



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, February 17, 2022**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF JANUARY 20, 2022

3. HEARINGS

- A. Z22-02 Applicant Andrew T. & Emily J. Moore, 29 Spruce Lane, (Tax Map I, Lot 29-A), located in the Rural Residential (R-40) Zoning District, requests a Variance from **Sections 170-24** to allow construction of an addition for the purpose of an accessory dwelling unit greater than 800 sq. ft.*

4. OTHER BUSINESS

5. ADJOURN

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@doover.nh.gov. You may also view materials at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>. The public is encouraged to leave comments in advance by emailing Dover-Planning@doover.nh.gov, or mailing written comments to the Zoning Board of Adjustment, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, January 20, 2022
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Anthony Sillitta, Otis Perry (Vice Chair), George Reagan, James Burdin (Alternate), Rich Onufry (Alternate), Nick Couturier

Members Absent (Excused):

Members Absent (Unexcused): Chris Prior (Chair), Casey Conley (Alternate)

Staff Present: Donna Benton (City Planner), Natasha Kypfer (Assistant City Planner/Zoning Administrator)

The Chair called the meeting to order at 7:03 PM.

2. APPROVAL OF MEETING MINUTES OF AUGUST 19, 2021

Motion: Reagan moved to approve the minutes of August 19, 2021 as submitted. Seconded by Burdin. Vote: U/A

3. HEARINGS

- A. Z22-01 Owner Westfield, LLC & Applicant Bluebird Self-Storage, 64 Littleworth Road, (Tax Map G, Lot 2), located in the Commercial Manufacturing (CM) Zoning District, requests a Variance from **Sections 170-12.A** to allow a three story self-storage facility, where one story is allowed, and operating hours greater than 9:00 am to 9:00 pm.

John Bissan, attorney presented the case.

This is an internally accessed storage building more similar to a warehouse which would allow the height. He addressed the criteria for variance. The applicant is willing to accommodate the two staff conditions.

Board member questions:

How many units are proposed? Bill Gunnison from Bluebird storage anticipates 1400 units. The sizes vary from 5x5' to 10x30'.

Generally, is there more than one unit per customer, or 1400 customers? Many times customers have multiple units.

Public hearing open

Dave Bovee, 75 Littleworth Rd would prefer the land remain a farm or open land. Seems like there are lots of self storage places around. If something has to go in, he's not too concerned about it being a self storage unit except for losing the view due to the height. Some concerns about trucks being able to get in and out and turn around easily. It looks like a dead end road rather than a loop.

David Harvey, 73 Littleworth Rd asked if traffic studies have been done since the traffic in that area is very busy. Perry noted that will come in the next phase of approvals. He also asked for clarification with the hours of operation.

Lisa Nugent, 69 Littleworth Rd is concerned about the early hours seven days a week and wondered if that can be altered. She is also concerned about the size of the building.



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Joanne Fairchild, 77 Littleworth Rd is concerned about the neighborhood impact for the abutters and the lighting. Perry noted lighting will be addressed at the Planning Board.

Chad Kageleiry, property owner hears the concerns of the abutters, but pointed out that this use is about as soft a use in an industrial zone as there can be.

Planning Department recommendation: N. Kypfer noted staff supports the variance, based upon: the applicant intends to create an internally accessed structure; the centralized access point/layout reduces noise and controls visitation by users; and, the architecture of the building has been designed with an enhanced façade.

If the Board grants the variance, staff recommends two conditions:

1. The site plan shall include all representations made to the ZBA.
2. The site plan shall include the hours of 6am to 8pm Monday- Friday, 6am to 6pm Saturday and 6am to 4pm Sunday.

Public Hearing was closed.

Vice Chair Perry noted J. Burdin will vote for C. Prior.

J. Burdin asked for clarification about what the variance is for. D. Benton explained.

Motion: Sillitta moved to grant the variance with the staff recommended conditions based upon the representations made by the applicant and the testimony provided. Couturier seconded. Vote: U/A

4. ELECTION OF OFFICERS

Sillitta nominated C. Prior for Chair. Reagan seconded.

Reagan nominated O. Perry for Vice Chair. Sillitta seconded.

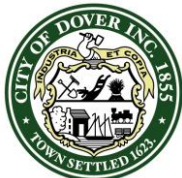
A ballot vote was taken, and the nominees were voted in unanimously.

5. OTHER BUSINESS

None

6. ADJOURN

Motion: Sillitta moved to adjourn at 7:33 pm. Couturier seconded. Vote: U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, February 17, 2022
Meeting Time:	7:00 pm

Dear Property Owner: You are an abutter to the project listed in **bold** on the agenda.

INTENT: The Applicants request a variance from Section 170-24.C for the construction of an accessory dwelling unit (“ADU”) that is 944 sq. ft. in size, while the regulations set a maximum of 800 sq. ft.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-40

FILE: Z22-02

APPLICANT/OWNER: Andrew T. & Emily J. Moore

LOCATION: 29 Spruce Lane (Tax Map I, Lot 29-A)

ACREAGE: 1.37± acres

EXISTING LAND USE: Residential with SFR

PROPOSED LAND USE:
Residential with SFR and ADU

SURROUNDING LAND USE:
Residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

The complete Meeting Agenda:

1. ATTENDANCE
2. APPROVAL OF MEETING MINUTES OF JANUARY 20, 2022
3. HEARINGS
 - A. **Z22-02 Applicant Andrew T. & Emily J. Moore, 29 Spruce Lane, (Tax Map I, Lot 29-A),** located in the Rural Residential (R-40) Zoning District, requests a Variance from Sections 170-24 to allow construction of an addition for the purpose of an accessory dwelling unit greater than 800 sq. ft.
4. OTHER BUSINESS
5. ADJOURN

MORE INFORMATION AVAILABLE TO YOU:

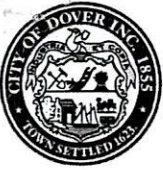
Since this is only a partial description of the proposal and it may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm. You may view the rest of the agenda and materials at www.dover.nh.gov or contact the Planning and Community Development Department at City Hall or 603-516-6008.

Learn more Dover’s Zoning at <https://ecode360.com/32591412>

We invite you to review and comment on the proposal:

- In person at the hearing,
- Phone: 516-MEET (6338) | 516-6008
- Email: Dover-Planning@dover.nh.gov
- Mail: Zoning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820.

Messages regarding applications must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

Office Use Only	Case #:	<u>222-02</u>	Date Received:	<u>JAN 27 2022</u>
	Amount Paid:	\$ <u>CK# 140 \$200.00</u>	Time Received:	<u>Dover, New Hampshire</u>

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Andy + Emily Moore Phone # 603-767-0858

Address of Applicant: 29 Spruce Lane

E-Mail Address: andym1@yahoo.com / emilym8584@gmail.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 29 Spruce Lane

Brief Directions: _____

Zoning District: R40 Assessor's Map # I-1 Lot(s) # 10029-A00000
(Parcel ID)

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-24</u> of the Zoning Ordinance
☐ Physical Disability Variance (RSA 674:33-V)	from Section _____ of the Zoning Ordinance
☐ Special Exception	per Section _____ of the Zoning Ordinance
☐ Appeal of Administrative Decision	regarding Section _____ of the Zoning Ordinance
☐ Equitable Waiver	per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Construction of an addition for the purpose of an
in law apartment for residence parents.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-24 of the Zoning Ordinance to permit:

the construction of a 944 sq. ft. accessory dwelling unit.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

• the increased square footage does not impact any abutters in any way.
The addition falls well within the setback requirements.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

The design plan was created as a 4 Bedroom apartment with a
den/office, intended to be residence for two people.

3. Granting the variance would do substantial justice because:

Both residence conduct substantial amounts of work and volunteer
work from home, requiring a private/closed door space for focus.

4. The value of surrounding property will not be diminished because:

there won't be any additional driveways or major tree removal required for construction.

This addition substantially increases the value of this property only benefiting others in the area.

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

Currently, the two occupants of the proposed new addition are living in the finished basement at 29 Spruce Lane without designated bathroom or kitchen areas of their own. This proposal will allow them their own ~~bedroom~~ private full equipped living space.

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

Only two people (parents of the owner) will reside in the ADU. One parent, who still works full time and will do so for approximately 5 more years until retirement, is able to work remotely quite often, requiring a private office to take client calls and hold video meetings. The additional square footage is meant only for that purpose, and not as a means to allow additional people to reside within the unit other than the aforementioned parents.

and

(iii) The proposed use is a reasonable one because:

this will provide permanent housing for my parents - one of which is my father with a disability, and this allows me to care for them in the future, should any health issues arise.

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, 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:

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.



Signature of Applicant*



Signature of Owner*

*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

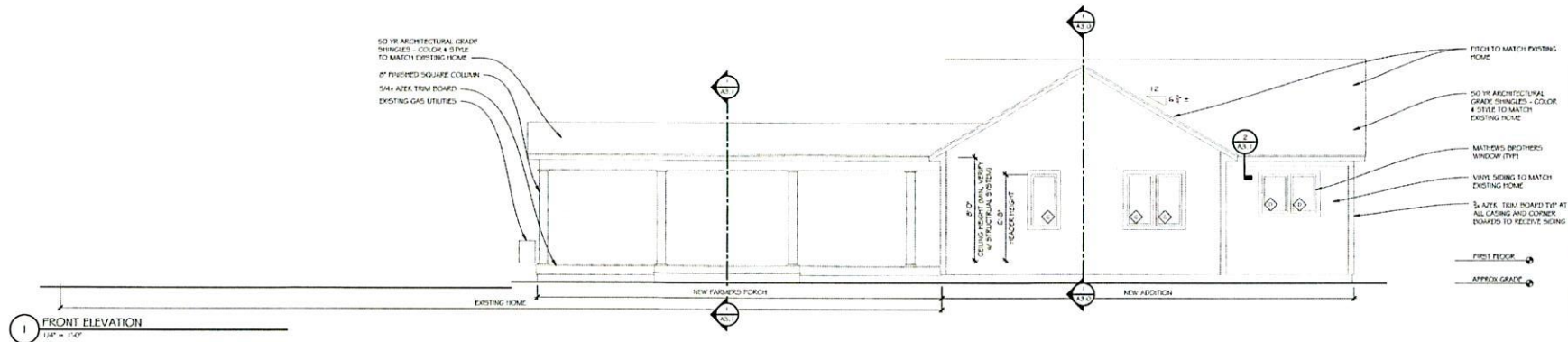
Signature of Property Owner:



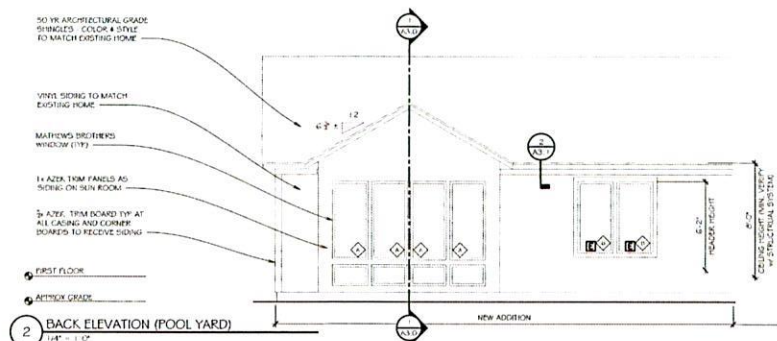
Date:

1/23/22

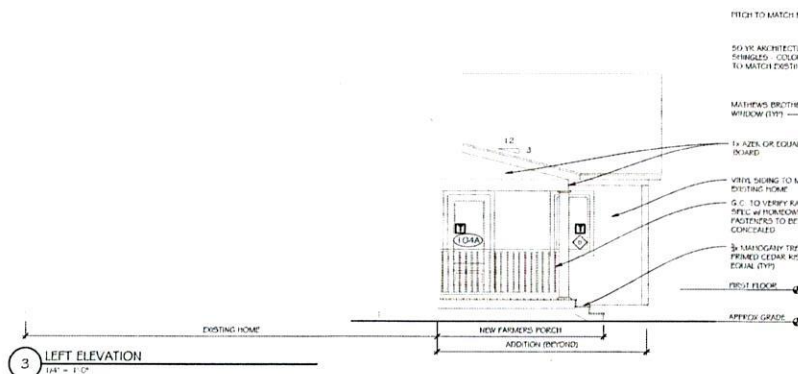
1/23/22



1 FRONT ELEVATION
1/4" = 1'-0"



2 BACK ELEVATION (POOL YARD)
1/4" = 1'-0"



3 LEFT ELEVATION
1/4" = 1'-0"



4 RIGHT ELEVATION
1/4" = 1'-0"

REVISIONS:

RUSSELL ABBOTT
CONSTRUCTION, LLC
ROCHESTER, NH


SOMMA
36 Maplewood Avenue
Portsmouth, NH 03801
Ph: 603.766.3760

MOORE RESIDENCE
29 SPRUCE LANE
DOVER, NH

TITLE:
EXTERIOR ELEVATIONS

SCALE: AS NOTED
DRAWN BY: TB
CHECKED BY: JR
PROJECT NO.:
DATE: DECEMBER 24, 2020

A2.0

RECEIVED
Planning Office
JAN 27 2022
Dover, New Hampshire

EXISTING GARAGE

EXISTING HOME

COORDINATE EXACT LENGTH
OF DECK TO CLEAR UTILITY

RAIL THIS SIDE ONLY. VERIFY
STYLE & FINISH w/ OWNER. ALL
FASTENERS TO BE CONCEALED

4" FINISHED SQUARE COLUMNING
ON 12"X12" SIKKO TUBES PER G.C.

FARMERS PORCH TO REPLACE
CONCRETE STICOP OR BE
CONSTRUCTED OVER TOPS.
DEPENDENT ON FOUNDATION
CONDITIONS. NOTE MINIMAL
STAIR TREAD @ THRESHOLD

REMOVE ALL EXISTING SIDING.
REVIEW EXISTING SHEATHING &
ROOF DRAIN. PATCH &
MATCH AS REQUIRED

DOUBLE WALL FOR
SOUND AND INSULATION

FRAME IN EXISTING WINDOW.
PATCH & MATCH AS REQUIRED

3/4" SCHED 40 PAIN w/
CANTILEVERED BENCH.
VERIFY FINISH WITH OWNER

COORDINATE ALL BATH
CABINETS w/ OWNER &
KITCHEN DESIGNER

COORDINATE ALL KITCHEN, PANTRY,
ATTACHED
REGARDLESS &
CODE COMPLIANCE
CLEARANCES w/
KITCHEN DESIGNER

BARN DOOR. VERIFY
STYLE & FINISH w/
OWNER

BURIED AND SUPPORTED
LOCATION. EXACT
BURIED AND SUC &
LOCATION. FIELD w/
OWNER IN FIELD

1 FIRST FLOOR PLAN
1/4" = 1'-0"

REVISIONS:

RUSSELL ABBOTT
CONSTRUCTION LLC
ROCHESTER, NH



SOMMA

36 Maplewood Avenue
Portsmouth, NH 03801
PH: 603.766.3760

MOORE RESIDENCE
29 SPRUCE LANE
DOVER, NH

TITLE:
FIRST FLOOR
PLAN

SCALE: AS NOTED

DRAWN BY: TB

CHECKED BY: JR

PROJECT NO.: -

DATE: DECEMBER 24, 2020

A1.1

Usbelger, Nancy

From: Andrew Moore <andyem1@yahoo.com>
Sent: Thursday, January 27, 2022 10:33 AM
To: Usbelger, Nancy
Subject: Fw: Abutter List

Security Notice: External sender. Use caution with hyperlinks or attachments.

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Thursday, January 27, 2022, 9:33 AM, Moore, Emily J. <Emily.Moore@WDHospital.org> wrote:

Abutter list for Zone R-112

27 Spruce Lane R-40 ID #10029-C00000

Map Block 1-29-C-O

Susan Mackey

Jay Eric

19 Spruce Lane R-40 ID # 10029-D00000

Map Block 1-29-D-O

Jeffrey Cammarata

Catherine Cammarata

27 Spruce Lane R-40 ID # 10029-B00000

Map Block # 1-29-B-O

Erik Laakso

33 Spruce Lane R-40 ID # 10027-A00000

Map Block # 1-27-A-O

Joyce Stephens

Jay Stephens

36 Spruce Lane R-12 ID # 10035-A00000

Map Block # 1-35-A-O

Matthew Brennan

Kathryn Miles

Emily Moore

Manager of Philanthropy

Wentworth-Douglass Foundation

Mailing: 789 Central Avenue, Dover, NH 03820

Physical: 820 Central Avenue, Dover, NH 03820

Office: 603.740.3292

Cell: 603.767.0858

Emily.Moore@wdhospital.org

www.WDHospital.org

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Z22-02

29 Spruce Lane

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
I0027-A00000	33 SPRUCE LN	STEPHENS JOYCE	STEPHENS JAY E	33 SPRUCE LANE	DOVER	NH	03820
I0028-000000	SPRUCE LN	COLPRIT STEPHEN W & PHEBE C TRUSTEES	COLPRIT STEPHEN W AND PHEBE C REV LIV TR	33 MESERVE RD	DOVER	NH	03820
I0029-B00000	27 SPRUCE LN	LAAKSO ERIK W		27 SPRUCE LANE	DOVER	NH	03820
I0029-C00000	21 SPRUCE LN	MACKEY SUSAN COLETTE & JAY ERIC		21 SPRUCE LN	DOVER	NH	03820
I0029-D00000	19 SPRUCE LN	CAMMARATA JEFFREY &	CAMMARATA CATHERINE	19 SPRUCE LN	DOVER	NH	03820
I0034-A00000	30 SPRUCE LN	WALSH KEITH P		30 SPRUCE LN	DOVER	NH	03820
I0034-B00000	49 DANIELLE LN	SCHMIDT VAL EUGENE &	SNEARY ALICE R	49 DANIELLE LANE	DOVER	NH	03820
I0035-A00000	36 SPRUCE LN	BRENNAN MATTHEW B &	MILES KATHRYN A	36 SPRUCE LN	DOVER	NH	03820
I0036-U00000	SPRUCE LN	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
I0029-A00000	29 SPRUCE LN	MOORE ANDREW THOMAS & SOMMA	MOORE EMILY JEAN	29 SPRUCE LN	DOVER	NH	03820
				36 MAPLEWOOD AVENUE	PORTSMOUTH	NH	03801