

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, May 21, 2026**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Nicholas Couturier (Vice Chair), Jackson Brown, Rich Onufry, Ethan Ash (Alternate)

Members Not Present: Anthony Sillitta, Hilary Hamer (Alternate), Nicole Morin (Alternate)

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 19, 2026

Motion: Onufry moved to approve the minutes of February 19, 2026. Seconded by Brown. Vote: 3-0 with 2 abstentions

Chair Prior explained the hearing process.

3. HEARINGS

- A. ZONE-2026-0011** Applicant: Daniel G. Gabriel Trust, 260 Dover Point Road, Tax Map L, Lot 98-A, located in the Low-Density Residential District (R-20), requests three Variances from **Section 170-12(B), R-20 Table of Uses**, to subdivide the parcel for the construction of a single-family dwelling, with both proposed lots having frontage of one-hundred (100) feet where one hundred and twenty-five (125) feet is required, in addition to seeking relief for the maximum build-to line where thirty-five (35) feet is the maximum permitted, but one-hundred (100) feet is proposed.

Background

The subject parcel for this variance request is located at 260 Dover Point Rd. within the Low-Density Residential (R-20) Zoning District.

The owner of 260 Dover Point Rd. is seeking three (3) variances necessary to subdivide the property in half, with the intent of constructing a single-family home on the newly created lot. The variances are as follows:

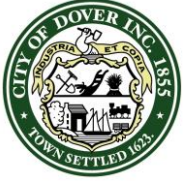
1. Post-subdivision, the parent parcel will have 100' of frontage, where 125' is required;
2. Post-subdivision, the new lot will also have 100' of frontage, where 125' is required; and
3. Construction on the new lot would require relief from the build-to line maximum of 35', where 100' is proposed.

FX Bruton, Bruton and Berube represented the item and explained the proposal to subdivide the lot in half, the waivers for frontage, the existing driveway which they intend to keep, the waiver for the build-to line, the unique aspects of the site having slopes and an existing driveway which is a safe access they'd prefer to use for both homes which is the reason for the proposed home to be set back.

He addressed the variance criteria.

Kevin MacEneany, Surveyor explained the existing slopes and driveway locations.

Mr. Bruton clarified information for the board members about the intended easement for the proposed lot and the applicant's acceptance of the proposed conditions.



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Public Hearing opened

No one spoke

One letter was received from Richard Morin which noted his support of the project.

Staff Recommendation:

Staff supports these variance requests as the relief sought yields two lots comparable to the surrounding neighborhood and because this Board has approved similar such variances in order to permit a minor subdivision where the two resulting lots would be dimensionally nonconforming by a small degree.

Staff recommends that if the Board approves these variance requests, it do so with the following conditions:

1. The applicant receives minor subdivision approval from the Dover Planning Board;
2. No future variance for dimensional relief will be granted for either parcel;
3. No additional curb cuts shall be approved for either parcel;
4. Additions to the future single-family home shall retain a minimum 100' front setback; and
5. Outbuilding/Accessory Use front setbacks shall be 65'.
6. Residential structures for both properties, post-subdivision, shall be restricted to single-family home use only and shall not be converted to hold more than one (1) dwelling unit (save for ADUs pursuant to the rules set forth under §170-24).

This condition shall be memorialized by separate deed restrictions for each property, to be recorded at the Strafford County Registry of Deeds

Public Hearing closed

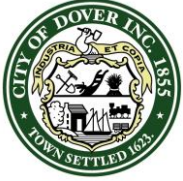
Motion: Onufry moved to grant the three variances requested with the conditions itemized by staff having met the criteria. Seconded by Couturier. Vote: U/A

B. ZONE-2026-0012 Applicant: Laine Major, 15-17 New York Street, Tax Map 4, Lot 68, located in the Urban Density Multi-Residential District (RM-U), requests two Variances from **Section 170-12(B), RM-U Table of Uses**, to reconstruct a two-family dwelling on the previous building's footprint with a side setback of 1.92', where 6' is required and 47.2% lot coverage where 40% is required.

Background

The applicant seeks two dimensional variances to rebuild a two-family structure at 15–17 New York Street upon the same footprint where an existing duplex stood it was damaged beyond repair by a fire in 2024.

In 2025, due to safety concerns, the building was demolished. The subject lot is nonconforming in terms of both frontage (33.5') and area (2,790 s.f.). The relief requested is to re-establish the long-standing 1.92' east side setback where 6' is required, and to allow for a lot coverage percentage of 47.2% where 40% is permitted.



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Staff would highlight the fact that per §170-53 of the Zoning Ordinance, had building permits been sought within 12 months of the fire event, the structure would be permitted to be re-constructed as it was by-right and without any zoning relief. However, delays due to the insurance claims process and re-development plan revisions, coupled with the safety issues necessitating the structure's demolition, meant that the 12-month reconstruction window expired, requiring than any new structure meet current zoning standards.

Laine Major, owner presented the item and explained the proposal to reconstruct on the same footprint of a building which was destroyed by fire. She explained the two variance requests for setback and lot coverage.

She addressed the criteria for variance.

She confirmed for Mr. Brown that once complete, she will retain ownership and the units will be rented as apartments.

Public Hearing opened

No one spoke

Staff Recommendation:

Staff supports these variance requests as the subject parcel is dimensionally non-conforming to a large degree in both area and frontage, making compliance with underlying zoning highly impractical regardless of the use proposed at the site. Considering the present dimensional nonconformities, this site's similarity to the majority of neighboring lots, and the unfortunate missing of the 12-month re-construction period, staff feels as though the applicant has sufficiently demonstrated hardship and has submitted a proposal compliant within the context of the surrounding neighborhood. Based on the evidence presented, Staff recommends that this Board approve these two variance requests with the following condition:

1. No future variance shall be given for dimensional relief at this property.

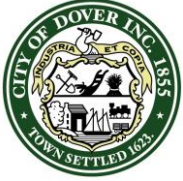
Public Hearing closed

Motion: Couturier moved to grant the two variances requested with the condition itemized by staff having met the criteria. Seconded by Ash. Vote: U/A

- C. ZONE-2026-0013** Applicant: Ryan A. Hardin and Melissa L. Wheeler, Long Hill Road, Tax Map A, Lot 18-B-4, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B), R-12 Table of Uses**, to construct a single-family home +/- seventy (70) feet beyond the maximum build-to-line where thirty-five (35) feet is the maximum permitted.

Background

The applicant seeks a variance from the R-12's build-to-line requirement of 15' – 25', instead proposing a front setback of approximately 72.3'. The need for this variance relief stems from the site's topography, which gains elevation as you move from the front to the rear of the lot. Should the applicant comply with underlying zoning requirements, the leach field would be located, by default, in the rear of the property, and



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given the elevation change, that system would likely be required to be a pumped system, which is less reliable and more expensive than a gravity-fed system. Thus, the applicant proposes installing the leach field in front of the house, allowing the installation of the more affordable and reliable gravity-fed system.

Eric Salovitch, Northam Survey presented the item along with owner Ryan Hardin.

Mr. Salovitch explained the owner is in the process of working out the proposed layout for the new home on the vacant lot and discovered the topography would cause the septic issues described above. The intention of the owner will be to move into the new home once built and as he currently has the same septic issue, he would prefer not to repeat that option in the new home.

Mr. Salovitch addressed the criteria for variance.

Public Hearing opened
No one spoke

Staff Recommendation:

Staff supports this variance request without conditions. Staff does not see the public benefit in the denial of this variance, whereas if granted, the proposed home would closer match the existing front setbacks of neighboring properties and the applicants would be spared the extra expense of an inferior septic system.

Public Hearing closed

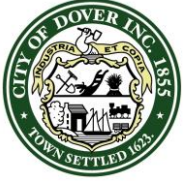
Motion: Couturier moved to grant the variance request with no conditions having met the criteria.
Seconded by Onufry. Vote: U/A

D. ZONE-2026-0014 Applicant: Fergus Cullen, Owners: Morgan & Eileen Allen Irrevocable Trust, 53 Cataract Avenue, Tax Map 14, Lot 6, located in the Medium Density Residential District (R-12), requests four Variances from **Section 170-12, R-12 Table of Uses**, to subdivide the parcel yielding two new lots, each with nonconforming frontages of +/- ninety-four (94) feet where one-hundred (100) feet is required and nonconforming areas of +/- nine-thousand five-hundred (9,500) s.f. where twelve-thousand (12,000) s.f. is required.

Background

The applicant, through authorization of the current owner, is seeking four (4) variances necessary to subdivide the property in half, with the intent of constructing a single-family home on the newly created lot. The variances are as follows:

1. Post-subdivision, the parent parcel will have $\pm 94'$ of frontage, where 100' is required;
2. Post-subdivision, the new lot will also have $\pm 94'$ of frontage, where 100' is required;
3. Post-subdivision, the parent parcel will have $\pm 9,500$ s.f. of lot area, where 12,000 s.f. is required; and
4. Post-subdivision, the new lot will also have $\pm 9,500$ s.f. of lot area, where 12,000 s.f. is required.



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Fergus Cullen, owner presented the item, explained the existing conditions and the intent to demolish the older unit and renovate the newer unit into a single family home with possible garage addition and/or ADU. He noted a survey has been done, but has not yet been provided. He described the potential layout of the renovated home and an example of a proposed new home layout on the subdivided portion of the lot.

He addressed the variances requested and addressed the criteria.

He addressed questions from the board relating to the foundation condition for the older unit and other options for the parcel.

Chair Prior addressed his concern about the proposal putting the property line directly at the existing building which causes hardship for both future property owners.

R. Onufry agreed and suggested one duplex might be a better option for the site.

Public Hearing opened

No one spoke

Staff Recommendation:

Staff supports these variance requests with proposed conditions below as the relief sought yields two lots comparable to the surrounding neighborhood and because this Board has approved similar such variances in order to permit a minor subdivision where the two resulting lots would be dimensionally non-conforming by a small degree. Staff would consider the deviations from underlying zoning ($\pm 12'$ short of compliant frontage and $\pm 4,000$ s.f. short of compliant lot area) to be fairly minor deviations consistent with previously-approved variances.

Staff recommends that this Board approve these variance requests with the following conditions to ensure future compliance with the narrative presented to the Board:

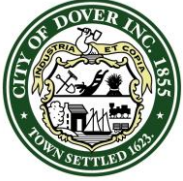
1. The applicant receives minor subdivision approval from the Dover Planning Board;
2. Residential structures for both properties, post-subdivision, shall be restricted to single-family home use only and shall not be converted to hold more than one (1) dwelling unit (save for ADUs pursuant to the rules set forth under §170-24).

This condition shall be memorialized by separate deed restrictions for each property, to be recorded at the Strafford County Registry of Deeds.

The board discussed adding a condition that all structures must comply with current setback regulations for the zone.

A letter was received from Alexander Temple in opposition to the project and summarized by the Chair.

Public Hearing closed



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Motion: Onufry moved to deny the requests based on hardship not being proven, public good not being proven, not having enough information to process what could happen in the future. Seconded by Couturier.

Mr. Couturier noted there's not enough information to approve the variances at this time.

Vote: 3-2 with Ash and Brown opposed. The variance requests are denied.

4. OTHER BUSINESS

ZBA Rules of Procedure

Motion: Brown moved to remove the item from the table. Seconded by Onufry. Vote: U/A

Discussion regarding change in ZBA Rules of Procedure. Discussed amending public hearing section of rules to include discretionary 5 minute cutoff for testimony, per person, at the discretion of the Board.

Motion: Couturier moved to adopt the amendment to the rules as proposed. Seconded by Ash.

Vote: U/A

5. ADJOURN

Motion: Couturier moved to adjourn at 8:39pm. Brown seconded. Vote: U/A