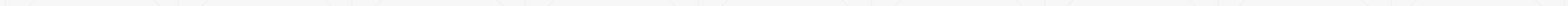


15 Park Ave Garage Project

Zoning Board of Appeals Meeting
_____, 2025

Agenda

- Background
- Current State
- Planning Board Approved Site Plan (Jan 6, 2025)
- Maps, Photographs of 15 Park Ave and Undeveloped Town Land



Background

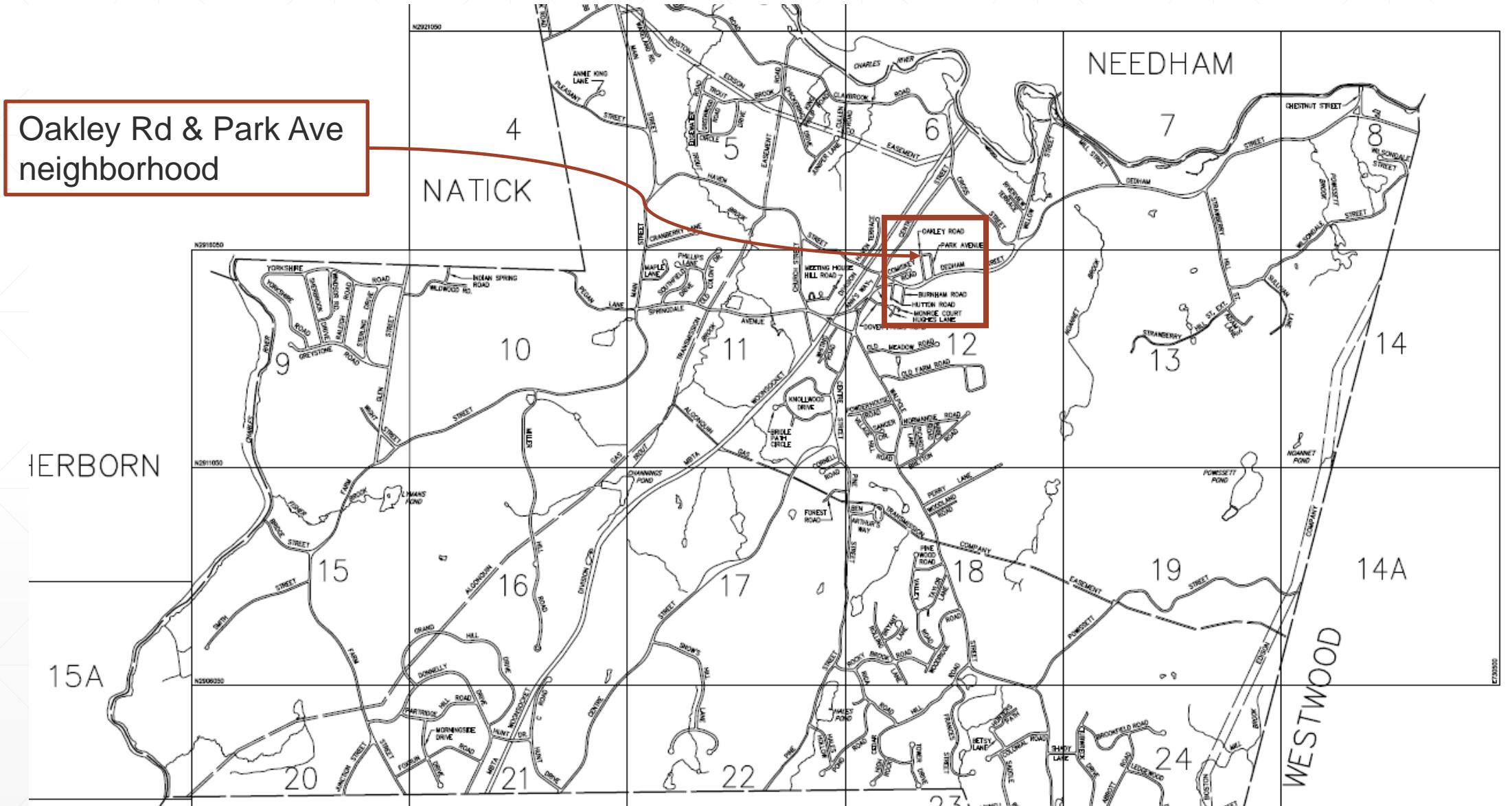
- Tom & Christine Heer moved to 15 Park Ave., Dover in September 1999
- Over the last 25 years, we have been making significant improvements to our property
- We would like to construct a detached garage on the west side of our property, which abuts unimproved land owned by the Town of Dover
- In April 2023, we approached the Board of Selectmen in an unsuccessful attempt to purchase all or some of the land
 - Discussion with immediate neighbors revealed no objections to the idea at the time
- After site plan approval from the Planning Board, our building permit application was denied due to non-compliance with Sec 185-23 (corner lot) setback requirements, with the opinion that the undeveloped Town land is a Street.
- In 2002, our building permit was approved to build a shed. The application and site plan submitted at the time clearly indicates a side lot line set back of 10 feet. No mention of Sec 185-23 was made at the time.
- The 2002 approval, current Dover bylaws as well as Massachusetts case law support our assertion that it is not a street and that Sec 185-23 does not apply.
- We are requesting the ZBA provide a legal opinion on the applicability of Sec 185-23, when the adjacent land is not actually a Street.

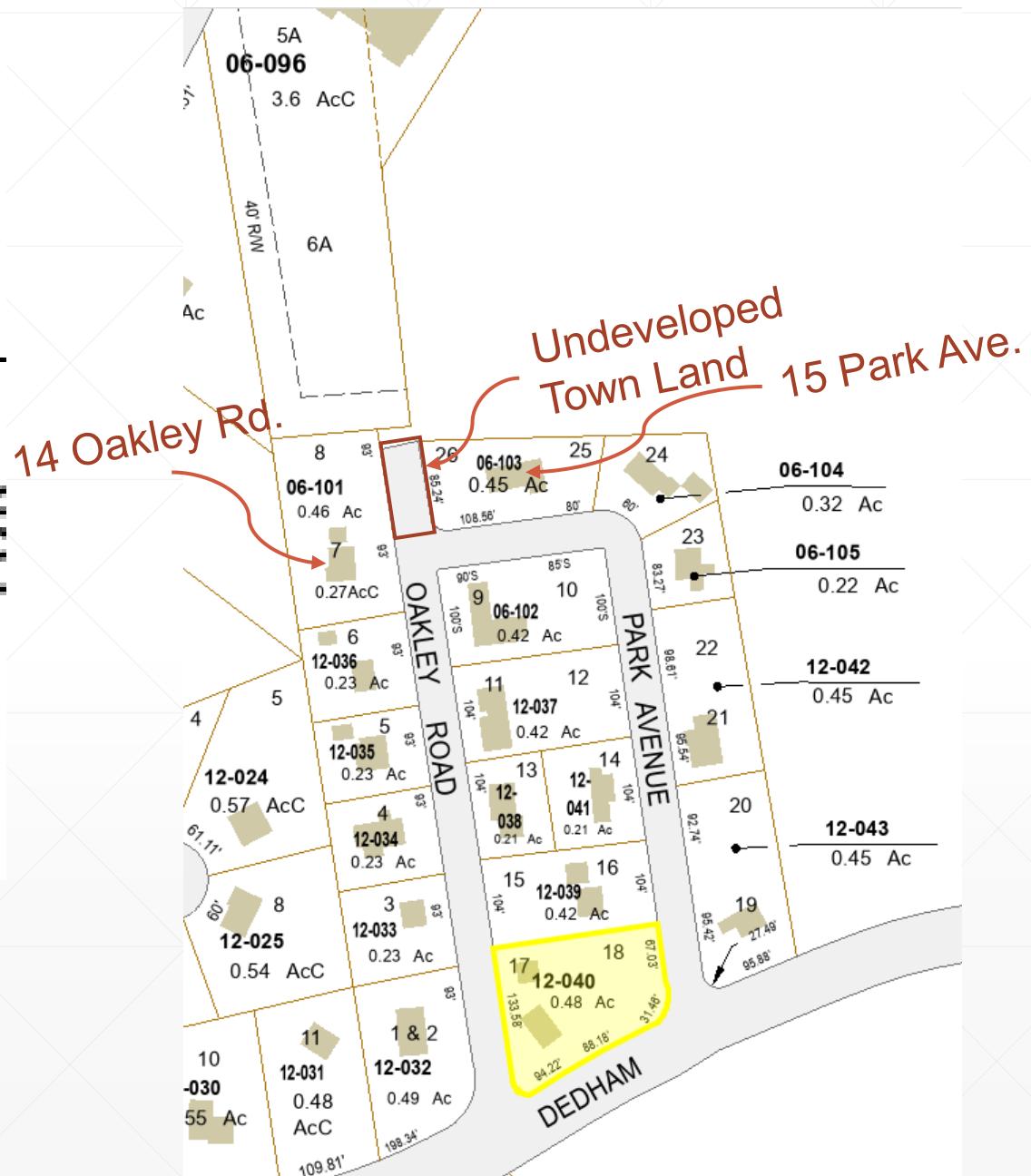
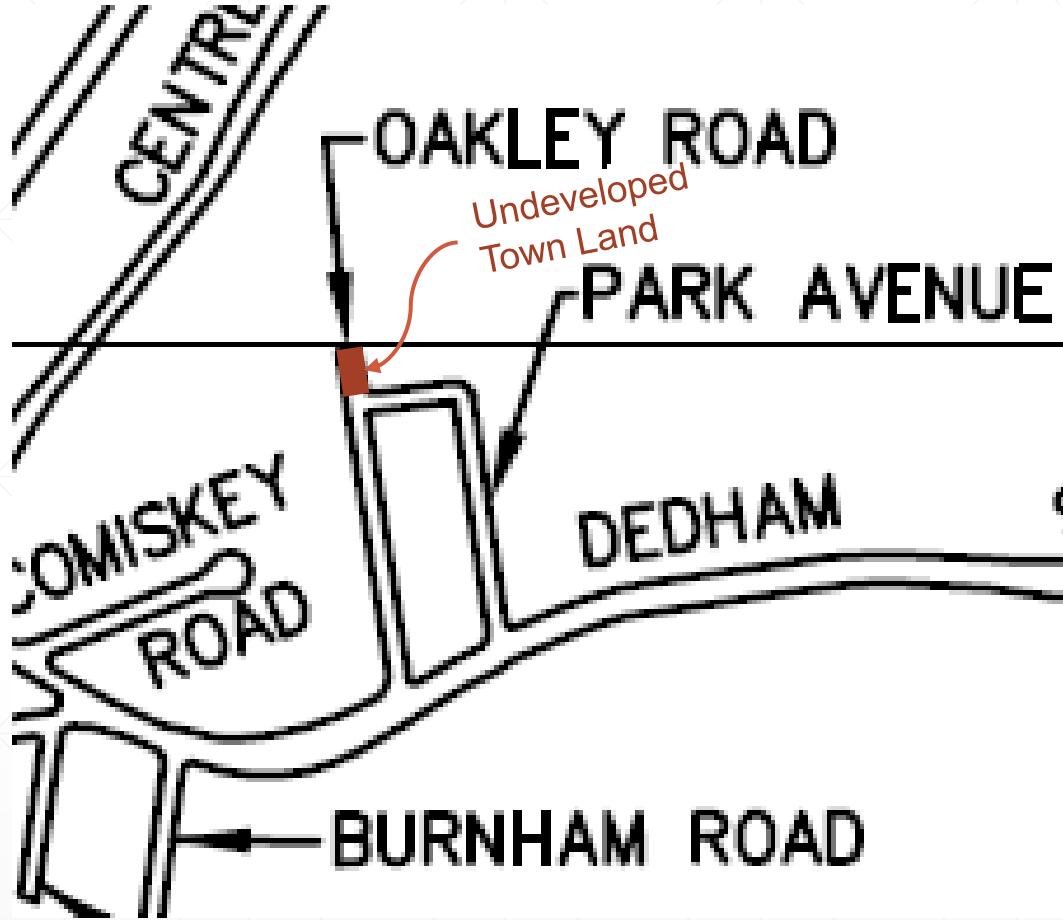


Current State

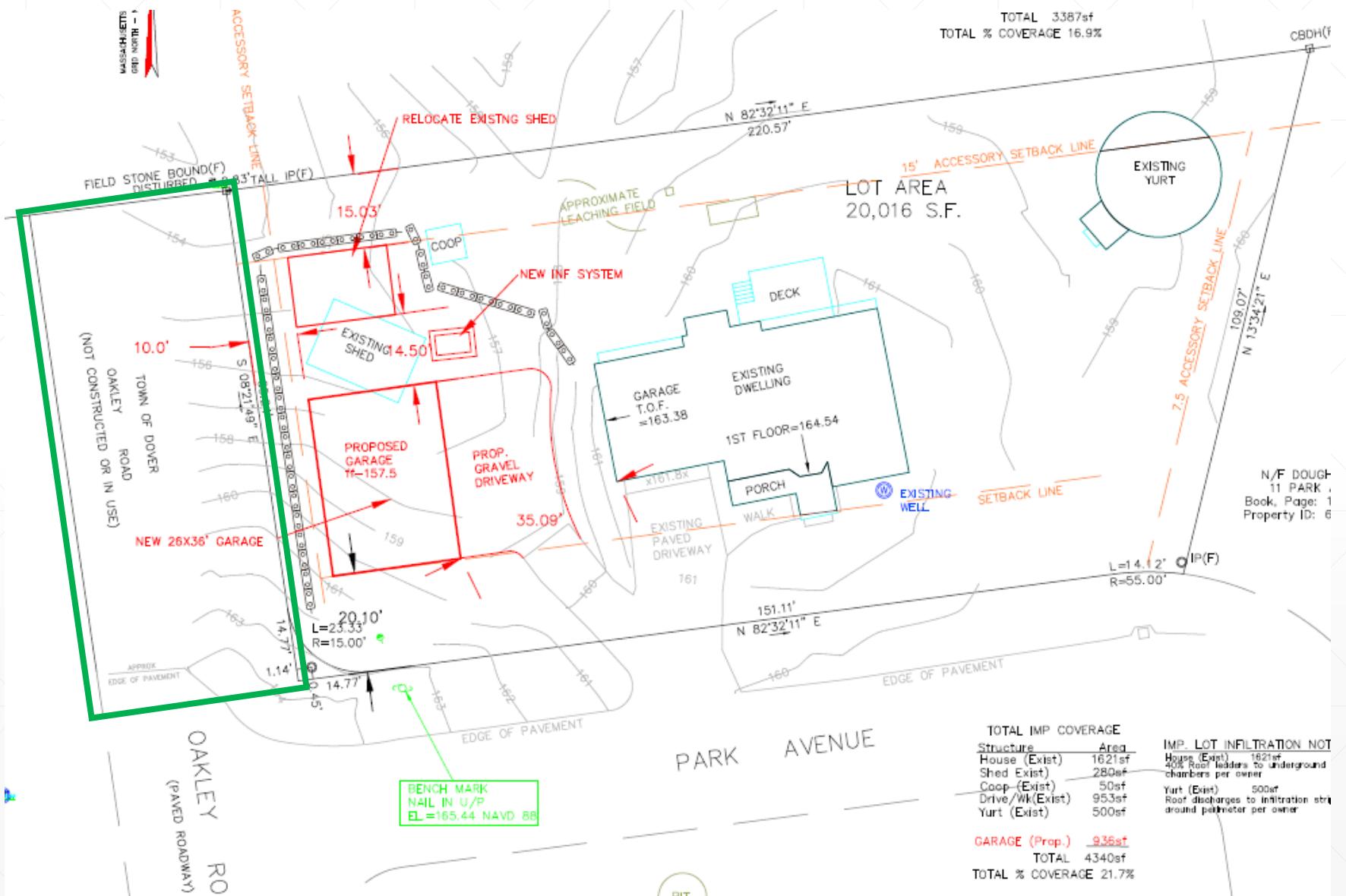
- The entire length of Oakley Road was a Private Way until the Town officially accepted it as a public way at the May 4, 1998 Annual Town Meeting.
- The final 85 feet of Oakley Road adjacent to 15 Park Ave was never graded nor paved, nor has it ever been maintained in any way, by anyone, including the Town, in the over 100 years since its initial layout.
- It remains impassible by car or truck as it overgrown with large trees and scrub and has a fairly steep drop off. In its current state, emergency vehicles would not be able to traverse the land without extreme difficulty, if at all.
- On paper, the parcel is a dead-end, with no tangible purpose. Originally it may have been intended as access to the end lot on Oakley Road (see lot 06-101 on the following slides), which originally were laid out as two separate $\frac{1}{4}$ acre lots, but which have always been a combined lot. This may also explain why the parcel was never graded, paved or maintained past the intersection with Park Ave.

Oakley Rd & Park Ave neighborhood





Approved Site Plan



Photographs

From end of Park Ave., looking approx. northwest (Most Precious Blood parking lot in the distance)



From end of Park Ave., looking approx. north



15 Park Ave SW property marker

Photographs

From end of Park Ave., looking approx. east, at end of Oakley Rd. pavement (14 Oakley Road residence)



From end of Oakley Rd., looking approx. north, at undeveloped parcel (existing shed on the right, Church parking lot in the background)



Current Photographs

From NE corner of Town parcel,
looking up approx. south (shed on
the left, 14 Oakley on the right)



15 Park Ave NW property marker

From NW corner of Town parcel, looking
approx. southeast



Oakley Road NW corner (?)