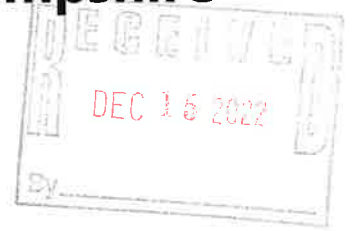




City of Rochester, New Hampshire

Zoning Board of Adjustment



Appeal of Administrative Decision Application

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2-23-02

DATE FILED 12/15/22

CJ
ZONING BOARD CLERK

Applicant: Packy's Investment Properties, LLC c/o Francis X. Bruton, III, Bruton & Berube, PLLC

E-mail: FX@brutonlaw.com Phone: (603)749-4529

Applicant Address: 601 Central Avenue, Dover, NH 03820

Property Owner: Packy's Investment Properties, LLC

Property Owner Address: P.O. Box 77, Farmington, NH 03835

Appeal Address: 17 Sterling Drive, Rochester, NH

Map Lot and Block No: Map 208, Lot 18

Description of Property (give length of lot lines): See attached narrative.

Proposed use or existing use affected: See attached narrative.

The undersigned alleges that an error has been made in the decision, determination, or requirement of:

Shanna B. Saunders, Planning Director on 11/15/2022 to determine that the applicant's intended solar use is as a Power Generation Facility.
Name of enforcement officer date decision

in relation to Article 275 Section 2.2 of the Zoning Ordinance and hereby
ordinance

appeals said decision.

Signed: Wayne Packy Campbell Attorney for Date: 12/15/2022
Packy's Investment Properties, LLC By: Wayne Packy Campbell

STATE OF NEW HAMPSHIRE

Strafford, SS.

City of Rochester
Zoning Board of Adjustment

In Re: Application of Packy's Investment Properties, LLC, 17 Sterling Drive, Rochester, New Hampshire to permit solar use (referred to by City as Power Generation Utility)

APPEAL OF ADMINISTRATIVE DECISION

NOW COMES Packy's Investment Properties, LLC, of P.O. Box 77, Farmington, New Hampshire (hereinafter the "Applicant"), by and through its attorneys, Bruton & Berube, PLLC, who respectfully appeals an administrative decision pursuant to NH RSA 676:5 with respect to the determination made by Director of Planning, Ms. Shanna Saunders, and states as follows:

The Proposed Project

1. At its January 4, 2021 meeting, the Rochester Planning Board approved a site plan for mini-self storage as well as 11 solar trackers, with the solar trackers allowed as an accessory use (hereinafter the "Site Plan"), for property at 17 Sterling Drive, depicted as Tax Map 208, Lot 18 comprising of 6.67 acres, and which is located within the Granite Ridge Development (GRD) zoning district (hereinafter the "Property"). See Planning Board case 208-18-GRD-21.

2. The Applicant recently sought to amend the Site Plan with the installation of thirteen (13) additional solar trackers on the Property.

3. The solar project will have a total peak generating capacity of less than 1-megawatt of alternative current under the State of New Hampshire's Laws pursuant to NH RSA 362-A, *et seq.* By limiting the total peak generating capacity to less than 1-megawatt, the Applicant is considered a "customer-generator" pursuant to RSA 362-A:1-a, II-b.

4. With the addition of the proposed 13 solar trackers, Ms. Saunders determined, in her email to the Applicant dated November 15, 2022, a copy of which is attached hereto, that the Applicant's use now falls into the definition of a "Power Generation Utility," requiring the need for a special exception from the ZBA before it can proceed with the amended Site Plan (hereinafter referred to as the "Decision").

5. The Applicant has filed a concurrent application for a Special Exception to permit the proposed solar use, reserving the assertion that the project, as proposed, represents an accessory use, as previously considered and/or that the Rochester zoning restrictions are preempted by NH RSA 362-A, *et seq.*

6. The Applicant respectfully disagrees with Ms. Saunders' interpretation that the additional 13 solar trackers now means that the use is not accessory, but now a Power Generation Utility.

I. THE APPLICANT'S PROPOSED PROJECT SHOULD BE PERMITTED AS AN ACCESSORY USE TO THE STORAGE UNITS

7. The originally approved Site plan treated the installation of the original 11 solar trackers as an accessory use.

8. Pursuant to the Rochester Zoning Ordinance, an Accessory Use is defined, *inter alia*, as follows:

- A. Is customarily or reasonably associated with the principal use;
- B. Has hours of operation the same as or less than the principal use;
- C. Is incidental and subordinate to the principal use; and
- D. Is located on the same lot or tract as the principal use.

9. The proposed additional trackers are limited to a total peak generating capacity of 400kw AC well below 1-megawatt of alternative current, the same as the originally installed solar trackers, and should be permitted as an accessory use, as these additional trackers satisfy all elements listed above as an accessory use.

10. During the permitting of the Site Plan, the installation of the solar trackers was encouraged, rightfully so, by the City. Specifically, the Technical Review Group ("TRG") minutes, dated October 22, 2020 (see copy attached), encouraged the Applicant to install solar panels (see Planning Department's note 12).

11. Not permitting the same type of solar trackers as those previously approved as an accessory use is arbitrary, and, it is respectfully submitted, unreasonable and illegal. Nothing has changed as to the solar trackers other than the number of solar trackers to be located on the Property.

II. THE RESTRICTION SET FORTH IN THE ADMINISTRATIVE DECISION IS PREEMPTED BY NH RSA 362-A, ET SEQ.

12. NH RSA 362-A:1 provides as follows:

Declaration of Purpose. – It is found to be in the public interest to provide for small scale and diversified sources of supplemental electrical power to lessen the state's dependence upon other sources which may, from time to time, be uncertain. It is also found to be in the public interest to encourage and support diversified electrical production that uses indigenous and renewable fuels and has beneficial impacts on the environment and public health. It is also found that these goals should be pursued in a competitive environment pursuant to the restructuring policy principles set forth in RSA 374-F:3. It is further found that net energy metering for eligible customer-generators may be one way to provide a reasonable opportunity for small customers to choose interconnected self generation, encourage private investment in renewable energy resources, stimulate in-state commercialization of innovative and beneficial new technology, enhance the future diversification of the state's energy resource mix, and reduce interconnection and administrative costs.

13. It is the Applicant's position that the State of New Hampshire has clearly adopted a policy of promoting the establishment of self-generating power facilities, as proposed by the Applicant.

14. NH RSA 362-A permits all customers with any meter to have, by right, solar and to generate power pursuant to the net-metering guidelines for the community in which the customer's property exists. The statute itself makes no attempt to limit where those customers are located. The administrative action subject to this appeal attempts to do so by denying the net-metering customer the use, and thus undermines, the very state policy and purpose of NH RSA 362-A.

15. The doctrine of preemption allows the legislature to override or ignore local land use controls in instances where the legislature has manifested an intent to control a particular activity or where a statute and local ordinance conflict.¹

16. The doctrine of preemption allows private entities to avoid local land use controls. See 15 New Hampshire Practice: Loughlin, Land Use Planning and Zoning, Ch. 12, Generally, Section 12.01, Page 205.

17. The theory behind preemption is that municipal regulation should not be allowed to frustrate the implementation of what might be referred to as state policy. While New Hampshire has a long tradition of local home rule, plenary authority exists within the legislator to override local control when necessary for the greater good.² If a particular activity is found to

¹ Derry Sand & Gravel, Inc. v. Town of Londonderry, 121 N.H. 501, 431 A.2d 139 (1981). See also 15 New Hampshire Practice: Loughlin, Land Use Planning and Zoning, Ch. 12, Generally, Section 12.01, Page 205.

² Region 10 Client Mgt., Inc. v. Hampstead, 120 N.H. 885, 424 A.2d 207 (1980). See 15 New Hampshire Practice: Loughlin, Land Use Planning and Zoning, Ch. 12, Generally, Section 12.01, Page 205.

be exclusively regulated by a state regulatory process, or if the activity is found to be essential to the carrying out of a state policy, such activities will not be allowed to be frustrated by local zoning restrictions.³ The terms of NH RSA 362-A, *et seq.*, clearly define and regulate the customer generator that the Applicant would be, as defined by state statute. To deny the use as a permitted accessory use is to flagrantly disregard the provisions of NH RSA 362-A.

18. The Applicant respectfully submits that it is instructive to acknowledge that the New Hampshire Supreme Court has found that municipalities are preempted from attempting to control locations of lines through local zoning regulations the location of electric transmission lines.⁴

19. To be clear, even where the state has preempted a particular field, a municipality may enforce its regulations against a particular land use so long as the regulations do not have an exclusionary effect. For example, regulations relating to traffic and roads, landscaping, building specifications, snow, garbage and sewage removal, signs, and other related matters which are enforced against all other industrial users may also be enforced against proposed hazardous waste sites.⁵ In this instance, the Applicant will meet all of the dimensional requirements set forth withing the Rochester Zoning Ordinance. It is the “use” solely that is in question, and, as assured by the Applicant, that Rochester may not regulate as to where in the zones the use is permitted. See 15 New Hampshire Practice: Loughlin, Land Use Planning and Zoning, Ch. 12, Generally, Section 12.01, Page 207.

20. Similarly, and consistent with the use that is proposed by the Applicant, the construction and maintenance of dams in hydroelectric generating facilities are regulated by state statutory scheme, the New Hampshire Supreme Court has held that local land use regulations cannot prohibit their location within the municipality. As a result, a hydroelectric facility could be placed in a residential district within a municipality.⁶

21. The Applicant respectfully submits that the intent of NH RSA 362-A, *et seq.* is to provide for the “net-metering” by “customer-generators,” as defined by NH RSA 362-A:1-1, II-b, and that the attempt by the city of Rochester to regulate such use is preempted by the general provisions of NH RSA 362-A, *et seq.*

22. The solar use proposed by the Applicant accomplishes every aspect of the purpose of NH RSA 362-A, providing community customer generation of sustained and green solar power. The actions of the City frustrate that objective without legal justification.

³ Region 10 Client Mgt., Inc. v. Hampstead, 120 N.H. 885, 424 A.2d 207 (1980); City of Edmonds v. Oxford House, Inc., et al., 514 U.S. 725, 115 S. Ct. 1776, 131 L.Ed.2d 801.

⁴ Public Service Company of New Hampshire v. Hampton, 120 N.H. 68, 411 A.2d 164 (1980). See also 15 New Hampshire Practice: Loughlin, Land Use Planning and Zoning, Ch. 12, Generally, Section 12.01, Page 206.

⁵ *Stablex*, 122 N.H. at 1094, 456 A.2d at 95.

⁶ Wasserman & Sandell v. Lebanon, 124 N.H. 538, 474 A.2d 994 (1984). See also 15 New Hampshire Practice: Loughlin, Land Use Planning and Zoning, Ch. 12, Generally, Section 12.01, Page 207.

WHEREFORE, the Applicant respectfully requests the Rochester Zoning Board of Adjustment to:

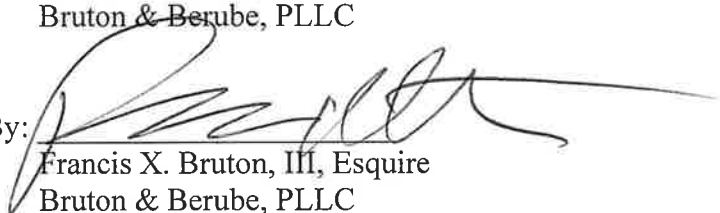
A. Grant the administrative appeal requested by the Applicant and specifically permit the Applicant's proposed use at the Property; and

B. For such other and further relief as may be just and equitable.

Respectfully submitted,
Packy's Investment Properties, LLC
By and through its attorneys,
Bruton & Berube, PLLC

Dated: December 15, 2022

By:



Francis X. Bruton, III, Esquire
Bruton & Berube, PLLC
601 Central Avenue
Dover, New Hampshire 03820
Phone: (603) 749-4529

Meaghan Sherrill

From: Meaghan Sherrill
Sent: Wednesday, December 14, 2022 4:48 PM
To: Meaghan Sherrill
Subject: FW: Power Generation Utility 17 Shaw Drive

From: Shanna Saunders <shanna.saunders@rochesternh.gov>
Sent: Tuesday, November 15, 2022 5:43 PM
To: Packy Campbell <packyc@rsarealty.com>
Cc: Ryan O'Connor <ryan.oconnor@rochesternh.gov>
Subject: RE: Power Generation Utility 17 Shaw Drive

Packy –

I apologize zoning was not inputted into the portal for the TRG I review. However, I know it was discussed at the TRG Meeting.

And you are correct, with the addition of these 13 trackers the primary use of the property shifts from only Mini-warehouse to a combination of Mini-warehouse and whatever use the trackers are defined as. In our Zoning Ordinance, Power Generation Utility is defined as “A facility producing energy from gas, oil, coal, wood, nuclear, waste, hydro and other materials for commercial purposes.” We believe that use category fits what these trackers are doing. We believe sunlight fits under “other materials”.

Therefore, in order to add this use to the property, in the Granite Ridge District, yes, you will need a Special Exception.

Shanna

Shanna B. Saunders
Planning Director

City of Rochester
City Hall Annex, 33 Wakefield Street
Rochester, NH 03867

Email: Shanna.Saunders@rochesternh.gov
Phone: (603) 335-1338



“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.” Margaret Mead

From: Packy Campbell <packyc@rsarealty.com>
Sent: Saturday, November 12, 2022 9:19 AM
To: Shanna Saunders <shanna.saunders@rochesternh.gov>

Cc: Ryan O'Connor <ryan.oconnor@rochesternh.gov>

Subject: Power Generation Utility 17 Shaw Drive

Caution: External email.

Shanna I am following up on a conversation I had with Ryan and comments I put in the portal regarding determination of the Power Generation Utility per prior administration decision.

Can you clarify what the city is calling 17 Sterling Drive the addition of the 13 trackers for a total of 24 is well under the customer generation allowed by state law. 400kw AC

However, you have in the past tried to imply your own limits contrary to the state law up to 1 MW as customer generation. After I left the zoom meeting, I was told by Scott you made some comments and I need to ask for clarification.

If a power generation utility determination is made. I believe will alter the current project approval path and require a special exception from ZBA. (no one has asked me to make that application) And I would want to reserve my right to yet again appeal what I believe to be an illegal determination as a Power Generation Facility. I have a right to build customer generation up to 1 MW as special exception implies that towns have a right to deny that activity. I agree towns have a right to reasonably regulate through a planning process allowable project and no right to unilaterally preempt a right under state law.

I greatly appreciate that the town is working on adoption of a new ordinance which I hope will match state law and clarify that up to 1 mw is not a power generation facility.

Until the adoption of the new ordinance, I feel we are still in a state that requires resolution.

I would appreciate of course an update to your administration decision that is in line with the Net metering state laws. Would perhaps be a faster way to resolve this ongoing issue until we enact the ordinance which should have the same result.

I own other parcels currently under planning to also be solar projects which objectively your prior administrative decision would apply.

Please know that I am thankful for all the time effort and honest communication you and Ryan have provided and I look forward to working with you and your department for years to come.

Packy Campbell

Packy Campbell
Broker Owner Realtor



123 Washington St
Rochester NH 03839

603-332-1100 office
603-332-1900 fax

603-765-9101 cell

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TRG Staff Review of Site Plan Self Storage at 17 Sterling Drive [Map 208 Lot 18]

Date: October 22, 2020

To: Scott Lawler, PE

From: Seth Creighton, Chief Planner

Re: TRG's review of Preliminary Site Plan Application for Self Storage

The TRG reviewed the following:

- Non-Residential Preliminary Site Plan Application, cover letter
- Existing Features Plan, Overall Site Plan, and Site Plan Layout for Tax Map 208, Lots 18, 17 Sterling Drive Rochester NH Prepared for Packys Investment Properties LLC, dated October 2020.

Project description:

Proposed self-storage facility at 17 Sterling Drive, a 6.67 acre lot located in the Granite Ridge Development District, Aquifer Protection Overlay District, and Flood Hazard Overlay District. Four steel buildings totaling 26,800 square feet and a 24-foot wide one-way travel way are proposed. Stormwater management is proposed. A chain link fence will be installed on the sides of the parcel.

Note that the tax map and City GIS map do not reflect the lot merger of Map 208 Lot 18 and Map 208 Lot 18-3 approved in March 2020.

Waiver Requests:

None at this time.

Conditional Use Permits:

None at this time.

Staff's TRG Review Comments:

Planning Department Comments:

- 1) Self-storage facilities fall within the definition of mini-warehouse, which is a permitted use in the GR District. Zoning Ordinance Article 20, Standards for Specific Permitted Uses, applies to this use in the GR District. Per 275-20.2(H), the front setback for all storage structures shall be 100 ft, and side and rear setbacks from any residential property shall be 75 ft. Please add these setback to the plan notes.
- 2) The plan shows wetlands. Please add a note to the plan that the lot is within the Conservation Overlay and add wetland setbacks to the dimensional standards notes section.
- 3) We would support no fences on this project. The industry norm now is to use cameras instead of fences. What security features are proposed here?
- 4) Please provide a landscaping plan, with particular attention to providing a vegetated screen between the cemetery and storage units. Landscaping buffers of 15 ft and 10 feet are required along the front right of way and side of the lot, respectively. Dressing up the front of the lot is key- this will help showcase the product.

- 5) Architectural drawings for the units should be submitted. Please refer to Site Plan Review Section 2(H)(2) for specific design considerations for self-storage facilities.
- 6) A lighting plan will be required.
- 7) If any signage is proposed, a sign permit will be required.
- 8) Please note hours of operation and show snow storage areas. Refer to Site Plan Regulation Article III Section 9.
- 9) No parking is provided. 1 space per 1,000 sf is required for warehouses. Minimum parking requirements may be reduced per Site Plan Regulation Article III Section (10)(C), or by requesting a waiver; either of which Planning Staff will support.
- 10) Are there any intentions of working within 25-feet of the cemetery?
Zoning Ordinance 275.27.2 prohibits construction, excavation, development, or placement of any buildings, structures, signage, or parking inside or within 25 feet of a cemetery. No healthy tree with a DBH of 8 in or more may be cut or removed within 25 feet of the cemetery except by special exception for good cause and with appropriate mitigation. No new chain link fence shall be installed in or around any cemetery.
- 11) Please use LID stormwater systems, per Site Plan Regulation Article III Section 13.
- 12) We recommend the installation of solar panels, per Site Plan Regulation Article III Section 8.D.
- 13) The plans show a FEMA flood zone line. Please label which FEMA flood zone is on each side of the line.
- 14) Please show the Aquifer Protection Overlay area/boundary. Refer to the City's GIS maps for this location.
- 15) Provide a copy of the deed.

Assessing Dept. Comments:

No comments.

DPW Comments:

- 1) Label City's utility easement for the sewer pump station on the plans.
- 2) Show edge of gravel access to sewer pump station (existing). Show proposed improvement and curb cut from new driveway.
- 3) Confirm no City water or sewer is needed for the proposed development. Specifically confirm fire protection needs are met with existing hydrant on Sterling.
- 4) Provide stormwater management design drawings, grading and drainage plans and drainage calculations.

Fire Dept. Comments:

Confirm hydrant location and access.

Police Dept. Comments:

- 1) Would like to see a security lighting plan for the site.

- 2) Applicant should consider continuing the fencing around the whole site not just the back and sides to keep unauthorized people out. Should the fence cross the entrance radio frequency gate access should be provided for both police and fire.
- 3) Will there be security cameras monitoring the premise?

Economic Development Dept. Comments:

As of 10-21-20 written comments have not been issued.

Building/Zoning/Licensing Services Dept.:

Nice project!

ZONING

275 Attachment 4

City of Rochester

**Table 18-D Industrial-Storage-Transport-Utility Uses
[Amended 5-7-2019]**

LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

Industrial-Storage-Transport-Utility-Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Airport	—	—	—	E	—	—	—	—	—	—	—	P	Article 21
Commercial parking facility	—	—	—	—	C	—	—	—	—	—	—	—	
Contractor's storage yard	—	—	—	E	—	—	—	E	P	P	—	—	Articles 20 and 22
Distribution center	—	—	—	—	—	—	P	C	P	—	—	—	Article 21
Emergency services facility	—	—	—	—	C	C	—	C	C	—	P	—	Article 21
Fuel storage	—	—	—	—	—	—	P	E	E	—	—	—	Article 21
Helipad (accessory use)	—	—	—	E	—	E	P	E	P	P	P	P	Article 21
Industry, heavy	—	—	—	—	C	—	P	E	P	E	—	—	Article 21
Industry, light	—	—	—	—	—	—	P	P	P	—	—	—	Article 21
Industry, recycling	—	—	—	—	—	—	—	—	—	P	—	—	Articles 20 and 22
Junkyard	—	—	—	—	—	—	—	E	E	P	—	—	Articles 20 and 22
Laundry establishment-3	—	—	—	—	—	—	—	P	P	—	—	—	
Mini-warehouse	—	—	—	—	—	—	P	C	P	—	—	—	Articles 20 and 21
Monument production	—	—	C	—	—	C	—	P	P	P	—	—	Article 21
Parking lot	—	C	C	C	C	C	—	P	C	P	C	P	Article 21
Printing facility	—	—	C	—	—	P	P	P	P	—	—	—	
Public parking facility	—	—	—	—	P	—	—	—	—	—	—	—	
Recycling facility	—	—	—	—	—	—	—	E	E	P	—	—	Articles 20 and 22
Research and development	—	—	—	—	E	P	P	P	P	—	—	—	Article 21
Sawmill	—	—	—	—	—	—	—	—	E	—	—	—	Article 21
Sawmill, temporary (accessory use)	—	—	—	P	—	P	—	P	P	P	—	P	Article 23

ROCHESTER CODE

Industrial-Storage- Transport-Utility-Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Solid waste facility	—	—	—	—	—	—	—	—	—	P	—	—	Articles 20 and 22
Tank farm	—	—	—	—	—	—	P	C	P	—	—	—	
Trade shop	—	—	C	—	C	C	P	P	P	P	—	—	Article 21
Transportation service	—	—	C	—	C	—	P	P	C	C	—	—	Article 21
Truck terminal	—	—	—	—	—	—	P	—	C	C	—	—	Article 21
Utility - substation	E	E	E	E	E	C	E	P	P	P	E	E	Article 21
Utility - power generation	—	—	—	—	E	—	E	—	E	E	—	—	Article 21
Warehouse	—	—	C	—	C	C	P	P	P	C	—	C	Articles 20, 21 and 23
Wireless communications facility	—	—	—	E	E	E	P	E	P	P	E	E	Articles 20 and 22

UTILITY, POWER GENERATION

A facility producing energy from gas, oil, coal, wood, nuclear, waste, hydro, and other materials for commercial purposes.



17 Sterling Drive

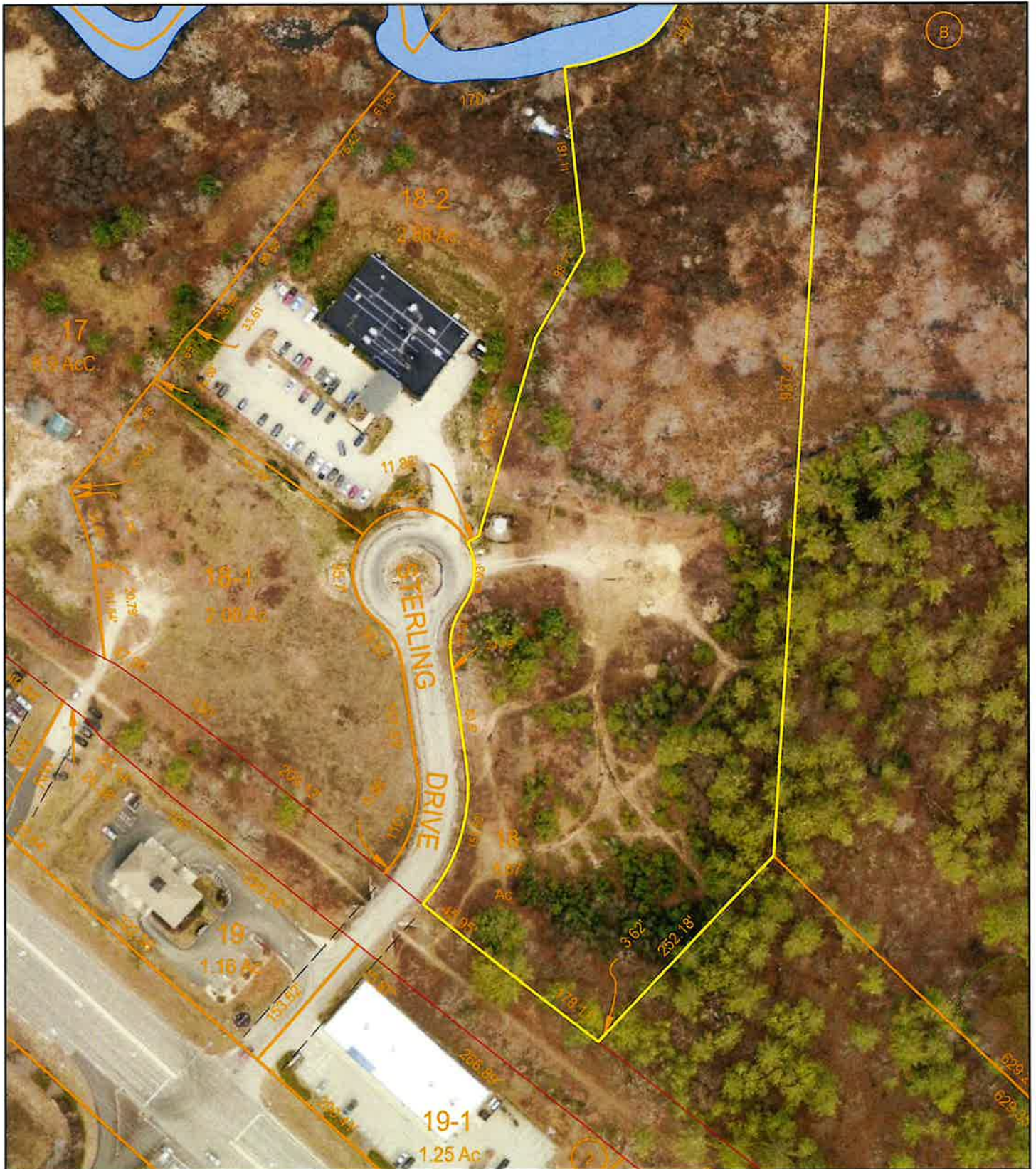
City of Rochester, NH

1 inch = 180 Feet



www.cai-tech.com

December 21, 2022



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.

CURRENT OWNER		UTILITIES		TOPO		ZONING		CURRENT ASSESSMENT		VISION	
PACKYS INVESTMENT PROPERTIES LLC		0 NONE		0 LEVEL		G GRANITE		LUC Co		ROCHESTER, NH	
P O BOX 77		0 CITY SEWER		NEIGHBORHOOD		NHBD NAME		390		211,000	
FARMINGTON NH 03835-0077		0 CITY WTR PBO		3001		COMMERCIAL RT 11 N		211,000		211,000	
		UTL/ST/ TRAF		EXEMPTIONS							
		0 PAVED		Year		Code					
		0 MEDIUM									
				Description							

ABUTTER LIST

City of Rochester, NH
Please Print or Type

Applicant: Packys Investment Properties LLC **Phone** 603-765-9101
Project Address: 17 Sterling Drive, Rochester, NH

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.

LEGAL OWNER OF SUBJECT LOT

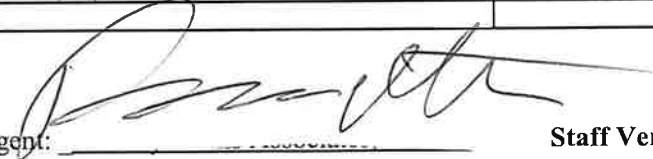
Map	Lot	Owner Name	Mailing Address
208	18	Packys Investment Properties LLC	PO Box 77, Farmington, NH 03835

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
208	18-1	Same as applicant	
208	18-2	Elliott Bay Healthcare Realty LLC	617 Eastlake Avenue Suite 305, Seattle, WA 98109
208	19-1	Hermitage Place Limited Partnership	PO Box 648, Concord, NC 28025
209	9	Ralph W. Torr & Pauline Torr Revocable Trust of 2000	283 Chestnut Hill Road, Rochester, NH 03867
209	17	Kelley Kathleen & Robert J. Torr	214 Blackwater Road, Dover, NH 03820
216	13	State of New Hampshire Department of Transportation	PO Box 483, Concord, NH 03302
216	14-1	Merrick E. & Dolores A. Lane	12 Little Falls Bridge Road, Rochester, NH 03867-4307

PROFESSIONALS AND EASEMENT HOLDERS. Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.

Name of Professional or Easement Holder	Mailing Address
Scott A. Lawler, PE; Norway Plains Associates, Inc.	PO Box 249; Rochester, NH 03866-0249
Damon E. Burt, CWS; Fraggie Rock Environmental	38 Garland Road, Strafford, NH 03884
Francis X. Bruton, III, Bruton & Berube, PLLC	601 Central Avenue, Dover, NH 03820

Applicant or Agent: 
Francis X. Bruton, III, Esquire
Attorney for the Applicant

Staff Verification: _____