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'Tear It Down!' - An Andover Family's Nightmare

Barbara Mills Lassonde

What would you do if your dream home was nearly built and you were ordered to tear it down? That's what happened to Dave and Donna Bates of Andover.

were up, the roof was on, windows installed, and the wiring was being strung, but the January winds not only brought the cold, they brought despair.

"We received a letter from the State Department of Environmental Services

saying we were not in compliance with the law. They told us to stop construction immediately and tear the house down! Every last bit of our savings was poured into this," Dave said.

The couple was frantic. They called DES, where they were told they did not have the required setback from the waterway, and DES could not make any exceptions.

"But we had all the necessary permits," Donna said. "Our attorney told us to contact our representatives, so we called Representative Natalie Wells, Representative Anne Copp and Senator Harold French. Natalie made a point of finding people to tell our story. She reached out to be sure all the bases were covered, and she didn't give up."



Gathered on the Bates' front porch, L-R, standing: David Bates, Rep. Natalie Wells, Executive Councilor Joe Kenney. Seated right: Donna Bates. Front row: J.T., Sydney and Eric. Missing from photo: Senator Harold French.

Photo by Barbara Lassonde

Before the couple purchased land along Eagle Brook, they checked with the town to be sure it was a buildable lot. With that assurance, they bought the land, received a building permit from the town and septic design approval from the state.

The Bates couple so loved the setting, they were married there in the summer of last year. It is a peaceful spot surrounded by trees, with the shallow stream marking their southern and westerly boundaries.

With all of the necessary permits in hand, construction on their new home began and by January, the house was progressing nicely. The exterior walls

The day after Donna spoke with District 1 Executive Councilor Joe Kenney, he drove out to Andover during a snowstorm to view the situation.

"I want to do the right thing for our citizens and take care of NH families, so I went to DES to clarify the Cease and Desist order. It was important to protect their ownership," Kenney said.

Executive Councilor Kenney got to the bottom of the problem: the state had changed the name of the stream and it was reclassified, which required a greater setback. Because of a mix-up, that information was not relayed to the town.

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