

# STRAFFORD

Regional Planning Commission

## Regional Impact Committee

**Agenda**  
**Wednesday, June 7, 2023**  
**1:00 PM**

**1. Welcome/Introductions**

**2. Action Items**

- a. Appointment of alternates, if needed
- b. Acceptance of Minutes: May 10, 2023

**3. Regional Impact Study:**

- a. Case SRPC/RIC 2023-02; GM2 Associates, Inc. Site Plan review for construction of a light industrial/warehouse building (Tax Map 3, Lot 10); located at 145 Old Turnpike Road, Nottingham, NH.
  - i. Project Review and Completion of Development of Regional Impact (DRI) Checklist
  - ii. Citizen's Forum: *Citizens of the region are invited to speak on the subject matter of the meeting. Statements shall be limited to three (3) minutes.\**
  - iii. Acceptance of Technical Review
- b. Case SRPC/RIC 2023-03; Chinburg Development, LLC. Conditional Use Permits for steep slope impacts, road and driveway construction and drainage infrastructure (Tax Map N, Lot 13-1); and Major Open Space Subdivision with sidewalk waiver (Tax Map N, Lot 13) Gulf Road and Oak Street, Dover, NH.
  - i. Project Review and Completion of Development of Regional Impact (DRI) Checklist
  - ii. Citizen's Forum: *Citizens of the region are invited to speak on the subject matter of the meeting. Statements shall be limited to three (3) minutes.\**
  - iii. Acceptance of Technical Review

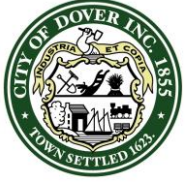
\*In the event that interested parties cannot attend the meeting, comments may be sent to Senior Regional Planner Lisa Murphy at [lmurphy@Strafford.org](mailto:lmurphy@Strafford.org), or via mail. All comments received by Tuesday, June 6 at 4 p.m. will be forwarded to Regional Impact Committee (RIC) members for inclusion with the draft technical review to be presented at the meeting. Comments received after this time will be made available to RIC members at the beginning of the meeting on June 7, 2023.

**4. Meeting Adjournment**



Anyone interested in reviewing documents submitted to the RIC may stop by the Strafford Regional Planning Commission Office at 150 Wakefield Street, Suite 12, Rochester NH 03867 - Monday – Friday, 8:30am to 5:00pm.

Reasonable accommodations for people with disabilities who would like to attend the meeting are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 1 day advance notice. Last-minute requests will be accepted but may be impossible to fill. Send an e-mail to [srpc@strafford.org](mailto:srpc@strafford.org) or call (603) 994-3500.



**CITY OF DOVER**

## PLANNING BOARD – ABUTTER NOTICE

Meeting Type: Regular Meeting  
 Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover, NH  
 Meeting Date: **Tuesday, June 13, 2023**  
 Meeting Time: **7:00 pm**

**Dear Property Owner:** You are being notified per RSA 36:54 as the Planning Board declared regional impact for this application.

**INTENT:** To obtain a Conditional Use Permit (CUP) to construct a road and driveways and install drainage infrastructure as part of the 12-lot Open Space Subdivision creating 11,956 s.f. of impact to steep slopes.

**AGENDA ITEM #:** 4-B

**FILE:** COND-2023-0034

**APPLICANT/OWNERS:**  
Chinburg Development, LLC

**LOCATION:** Located off Gulf Road and Oak Street (Assessor’s Map N, Lot 13-1)

**ACREAGE:** 34.53 acres

**ZONING DISTRICT:** R-40

**EXISTING USE:** Vacant

**PROPOSED USE:** Residential

**SURROUNDING:** Residential, City Boundary, Commercial, Vacant

**PERMITS/WAIVERS**

**REQUESTED:** N/A for this case

**ZBA ACTION:** N/A

**CONSERVATION COM:** May 8<sup>th</sup>, 2023

**TRC:** 3/16/2023 and 4/27/2023

**ATTACHMENTS:** Impact Plat

A partial agenda is as follows:

1. **CITIZENS’ FORUM**
2. **APPROVAL OF THE PRIOR MINUTES**
3. **OLD BUSINESS**
4. **NEW BUSINESS**
  - A. Consideration and acceptance of a Lot Line Adjustment for Northam Survey, LLC (Owners: Paul & Alice Gasses Co-Trustees of Gasses Farm Revocable Trust of 2009 & Portsmouth Christian Academy), Assessor’s Map J, Lots 1 & 1-C, zoned R-40, located at 120 Garrison Road & 20 Seaborne Drive. \*(LOTA-2023-0003)
  - B. **Consideration and possible vote of a Conditional Use Permit for Chinburg Development, LLC, Assessor’s Map N, Lot 13-1, zoned R-40, located at Gulf Rd and Oak St. (Proposal is to construct a road and driveways, as well as the installation of drainage structures and systems with associated grading as part of a 12-lot open space subdivision, creating 11,956 square feet of impact to the Conservation District (steep slopes in excess of 20%)). \*(COND-2023-0034)**
  - C. Consideration and possible vote of Conditional Use Permit for Chinburg Development, LLC, Assessor’s Map N, Lot 13-1, zoned R-40, located at Gulf Rd and Oak St. (Proposal is to construct a road and driveways, as well as the installation of drainage structures and systems with associated grading as part of a 12-lot open space subdivision, creating 32,089 square feet of impact to wetland buffers). \*(COND-2023-0039)
  - D. Consideration and possible vote of an Open Space Subdivision for Chinburg Development, LLC, Assessor’s Map N, Lot 13-1, zoned R-40, located at Gulf Rd. and Oak St. (Proposal is to subdivide one lot into 11 new lots). \*(SUBD-2023-0001)

\*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed.

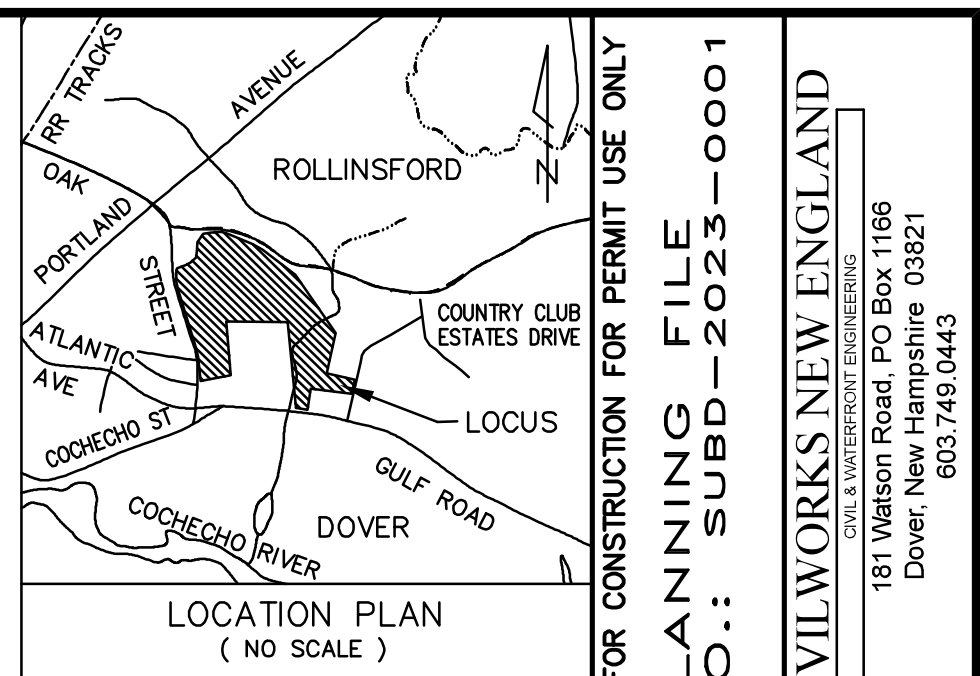
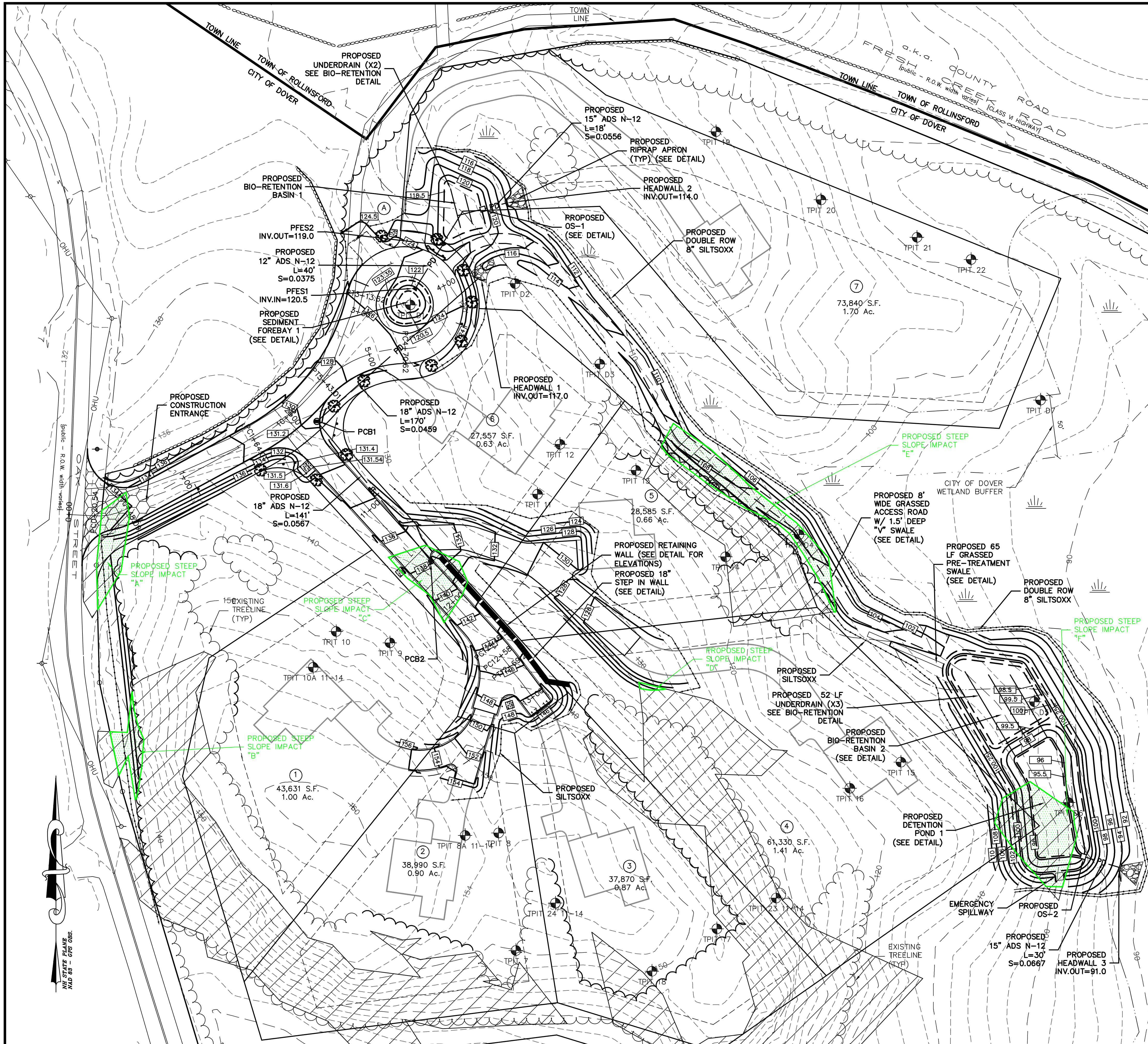
**MORE INFORMATION AVAILABLE TO YOU:**

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To learn more about the Planning Board’s jurisdiction, please review Chapters 153 (Site Review), 157 (Subdivisions) or 170 (Zoning) online at: <https://ecode360.com/DO0878>  
 We invite you to review and comment on the proposal:

- In person at the hearing,
- Phone: 603-516-6008
- Email: [Dover-Planning@dover.nh.gov](mailto:Dover-Planning@dover.nh.gov)
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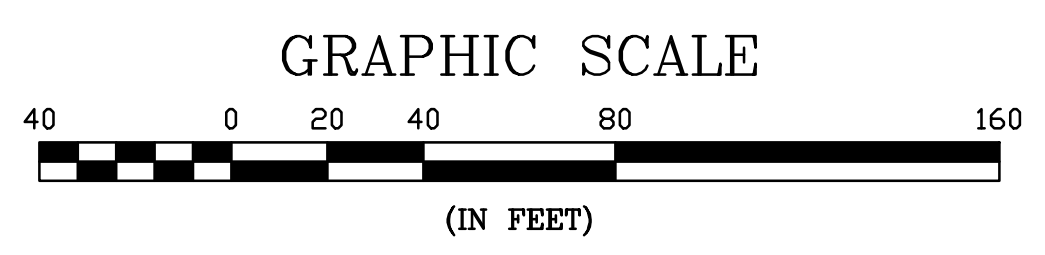
- NOTES:**
1. PROVIDE INLET PROTECTION BARRIERS AROUND ALL EXISTING AND PROPOSED STORM DRAINAGE INLETS WITHIN THE WORK LIMITS AND AS SHOWN ON PLAN. MAINTAIN FOR THE DURATION OF THE PROJECT UNTIL PAVEMENT HAS BEEN INSTALLED AND UPSTREAM AREAS HAVE BEEN STABILIZED.
  2. NORTH AMERICAN GREEN EROSION CONTROL BLANKETS SHALL BE INSTALLED ON ALL SLOPES (SEE DETAIL).
  3. SILT BARRIERS SHALL BE INSTALLED AROUND THE PERIMETER OF EACH BUILDING LOT PRIOR TO COMMENCING EXCAVATION AND MAINTAINED UNTIL THE SITE IS STABILIZED.

**CITY OF DOVER 20% STEEP SLOPE IMPACTS:**

20% STEEP SLOPES IMPACT "A":	1,505 SF
20% STEEP SLOPES IMPACT "B":	929 SF
20% STEEP SLOPES IMPACT "C":	1,896 SF
20% STEEP SLOPES IMPACT "D":	68 SF
20% STEEP SLOPES IMPACT "E":	3,086 SF
(OVERLAPS WITH 50' WETLAND BUFFER)	
20% STEEP SLOPES IMPACT "F":	3,530 SF
20% STEEP SLOPES IMPACT "G":	942 SF
(DRIVEWAY CONSTRUCTION FOR LOT 11)	
<b>TOTAL:</b>	<b>11,956 SF</b>

**DRAINAGE SCHEDULE:**

PCB1 (5' DIA./DOUBLE GRATE)	RIM=129.6
INV.IN=124.9	INV.OUT=124.8
PCB2 (4' DIA.)	RIM=137.7
INV.IN=132.9	



NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: SUBD-2023-0001

CIVILWORKS NEW ENGLAND  
181 Wilson Road, PO Box 1166  
Dover, New Hampshire 03821  
603.749.0445

DATE	NO.	REVISION	APP'D	DATE
5-2-23				

DATE: 5-2-23	NO.	REVISION	APP'D	DATE
DRAWN BY: CAD				
DESIGN BY: JRG				
APPROVED BY: JSH				
PROJECT NO: 21074				
FILE: SITE				

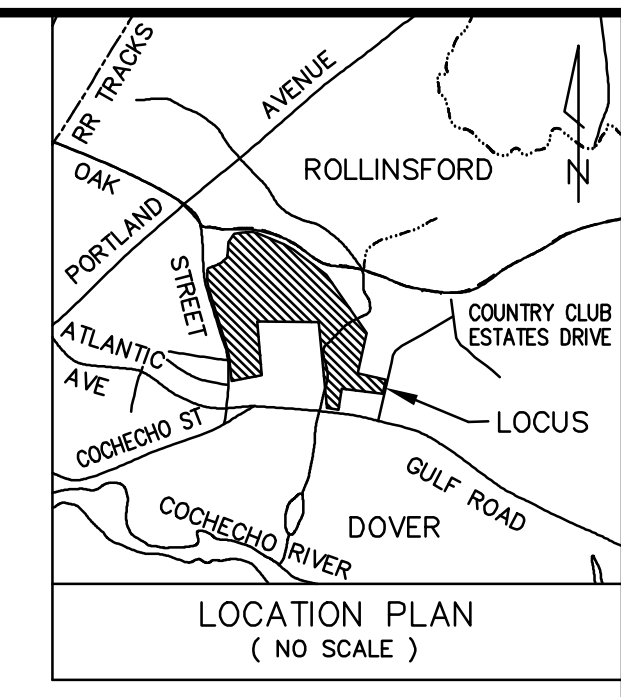
**PROPOSED STEEP SLOPE EXHIBIT**

PROJECT: EMERSON RIDGE AT JANETOS FARM AT OAK STREET DOVER, NH

APPLICANT: CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857

**EX-4**





- NOTES:**
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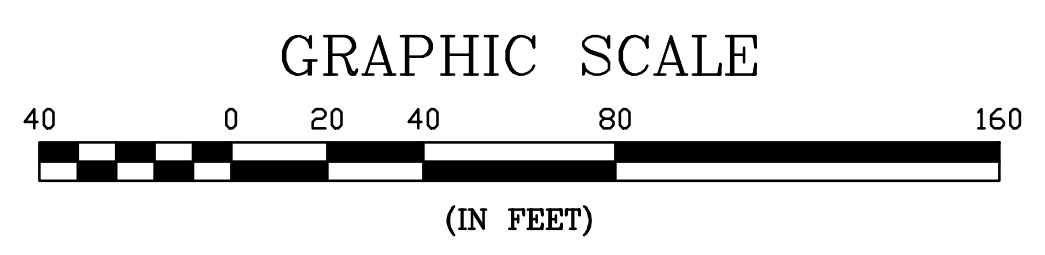
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(OVERLAPS WITH 50' WETLAND BUFFER)	
20% STEEP SLOPES IMPACT "F":	3530 SF
20% STEEP SLOPES IMPACT "G":	942 SF
(DRIVEWAY CONSTRUCTION FOR LOT 11)	
<b>TOTAL:</b>	<b>11,956 SF</b>

**DRAINAGE SCHEDULE:**

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 RIM=129.6  
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PCB2 (4' DIA.)  
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 INV.OUT=132.9



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**PLANNING FILE NO.: SUBD-2023-0001**

**CIVILWORKS NEW ENGLAND**  
CIVIL ENGINEERING  
 181 Wilson Road, PO Box 1166  
 Dover, New Hampshire 03821  
 603.748.0443

DATE	NO.	REVISION	APP'D	DATE
5-2-23				

DATE: 5-2-23  
 SCALE: 1"=40'  
 DRAWN BY: CAD  
 DESIGN BY: JRG  
 APPROVED BY: SJH  
 PROJECT NO: 21074  
 FILE: SITE

**PROJECT:** EMERSON RIDGE AT JANETOS FARM AT OAK STREET DOVER, NH

**APPLICANT:** CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857

**EX-6**



**CITY OF DOVER**

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**AGENDA ITEM #:** 4-C

**FILE:** COND-2023-0039

**APPLICANT/OWNERS:**  
Chinburg Development, LLC

**LOCATION:** Located off Gulf Road and Oak Street (Assessor’s Map N, Lot 13-1)

**ACREAGE:** 34.53 acres

**ZONING DISTRICT:** R-40

**EXISTING USE:** Vacant

**PROPOSED USE:** Residential

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**PERMITS/WAIVERS REQUESTED:** N/A for this case

**ZBA ACTION:** N/A

**CONSERVATION COM:** May 8<sup>th</sup>, 2023

**TRC:** 3/16/2023 and 4/27/2023

**ATTACHMENTS:** Impact Plat

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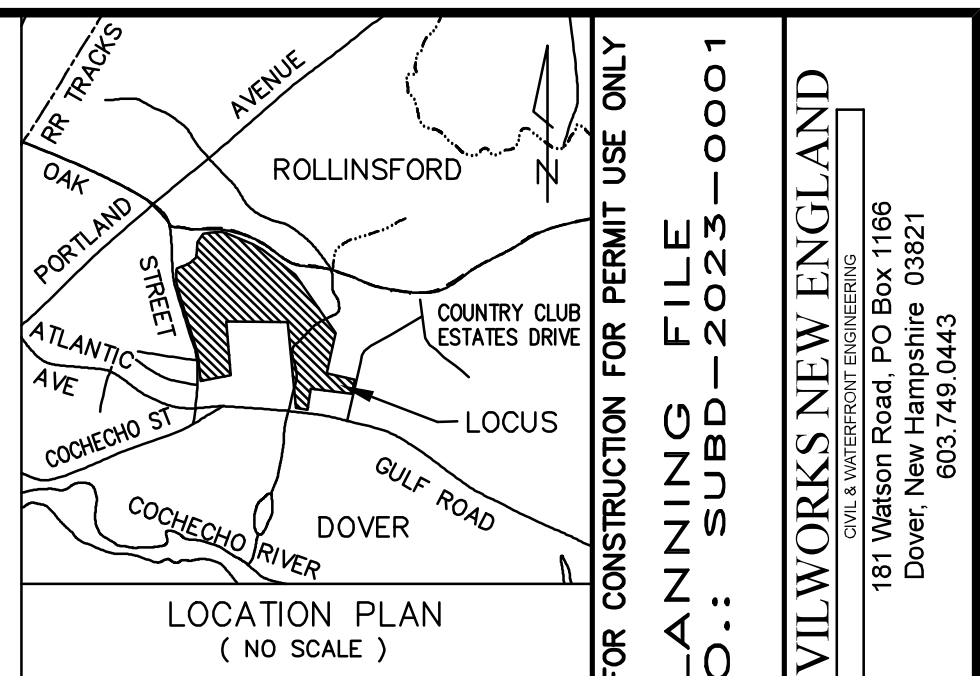
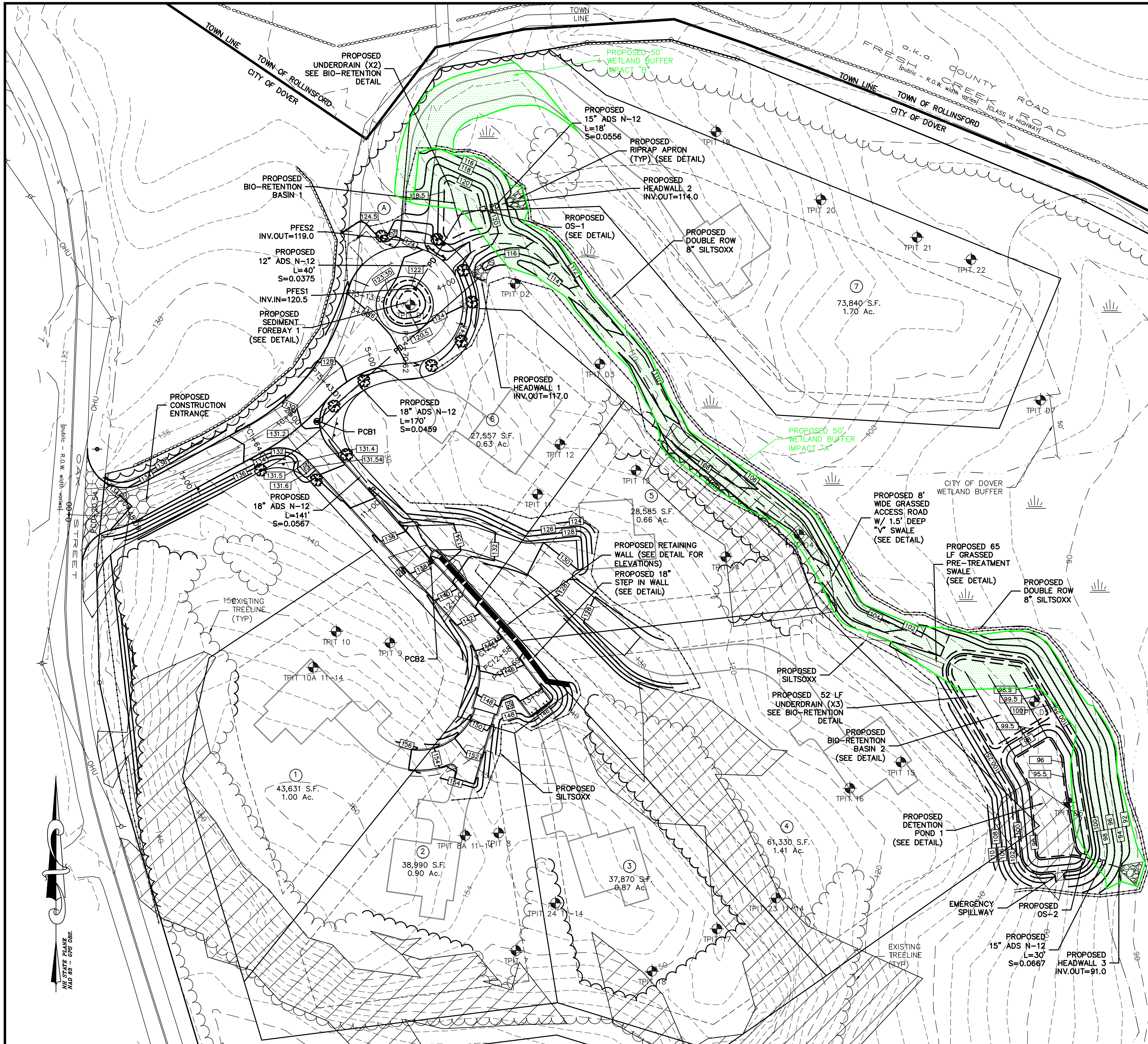
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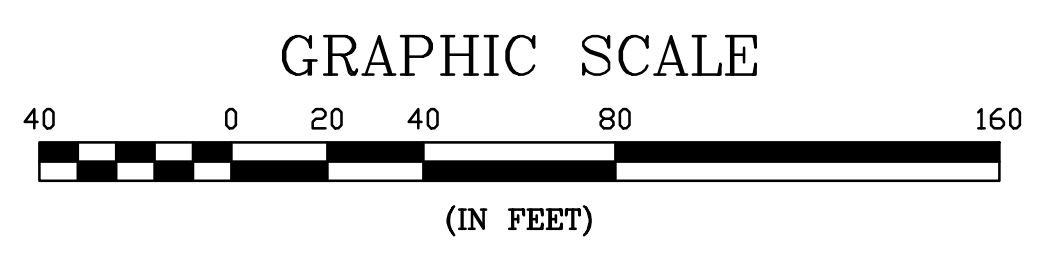
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**CITY OF DOVER 50' WETLAND BUFFER IMPACTS:**

50' WETLAND BUFFER IMPACT "A": (3,086 SF OVERLAPS WITH 20% STEEP SLOPES)	26,524 SF
50' WETLAND BUFFER IMPACT "B": (DRIVEWAY CONSTRUCTION FOR LOT 7)	5,028 SF
50' WETLAND BUFFER IMPACT "C": (DRIVEWAY CONSTRUCTION FOR LOT 11)	537 SF
<b>TOTAL:</b>	<b>32,089 SF</b>

**DRAINAGE SCHEDULE:**

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PCB2 (4' DIA.) RIM=137.7 INV.OUT=132.9



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PLANNING FILE NO.: SUBD-2023-0001

CIVILWORKS NEW ENGLAND  
181 Wilson Road, PO Box 1166  
Dover, New Hampshire 03821  
603.749.0443

DATE	NO.	REVISION	APP'D	DATE
5-2-23				

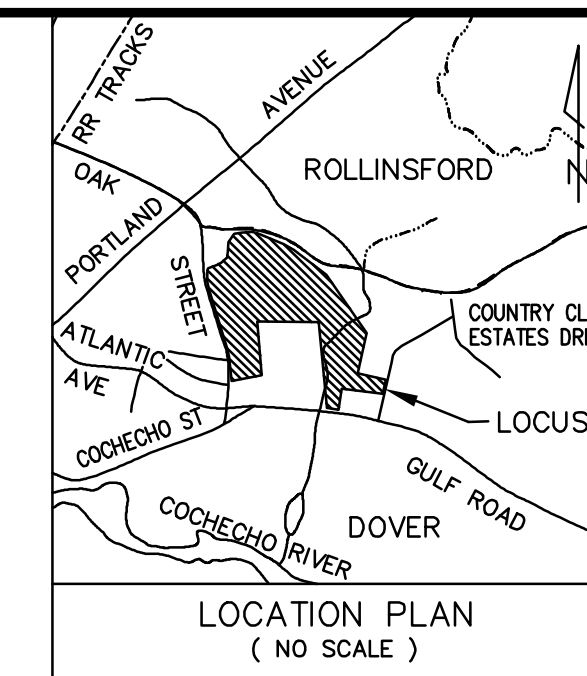
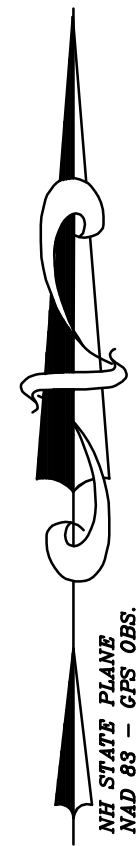
DATE: 5-2-23  
DRAWN BY: CAD  
DESIGN BY: JRG  
APPROVED BY: JSH  
PROJECT NO: 21074  
FILE: SITE

PROJECT: EMERSON RIDGE AT JANETOS FARM AT OAK STREET DOVER, NH

APPLICANT: CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857

**EX-1**





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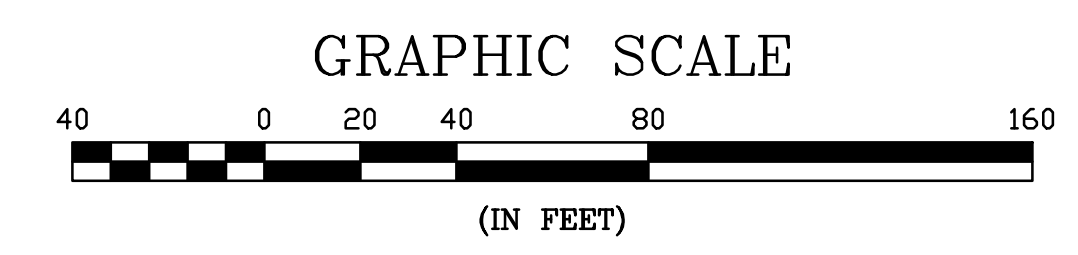
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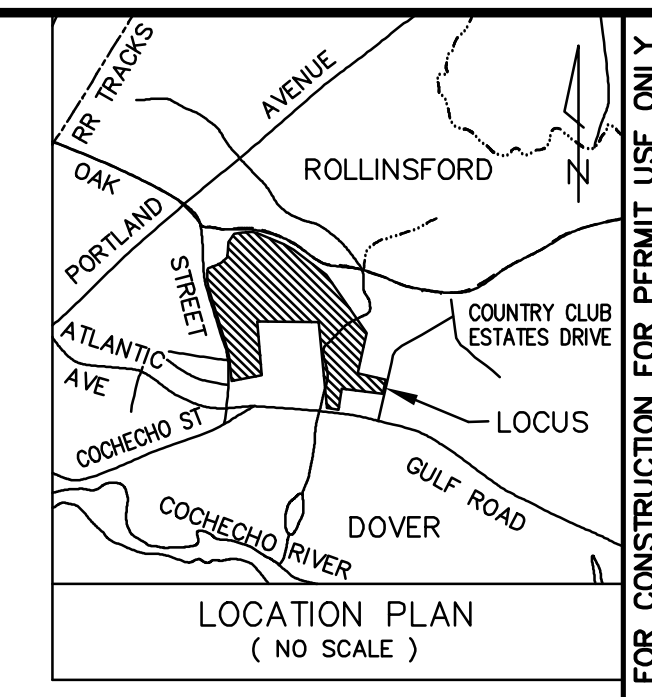
DATE	NO.	REVISION	APP'D	DATE
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DATE: 5-2-23	NO.
DRAWN BY: CAD	
DESIGN BY: JRG	
APPROVED BY: JSH	
PROJECT NO: 21074	
FILE: SITE	

**PROPOSED 50' WETLAND BUFFER EXHIBIT**

<b>PROJECT:</b> EMERSON RIDGE AT JANETOS FARM OAK STREET DOVER, NH	<b>APPLICANT:</b> CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857
--	--

**EX-2**



- NOTES:**
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  2. NORTH AMERICAN GREEN EROSION CONTROL BLANKETS SHALL BE INSTALLED ON ALL SLOPES (SEE DETAIL).
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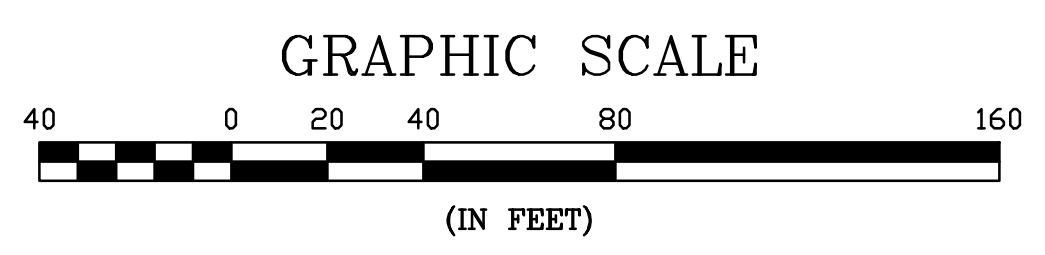
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**NOT FOR CONSTRUCTION FOR PERMIT USE ONLY**

**PLANNING FILE NO.:** SUBD-2023-0001

**CIVILWORKS NEW ENGLAND**  
181 Wilson Road, PO Box 1166  
Dover, New Hampshire 03821  
603.748.0443

DATE	NO.	REVISION	APP'D	DATE
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DATE: 5-2-23  
SCALE: 1"=40'  
DRAWN BY: CAD  
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**PROJECT:** EMERSON RIDGE AT JANETOS FARM AT OAK STREET DOVER, NH

**APPLICANT:** CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857

**EX-3**



**CITY OF DOVER**

## PLANNING BOARD – ABUTTER NOTICE

Meeting Type: Regular Meeting  
 Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover, NH  
 Meeting Date: **Tuesday, June 13, 2023**  
 Meeting Time: **7:00 pm**

**Dear Property Owner:** You are being notified per RSA 36:54 as the Planning Board declared regional impact for this application.

**INTENT:** To subdivide one parcel into 12 lots via an Open Space Subdivision. One waiver for sidewalks and two CUPs will also be reviewed by Planning Board.

**AGENDA ITEM #:** 4-D

**FILE:** SUBD-2023-0001

**APPLICANT/OWNERS:**  
Chinburg Development, LLC

**LOCATION:** Located off Gulf Road and Oak Street (Assessor's Map N, Lot 13-1)

**ACREAGE:** 34.53 acres

**ZONING DISTRICT:** R-40

**EXISTING USE:** Vacant

**PROPOSED USE:** Residential

**SURROUNDING:** Residential, City Boundary, Commercial, Vacant

**PERMITS/WAIVERS**

**REQUESTED:** 157-45 Sidewalks

**ZBA ACTION:** N/A

**CONSERVATION COM:** May 8<sup>th</sup>, 2023

**TRC:** 3/16/2023 and 4/27/2023

**ATTACHMENTS:** Subdivision Plat

A partial agenda is as follows:

1. **CITIZENS' FORUM**
2. **APPROVAL OF THE PRIOR MINUTES**
3. **OLD BUSINESS**
4. **NEW BUSINESS**
  - A. Consideration and acceptance of a Lot Line Adjustment for Northam Survey, LLC (Owners: Paul & Alice Gasses Co-Trustees of Gasses Farm Revocable Trust of 2009 & Portsmouth Christian Academy), Assessor's Map J, Lots 1 & 1-C, zoned R-40, located at 120 Garrison Road & 20 Seaborne Drive. \*(LOTA-2023-0003)
  - B. Consideration and possible vote of a Conditional Use Permit for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Gulf Rd and Oak St. (Proposal is to construct a road and driveways, as well as the installation of drainage structures and systems with associated grading as part of a 12-lot open space subdivision, creating 11,956 square feet of impact to the Conservation District (steep slopes in excess of 20%)). \*(COND-2023-0034)
  - C. Consideration and possible vote of Conditional Use Permit for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Gulf Rd and Oak St. (Proposal is to construct a road and driveways, as well as the installation of drainage structures and systems with associated grading as part of a 12-lot open space subdivision, creating 32,089 square feet of impact to wetland buffers). \*(COND-2023-0039)
  - D. **Consideration and possible vote of an Open Space Subdivision for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Gulf Rd. and Oak St. (Proposal is to subdivide one lot into 11 new lots). \*(SUBD-2023-0001)**

\*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed.

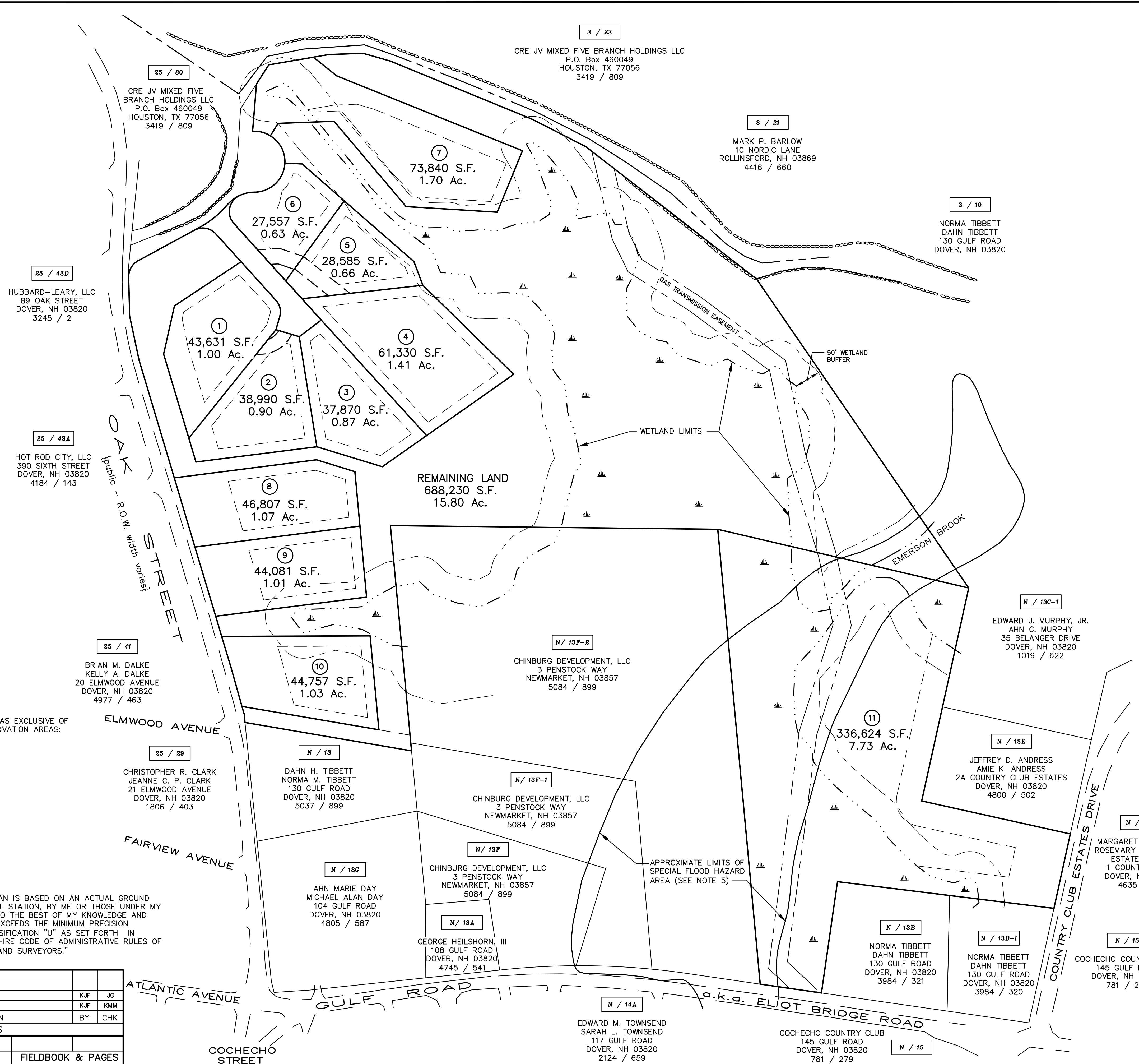
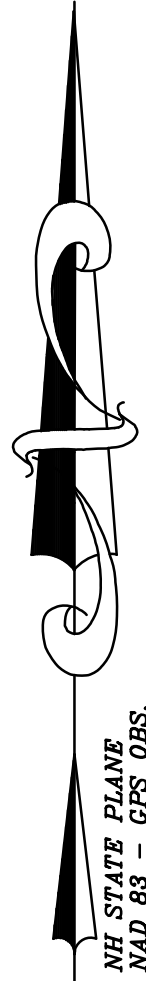
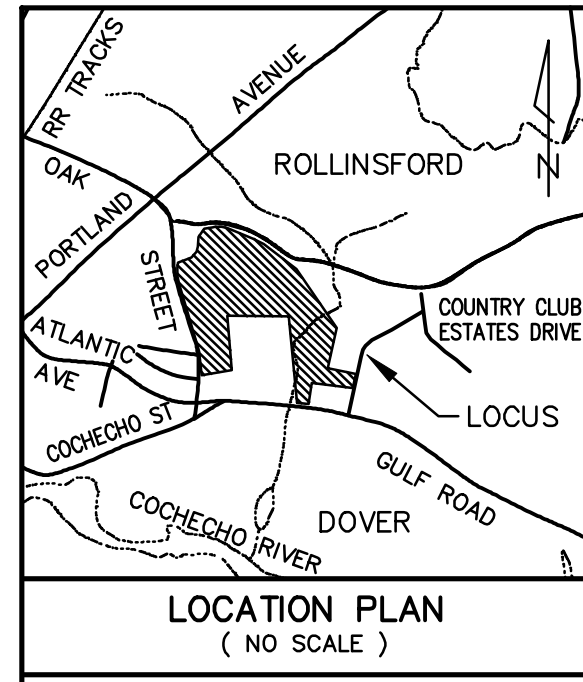
**MORE INFORMATION AVAILABLE TO YOU:**

Since this is only a partial description of the proposal and it may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm. You may view the rest of the agenda and materials at [www.dover.nh.gov](http://www.dover.nh.gov) or contact the Planning and Community Development Department at City Hall or 603-516-6008.

To learn more about the Planning Board's jurisdiction, please review Chapters 153 (Site Review), 157 (Subdivisions) or 170 (Zoning) online at: <https://ecode360.com/DO0878>  
 We invite you to review and comment on the proposal:

- In person at the hearing,
- Phone: 603-516-6008
- Email: [Dover-Planning@dover.nh.gov](mailto:Dover-Planning@dover.nh.gov)
- Mail: Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820.

Messages regarding applications must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



**ZONING REQUIREMENTS**

ZONING DISTRICT IS R40  
OPEN SPACE SUBDIVISION

GENERAL REQUIREMENTS:

NO STRUCTURES OR SEPTIC SYSTEMS WILL BE ALLOWED TO BE BUILT IN:  
SLOPE GREATER THAN 20 PERCENT  
AREAS WITHIN CONSERVATION DISTRICTS  
ALL FLOOD HAZARD AREAS  
WETLANDS

DIMENSIONAL REQUIREMENTS:

MINIMUM LOT SIZE SUBDIV. LOTS = 20,000 S.F.  
MINIMUM FRONTAGE SUBDIV. LOTS = 40 FEET  
MINIMUM BUFFER ALONG FRONTAGE = 100 FEET

MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS

STREET SIDE UNITS = 20 FEET  
BETWEEN UNITS = 30 FEET

MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS

ABUTTING A STREET = 20 FEET  
ABUTTING A LOT LINE = 20 FEET

MINIMUM DISTANCE FROM EXISTING STRUCTURES OR DWELLING UNITS = 100 FEET

MINIMUM DISTANCE FROM EXTERNAL BOUNDARIES = 50 FEET

EXTERNAL BOUNDARY BUFFERS SHALL BE CONSIDERED AN UNDISTURBED NATURAL AREA FOR THE PURPOSE OF SHIELDING ABUTTERS.

OPEN SPACE REQUIREMENTS:

THE AREA OF THE OPEN SPACE SHALL EQUAL OR EXCEED THE TOTAL ALLOWED REDUCTION IN THE LOT SIZES WITHIN THE OPEN SPACE SUBDIVISION AND SHALL BE PERMANENTLY DEDICATED AS OPEN SPACE OR FOR MUNICIPAL USE, AS AGREED UPON. A MINIMUM OF 50% OF THE TOTAL OPEN SPACE LAND MUST BE USABLE UPLANDS AND REASONABLY ACCESSIBLE TO ALL PROPERTY OWNERS IN THE PROJECT.

OPEN SPACE REQUIREMENTS FOR 11 LOTS  
11 \* 20,000 S.F. = 220,000 S.F. MINIMUM OPEN SPACE  
= 110,000 S.F. MINIMUM CONTIGUOUS UPLANDS

PROPOSED OPEN SPACE = 688,230 S.F. (15.80 Ac.)  
114,555 S.F. USABLE UPLANDS

CONTIGUOUS UPLAND LOT AREAS EXCLUSIVE OF WETLAND BUFFER AND CONSERVATION AREAS:

LOT	AREA
1	38,819 S.F.
2	25,226 S.F.
3	25,070 S.F.
4	48,521 S.F.
5	20,825 S.F.
6	27,458 S.F.
7	47,809 S.F.
8	46,142 S.F.
9	36,970 S.F.
10	38,051 S.F.
11	108,788 S.F.

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

NO.	DATE	DESCRIPTION	BY	CHK
2	5/2/23	REVISE PER TRC COMMENTS	KJF	JG
1	4/5/23	REVISE PER TRC COMMENTS	KJF	KMM

PROJECT NO	SUBDIVISION	FIELD BOOK & PAGES
23-1784		

**OPEN SPACE SUBDIVISION**  
OF  
**EMERSON RIDGE AT JANETOS FARM**  
PREPARED FOR  
**CHINBURG DEVELOPMENT, LLC**  
TAX MAP N, LOT No. 13-1  
**GULF ROAD, OAK STREET**  
& **COUNTRY CLUB ESTATES DRIVE**  
CITY of DOVER, COUNTY of STRAFFORD  
STATE of NEW HAMPSHIRE

<b>DOVER PLANNING FILE No.</b> SUBD-2023-0001	
DRAWN BY: <b>KJF</b>	FILE: MSA\1734\023-1734SUB
SCALE: 1" = 100'	DATE: FEBRUARY 1, 2023

STATE OF NEW HAMPSHIRE  
LICENSED LAND SURVEYOR  
No. 661  
KEVIN M. MCGEANEAY  
SIGNATURE

**McGeaney**  
*Survey*  
**Associates**  
of NEW ENGLAND

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

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June 6, 2023

## Via Email

Strafford Regional Planning Commission  
Attn: Lisa Murphy, Senior Regional Planner  
[lmurphy@strafford.org](mailto:lmurphy@strafford.org)  
150 Wakefield Street, Suite 12  
Rochester, NH 03867

**Re: Case SRPC/RIC 2023-03 Chinburg Development, LLC  
Conditional Use Permits and Major Open Space Subdivision in Dover, NH**

Dear Ms. Murphy:

I am writing with respect to the Strafford Regional Planning Commission's review of the above-referenced project at its public meeting scheduled for Wednesday, June 7, 2023 at 1:00 p.m. This firm represents Dahn Tibbett, abutter to the above referenced property, and this letter is written on his behalf.

At the outset, the Commission should be aware of a pending appeal of the Dover Planning Board with respect to a minor subdivision plan approval of an abutting parcel, Tax Map N, Lot 13F on Gulf Road, which is also owned by Chinburg Development, LLC but has been reviewed separately from Chinburg's above-referenced major subdivision application. The Planning Board appeal was filed by Mr. Tibbett and he has requested that the Superior Court vacate the minor subdivision approval, remand the matter back to the Planning Board, and order that the wetlands on the minor subdivision plan be reviewed by an independent wetland scientist per Dover Zoning Ordinance 170-27.1.D.(3) and that Chinburg's two subdivision applications be reviewed as one application per Dover's Subdivision Regulation 157-8.A. Attached is a copy of the Memorandum of Law filed by Mr. Tibbett in that Appeal. A hearing on the merits was held on May 1, 2023 and the parties are awaiting a final order. Given the interdependency between the outcome of the appeal and Chinburg's major subdivision application, the Commission should

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recommend that any final decision on the application be stayed until the Superior Court issues a final order.

With respect to the major subdivision application at issue, Mr. Tibbett has several concerns. For background, Mr. Tibbett is a direct abutter where he owns the property identified as Map N, Lot 13 on Oak Street and resides at Map N, Lot 13B on Gulf Road. The land subject to Chinburg's major subdivision application had previously been in Mr. Tibbett's family for generations and he personally maintained the property for years. In 2007, Mr. Tibbett and his family commissioned a wetland delineation of the family property. This wetland delineation determined that Lot 13F was burdened by extensive wetlands as shown on the attached 2017 Lot Line Adjustment Plan. However, on the subdivision plans recently submitted by Chinburg, the wetland delineations have changed significantly. Mr. Tibbett is concerned that the wetland delineations on the abutting parcel (Map N, Lot 13F) and the parcel at issue in the major subdivision application (Map N, Lot 13-1) are incorrect, therefore, the delineations should be reviewed by an independent wetland scientist.

The wetland delineations completed for Chinburg's major and minor subdivisions differ significantly from the attached 2017 Lot Line Adjustment Plan. More concerning, however, is that the approved minor subdivision plan of the abutting parcel shows the wetlands in a different location from the plans Chinburg submitted in its major subdivision application. For example, attached is the 2017 Lot Line Adjustment Plan. The wetland buffer crossing from Map N, Lot 13F onto the property at issue (Map N, Lot 13-1) is approximately 80' from the northernmost boundary of Mr. Tibbett's property on Oak Street (now identified as Map N, Lot 13). However, on Chinburg's minor subdivision plan (enclosed), this very same wetland buffer is now located approximately 150' from the northernmost boundary. Further, the major subdivision plan submitted by Chinburg shows the same buffer 120' from Mr. Tibbett's northernmost boundary. Yet, other plans submitted with the major subdivision application show the wetland buffer 80' from Mr. Tibbett's northern most boundary (see Site Layout Plan B enclosed). Indeed, there are significant discrepancies with the wetlands shown on the Chinburg plans, both in its major and minor subdivision applications; therefore, the Commission should recommend to the Dover Planning Board that an independent wetland scientist be commissioned to ensure that the wetland delineation is accurate.

An accurate wetland delineation is critical to the development of these parcels. Emerson Brook flows from Rollinsford and into the wetlands on the subject property. Occasionally, Emerson Brook floods causing a significant amount of stagnant water to remain on the property. Enclosed are three photographs of Emerson Brook taken in January 2023, and three photographs taken May 1, 2023 which show extensive flooding. The drainage analysis and the stormwater management plan for the major subdivision predict an increase in runoff that will be directed into the interconnected wetlands on the abutting parcel and will eventually flow into Emerson Brook. Where Mr. Tibbett resides near Emerson Brook and the associated wetlands, an independent

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review of the wetland delineation is critical to ensure that structures are not inadvertently placed within the wetlands or setbacks which could increase flooding.

To ensure that the wetlands included on the open space land in the major subdivision are preserved and protected, the Commission should recommend to the Dover Planning Board that a separate open space easement be executed and recorded for the benefit of the Dover Conservation Commission. Currently, no such easement is proposed and the open space land is simply subject to the homeowner association bylaws which can be amended by the homeowners.

Lastly, Chinburg's project involves upgrading a portion of an existing Class VI Highway (Fresh Creek Road, a/k/a Country Road) into a Class V Highway to be maintained by the City of Dover. The project narrative for the application suggests that the remainder of the Class VI Highway will be open to the subdivision residents for walking and biking. The plans submitted by Chinburg show a gravel parking area at the beginning of the Class VI Highway and a "Proposed Trailhead Sign" across the new entrance of the Class VI Highway (see enclosed Site Layout Plan A). As this Commission is likely aware, Class VI Highways are full public highways subject to the public right to pass and repass freely. Any gates and bars erected by private landowners cannot be erected so as to prevent or interfere with public use of the highway. *See* RSA 231:21-a. Therefore, the Commission should recommend that the Proposed Trailhead Sign blocking access to the Class VI Highway be relocated and that any approval by the Dover Planning Board be conditioned on the requirement that there will be no impediments to the public's right to access and travel the Class VI Highway.

Based on the foregoing, the Commission should make the following recommendations to the Dover Planning Board:

- Engage an independent wetland scientist to review the wetland delineation per Dover Code 170-27.1.D.(3);
- Conduct a flood study of Emerson Brook and the wetlands to ensure that the development will not increase flood risk to the existing nearby properties;
- Condition approval on the recording of an open space easement benefiting the Dover Conservation Commission to ensure that the open space land is preserved in perpetuity and free from future development;
- Relocate the "Proposed Trail Head Parking Sign" and any other obstacles blocking access to the public right of way (Class VI Highway); and
- Stay a final decision on the major subdivision plan pending the outcome of the Planning Board Appeal with respect to Map N, Lot 13F.

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June 6, 2023  
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Respectfully,

*William P. Reddington*

William P Reddington

WPR

Enclosures:

- A. Memorandum of Law filed in Tibbett v. City of Dover, Docket No. 219-2022-CV-00314
- B. 2017 Lot Line Adjustment Plan
- C. Minor Subdivision Plan of Map N, Lot 13F
- D. Major Subdivision Plan of Map N, Lot 13-1
- E. Major Subdivision Plan of Map N, Lot 13-1 (Site Layout Plan B)
- F. Pictures of Emerson Brook
- G. Pictures of Emerson Brook Flooding
- H. Site Layout Plan A

cc: Client

Donna Benton, Director of Planning and Community Development for the City of Dover



**EXHIBIT A**

Memorandum of Law filed in  
Planning Board Appeal



surrounding Property A and identified as Tax Map N, Lot 13-1 (“Property B”).<sup>2</sup> Under this major subdivision plan, the stormwater from Property B will be directed to flow into the wetlands located on Property A which, per NH Env-Wt 406.2(b), invalidates the wetland delineation on the minor subdivision plan for Property A. Therefore, the Decision should be vacated, and the matter remanded to the Planning Board so that the wetlands can be confirmed by an independent wetland scientist and that the minor and major subdivision plans can be reviewed together under Dover’s major subdivision regulations.

### **FACTS AND PROCEDURAL BACKGROUND**

The land along Gulf Road and Oak Street in Dover, New Hampshire has been in Mr. Tibbett’s family for generations. For years, Mr. Tibbett maintained both Property A and Property B which are mostly undeveloped farmland. Through such maintenance, Mr. Tibbett has become intimately familiar with the layout of the properties, their vegetation, and the location of the wetlands on the same.<sup>3</sup> Mr. Tibbett’s knowledge of the properties also includes several subdivision and lot line adjustment plans over the years, including a 2017 Lot Line Adjustment Plan depicting the wetlands on the properties and Emerson Brook which flows from Property B onto Property A (the “First Wetland Delineation”).<sup>4</sup> Certified Record at page 82 (hereinafter “CR \_\_\_”).

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<sup>2</sup> The Planning Board signed the Plan on December 13, 2022 and Janetos recorded the Plan on December 14, 2022. *See* Plan 12813. Chinburg then purchased the property on December 16, 2022. *See* Strafford County Registry of Deeds BK 5084 PG 899.

<sup>3</sup> Mr. Tibbett owns and operates a company which specializes in pond construction, dredging, dewatering, landscaping, and irrigation; thus, he has professional knowledge and skill working with wetlands. This evidence was presented before the Planning Board on November 8, 2022.

<sup>4</sup> The wetland delineation depicted on the 2017 Lot Line Adjustment Plan was performed by James Long, C.W.S. in 2007.

Over the last few years, the family land has been subdivided into smaller parcels and some of it sold to third parties. CR 78. Today, Mr. Tibbett owns the property located at Tax Map N, Lot 13 abutting Property A on Oak Street, and he resides at 130 Gulf Road located on the other side of the wetlands at issues abutting Property B. CR 105; Supplemental Record at page 142 (hereinafter “SR \_\_\_”).

On or about September 3, 2022 Janetos submitted a minor subdivision application to subdivide Property A into three separate lots. CR 1-11. The minor subdivision application included a new wetland delineation by Fraggie Rock Environmental Services dated August 8, 2021 (the “Second Wetland Delineation”). CR 8. Suffice to say, Mr. Tibbett and other abutters were shocked when the subdivision plan being proposed showed that the wetlands had receded 100 feet in some areas from the First Wetland Delineation and Property A, a property that was always thought could support one single family dwelling, could now support three large homes with onsite septic systems. The First Wetland Delineation determined Property A had only 3.6 acres of upland, non-wetland area; however, the Second Wetland Delineation increased the non-wetland area to approximately 5.3 acres. CR 8, 76. Additionally, the minor subdivision plan and Second Wetland Delineation omit Emerson Brook, the stream that runs from Property B to Property A and through the wetlands at issue. CR 8, 105. Per Dover’s Subdivision Checklist, watercourses such as Emerson Brook are to be shown on the subdivision plan. CR 7, 63.

On September 26, 2022, abutter George Heilshorn emailed the members of the Planning Board expressing his concerns with the Second Wetland Delineation. CR 21. Specifically, he was concerned that the wetlands differed significantly from the First Wetland Delineation. *Id.* Mr. Heilshorn’s email also noted that a driveway and drainage system were installed within the wetlands buffer and that one of the proposed structures may be in the wetlands. *Id.* Another

abutter, Michael Day, submitted an email stating his concern over the access to the two back lots shown on the plan due to the extensive wetlands blocking access to Gulf Road. CR 22. Mr. Tibbett also submitted an email to the Dover Planning Department advising the Planning Board that a complaint had been filed with New Hampshire Department of Environmental Services Land Resource Management with evidence demonstrating that a driveway on Property A had been constructed within the 50-foot wetland buffer and that drainage systems had been installed altering the wetlands on the property. CR 37-44.

Despite these complaints and evidence that the wetlands were either inaccurate or had been purposefully altered, the Planning Board conditionally approved the minor subdivision plan of Property A on September 27, 2022. CR 35. Following the September 27, 2022 decision, however, it was discovered that Janetos and the Dover Planning Department failed to properly notify all abutters; specifically, they had failed to notify Chinburg who owns Property B which shares a 1,900 foot property line with Property A. Acknowledging the deficiency with the September 27, 2022 decision, the Planning Board vacated the approval and added Janetos's minor subdivision application to the November 8, 2022 agenda and agreed to review it as if it was a new application. CR 95-97.

On October 7, 2022, Mr. Tibbett submitted a Code Enforcement Complaint to the City of Dover with a letter, the submitted NH DES complaint, plans and aerial photographs demonstrating that a driveway and drainage were installed in the wetland buffer on Property A. CR 45-55. Mr. Tibbett's letter noted that he was reaching out to Code Enforcement because the Planning Board had failed to address the wetlands issues at the September 27, 2022 meeting. CR 46.

On November 7, 2022, Certified Wetland Scientist Gregory Russo, of TRC Environmental submitted a letter to the Dover Planning Department regarding Janetos's minor subdivision plan of Property A and the Second Wetland Delineation. CR 66. In this letter, Mr. Russo advised the Board that based on his knowledge as a Certified Wetland Scientist he reviewed the First Wetland Delineation and the Second Wetland Delineation and it was his opinion that "given that a significant discrepancy between these lines has occurred over the time, it would be appropriate to have a new wetland delineation or peer review performed by an independent [New Hampshire Certified Wetland Scientist] to validate the line in the [Second Wetland Delineation] to ensure that no encroachment is being proposed on this resource area by the subdivision's proponent." CR 66 (emphasis added). Mr. Russo further stated that the "goal of this third-party assessment would be to provide an accurate and independent line that can serve as the basis for making the appropriate decisions regarding the subdividing and proposed development of the parcel." *Id.*

Shortly before the Planning Board meeting on November 8, 2023, Janetos's surveyor, Kevin McEaney, forwarded an email to the Planning Department from Fraggie Rock Environmental who produced the Second Wetland Delineation. CR 89. This email attempted to justify the drastic difference between the First Wetland Delineation and the Second. *Id.* The email notes that wetlands are delineated in accordance with NH Env-Wt 406 and the standards used today vary from the standards during the First Wetland Delineation. *Id.* However, the email did not identify what those variations were, nor did the email identify how the supposed variations led to such a substantial difference between the First and Second Delineations. *Id.*

At the start of the November 8, Planning Board meeting, Donna Benton, the Director of Planning and Development for Dover, made a public statement that Planning Board staff is

aware of a complaint regarding the existing driveway on Property A and that this driveway would have required a conditional use permit, but because of the new location of the wetlands in the Second Wetland Delineation, a conditional use permit would not be required. CR 95.

During the public comment portion of the November 8 meeting, Mr. Tibbett, through his attorney, presented a PowerPoint presentation to the Board demonstrating the discrepancies between the First and Second Wetland Delineation which included a plan overlay demonstrating the substantial difference between the two Delineations and that the driveway existing today was located squarely within the wetland buffer. CR 79-82; 95. The overlay plan showed that per the First Wetland Delineation, the wetland buffer extended to the 25-foot side setback from the adjacent parcel on Gulf Road (Tax Map N, Lot 13A). CR 81. The Second Wetland Delineation, however, places the wetland buffer roughly 100 feet back from the side setback. *Id.* The presentation also included discussion of Mr. Russo's letter advising the Board that the Second Wetland Delineation is suspect and that the Board should engage an independent Certified Wetland Scientist to review and confirm the location of the wetlands per Dover Code 170-27.1.D.(3) which provides that "in the event that the accuracy of the boundaries submitted by the applicant is suspect, the Planning Board may call upon the services of a certified wetland scientist ... to reexamine said area and report the findings to the Planning Board for a boundary determination." CR 95, 275. It was also demonstrated to the Board that the minor subdivision plan omitted Emerson Brook, which is located on Property A and contributes to the wetlands and the flood hazard area on Property A. CR 95-96.

In response, Kevin McEaney, without evidence, represented to the Board that there was no issue with the minor subdivision plan or the Second Wetland Delineation, that Emerson Brook was impossible to locate and didn't exist most of the year and therefore didn't need to be

shown on the plan, and that Fraggie Rock Environmental provided an email explaining the cause of the discrepancy with the two Delineations. CR 96. It was not explained which regulations changed causing the drastic difference in the two Delineations. *Id.* Further, photographs taken shortly after the November 8, 2022 decision show that Emerson Brook is easily located. SR 1-3. Likewise, the aerial photograph Chinburg produced for its major subdivision of Property B clearly shows the location of Emerson Brook. SR 142; *see also* CR 92.<sup>5</sup>

In response to Mr. McEneaney's comments and Mr. Tibbett's presentation, Board Member Cullen took it upon himself to look up an aerial image of the property on the internet and said that based on his review, the image confirms the Second Wetland Delineation. CR 96. However, Member Cullen did not identify when the photo was taken, it was not shared with the public or the rest of the Board, and it has not been included in the Certified Record. *See generally* CR. Board Member Cullen also made comments that because portions of Property A are hayed, "it's likely not wet enough to deter haying." Based on Mr. McEneaney's and Member Cullen's unsubstantiated comments, the Board moved to conditionally approve the minor subdivision of Property A. CR 97. In the Board's Motion to Approve, the Board cited their reasoning: "the wetlands were flagged in 2021 by a *known* scientist and that *the abutters concerns did not seem to impact the subdivision.*" CR 97 (emphasis added). The Motion was approved granting conditional minor subdivision approval. *Id.*

Just three days after the Planning Board signed off on the Plan, Chinburg purchased Property A from Janetos.<sup>6</sup> Then, in February of 2023, Chinburg submitted a major subdivision

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<sup>5</sup> The Planning Board cut the Petitioner's presentation off after only a few minutes and closed public comment not allowing the Petitioner to refute the claims made by Mr. McEneaney.

<sup>6</sup> See footnote 2 above.



plan designed by the same engineering firm, same surveyor, and same wetland scientist used on the minor subdivision of Property A: Civilworks New England,<sup>7</sup> McEneaney Survey Associates of New England, and Fraggie Rock Environmental Services. SR 4-175. This subdivision of Property B is subject to major subdivision review by the Planning Board and its technical review committee. CR 111-14. In conjunction with this major subdivision, Chinburg produced a drainage analysis and stormwater management plan to handle the stormwater for the development of Property B. This drainage analysis is dated February of 2023. SR 17. The analysis provides a summary of how drainage and stormwater will be handled:

This hydrologic analysis only includes the development area (28.630 ac). *The analysis ends at the large wetlands located on-site and on the abutting property.* Emerson Brook flows through the southeast section of the parcel, approximately 600' from the proposed development. A majority of the parcel drains to the south/southeast while a small portion of the site along Oak Street drains to the north. *All drainage from the site discharges to a large inter-connected wetlands that **ultimately drains into Emerson Brook.***

SR 20 (emphasis added). The analysis further states that there are three watersheds on the site and that Watershed B drains south and southwesterly towards the interconnected wetlands on Property A (“Discharge Point B”), and Watershed C drains south and south easterly towards the interconnected wetlands with Property A and ultimately drains to Emerson Brook (“Discharge Point C”). SR 20, 140.

The drainage analysis predicts that post development volume will increase for Discharge Point C and remain approximately the same for Discharge Point B. SR 23; *see also* post-development discharge point plan SR 140. The development of Property B will impact 32,089 square feet of the wetland buffer on the property. SR 15.

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<sup>7</sup> McEneaney Survey Associates of New England is a division of Height Engineering, LLC d/b/a Civilworks New England.

## STANDARD OF REVIEW

While the trial court will treat the findings of a planning board as *prima facie* lawful and reasonable, the court can set the decision aside when the board erred as a matter of law, or if the court is persuaded by the balance of probabilities, on the evidence before it, that the decision is unjust or unreasonable. RSA 677:15, V.

## ARGUMENT

### **A. The Planning Board acted illegally and unreasonably by approving the minor subdivision plan with wetlands shown to be inaccurate without engaging an independent wetland scientist to review.**

Dover's Zoning Ordinance 170-27.1.D.(3) provides that "in the event the accuracy of the boundaries submitted by the applicant is suspect, the Planning Board may call upon the services of a certified wetland scientist ... to reexamine said area and report the findings to the Planning Board for a boundary determination." CR 275. Significant evidence was presented to the Planning Board showing that the Second Wetland Delineation was inaccurate, or at the very least, suspect. As noted above, an overlay plan was provided showing that the wetlands on the Second Delineation had receded 100 feet in some areas, and even receded well behind the flood hazard line. *Compare* CR 82 *with* 105. The Board ignored the letter from Certified Wetland Scientist Russo who advised that given the significant disparity over the time involved, the wetlands are suspect and the Board should engage an independent certified wetland scientist to confirm the Second Wetland Delineation. The Board ignored this expert advice. CR 95-97.

The Board declined to engage an independent wetland scientist and approved the minor subdivision based on unreliable and unverifiable information. The Board relied on an email from Fraggie Rock Environmental which stated that the significant disparity between the two

Delineations was due to changes in delineation standards, although the alleged deviations were never identified. CR 89, 95-97. The Board also relied on comments that Property A is likely not wet enough to deter haying, therefore, the Second Wetland Delineation must be accurate. CR 95-97. These comments were purely speculative and not supported by any evidence in the record. The Board's decision must be based upon more than the mere personal opinion of its members. *See Ltd. Editions Properties, Inc. v. Town of Hebron*, 162 N.H. 488, 497 (2011). Lastly, the Board erroneously relied on comments from one Board member who found an aerial image of Property A on the internet and determined based on that image that the Second Wetland Delineation is accurate. CR 96. The image was never identified, it was never shared with the public or the other members of the Board. Furthermore, relying on an aerial image to confirm the location of wetlands that must be delineated based on the presence of hydrophytic vegetation, hydric soils, and wetlands hydrology is patently unreasonable. Based on the balance of probabilities, the Board erred by approving the minor subdivision without first engaging an independent wetland scientist to confirm the location of the suspect wetlands per Dover Code.

Chinburg's submission of its major subdivision application and associated plans demonstrates that the wetlands are suspect and require review by an independent wetland scientist. The location of the wetlands on the plans submitted for the major subdivision of Property B differs from the location of the wetlands submitted in the minor subdivision of Property A. This discrepancy is by the same owner, of abutting properties, using the same engineers and in submissions dated within just a few months of each other. The minor subdivision plan of Property A shows the wetlands buffer crossing the property line with Property B approximately 130 feet from Mr. Tibbett's property on Oak Street (Tax Map N, Lot 13). CR 105. However, plans submitted by Chinburg for the major subdivision show this very

same wetland buffer crossing the property line approximately 80 feet from Mr. Tibbett's property. *Compare* CR 105 with Pre-Development Watershed Plan SR 134, 136; Post-Development Watershed Plan SR 138, 140; Site Layout Plan B SR 154; Grading, Drainage, & Erosion Control Plan B SR 156; *and* Utility Plan B SR 159. Notably, the location of the wetlands buffer 80 feet from the property line with Mr. Tibbetts' property coincides with the First Wetland Delineation, not the Second. Therefore, Chinburg himself, following the approval of the minor subdivision of Property A, submitted plans which demonstrate that the wetlands are suspect. Where Chinburg's two applications contradict each other, they need to be reviewed by an independent wetland scientist.

Importantly, the location of the wetlands and the associated wetland buffers matter, despite what the Planning Board stated in its decision: "the abutters concerns did not seem to impact the subdivision." CR 97. As noted by Donna Benton, Dover's Director of Planning and Development, if not for the significant reduction in the wetlands on the Second Wetland Delineation, a conditional use permit would have been required due to the location of the driveway in the wetland buffer. CR 95. Because of the extensive wetlands on Property A, the two back lots only have access to a public way via an easement over Property B. CR 105. If not for the significant reduction in wetlands, a conditional use permit would be necessary for the driveway in the wetlands buffer; otherwise, the entire subdivision would have to be redesigned. Additionally, lots in the Rural Residential (R-40) District require a minimum of 40,000 square feet per building lot. CR 341. However, "all land containing wetlands shall not be counted in determining the gross land area for the lot for the purpose of minimum lot size and density requirements for residential uses. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required." CR 341, 342. Thus, an accurate wetland delineation on

Property A is critical to determining how many building lots Property A can support under Dover's Zoning Ordinance.

The Board erred in approving a subdivision plan that omitted the location of Emerson Brook. The subdivision plan failed to show all watercourses as required by the minor subdivision application checklist. CR 7; *see also* Env-Wt 406.04 (providing for the delineation of water courses, including intermittent streams such as Emerson Brook). At the meeting, Mr. Tibbett brought to the attention of the Planning Board that in addition to the incorrect wetlands, the subdivision plan also omits Emerson Brook which flows from Property B to Property A. In response, Chinburg's Surveyor, Kevin McEneaney stated that Emerson Brook is impossible to locate and doesn't exist most of the year. However, as shown on SR 1-3 and CR 92, Emerson Brook is easily located. The Board relied on this unsupported and misleading statement in granting subdivision approval. The First Wetland Delineation shows the location and path of Emerson Brook. CR 82. Importantly, Civilworks, Chinburg's engineer, produced the 2017 Lot Line Adjustment Plan showing Emerson Brook. Plans submitted with Chinburg's major subdivision application show Emerson Brook. SR 136, 157, 160. Ironically, McEneaney argued to the Planning Board that Emerson Brook didn't really exist and couldn't be located, yet, Civilworks, McEneaney's parent company, has been able to locate it and has even named the development of Property B "Emerson Ridge" after the brook on the property. *See* SR 10, 15, 157.

**B. The Decision should be vacated and the matter remanded so that subdivision of Property A can be reviewed in conjunction with the subdivision of Property B under Dover’s major subdivision regulations.**

As noted in Fraggle Rock’s email on November 8, 2022 justifying the substantial difference between the two Wetland Delineations, Wetlands are delineated per NH Env-Wt 406.

Under Env-Wt 406.2(b) “Wetlands delineations shall remain valid for 5 years *unless*:

- (1) There is reasonable basis to believe the original delineation might be incorrect;
- (2) The property *or adjacent property has been disturbed in such a way as to increase or decrease stormwater or surface water run-off or groundwater flow to any portion of the property for which the delineation was done*; or
- (3) Any other information becomes available that warrants review of the delineation.

Env-Wt 406.2 (emphasis added). Each of the above criteria apply to the situation at hand, however, most importantly, under Chinburg’s major subdivision plan, drainage analysis, and stormwater management plan, the stormwater from Property B will flow into the wetlands on Property A and into Emerson Brook. The stormwater analysis predicts an increase in the stormwater at Discharge Point C which flows into the interconnected wetlands on Property A and into Emerson Brook. The adjacent property (Property B) is being developed in such a way to increase the stormwater run-off to Property A, therefore, per Env-Wt 406.2(b), **the development of Property B invalidates the Second Wetland Delineation of Property A**. Accordingly, the Decision should be vacated, and the matter remanded back to the Planning Board so that the Second Wetland Delineation can be confirmed by an independent Certified Wetland Scientist reviewing the wetland delineation in light of the development and subdivision of the two properties. Furthermore, the two subdivisions should be reviewed as one subdivision under Dover’s major subdivision review procedures. *See* Dover Code 157-8.A. (subdivision of four or more lots is considered a major subdivision and shall be reviewed under major subdivision review procedures); CR 111.

## CONCLUSION

For the foregoing reasons, this matter should be remanded back to the Planning Board with the instruction that an independent, third-party wetland scientist should be engaged to review and confirm the Second Wetland Delineation and that the subdivision of Property A should be reviewed under Dover's major subdivision regulations in conjunction with the subdivision of Property B.

WHEREFORE, the Petitioner respectfully requests that this Honorable Court:

- A. Vacate the Planning Board's approval of the minor subdivision plan;
- B. Remand this matter back to the Planning Board so that the minor and major subdivisions can be heard in conjunction under Dover's major subdivision regulations;
- C. Order that the Planning Board engage an independent, third-party wetland scientist to confirm the Second Wetland Delineation; and
- D. Grant such other and further relief this Court deems equitable and just.

Respectfully Submitted,

Dahn Tibbett

By his Attorneys,

Wadleigh, Starr & Peters, PLLC

Dated: May 1, 2023

By /s/ William P. Reddington  
William P. Reddington, Esq. #271590  
Michael J. Tierney, Esq. #17173  
[wreddington@wadleighlaw.com](mailto:wreddington@wadleighlaw.com)  
[mtierney@wadleighlaw.com](mailto:mtierney@wadleighlaw.com)  
95 Market Street  
Manchester, NH 03101  
(603) 669-4140

**CERTIFICATION**

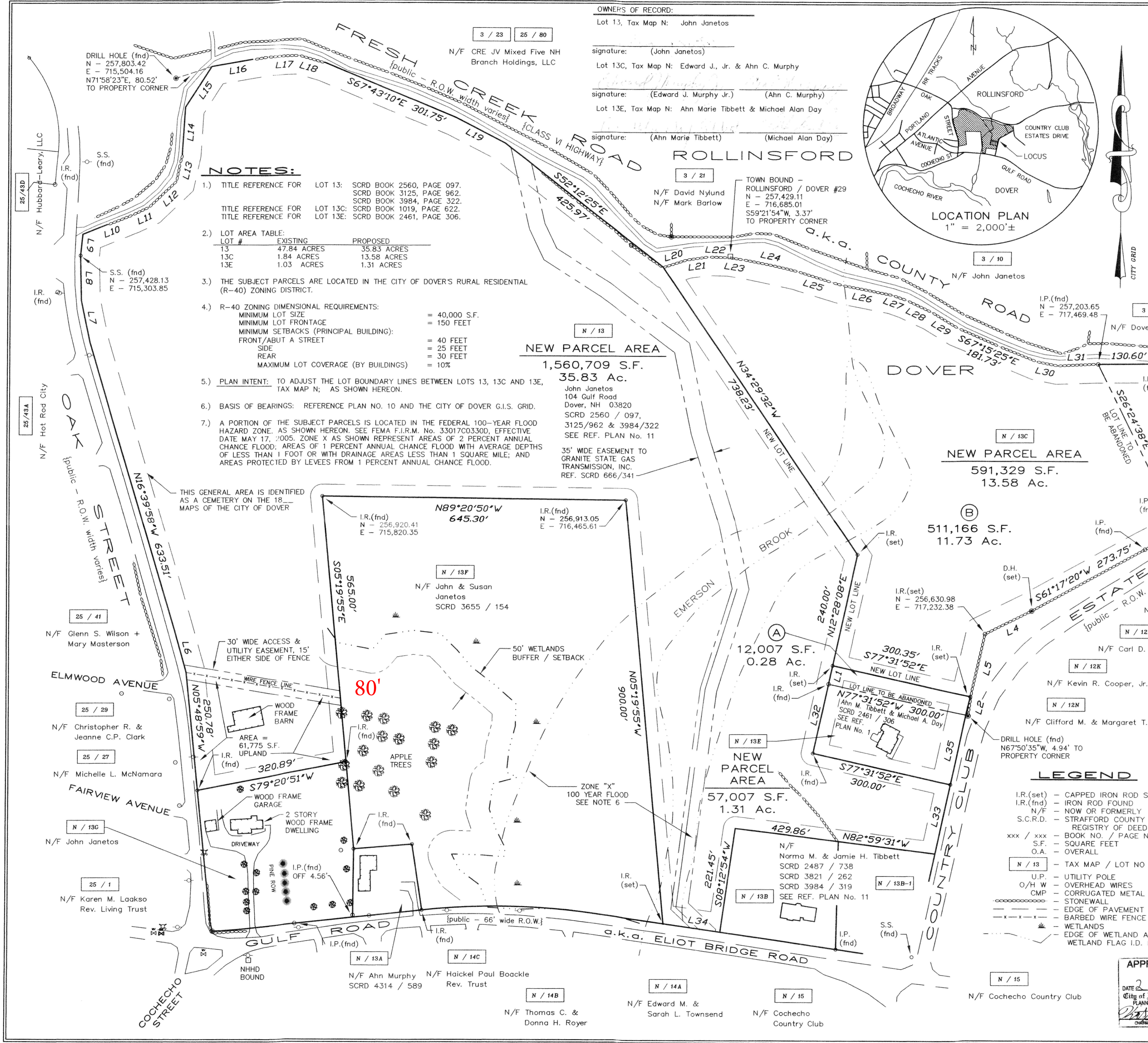
I hereby certify that a copy of the foregoing memorandum was delivered this day to all counsel of record through the Court's electronic file and service system.

/s/ William P. Reddington  
William P. Reddington, Esq.

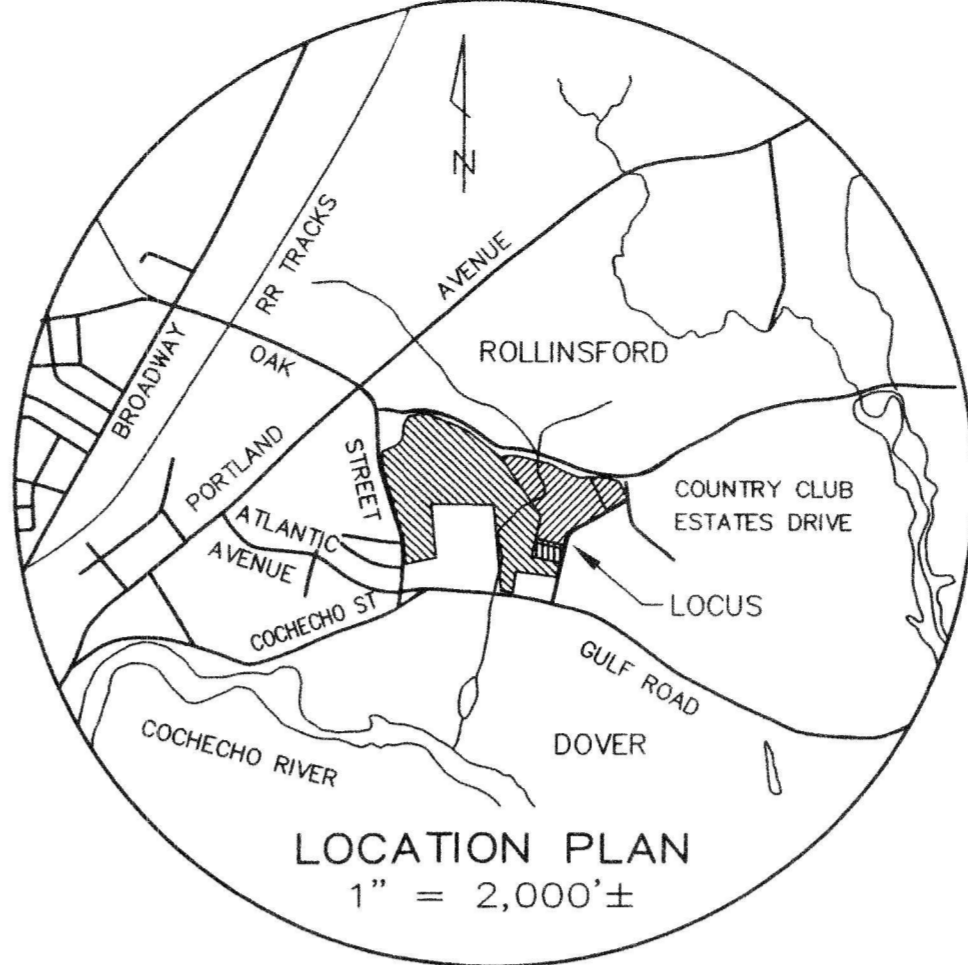


**EXHIBIT B**

2017 Lot Line Adjustment Plan



OWNERS OF RECORD:  
 Lot 13, Tax Map N: John Janetos  
 signature: (John Janetos)  
 Lot 13C, Tax Map N: Edward J. Jr. & Ahn C. Murphy  
 signature: (Edward J. Murphy Jr.) (Ahn C. Murphy)  
 Lot 13E, Tax Map N: Ahn Marie Tibbett & Michael Alan Day  
 signature: (Ahn Marie Tibbett) (Michael Alan Day)



**NOTES:**

- TITLE REFERENCE FOR LOT 13: SCRD BOOK 2560, PAGE 097. SCRD BOOK 3125, PAGE 962. SCRD BOOK 3984, PAGE 322. TITLE REFERENCE FOR LOT 13C: SCRD BOOK 1019, PAGE 622. TITLE REFERENCE FOR LOT 13E: SCRD BOOK 2461, PAGE 306.
- LOT AREA TABLE:
 

LOT #	EXISTING	PROPOSED
13	47.84 ACRES	35.83 ACRES
13C	1.84 ACRES	13.58 ACRES
13E	1.03 ACRES	1.31 ACRES
- THE SUBJECT PARCELS ARE LOCATED IN THE CITY OF DOVER'S RURAL RESIDENTIAL (R-40) ZONING DISTRICT.
- R-40 ZONING DIMENSIONAL REQUIREMENTS:
 

MINIMUM LOT SIZE	= 40,000 S.F.
MINIMUM LOT FRONTAGE	= 150 FEET
MINIMUM SETBACKS (PRINCIPAL BUILDING):	
FRONT/ABUT A STREET	= 40 FEET
SIDE	= 25 FEET
REAR	= 30 FEET
MAXIMUM LOT COVERAGE (BY BUILDINGS)	= 10%
- PLAN INTENT: TO ADJUST THE LOT BOUNDARY LINES BETWEEN LOTS 13, 13C AND 13E, TAX MAP N; AS SHOWN HEREON.
- BASIS OF BEARINGS: REFERENCE PLAN NO. 10 AND THE CITY OF DOVER G.I.S. GRID.
- A PORTION OF THE SUBJECT PARCELS IS LOCATED IN THE FEDERAL 100-YEAR FLOOD HAZARD ZONE, AS SHOWN HEREON. SEE FEMA F.I.R.M. No. 33017C03300, EFFECTIVE DATE MAY 17, 2005. ZONE X AS SHOWN REPRESENT AREAS OF 2 PERCENT ANNUAL CHANCE FLOOD; AREAS OF 1 PERCENT ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1 PERCENT ANNUAL CHANCE FLOOD.

**NEW PARCEL AREA**  
 1,560,709 S.F.  
 35.83 Ac.  
 John Janetos  
 104 Gulf Road  
 Dover, NH 03820  
 SCRD 2560 / 097,  
 3125/962 & 3984/322  
 SEE REF. PLAN No. 11  
 35' WIDE EASEMENT TO  
 GRANITE STATE GAS  
 TRANSMISSION, INC.  
 REF. SCRD 666/341

**NEW PARCEL AREA**  
 591,329 S.F.  
 13.58 Ac.  
 Edward J. Jr. & Ahn C. Murphy  
 SCRD 1019 / 622  
 SEE REF. PLAN No. 4

**NEW PARCEL AREA**  
 12,007 S.F.  
 0.28 Ac.  
 Ahn Marie Tibbett & Michael A. Day  
 SCRD 2461 / 306  
 SEE REF. PLAN No. 1

**NEW PARCEL AREA**  
 57,007 S.F.  
 1.31 Ac.  
 Norma M. & Jamie H. Tibbett  
 SCRD 2487 / 738  
 SCRD 3821 / 262  
 SCRD 3984 / 319  
 SEE REF. PLAN No. 11

No.	Bearing	Distance	L18	S73°55'09"E	55.67'
L1	N12°28'08"E	40.00'	L19	S62°54'16"E	119.42'
L2	S12°58'39"W	40.00'	L20	N72°04'55"E	52.90'
L3	S62°19'32"W	83.55'	L21	N82°05'55"E	46.10'
L4	S63°45'29"W	110.02'	L22	S88°21'47"E	43.81'
L5	S12°58'39"W	136.06'	L23	S81°28'35"E	31.94'
L6	N15°41'21"W	94.61'	L24	S78°15'49"E	117.14'
L7	N11°56'49"W	89.55'	L25	S73°08'49"E	100.82'
L8	N01°27'45"W	94.54'	L26	S79°08'48"E	110.18'
L9	N05°37'49"E	45.27'	L27	S70°28'07"E	30.62'
L10	N68°12'33"E	111.97'	L28	S64°55'08"E	59.93'
L11	N64°51'29"E	39.96'	L29	S58°49'25"E	64.65'
L12	N46°36'13"E	78.90'	L30	S78°54'31"E	44.97'
L13	N12°35'19"E	58.12'	L31	N88°07'39"E	86.26'
L14	N03°44'27"E	99.80'	L32	S12°28'08"W	150.00'
L15	N32°56'01"E	102.59'	L33	S12°21'40"W	150.18'
L16	N80°09'31"E	120.00'	L34	N81°47'06"W	122.02'
L17	N87°56'29"E	67.76'	L35	S12°28'08"W	150.00'

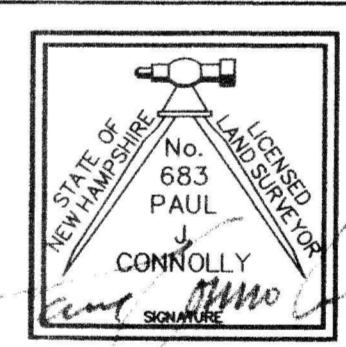
**REFERENCE PLANS:**

- SUBDIVISION PLAN, MAP N - LOT 13, ESTATE OF SIMON E. JANETOS FOR JOHN JANETOS, COUNTRY CLUB ESTATES DRIVE, DOVER, N.H., COUNTY OF STRAFFORD; DATED: NOVEMBER 2001 AND REVISED THROUGH 1/30/02; BY: AMBT ENGINEERING, INC.; SCRD PLAN Nos. 64-67 AND 64-68.
- SITE PLAN, CAROLYN SNYDER, GOLF ROAD & COUNTRY CLUB ESTATES DRIVE, DOVER, NEW HAMPSHIRE; DATED: 12/2/85; BY: CIVIL CONSULTANTS; SCRD PLAN No. 28-70.
- SUBDIVISION OF LAND OF RICHARD GAGNON, PORTLAND AVE., ROLLINSFORD, N.H.; DATED: 12-26-82 AND REVISED THROUGH 12/8/82; BY: LECLERC DOWELL ASSOCIATES; SCRD PLAN No. 23A-111.
- SUBDIVISION PLAN FOR ESTATE OF SIMON JANETOS, DOVER, N.H.; DATED: NOVEMBER 11, 1977; BY: EMERY ENGINEERING; SCRD PLAN No. 170-92.
- PORTLAND AVE. LOTS, MCGUADE REALTY, INC., DOVER, NEW HAMPSHIRE; DATED: APRIL 1974; BY: G.L. DAVIS & ASSOCIATES; SCRD PLAN No. 46, POCKET No. 1, FOLDER No. 5.
- PLAN OF LAND, MCGUADE REALTY INC., PORTLAND AVE., DOVER / ROLLINSFORD, NEW HAMPSHIRE; DATED: DEC. 1969; BY: G.L. DAVIS & ASSOCIATES; SCRD PLAN No. 58, POCKET No. 4.
- FINAL PLAN, FISCHER HOMES, INC., COUNTRY CLUB ESTATES, DOVER, NEW HAMPSHIRE; DATED: JAN. 1965 AND REVISED THROUGH 7/66; BY: G.L. DAVIS & ASSOCIATES; SCRD PLAN No. 23, POCKET No. 7, FOLDER No. 2.
- PLAN OF LOTS, MRS. VASILIO JANETOS, DOVER, NEW HAMPSHIRE; DATED: SEPTEMBER 1955; BY: GRANT L. DAVIS; SCRD DEED BOOK 1121, PAGE 735 AND DEED BOOK 651, PAGE 454.
- MINOR SUBDIVISION & LOT LINE ADJUSTMENT PLAN OF LAND; LOTS 13 & 13A, TAX ASSESSOR'S MAP "N"; 104 & 106 GOLF ROAD, DOVER, NEW HAMPSHIRE, COUNTY OF STRAFFORD; DATED: 5-10-07 AND REVISED 7/2/07; BY: CIVILWORKS, INC.; SCRD PLAN Nos. 91-63 AND 91-64.
- MINOR SUBDIVISION PLAN OF LAND, LOT 13, TAX ASSESSOR'S MAP "N", 104 GOLF ROAD, DOVER, NEW HAMPSHIRE, COUNTY OF STRAFFORD; DATED: 2-18-08 AND REVISED 3/28/08; BY: CIVILWORKS, INC.; SCRD PLAN Nos. 94-18 AND 94-19.
- LOT LINE ADJUSTMENT PLAN OF LAND, LOT NOS. 13 & 13E, TAX MAP N, GOLF ROAD, DOVER, NEW HAMPSHIRE, COUNTY OF STRAFFORD; DATED: 8-3-11 AND REVISED 9-28-11; BY: CIVILWORKS, INC.; SCRD PLAN No. 102-76.

**CERTIFICATIONS**

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION IN ACCORDANCE WITH THE TECHNICAL STANDARDS ESTABLISHED BY THE NEW HAMPSHIRE BOARD OF LICENSURE FOR LAND SURVEYORS IN JANUARY, 1993 FOR A CATEGORY 1, STANDARD PROPERTY SURVEY (DATES OF SURVEY 3/2007 & 1/2008) AND HAS A MAXIMUM ERROR OF CLOSURE NOT EXCEEDING 1 IN 15,000 ON ALL PROPERTY LINES BORDERING THE SUBJECT PROPERTY.

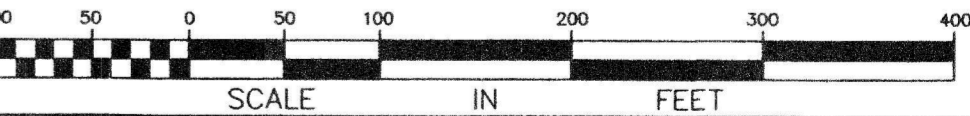
DATE: 2-16-17  
 PAUL J. CONNOLLY  
 NH L.L.S. No. 683



No.	DATE	BY	REVISION	FILE: W10 CP\1734\16-1734
2	2-16-17	PJC	REVISE PER PLANNING BOARD CONDITIONS OF APPROVAL	
1	1-20-17	PJC	REVISE TRACT "B" AREA, ADD PLANNING #	

**LOT LINE ADJUSTMENT PLAN OF LAND**  
 LOT NOS. 13, 13C & 13E, TAX MAP N  
 GULF ROAD, OAK STREET, COUNTRY CLUB ESTATES DRIVE & FRESH CREEK ROAD  
 DOVER, NEW HAMPSHIRE  
 COUNTY OF STRAFFORD

owners of record:  
 LOT 13: John Janetos, 104 Gulf Road, Dover, NH 03820  
 LOT 13C: Edward J. Murphy, Jr., Ahn C. Murphy, P.O. Box 284, Dover, NH 03821  
 LOT 13E: Ahn Marie Tibbett, Michael Alan Day, 2A Country Club Estates Drive, Dover, NH 03820



DOVER PLANNING FILE No. P 16-38

**Civilworks New England**  
 civil engineering  
 P.O. Box 1166 181 Watson Road  
 Dover, NH 603-749-0443

DESIGN: PJC / RJM  
 SCALE: 1" = 100'  
 DATE: 12-12-16  
 SHEET 1 OF 1  
 PROJECT # 1681

- LEGEND**
- I.R.(set) - CAPPED IRON ROD SET (1/2")
  - I.R.(fnd) - IRON ROD FOUND
  - N/F - NOW OR FORMERLY
  - S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
  - xxx / xxx - BOOK NO. / PAGE NO.
  - S.F. - SQUARE FEET
  - O.A. - OVERALL
  - N / 13 - TAX MAP / LOT NO #
  - U.P. - UTILITY POLE
  - O/H W - OVERHEAD WIRES
  - CMP - CORRUGATED METAL PIPE
  - — — — — STONEWALL
  - — — — — EDGE OF PAVEMENT
  - - - - - BARBED WIRE FENCE
  - WETLANDS
  - EDGE OF WETLAND AND WETLAND FLAG I.D. No.



EXHIBIT C

Minor subdivision Plan of Map N, Lot 13F

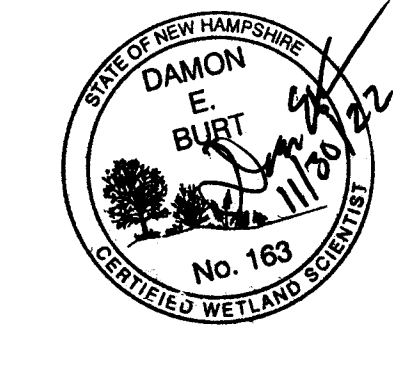
**REFERENCE PLANS:**

- 1.) LOT LINE ADJUSTMENT PLAN OF LAND LOT NOS. 13, 13C & 13E, TAX MAP N GULF ROAD, OAK STREET, COUNTRY CLUB ESTATES DRIVE & FRESH CREEK ROAD DOVER, NEW HAMPSHIRE COUNTY OF STRAFFORD. SCALE: 1" = 100'; DATED: DECEMBER 12, 2016, REVISED THROUGH 2-16-17; BY: CIVILWORKS NEW ENGLAND. RECORDED S.C.R.D. PLAN 113-033.
- 2.) MINOR SUBDIVISION OF LAND PREPARED FOR DAHN H. TIBBETT & NORMA M. TIBBETT AND JAHN H. JANETOS & SUSAN G. JANETOS, TAX MAP N, LOT No. 13, GULF ROAD, OAK STREET & COUNTRY CLUB ESTATES DRIVE, CITY OF DOVER, COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: OCTOBER 18, 2021, REVISED THROUGH 1/3/22; BY THIS OFFICE. RECORDED S.C.R.D. PLAN 12673.

**NOTES:**

- 1.) OWNER OF RECORD:  
 JAHN H. AND SUSAN G. JANETOS  
 55 CARLTON WAY  
 HALES LOCATION, NH 03860  
 S.C.R.D. VOLUME 3655, PAGE 154
- 2.) **N / 13F** - DENOTES TAX MAP AND PARCEL NUMBER.
- 3.) TOTAL PARCEL AREA = 545,594 S.F. / 12.53 Ac.
- 4.) THE INTENT OF THIS PLAN IS TO DEPICT THE SUBDIVISION OF THE SUBJECT PARCEL INTO THREE (3) LOTS AS SHOWN. LOTS ARE TO BE SERVED BY MUNICIPAL WATER AND INDIVIDUAL SUBSURFACE DISPOSAL SYSTEMS.
- 5.) ZONING DISTRICT IS RURAL RESIDENTIAL (R40)  
 DIMENSIONAL REQUIREMENTS:  
 MINIMUM LOT SIZE = 40,000 S.F.  
 MINIMUM LOT COVERAGE = 10 PERCENT  
 MINIMUM FRONTAGE = 150 FEET  
 BUILDING SETBACK REQUIREMENTS:  
 FRONT SETBACK = 40 FEET  
 SIDE SETBACK = 25 FEET  
 REAR SETBACK = 30 FEET  
 MAXIMUM BUILDING HEIGHT = 35 FEET MAXIMUM  
 THIS PROPERTY FALLS WITHIN THE FOLLOWING ZONING OVERLAY DISTRICTS: WETLANDS PROTECTION DISTRICT.
- 6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN 0.2% CHANCE FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 0.2 PERCENT ANNUAL CHANCE FLOOD, ZONE X (BASE FLOOD ELEVATIONS NOT DETERMINED) AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 330145; PANEL 0330; SUFFIX E; MAP NUMBER 33017C0330E; EFFECTIVE DATE SEPTEMBER 30, 2015.
- 7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED SEPTEMBER 15, 2021.
- 8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY McENEANEY SURVEY ASSOCIATES OF NEW ENGLAND ON NOVEMBER 15, 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
- 9.) WETLANDS FLAGGED LINE SHOWN WERE DELINEATED BY DAMON E. BURT, CERTIFIED WETLAND SCIENTIST, CERTIFICATION NUMBER 163, OF FRAGGLE ROCK ENVIRONMENTAL SERVICES, IN ACCORDANCE WITH CHAPTER 170-27.1 OF THE DOVER ZONING ORDINANCE, ON AUGUST 8, 2021.
- 10.) BUILDING ADDRESSES (INCLUDING APT/UNIT NUMBERS IF APPLICABLE) SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- 11.) VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED SEPTEMBER 15, 2021 TOPOGRAPHY DEPICTED IS BASED ON LIDAR OBTAINED FROM NHRANIT.
- 12.) THE PARCEL IS BENEFITED BY A THIRTY (30) FOOT WIDE ACCESS AND UTILITY EASEMENT OVER PARCEL N / 13-1 AS DESCRIBED IN S.C.R.D. VOLUME 3655, PAGE 154, AND SHOWN ON S.C.R.D. PLAN 94-18.
- 13.) THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION AND TELEPHONE LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE FOR WHICH DEVELOPMENT IS PROPOSED.
- 14.) NH DES STATE SUBDIVISION APPROVAL NUMBER eSA2022101101, DATED: OCTOBER 11, 2022.

*Jahn H. Janetos*  
*Susan G. Janetos*  
 OWNER SIGNATURES



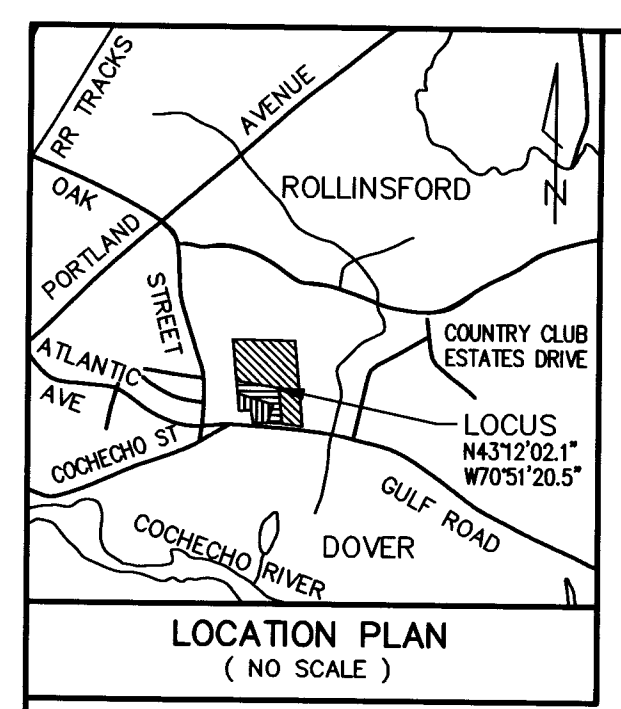
"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

No.	Bearing	Distance
L1	S84°00'24"W	5.14'
L2	S05°19'55"E	31.06'
L3	N05°48'59"W	15.56'
L4	N15°41'21"W	16.60'

No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	05°41'52"	1465.39	145.73	145.67	S86°51'20"W
C2	05°52'03"	1465.39	150.07	150.00	N87°21'42"W
C3	02°38'35"	1465.39	67.60	67.59	N83°06'23"W

LOT AREA CALCULATIONS:

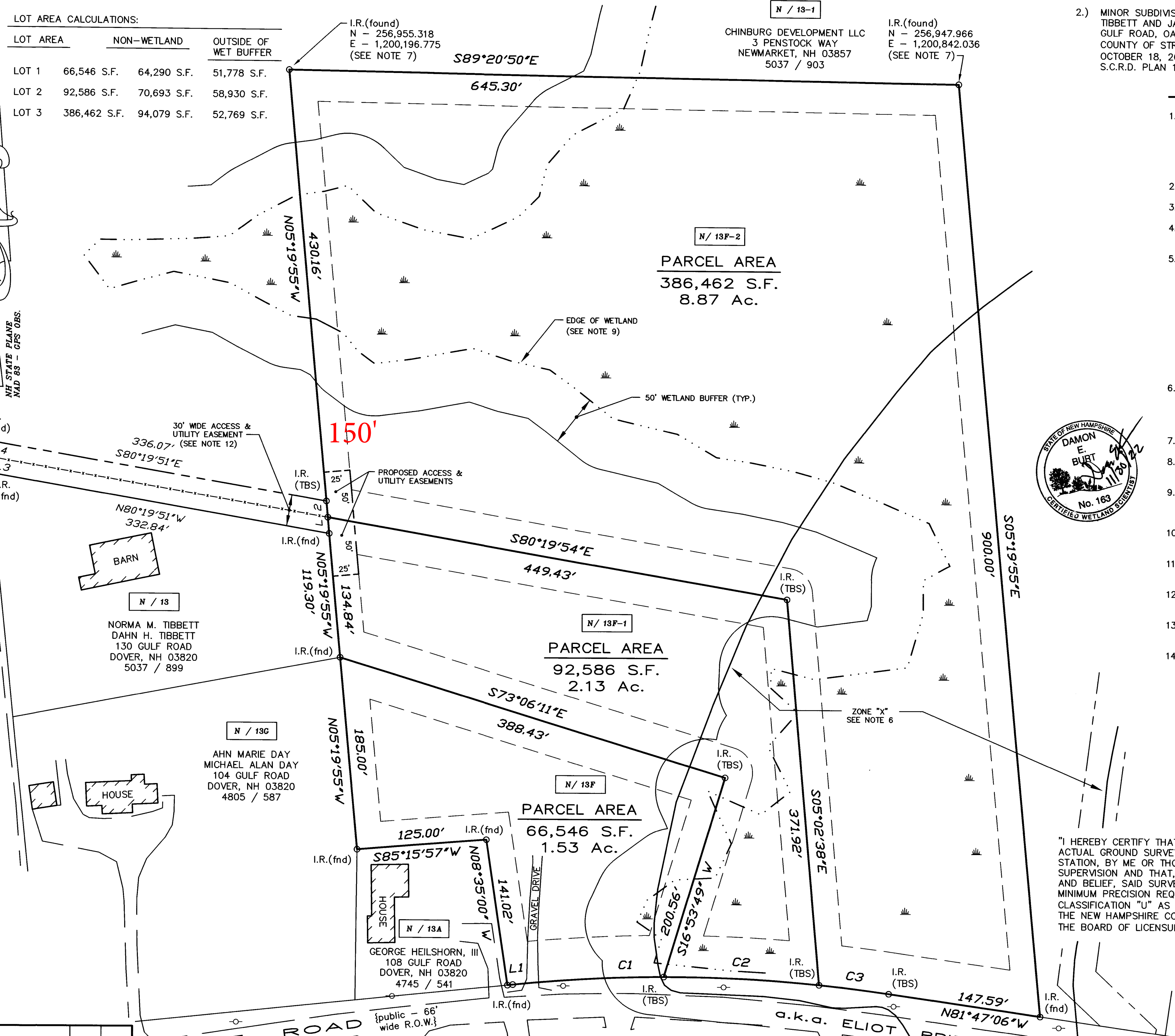
LOT AREA	NON-WETLAND	OUTSIDE OF WET BUFFER
LOT 1	66,546 S.F.	64,290 S.F.
LOT 2	92,586 S.F.	70,693 S.F.
LOT 3	386,462 S.F.	94,079 S.F.



**LEGEND**

- I.R.(TBS) - IRON ROD (TO BE SET)
- I.R.(fnd) - IRON ROD FOUND
- S.F. - SQUARE FEET
- Ac. - ACRE
- (TYP.) - TYPICAL
- ± - MORE OR LESS
- ∅ - DIAMETER
- S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
- - EDGE OF WETLAND
- - WETLAND
- ⊗ - WATER GATE VALVE
- ⊕ - FIRE HYDRANT
- ⊙ - UTILITY POLE

NO.	DATE	DESCRIPTION	BY	CHK
1	11/11/22	REVISE PER PLANNING BOARD APPROVAL	KJF	KMM
REVISIONS				
22-2462		SUBDIVISION		
PROJECT NO	TYPE	FIELDBOOK & PAGES		



**SUBDIVISION PLAN**  
 PREPARED FOR  
**JAHN H. AND SUSAN G. JANETOS**  
 TAX MAP N, LOT No. 13F  
**GULF ROAD**  
**CITY of DOVER**  
**COUNTY of STRAFFORD**  
**STATE of NEW HAMPSHIRE**

DOVER PLANNING FILE No. P 22-68

DRAWN BY: RJM FILE: 2462\DWGS\22-2462  
 SCALE: 1" = 60' DATE: AUGUST 23, 2022

60 30 0 30 60 120 180 240

**APPROVED**  
 DATE 12/13/22  
 City of Dover, NH  
 PLANNING BOARD  
*Kevin M. McEnaney*  
 CHAIRMAN / DIRECTOR

**McEnaney Survey Associates**  
 of NEW ENGLAND  
 P.O. Box 681 - 24 CHESTNUT STREET  
 DOVER, NH 03820 (603) 742-0911  
 SURVEYING - PLANNING - CONSULTING

HAICKEL PAUL BOACKLE, TRUSTEE  
 HAICKEL PAUL BOACKLE  
 REVOCABLE TRUST  
 105 GULF ROAD  
 DOVER, NH 03820  
 4318 / 766

A.H. WALLINGER & W.A. ROYER, TRUSTEES  
 THOMAS C. ROYER & DONNA H. ROYER  
 REVOCABLE LIVING TRUST  
 111 GULF ROAD  
 DOVER, NH 03820  
 4596 / 783

EDWARD M. TOWNSEND  
 SARAH L. TOWNSEND  
 117 GULF ROAD  
 DOVER, NH 03820  
 2124 / 659

EXHIBIT D

Major Subdivision Plan of Map N, Lot 13-1

**LEGEND**

- - GRANITE BOUND TO BE SET
- - IRON ROD TO BE SET
- I.R.(fd) - IRON ROD FOUND
- S.S.(fd) - STEEL STAKE FOUND
- S.F. - SQUARE FEET
- Ac. - ACRE
- (TYP.) - TYPICAL
- + - MORE OR LESS
- ⊕ - DIAMETER
- S.C.R.D. - STRAFFORD COUNTY REGISTER OF DEEDS
- - STONE WALL
- - - - - EDGE OF WETLAND
- ▨ - WETLAND
- ▨ - DOVER CONSERVATION AREA SLOPES >20%
- △ - WETLAND BUFFER PLACARD

No.	Bearing	Distance
L14	N16°39'58"W	65.64'
L15	S12°28'08"W	40.00'
L16	N05°48'59"W	15.56'
L17	N15°41'21"W	16.60'
L18	N16°39'58"W	41.49'

SEE SHEET 6

PARCEL AREA  
46,807 S.F.  
1.07 Ac.

PARCEL AREA  
44,081 S.F.  
1.01 Ac.

PARCEL AREA  
44,757 S.F.  
1.03 Ac.

OPEN SPACE  
688,230 S.F.  
15.80 Ac.  
114,555 S.F. CONTIGUOUS UPLANDS

CHINBURG DEVELOPMENT, LLC  
3 PENSTOCK WAY  
NEWMARKET, NH 03857  
5084 / 899

120'

CHINBURG DEVELOPMENT, LLC  
3 PENSTOCK WAY  
NEWMARKET, NH 03857  
5084 / 899

ROLLINSFORD  
DOVER

BD  
1899

DOVER BOUND #29  
GRANITE BOUND WITH DRILL HOLE IN TOP  
0.9'W x 0.75'D x 1.66' EXPOSED, AT BASE  
OF A WHITE PINE  
VIEW LOOKING SOUTHERLY FROM ROADWAY.  
THIS BOUND IS NOT LOCATED ON THE TOWN  
LINE. IT IS AN OFFSET WITNESS MONUMENT  
TO AN ANGLE POINT IN THE TOWN LINE.

35' WIDE GAS TRANSMISSION EASEMENT  
(SEE S.C.R.D. 666 / 341)

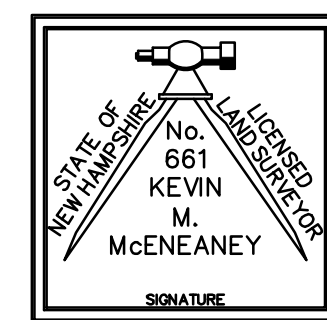
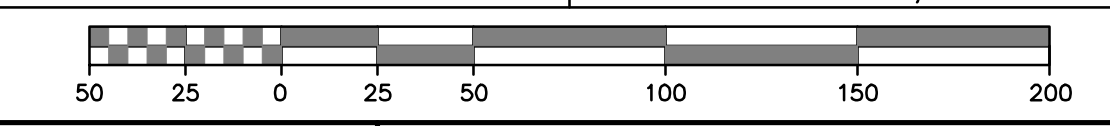
WETLAND LIMITS

SEE SHEET 8

SHEET 7 OF 37

OPEN SPACE SUBDIVISION  
OF  
EMERSON RIDGE AT JANETOS FARM  
PREPARED FOR  
CHINBURG DEVELOPMENT, LLC  
TAX MAP N, LOT No. 13-1  
GULF ROAD, OAK STREET  
& COUNTRY CLUB ESTATES DRIVE  
CITY of DOVER, COUNTY of STRAFFORD  
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No. SUBD-2023-0001  
DRAWN BY: KJF FILE: MSA\1734\023-1734SUB  
SCALE: 1" = 50' DATE: FEBRUARY 1, 2023



**McEaney**  
Survey  
**Associates**  
of NEW ENGLAND

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

SURVEYING - PLANNING - CONSULTING

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

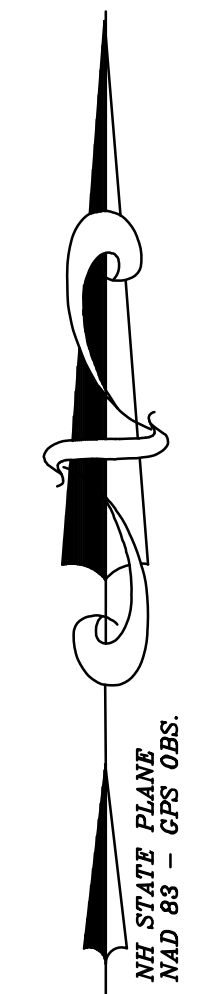
NO.	DATE	DESCRIPTION	BY	CHK
2	5/2/23	REVISE PER TRC COMMENTS	KJF	JG
1	4/5/23	REVISE PER TRC COMMENTS	KJF	KMM

PROJECT NO	SUBDIVISION	FIELDBOOK & PAGES
23-1784		

Dahn H. Tibbett  
Norma M. Tibbett  
130 GULF ROAD  
DOVER, NH 03820  
5037 / 899

25 / 41  
BRIAN M. DALKE  
KELLY A. DALKE  
20 ELMWOOD AVENUE  
DOVER, NH 03820  
4977 / 463



OAK STREET  
Public - R.O.W. width varies

ELMWOOD AVENUE

S.(fd)  
76.79'  
N01°27'45"W  
89.55'  
N11°56'49"W

N12°37'49"E  
172.76'  
N16°39'58"W

N16°39'58"W  
241.66'

N16°39'58"W  
142.34'

N16°39'58"W  
142.38'

25 / 41

L18

L14

L17

L16

I.P.(fd)

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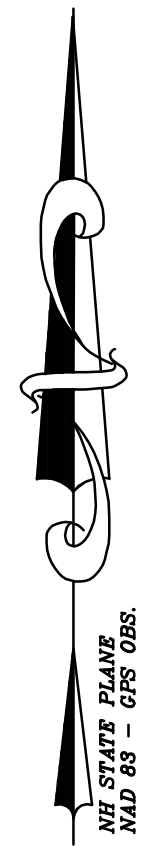
I.R.(fd)

I.R.(fd)

</

EXHIBIT E

Major Subdivision Plan of Map N, Lot 13-1 (Site Layout  
Plan B)



SCALE: 1"=40'

EXISTING SMH  
RIM: 137.76

ELMWOOD AVENUE

OAK STREET  
Public - E.O.M. width variable

PROPOSED UTILITY POLE

PROPOSED UTILITY POLE

PROPOSED UTILITY POLE

①  
43,631 S.F.  
1.00 Ac.

②  
38,990 S.F.  
0.90 Ac.  
PROPOSED TREELINE (TYP)

③  
37,870 S.F.  
0.87 Ac.

④  
61,330 S.F.  
1.41 Ac.

⑤  
46,807 S.F.  
1.07 Ac.

⑥  
44,081 S.F.  
1.01 Ac.

⑩  
44,757 S.F.  
1.03 Ac.

20' BUILDING SETBACK (TYP)

20' BUILDING SETBACK (TYP)

20' BUILDING SETBACK (TYP)

20' BUILDING SETBACK (TYP)

WIRE FENCE LINE

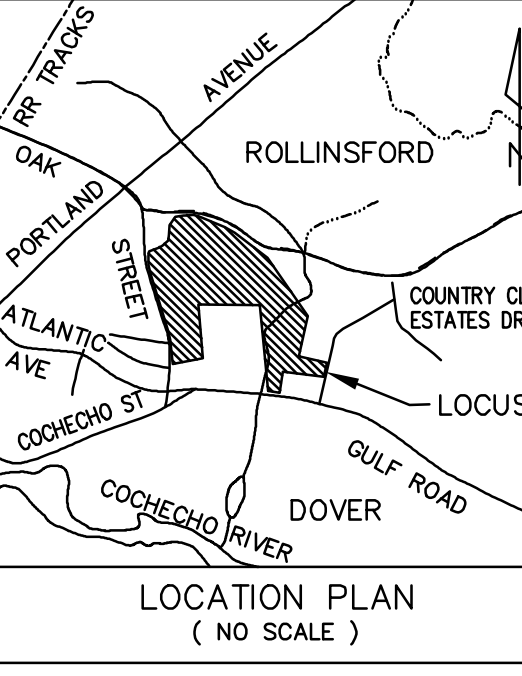
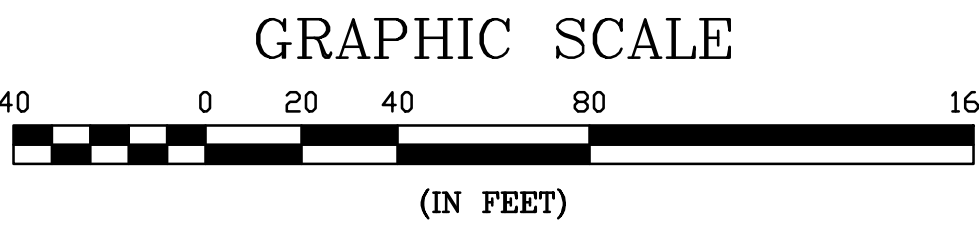
80'  
30' WIDE ACCESS & UTILITY EASEMENT.

PROPOSED DETENTION POND

EXISTING TREELINE (TYP)

CITY OF DOVER WETLAND BUFFER

OPEN SPACE  
750,657 S.F.  
17.23 Ac.  
(157,415 S.F. USABLE UPLANDS)



NOT FOR CONSTRUCTION FOR PERMIT USE ONLY  
PLANNING FILE NO.: SUBD-2023-0001  
CIVILWORKS NEW ENGLAND  
181 Wilson Road, PO Box 1166  
Dover, New Hampshire 03821  
603.749.0443

DATE	NO.	REVISION	APP'D	DATE
2-22-23				
5-2-23				
4-9-23				

DATE: 2-22-23  
SCALE: 1"=40'  
DRAWN BY: CAD  
DESIGN BY: JRG  
APPROVED BY: SJH  
PROJECT NO: 21074  
FILE: SITE

PROJECT: EMERSON RIDGE AT JANETOS FARM AT OAK STREET DOVER, NH  
APPLICANT: CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857

SITE LAYOUT PLAN B  
14 OF 37



**EXHIBIT F**

Photographs of Emerson  
Brook



Photo taken  
January 2023  
of Chinburg  
property



Photo taken  
January 2023  
of Chinburg  
property



Photo taken  
January 2023  
of Jahn Janetos  
and Chinburg  
property

**EXHIBIT G**

Photographs of Emerson Brook Flooding



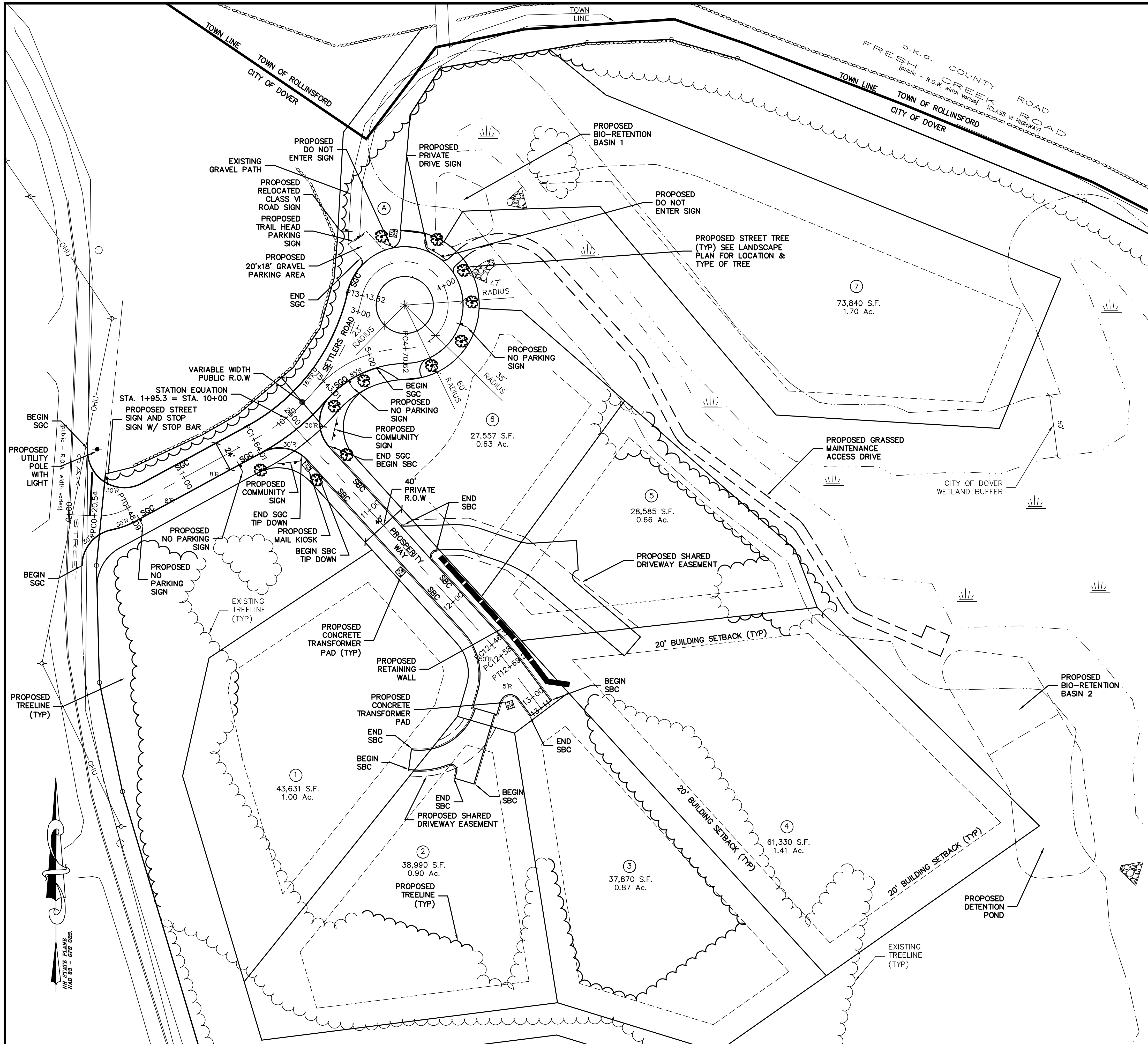




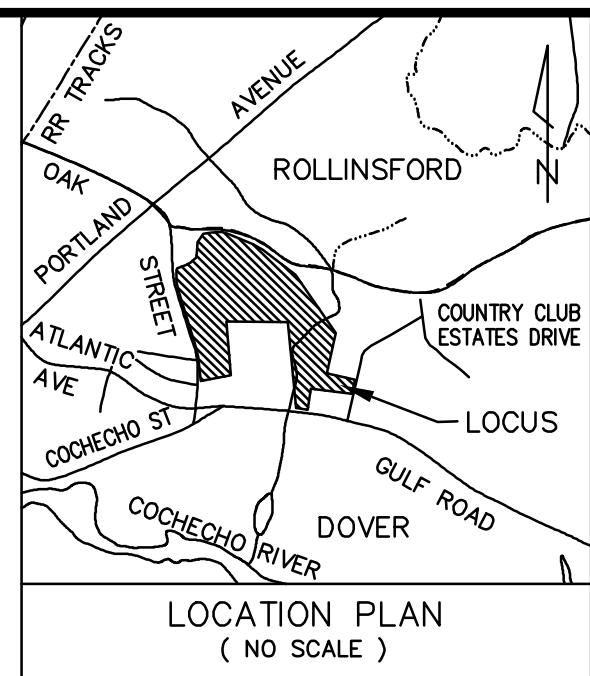
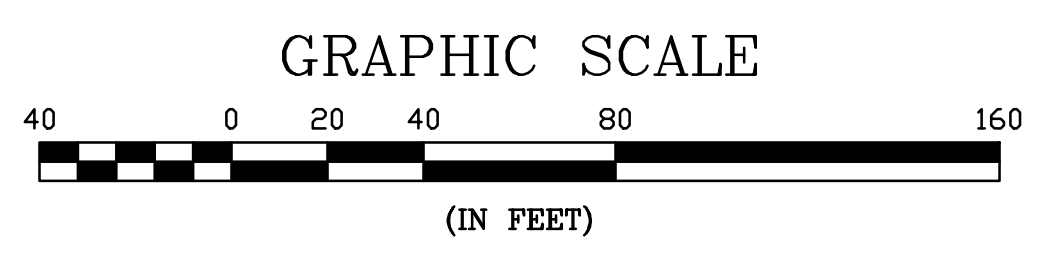


**EXHIBIT H**

Site Layout Plan A



OPEN SPACE  
 688,230 S.F.  
 15.80 Ac.  
 (114,555 S.F. USABLE UPLANDS)



NOT FOR CONSTRUCTION FOR PERMIT USE ONLY	
PLANNING FILE NO.:	SUBD-2023-0001
CIVILWORKS NEW ENGLAND 181 Wilson Road, PO Box 1166 Dover, New Hampshire 03821 603.749.0443	
DATE:	2-22-23
SCALE:	1"=40'
DRAWN BY:	CAD
DESIGN BY:	JRG
APPROVED BY:	JSJH
PROJECT NO.:	21074
FILE:	SITE
NO.:	1
REVISION:	
APP'D:	
DATE:	4-9-23
PROJECT: <b>EMERSON RIDGE AT JANETOS FARM AT OAK STREET DOVER, NH</b> APPLICANT: <b>CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857</b>	
<b>SITE LAYOUT PLAN A</b> <b>13 OF 37</b>	