

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

1. ATTENDANCE

Members Present: Anthony Sillitta (Chair), Nicholas Couturier (Vice Chair), Rich Onufry, Hilary Hamer (Alternate), Nicole Morin (Alternate)

Members Not Present: Chris Prior, Jackson Brown

Staff Present: Paul R. Crouser (Zoning Administrator)

Sillitta (acting Chair) called the meeting to order at 7PM and explained that all items except one have requested to be continued to the December meeting.

2. APPROVAL OF MEETING MINUTES OF OCTOBER 16, 2025

Motion: Hamer moved to approve the minutes of October 16, 2025 as amended. Seconded by Onufry. Vote: 4-0 in favor

Motion: Couturier moved to continue items A-D to the December meeting. Seconded by Onufry. Vote: 4-0 in favor

Nicole Morin (Alternate) arrived at this time resulting in a full board of five voting members.

3. HEARINGS

A. ZONE-2025-0036 Applicant: Dev Atma Khalsa (Owner: The Gurubhai Khalsa Trust) Page Avenue, Tax Map 37, Lot 52, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to construct a single-family dwelling with an attached garage 15' from the rear lot line where 30' is allowed.

The applicant submitted a request to move the item to the next meeting.

B. ZONE-2025-0037 Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-11(D)** to allow for the construction of a commercial building within a residential zoning district.

The applicant submitted a request to move the item to the next meeting.

C. ZONE-2025-0037B Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B)**, to permit a front setback of 78.1' where the front build-to line requires a max of 25'.

The applicant submitted a request to move the item to the next meeting.

D. ZONE-2025-0037C Applicant: 25 Dover Point, LLC, 28 Dover Point Road, Tax Map 6, Lot 26, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-15(D)**, to allow for a commercial property closer than 150' from a residential structure within a residential zone.



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The applicant submitted a request to move the item to the next meeting.

- E. ZONE-2025-0038** Applicant: Fergus Cullen, 18 Pearson Drive, Tax Map L, Lot 46-M, located in the Low Density Residential District (R-20), requests a variance from Section 170-11(B) and 170-12(B), to allow for the construction of an addition to an existing single-family home to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f.

Fergus Cullen, 152 Boxwood Ln, owner, presented the item and explained the existing structure is a ranch style home in very poor condition. The proposal is to renovate the home and add an addition to the back creating a duplex. Duplexes are allowed by right, but since there is some ambiguity in the ordinances around the definition of a conversion and the differences between new construction and an addition, he is voluntarily coming before the board for approval of the request for the duplex conversion.

Mr. Cullen presented his proposal and the reasons it meets the criteria.

He highlighted the existing condition of the home, duplexes being allowed by right in the zone, footnotes which address the criteria for duplexes, and the discrepancy between the two footnotes in relation to the square footage required.

He addressed the five criteria for zoning approval including a previous case heard by the board at 3 Arcola St. in 2003.

Public hearing opened.

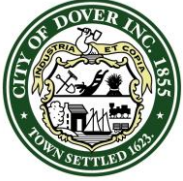
Nadine Hill, 17 Pearson Dr is opposed to the proposal due to square footage. She handed some affidavits to the board from people in the neighborhood not present at the meeting.

Colin Lynch, 16 Pearson Dr is opposed to the proposal and believes the variance criteria has not been met. He gave abuttal arguments for the five criteria not having been met.

He is a direct abutter and is concerned about the possible diminution of value to his property. He provided some information from a realtor. He is concerned about the reduced square footage of lot area per unit, subject is the only non-owner occupied property in the neighborhood, unlikely that the units will be affordable or workforce housing as there are no sidewalks or city services, scope of the project is unreasonably large for the site, and size of the proposed structure is too large of an increase on the site.

Keith Lewis, 16 Pearson Dr is opposed to the proposal and is concerned about the square footage of the lot, this is not a conversion- it's new construction, the R20 zone cannot support the scope of the project proposed, and there is no hardship for the site.

Tim Gemas, 17 Pearson Dr has concerns about the amount of new foundation being added and that seems to reflect new construction rather than a conversion, who is going to maintain the City's land shown



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in the rendering as grass, the proposal is for more than what the zoning regulations allow and the lot is too small for the new construction proposed.

Jonathan Hanson, 15 Pearson Dr believes this is a new construction- not a conversion and is concerned about increased traffic, emergency vehicle access, and increased taxes.

Gary Hecht, 9 Pearson Dr is concerned about how safely the proposed work will be done.
Public Hearing closed.

Staff recommendations: Staff clarified the property owner has the right to have two dwelling units on the property. Any concerns related to the impacts of having two units are unrelated to the relief the applicant is seeking.

Staff agree that the applicant proposes a creation, rather than a conversion. There is preexisting ambiguity present in the zoning ordinance relative to conversions of structures vs. the creations of new ones. Neither are defined within the existing zoning ordinance, relying instead on discretionary determinations made by staff to differentiate.

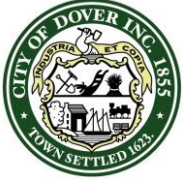
The relief being sought is for the size of the proposed structure. The matter before the board is to determine what an acceptable expansion of the existing single-family home is before it becomes a creation of a new structure. If the board determines it is reasonable to expand the single-family home and still qualify for a conversion, the Board must weigh the public benefit of denying this variance versus permitting the owner to expand the single-family home while netting the same two units.

Board members discussed the matter with staff and among themselves clarifying what is allowed in the zone.

Onufry noted property values cannot be clearly determined in advance. As we've seen before, one realtor can have the opposite opinion from another. The consideration of public interest is intended to have a wider scope than just the immediate abutters to a project. The question to consider is whether the proposal is new construction or not.

Morin noted denying the variance does not necessarily stop construction. The owner still has rights to expand the property in various ways which wouldn't need to come before the board. For instance, one or two ADUs could be added to the property if particular criteria are met. Staff noted that although two ADUs are permitted, there are conditions attached such as utility metering, owner occupancy, and size and deed restrictions.

Hamer noted this is definitely new construction as it is doubling the existing square footage of the structure. She brought up two court cases on the matter of cumulative impact, spirit of the ordinance and public interest. She commented on the impact of allowing this project potentially leading to each home on the street making the same changes and how that would change the intention of the neighborhood.



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Board members asked clarifying questions of the applicant relating to the existing structure square footage, proposed additional square footage and total proposed square footage.

Motion: Sillitta moved to approve the variance request based on meeting the five criteria for the conversion of the existing structure on the non-conforming lot. Consideration has been given to the ambiguity between whether criteria of footnote six or footnote seven would apply. In the absence of the current zoning ordinance defining conversion or creation, the applicant meets the current criteria as defined to be awarded the variance to the application. Onufry seconded the motion based upon the alternatives the applicant has if the variance is denied being no better than what he can do with the granted variance. The other options are not better for the public interest or for the site.

Vote: 3 in favor with Hamer and Couturier opposed.

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Couturier moved to adjourn at 8:08pm. Morin seconded. Vote: U/A