

Zoning Board of Adjustment - Tuesday, September 15, 2020, 6:30 p.m.

- This meeting will be conducted using the online meeting platform, Zoom. The public may view the meeting online by visiting <u>www.zoom.us/join</u> and enter the Meeting ID: 830 6768 1410.*
- If you are unable to attend the meeting online, you may call the toll-free # (312) 626-6799 and enter Meeting ID: 830 6768 1410 to listen to the meeting.*
- More info on how to access this meeting is available on the Zoning Board of Adjustment webpage at <u>ci.keene.nh.us/zoning-board-adjustment.</u>
- If you encounter any issues accessing this meeting, please call 603-757-0622.

AGENDA

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting
- III. Unfinished Business
- IV. Hearings:

ZBA 20-12:/ Petitioner, Janis Manwaring of 50 Belmont Ave., Keene, requests a Variance for property located at 50 Belmont Ave., Tax Map #598-034-000; that is in the Low Density District. The Petitioner requests a Variance to permit a change to a detached garage into an Accessory Dwelling Unit (ADU) where a detached ADU is not a permitted use in the Low Density District per Section 102-896 of the Zoning Ordinance.

ZBA 20-13:/ Petitioner, Theodore Chabott of 245 Church St., Keene, requests a Variance for property located at 245 Church St., Tax Map #573-060-000; that is in the Medium Density District. The Petitioner requests a Variance to permit the construction of a three car garage within five foot setback where ten feet is required per Section 102-791 of the Zoning Ordinance.

ZBA 20-14:/ Petitioner, David Borden of 55 Langley Rd., Keene, requests a Variance for property located at 173 Wyman Rd., Keene, owned by the Bruce L. and Phyllis R. Borden Revocable Trust, of 173 Wyman Rd., Keene, Tax Map #210-048-000 that is in the Rural District. The Petitioner requests a Variance to permit a three +/- acre lot with 2.85+/- acres of upland and 0.15+/- acres of delineated wetlands, where five acres are required per Section 102-791 of the Zoning Ordinance.

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII Adjournment

*In Emergency Order #12, issued by the Governor pursuant to Executive Order #2020-04, which declared a COVID-19 State of Emergency, the requirement that a quorum of a public body be physically present at the meeting location under RSA 91-A:2, III(b), and the requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the meeting location under RSA 91-A:2, III(c), have been waived. Public participation may be provided through telephonic and other electronic means.

The Board chair will provide instructions during the meeting for how the public can provide comment.

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50 BELMONT AVE. ZBA 20-12



Petitioner requests a Variance to permit to change a detached garage to an Accessory Dwelling Unit where one is not a permitted use per Section 102-896



NOTICE OF HEARING

ZBA 20-12

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 8, 2020 at 6:30 PM to consider the petition of Janis Manwaring, of 50 Belmont Ave., Keene, NH. Due to the COVID-19 State of Emergency, this meeting will be held using the web-based platform, Zoom. The public may access/view the meeting online by visiting www.zoom.us/join or may listen to the meeting by calling (888) 475-4499. The Meeting ID is 857 2267 5504. To notify the public body of any access issues, call (603) 757-0622. More information is available at the City's Zoning Board of Adjustment webpage at www.ci.keene.nh.us/zoning-board-adjustment and on the enclosed document

ZBA 20-12:/ The Petitioner requests a Variance for property located at 50 Belmont Ave., owned by the applicant, Tax Map #598-034-000 that is in the Low Density District. The Petitioner requests a Variance to permit a change to a detached garage into an Accessory Dwelling Unit (ADU) where a detached ADU is not a permitted use in the Low Density District per Section 102-896 of the Zoning Ordinance

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm <u>by appointment only</u> or online at <u>https://ci.keene.nh.us/zoning-board-adjustment</u>. Please call (603) 352-5440 to make an appointment or to speak with a staff person.

ZONING BOARD OF ADJUSTMENT

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Corinne Marcou, Clerk Notice issuance date August 27, 2020

City of Keene • 3 Washington Street • Keene, NH • 03431 • www.ci.keene.nh.us

APPLICATION FOR APPEAL

Zoning Board of Adjustment 3 Washington Street, Fourth Floor Keene, New Hampshire 03431 Phone: (603) 352-5440

| For Office Use | Only: |
|----------------|-------------|
| Case No. 2.6 | -61-06 AC |
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| Received By | Cull |
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| Reviewed By | |

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

APPEAL OF AN ADMINISTRATIVE DECISION

O APPLICATION FOR CHANGE OF A NONCONFORMING USE

| APPLICATION FOR ENLARGEMENT OF A NONCONFORMIN | NG USE |
|---|---------------|
|---|---------------|

- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Janis O. Manwaring

Phone: 603-352-7185

O. Manwar

Address 50 Belmont Avenue

Name(s) of Owner(s) Janis O Manwaring; Daniel O Manwaring

Address 50 Belmont Avenue

Location of Property 50 Belmont Avenue

SECTION II - LOT CHARACTERISTICS

| Tax Map Parcel Number 598//034/000000000 Zoning District | | | | | |
|--|------------------------|--------------------------|-----------------|--------|-------------------|
| Lot Dimensions: Front _ | 131.6' Rear | 143,32 Side | 112.5 | Side | 113.1 |
| Lot Area: Acres | .355 | Square F | eet 15,46 | 3 | |
| % of Lot Covered by Struct | tures (buildings, gara | iges, pools, decks, etc. | .): Existing 26 | 🤔 Prop | oosed <u>2658</u> |
| % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 17.18 Proposed 17.18 | | | | | |
| Present Use garage | | | | | |
| Proposed Use ADU | | | | | |
| | | | | | |

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. Date <u>81920</u> (Signature of Owner or Authorized Agent)

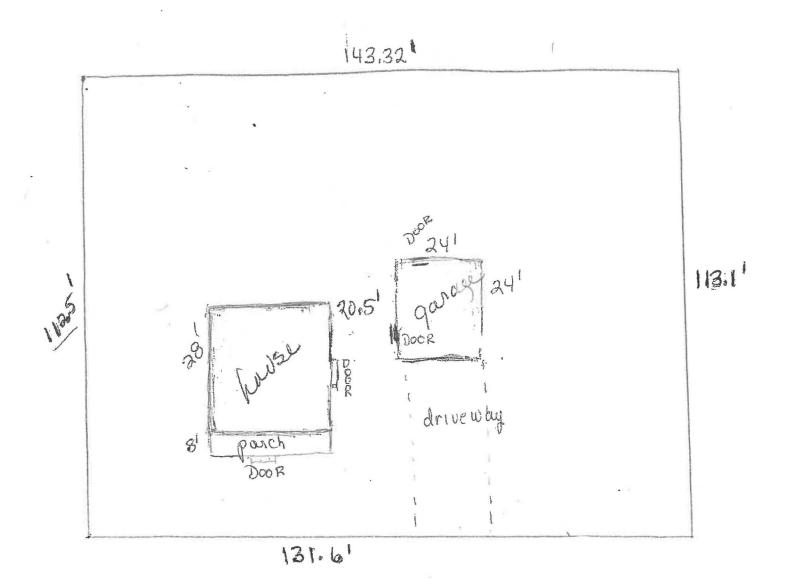
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anie

K:ZBA\Web_Forms\Variance_Application_2010.doc 8/22/2017

anis

Please Print Name





APPLICATION FOR A VARIANCE

102.896

• A Variance is requested from Section (s) ______ of the Zoning Ordinance to permit: My wish is to change my detached garage into an Accessory Dwelling Unit (ADU) for my son j however, it is not a permitted use in the how Density Zone.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

1. Granting the variance would not be contrary to the public interest because:

An Accessory Dwelling Unit (ADU) is permitted in Low Density Zoning if it is attached to the residence. My proposed ADU is in a detached garage; it is a similar size to the Ordinance's size.

My son and his wife will be living there; I will remain in the house. It meets the requirement that the owner lives in the primary residence. It is a similar size that is proposed by the Ordinance.

Finally it is consistent with the residences and values in the neighborhood.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the Ordinance will be observed as my son and his wife will be living there. The original concept of ADU's was to offer a senior family member privacy and independence with close near by. It may be that one day my son and I will change places if I could not walk up the stairs to my home.

It also mirrors the Ordinance that permits an ADU in this zone if attached to the house.

3. Granting the variance would do substantial justice because:

It is fair because no new building is needed to create this ADU. The garage has been there for over 25 years; it has been maintained and is in good shape. My son and his wife want to live near me as I get older and may need more care. That care and concern will hopefully be valued in granting this request for a variance.

4. If the variance were granted, the values of the surrounding properties would not be diminished because

The property values of this residence and garage will increase with an ADU. My taxes will increase because currently the two-car garage is valued at \$7200. The plan for the ADU will include a kitchen, bathroom with shower, bedroom and living room. The exterior will look similar. My son and his wife have one vehicle so the effect on traffic will be minimal. I suspect that the change to an ADU will not be noticed by residents and visitors.

K:ZBA\Web_Forms\Variance_Application_2010.doc 8/22/2017

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

The concern of detached ADU's in the Low Density Zone seems to be related to building a structure on a small lot that would be too close to boundaries and detract from the neighborhood. The garage has been part of this lot for over 25 years. Further, the site plan of the garage and the house only shows that these structure take only 17% of the lot. Making the garage into an ADU would not have a negative effect on the neighborhood.

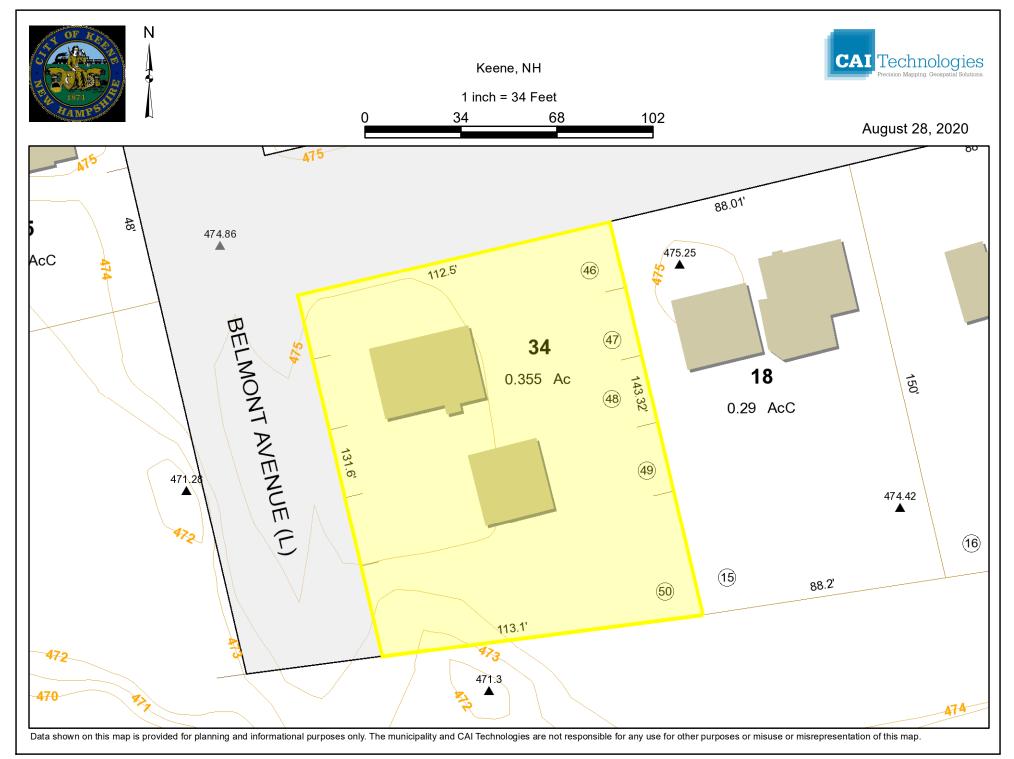
and

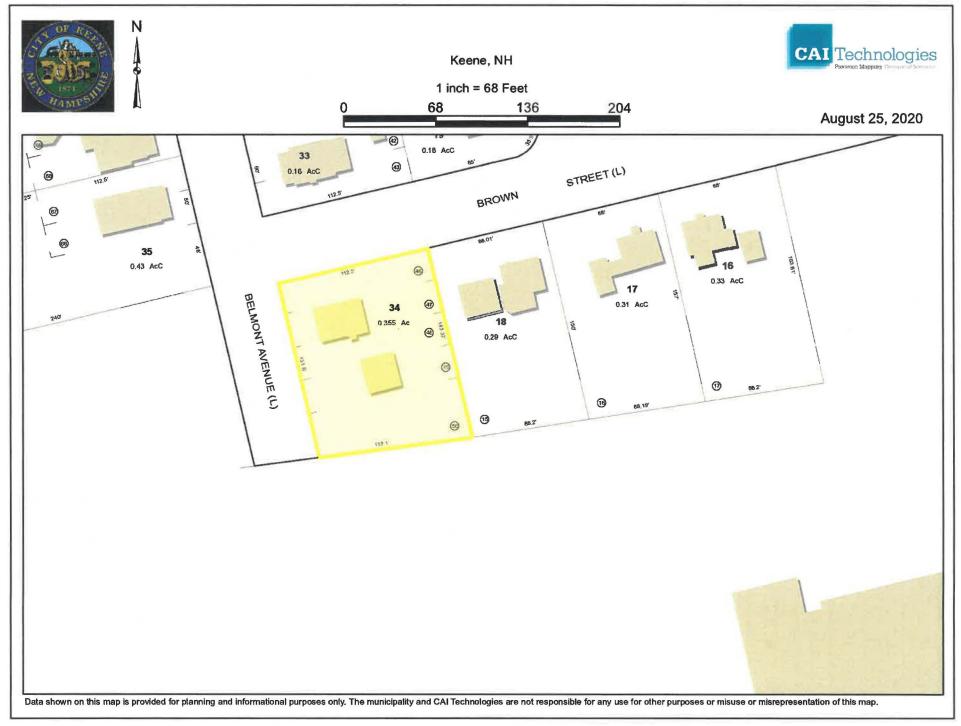
ii. The proposed use is a reasonable one because:

It is a reasonable too have an ADU in a detached building that has been present on the property for over 25 years. The building has been a garage that can be re-purposed as a place where my son and his wife may live following the same guidelines that an attached ADU would follow. It seems reasonable as ADU's are permitted in attached residences in this zone that this variance may be granted.

B. Explain how, if 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.

The hardship is that the garage was built four feet lower that the door to the first floor of the residence. It is impossible to build a breezeway between the garage and the house. Yet a breezeway would meet the requirements of the Low Density Zoning. It is probable that this height difference is the reason that the former owner asked for the garage to be separate from the house.







200 foot Abutters List Report Keene, NH August 16, 2020

Subject Property:

| Parcel Number: | 598-034-000 |
|-------------------|---------------------|
| CAMA Number: | 598-034-000-000-000 |
| Property Address: | 50 BELMONT AVE. |

Mailing Address: MANWARING, JANIS O. 50 BELMONT AVE. KEENE, NH 03431

Abutters: Parcel Number: 598-002-000 Mailing Address: MARKEM CORP CAMA Number: 598-002-000-000-000 150 CONGRESS ST. Property Address: 150 CONGRESS ST. **KEENE**, NH 03431 Parcel Number: 598-002-000 Mailing Address: AMALGAMATED SQUASH C & D CORP CAMA Number: 598-002-000-001-002 179 SOUTH LINCOLN ST. Property Address: 80 MARTIN ST. **KEENE, NH 03431** 598-002-000 Parcel Number: Mailing Address: NORTHERN NEW ENGLAND CAMA Number: 598-002-000-002-002 **TELEPHONE OPERATIONS LLC** Property Address: 150 CONGRESS ST. 770 ELM ST. MANCHESTER, NH 03101 Parcel Number: 598-014-000 Mailing Address: RAMIREZ RAUL RAMIREZ JANICE L. CAMA Number: 598-014-000-000-000 26 COLBY ST. Property Address: 26 COLBY ST. **KEENE, NH 03431** Parcel Number: 598-015-000 Mailing Address: PUNT LEE CAMA Number: 598-015-000-000-000 28 COLBY ST. Property Address: 28 COLBY ST. **KEENE, NH 03431** Parcel Number: 598-016-000 Mailing Address: SAYRE PAMELA A. CAMA Number: 598-016-000-000-000 75 PINE HILL AVE. Property Address: 25 BROWN ST. NASHUA, NH 03064 Parcel Number: 598-017-000 Mailing Address: CONANT DAVID L. CONANT SHEILA A. CAMA Number: 598-017-000-000-000 21 BROWN ST. Property Address: 21 BROWN ST. **KEENE, NH 03431** Parcel Number: 598-018-000 Mailing Address: MCLEROY, MICHAEL ANDREW JR. CAMA Number: 598-018-000-000-000 MCLEROY, SARAH ANNE Property Address: 17 BROWN ST. 17 BROWN ST. KEENE, NH 03431-4301 Parcel Number: **KELLER VICTORIA L.** 598-019-000 Mailing Address: CAMA Number: 598-019-000-000-000 27 COLBY ST. Property Address: 27 COLBY ST. **KEENE, NH 03431** Parcel Number: 598-020-000 Mailing Address: WEBB VICTORIA J. BARNARD ROBERT CAMA Number: 598-020-000-000-000 E. Property Address: 25 COLBY ST. 25 COLBY ST. **KEENE, NH 03431**

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200 foot Abutters List Report Keene, NH August 16, 2020

| Parcel Number: CAMA Number: Property Address: | 598-031-000 598-031-000-000-000 40 BELMONT AVE. | Mailing Address: | PHAM, NGA 40 BELMONT AVE. KEENE, NH 03431 |
|---|---|------------------|--|
| Parcel Number: CAMA Number: Property Address: | 598-032-000 598-032-000-000-000 44 BELMONT AVE. | Mailing Address: | SMITH, MEGAN LOUISE 1256 FOREST AVE. PALO ALTO, CA 94301 |
| Parcel Number: CAMA Number: Property Address: | 598-033-000 598-033-000-000-000 46 BELMONT AVE. | Mailing Address: | DAVOLI TAMMY 46 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 598-035-000 598-035-000-000-000 45 BELMONT AVE. | Mailing Address: | 45 BELMONT AVE. LLC 27 BELMONT AVE. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 598-036-000 598-036-000-000-000 43 BELMONT AVE. | Mailing Address: | HOPE WILLIAM R. RILEY BRENDA 43 BELMONT AVE, KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 598-037-000 598-037-000-000-000 39 BELMONT AVE. | Mailing Address: | HEARN JEANNE S. 39 BELMONT AVE. KEENE, NH 03431 |
| | | | |



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245 CHURCH ST. ZBA 20-13



Petitioner requests a Variance to permit to construct a three car garage within five foot side setback where ten feet is required per Section 102-791

0 KIRK CT. ZBA 20-13



Petitioner requests a Variance to permit to construct a three car garage within five foot side setback where ten feet is required per Section 102-791



NOTICE OF HEARING

ZBA 20-13

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 8, 2020 at 6:30 PM to consider the petition of Theodore Chabott, of 245 Church St., Keene, NH. Due to the COVID-19 State of Emergency, this meeting will be held using the web-based platform, Zoom. The public may access/view the meeting online by visiting www.zoom.us/join or may listen to the meeting by calling (888) 475-4499. The Meeting ID is 857 2267 5504. To notify the public body of any access issues, call (603) 757-0622. More information is available at the City's Zoning Board of Adjustment webpage at www.ci.keene.nh.us/zoning-board-adjustment and on the enclosed document

<u>ZBA 20-13:/</u> The Petitioner requests a Variance for property located at 245 Church St., Tax Map #573-060-000 that is in the Medium Density District. The Petitioner requests a Variance to permit the construction of a three car garage within five foot side setback where ten feet is required per Section 102-791 of the Zoning Ordinance

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm <u>by appointment only</u> or online at <u>https://ci.keene.nh.us/zoning-board-adjustment</u>. Please call (603) 352-5440 to make an appointment or to speak with a staff person.

ZONING BOARD OF ADJUSTMENT

Min Mlaren

Corinne Marcon, Clerk Notice issuance date August 27, 2020

City of Keene - 3 Washington Street - Keene, NH - 03431 - www.ci.keene.nh.us

APPLICATION FOR APPEAL

Zoning Board of Adjustment 3 Washington Street, Fourth Floor Keene, New Hampshire 03431 Phone: (603) 352-5440

| For Office | Use Only: |
|------------|-----------|
| Case No. | ZBA 20,13 |
| Date Filed | 812112020 |
| Received B | y CSM |
| Page 1 | of 14 |
| Reviewed E | iy |

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

| APPEAL OF AN ADMINISTRATIVE DECISION APPLICATION FOR CHANGE OF A NONCONFORMING USE APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE APPLICATION FOR A SPECIAL EXCEPTION APPLICATION FOR A VARIANCE APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS |
|--|
| SECTION I - GENERAL INFORMATION 1603 |
| Name(s) of Applicant(s) <u>Theodore Chabot</u> Phone: <u>209-2215</u> Address <u>245 Church St</u> Name(s) of Owner(s) <u>Same</u> |
| Address |
| Location of Property 245 Church St |
| SECTION II - LOT CHARACTERISTICS |
| Tax Map Parcel Number Image: Contract for the second s |
| Lot Area: Acres 0,384 Ac Square Feet 16712,5 total 2 lots |
| % of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 1100 Proposed 800 |
| % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 2/1/ Proposed 12 1/2 |
| Present Use House and a total of 3 car garge |
| Proposed Use Add 2/3 13 13 rgarage for plassic hars and |

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

1

Hobby Shop

| Theo | dore Chaba | th | Date | |
|------------------------|----------------------|---------|------|--|
| (Signature of Owner of | or Authorized Agent) | | | |
| Please Print Name | Theo dore | Chabott | | |

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PROPERTY ADDRESS

APPLICATION FOR A VARIANCE

245 Church St

• A Variance is requested from Section (s) _______ of the Zoning Ordinance to permit:

Swish to builde 3 car garage with in 5 side set back, DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

1. Granting the variance would not be contrary to the public interest because:

The garage Would be behind my house baroly Visably from the Street. I am requesting this set back so that my vehicles would have proper room to swing into the garage.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The garage sits five ft instead of ten ft from the property Line, which my neighbor has No objections.

3. Granting the variance would do substantial justice because:

It adds value to the nieighbor hood

4. If the variance were granted, the values of the surrounding properties would not be diminished because

I am spending Seventy thousand dollars to build this Garage so it should be an asset to neighbor hood

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

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ii. The proposed use is a reasonable one because:

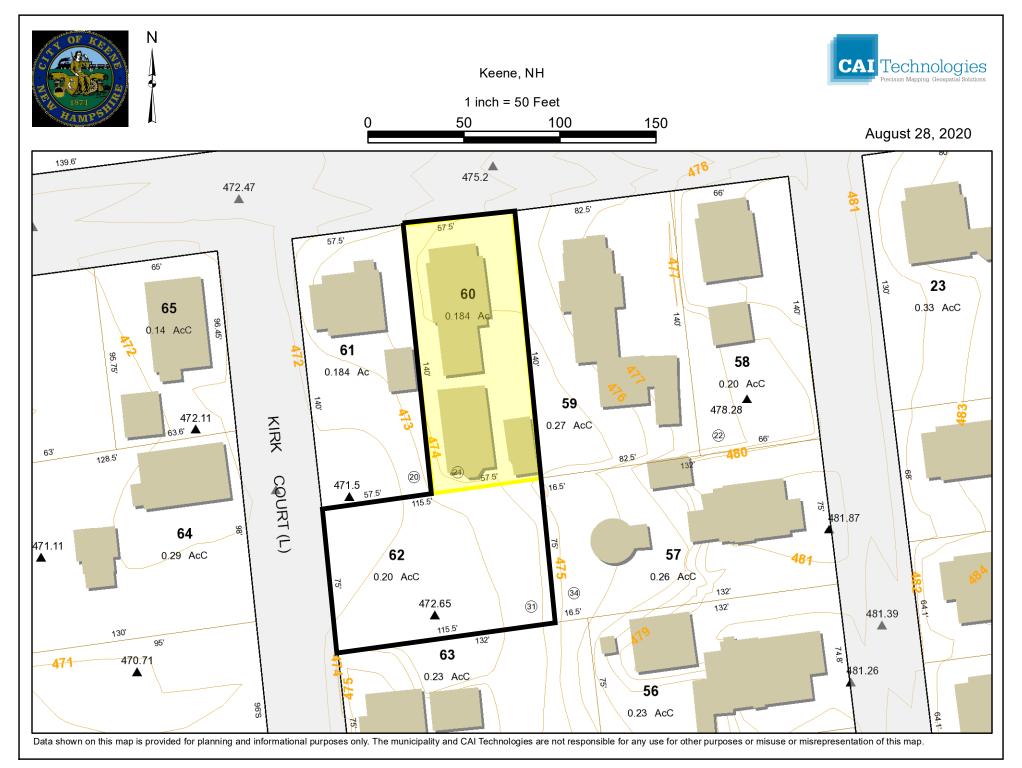
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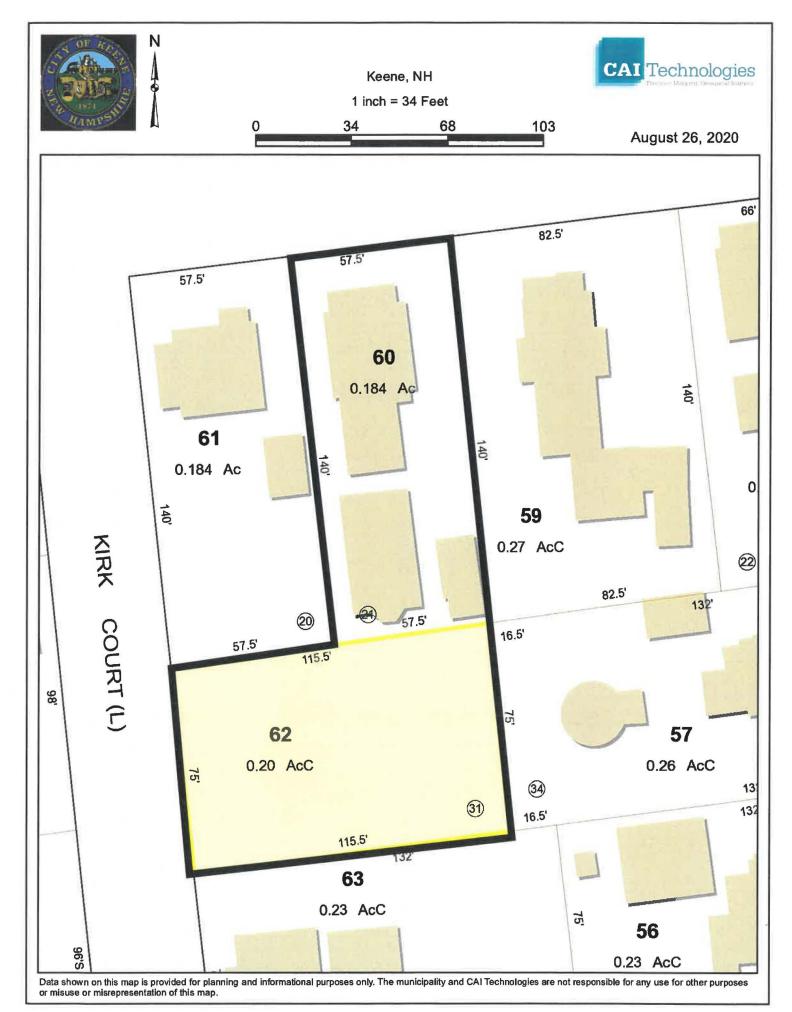
B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

be be bind my have from mal-c Thank you. Ted Chabot



| P.O. BOX 343 • 19 GROVE ST. | KEENE, N.H. 03431-0343 |
|-----------------------------|---|
| | PHONE (603) 352-0343 |
| | Date |
| Name | Address |
| City | Job |
| | |
| To whom. | it my concern |
| | retired and own three rs. I wish to build this |
| garage to R | ouse then in one place |
| à Porte. | ble to work or them : |
| I da | In your for your consideration |
| - Apricant | Ted Chabott |
| | Jeo Chavor |
| | 603-209-2215 |
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200 foot Abutters List Report Keene, NH August 25, 2020

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|---|--|------------------|---|
| Parcel Number: CAMA Number: Property Address: | 573-055-000 573-055-000-000-000 31 VALLEY ST. | Mailing Address: | EASTMAN, DYLAN J. 31 VALLEY ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-056-000 573-056-000-000-000 25 VALLEY ST. | Mailing Address: | DESROSIERS ROYAL DESROSIERS CAROLINE 25 VALLEY ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-057-000 573-057-000-000-000 17 VALLEY ST. | Mailing Address: | REYNOLDS MICHAEL J. REYNOLDS ANDREA M. 17 VALLEY ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-058-000 573-058-000-000-000 259 CHURCH ST. | Mailing Address: | BEDARD, WENDI L. 259 CHURCH ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-059-000 573-059-000-000-000 251 CHURCH ST. | Mailing Address: | SKINNER KATHRYN K. 251 CHURCH ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-060-000 573-060-000-000-000 245 CHURCH ST. | Mailing Address: | CHABOTT THEODORE E. LIVING TRUST 245 CHURCH ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-061-000 573-061-000-000-000 241 CHURCH ST. | Mailing Address: | KORSEN JORDANA D. REV. TRUST 241 CHURCH ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-063-000 573-063-000-000-000 20 KIRK CT. | Mailing Address: | HAYES, TIMOTHY 20 KIRK CT. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-064-000 573-064-000-000-000 7 KIRK CT. | Mailing Address: | MORIN, ERIN E. LAKE, ANDREA A. 7 KIRK CT. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-065-000 573-065-000-000-000 229 CHURCH ST. | Mailing Address: | BERGERON DONALD J. REV. TRUST 229 CHURCH ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-066-000 573-066-000-000-000 215 CHURCH ST. | Mailing Address: | GROSSI PROPERTIES LLC 90 MIDDLE HANCOCK RD. PETERBOROUGH, NH 03458 |
| Parcel Number: CAMA Number: Property Address: | 573-067-000 573-067-000-000-000 36 CARPENTER ST. | Mailing Address: | MGJ REALTY LLC PO BOX 562 KEENE, NH 03431 |

CAL Technologies

8/25/2020

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| 200 foot Abutters List Report Keene, NH August 25, 2020 | | | | | |
|---|--|------------------|--|--|--|
| Subject Property: | | | | | |
| Parcel Number: | 573-062-000 | Mailing Address: | CHABOTT THEODORE E. LIVING TRUST | | |
| CAMA Number: | 573-062-000-000-000 | | 245 CHURCH ST. | | |
| Property Address: | 0 KIRK CT. | | KEENE, NH 03431 | | |
| Abutters: | | | | | |
| Parcel Number: | 570-054-000 | Mailing Address: | CITY OF KEENE | | |
| CAMA Number: | 570-054-000-000-000 | | 3 WASHINGTON ST. | | |
| Property Address: | 238 CHURCH ST. | | KEENE, NH 03431 | | |
| Parcel Number: | 570-055-000 | Mailing Address: | ZINN SHAWN M. ZINN ELIZABETH A. | | |
| CAMA Number: | 570-055-000-000-000 | | 242 CHURCH ST. | | |
| Property Address: | 242 CHURCH ST. | | KEENE, NH 03431 | | |
| Parcel Number: CAMA Number: Property Address: | 570-068-000 570-068-000-000-000 252 CHURCH ST. | Mailing Address: | RONDEAU JOHN G. RONDEAU DAVIDA A. 252 CHURCH ST. KEENE, NH 03431 | | |
| Parcel Number: | 573-023-000 | Mailing Address: | DEMAY BRUCE R. DEMAY YVONNE | | |
| CAMA Number: | 573-023-000-000-000 | | 269 CHURCH ST. | | |
| Property Address: | 269 CHURCH ST. | | KEENE, NH 03431 | | |
| Parcel Number: | 573-024-000 | Mailing Address: | DROUIN MICHAEL | | |
| CAMA Number: | 573-024-000-000-000 | | 16 VALLEY ST. | | |
| Property Address: | 16 VALLEY ST. | | KEENE, NH 03431 | | |
| Parcel Number: CAMA Number: Property Address: | 573-025-000 573-025-000-000-000 22 VALLEY ST. | Mailing Address: | RICHTER FRANK F.M. RICHTER BARBARA B. PO BOX 822 KEENE, NH 03431 | | |
| Parcel Number: CAMA Number: Property Address: | 573-026-000 573-026-000-000-000 28 VALLEY ST. | Mailing Address: | WEGLINSKI ANDREW M. WEGLINSKI AMANDA L. 28 VALLEY ST. KEENE, NH 03431 | | |
| Parcel Number: | 573-052-000 | Mailing Address: | EAST HAVEN PROPERTY LLC | | |
| CAMA Number: | 573-052-000-000-000 | | PO BOX 318 | | |
| Property Address: | 26 KINGSBURY ST. | | CHESTERFIELD, NH 03443 | | |
| Parcel Number: | 573-053-000 | Mailing Address: | GORSUCH HOLLY | | |
| CAMA Number: | 573-053-000-000-000 | | 30 KINGSBURY ST. | | |
| Property Address: | 30 KINGSBURY ST. | | KEENE, NH 03431-3825 | | |
| Parcel Number: | 573-054-000 | Mailing Address: | DOWNES, MICHAEL J. | | |
| CAMA Number: | 573-054-000-000-000 | | 39 VALLEY ST. | | |
| Property Address: | 39 VALLEY ST. | | KEENE, NH 03431 | | |

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200 foot Abutters List Report Keene, NH August 25, 2020

| Parcel Number: | 573-065-000 | Mailing Address: | BERGERON DONALD J. REV. TRUST |
|-------------------|---------------------|------------------|-------------------------------|
| CAMA Number: | 573-065-000-000-000 | | 229 CHURCH ST. |
| Property Address: | 229 CHURCH ST. | | KEENE, NH 03431 |
| Parcel Number: | 573-066-000 | Mailing Address: | GROSSI PROPERTIES LLC |
| CAMA Number: | 573-066-000-000-000 | | 90 MIDDLE HANCOCK RD. |
| Property Address: | 215 CHURCH ST. | | PETERBOROUGH, NH 03458 |
| Parcel Number: | 573-067-000 | Mailing Address: | MGJ REALTY LLC |
| CAMA Number: | 573-067-000-000-000 | | PO BOX 562 |
| Property Address: | 36 CARPENTER ST. | | KEENE, NH 03431 |



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200 foot Abutters List Report Keene, NH

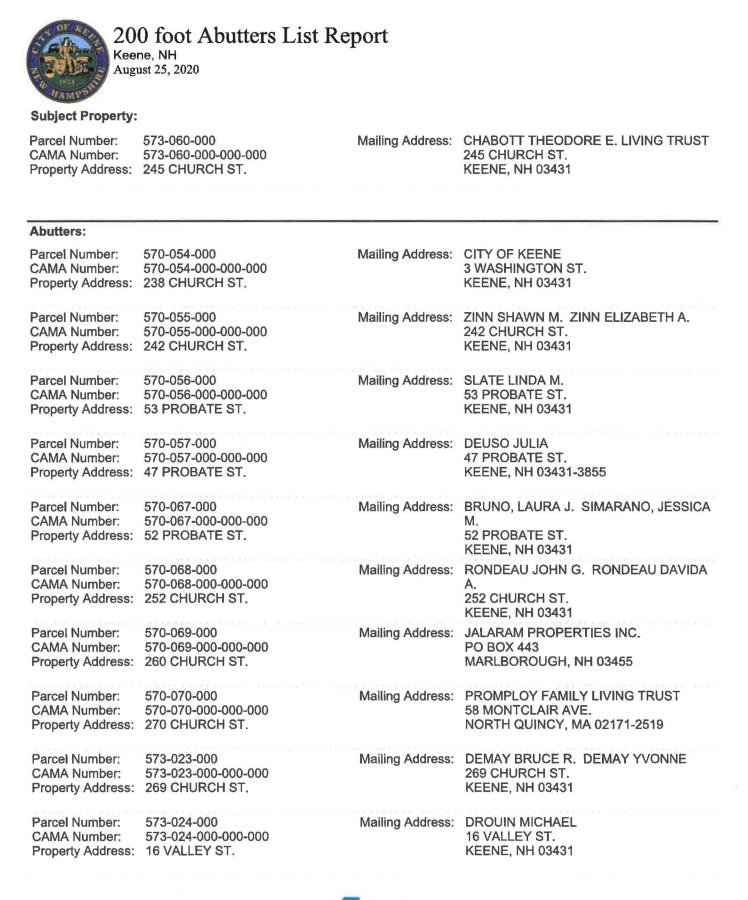
August 25, 2020

| Parcel Number: CAMA Number: Property Address: | 573-025-000 573-025-000-000-000 22 VALLEY ST. | Mailing Address: | RICHTER FRANK F.M. RICHTER BARBARA B. PO BOX 822 KEENE, NH 03431 |
|---|---|------------------|---|
| Parcel Number: | 573-052-000 | Mailing Address: | EAST HAVEN PROPERTY LLC |
| CAMA Number: | 573-052-000-000-000 | | PO BOX 318 |
| Property Address: | 26 KINGSBURY ST. | | CHESTERFIELD, NH 03443 |
| Parcel Number: | 573-053-000 | Mailing Address: | GORSUCH HOLLY |
| CAMA Number: | 573-053-000-000-000 | | 30 KINGSBURY ST. |
| Property Address: | 30 KINGSBURY ST. | | KEENE, NH 03431-3825 |
| Parcel Number: | 573-055-000 | Mailing Address: | EASTMAN, DYLAN J. |
| CAMA Number: | 573-055-000-000-000 | | 31 VALLEY ST. |
| Property Address: | 31 VALLEY ST. | | KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-056-000 573-056-000-000-000 25 VALLEY ST. | Mailing Address: | DESROSIERS ROYAL DESROSIERS CAROLINE 25 VALLEY ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-057-000 573-057-000-000-000 17 VALLEY ST. | Mailing Address: | REYNOLDS MICHAEL J. REYNOLDS ANDREA M. 17 VALLEY ST. KEENE, NH 03431 |
| Parcel Number: | 573-058-000 | Mailing Address: | BEDARD, WENDI L. |
| CAMA Number: | 573-058-000-000-000 | | 259 CHURCH ST. |
| Property Address: | 259 CHURCH ST. | | KEENE, NH 03431 |
| Parcel Number: | 573-059-000 | Mailing Address: | SKINNER KATHRYN K. |
| CAMA Number: | 573-059-000-000-000 | | 251 CHURCH ST. |
| Property Address: | 251 CHURCH ST. | | KEENE, NH 03431 |
| Parcel Number: | 573-061-000 | Mailing Address: | KORSEN JORDANA D. REV. TRUST |
| CAMA Number: | 573-061-000-000-000 | | 241 CHURCH ST. |
| Property Address: | 241 CHURCH ST. | | KEENE, NH 03431 |
| Parcel Number: | 573-062-000 | Mailing Address: | CHABOTT THEODORE E. LIVING TRUST |
| CAMA Number: | 573-062-000-000-000 | | 245 CHURCH ST. |
| Property Address: | 0 KIRK CT. | | KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 573-063-000 573-063-000-000-000 20 KIRK CT. | Mailing Address: | |
| Parcel Number: | 573-064-000 | Mailing Address: | MORIN, ERIN E. LAKE, ANDRÉA A. |
| CAMA Number: | 573-064-000-000-000 | | 7 KIRK CT. |
| Property Address: | 7 KIRK CT. | | KEENE, NH 03431 |

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Page 1 of 3

 Doc # 2002900
 04/16/2020 08:51:01 AM

 Book 3106 Page 466
 Page 1 of 2

 Register of Deeds, Cheshire County

anne Z Tift

Please return the original Voluntary Merger to:

City of Keene Community Development Department 3 Washington Street Keene, New Hampshire 03431



NOTICE OF VOLUNTARY MERGER

(RSA 674:39-A) State of New Hampshire, Cheshire County, City of Keene

Pursuant to RSA 674:39-a, we the undersigned being common owners of the lots described below do voluntarily merge the described lots into a single lot. No merged parcel shall hereafter be separately transferred without subdivision approval.

PARCELS TO BE MERGED

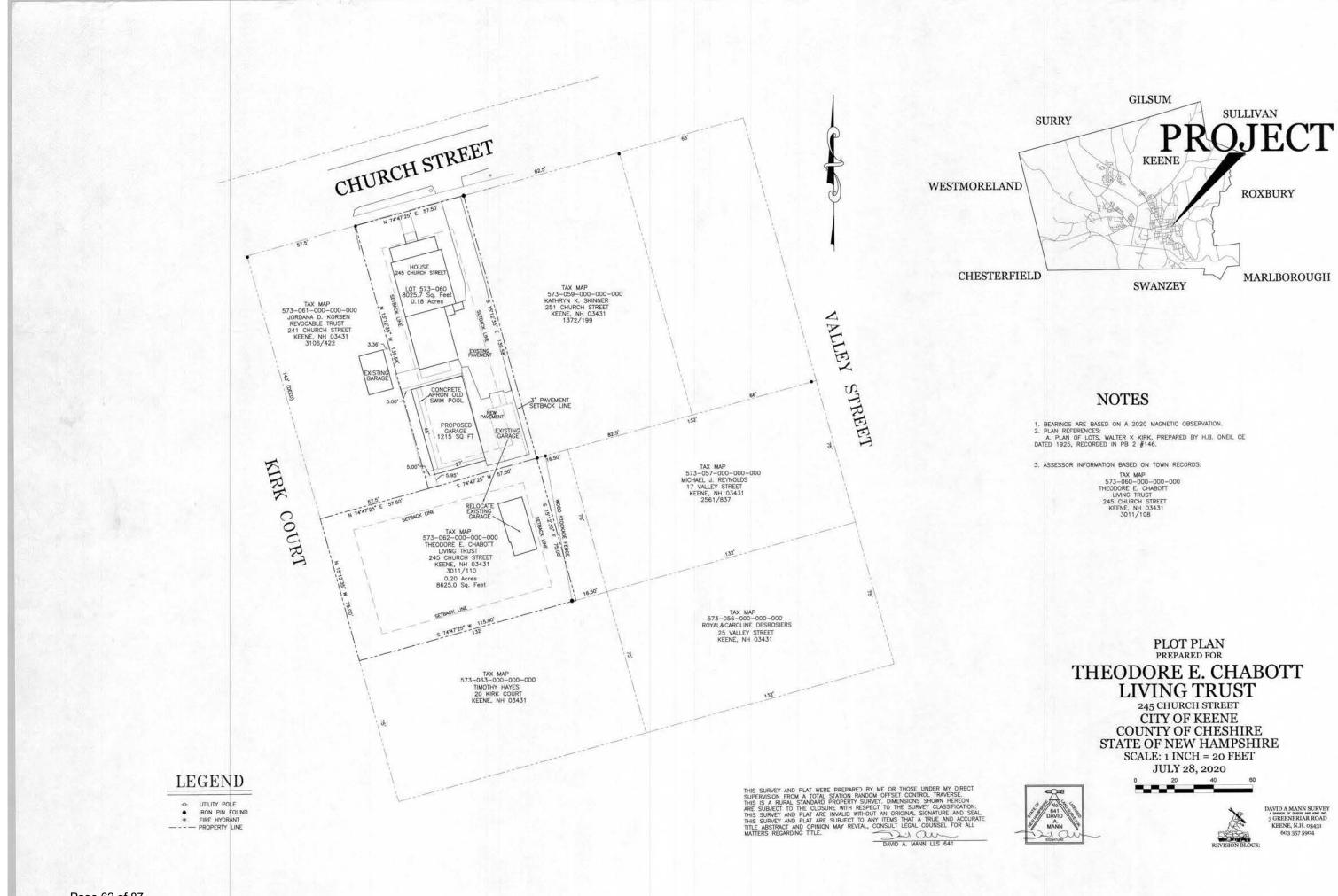
| 1. 2. 3. 4. | ADDRESS and CITY 245 Church Keen O Kirk of Keen | CURRENT DEED VOLUME, PAGE #, AND DATE e Plan Book z Page 146 Plan Book z Page 146 | TAX MAP NO. Loty Loty |
|----------------------|--|--|---|
| <u> </u> | and acknowledged that she/he exec Reodore Chabatt 1 1 1 1 1 1 1 1 1 1 1 1 1 | uted the same in the capacity therein state | the person described in the above potice of ed and for the purposes the prove potice of ary Public/Justice S Ge P COMMISSION expires |
| merger | , kno | | the person described in the above months of and for the purposes therein contained. |
| Owner Print N | | | ary Public/Justice of the Peace expires |
| | | •••••• | 아이 (아이 (아이 (아이))) (아이 (아이)) (아이 (아이)) (아이) (아이 |

Company Name

•

, , ,

| Signature of Owner and Title | Print Owner Name |
|-----------------------------------|--|
| CORPORATE ACKNOWLEI | DGEMENT: |
| On this | day of, 20, before me, the undersigned officer, personally |
| appeared | , who acknowledged himself/herself to be the of the |
| | a New Hampshire corporation, and that he/she, as such |
| purposes therein contained, by si | ed the foregoing instrument for the purposes therein contained by signing the instrument for the gning the name of the corporation by himself/herself as |
| | |
| Notary Public/Justice of the Peac | ye |
| Commission Expires | |
| | |
| | Approved by the City of Keene Planning Board designee: |
| | 4 - 9 - 2020, New Hampshire, $20_20_20_20_20_20_20_20_20_20_20_20_20_2$ |
| | <u>4- 8 - 2020</u> , 20 20 |
| | |
| | John Rogers, Building & Health Official |
| | |



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173 WYMAN RD. ZBA 20-14



Petitioner requests a Variance to permit a three +/- acre lot with 2.85 +/- acres of upland & 0.15 acres of delineated wetlands, where five acres is required per Section 102-791



NOTICE OF HEARING

ZBA 20-14

A meeting of the Zoning Board of Adjustment will be held on Tuesday, September 8, 2020 at 6:30 PM to consider the petition of David Borden, of 55 Langley Rd., Keene, NH. Due to the COVID-19 State of Emergency, this meeting will be held using the web-based platform, Zoom. The public may access/view the meeting online by visiting www.zoom.us/join or may listen to the meeting by calling (888) 475-4499. The Meeting ID is 857 2267 5504. To notify the public body of any access issues, call (603) 757-0622. More information is available at the City's Zoning Board of Adjustment webpage at www.ci.keene.nh.us/zoning-board-adjustment and on the enclosed document

<u>ZBA 20-14:</u>/ The Petitioner requests a Variance for property located at 173 Wyman Rd., owned by the Bruce L. and Phyllis R. Borden Revocable Trust, of 173 Wyman Rd., Tax Map #210-048-000 that is in the Rural District. The Petitioner requests a Variance to permit a three +/- acre lot with 2.85 +/- acres of upland and 0.15 +/- acres of delineated wetlands, where five acres are required per Section 102-791 of the Zoning Ordinance

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm <u>by appointment only</u> or online at <u>https://ci.keene.nh.us/zoning-board-adjustment</u>. Please call (603) 352-5440 to make an appointment or to speak with a staff person.

ZONING BOARD OF ADJUSTMENT

19xem

Corinne Marcou, Clerk Notice issuance date August 27, 2020

City of Keene • 3 Washington Street • Keene, NH • 03431 • www.ci.keene.nh.us

APPLICATION FOR APPEAL

Zoning Board of Adjustment 3 Washington Street, Fourth Floor Keene, New Hampshire 03431 Phone: (603) 352-5440

| For Office Use Only: | | | |
|----------------------|-----|------|--|
| Case No. 2 | 3A | 0-14 | |
| Date Filed 8 | 124 | 2020 | |
| Received By | CSA | 1 | |
| Page | of | | |
| Reviewed By | | | |

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
-) APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) David G Borden

Phone: 603-313-1319

Address 55 Langley Road, Keene, NH 03431

Name(s) of Owner(s) Bruce L and Phyllis R Borden Revocable Trust

Address 173 Wyman Road, Keene, NH 03431

Location of Property Same

SECTION II - LOT CHARACTERISTICS

| Tax Map Parcel Number 210-048 | -000 | Zoning District Rural | |
|-------------------------------|-----------|-----------------------|----------|
| Lot Dimensions: Front 1647 | Rear 3582 | Side 321 | Side 440 |
| Lot Area: Acres 31.7 | | Square Feet | |

% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 0.23% Proposed 2.49%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing <u>0.24%</u> Proposed <u>4.%%%</u> Present Use Residential

Proposed Use Residential

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

Date 8-24-2020

(Signature of Owner or Authorized Agent)

Please Print Name David G Borden

K:ZBA\Web_Forms\Variance_Application_2010.doc 8/22/2017

Page 66 of 87

PROPERTY ADDRESS 173 Wyman Road, Keene, NH

APPLICATION FOR A VARIANCE

- A Variance is requested from Section (s) <u>102-791 Table #1</u> of the Zoning Ordinance to permit: Permit a 3 +/- acre lot where 5 acres are required, With 2.854-acres of UPLand and 0.154-acres of delineated wellands. DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:
- 1. Granting the variance would not be contrary to the public interest because:

It fits in with the current neighborhood charateristics. Many lots in the area are much smaller than this request.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The neighborhood would still be very rural in nature. Wet lands will not be disturbed or built upon. Rural zone will still have 50' set backs.

3. Granting the variance would do substantial justice because:

It would allow an additional building lot that exceeds the size of many in the neighborhood.

4. If the variance were granted, the values of the surrounding properties would not be diminished because

The proposed 3 acre lot fits in nicely with existing neighbors. No new building proposed.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

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 because:

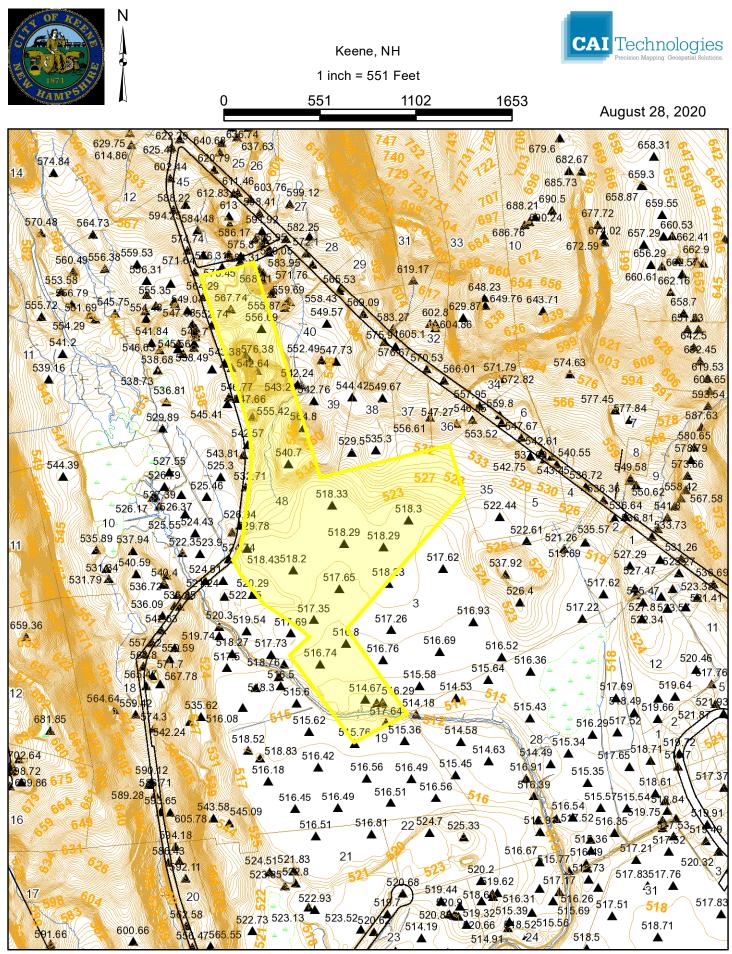
The fact that there is over 31 acres it doesn't appear to be unreasonable to have 2 building lots. A 3 acre division with existing buildings allows an affordable sale to take place and a second lot to be defined to conform to standards.

and

ii. The proposed use is a reasonable one because:

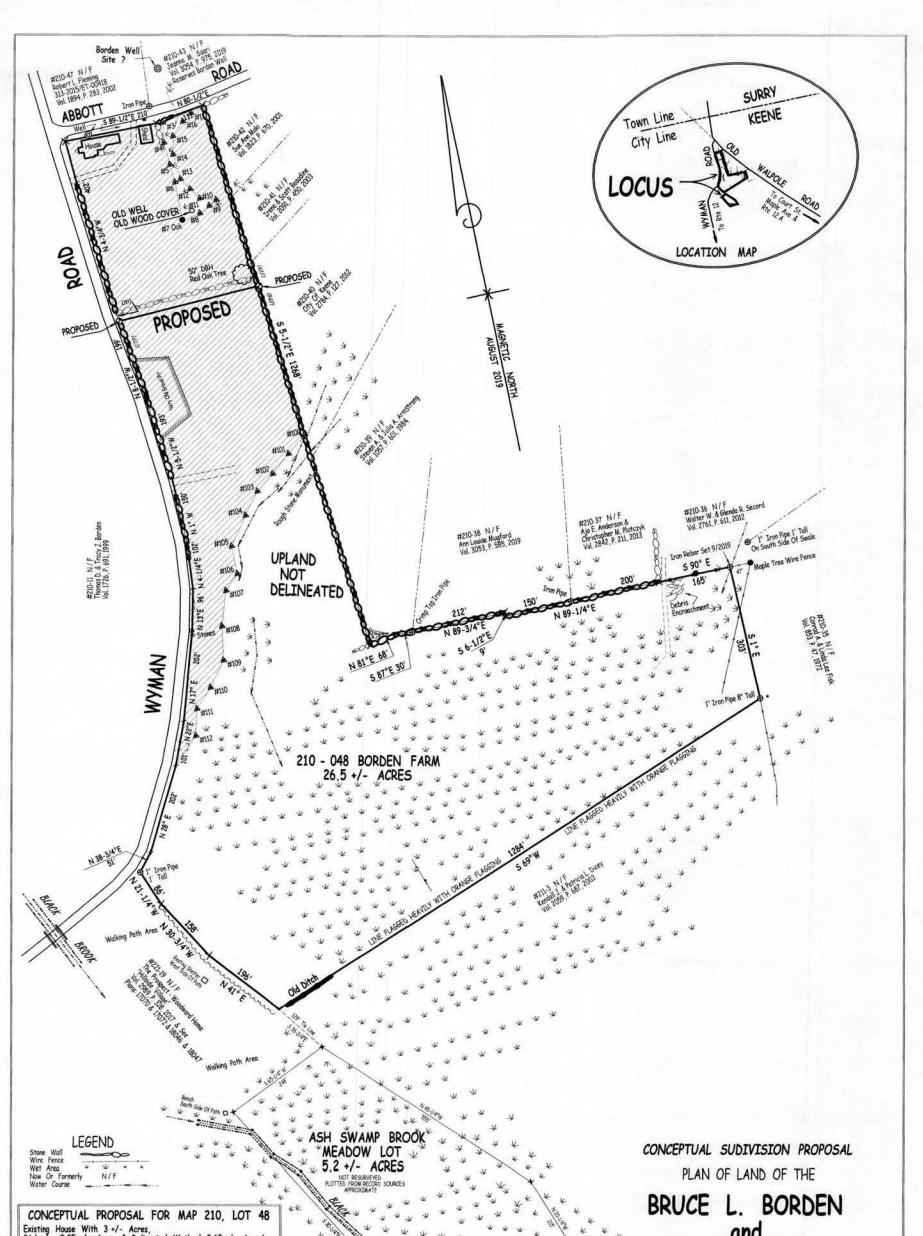
It fits nicely with the existing character of the neighborhood.

B. Explain how, if 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.



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





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Now Or Formerly Water Course -

CONCEPTUAL PROPOSAL FOR MAP 210, LOT 48 Existing House With 3 +/- Acres, (Upland, 2.85 +/- Acres & Delineated Wetland 0.15 +/- Acres)

Remainder Land of 23.5 +/- Acres & 5.2 +/- Acres (Delineated Contiguous Upland 4.1 +/- Acres, Plus Other Undelineated

NOTES:

- Map 210, Lot 48, 173 Wyman Road & Abbott Road, Keene, NH, The Bruce L. Borden and Phyllis R. Borden Revocable Trust, Deed Vol. 1664, P. 190, 1998. Also see survey plan "Copied by Samuel Wadsworth, March 1909", Wadsworth File #XVIII-83, Drawn by George Staturkont, Jan. 1864. Surveyed by H. Colidge Dec. 7, 1820. See a version of this 2020 Borden plan recorded at Plan #19162, Cheshire Co. Reg. Deeds.
- Road Data: Wyman Road, Two Rods Wide (33') City Clerk's Book, Vol. 0, P. 49, 1782. Physical evidence observed at 2 rods wide. & Resurveyed 1836, Vol. 1, P. 51. Abbott Road, The City has this listed as Three Rods Wide (49.5'), City Clerk's Book, Vol. 1, P. 15, 1830, Durt Deleve that this layout is for the section of Wyman Road north of Abbott Road to Old Walpole Road. Abbott Road physical evidence observed at 2 rods wide.
- 3. This plan represents a "Farmlot / Woodlot" classification survey and is the result of land record research and actual closed field survey traverses using two Suunto Compasses, Suunto Clinometer and steel tape with an unadjusted linear misclosure better than 1 part in 300. Some peripheral data may be located by other traverse methods or sources. All measurements should be considered +/ bosed on the accuracy of the survey methods used. All physical evidence and heroa was otherwise stated. Lines shown along the road forntage area should be considered as the lines at or near the right of way line, excepting and reserving any rights or lands, if any, the public may have by virtue of road layouts. Date Of Plan: November 18, 2019 REVISED August 21, 2020: Wetland Flags REVISED August 24, 2020: Conceptual

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* 50:194

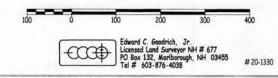
* 3

- Wetland Delineation numbered flags placed by Carl Hagstrom, NH Wetland Scientist #108, August 18, 2020, Monadnock Septic Design, LLC. PO Box 536, Fitzwilliam, NH 03447, 603-585-2272. Flags located August 21, 2020.
- 5. Subdivision subject to field survey work staking and revising plan.

BRUCE L. BORDEN and PHYLLIS R. BORDEN **REVOCABLE TRUST**

173 WYMAN ROAD & ABBOTT ROAD MAP 210, LOT 48, CITY OF KEENE CHESHIRE COUNTY, NEW HAMPSHIRE

SCALE : 1 " = 100 '



200 foot Abutters List Report Keene, NH August 20, 2020

1

210-048-000

Property Address: 173 WYMAN RD.

210-048-000-000-000



Subject Property:

Parcel Number:

CAMA Number:

Mailing Address: BORDEN BRUCE L. REVOCABLE TRUST BORDEN PHYLLIS R. REVOCABLE TRUST 173 WYMAN RD. KEENE, NH 03431

Abutters:

| Parcel Number: CAMA Number: Property Address: | 210-010-000 210-010-000-000-000 118 WYMAN RD. | Mailing Address: | THE PROSPECT-WOODWARD HOME 95 WYMAN RD. KEENE, NH 03431 |
|---|---|------------------|--|
| Parcel Number: CAMA Number: Property Address: | 210-011-000 210-011-000-000-000 152 WYMAN RD. | Mailing Address: | BORDEN THOMAS D. BORDEN TRACEY J. 152 WYMAN RD. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-035-000 210-035-000-000-000 242 OLD WALPOLE RD. | Mailing Address: | FISK CONRAD A. FISK LINDA L. 242-244 OLD WALPOLE RD. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-036-000 210-036-000-000-000 260 OLD WALPOLE RD. | Mailing Address: | SECORD WALTER W. 260 OLD WALPOLE RD. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-037-000 210-037-000-000-000 268 OLD WALPOLE RD. | Mailing Address: | ANDERSON AJA E. PLOTCZYK CHRISTOPHER M. 268 OLD WALPOLE RD. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-038-000 210-038-000-000-000 272 OLD WALPOLE RD. | Mailing Address: | MUGFORD ANN LOUISE 272 OLD WALPOLE RD. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-039-000 210-039-000-000-000 280 OLD WALPOLE RD. | Mailing Address: | ARMSTRONG STEVEN A. SALVATORE JULIA A. 280 OLD WALPOLE RD. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-040-000 210-040-000-000-000 0 OLD WALPOLE RD. | Mailing Address: | CITY OF KEENE 3 WASHINGTON ST. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-041-000 210-041-000-000-000 300 OLD WALPOLE RD. | Mailing Address: | BEAUDINE IRENE BEAUDINE SCOTT 300 OLD WALPOLE RD. KEENE, NH 03431 |
| Parcel Number: CAMA Number: Property Address: | 210-042-000 210-042-000-000-000 4 ABBOTT RD. | Mailing Address: | MAKI SUE ANN 4 ABBOTT RD. KEENE, NH 03431 |
| | | | |

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200 foot Abutters List Report

Keene, NH August 20, 2020

| and a state of the | | | |
|--|---------------------|-------------------------|------------------------------------|
| Parcel Number: | 210-043-000 | Mailing Address: | SAARI, JEANNE M. |
| CAMA Number: | 210-043-000-000-000 | | 314 OLD WALPOLE RD. |
| Property Address: | 314 OLD WALPOLE RD. | | KEENE, NH 03431-4920 |
| Parcel Number: | 210-047-000 | Mailing Address: | FLEMING, ROBERT L. |
| CAMA Number: | 210-047-000-000-000 | | 179 WYMAN RD. |
| Property Address: | 179 WYMAN RD. | | KEENE, NH 03431 |
| Parcel Number: | 211-003-000 | Mailing Address: | DICEY KENDALL J. DICEY PATRICIA L. |
| CAMA Number: | 211-003-000-000-000 | | 220 OLD WALPOLE RD. |
| Property, Address: | 220 OLD WALPOLE RD. | | KEENE, NH 03431 |
| Parcel Number: | 221-019-000 | Mailing Address: | THE PROSPECT-WOODWARD HOME |
| CAMA Number: | 221-019-000-000-000 | | 95 WYMAN RD. |
| Property Address: | 95 WYMAN RD. | | KEENE, NH 03431 |
| Parcel Number: | 221-022-000 | Mailing Address: | NH BLACK BROOK LLC |
| CAMA Number: | 221-022-000-000-000 | | 5620 OLD MILE HILL RD. |
| Property Address: | 55 BLACK BROOK RD. | | OREFIELD, PA 18069 |
| 2-44-5 (A12) (22)- | 004 000 000 | B.A. Illin of A. Island | |

Parcel Number: CAMA Number: Property Address: 0 WYMAN RD.

Applicant

221-028-000 221-028-000-000-000

Mailing Address:

WHITEHEAD CAITLIN 238 WARREN RD. FRAMINGHAM, MA 01702

David Bordon 55 Longley Rol Keene NH 03431

Owners Representative

Deboroh Van Fleet 4604 50 154 Girele Omaha, NE, 68137-511.

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8/20/2020

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