



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

REVISED

Meeting Type: Special Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, February 6, 2025**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. HEARINGS

- A. **ZONE-2024-0045R** Request for Rehearing of ZONE-2024-0045, Applicant: Sam Hewitt, through counsel, requests a rehearing of the variance granted on December 19, 2024 in which the owner of 9 Maple Street, Tax Map 30, Lot 66, located in Urban Density Multi Residential District (RM-U), was granted a Special Exception through **Section 170-12, Conversion to, or creation of Dwelling, 3-4 Family criteria**, to allow for the addition of three (3) new dwelling units to an existing single-family dwelling.

3. OTHER BUSINESS

4. ADJOURN

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@dover.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@dover.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, December 19, 2024
Meeting Time: 7:00 pm

1. ATTENDANCE

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

Members Absent (Excused): Jackson Brown (Alternate)

Members Absent (Unexcused):

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM and noted only four members of the board are present, which is a quorum, but applicants will be given the opportunity to move forward with their hearing tonight or postpone to another date. Three members will need to vote in favor for a hearing item to pass. In the event of a denial, the applicant cannot use the fact that there wasn't a full board present as reason for rehearing.

2. APPROVAL OF MEETING MINUTES OF NOVEMBER 21, 2024

Motion: Couturier moved to approve the minutes of November 21, 2024 as submitted. Seconded by Onufry. Vote: U/A

The Chair explained the hearing process.

3. HEARINGS

- A. * ZONE-2024-0045 Applicant: Simon D. J. Macalister, 9 Maple Street, Tax Map 30, Lot 66, located in Urban Density Multi Residential District (RM-U), requests a Special Exception through Section 170-12, Conversion to, or creation of Dwelling, 3-4 Family criteria, to allow for the addition of three (3) new dwelling units to an existing single-family dwelling**

The property subject to this variance request is located at 9 Maple St. and resides within the Urban Density Multi Residential (RM-U) District. The property is approximately 0.23 acres and has approximate dimensions of 100' (frontage) x 97', with an existing $\pm 1,275$ s.f. single-family home, with approximately $\frac{3}{4}$ of the lot vacant as open space.

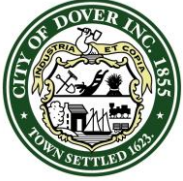
The Applicant requests a Special Exception in order to add-on to the existing home to convert it into a 4 Family Dwelling. Under the RM-U's specific zoning regulations, six criteria must be met in order for any property within the RM-U to create, or convert to, a 3-4 Family Dwelling.

Nicholas Isaak represented the application and explained the reason for the special exception and summarized the plan to comply with the HUD rent rates and addressed the remaining three criteria necessary:

Parking; Side setback; Screening.

The applicant has no issues adhering to the conditions proposed by staff.

Mr. Isaak clarified for the board that the existing structure will remain and be renovated as part of the project.



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, December 19, 2024**
Meeting Time: **7:00 pm**

Public hearing opened:

Sam Hewitt, 5 Maple St. is concerned about the size and scope of the proposed project as it does not meet the minimum dimensional requirements. The proposal does not match the character of the existing neighborhood. He spoke at length expressing additional concerns relating to the density and size of the project and the criteria the request must meet, which he does not believe has been met.

He provided a petition signed by 28 neighbors who oppose the proposed project.

P. Crouser addressed comments relating to the size and dimensions of the lot, the criteria for special exception and regulations for the non-conforming use section of the zoning ordinance.

He does interpret the regulations to allow this special exception on this lot. He addressed parking regulations.

P. Crouser and Chair Prior discussed next steps if the special exception is approved. The unit count alone does not trigger the project going before TRC, however, once a building permit is pulled, permit review staff will determine if technical review is required. P. Crouser also stated that even if a project does not require TRC review, the TRC can request that an item be subject to full review.

Stacey Ruel, 31 Hough St agreed with everything Mr. Hewitt stated and believes the proposal is too many units on too small of a parcel. Even if they meet the parking requirements, there are some parking issues there. Also, there are children currently playing in the street and she would be concerned to add more children. She moved here to get away from high density areas and is concerned about keeping the character of the neighborhood.

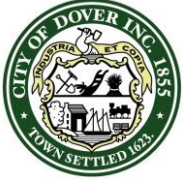
Tim Noonan, potential builder of this project explained that he is aware of storm water and other building codes. He believes the project will enhance the neighborhood.

Jonathan Payne, 2 Maple St. is opposed to the project and agrees with Mr. Hewitt's concerns. He expressed concerns about parking and the driveway not being wide enough for two cars to pass. He has concerns for cars backing into the street which is not allowed, and also the potential number of additional cars on the street.

Kyle Stanley, 4 Maple St. is in opposition to the project due to the proposed units will change the character of the neighborhood and there won't be any open space for the future occupants. There will be additional traffic. With the doors facing the street, people will park on the street, rather than the lot. He mentioned the additional curb/streets cuts required are in opposition to the 5-year moratorium for newly paved roads, which this is one.

Planning Department input: Staff supports this variance request with conditions.

1. A Landscape Plan proving compliance with parking area screening requirements shall be submitted and approved by the Planning Department.; and
2. Proof of deed-restricted HUD Fair Market Rent rates for the three (3) created units shall be recorded at SCRDP and submitted to the Planning Department prior to the issuance of any Certificate of Occupancy.



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, December 19, 2024
Meeting Time:	7:00 pm

Per the applicant's narrative, the property owner is willing to restrict the three (3) newly generated units to the applicable HUD Fair Market Rental rates, eliminating the need to comply with criteria A and E, with the project meeting all other criteria as-presented.

In order to address parking concerns and to confirm the proposal conforms to the parking standard, the board discussed with staff which board or committee in the City would be best to review the proposal for parking compliance.

P. Crouser explained this proposal does not require site review. Technical Review Committee can endorse a project, but does not have approval authority, they only make recommendations. This may or may not be required to go before TRC, a decision which is made once plans are submitted for a building permit.

He further elaborated that the proposed parking spaces meet the 9' minimum stall width for 90 degree parking stalls (even though those standards don't apply to this proposal).

He recommended two options for referring the application to others for review:

1. Send the package to TRC to have them determine if a full review is necessary
2. Directly request TRC review the package

Mr. Hewitt reiterated information from the ordinance relating to the non-conforming lot status for the use, request for special exception and minimum lot size of 10,000sf noting the parcel does not meet the requirements for special exception.

P. Crouser disagreed with the comments and explained his position based on the allowed uses and stricter Special Exception restrictions for this project than other projects permitted by right.

Public hearing closed

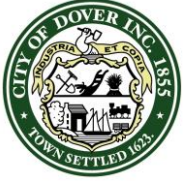
Chair Prior summarized that with the proposed HUD rent rate restrictions, the board will be voting on whether the application meets criteria B, C, and D for special exception.

Motion: Sillitta moved to grant the special exception, as the application meets criteria, with conditions 1 and 2 set by Planning Dept staff, HUD rate restrictions as presented, and a third condition set by ZBA for TRC to review the application for their input. Couturier seconded.

The Chair noted this board reviews hearing items to determine whether certain criteria were met and in this case the criteria were met to approve the request. He supports sending the package to the TRC for review.

Vote: U/A

B. * ZONE-2024-0046 Applicant: Cory Bastianelli, 9 Federal Street, Tax Map 20 Lot 93, located in the Urban Density Multi-Residential District (RM-U), requests a Variance from Section 170-24(C), to allow for an existing detached garage be converted into a two-story accessory dwelling unit.



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, December 19, 2024
Meeting Time:	7:00 pm

The property is approximately 0.25 acres and currently contains a single-family home (approx. 1,634 s.f.) and a single detached garage (approx. 465 s.f.). The applicant seeks a variance request to a single provision of the accessory dwelling unit (“ADU”) regulation within the zoning ordinance, §170-24(C), which states that “...If located in a detached accessory structure, the accessory dwelling unit may be located on either floor of the structure.” The applicant, due to the small size of their detached garage, seeks relief from this provision to permit the ADU to occupy both the first and second floor of the garage.

Corey Bastianelli noted the plan is to convert his detached garage into an apartment, but a single-floor plan only just barely allows for the 400 sf minimum for an ADU. The request is to allow the ADU to include both first and second floors of the garage. The exterior will not change other than adding four windows. He addressed the variance criteria:

- Not contrary to public interest
- Consistent with the spirit of the ordinance by allowing him to utilize and maximize his property and creating additional needed housing in Dover
- Substantial justice is served
- Subject property and surrounding property values should increase after the use change
- Hardship: detached structure already exists. Using only one floor for the ADU does not make fiscal sense nor provide a desirable living unit with only the bare minimum square footage of living space.

The board discussed the requested conditions proposed.

Public hearing opened:

No one spoke

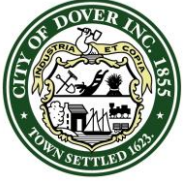
Planning Department input: Staff supports this variance request with conditions.

1. Relief granted in this variance approval shall only apply to the existing detached garage, requiring that any additional accessory structure or major reconstruction of the existing accessory structure meet the current ADU regulations at such time as the potential ADU application is submitted.
2. Compliance with all other ADU regulations as specified in §170-24.

Per the applicant’s variance request submission, they will remain compliant with all other ADU regulations. Additionally, staff notes that the ADU provision in question is one that staff will be asking the Planning Board to review and possibly post a zoning ordinance amendment to. If the Board posts and recommends the amendment, it would then go to City Council for review and possible adoption. The staff proposed amendment would be to eliminate the garage requirement for detached ADUs.

Public hearing closed

Motion: Sillitta moved to grant the variance request with conditions as it meets the criteria. Onufry seconded. Vote: U/A



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, December 19, 2024
Meeting Time: 7:00 pm

- C. * ZONE-2024-0047 Applicant: Guy Chase, 87 Littleworth Road, Tax Map F, Lot 32, located the Rural Density District (R-40), requests a Variance from Section 170-24(F), to allow for the utility power to come directly from the utility power where it is required to have power supplied from the main residence. *This item will be continued to a later meeting date.***

The Vice Chair noted this hearing has been requested to be continued.

Motion: (at the end of the meeting) Couturier moved to continue the item to the January 16, 2025 meeting. Onufry seconded. Vote: U/A

- D. * ZONE-2024-0048 Applicant: Read Family Trust 2023, 7 Browning Drive, Tax Map 21, Lot 99, located in the Medium Density Residential District (R-12), requests a Variance from Section 170-12(B), R-12 Frontage Requirements, to allow for the subdivision which would create one (1) lot with zero frontage, where 100' of frontage is required.**

The applicant ultimately seeks to subdivide the subject lot, creating a single new lot in the rear of the property, leaving both the parent lot and new lot with roughly one half acre each. The proposed new lot, however, would not meet the R-12's frontage requirement of 100', but rather, per the applicant's plan, would provide 0' of frontage, with access to the parcel existing solely through the existing private driveway on the parent parcel.

Phillip E. Read, owner gave history of the property, explained the plans to subdivide the lot and construct a single-family home for his own retirement use. There is only one abutter affected. He plans to have a deeded right of way access to the new lot. There is already a deeded right of way for sewer, water and electricity in place.

The board discussed the various criteria for variance with the applicant.
The applicant addressed the pond on site and whether the property has been surveyed.

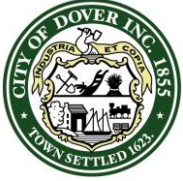
Public hearing opened:

The Chair noted two letters received from abutters in opposition to the variance request.

Paul Cully, 9 Browning, abutter sent a letter and summarized it. He has three concerns with the application:

1. The lot being the largest on the street, but reduced frontage due to the curve.
 - a. The City's public information seems to dispute this
2. Values of property will be enhanced
 - a. The higher density does not increase the value- it decreases it
3. Subdivision will allow a home of similar size to be constructed
 - a. The application does not appear to be restrictive. Seems anything allowed in the R12 could be built there.

Additionally, he is concerned that the driveway would not be 20' as required.



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, December 19, 2024
Meeting Time:	7:00 pm

His final concern is for the swale on that road and how it already fills up with water. The additional runoff from a second home there would make it even worse.

Planning Department input: Staff does not support this request. Historically, this board has, in certain instances, provided relief to dimensional regulations in varying residential districts to permit current owners to subdivide their land when they do not meet, but come close to meeting, current underlying dimensional regulations.

This proposal seeks relief from the R-12 district's frontage requirement in its entirety. Per the applicant's own submitted materials, while their lot is indeed the largest along Browning Drive, nearly every parcel on that street has 95 – 100' of frontage each.

Staff has concerns about setting a precedent of permanently altering the design of subdivisions such as the Browning Drive Subdivision, which, while approved back in 1977, is more or less compliant with current underlying zoning standards. Also, per RSA 674:41, since the proposed new lot does not have access to a public way via a public street, a recognized private street, or otherwise, the owner of the new lot would require Planning Board approval for the issuance of any building permit on the newly proposed lot. As such, staff recommends denying this variance request.

However, should this board decide to grant the variance request, staff recommends it do so with the following conditions:

1. The use on the newly proposed lot shall be restricted to purely residential uses;
2. Any development on the newly proposed lot shall be restricted to a single-family home only, and shall certify as such via a recorded deed restriction at the Strafford County Registry of Deeds, a copy of which shall be provided to the Planning Dept. prior to the issuance of a Certificate of Occupancy; and
3. Compliance with RSA 674:41 would be required to allow a building permit to be issued on a lot with no frontage.

P. Crouser read into the record an email received to the office shortly before the hearing from owners of 1 Pebble Dr and 5 Cobble Hill Dr expressing concerns to the proposal.

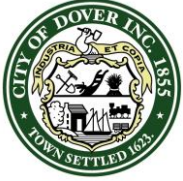
Public hearing closed

Motion: Sillitta moved to deny the variance request as it doesn't meet any of the five criteria for variance. Onufry seconded.

Chair Prior agrees that granting this variance would change the essential character of the neighborhood. It might diminish the neighboring values and there is no apparent hardship.

Sillitta noted the retirement home is a good concept, but having to put in a roadway may be difficult and costly. Perhaps the applicant can achieve his goal by building an ADU over the existing garage.

Vote: U/A



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, December 19, 2024**
Meeting Time: **7:00 pm**

4. OTHER BUSINESS

P. Crouser addressed board questions about the zoning/ADU potential changes being discussed.

5. ADJOURN

Motion: Couturier moved to adjourn at 8:25pm. Onufry seconded. Vote: U/A



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
Jefferson Mill Building
670 North Commercial Street
Suite 108
PO Box 1120
Manchester, NH 03105-1120

T (603) 623-8700
F (603) 623-7775

VIA EMAIL AND HAND DELIVERY

January 14, 2025

Zoning Board of Adjustment
City of Dover
288 Central Ave
Dover, NH 03820

Roy W. Tilsley, Jr.
Shareholder
(603) 665-8823 direct
rtilsley@bernsteinshur.com

RECEIVED
Planning Office

JAN 15 2025

Dover, New Hampshire

**Re: Request for Rehearing Pursuant to RSA 677:2
Case No.: ZONE-2024-0045
9 Maple Street – Tax Map 3, Lot 66
Simon D. J. Macalister – Applicant**

Dear Chairman Prior and Members of the Board:

This office represents the interests of Sam Hewitt, the owner of 5 Maple Street, which directly abuts the Applicant's property in the above-captioned matter. The Applicant is proposing to replace a historic single-family home with a four-family building on a pre-existing nonconforming lot of record lacking adequate area. On December 19, 2024, the Board granted a special exception to add on to the existing home to convert it into a four-family dwelling. For the reasons set forth herein, Mr. Hewitt submits that the Board granted the special exception in contravention of the City's regulations and requests that the Board grant the within Request for Rehearing to reconsider the application under the correct legal standards. The Board may grant such rehearing if in its opinion good reason is stated in this request. *See* RSA 677:2.

The Board should grant this Request for Rehearing to correct several errors. The rehearing process "is geared to the proposition that the board of adjustment shall have a first opportunity to correct any action it has taken, if correction is necessary, before an appeal to the court is filed." *Fisher v. Town of Boscawen*, 121 N.H. 438, 440 (1981). The statutory scheme is based upon the principle that the local board should have the first opportunity to pass upon any alleged errors in its decisions so that the court may have the benefit of the Board's judgment in hearing the appeal. *Id.*

First, pursuant to Dover Zoning Ordinance Section 170-14, the Applicant's property is not eligible for the special exception the Board granted. Section 170-14 sets forth the criteria by which non-conforming lots may be improved. Prior to enumeration of the four criteria, the

Ordinance provision states: "In any district, structures which are allowed by right, **but not structures that are allowed by special exception**, may be erected on any **nonconforming lot of record even though such lot fails to meet the requirements for area**, width or frontage provided that . . ." (Emphasis added.) The Applicant's property is located in the Urban Density Multi Residential District (RM-U). Per the Zoning Ordinance, the minimum lot size in the RM-U is 10,000 square feet and "Conversion of existing dwelling to accommodate not more than 4 units" requires a special exception. The Applicant's site plan (Page A1.00) lists the lot area as 9,978 square feet. As a result, the property is nonconforming due to insufficient area and structures allowed by special exception may not be built on nonconforming lots. As such, this proposal cannot legally be approved by special exception on this nonconforming lot. Granting the special exception clearly violates the terms of the Ordinance and the Board should grant a rehearing to correct this error.

If, *arguendo*, the Applicant were eligible for the requested special exception, the site plan provided still fails to meet the special exception criteria. As set forth in the Ordinance, by declaring the proposed new units as restricted to HUD fair market rates, two of the criteria are removed. The following requirements remain, and to receive a special exception, an applicant must meet each and every listed condition:

- B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two parking spaces per unit shall be required.
- C. Parking lots shall be at least 5 feet from a side property line and 10 feet from a front property line.
- D. Parking areas shall be screened from the street and from abutting lots.

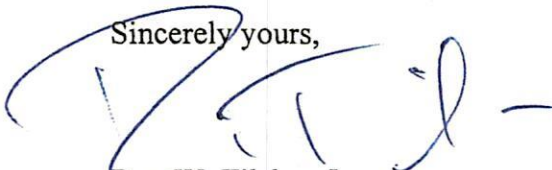
The Applicant's site plan *technically* complies with the requirement that two spaces (eight total) be provided for each unit; however, questions about the viability of the space furthest from the access drive were raised at the hearing as there is not enough space for a driver using the last parking space to turn around to exit. As a result, anyone parking in the last parking space will be forced to back on to Maple Street in violation of Criterion B. Regarding off-street parking, the Chapter 153 Site Review Regulations cited in Criterion B require a preliminary meeting with the Technical Review Committee ("TRC") prior to consideration of a site plan by the Planning Board. A preliminary meeting would have been valuable to vet the viability of the provided parking as the TRC and Planning Board are each enabled to require modelling demonstrating this space is actually usable without requiring the driver to back out due to a lack of maneuvering area. If the driver is unable to properly turn around from the parking space and is forced to back into the street, the site plan does not meet the special exception requirement and must be denied. The Applicant has not proved to the Board that the site plan complies with the criteria, and the Board erroneously granted approval based on insufficient evidence. At a rehearing, the Board should require verification the parking is sufficient from either the Applicant or a third-party consultant hired at the Applicant's expense.

Zoning Board of Adjustment
City of Dover
January 14, 2025
Page 3

Finally, the Board should grant a rehearing to clarify its condition of approval regarding TRC review. Under the Zoning Ordinance, TRC review is prerequisite for Planning Board review for many applications; however, it is generally nonbinding and advisory. The ZBA cannot cede its authority under state law and the Zoning Ordinance to an advisory committee, and upon rehearing it should clearly delineate how unfavorable TRC comments will be handled by the Board. As presently constituted, the Board's condition requires TRC review but is unclear as to what would result from an unsatisfactory review. If the parking provided, for example, is confirmed deficient by the TRC, the Board's condition of approval should make clear that approval of the underlying special exception would then be rescinded.

For the foregoing reasons, Mr. Hewitt respectfully requests that this Board grant this Request for Rehearing to reconsider its decision granting the special exception.

Sincerely yours,



Roy W. Tilsley, Jr.

RWT/lmn



PERMIT SNAPSHOT REPORT ZONE-2024-0045 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 10/31/2024
Work Class: Special Exception	District: None	Exp Date: NOT AVAILABLE
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval
Description: Add three new apartments to existing single family home		Expire Date:

Parcel: 30066-000000	Main	Address: 9 Maple St Dover, NH	Main	Zone: RM-U(Residential - Urban Density)
-----------------------------	------	---	------	--

Applicant Nicholas Isaak 35 Oyster River Rd., Durham, NH 03824 Business: (603) 969-6711	Owner/Builder Simon Macalister 40 MAPLE ST STE 2 DOVER, NH 03820-3057 Business: (603) 969-6275 Mobile: (603) 969-6275
---	--

Permit Custom Fields

ZoneSpExPlanSummary 4 townhome-style units with parking behind	ZoneSpExAppealSect open space requirements	ZoneSpExA1GenPubWelfare Much need for apartments in Dover and NH in general.
ZoneSpExA2SafetyImpact Adding three apartments would not dramatically increase traffic on Maple Street.	ZoneSpExA3UtilityImpact The project would not overload the municipal systems or cause negative health and safety effects.	What is the parcel zoned? RM-U
A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space. (See F)	B. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required. Meets criteria.	C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line. Meets criteria.
D. Parking areas shall be screened from the street and from abutting lots. Landscape buffer will be provided.	E. Structures shall be at least twenty (20) feet from a front property line, fifteen (15) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet. (See F)	F. If the units generated are restricted to the HUD Fair Market Rent rates, for Dover, criteria A and E do not apply. Using this Exception.

Attachment File Name	Added On	Added By	Attachment Group	Notes
PlanningApplication.OwnerAuthorizationZoning.pdf	10/31/2024 12:32	Isaak, Nicholas		Uploaded via Dover, NH - Permits Plans Licensing

PERMIT SNAPSHOT REPORT (ZONE-2024-0045)

Signature_Nicholas_Isaak_10/31/2024.jpg	10/31/2024 12:32	Isaak, Nicholas	Uploaded via CSS
Permit Snapshot Report.pdf	10/31/2024 12:32	Service, EnerGov	Attached by IO - ATTACH: Initial Permit Snapshot

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00009844	Planning Zoning Special Exception Application Fee	\$200.00	\$200.00
Total for Invoice INV-00009844		\$200.00	\$200.00
Grand Total for Permit		\$200.00	\$200.00

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			
Confirm application complete v.1	Generic Action		
Planning Permit Application Review v.1	Receive Submittal		
Zoning Board v.1			
Zoning Board Agenda v.1	Task		
Invoice for Notices v.1	Task		
Send Notices v.1	Task		
Zoning Administrator Creates Staff Recommendations v.1	Task		
Distribute Zoning Board Materials v.1	Task		
Zoning Board Hearing v.1	Hold Hearing		
Zoning Board Decision v.1	Permit Activity		
NOD Sent to Applicant v.1	Create Report		
Final Plan v.1			
Document Archival v.1	Generic Action		
Internal Notification of Permit Completion v.1	Generic Action		
Create/Link to Records v.1			
Create / Link to Permit - Building Major v.1	Create Sub Permit		

ZONE-2024-0045**9 MAPLE STREET**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
30047-000000	53 55 SIXTH ST	BEAUDETTE RAYMOND J &	BEAUDETTE LISA M	53 SIXTH ST	DOVER	NH	03820-3020
30048-000000	51 SIXTH ST	WILLIAMS AARON DANIEL	WILLIAMS YU-TING	51 SIXTH ST	DOVER	NH	03820
30049-000000	2 MAPLE ST	PAYNE JONATHAN READ &	COCOLA STACIE LYNN	2 MAPLE ST	DOVER	NH	03820
30049-A00000	49 SIXTH ST	BUCK STEPHEN M TRUSTEE	STONEGATE LANE TRUST	20 STONEGATE LN	WOLFEBORO	NH	03894
30050-000000	4 MAPLE ST	STANLEY KYLE DANIEL &	STANLEY GLORIA	4 MAPLE ST	DOVER	NH	03820
30051-000000	8 MAPLE ST	ANDREWS CHRISTOPHER D		14 GLENWOOD ST	SANFORD	ME	04073
30052-000000	10 MAPLE ST	RED MAPLE HOMES LLC		10 MAPLE ST	DOVER	NH	03820
30053-000000	12 MAPLE ST	LANDRY NATALIE &	LANDRY LOUIS-JAMES	8 BROOKS RD	BARRINGTON	NH	03825-4002
30054-000000	14 MAPLE ST	SWEENEY COURTNEY &	TOM RICHARD L	9 WILDCAT DR UNIT D	ROCHESTER	NH	03839
30055-000000	16 MAPLE ST	LEAR DAVID C		30 CLIPPER WAY	NEWBURYPORT	MA	01950
30063-000000	19 MAPLE ST	WATTERS DAVID	ALBERGHENE JANICE M	19 MAPLE STREET	DOVER	NH	03820
30064-000000	15 17 MAPLE ST	LONE TREE HOMES LLC		PO BOX 271	GREENLAND	NH	03840
30065-000000	13 MAPLE ST	AKERLEY BRIAN K		13 MAPLE ST	DOVER	NH	03820
30067-000000	5 MAPLE ST	HEWITT SAMUEL A		5 B MAPLE ST	DOVER	NH	03820
30068-000000	3 MAPLE ST	PAGE SHAUN M		3 MAPLE ST APT A	DOVER	NH	03820
30069-000000	43 SIXTH ST	BDH REALTY TRUST	KEANEY DANIELLE TRUSTEE	526 MANCHESTER ST	SEABROOK	NH	03874
30070-000000	41 SIXTH ST	PERREAULT RICHARD J III &	PERREAULT HEATHER L	78 PORTLAND AVE	DOVER	NH	03820-3541
30071-000000	39 SIXTH ST	FORBES KRISTEN K		39 SIXTH ST	DOVER	NH	03820
30072-000000	37 SIXTH ST	PROPERTY BROTHERS LLC		PO BOX 801	NEWCASTLE	NH	03854
30073-000000	56 GROVE ST	WOOD GEOFFREY J &	WOOD CHRISTINA A	123 PORTSMOUTH AVE	STRATHAM	NH	03885-2420
30074-000000	58 GROVE ST	SMITH KATHERINE L &	SMITH JAMES D	58 GROVE ST	DOVER	NH	03820
30075-000000	62 GROVE ST	AINSWORTH DONALD O	AINSWORTH PATRICIA A	62 GROVE STREET	DOVER	NH	03820
30076-000000	66 GROVE ST	INFLECTION POINT PROPERTY INVESTMENTS LL		14 SILVER ST	DOVER	NH	03820
30077-000000	70 GROVE ST	SWAIN DOUG M		70 GROVE ST	DOVER	NH	03820
30078-000000	74 GROVE ST	WHITE ROBERT W	WHITE MICHELLE M	74 GROVE ST	DOVER	NH	03820
30082-000000	71 GROVE ST	NOTHING BUT NET LLC	C/O CARDINAL POINT PROPERTY MANAGEMENT	4 GREENLEAF WOODS DR #102	PORTSMOUTH	NH	03801
30083-000000	69 GROVE ST	RYAN RUTH A		69 GROVE ST	DOVER	NH	03820-3003
30084-000000	67 GROVE ST	AMAZEEN TODD A		4 HAM STREET	DOVER	NH	03820
30085-000000	53 59 GROVE ST	O BRIEN LOUISE J		PO BOX 2801	SEABROOK	NH	03874
30066-000000	9 MAPLE ST	MACALISTER SIMON D J		22 AMYS LANE	BARRINGTON	NH	03825
		ISAAK DESIGN, PLLC		35 OYSTER RIVER ROAD	DURHAM	NH	03824



Mr. Paul R. Crouser
Zoning Administrator / Assistant City Planner
Planning & Community Development
City of Dover, NH

November 5, 2024

Dear Paul,

I went back through and tried to add more substance to each answer. I hope that this helps validate each point .
We truly appreciate your help and feedback in this process.

RE: 9 Maple Street - Special Exception narrative

Briefly describe plans for the property.

Conversion of an existing single family property into 4 townhome-style units with parking behind

Please indicate Section of Zoning Ordinance you wish to appeal.

Conversion to, or creation of Dwelling, 3-4 Family in the Urban Density Multi-Residential (RM-U) District

A. General Special Exception Requirements (as set forth in §170-52.C.3 of the Zoning Ordinance)

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

There is a well documented need for apartments in Dover. As evidence of this On Sept. 24, the Dover Planning Board voted to eliminate impact fees on affordable housing projects, setting the fee to 0% effective immediately. The proposed units will help fill the “missing middle” component of affordable housing that is often overlooked by developers. These units will be restricted to the HUD Fair Market Rent rates.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

Adding three apartments would not dramatically increase traffic on Maple Street. There are several apartment buildings along Maple street with much higher densities. 42 and 46 Maple for example, that set precedent. We do not feel the added cars would unduly impair pedestrian safety. The parking is behind the building which will aid in slowing traffic on Maple street as cars enter and exit the driveway. This will enhance pedestrian safety.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.



We do not anticipate that adding three apartments would overload the public water, drainage or sewerage system or any other municipal systems or cause negative health and safety effects. There are several apartment buildings along Maple street with much higher densities. 42 and 46 Maple for example, that set precedent

Exception Criteria

B. Specific Special Exception Requirements (as may be set forth in the applicable Table of Use) Explain how the proposal meets the specific special exception requirements as may be set forth in the Table of Use for the zoning district in which the subject property is located:

- A.** The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space. ***(See F)***
- B.** Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required. ***We are providing 8 parking spaces (2 per unit) located behind the building.***
- C.** Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line. ***The parking lot is a minimum of 5' from any lot line and more that 10' from the front property line.***
- D.** Parking areas shall be screened from the street and from abutting lots. ***Landscape buffer will be provided. The parking will be screened within the 5' buffer with arborvitae or a similar vegetative buffer.***
- E.** Structures shall be at least twenty (20) feet from a front property line, fifteen (15) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet. ***(See F)***
- F.** If the units generated are restricted to the HUD Fair Market Rent rates, for Dover, criteria A and E do not apply.

Using this Exception.

Sincerely,

Nick Isaak, AIA
Principal
Isaak Design, PLLC

Cc: Simon Macalister



CITY OF DOVER, NEW HAMPSHIRE

PLANNING APPLICATION OWNER AUTHORIZATION (ZONING)

IMPORTANT

Property identification sign must be posted on the property for five (5) days prior to the hearing. Failure to post may result in application not being accepted.

OWNER AUTHORIZATION

I/We hereby submit this application to the City of Dover / City of Dover Zoning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Property Owner Name:

Simon Macalister

Signature(s) of Property Owner(s):

Date: 10/31/2024

Signature of Applicant:

if different from owner

Date: 10/31/2024

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I/We hereby submit this application to the City of Dover Zoning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity..

Property Owner Name:

Simon Macalister

Signature(s) of Property Owner(s):

Date: 10/31/2024

Signature of Applicant:

if different from owner

Date: 10/31/2024



ARCHITECT
Isaac Isaak, AIA, LEED AP
100 Oyster River Rd.
Durham, NH 03824
Phone: 603-969-6711
isaak@isaakdesign.com

consultant
address
address
phone
fax
mail

consultant
address
address
none
fax
mail

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

[illegible]

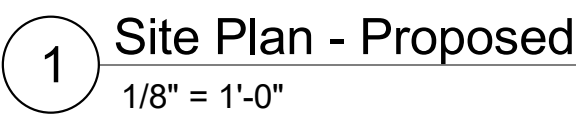
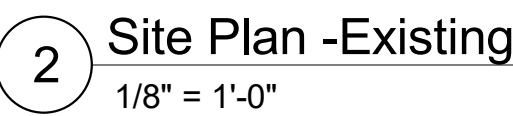
MAPLE STREET APTS

SITE PLAN

Project number	2406
Date	07/22/24
Drawn by	Author
Checked by	Checker

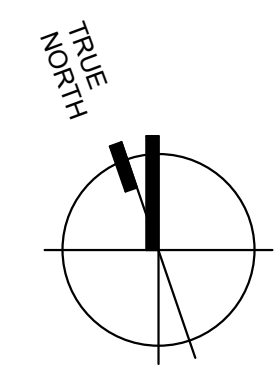
A1.00

Scale $1/8" = 1'-0"$



PERMIT SET
NOT FOR CONSTRUCTION

10/25/2024 9:44:41 PM



PERMIT SET
NOT FOR CONSTRUCTION





ARCHITECT
Rick Isaak, AIA, LEED AP
Oyster River Rd.
Durham, NH 03824
Phone: 603-969-6711
rick@isaakdesign.com

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

MAPLE STREET APTS

2ND FLOOR PLAN - OVERALL

Project number	2406
Date	07/22/24
Drawn by	Author
Checked by	Checker

A1.02

Scale	As indicated
-------	--------------



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



ARCHITECT
Rick Isaak, AIA, LEED AP
Oyster River Rd.
Durham, NH 03824
Phone: 603-969-6711
rick@isaakdesign.com

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

[illegible]

MAPLE STREET APTS.

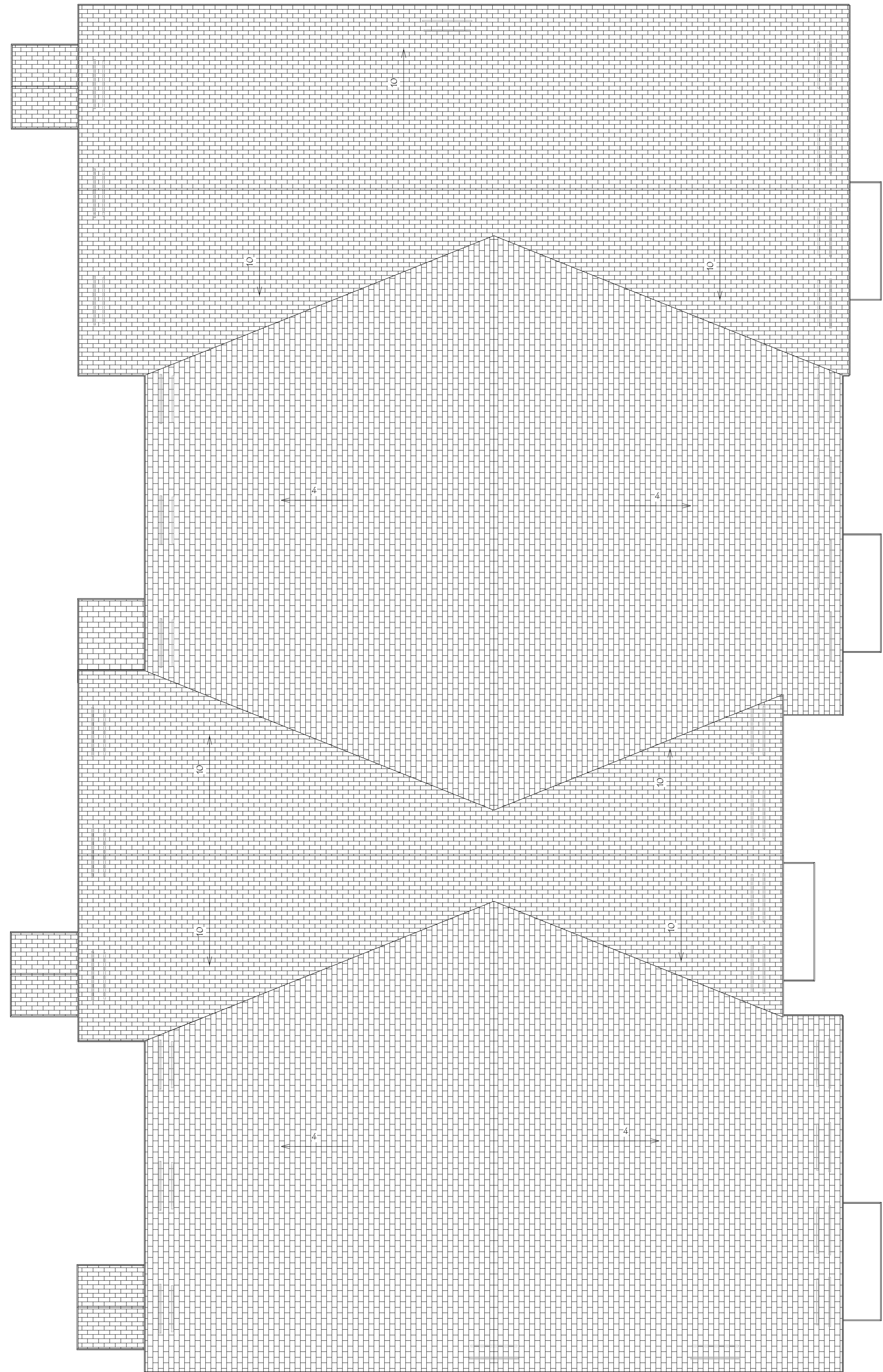
ROOF PLAN

Project number	2406
Date	07/22/24
Drawn by	Author
Checked by	Checker

A1.03

Scale $1/4" = 1'-0"$

10/25/2024 9:44:49 PM



1 Roof

SCALE: $1/4" = 1'-0"$

PERMIT SET
NOT FOR CONSTRUCTION



ARCHITECT
Rick Isaak, AIA, LEED AP
Oyster River Rd.
Durham, NH 03824
Phone: 603-969-6711
rick@isaakdesign.com

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

consultant
address
address
phone
fax
mail

consultant
address
address
none
fax
mail

[illegible]

MAPLE STREET APTS.

EXTERIOR ELEVATIONS

Project number	2406
Date	07/22/24
Drawn by	NI
Checked by	Checker

A2.00

Scale $1/4" = 1'-0"$



West

SCALE: 1/4" = 1'-0"



South

SCALE: 1/4" = 1'-0"

PERMIT SET
NOT FOR CONSTRUCTION

10/25/2024 9:44:52 PM



HITECT
Isaak, AIA, LEED AP
Oyster River Rd.
Ham, NH 03824
Tel: 603-969-6711
isaakdesign.com

consultant
 press
 press
 ne
 ail

sultant
ress
ress
ne
ail

sultant
ress
ress
ne
ail

sultant
 ress
 ress
 ne
 ail

[illegible]

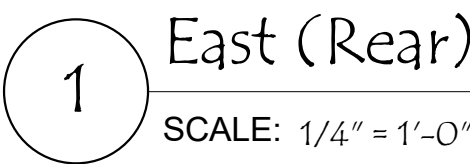
APPLE STREET APTS

ANTERIOR ELEVATIONS

Project number	2406
Date	07/22/24
Drawn by	Author
Checked by	Checker

A2.01

Scale $1/4" = 1'-0"$



PERMIT SET
NOT FOR CONSTRUCTION

10/25/2024 9:44:55 PM



MAP 30 PAGE 52
SALAS LUIS ALFREDO
MUNOZ
VEGA JESSICA PEREZ
10 MAPLE STREET APT 1
DOVER NH 03820
4365/9

MAP 30 PAGE 51
CHRISTOPHER D AND NANCY
J ANDREWS
8 MAPLE STREET
DOVER NH 03820
3303/335

MAP 30 PAGE 13
KYLE DANIEL AND GLORIA
STANLEY
4 MAPLE STREET
DOVER NH 03820
3044/189

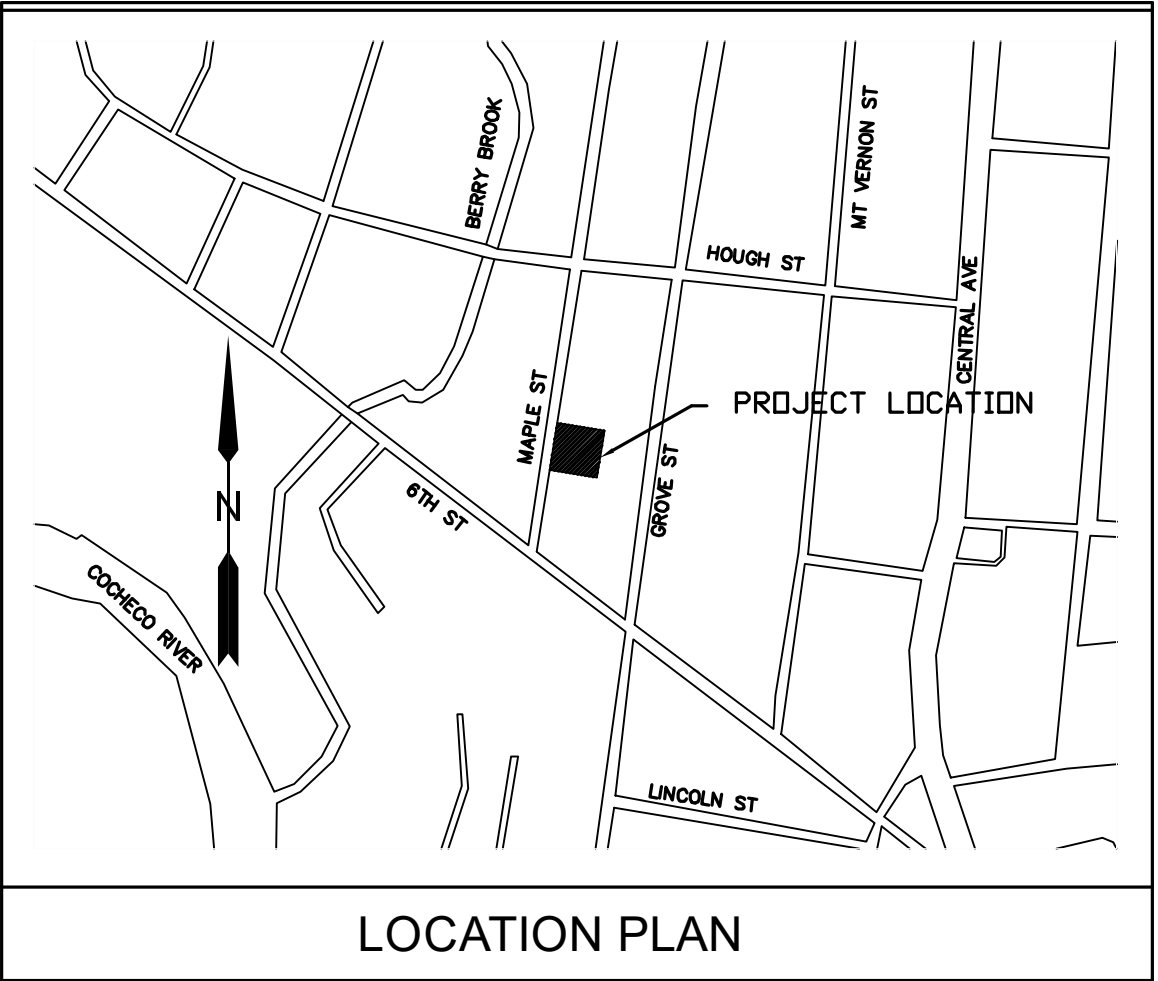
MAP 30 PAGE 65
BRIAN K AKERLEY
13 MAPLE STREET
DOVER NH 03820
2237/534

MAP 30 PAGE 76
INFLECTION POINT
PROPERTY INVESTMENTS LI
14 SILVER STREET
DOVER NH 03820
3688/403

MAP 30 PAGE 75
DONALD O AND
PATRICIA A AINSWORTH
62 GROVE STREET
DOVER NH 03820
1098/370

MAP 30 PAGE 67
SAMUEL A HEWITT
5 MAPLE STREET
DOVER, NH 03820
3762/889

TAX MAP 30
LOT NUMBER 66
9978 SQ.FT
0.23 +/- ACRES



- NOTES:**
- OWNER OF RECORD FOR MAP 30 LOT 66
SIMON D. J. AND CYNTHIA L. MACALISTER
90 RIVER STREET APT. 14D
NEWMARKET, NH 03857
BK 2303 PAGE 0130
 - 30/66- DENOTES TAX MAP AND PARCEL NUMBER
 - ZONING DISTRICT IS RM-U (URBAN DENSITY RESIDENTIAL)
MINIMUM LOT SIZE =10,000 SQ.FT
MINIMUM FRONTAGE =80 FT
SETBACK REQUIREMENTS
FRONT = AVERAGE FRONT SETBACK ON STREET
REAR =15 FT
SIDE (ABOUT A LOT) =15 FT
SIDE (ABOUT A STREET)=AVERAGE SETBACK ON STREET
MAXIMUM LOT COVERAGE =40%
MAXIMUM BUILDING HEIGHT =40 FT
 - THE SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED
100-YEAR FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33017C0310E
EFFECTIVE 9/30/2015
 - THE BASIS OF BEARING IS NAVD88

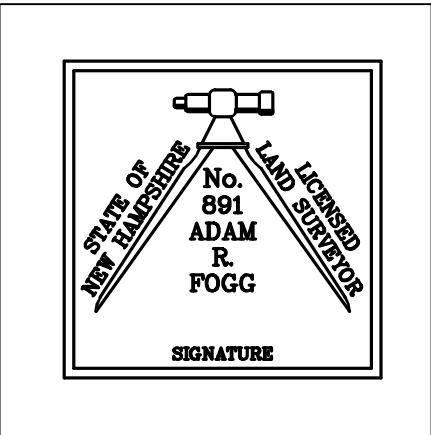
**PLAT OF LAND
FOR
SIMON D J AND CYNTHIA L
MACALISTER
9 MAPLE STREET
DOVER, NH 03820**

DATE:
JUNE 3, 2024
SCALE: 1" = 10'

NO.	DATE	INITIAL SUBMISSION	TKF
1	DATE	INITIAL SUBMISSION	TKF
NO.	DATE	DESCRIPTION	BY

"I CERTIFY THAT THIS PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN."

"I CERTIFY THAT THIS SURVEY AND PLAN WAS PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION. I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO BEST OF MY KNOWLEDGE AND BELIEF. RANDOM TRAVERSE SURVEY BY THEODOLITE AND EDM. PRECISION GREATER THAN 1: 15,000.



- REFERENCE PLANS:**
- "PLAN OF LAND BELONGING TO THE DOVER BUILDING ASSOCIATION SHOWING PROPOSED STREETS AND LOTS FROM SURVEYS MADE BY JOHN M. HAYES, C.E., DOVER N.H." SCALE: 1"=50', DATE RECORDED: AUG. 31, 1875, SCRD PLAN 34, POCKET 10, FOLDER 2.

LEGEND

- UTILITY POLE
- FENCE LINE
- E UTILITY LINES

FARWELL
ENGINEERING
SERVICES, LLC

265 WADLEIGH FALLS ROAD
LEE, NEW HAMPSHIRE 03824
PH: 603-969-0493
WWW.FARWELLENENGINEERING.COM