity to the property boundaries is irrelevant.

i. The proposed use is a reasonable one because:

iv. The use is not dissimilar to the abutting uses on the street or neighborhood.

vi. The specific special exception criteria that could not otherwise be satisfied is a function of the existing structure, which has existed in this fashion since 1890.



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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



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335 Second Crown Point Road

Barrington, NH 03825

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Dover, New Hampshire



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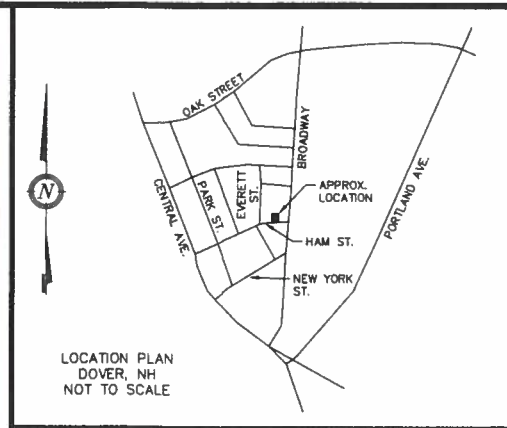


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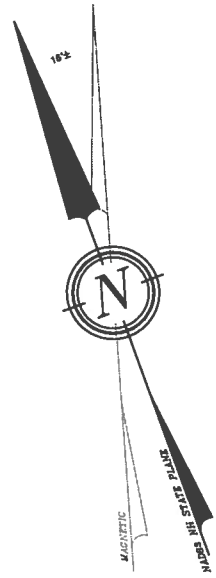
LOCATION PLAN
DOVER, NH
NOT TO SCALE

REVISION	DATE	DESCRIPTION

COLOR SITE PLAN
LAND OF
HARBOR LLC
44 46 HAM STREET
DOVER, NH 03820
MAP 27 LOT 88

BERRY SURVEYING
& ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863
SCALE : 1 IN. EQUALS 30 FT.
DATE : MARCH 29, 2018
FILE NO. : DB 2017 - 040

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MAY 2 2017

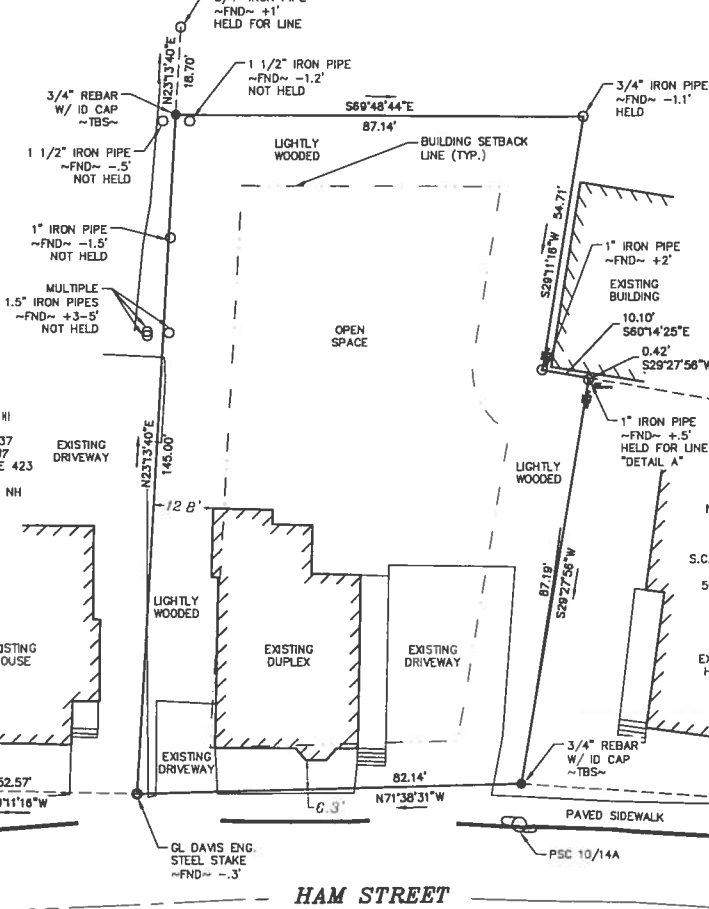


N/F LEONARD H. SILVER IV REVOC. TRUST
SILVER, LEONARD H. IV & PAMELA SILVER-ADAM
14 PEARSON DR. DOVER, NH 03820
TAX MAP 27, LOT 88
S.C.R.D. BOOK 3277, PAGE 887
PHYSICAL ADDRESS: 10 FREEMAN CT. DOVER, NH

N/F LABRIE, PRISCILLA A.
14 EVERETT ST.
DOVER, NH 03820
TAX MAP 27, LOT 86-A
S.C.R.D. BOOK 1843, PAGE 638
PHYSICAL ADDRESS:
12/14 EVERETT ST. DOVER, NH

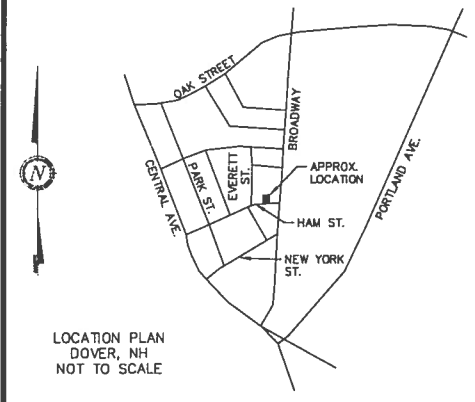
1/2" IRON PIPE
~FND~ +.4'
1/2" IRON PIPE
~FND~ -.4'

N/F LONG, JAMES H. III
26 BASILS PL.
DOVER, NH 03820-5237
TAX MAP 27, LOT 87
S.C.R.D. BOOK 3218, PAGE 423
PHYSICAL ADDRESS:
34/38 HAM ST. DOVER, NH



N/F BROADWAY BREEZE LLC
7 HIGHLANDER DR.
NORTH HAMPTON, NH 03862
TAX MAP 27, LOT 89
S.C.R.D. BOOK 2768, PAGE 385
PHYSICAL ADDRESS:
72/74 BROADWAY DOVER, NH

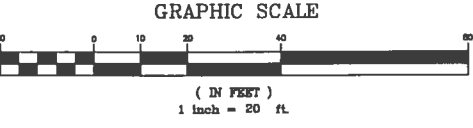
N/F MURRAY, PATRICK M.
17 HILLCREST DRIVE
DOVER, NH 03820
TAX MAP 27, LOT 88
S.C.R.D. BOOK 1733, PAGE 754
PHYSICAL ADDRESS:
50/52 HAM ST. DOVER, NH



- NOTES:**
- 1.) OWNER: HAMBONE LLC
242 CENTRAL AVE
DOVER, NH 03820
 - 2.) TAX MAP 27, LOT 88
 - 3.) LOT AREA: 12,308 Sq. Ft., 0.28 Ac.
 - 4.) S.C.R.D. BOOK 4460, PAGE 851
 - 5.) THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES OF TAX MAP 27, LOT 88 IN ACCORDANCE WITH AND IN RELATION TO THE CURRENT AND ORIGINAL LEGAL DESCRIPTIONS, AND IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
 - 6.) NH STANDARD PROPERTY SURVEY WITH A CLOSURE OF 1:129,059.
 - 7.) ZONING: (RM-U) URBAN DENSITY MULTI-RES
FRONTAGE BUILD OUT ~ 70%
MINIMUM LOT SIZE ~ 10,000 SQ. FT.
FRONT BUILD-TO ~ AVG. OF NEIGHBORHOOD 9.5' ± 5'
REAR SETBACK ~ 15.0'
SIDE SETBACK ~ 15.0'
WETLANDS BUFFER ~ 50.0'
PRINCIPAL BUILDING HEIGHT: 40' MAX
MAX. LOT COVERAGE: 80%
 - 8.) 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# -330145, MAP# - 3301700310E, DATED: SEPTEMBER 30, 2015.
 - 9.) VERTICAL DATUM BASED ON USGS NAVD88 ELEVATIONS. HORIZONTAL COORDINATES BASED ON NAD83. COORDINATES GATHERED USING TOPCON HIPER SR SURVEY GRADE GPS RECEIVERS.
 - 10.) THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CLOSED TRAVERSE PERFORMED BY THIS OFFICE IN JUNE OF 2017, WITH AN ERROR OF CLOSURE OF GREATER THAN 1 PART IN 10,000.
 - 11.) 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.

- PLAN REFERENCES:**
- 1.) "SUBDIVISION PLAN FOR NORMAN LABRIE, DOVER, N.H."
BY: EMERY ENGINEERS
DATED: FEBRUARY 24, 1984
S.C.R.D.: PLAN #22-172
 - 2.) "PLAN OF LOT FREEMAN REALTY TRUST, DOVER, N.H."
BY: GRANT L. DAVIS
DATED: DECEMBER 1948
S.C.R.D. POCKET 1, FOLDER 2 PLAN #32
 - 3.) "PLAN OF MATHES COURT"
BY: UNKNOWN
DATED: JANUARY 18, 1920
S.C.R.D. POCKET 6, FOLDER 2 PLAN #24

- LEGEND:**
- REBAR W/ ID CAP (TBS)
 - IRON PIPE (FND)
 - STEEL STAKE (FND)
 - UTILITY POLE
 - APPROX. ABUTTING LOT LINES
 - BUILDING SETBACK LINE
 - FND FOUND
 - TBS TO BE SET
 - S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS



I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

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

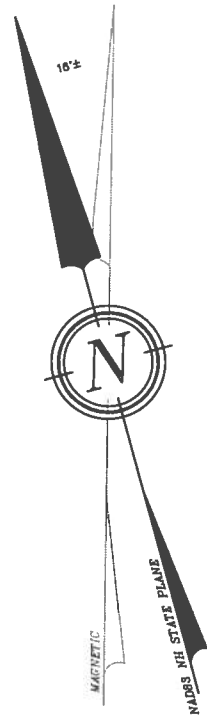
REVISION	DATE	DESCRIPTION

BOUNDARY SURVEY
LAND OF
HAMBONE LLC
44 46 HAM STREET
DOVER, NH 03820
MAP 27 LOT 88

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863
SCALE: 1 IN. EQUALS 20 FT.
DATE: MARCH 29, 2018
FILE NO.: DB 2017 - 040

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MARCH 30 2018

DOVER, New Hampshire



OPEN SPACE REQUIREMENTS (RM-U DISTRICT ORDINANCE NO. 6-87A.)
AVG. OPEN SPACE OF LOTS WITHIN 200': 26.4%
OPEN SPACE OF PROPOSED LOT: 6204 SF. 53.37%

PARKING SPACE REQUIREMENTS (RM-U DISTRICT ORDINANCE NO. 6-87B.)
2 PARKING SPACES PER 1 UNIT: 8 SPOTS REQUIRED FOR 4 UNITS
PROPOSED PARKING SPACES: 8

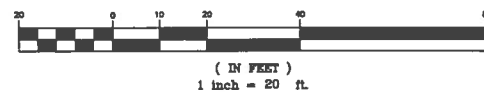
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- "PLAN OF LOT FREEMAN REALTY TRUST, DOVER, N.H."
BY: GRANT L. DAVIS
DATED: DECEMBER 1946
S.C.R.D. POCKET 1, FOLDER 2 PLAN #32
- "PLAN OF MATHES COURT"
BY: UNKNOWN
DATED: JANUARY 16, 1920
S.C.R.D. POCKET 6, FOLDER 2 PLAN #24

LEGEND:

- REBAR W/ ID CAP (TBS)
- IRON PIPE (FND)
- STEEL STAKE (FND)
- UTILITY POLE
- APPROX. ABUTTING LOT LINES
- BUILDING SETBACK LINE
- FND FOUND
- TBS TO BE SET
- S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

GRAPHIC SCALE



NOTES:

- OWNER: HAMBONE LLC
242 CENTRAL AVE
DOVER, NH 03820
- TAX MAP 27, LOT 88
- LOT AREA: 12,306 Sq. Ft., 0.28 Ac.
- S.C.R.D. BOOK 4460, PAGE 851
- THE INTENT OF THIS PLAN IS TO DEMONSTRATE A BASIC SITE PLAN WHICH IS COMPLIANT WITH THE DOVER SITE REVIEW REGULATIONS AND WOULD OTHERWISE BE COMPLIANT WITH THE DOVER SPECIAL EXCEPTION CRITERIA FOR A CONVERSION TO A FOUR UNIT STRUCTURE IN THE RM-U ZONE.
- NH STANDARD PROPERTY SURVEY WITH A CLOSURE OF 1:129,059.
- ZONING: (RM-U) URBAN DENSITY MULTI-RES
FRONTAGE BUILD OUT ~ 70%
MINIMUM LOT SIZE ~ 10,000 SQ. FT.
FRONT BUILD-TO ~ AVG. OF NEIGHBORHOOD 9.5' ±5'
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SIDE SETBACK ~ 15.0'
WETLANDS BUFFER ~ 50.0'
PRINCIPAL BUILDING HEIGHT: 40' MAX
MAX. LOT COVERAGE: 80%

LOCATION PLAN
DOVER, NH
NOT TO SCALE



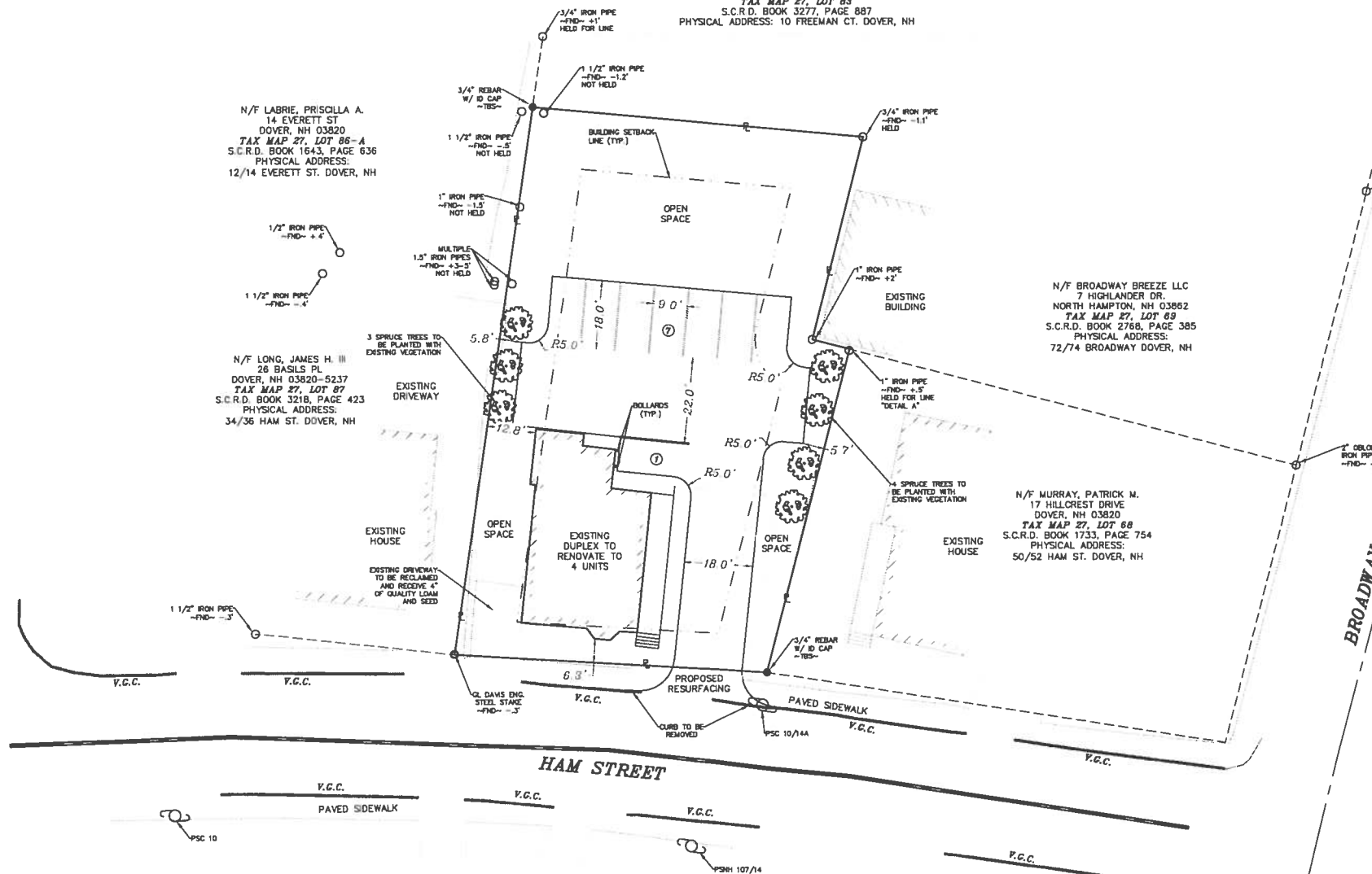
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TAX MAP 27, LOT 89
S.C.R.D. BOOK 3277, PAGE 887
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N/F LABRIE, PRISCILLA A.
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DOVER, NH 03820
TAX MAP 27, LOT 86-A
S.C.R.D. BOOK 1643, PAGE 636
PHYSICAL ADDRESS:
12/14 EVERETT ST. DOVER, NH

N/F LONG, JAMES H. III
26 BASILS PL.
DOVER, NH 03820-5237
TAX MAP 27, LOT 87
S.C.R.D. BOOK 3218, PAGE 423
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N/F BROADWAY BREEZE LLC
7 HIGHLANDER DR.
NORTH HAMPTON, NH 03862
TAX MAP 27, LOT 69
S.C.R.D. BOOK 2768, PAGE 385
PHYSICAL ADDRESS:
72/74 BROADWAY DOVER, NH

N/F MURRAY, PATRICK W.
17 HILLCREST DRIVE
DOVER, NH 03820
TAX MAP 27, LOT 68
S.C.R.D. BOOK 1733, PAGE 754
PHYSICAL ADDRESS:
50/52 HAM ST. DOVER, NH



BROADWAY

HAM STREET

I CERTIFY THAT THIS SURVEY PLAT IS NOT A
SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE
LINES OF STREETS AND WAYS SHOWN ARE THOSE OF
PUBLIC OR PRIVATE STREETS OR WAYS ALREADY
ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

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

SITE PLAN FOR ZBA APPLICATION

LAND OF
HAMBONE LLC
44 46 HAM STREET
DOVER, NH 03820
MAP 27 LOT 88

BERRY SURVEYING
& ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)532-2863

SCALE : 1 IN. EQUALS 20 FT.
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REVISION	DATE	DESCRIPTION