



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 19, 2023
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillitta, Nick Couturier, Rich Onufry (Alternate), Sarah Tatarczuk (Alternate)

Members Absent (Excused): Otis Perry (Vice Chair), George Reagan

Members Absent (Unexcused): Casey Conley (Alternate)

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

The Chair called the meeting to order at 7 PM.

2. APPROVAL OF MEETING MINUTES OF DECEMBER 15, 2022

Motion: Couturier moved to approve the minutes of December 15, 2022. Seconded by Sillitta. Vote: U/A

3. ELECTION OF OFFICERS

Motion: Sillitta moved to hold the election of officers after the public hearings. Seconded by Onufry. Vote: U/A

The Chair explained the hearing process.

3. HEARINGS

- A.** Z22-13/ZONE-2022-0010 Owner: Golden Oaks Development, LLC 3 Arcola Street (Tax Map 33, Lot 114), located in the Medium-Density Residential (R-12) Zoning District request a Variance of the dimensional requirements from **Section 170-12.B. of the Zoning Ordinance** to allow construction of a two-family dwelling (duplex), 4' from the rear setback, where 30' is required. ***Continued from December 15, 2022 meeting.**

Tom Boisvert, Golden Oak Development, representing 3 Arcola Street presented the case, reviewed the need for the Variance and explained how all of the criteria are met.

Prior to his review of the criteria Mr. Boisvert asked that the additional documentation submitted earlier today be entered into the record, Chair Prior confirmed that Zoning Administrator Kypfer forwarded the materials to the Board electronically.

Public Hearing opened.

Public Comment:

Mariam Mayhew, 4 Cedarbrook, abutter is opposed to the proposal. She wants more than a four-foot buffer from her property to the proposed structure. She claims the applicant has cut down trees, some of them hers, along the shared property line which she did not agree to.

Seth Miller, 129 Fourth St, is in favor of the project and happy to see new construction on that lot.

Mr. Boisvert addressed public comment:

- Trees- clarified what happened and will add some vegetation in the spring.



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Planning Department recommendation: Zoning Administrator Kypfer noted staff supports the granting of the Variance request. The subject property has unique characteristics: it is a long, narrow lot; wetlands and the wetland buffer area constitute a substantial portion of the parcel with a riverine of the Cochecho River running directly across it. The proposal is for a new structure, that is slightly more in adherence to the required rear setback distance (by 1 foot), and it will be positioned entirely outside of the designated wetland area. The intent of the R-12 footnote [7] is met with the revised renderings, meaning that the duplex structure meets the requirement that it be designed to look like a single-family dwelling.

Public Hearing was closed.

Onufry stated the applicant meets the criteria, but there is a substantial difference between their request and the current requirements for setback (i.e. 4' when 30' is required).

Chair Prior noted the uniqueness of the lot really restricts placement of the proposed structure and he would support granting the variance.

Tatarczuk agreed with the comments that have been made.

Motion: Couturier moved to GRANT the Variance with the staff recommended condition based upon the representations made by the applicant and the testimony provided. Onufry seconded. Vote: U/A

- A.** Z22-14/ZONE-2022-0011 Owner: AD Dover, LLC, 9 Innovation Way (Tax Map D, Lot 11-10), located in the Innovative Technology (IT) Zoning District request an Equitable Waiver of Dimensional Requirements from **Section 170-12.B. of the Zoning Ordinance** to allow for approval of a structure located approximately 49.7' from the front property lines, where 50' is required.

The applicants have submitted this request due to the discovery of the encroachment along the front property line, which was only identified at the time of submittal of the completed as-built plans to the City, a requirement of the site review application process. The certified Equitable Waiver Plan indicates an encroachment of 0.3 feet (or 3.6 inches, at the max) into the front yard setback.

FX Bruton of Bruton and Berube, representing 9 Innovation Way, presented the case, and reviewed the need for the Equitable Waiver. He reached out to the owners of the other building on Innovation Way and they responded that they have no issue with the request. The discrepancy is only about three inches which was discovered with the submittal of the as-built plans. He explained how all of the criteria to grant the equitable waiver are met.

Public Hearing opened.

Public Comment: None

Planning Department recommendation: Zoning Administrator Kypfer noted staff takes no position and does not support or oppose the granting of the Equitable Waiver request. The subject property is located at the rear of Enterprise Park, nearly backing up against the Spaulding Turnpike, in other words, this minor encroachment is not easily visible due to its location, nor is the measurement of < 0.3 feet likely distinguishable to the human eye.

Public Hearing was closed.



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Motion: Sillitta moved to GRANT the Variance as it meets the four criteria required. Couturier seconded. Vote: U/A

3. ELECTION OF OFFICERS

Board members submitted ballots with their vote for Chair and Vice Chair for 2023.

Zoning Administrator Kypfer announced that votes were unanimous in favor of Chris Prior to remain as Chair, Vote: 5-0, U/A. There were three votes for Otis Perry to remain Vice Chair, one blank vote, and one vote for Anthony Sillitta for Vice Chair. Otis Perry will remain Vice Chair, Vote: 3-0-1.

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Couturier moved to adjourn at 7:30 pm. Sillitta seconded. Vote: U/A