



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Special Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Tuesday, September 10, 2024
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Anthony Sillitta (Vice Chair), Rich Onufry, Nicholas Couturier, and Jackson Brown (Alternate)

Members Absent (Excused): George Reagan (Alternate)

Members Absent (Unexcused):

Staff Present: Paul R. Crouser (Zoning Administrator)

The Chair called the meeting to order at 7PM

The Chair explained the process for the meeting tonight regarding two requests for rehearings.

2. HEARINGS

- A. * ZONE- 2024-0033R** Request for Rehearing of ZONE-2024-0033, Applicant: Knox Marsh Condo Association and Alise Elliott (Owner: 239 Knox Marsh Realty, LLC), 239 Knox Marsh Road, Tax Map H, Lot 37-A, located in the Commercial Zoning District (C), requests a rehearing of the variance granted on July 18, 2024 in which the Owner was allowed relief from the C – District requirement that 1/3rd of any multi-family building must be commercial in use, allowing for the Owner to isolate 1/3rd of the cumulative project floor area to be housed in one (1) of the three (3) proposed buildings, and, to permit the three buildings to be greater than 40' in height, as prescribed under **Section 170-12, Commercial District (C), Footnote #3 and the district's building height maximum.**

Chair Prior summarized the documentation provided by the requester and their reasoning for the rehearing request.

He expounded on the claim that density is an issue which he does not agree with. He addressed the lack of discussion on the criteria. He explained the board member roles and responsibilities and the requests they make of applicants. Applications and arguments for the criteria are submitted and reviewed prior to the meeting. Deliberation and discussion of each of the five criteria are not necessarily done at each hearing. Decisions are based both on what was presented and discussed and what was submitted. He does not believe any new information has been presented as part of the rehearing request.

Motion: Sillitta moved to deny the request as no new information was presented and ZBA rules and procedures were followed. Couturier seconded. Vote: U/A

- B. *ZONE- 2024-0035R** Request for Rehearing of ZONE-2024-0035, Applicant: Jeff and Maureen Sanborn (Owner: 17-19 Summer Street Properties, LLC) Locust Street (Tax Map 12, Lot 35-1), located in the Heritage Residential District (HR), requests a rehearing of the variance granted on August 15, 2024 in which the Owner was allowed relief from the HR District's CUP requirement that parking lots shall be at least five (5) feet from a side property line, as prescribed under **Section 170-12, HR District 3-4 Family Dwelling Creation/Conversion CUP criterion C**



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Chair Prior summarized the documentation provided by the requester and their reasoning for the rehearing request.

He addressed the issues and reasonings listed noting the meeting was improperly noticed, but that was corrected at the meeting. The July meeting was more comprehensive than the August meeting on this item. The August agenda item was to correct a scrivener's error, but since some members of the board had not been at the July meeting, and were relying solely on the submitted packet, the board probably should have asked the applicant to go into more detail about the project as a whole.

Chair Prior would support the request for a rehearing to be sure it is properly noticed, the packet is accurate and when the applicant presents the project they are clear about the full details of it.

Board members and staff discussed whether the vote in August was substantive or not, and clarified that variance approvals cannot be amended in this meeting format, so though intended to not be a vote on any substantive matters, the August vote was a new vote for a variance approval.

Motion: Couturier moved to grant the rehearing as requested. Brown seconded. Vote: U/A

3. OTHER BUSINESS

None

4. ADJOURN

Motion: Sillitta moved to adjourn at 7:21pm. Onufry seconded. Vote: U/A