

Dover Zoning Board of Adjustment

Thursday, August 19, 2004

MINUTES

Members Present: Richard Callaghan, Bill Colbath, Frank Landford, Ruth Gorton, John Levasseur

Staff Present: Thomas Clark; Building Official, Steve Bird; City Planner, Jean Glidden;
Recording Secretary

ITEM # 1: CALL TO ORDER

Richard Callaghan brought the meeting to order at 7:03 p.m. and explained to the general public how the cases should be represented to the Zoning Board of Adjustment.

ITEM # 2: APPROVAL OF MINUTES

A. Approval of the minutes for regular meeting of July 15, 2004.

Richard Callaghan stated a correction to be made on page 5. The third item on page 7 should read, "Spirit and intent of that district is to encourage larger development.

Motion: Bill Colbath made the motion to accept the minutes as amended. Frank Landford seconded the motion. **VOTE: U/A**

ITEM # 3: OLD BUSINESS

B. Discussion and possible vote on proposed application changes.

Richard Callaghan stated that a letter was submitted by Tom Clark advising the Board that more time would be needed on the proposed application changes. Richard Callaghan suggested that they should consider holding it to a future meeting.

Motion: Frank Landford made the motion to accept. John Levasseur seconded the motion. **VOTE: U/A**

ITEM # 4: NEW BUSINESS

A. Z 04-24 KAB Realty Management, LLC, Folsom St., a/k/a Assessor's Map 10, Lot 89, zoned RM-10, requests a special exception as provided by the terms of Article VI, Section 170-25.1 and Article XII, Section 170-52.C (3) to construct a four (4) family dwelling.

John Berry of Berry Surveying and Engineering represented the applicant. Bill Goldstein is present and is a partner of KAB Realty. He stated that in order to meet building setbacks they went through a merger process. Lot 89, lot 103, is now known as tax map 10, lot 89. A four unit building is being proposed, providing nine parking spaces, one of the spaces will be handicapped accessible, and a 40' x 70' garage to store maintenance equipment. There is an existing parking lot on the property and it services tax map 10, lot 94, 95 and 96. An existing gravel driveway exits the back portion of that parking lot and goes out onto

Folsom Street. They would be paving the graveled area and moving it to facilitate the location of the building. They have been working with Bruce Woodruff from the Planning Department regarding location of the trail that the City is trying to establish along the railroad bed and it was Mr. Woodruff's suggestions that ended up with this design looking the way that it does so that the trail can facilitate coming on and off the property. In the RM-10 zone, the average open space is 62% and the open space proposed on this parcel is 72%. A letter was written to the Engineering Department requesting input as far as sewer, water, and drainage in the area. He stated that Dave White returned a letter and he stated that the sewer and water are adequate but the drainage may need attention and one of his concerns is that the proposed design does not allow any additional water off from the property than what is currently coming off at this time. John Berry stated that they are in the process of doing a drainage study on the property and will work with the Engineering Department and be certain that those drainage concerns are addressed.

John Levasseur confirmed with John Berry that the primary entrance and exit would be the graveled area that is going to be paved.

John Berry stated that they do have it painted up as one way but it is going to be more convenient for the people to come and go from Folsom Street.

Frank Landford confirmed that the three structures on Belknap are under the same ownership and the proposed garage will be built for maintenance equipment.

Richard Callaghan confirmed with the applicant that the maintenance equipment in the garage would be used to maintain all of his rental units at different locations.

Ruth Gorton asked the applicant if the proposed buildings would be one or two story units.

Bill Goldstein stated that they would be rental, two story units. It is not his intention to sell them individually as condominiums.

Bill Colbath confirmed with the applicant that the garage would be used for storage of all maintenance equipment.

Steve Bird confirmed with the applicant that the garage would be 1 ½ story steel building with an interior mezzanine.

Ruth Gorton asked if the applicant could provide the document for the record that they were working with the City regarding the drainage concern.

John Berry stated that he does not have a document other than the document that he received from Engineering outlining one of their concerns and they were looking to get the special exception first before doing the drainage study. It would take five to six hours to prepare for the study and would be an expense to the applicant.

Richard Callaghan asked Tom Clark if this project would have to go to TRC.

Tom Clark stated that it would not; four units or less is not required to go to TRC or for Planning Board approval unless you make it a condition. During the building permit process, he would make sure the issues would be adequately addressed.

Discussion ensued regarding drainage concerns.

~~Richard Callaghan confirmed with Tom Clark that the garage to be used as a storage facility for equipment in other areas is an accessory structure to the principal use.~~

Ruth Gorton asked Bill Goldstein if they would be changing oil or doing maintenance on the equipment that will be stored in the garage.

Bill Goldstein stated that they are very busy and he does not intend to work or maintain equipment in this building.

Motion: Frank Landford made the motion to accept. Ruth Gorton seconded the motion. **VOTE: U/A**

Public Hearing Open

Steve Bird stated that the Planning Department reviewed the special exception criteria for this particular application and the department feels that it meets that criteria. He stated that he supports the idea of making a condition of approval that the applicant designs a drainage system so that there is no net increase as proved by the City Engineer. He stated that the previous plan before the Board for a variance showed a twenty-foot wide easement and on this plan, it shows a ten-foot wide easement. He stated that Bruce Woodruff asked to have it communicated to the applicant and to the Board that his preference would be twenty-feet; his request is that the easement is as wide as possible to facilitate future structure of the trail easement and it would be up to the Board to make it a condition of approval.

Richard Callaghan asked if the development of this property is going to have a burden on the development of the trail.

Steve Bird stated that he assumed this development would be built fairly soon if the special exception were approved. The easements are in the process of being obtained and the City is hoping to proceed as soon as possible. When the City designs the trail and looks at this portion of the trail, they would have to make sure the drainage fits with what is there at that point in time.

John Berry stated that they could look at the issue when they prepare their drainage report and they may be able to build the drainage calculations into theirs, it may benefit the City as well as the applicant.

Discussion ensued regarding the easement for the trail.

John Levasseur stated that he noticed a lot of children play in the parking lot of lot 94, 95, and 96 out back of the building and asked if it would be possible to make sure that vehicles use the Folsom Street as an exit only.

Bill Goldstein stated that he could tell the tenants and his employees that the access is restricted to that side but it would not be a guarantee that they would do so.

John Levasseur stated that he realizes that the applicant cannot control all of the people but you could control people who work for you and have them exit through Folsom Street.

Bill Goldstein stated that it would be easier for them to do that anyways to access the garage and they could place a sign in that area.

Richard Callaghan asked Tom Clark if he could provide the difference between the ZBA case in 2001 to this case.

Tom Clark stated that the other application was requesting four, four-unit buildings and even though the City could get a trail for a trade off it did not comply with the zoning regulations, but this particular application meets all of the conditions.

Public Hearing Closed

Richard Callaghan stated that he made a list of ideas that they could put in as requirements upon granting the special exception, if the Board agrees.

Discussion ensued regarding conditions of approval and the easement for the trail.

Motion: Bill Colbath made the motion to approve the special exception with the conditions that were discussed and listed below. Frank Landford seconded the motion. **VOTE: U/A**

1. Belknap Street driveway shall be designated as one way and signage shall be installed on each end, and shall not be used by KAB Realty Management employees when operating company vehicles, except for plowing.
2. Must go to TRC.
3. Drainage design shall include easement area with trail paving.
4. Building footing will be certified prior to foundation being poured.
5. Easement from southeast corner of lot 81 to the south shall be 20 feet.
6. Easement from Folsom Street to the southeast corner of lot 81 shall be no less than 19 feet and shall be 20 feet where possible with the exception of lot 80 southeast corners L1 jog. Easement shall be from the 24 foot paved driveway to the westerly property lot lines.

ITEM # 5: OTHER BOARD BUSINESS

Richard Callaghan announced that a handout was submitted regarding the Municipal Law Lecture Series and the forms may be submitted if anyone is interested in attending.

Tom Clark stated that Chris Parker is working on the CD that David Ruoff made regarding the proposed application changes and they are going to make one application and separate the hardship arguments.

ITEM # 6: ADJOURNMENT

MOTION TO ADJOURN

Bill Colbath made the motion to adjourn at 8:05 p.m. and was seconded by Ruth Gorton. **VOTE: U/A**

List of Members

Richard Callaghan-regular member
William Colbath-regular member
Frank Landford-regular member
Ruth Gorton-regular member
John Levasseur-alternate member

Term Expires

04-13-06
10-23-06
04-10-05
11-12-06
11-12-06