

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 20, 2025**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Rich Onufry, Nicholas Couturier, Jackson Brown

Members Not Present: Anthony Sillitta (Vice Chair),

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF JANUARY 16, 2025

Motion: Couturier moved to approve the minutes of January 16, 2025 as submitted. Seconded by Brown.

Roll Call Vote: Brown-yes, Couturier-yes, Onufry-yes, Prior-yes

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.

Chair Prior explained the hearing process.

3. HEARINGS

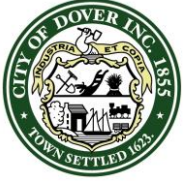
A. * ZONE-2025-0001 Applicant: Scott Torr c/o: Scott A. & Renee L. Torr Revocable Living Trust, located off Mast Road, Tax Map H, Lot 5-A, located in the Commercial District (C), requests a Variance from Section 170-12, Commercial Zone Table of Uses, to allow for a single-family home to be built in the Commercial District.

Scott Torr, 217 Durham rd presented the item and explained the request for variance. Chair Prior reviewed the facts of the item, and the applicant and staff confirmed information relating to variance criteria.

Public hearing opened:
No one spoke

Planning Department input: the applicant could, by right, build a sixteen-unit structure with one, or numerous, commercial units in addition to the residential units. The applicant's proposal is, by every metric, less impactful to the neighborhood, and the underlying zoning, in staff's opinion, may constitute an unreasonable hardship, given the parcel's proximity to other residentially-zoned parcel, including parcels which also house single-family homes. However, staff acknowledges this land was purposefully zoned and that there needs to be a balance between residential and non-residential use within the City.

Staff does not oppose or support this Variance request. However, should the Board vote to grant the Variance, staff recommends adding the following conditions:



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1. (Revised) Any sought density, above and beyond that of a single-family home shall require subsequent variance approval. This condition shall not apply to accessory dwelling units provided they meet all criteria as specified in Section 170-24.
2. The current lot on which the proposed single-family home resides shall be restricted to one primary structure in perpetuity; and
3. Should the property be subdivided, the parent lot only shall retain the relief granted in this variance.

Public hearing closed.

Motion: Onufry moved to approve the variance for a single-family home to be built in the commercial district as the request meets the five criteria and with the conditions provided by staff. Couturier seconded.
Roll Call Vote: Brown-yes, Couturier-yes, Onufry-yes, Prior-yes

B. * ZONE-2025-0002 Applicant: Kurt Eddins c/o: Eddins Investments, LLC, located at 6 Milk Street, Tax Map 30, Lot 108, located in the Urban Density Multi-Residential District (RM-U), requests a Variance/Amendment from the Notice of Decision for ZONE-2024-0002, Conditionals of Approval, to remove “prohibiting alcohol”.

The applicant has requested a continuance to the March 20, 2025 meeting.

Motion: Couturier moved to continue the item to the March 20, 2025 meeting. Brown seconded.
Roll Call Vote: Brown-yes, Couturier-yes, Onufry-yes, Prior-yes

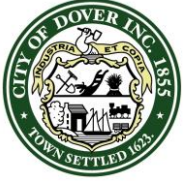
C. *ZONE-2025-0003 Applicant: Civilworks New England c/o: 16 Industrial Park, LLC, located off Industrial Park Road, Tax Map G, Lot 4-1, located in the Commercial Manufacturing District (CM), requests a Special Exception from Section 170-11(C), to allow a business use of Automotive Services.

The applicant seeks a Special Exception, governed under §170-11(C) and the Commercial Manufacturing District’s table of uses, which permits the use of “Auto Service” if specific criteria are met.

Jace Gregoire , CivilWorks presented the item and explained the request for special use exception for an auto service. He described the location and proposal of business expansion from across the street. He noted which special exception criteria apply and which don’t, and that the applicant will comply with the appropriate criteria.

Public hearing opened:

Chad Kageleiry, property owner, confirmed the intent is for the business across the street to expand to this location and will be doing the exact same work they do at the existing location.



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Planning Department input: Staff recommends the approval of this Special Exception request without conditions.

Based upon the criteria and the proposed use as described in the application materials, staff is of the opinion that only criteria which are applicable to this use are criterion C and F, as all others apply only to refueling stations. As the applicant has acknowledged compliance with the aforementioned, staff feels the applicant meets all relevant criteria and that the Special Exception should be granted without conditions. In addition, this application will have to go through the TRC process where concerns about any of the criteria will be raised.

Staff further clarified some details for the Chair.

Public hearing closed.

Motion: Couturier moved to approve the special exception to allow a seasonal auto storage and maintenance facility. Onufry seconded.

Roll Call Vote: Brown-yes, Couturier-yes, Onufry-yes, Prior-yes

D. *ZONE-2024-0004 Applicant: FX Bruton c/o: 5 Sherman Street, LLC, located at 46 Whittier Street, Tax Map 33, Lot 1, located in the Urban Density Multi-Residential District (RM-U), requests a Variance from Section 170-11(D), 170-12(A), and RM-U Use Table, to allow for more than one primary structure on the lot and to permit a dwelling unit count in excess of the maximum number of four (4), for a total of sixteen (16).

The applicant has asked for a continuance for this item to the March meeting.

Motion: Brown moved to continue the item to the March 20, 2025 meeting. Couturier seconded.

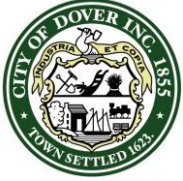
Roll Call Vote: Brown-yes, Couturier-yes, Onufry-yes, Prior-yes

E. *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.

The applicant has asked for a continuance for this item to the March meeting.

Motion: Couturier moved to continue the item to the March 20, 2025 meeting. Brown seconded.

Roll Call Vote: Brown-yes, Couturier-yes, Onufry-yes, Prior-yes



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4. OTHER BUSINESS

Staff noted there may be a new member coming on board for an alternate.

5. ADJOURN

Motion: Couturier moved to adjourn at 7:27pm. Prior seconded. Vote: U/A