

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, February 15, 2024**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillittta (Vice Chair), Otis Perry, Rich Onufry, Nicholas Couturier, Jackson Brown (Alternate), and Sarah Tatarczuk (Alternate)

Members Absent (Excused): George Reagan (Alternate)

Members Absent (Unexcused): None

Staff Present: Paul R. Crouser (Zoning Administrator)

The Chair called the meeting to order at 7 PM.

2. APPROVAL OF MEETING MINUTES OF JANUARY 18, 2024

Motion: Sillittta moved to approve the minutes of January 18, 2024 as submitted. Seconded by Onufry.

Vote: U/A with Perry abstaining

The Chair explained the hearing process.

3. HEARINGS

A. ZONE-2024-0002 Applicant: Eddins Investments, LLC. 6 Milk Street, Tax Map 30, Lot 108 located in the Urban Density Multi Residential (RM-U), requests a Variance from Section 170-11.D of the Zoning Ordinance, to allow for change in use from a warehouse and office space to musical collaboration space and office space.

Kurt Eddins, owner of Eddins Investments, LLC, represented the application and explained the proposal. He has been looking for a property to support both office space for his business as well as music studios that can be rented out for practice space and music lessons. This property fits his plans.

The initial phase will include the office area and six music studios. Half of the building will remain warehouse space. He intends to be a good neighbor and has worked with a consultant to design sound proofing for each studio as well as to contain sound within the building.

He noted the property is in a residential/ commercial zone, and has been used for commercial purposes for many years. The building takes up most of the block and is surrounded by multi family units.

The Chair noted previous Zoning Board action has allowed the property to be a legal non-conforming wholesale distribution center. He noted staff has recommended some conditions of approval and read them aloud.

Mr. Eddins intends to be present on the property as the manager and anticipates hours of operation of 12-9pm weekdays and 12-10pm weekends which he based on the retail guidelines for the zone. He does not see any issue with the conditions. He noted the focus of the project is more community-building rather than money making.

He addressed questions of board members regarding parking, liquor license plan (no), lounge area purpose, snow maintenance, and size of the music studios.

He addressed each of the five criteria:

1. Community-oriented space
2. Has been used for commercial purposes- not changing use, just reallocating the space within the building.
3. The building does need a lot of work and he is willing and excited to make the investment for improvements.



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4. Plans are to improve the quality of the neighborhood by adding this artspace and improving the building. He has consulted with a sound-proofing expert on how to properly construct the studios so as not to disturb each other or the abutters.

5. The property is unique as it is in a mixed commercial/residential zone, but it is the only commercial property in the area. The intended use will not negatively impact the neighbors and plans to have open communication with them for feedback. This is a reasonable use as the intent is to improve the space and make it welcoming to all.

Public Hearing opened

Public Comment:

10 Mt Vernon noted she lives right across from the proposed project. Parking is a huge issue there. In the winter she parks on the lawn and in the summer they park on the street. She is concerned about parking space for her as well as parking spaces for all of the musicians, drinking on the premises and loud noise late at night with the groups coming and going.

Dev Khalsa, 5-7 Milk St noted parking is an issue. The amount of street parking that exists on Milk st is not even enough to cover the apartments that exist there. Plowing eats up a good portion of the parking spaces at the building in question. He is concerned that there is nothing binding to the owner if there is a sound issue. There is no noise ordinance in Dover so enforcing the peace is very subjective. The proposed hours are too late at night to have bands practicing in a residential area. He is very skeptical of the sound being contained. He is concerned about diminution of value due to tenants not wanting to rent his units if they see or hear the music practice going on.

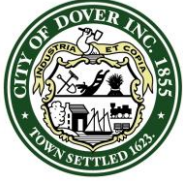
Mr. Eddin noted he is processing the feedback and understands the concerns and looks forward to working with the neighbors to not negatively impact them. Parking will be challenging and he will continue to research options. He has talked with similar businesses about security and the types of agreements they have the bands sign when they rent space and how rules are enforced. He is mindful and careful about who he will rent the space to. This is not a money making endeavor – it is meant to help the community- not harm it. He is confident in his research regarding the sound and believes he is doing everything he can to contain the sound and agreed to the condition proposed by staff.

The Chair asked staff for their feedback regarding parking.

P. Crouser noted the parking on site meets standards for the space. Parking is a problem city-wide though Central ave being one block over is encouraging.

Board members discussed parking solutions. Chair Prior suggested each studio to have an assigned parking spot though where the other participants park will be hard to enforce.

Planning Department recommendation: P. Crouser noted 2/3 of the proposed uses for this parcel will remain the same so the change is the rented music spaces. While most direct abutters to this property are residential dwellings, this parcel is on the outer edge of the RM-U district and directly abuts the CBD-G district and is within approximately 200 linear feet from the Gateway and the CBD-MU districts, which are both commercially-biased districts. The nearest abutter is about 36' away, however the warehouse portion of the building is between the abutter and the music use area which includes a fire-rated wall. Parking is an issue but would likely be an issue for any user of the property. Other permitted uses in the zone would likely bring similar concerns regarding parking and noise, but the use would be permitted (church, performance hall) and no soundproofing would be required.



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Staff supports this Variance request with the following conditions:

- 1) Hours of operation specific to the music space rental use shall be agreed upon and abided by, for both residential noise and traffic concerns;
- 2) That, although the nearest residential structure is 36' away from the property in question, if any reasonable noise complaints are made by any direct abutter, that the applicant shall take timely measures to remedy the root cause of the complaint, whether that entails limiting the permissible scope of music-related activities on the premises, installing additional sound buffering, etc.

Hours of operation were discussed and clarified that a warehouse operation could run three shifts and an assembly hall would not have a restriction on hours.

Public hearing was closed.

Motion: N. Couturier moved to GRANT the variance with condition (2) set forth by the planning department and additional conditions as follows:

- One assigned parking spot provided on premises per rental studio for musician use
- No congregating outdoors by tenants/lessees
- No alcohol on premises
- Hours of operation for music studios not to exceed 10am-9pm Sun-Thurs and 10am-10pm Fri and Sat.

Sillitta seconded.

Vote: U/A

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Perry moved to adjourn at 8:09pm. Sillitta seconded. Vote: U/A