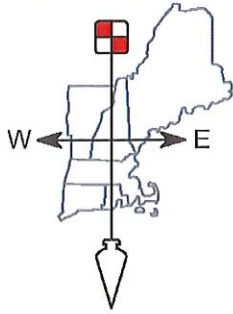


LETTER OF TRANSMITTAL



FIELDSTONE

LAND CONSULTANTS, PLLC

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

To: Town of Greenville
Zoning Board
Town Hall
46 Main Street – P.O. Box 373
Greenville, NH 03048

Date: February 17, 2021

Re: Zoning Board of Adjustments - Variance Application
Kyle Meedzan - 279 Adams Hill Road
Greenville, NH - Tax Map 3 Lot 31B

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
1	1/14/21		ZBA Application & Narrative – Kyle Meedzan, with Fees
1	1/14/21		Abutter's List
3	1/14/21		Abutter Labels
1	1/14/21		Letters of Authorization
4	1/14/21		Full Size Plan 22"x34"
4	1/14/21		Half Size Plan 11"x17"

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit ____ copies for approval
 For your use Approved as noted Submit ____ copies for distribution
 As requested Returned for corrections Return ____ corrected copies
 For review and comment _____
 FOR BIDS DUE: _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

Please contact me with any questions.

Thank you,

Michael D. Ploof, LLS

APPLICATION FOR APPEAL

To:
Zoning Board of Adjustment
Town of Greenville
Greenville, NH 03048

Do not write in this space
Case No. _____
Date filed: _____
(signed - ZBA)

Name of applicant Kyle Meedzan
Address P.O. Box 177, Greenville, NH 03048
Owner Kyle & Kristy Meedzan
(if same as applicant, write "same")

Location of property 279 Adams Hill Road
(number, street)
Map 3 Lot 31B, Rural / Agricultural (RA)
(map number & lot number, zoning district)

NOTE: Fill in Section 1, 2, 3, or 4 as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate. Sign application at end.

Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of zoning ordinance.

Decision of the enforcement officer to be reviewed _____

** N/A **

_____ Number _____ Date _____
article _____ section _____ of the zoning ordinance in question: _____

Section 2. APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the zoning ordinance article _____ section _____

** N/A **

Section 3. APPLICATION FOR VARIANCE

A variance is requested from article Appendix A section A.2(b) of the zoning ordinance to permit A two lot subdivision with one lot having less than the required 200 feet of frontage on a Class V or better road.

Facts supporting this request:

1. The proposed use would not diminish surrounding property values because:

*** Please see attached ***

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

*** Please see attached ***

3. Denial of the variance would result in “unnecessary hardship” to the owner. The applicant must either meet the criteria of I or II below.

I. Unnecessary hardship means owing to the special conditions of the property that distinguish it from other properties in the area:

a. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and the specific application of that provision to the property; and

*** Please see attached ***

b. The proposed use is a reasonable one.

*** Please see attached ***

II. If the criteria for unnecessary hardship above are not met an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions on the property that distinguish it from other properties in the area, the property cannot be used in strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

*** Please see attached ***

I. Granting the variance would do substantial justice because:

*** Please see attached ***

II. The use is not contrary to the spirit of the ordinance because:

*** Please see attached ***

Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

An Equitable Waiver of Dimensional Requirements is requested from article _____
Section _____ of the zoning ordinance to permit _____

*** N/A ***

1. Does the request involve a dimensional requirement, not a use restriction?
() yes () no
2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town _____

- or -

Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bonafide purchaser _____

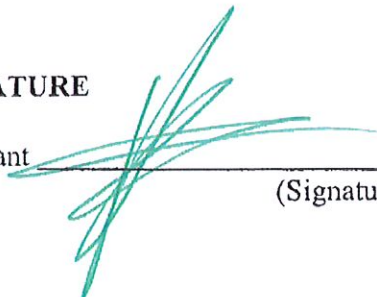
And how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake _____

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area _____

4. Explain how the cost of correction far outweighs any public benefit to be gained _____

SIGNATURE

Applicant



(Signature)

Date

2/16/2021

INSTRUCTIONS TO APPLICANTS APPEALING TO THE BOARD OF ADJUSTMENT

IMPORTANT: READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ATTACHED APPLICATION

The board strongly recommends that before making any appeal, you become familiar with the zoning ordinance and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672- 678, covering planning and zoning.

Four types of appeals can be made to the board of adjustment:

Variance: A variance is an authorization which may be granted under special circumstances to use your property in a way that is not permitted under the strict terms of the zoning ordinance. For a variance to be legally granted, you must show that your proposed use meets **all five** of the following conditions:

1. Granting the variance must not be contrary to the **public interest**.
2. The proposed use is not contrary to the **spirit of the ordinance**.
3. Granting the variance would do **substantial justice**.
4. The proposed use would not diminish surrounding **property values**.
5. Denial of the variance would result in **unnecessary hardship** to the owner. Hardship, as the term applies to zoning, results if a restriction, when applied to a particular property, becomes arbitrary, confiscatory, or unduly oppressive because of conditions of the property that distinguish it from other properties under similar zoning restrictions. RSA 674:33, I(b)(5) provides the criteria for establishing unnecessary hardship:

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The proposed use is a reasonable one.

(B) 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.

If you are applying for a variance, you must first have some form of determination that your proposed use is not permitted without a variance. Most often this determination is a denial of a building permit. A copy of the determination must be attached to your application.

Appeal from an Administrative Decision: If you have been denied a building permit or are affected by some other decision regarding the administration of the Greenville zoning ordinance, and you believe that the decision was made in error under the provisions of the ordinance, you may appeal the decision to the board of adjustment. The appeal will be granted if you can show that the decision was indeed made in error.

If you are appealing an administrative decision, a copy of the decision appealed from must be attached to your application.

Special Exception: Certain sections of the zoning ordinance provide that a particular use of property in a particular zone will be permitted by special exception if specified conditions are met. The necessary conditions for each special exception are given in the ordinance. Your appeal for a special exception will be granted if you can show that the conditions stated in the ordinance are met.

If you are applying for a special exception, you may also need site plan or subdivision approval, or both, from the planning board. Even in those cases where no planning board approval is needed, presenting a site plan to the planning board will assist in relating the proposal to the overall zoning. This should be done before you apply for a special exception.

Equitable Waiver of Dimensional Requirements: The board may grant an equitable waiver only for existing dimensional nonconformities, provided the applicant can meet the required standards.

1. The nonconformity was not discovered until after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser.
2. The nonconformity was not an outcome of ignorance of the law or bad faith, but was instead caused by a good faith error in measurement or calculation.

If these conditions are satisfied, the board can move on to the additional findings to grant the waiver:

3. The nonconformity does not constitute a public or private nuisance nor diminish the value or interfere with future uses of other property in the area; and
4. The cost of correction would far outweigh any public benefit to be gained.

In lieu of the requirements in paragraphs (1) and (2), the violation has existed for 10 years or more with no enforcement action, including written notice, commenced by the town.

For any appeal, the application form must be properly filled out. The application form is intended to be self-explanatory, but be sure that you show:

WHO owns the property. If the applicant is not the owner, this must be explained.

WHERE the property is located.

DESCRIBE the property. Give area, frontage, side and rear lines, slopes and natural features, etc.

WHAT do you propose to do? Attach sketches, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior applications concerning the property.

WHY does your proposed use require an appeal to the board of adjustment?

WHY should the appeal be granted?

Prepare a list of all abutting property owners, have it verified at the city/town office, and attach it to your application. If you have any difficulty, consult the assessor's office, but the accuracy of the list is your responsibility. Mail or deliver the completed application, with all attachments, to the clerk of the board or to the office of the board of selectmen. A fee is charged sufficient to cover the cost of preparing and mailing the legally-required notices. Make check payable to city/town of Greenville and remit with your application.

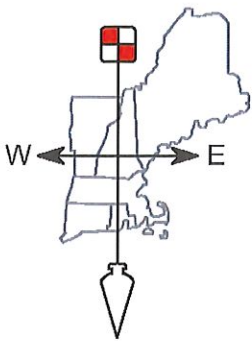
The board will promptly schedule a public hearing upon receipt of your properly completed application. Public notice of the hearing will be posted and printed in a newspaper and notice will be mailed to you and to all abutters, and to other parties whom the board may deem to have an interest, at least five days before the date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

After the public hearing, the board will reach a decision. You will be sent a notice of decision.

If you believe the board's decision is wrong, you have the right to appeal. The selectmen, or any party affected, have similar rights to appeal the decision in your case. To appeal, you must first ask the board for a rehearing. The Motion for Rehearing may be in the form of a letter to the board. The motion must be made within 30 days of the decision and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The board may grant such a rehearing if, in its opinion, good reason is stated in the motion. The board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested one before you can appeal to the courts. When a rehearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters.

See RSA Chapter 677 for more detail on rehearing and appeal procedures.



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VARIANCE CRITERIA

(VARIANCE FROM APPENDIX A SECTION A.2(b))

Tax Map Parcel 3-31B

279 Adams Hill Road, Greenville, NH

February 17, 2021

Prepared For:

Kyle and Kristy Meedzan

A Variance is requested under Appendix A, Section A.2(b) of the Greenville Zoning Ordinance to permit a two lot subdivision of Tax Map Parcel 3-31B. Section A.2(b) of the Zoning Ordinance deals with lot sizes and frontages in the Rural / Agricultural "R/A" District. More specifically Section A.2(b) requires that all lots, not served by the Municipal Waste Treatment System, have a minimum lot size of 2 acres with a minimum of 200 feet of frontage on a Class V or better road.

Currently the subject property consists of approximately 93.6+ acres of land with 450+/- feet of frontage along Adams Hill Road (on the southern portion of the lot) and an additional 20+/- feet of frontage on the northern portion separated by several abutting lot in-between. The property is currently accessed in two locations. The first access is by an existing drive / woods roads along the 20 foot frontage section in the north and the second access is along the 450 foot section of frontage on the south. The Meedzan's would like to subdivide their property into two lots. The proposed new lot will consist of 10+/- acres at the north west corner of the existing lot and will utilize the 20 feet of frontage together with the existing drive / woods road for access. The second lot will contain the remaining area of lot 3-31B with 83.6+ acres and utilize the 450 foot section. Since the proposed 10+/- acre lot will only contain 20 linear feet of technical frontage along Adams Hill Road a subdivision of the property requires a variance.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variance would not be contrary to the public interest because:
Granting this variance would allow for the productive use of the exist property. The zoning for the property is Rural / Agricultural "R/A" which has a lot size requirement of 2 acres. If the existing parcel was sold to a developer then the site certainly has the potential to be developed into a considerable number of lots which could comply with the regulations and not require any relief from zoning. The owner of the property would simply like to subdivide this same parcel into only 2 lots rather than the alternative. We certainly believe that developing a 93 plus acre parcel into 2 lots would be in the public interest. Granting this variance would not be contrary to the public interest as this project will not alter the

Kyle and Kristy Meedzan – 279 Adams Hill Road
Variance Criteria - (Variance From Section A.2(b))
Tax Map Parcel 3-31B

Page 2 of 4

essential character of the neighborhood or threaten the health, safety or general welfare of the public.

2. If the Variance were granting, the spirit of the ordinance would be observed because:

We believe this proposed subdivision is reasonable and meets the spirit of the ordinance especially when you contemplate the size of the parcel (93+ acres), the size of the lots that are proposed and the placement of the proposed building site in relation to the surrounding lots. Section A.2(b) of the Greenville Zoning Ordinance requires that lots have a minimum of 200 feet of frontage and 2 acres. We believe that the intent of this ordinance is to provide adequate separation and buffering between land owners and uses. For example with a 2 acre lot you would need to have 200 feet of frontage so that you have a reasonable geometry to provide for a building envelope and buffering to the abutting properties. When you have an irregularly shaped parcel like the subject lot then we believe the frontage becomes less critical especially when you can provide for large lots with significant separation from the proposed building site to adjacent lots. When you evaluate the proposal from this standpoint we believe the proposal certainly is consistent with its surrounds and in our opinion meets the spirit of the ordinance. This proposal will not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. For all of these reasons we believe that granting the variance would observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Granting this variance would allow for the productive use of an irregular shaped parcel of land as well as allowing the Meedzan's to build a new home on the 83.6+/- acre remainder lot together with conveying the new 10 acre lot to a relative. Granting this variance would do substantial justice because it would allow for the productive and reasonable use of the property, as described above, while providing responsible growth in the community. We believe that a denial of this variance request would be an injustice my client as there would be no apparent gain to the general public by denying this application.

4. Granting the Variance would not diminish the value of surrounding properties because:

This proposal consists of subdividing a 93 plus acre parcel into two residential lots. The use is consistent with the zoning and the surroundings and will have no negative impacts on the surrounding properties. Since this proposal is consistent with neighboring properties and for the reasons stated above we do not believe that this proposal would have any negative impacts on the surrounding properties. Our experience has been that new residential development, similar to what is proposed, will typically have a positive impact on surrounding properties.

5. Unnecessary Hardship

Kyle and Kristy Meedzan – 279 Adams Hill Road
Variance Criteria - (Variance From Section A.2(b))
Tax Map Parcel 3-31B

Page 3 of 4

A. For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

1. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The subject property is unique given its geometry and size. Granting this variance would allow for the productive use of the exist property. The zoning for the property is Rural / Agricultural “R/A” which has a lot size requirement of 2 acres with 200 feet of frontage for lots not serviced by the Municipal Waste Treatment System. If the existing parcel was sold to a developer then the site certainly has the potential to be developed into a considerable number of lots which would comply with the regulations and not require any relief from zoning. This type of development would require significant land alteration and is not the desire of my client who only wishes to subdivide the parcel into only 2 lots rather than the alternative.

We believe this property does possess special conditions as it is very unique in its geometry and size. As stated above, the property only has 20 feet of technical frontage along Adams Hill Road on the north end and 450 feet on the south and is separated by several abutters in between which (given the size of the lot) would result in a wildly strange lot configuration in order to subdivide and reasonably develop the north end of the property

Although this proposal requires a variance for frontage we believe that this style development is consistent with its surroundings and would be supported by the general public. It is our believe that this proposed subdivision meets the spirit and intent of the ordinance especially when you contemplate the size of the parcel (93.5+ acres), the size of the lots that are proposed and the placement of the proposed building sites in relation to the surrounding lots. It is our belief that the intent of the ordinance is to provide adequate separation and buffering between land owners and uses. For example with a 2 acre lot you would need to have 200 feet of frontage so that you have a reasonable geometry to provide for a building envelope and buffering to the abutting properties. When you have an irregularly shaped parcel like the subject lot then we believe the frontage becomes less critical especially when you can provide for large lots with significant separation from the building sites to adjacent lots. When you evaluate the proposal from this standpoint we believe the proposal certainly is consistent with its surroundings and in our opinion meets the spirit of the ordinance. We therefore believe that no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property and that a denial of this variance request would result in unnecessary hardship for the reasons stated above.

2. The proposed use is a reasonable one because:

As stated above we believe that this proposal meets the spirit and intent of the ordinance

Kyle and Kristy Meedzan – 279 Adams Hill Road
Variance Criteria - (Variance From Section A.2(b))
Tax Map Parcel 3-31B

Page 4 of 4

as it will provide for safe access, large lots and adequate buffering. This proposal will also be consistent with its surroundings and will result in no negative impact to the public. For this and all of the reasons previously stated we believe that the proposed use is reasonable.

- B. 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 subject parcel consists of 93.5+ acres with 25 feet of frontage on the north and 450 feet of frontage on the south and is currently vacant. We believe that the geometry and size of the property are special conditions that distinguish it from other properties in the area. The non-contiguous frontage of the property limits its reasonable use. Due to these conditions this property cannot be reasonably used in strict conformance with the ordinance and we are thereby requested a variance from Section A.2(b) to enable the reasonable use of the subject property.

This information was prepared by:
Fieldstone Land Consultants, PLLC



Michael D. Ploof, L.L.S.
Project Manager

ZONING BOARD OF ADJUSTMENT
Application and Administrative Fee Schedule

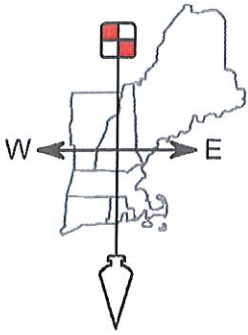
1. One request per application. Additional requests by the same party must be on individual applications.
2. Application Fee: \$75.00
3. Public Notice Posting: \$30.00 per applicant. If the party has more than one application i.e. multiple requests, the fee remains at \$30.00 as one notice will service all of the applicants notice requirements.
4. Postage for abutter notice: \$7.00 per abutter.

APPLICATION FEE = \$ 75.00

PUBLIC NOTICE FEE = \$ 30.00

POSTAGE ABUTTER NOTICE = 15 @ \$ 7.00_{FA} = \$ 105.00

\$ 210.00 TOTAL



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February 16, 2021,

Town of Greenville Zoning Board
Town Hall
46 Main Street
P.O. Box 373
Greenville, NH 03048

RE: **Zoning Board Variance Application**
279 Adams Hill Road - Tax Map 3 Lot 31B
Kyle Meedzan

To Whom It May Concern:

The undersigned being the owner of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary approvals from local, state and federal approvals for Tax Map Parcel 3-31B.

Very truly yours,

Lot 3-31B

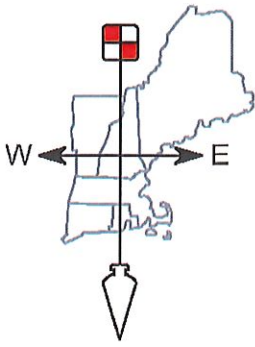
Signature: _____

Print: _____

KYLE MEEDZAN

Date _____

2/16/2021



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February 17, 2021
FLC #946.03/LNO

List of Abutters
Tax Map 3 Lot Number 31B
Greenville, New Hampshire

Map 3 Lot 31B
Kyle Meedzan
P.O. Box 177
Greenville, NH 03048

Map 3 Lot 27
Town of Greenville
PO Box 343
Greenville, NH 03048

Map 3 Lot 36-F
Richard W. Brouillette
249 Adams Hill Road
Greenville, NH 03048

Map 3 Lots 26, 32 & 36-D
Marshall A. Buttrick
240 Adams Hill Road
Greenville, NH 03048

Map 3 Lot 28 (Greenville)
Map A Lot 2 (Mason)
Society for the Protection of NH Forests
54 Portsmouth Street
Concord, NH 03301-5400

Map 3 Lot 29 & 39
State of New Hampshire
DNCR
172 Pembroke Road
Concord, NH 03301

Map 3 Lot 33
Andrea Lehtonen & Mark Rubin
274 Adams Hill Road
Greenville, NH 03048

Map 3 Lots 30, 30-1, & 30-2
Joseph Nelson Pelletier Trustee of
Joseph Nelson Pelletier Rev. Trust
183 Adams Hill Road
Greenville, NH 03048

Map 3 Lot 25
Charles W. & Linda Buttrick
365 Adams Hill Road
Greenville, NH 03048

Map 3 Lot 31A & 31C
Richard Beaulieu
285 Adams Hill Road
Greenville, NH 03048

Map A Lot 26-3 (Mason)
Mary Sullivan
Dennis K. Briefer
20 Peach Hill Road
Berlin, MA 01503

Map A Lot 29 (Mason)
NH Forestry & Recreation Dept.
Town of Mason
16 Darling Hill Road
Mason, NH 03048

Map A Lot 28 (Mason)
The Daniello Living Trust
Gatone A. & Jean E. Daniello
328 Nutting Hill Road
Mason, NH 03048

Map 3 Lot 34
Marshall A. Buttrick Trustee of
Marshall A. Buttrick Revocable Trust
240 Adams Hill Road
Greenville, NH 03048

Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055

February 17, 2021
FLC #946.03/ LNO

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 The Daniello Living Trust
 Gatone A. & Jean E. Daniello
 328 Nutting Hill Road
 Mason, NH 03048

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 Gatone A. & Jean E. Daniello
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Map 3 Lot 34
 Marshall A. Buttrick Trustee of
 Marshall A. Buttrick Revocable Trust
 240 Adams Hill Road
 Greenville, NH 03048

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Fieldstone Land Consultants, PLLC
 206 Elm Street
 Milford, NH 03055

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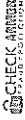
FIELDSTONE LAND CONSULTANTS PLLC.

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206 ELM ST.
MILFORD, NH 03055
PH. 603-672-5456

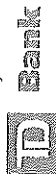
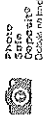
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DATE FEBRUARY 17, 2021



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TWO HUNDRED TEN AND 00/100 DOLLARS



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