



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, April 21, 2011**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF MARCH 17, 2011.

3. OLD BUSINESS

4. NEW BUSINESS

- A. * Z 11-07 June Dysinger, 345-B Washington Street, Tax Map 32, Lot 15-B, zoned R-12, requests a use Variance from the terms of Article IV, Section 170-12.A and the R-12 Table of Uses, and NH RSA 674:33 V, to construct a two-family dwelling in a single family district.
- B. * Z 11-08 Jean L. Reid, Trustee/Jean L.Reid Revocable Trust, 300 Dover Point Road, Tax map L, Lot 49-C, zoned R-20, requests a frontage Variance from the terms of Article IV, Section 170-12.B, to allow 50' ft. frontage on a new subdivision lot and 50' ft. on the remainder lot, where 125 ft. for each is required.

Note: The following item will be heard if the previous item is granted. The Board has the option of hearing both cases simultaneously.

- C. * Z 11-09 Jean L. Reid, Trustee/Jean L.Reid Revocable Trust, 300 Dover Point Road, Tax map L, Lot 49-C, zoned R-20, requests a Variance from the terms of Article IV, Section 170-12.B, for relief from the requirement to adhere to an approximately 132' front build-to line for construction of a dwelling unit, allowing th new unit to be constructed farther back, near the river on the new lot as per the submitted plan.

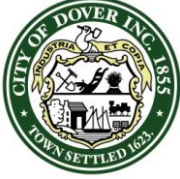
5. OTHER BOARD BUSINESS

- A. Discussion on proposed Operating Rules Revisions

6. ADJOURN

*If the application is accepted for discussion, the **public hearing** will be held that evening.

Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, March 17, 2011**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: William Colbath (Vice Chair), Chris Prior, Jennifer Stone (Alternate), Otis Perry, Jim Kelley

Members Not Present: Sam Reid (Chair), Frank Landford, Joshua Cote (Alternate)

Staff Present: Bruce Woodruff (Zoning Administrator), Michele Alexander (Recording Secretary), Jean Glidden (Office Manager)

2. APPROVAL OF PRIOR MINUTES OF FEBRUARY 17, 2011.

Motion: O.Perry made the motion to approve the minutes. C.Prior seconded. Vote: U/A

J.Kelley abstained.

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. * Z 11-04 George & Christine Trojan, 3 Smith Well Road, Tax Map D, Lot 62, zoned R-12, requests a dimensional Variance from the terms of Article IV, Section 170-12.B and the R-12 Table of Uses, to construct an addition (expand garage) within eleven (11) feet from a front property line, where a minimum of twenty-three (23) feet is required.

G. Trojan described his corner lot. The building envelope is small he noted. He is hoping to rebuild and expand garage and add bedroom at the rear of the lot..

W.Colbath advised another application would need to be made for bedroom expansion at the rear as it had not been advertised.

G.Trojan described the neighbors nice garage close to the side lot line, and he would like to have the same.

B.Woodruff noted staff supports request due to unique corner lot making it different froml other lots in the zone. Similar lots would have 10 ft setbacks on both sides, this one doesn't since it is a non-conforming, corner lot..

J.Kelley asked if all corner lots have this same dilemma. B.Woodruff noted lot is non-conforming size, where other lots may be conforming creating this special circumstance.

J.Kelley asked how many other corner lots are non-conforming with this type of situation. B. Woodruff noted lot across the road has a similar circumstance. He also noted another lot that had been before the board was a similar situation.



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ZONING BOARD OF ADJUSTMENT - MINUTES

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Meeting Time: **7:00 pm**

Public Hearing Open - No one spoke

Public Hearing Closed

W.Colbath noted agenda notice did not include proposed addition to rear and that maybe it should not be heard tonight

Motion: O.Perry made the motion to grant the setback variance to construct within 11 feet of the front property line, the requested bedroom expansion. C.Prior seconded. Vote: U/A

- B. * Z 11-05 J Management Inc. (Applicant: Michael Hagan), 32 Crosby Road, Tax Map G, Lot 31-3, zoned I-2, requests a Special Exception as provided by the terms of Article VI, Section 170-18 & Article XII, Section 170-52.C.3 and the I-2 Table of Uses – Special Exception criteria, to establish an auto service facility in units 3 & 4.

The applicant, M. Hagan stated he is re-applying for the same type of special exception granted in 2005 that had expired.

W.Colbath asked what type of auto service. M.Hagan explained basic service, no body work.

J. Kelly asked if any changes would be made to property. M.Hagan replied no.

Public Hearing opened.

D.Choate, a property manager for the property owner, stated that the property is ideally set up for the use; owners will not store cars outdoors. Only unit set up for automotive repair on the property. M.Hagan was described as a recently returned veteran.

W.Colbath asked if conditions of approval recommended by staff would be burdensome. M.Hagan said two vehicle limit would be an issue. J.Kelley noted that conditions could note the exception should require tenant meets terms of the lease. J. Stone questioned what would happen if property changed hands. W.Colbath noted the same lease terms would need to be followed.

Public Hearing closed.

Motion: J. Kelley made a motion to grant the special exception with the condition that tenant meets terms of the lease with regards to parking and outside storage. C.Prior seconded. Vote: U/A

- C. * Z 11-06 Douglas MacDonald, 17 Littleworth Road, Tax Map H, Lot 22-A, zoned R-20, requests a use Variance from the terms of Article IV, Section 170.11.D and Article II, Section 170-6 definition of Customary Home Occupation (CHO) to allow an expanded Office Use without owner occupation and other CHO criteria.

W.Colbath asked for clarification on CHO criteria, and stated the notice should not be vague. B.Woodruff noted it was advertised correctly in both the notice and abutters.



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D.MacDonald spoke. He stated there is limited space for acupuncture practice and family in current residence. He asked that family be allowed to live elsewhere and asked if owner occupation could be removed through a variance. D.MacDonald described property and showed floor plans saying he wants to use the building for business only. Traffic to home/business parking lot is 2-3 cars per hour currently; anticipated maximum parking would be five cars hourly. The function of the business would not change. D.MacDonald described surrounding properties as B-4. The type of business described is the only R-20 lot that has this hardship.

O.Perry asked why this type of variance was initiated. B.Woodruff noted applicant had been vague on his plans. O.Perry recommended a use variance for a personal service business. B.Woodruff noted it had been advertised as a use variance for an office use in a residential district.

C. Prior asked what true intention of applicant is- solely for business use, or will there be a rental unit. D.MacDonald spoke that it had been considered, but the location of property is not suited to residential use due to noise from street and the decision was made to request variance solely for business use.

C.Prior asked if applicant would accept the constraint that it would be used solely for business. D. MacDonald spoke yes.

C.Prior asked how many current parking spots exist. D.MacDonald noted seven. He noted parking lot and second entrance were changed for safety.

C. Prior asked B. Woodruff if applicant would need to apply to change parking lot. B. Woodruff recommended a condition that the applicant appear before TRC.

W. Colbath questioned whether application should be accepted if notice did not seem to reflect request.

B. Woodruff noted applicant had been unclear. O.Perry recommended accepting application. C. Prior stated abutter notice was clear. J. Kelley noted it was clearly advertised. W.Colbath would like it noted he did not believe the advertising was clear, but he would defer to the board.

Public Hearing Open

R..Dubois of Chandler Lane announced he lives at the back of the property, and agrees that the property is not suitable for residential. Supports application but is concerned that in the future a larger business would buy the property. W.Colbath defined R-40 for applicant. R.Dubois noted he hopes a condition would be it returns to residential if property sold. W.Colbath noted a variance applies to the land not the occupant. C.Prior noted conditions could be put in place to address the abutter's concern.

D.MacDonald spoke and noted house structure would not change for his planned use. D.MacDonald noted he would just use the space differently.

B.Woodruff stated that staff is neutral on this application.

J.Kelley asked if a condition could be that the variance apply only to this applicant and if the property were sold the variance would not apply. Board discussed location of property and other nearby businesses.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

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J.Stone asked about plans for changes to signage. No changes to signage is contemplated.

W.Colbath asked for clarification on what board will be requesting for variance. Discussion ensued. Agreed that a variance has been requested.

Public Hearing Closed

Motion: O.Perry made a motion that we grant a use variance to allow a medical office use with conditions that the footprint of the building doesn't change, maximum of employees five, and that TRC review for parking and access issues be required. B.Woodruff recommended adding bulk to wording condition with footprint. The word bulk was added to the motion. J. Kelley seconded the motion.

C.Prior asked for clarification on reason for medical office versus office. O.Perry and J.Kelley both discussed that they wished medical office remain in conditions.

Vote: U/A

5. OTHER BOARD BUSINESS

None

6. ADJOURN

Motion: O. Perry made the motion to adjourn at 8:02 pm. C. Prior seconded. Vote: U/A



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z11-07

Application Type: Use Variance
 Applicant(s): June Dysinger
 Owner(s): June Dysinger
 Location: 345-B Washington Street (Assessor's Map 32, Lot 15B)

INTENT: To obtain a Use Variance to allow construction of a duplex to allow a family member with a recognized physical disability to reside in or regularly use the premises.

LOTS/UNITS PROPOSED: 0 Lots

AGENDA ITEM #: 4-A

ZONING DISTRICT: R-12

EXISTING LAND USE: Vacant lot of record

PROPOSED LAND USE: Duplex

SURROUNDING LAND USE: single family homes, with some duplexes

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: No

ATTACHMENT: No.

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department's recommends approval with a condition.

Summary of Request and

Background A use variance is requested by the applicant to construct her home on this R-12 district lot that would have a smaller downstairs apartment used initially as a rental, and then when her son, who has a physical disability, is of age he would reside in the unit. Pertinent in this case is the citation contained in NH RSA 674:33 V.

Reason for Staff Recommendation

Since this is an R-12 zone, only single family dwellings may exist by right, with dwellings constructed prior to May 27, 1964 able to convert to two family also by right. Since there

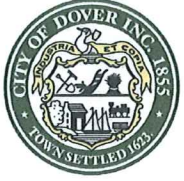
are at least two - two family dwelling units and one multi-family dwelling in the immediate neighborhood on smaller parcels and this parcel is approximately an acre in size (albeit with a small buildable envelope given the conservation district from the brook and the setback from wetland areas), it appears there is a basis for the uniqueness of the parcel coupled with the fairness aspect of the request. Notwithstanding the request to use the second unit as a rental until such time as the applicant's son is of age, the variance request also appears to fall under the citation contained in NH RSA 674:33, V., which states that the Board may find favorably for a variance without a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person with a recognized physical disability to reside in or regularly use the premises, provided that the variance shall be in harmony with the general purpose and intent of the ordinance. Further, the Board may find that the variance shall survive only so long as the particular person has a continuing need to use the premises. Therefore, it is the staff recommendation to recommend approval of this request.

Recommendation

The Planning Department recommends the Zoning Board approve the variance and suggests the following condition:

1. That the applicant submits a stipulation to the Planning Office to be recorded in the Strafford County Registry of Deeds that states that the second unit will be discontinued and physically altered if the need for reasonable accommodations for the person with the physical disability no longer exists.

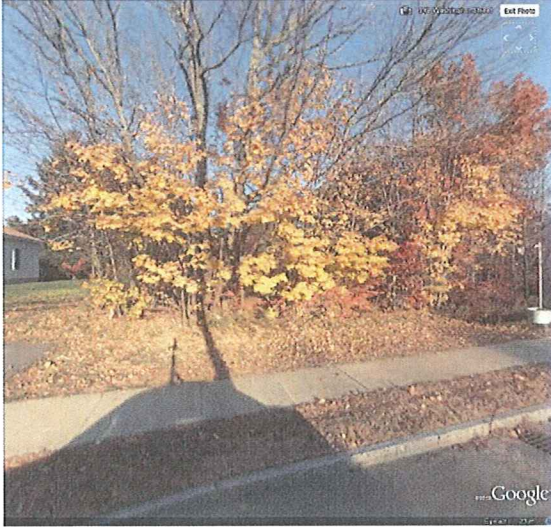




CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z11-07

Application Type: Use Variance
Applicant(s): June Dysinger
Owner(s): June Dysinger
Location: 345-B Washington Street (Assessor's Map 32, Lot 15B)





CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
 Meeting Date: Thursday, April 21, 2011
 Meeting Time: 7:00 pm

INTENT: To obtain a Use Variance to allow construction of a duplex to allow a family member with a recognized physical disability to reside in or regularly use the premises.

LOTS/UNITS PROPOSED: 0 lots

AGENDA ITEM #: 4-A

ZONING DISTRICT: R-12

FILE: Z11-07

APPLICANT(S): June Dysinger

OWNER(S): June Dysinger

LOCATION: 345-A Washington St,
(Tax Map 32, Lot 15-B)

ACREAGE: 40,330 sq. ft. area or 0.93 acres

EXISTING LAND USE: vacant lot of record

PROPOSED LAND USE: duplex

SURROUNDING LAND USE: Single family houses with some duplex

ZONING HISTORY: Zoned R-12 since 1979.

PREVIOUS ZBA ACTION: None

ATTACHMENTS: None

PLANNING BOARD APPROVAL REQUIRED: No.

Dear Property Owner: As an owner of abutting property, which is either adjoining or located directly across the street from the subject parcel,

you are hereby notified of the public hearing on the bolded item below. The full Zoning Board of Adjustment agenda is as follows:

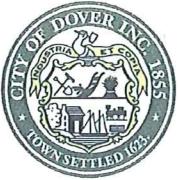
1. Attendance
2. Approval of Prior Minutes of March 17, 2011.
3. Old Business
4. New Business
 - A. * **Z 11-07 June Dysinger**, 345-B Washington Street, Tax Map 32, Lot 15-B, zoned R-12, requests a use Variance from the terms of Article IV, Section 170-12.A and the R-12 Table of Uses, and NH RSA 674:33 V, to construct a two-family dwelling in a single family district.
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Note: The following item will be heard if the previous item is granted. The Board has the option of hearing both cases simultaneously.

5. Other Board Business
 - A. Discussion on proposed Operating Rules Revisions
6. Adjourn

*If the application is accepted for discussion, the public hearing will be held that evening.

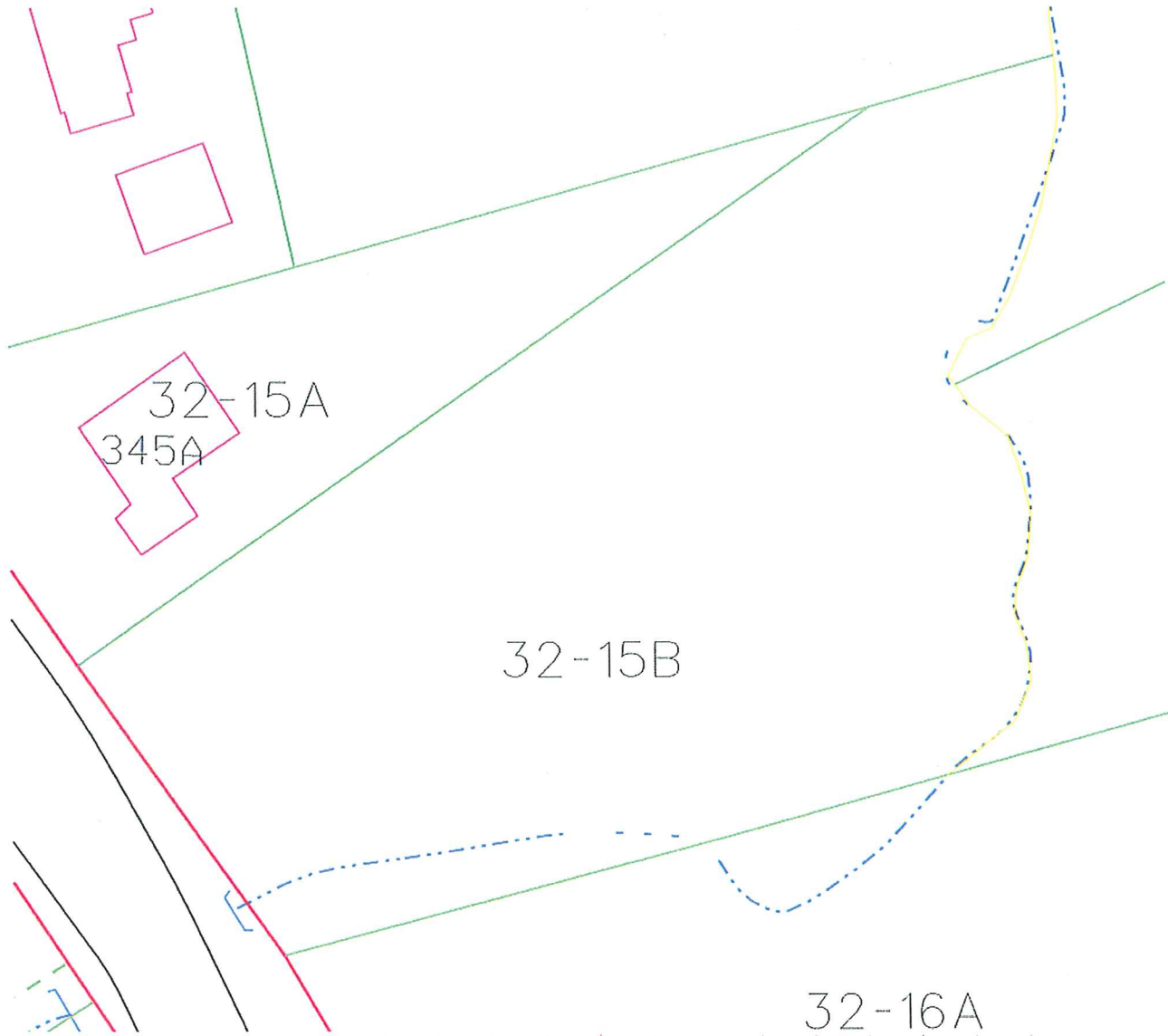
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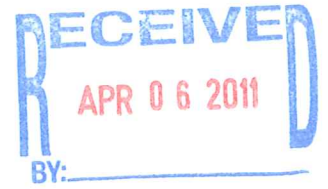


CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date:	Thursday, April 21, 2011
Meeting Time:	7:00 pm





CASE # 211-07 DATE RECEIVED 4/6/11
AMOUNT PAID \$ 232 TIME RECEIVED _____

CITY OF DOVER
ZONING BOARD OF ADJUSTMENT
APPLICATION

I. APPLICANT *June Dysinger* PHONE #: **(603) 312-2233**

ADDRESS *227-B Washington Street Dover, NH 03820*

PROPERTY OWNER *June Dysinger*

ADDRESS *227-B Washington Street Dover, NH 03820*

PROPERTY LOCATION *Washington Street, between street #343 and #345-A*

BRIEF DIRECTIONS *On the north side of Washington Street, 3rd property east of the intersection of Fourth Street and Washington.*

ZONE *R-12* ASSESSOR'S MAP *32* LOT # *15-B*

TYPE OF APPEAL: (Please check off one)

VARIANCE ARTICLE *IV* SECTION *170-12A R-12 TABLE*

VARIANCE (Physical Disability - RSA 674:33-V) ARTICLE *674* SECTION *33-V*

_____ SPECIAL EXCEPTION ARTICLE _____ SECTION _____

_____ ADMINISTRATIVE DECISION ARTICLE _____ SECTION _____

_____ EQUITABLE WAIVER ARTICLE _____ SECTION _____

Describe briefly your plans for this property: *I am a single mother with a 13 year old son who happens to have Down Syndrome. I am a health care professional working in Dover and my intention is to stay in this community long-term. I purchased the property (with the sidewalk access into town) for its potential as a home site for my son and I now, with a desire for it to be a place my son can live somewhat independently as an adult. Given the likelihood that my adult son will a) desire some independence in living arrangement, b) remain a non-driver and c) will need a caretaker at some level, I would like to make a small walk-out, apartment from the back of our cottage, on the lower aspect of our sloped building site to accommodate future caregiver arrangements. Since my son will live with me for the next 8-10 years, and since my finances would make financing this extra square footage a hardship during this time, I would like to request a Special Needs Variance, with a condition that I am allowed to rent out this space for 10 years until my son is old enough to utilize it.*

II. REQUIREMENTS SUBMITTED: (Please check off)

A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (9 copies). They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks.

B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property.

C. Application fee of:

\$100.00 VARIANCE	\$ 100.00
\$100.00 SPECIAL EXCEPTION	\$ 0
\$25.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ 0
\$100.00 EQUITABLE WAIVER	\$ 0

D. Certified letters fee:

# of abutters <u>8</u> X \$8.00 =	\$ 64.00
Applicant & Owner <u>1</u> X \$8.00 =	\$ 8.00
Foster's newspaper public notice \$ 60.00	\$ 60.00

TOTAL \$ 232.00

NARRATIVE: Complete the section pertaining to your request for a variance. Keep your answers brief and be prepared to explain them in detail at the meeting. The burden of proof is on the applicant. If you need more space use an additional sheet of paper

VARIANCE REQUIREMENTS: (PLEASE TYPE OR PRINT IN INK)

1. Provide proof that demonstrates the variance will not be contrary to the public interest.

My proposed plan:

a) It will not change the character of the neighborhood (see attached preliminary drawing of proposed cottage style)

b) It will fit the environment: the impervious surface area will not be any different than a single family home. Walk out basement apartment does not increase footprint/envelope of the building, thus no net difference on flooding or erosion of the property. The walk out basement style will blend into the contour of the land. When my adult, non-driving son is living here, it will not have the automobile load of a regular two-family unit...

c) It will look like a single family home from the street (not a duplex).

d) It will have a resale value that is commiserate with abutting neighbors

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

This is a medium density residential zone. I recognize that most lots contain single family homes. There are however three 2-family homes within 600 feet of my property, and there are nine 2+-family homes within 1200 feet of my property (see attached excel spreadsheet). My plot, at a full acre, is larger than most lots in the area. The two closest 2-family home plots are at 347 and 339 Washington Street (159 and 264 feet from my property respectively) both have substantially smaller lot sizes. I believe granting me the ability to provide for my son's long term residential needs within a residential zone community is within the spirit of this ordinance.

3. Provide proof that demonstrates how a variance will result in substantial justice.

a) I own the property and I am in a position to build now. I need to get out of our rental into our own space, where we can be gaining equity for long-term stability.

b) I have a real need, as a single mother with a son who will require long term supports in his living arrangements, to plan ahead for this. I want to maximize what I am able to provide for him myself, and minimize what you, the tax payer, might contribute to his future.

c) There are currently major funding cuts occurring in the NH legislature to community support programs for developmentally disabled adults. This will make state funds minimal or unavailable for my son after his 21st birthday.

d) I need the flexibility to include the caretaker apartment now, so it is inclusive in the building costs. I need the flexibility to rent the apartment out for the next 10 years while my son is young, to help me finance the extra square footage. Not allowing me to include the apartment now, with a condition allowing me to rent it for the 10 years until my son will need it, will place an unnecessary hardship on me in providing for him in the future.

e) Many of the 2- family home variances close to my lot were likely granted because they were built prior to the 5/27/1964 code cut off. Is it fair that this date discriminates against me being able to provide for my family's real need compared with those whose homes happened to be built prior to that date?

4. Provide proof that demonstrates the variance will not diminish the values of surrounding properties.

a) Resale value of this proposed cottage will be approximately \$250,000. This will include a 3br 2ba main cottage (approx 1200 sq ft), with a small (approx 800 sq ft) 2 br 1 ba walk out basement apartment.) This will enhance, not detract from resale values of surrounding properties.

b) Style, size, and the appearance of a single family home will mesh nicely into the neighborhood.

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area; and

a) the plot, at a full acre, is larger than most surrounding plots.

b) the plot is bordered on two full sides by Tricky Brook

c) the land includes more wetland space than most adjoining properties.

(ii) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

The general public purpose of this being a single family home is to a)make sure there is not overcrowding-this will not alter crowding in the neighborhood, b)maintain property values-this will enhance, not detract, c)not increase noise, pollution, traffic-a disabled adult will not increase any of these. Not allowing us to rent out the space for the 10 years until my son is old enough to use it will cause unnecessary financial hardship, which would make me unable to provide for him in this way.

(iii) the proposed use is a reasonable one.

a)Will esthetically fit with the neighborhood.

b) Will have no difference on environmental impact.

c) Will support/enhance adjoining property values

d) Will assist me in minimizing my son's need of taxpayer dollars in the future.

e) Will give my son a stable, accessible, supportive, future home and community.

CITY OF DOVER

Pursuant to RSA 676:7, the State Law of New Hampshire, the City of Dover is required to notify the applicant and every abutter of the public hearing by certified mail, return receipt requested. The cost of required publication or posting of notice, and the cost of mailing said notices, shall be paid by the applicant.

THE FOLLOWING INFORMATION MUST BE COMPLETED BY THE APPLICANT

"Abutter" is defined in Chapter 170, Dover Zoning Ordinance, as "Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purpose of receipt of notification for a public hearing by the Board, the term of abutting property owner for a condominium or other collective form of ownership means the officers of the collective or association as defined in RSA 356-B :3, XXIII."

Tax Map	Lot No.	Owner(s) of Record	Mailing Address
32	15-A	Brian & Jaie Eibert	345-A Washington St Dover, NH 03820
32	15-C	Daniel & Rachel Hill	93 Sixth Street, Dover NH 03820
32	15	Derek Guarino & Jennifer Varney	347 Washington St Dover, NH 03820
32	77	Ellen & Apostolos Karoutas	3 Kennedy Circle Dover, NH 03820
32	76	Daniel Huppe & Melanie Ross-Huppe	5 Kennedy Circle Dover, NH 03820
32	16-A	Kelly Camillone	343 Washington St Dover, NH 03820
G	13	Susan Eisler	344 Washington St Dover, NH 03820
G	12	Rick & Abby Lundborn	340 Washington St Dover, NH 03820
32	15-B	June Dysinger	227-B Washington St Dover, NH 03820

SPECIAL EXCEPTION REQUIREMENTS

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

N/A

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

N/A

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.

N/A

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

IMPORTANT
PROPERTY IDENTIFICATION SIGN MUST BE POSTED ON THE PROPERTY FOR THE 5 DAYS PRIOR TO HEARING. FAILURE TO POST MAY RESULT IN APPLICATION NOT BEING ACCEPTED

June Dyringer
Signature of Applicant*

June Dyringer
Signature of Owner*

*Both Signatures Required

<i>The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:</i>	
_____ Signature of Applicant	_____ Date



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z11-08

Application Type:	Dimensional Variance
Applicant(s):	Jean L. Reid, Trustee; Jean L. Reid Revocable Trust
Owner(s):	Jean L. Reid, Trustee; Jean L. Reid Revocable Trust
Location:	300 Dover Point Road (Assessor's Map L, Lot 49-C)

INTENT: To obtain a Variance to allow a new lot to be created with 50 ft. frontage in a subdivision with the remainder lot also having 50 ft. frontage, where 125 ft. of frontage is required for each.

LOTS/UNITS PROPOSED: 1 new Lot

AGENDA ITEM #: 4-B

ZONING DISTRICT: R-20 Low Density Residential

EXISTING LAND USE: Single Family on remainder lot and proposed single family on new lot

PROPOSED LAND USE: Single Family

SURROUNDING LAND USE: Single family

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: Yes

ATTACHMENT: none

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department supports the request.

Summary of Request and Background

The applicant's property is located on Dover Point Road and has river frontage on the Piscataqua River. The parcel is many times the minimum lot size for the district.

Reason for Staff Recommendation

The requested action is consistent with the Master Plan which guides development in the City of Dover.

The parcel is of unique dimensions, yet is similar to many parcels in the vicinity on Dover Point Road. Most of these lots have either pot handles

to the public roadway or have easement handles that accomplish the access to the residential use that is located closer to the river frontage.

Recommendation

The Planning Department recommends the Zoning Board accept the application, hold the public hearing. If the Board approves the variance, staff does not suggest any conditions, as this application will appear before the Planning Board for the minor subdivision approval.





CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
 Meeting Date: Thursday, April 21, 2011
 Meeting Time: 7:00 pm

INTENT: To obtain a frontage Variance to allow 50 feet of frontage on a new subdivided lot and 50 feet frontage on the remainder lot where 125' is required for each lot.

LOTS/UNITS PROPOSED: 1 new lot

AGENDA ITEM #: 4-B

ZONING DISTRICT: R-20

FILE: Z11-08

APPLICANT(S): Jean L. Reid, Trustee

OWNER(S): Jean L. Reid Revocable Trust

LOCATION: 300 Dover Point Road, (Tax Map L, Lots 49-C)

ACREAGE: 4.425 acres

EXISTING LAND USE: single family dwelling

PROPOSED LAND USE: one additional single family lot with shared driveway

SURROUNDING LAND USE: Single family houses

ZONING HISTORY: Zoned R-20 since 1979

PREVIOUS ZBA ACTION: None

ATTACHMENTS: None

PLANNING BOARD APPROVAL REQUIRED: Yes

Dear Property Owner: As an owner of abutting property, which is either adjoining or located

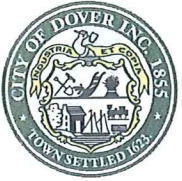
directly across the street from the subject parcel, you are hereby notified of the public hearing on the bolded item below. The full Zoning Board of Adjustment agenda is as follows:

1. Attendance
2. Approval of Prior Minutes of March 17, 2011.
3. Old Business
4. New Business
 - A. * **Z 11-07 June Dysinger**, 345-B Washington Street, Tax Map 32, Lot 15-B, zoned R-12, requests a use Variance from the terms of Article IV, Section 170-12.A and the R-12 Table of Uses, and NH RSA 674:33 V, to construct a two-family dwelling in a single family district.
 - B. * **Z 11-08 Jean L. Reid, Trustee/Jean L.Reid Revocable Trust**, 300 Dover Point Road, Tax map L, Lot 49-C, zoned R-20, requests a frontage Variance from the terms of Article IV, Section 170-12.B, to allow 50' ft. frontage on a new subdivision lot and 50' ft. on the remainder lot, where 125 ft. for each is required.
 - C. * **Z 11-09 Jean L. Reid, Trustee/Jean L.Reid Revocable Trust**, 300 Dover Point Road, Tax map L, Lot 49-C, zoned R-20, requests a Variance from the terms of Article IV, Section 170-12.B, for relief from the requirement to adhere to an approximately 132' front build-to line for construction of a dwelling unit, allowing th new unit to be constructed farther back, near the river on the new lot as per the submitted plan.
5. Other Board Business
 - A. Discussion on proposed Operating Rules Revisions

Note: The following item will be heard if the previous item is granted. The Board has the option of hearing both cases simultaneously.

6. Adjourn

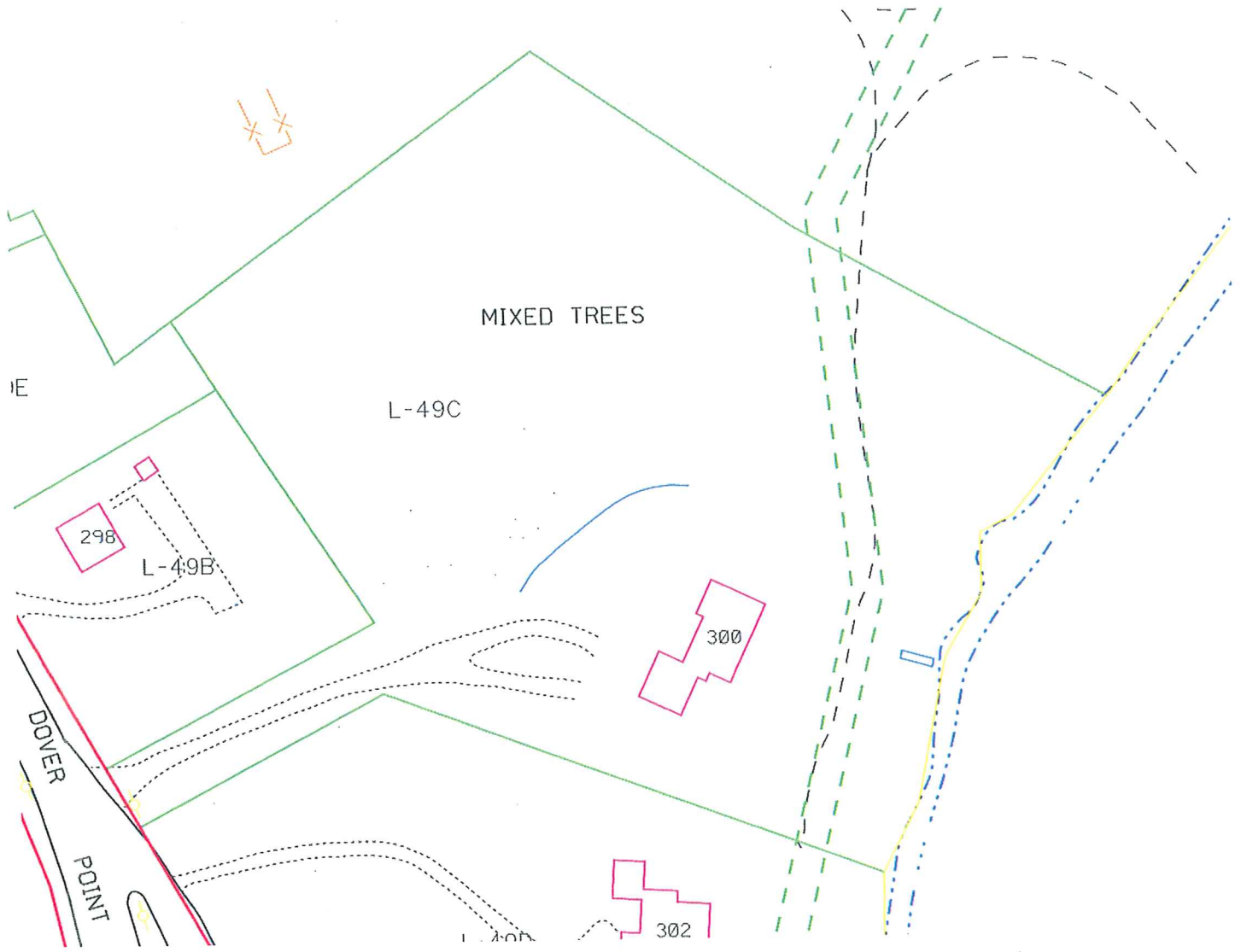
*If the application is accepted for discussion, the **public hearing** will be held that evening. Persons with questions or wishing to see the plans are invited to visit the Planning Office, weekdays from 8:00 am to 4:00 pm. You may also view materials at www.dover.nh.gov, a map showing project locations can be found at www.dover.nh.gov/planhome.html. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351



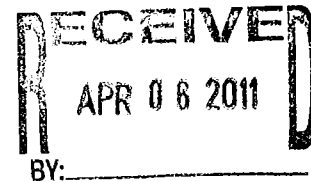
CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, April 21, 2011
Meeting Time: 7:00 pm



CASE # 21-08 DATE RECEIVED 4/6/11
 AMOUNT PAID \$ 216 TIME RECEIVED _____



**CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION**

I. APPLICANT Jean L. Reid, Trustee PHONE #: _____
Jean L. Reid Revocable Trust
 ADDRESS 300 Dover Point Road, Dover, NH 03820
 PROPERTY OWNER Same
 ADDRESS _____
 PROPERTY LOCATION 300 Dover Point Road, Dover, NH
 BRIEF DIRECTIONS The parcel is located at the intersection of
 Dover Point Road and Old Dover Point Road.
 ZONE R-20 ASSESSOR'S MAP L LOT #(S) 49-C

TYPE OF APPEAL: (Please check off one)

<input checked="" type="checkbox"/> VARIANCE	ARTICLE <u>IV</u>	SECTION <u>170-12(B)</u>
<input type="checkbox"/> VARIANCE (Physical Disability - RSA 674:33-V)	ARTICLE _____	SECTION _____
<input type="checkbox"/> SPECIAL EXCEPTION	ARTICLE _____	SECTION _____
<input type="checkbox"/> ADMINISTRATIVE DECISION	ARTICLE _____	SECTION _____
<input type="checkbox"/> EQUITABLE WAIVER	ARTICLE _____	SECTION _____

Describe briefly your plans for this property:

The intent of the Applicant is to subdivide the existing lot
 into two (2) lots, where the newly created lot would be used
 for the construction of a single-family dwelling.

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (9 copies). They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. X
- C. Application fee of:

\$100.00 VARIANCE	\$ <u>100.00</u>
\$100.00 SPECIAL EXCEPTION	\$ _____
\$25.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
\$100.00 EQUITABLE WAIVER	\$ _____
- D. Certified letters fee:

# of abutters <u>6</u> X \$8.00 =	\$ <u>48.00</u>
Applicant & Owner <u>1</u> X \$8.00 =	\$ <u>8.00</u>
Foster's newspaper public notice	\$ <u>60.00</u>
TOTAL	\$ <u>216.00</u>

SPECIAL EXCEPTION REQUIREMENTS

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

Not applicable.

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

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

IMPORTANT
PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED

Jean L. Reid, trustee
Signature of Applicant*

Jean L. Reid, trustee
Signature of Owner*

*Both Signatures Required

The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:
Signature of Applicant Date

Abutters List
Zoning Board of Adjustment
Jean Reid Revocable Trust

Tax Map L, Lot 49C
300 Dover Point Road
Dover, New Hampshire

Job No. 10151

Page 1 of 1

Abutters:

Map L, Lot 49B
Map L, Lot 108

Roy L. Josselyn
298 Dover Point Road
Dover, NH 03820

Map L, Lot 49D

Wesley & Adina Mann
302 Dover Point Road
Dover, NH 03820

Map L, Lot 49E

Everett Ham
296 Dover Point Road
Dover, NH 03820

Map L, Lot 63

Charles G. Constance & Sylvia Focso
301 Dover Point Road
Dover, NH 03820

Owner/Applicant:

Map L, Lot 49C

Jean L. Reid Revocable Trust
Jean L. Reid, Trustee
300 Dover Point Road
Dover, NH 03820

Agent:

Tritech Engineering Corporation
755 Central Avenue
Dover, NH 03820

Attorney:

FX Bruton
798 Central Avenue
PO Box 756
Dover, NH 03820

Introduction

The property subject to this application is located at 300 Dover Point Road and is depicted on the City's Tax Maps at Map L, Lot 49-C (a portion of the tax map is attached hereto). The property is located within the R-20 zone. The property is comprised of 4.425 acres, or 192,747 square feet. The parcel is unique, not only in its size, but also as to its shape. The parcel is also unique in that an excess area of the public right-of-way that used to comprise a portion of Old Dover Point Road benefits the actual frontage of the parcel. The parcel is a classic "pork-chop" lot with a significant portion of the lot located approximately 180 feet from Dover Point Road. The narrow portion of the parcel that connects to Dover Point Road (or the "Neck") is approximately 100 feet in width. Finally, the lot is heavily buffered from other lots with significant tree growth along the property lines.

The parcel contains an existing single-family house. The intent of the Applicant is to subdivide the lot into two (2) lots. A copy of a plan showing the proposed subdivision is attached hereto. The newly created lot is intended to be used for the construction of a single-family dwelling. The subdivided parcel will contain 2.966 acres, which would far exceed the minimum lot size for the R-20 zone, which is 20,000 square feet. The Applicant seeks to create a new lot line that would result in frontage for each lot of approximately fifty (50) feet, where one hundred twenty-five (125) feet is required. It is the Applicant's intent however, to maintain the existing driveway, which would provide access to both lots. The Applicant has already begun discussing the "shared driveway" concept with the New Hampshire Department of Transportation, and expects that the Department of Transportation will approve the request to utilize the existing driveway for both lots.

It is believed that the proposed use of one shared driveway will minimize the impact of reducing the frontage for both lots down to fifty (50) feet. In order to complete the subdivision, the Applicant is seeking a variance from Article IV, Section 170-12(B) of the Dover Zoning Ordinance, which requires the one hundred twenty-five (125) feet of frontage, as set forth within the Table of Dimensional Requirements for the Low Density Residential (R-20) District. Although the Applicant seeks this variance, the Applicant respectfully submits that, with the use of the common driveway, the *status quo* will basically remain the same, as there will be no significant change to the use of the frontage of the parcel. As such, it is believed that the request for the variance is reasonable and can be supported by the following evidence.

Variance Requirements:

1. Provide Proof that demonstrates the variance will not be contrary to the public interest.

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred, all of these reasons are consistent with the purpose behind the Low Density Residential District (R-20),

which provides for conventional single-family neighborhoods on lots not less than 20,000 square feet. The proposed use will not be contrary to the public interest, as the use will not “alter the essential character of the locality,” as the existing driveway is the only driveway that would be utilized, and visible to any of the abutters, or the general public. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). Permitting the decreased frontage will permit the subdivision of the land, with a new lot that is far greater in size than the minimum 20,000 square feet that is required. Permitting virtually the same use of the frontage, after subdivision, would not threaten the public health, safety or welfare as the use would be limited to almost the same use as of today.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

The Applicant respectfully submits that if the variance was granted the spirit of the ordinance would be observed because the use in question would permit a use which is suitable, considering the surrounding properties, and therefore result in an encouragement of the most appropriate use of the land. Further, the proposed use is consistent with the purpose behind the Low Density Residential District, which mainly is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance’s basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the fact that the Applicant will maintain one shared driveway, the granting of the variance to allow for a reduced frontage, especially in light of the configuration of the lot itself, will not significantly conflict or violate the ordinance’s basic zoning objectives. Rather, the granting of the variance will promote the ordinance’s basic zoning objectives, by permitting the existence of a single-family home on a portion of land that far exceeds the minimum requirements set forth within the ordinance.

3. Provide proof that demonstrates how a variance will result in substantial justice.

The grant of the variance would due substantial justice because it would allow the Applicant’s property to be utilized in a similar fashion to other properties located within the area. See Nine v. Chesterfield, 157 NH 361, 368 (2008). This test considers whether the benefit to the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the shared driveway concept, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

4. Provide proof that demonstrates the variance will not diminish the values of the surrounding properties.

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings located upon the Applicant’s property. In this instance, creation of a new lot, which will contain a single-family residence will have no affect upon any abutter, with respect to its property, as the use will be

consistent with other uses in the near vicinity, and consistent with the existing zoning. In addition, the lot is unique, as there already exists a significant amount of buffering on both sides of the property. The Applicant also relies upon the opinion of Paula Forbes, a New Hampshire licensed real estate broker (a copy of Mrs. Forbes' opinion is attached hereto).

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area; and

As one can see from the enclosed tax map, the subject parcel in this case is significantly different than the parcels that are located in the same vicinity. Most of the parcels are square in shape, rather than the "pork-chop" shape of the subject property, and thus, do not utilize a "neck" in order for access to Dover Point Road. In addition, the surrounding properties do not have the benefit of the excess right-of-way area, which will facilitate ingress and egress to the parcel, as a result of the intersection of Dover Point Road and Old Dover Point Road.

(ii) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to maintain the *status quo* with respect to the existing driveway located on the property. The only difference, after subdivision, is that the driveway would now be shared with an additional single-family residence. The property is large enough to sustain the use of the property as two (2) single-family residential lots. In this instance, the property is unique, given its size, shape, and given the excess public right-of-way space in front of the parcel. The frontage requirement is defined as the distance between the lot lines of certain parcels. The use of a frontage requirement is premised upon a safe means of egress and ingress to lots. In this particular case, as stated above, there will be no difference with respect to the use of the lot, as to issues of egress and ingress access, as a result of the use of the shared driveway concept. In addition, the existence of the excess public right-of-way that is located at the beginning of the existing driveway of the parcel provides the lot with a safe area to enter into the parcel, a feature and benefit that surrounding properties do not have. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require one hundred twenty-five (125) feet of frontage, where only fifty (50) feet per lot can be created.

(iii) The proposed use is a reasonable one because:

The proposed use is reasonable because it provides for use of a large amount of land to support a single-family residence, which is otherwise permitted. Because there will be no additional driveway, the use will essentially be identical, after subdivision, as it is today. Finally, the use is reasonable as it is consistent with the uses of the surrounding properties.

5B. If the criteria in subparagraph 5A above are not established, provide proof that an unnecessary hardship exists if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance of the ordinance and a variance is therefore necessary in order to enable the reasonable use of it.

The Applicant respectfully submits that although it firmly believes it meets the criteria under Subsection A herein, that the parcel is one of the most uniquely shaped parcels located within the area. Given the shape of the lot, the Applicant cannot create frontage for the second lot that will conform to the minimum frontage requirements. The Applicant, however, has minimized the affect of the reduced frontage by utilizing a shared driveway. It is respectfully submitted that given the size and shape of the lot in question, when considering surrounding properties, the lot is large enough to contain an additional residential lot, which would be reasonable in light of the use of the surrounding properties, and given the proposed use of the existing driveway for both lots. Thus, the variance is therefore necessary in order to enable this reasonable use of the property.



CITY OF DOVER

ZONING BOARD - STAFF MEMO FILE #Z11-09

Application Type:	Dimensional Variance
Applicant(s):	Jean L. Reid, Trustee; Jean L. Reid Revocable Trust
Owner(s):	Jean L. Reid, Trustee; Jean L. Reid Revocable Trust
Location:	300 Dover Point Road (Assessor's Map L, Lot 49-C)

INTENT: should the variance in the preceding Case Z11-08 be approved, relief from the requirement for a build-to line of 132 ft. is being sought. The applicant wishes to construct a single family home on the new lot closer to the river frontage (further back).

LOTS/UNITS PROPOSED: 1 new Lot

AGENDA ITEM #: 4-C

ZONING DISTRICT: R-20 Low Density Residential

EXISTING LAND USE: Single Family on remainder lot and proposed single family on new lot

PROPOSED LAND USE: Single Family

SURROUNDING LAND USE: Single family

PREVIOUS ZBA ACTION: None

PB APPROVAL REQUIRED: Yes

ATTACHMENT: none

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department supports the request. If the Board chooses to, it could hold both variance requests at the same time.

Summary of Request and Background

The applicant's property is located on Dover Point Road and has river frontage on the Piscataqua River. The parcel is many times the minimum lot size for the district.

Reason for Staff Recommendation

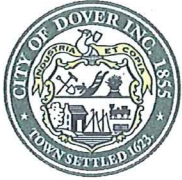
The requested action is consistent with the Master Plan which guides development in the City of Dover.

The parcel is of unique dimensions, yet is similar to many parcels in the vicinity on Dover Point Road. Most of these lots have either pot handles to the public roadway or have easement handles that accomplish the access to the residential use that is located closer to the river frontage. Most homes in the neighborhood are constructed farther back from the road and are situated closer to the river frontage. The build-to line does not appear to fit the neighborhood and this new lot. A narrow dwelling could be constructed that would adhere to the built-to requirement, but wouldn't make sense or be practical.

Recommendation

The Planning Department recommends the Zoning Board accept the application, hold the public hearing. If the Board approves the variance, staff does not suggest any conditions, as this application will appear before the Planning Board for the minor subdivision approval.





CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
 Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH
 Location: 03820
 Meeting Date: Thursday, April 21, 2011
 Meeting Time: 7:00 pm

INTENT: Should the frontage Variance in the preceding case Z11-08 be approved, relief from the requirement for a build-to line of 132 ft. is being sought. The Applicant wishes to construct a single family dwelling farther back on the new lot.

LOTS/UNITS PROPOSED: 1 new lot

AGENDA ITEM #: 4-C

ZONING DISTRICT: R-20

FILE: Z11-09

APPLICANT(S): Jean L. Reid, Trustee

OWNER(S): Jean L. Reid Revocable Trust

LOCATION: 300 Dover Point Road, (Tax Map L, Lots 49-C)

ACREAGE: 4.425 acres (new lot 2.966 Ac.)

EXISTING LAND USE: single family dwelling

PROPOSED LAND USE: one additional single family lot with shared driveway

SURROUNDING LAND USE: Single family houses

ZONING HISTORY: Zoned R-20 since 1979

PREVIOUS ZBA ACTION: None

ATTACHMENTS: None

PLANNING BOARD APPROVAL REQUIRED: Yes

Dear Property Owner: As an owner of abutting property, which is either adjoining or located

directly across the street from the subject parcel, you are hereby notified of the public hearing on the bolded item below. The full Zoning Board of Adjustment agenda is as follows:

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2. Approval of Prior Minutes of March 17, 2011.
3. Old Business
4. New Business
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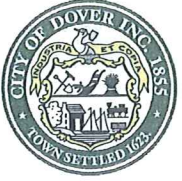
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5. Other Board Business
 - A. Discussion on proposed Operating Rules Revisions

6. Adjourn

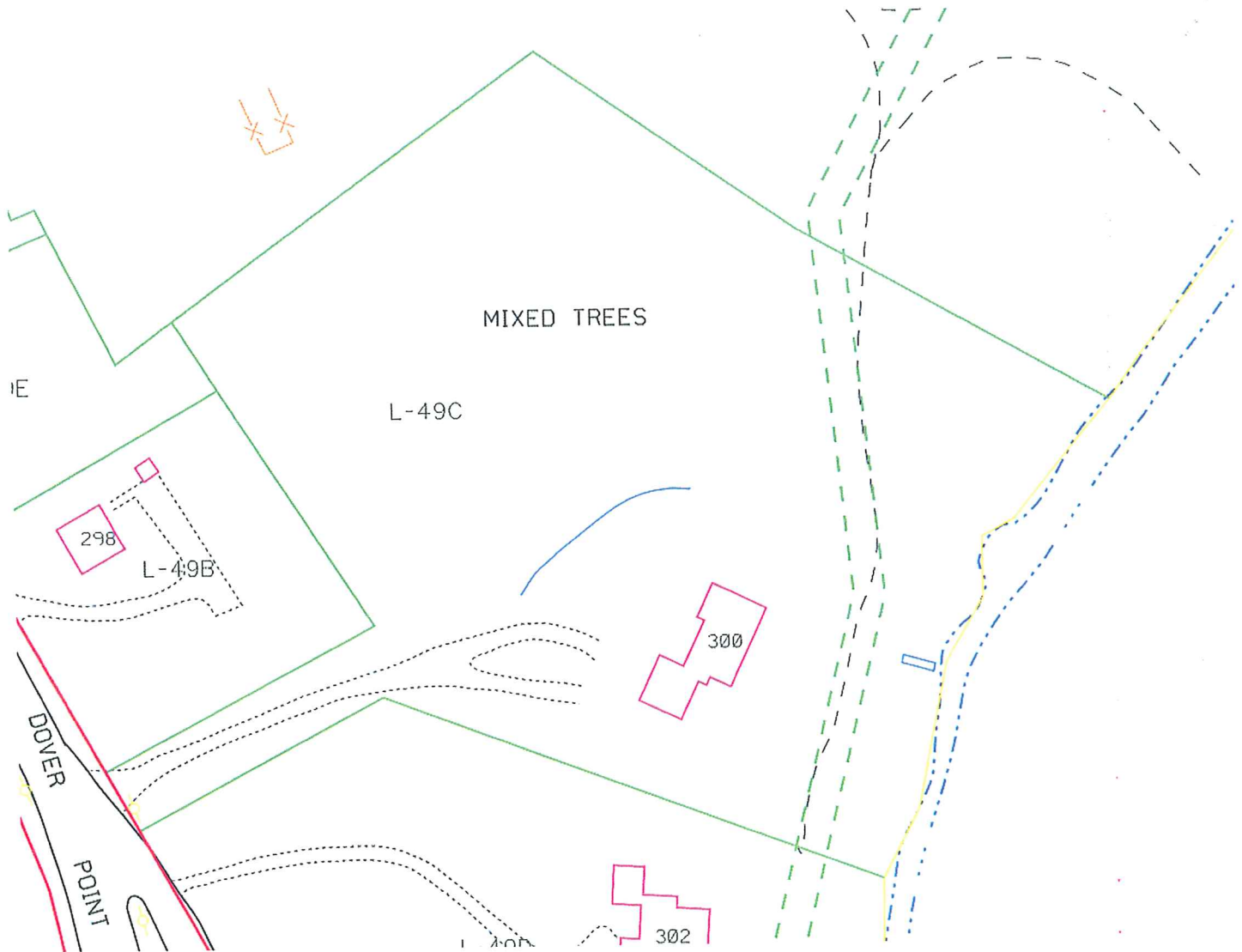
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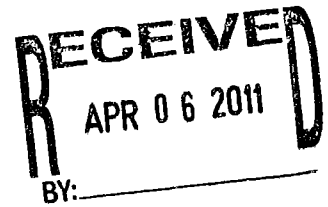
CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – 288 Central Avenue, Dover, NH 03820
Meeting Date: Thursday, April 21, 2011
Meeting Time: 7:00 pm



CASE # 21-09 DATE RECEIVED 4/4/11
 AMOUNT PAID \$ 216 TIME RECEIVED _____



**CITY OF DOVER
 ZONING BOARD OF ADJUSTMENT
 APPLICATION**

I. APPLICANT Jean L. Reid, Trustee PHONE #: _____
Jean L. Reid Revocable Trust
 ADDRESS 300 Dover Point Road, Dover, NH 03820
 PROPERTY OWNER Same
 ADDRESS _____
 PROPERTY LOCATION 300 Dover Point Road, Dover, NH
 BRIEF DIRECTIONS The parcel is located at the intersection of
Dover Point Road and Old Dover Point Road.
 ZONE R-20 ASSESSOR'S MAP L LOT #(S) 49-C

TYPE OF APPEAL: (Please check off one)

<input checked="" type="checkbox"/> VARIANCE	ARTICLE <u>IV</u>	SECTION <u>170-12(B)</u>
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Describe briefly your plans for this property:

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into two (2) lots, where the newly created lot would be used
for the construction of a single-family dwelling.

II. REQUIREMENTS SUBMITTED: (Please check off)

- A. Plot plan drawn in accordance with a boundary line survey to scale not less than 1" = 40', (9 copies). They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. X
- B. List of abutters including addresses and map and lot number of parcels who adjoin or are directly across the street or stream from property. X
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\$100.00 EQUITABLE WAIVER	\$ _____
- D. Certified letters fee:

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Applicant & Owner <u>1</u> X \$8.00 =	\$ <u>8.00</u>
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TOTAL	\$ <u>216.00</u>

SPECIAL EXCEPTION REQUIREMENTS

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

Not applicable.

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

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IV. As applicant of standing of this request, I certify that the information herein is complete and accurate.

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PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED

Jean L. Reid, trustee
Signature of Applicant*

Jean L. Reid, trustee
Signature of Owner*

*Both Signatures Required

The applicant waives the requirement of holding a hearing within thirty (30) days of receipt of the application, pursuant to RSA 676:7, II:

Signature of Applicant

Date

Abutters List
Zoning Board of Adjustment
Jean Reid Revocable Trust

Tax Map L, Lot 49C
300 Dover Point Road
Dover, New Hampshire

Job No. 10151

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Map L, Lot 49E

Everett Ham
296 Dover Point Road
Dover, NH 03820

Map L, Lot 63

Charles G. Constance & Sylvia Focso
301 Dover Point Road
Dover, NH 03820

Owner/Applicant:

Map L, Lot 49C

Jean L. Reid Revocable Trust
Jean L. Reid, Trustee
300 Dover Point Road
Dover, NH 03820

Agent:

Tritech Engineering Corporation
755 Central Avenue
Dover, NH 03820

Attorney:

FX Bruton
798 Central Avenue
PO Box 756
Dover, NH 03820

Introduction

The property subject to this application is located at 300 Dover Point Road and is depicted on the City's Tax Maps at Map L, Lot 49-C (a portion of the tax map is attached hereto). The property is located within the R-20 zone. The property is comprised of 4.425 acres, or 192,747 square feet. The parcel is unique, not only in its size, but also as to its shape. The parcel is also unique in that an excess area of the public right-of-way that used to comprise a portion of Old Dover Point Road benefits the actual frontage of the parcel. The parcel is a classic "pork-chop" lot with a significant portion of the lot located approximately 180 feet from Dover Point Road. The narrow portion of the parcel that connects to Dover Point Road (or the "Neck") is approximately 100 feet in width. Finally, the lot is heavily buffered from other lots with significant tree growth along the property lines.

The parcel contains an existing single-family house. The intent of the Applicant is to subdivide the lot into two (2) lots. A copy of a plan showing the proposed subdivision is attached hereto. The newly created lot is intended to be used for the construction of a single-family dwelling. The subdivided parcel will contain 2.966 acres, which would far exceed the minimum lot size for the R-20 zone, which is 20,000 square feet.

Within the Table of Dimensional Requirements for the Low Density Residential (R-20) District, there is a provision for new construction which requires a "build to line" that requires a principal structure to be built "up-to" the line, as opposed to the traditional front yard setback, that permits, but does not require, a structure to be built to that setback point. In this case, pursuant to footnote 5 of the Table for the R-20 zone, the Applicant's engineer, Trittech Engineering Corporation, has determined that the "build to line" is 132 feet from Dover Point Road. Given the width of the Neck of the property, which will be fifty (50) feet after subdivision, and the location of the existing driveway, which is to be shared by the new lot, it would be impossible to "build to 132 feet" of Dover Point Road as the house could only be ten (10) feet in width given the twenty (20) foot side yard setbacks. Rather, the Applicant seeks to locate the house in a location on the new lot that is sensitive to the context of the lot, which appears to be river-fronted homes. Specifically, the Applicant seeks to locate the home within the area designated as "Limits of Principal Structure Area," as depicted on the proposed subdivision map. Thus, the Applicant is seeking a variance from Article IV, Section 170-12(B) of the Dover Zoning Ordinance, which requires compliance with a build to line of 132 feet from Dover Point Road, as set forth within footnote 5 of the Table of Dimensional Requirements for the Low Density Residential (R-20) District, in order for construction to be located within the area defined on the proposed subdivision plan, and depicted as the "Limits of Principal Structure Area."

Variance Requirements:

1. Provide Proof that demonstrates the variance will not be contrary to the public interest.

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred, all of these reasons are consistent with the purpose behind the Low Density Residential District (R-20), which provides for conventional single-family neighborhoods on lots not less than 20,000 square feet. In addition, by allowing the location of the single-family residence within the "Limits of the Principal Structure Area" the purpose of the "build to line" will be preserved, as the area represents a context sensitive design, given the other waterfront homes within the area. As such, the proposed use will not be contrary to the public interest, as the use will not "alter the essential character of the locality." See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). Granting the variance will permit the location of a dwelling in the most appropriate location, and, given the significant amount of natural buffering, would not threaten the public health, safety or welfare.

2. Provide proof that demonstrates how a variance observes the spirit of the ordinance.

The Applicant respectfully submits that if the variance was granted, the spirit of the ordinance would be observed as the use in question is suitable, considering the surrounding properties, and therefore result in an encouragement of the most appropriate use of the land. In addition, by allowing the location of the single-family residence within the "Limits of the Principal Structure Area," the purpose of the "build to line" will be preserved, as the area represents a context sensitive design, given the other waterfront homes within the area. Further, the proposed use is consistent with the purpose behind the Low Density Residential District, which mainly is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance's basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the reasons set forth above, the granting of the variance will promote the ordinance's basic zoning objectives.

3. Provide proof that demonstrates how a variance will result in substantial justice.

The grant of the variance would due substantial justice because it would allow the Applicant's property to be utilized in a similar fashion to other properties located within the area,

by allowing the location of a structure, in a location that is even possible and that would be consistent with the context of the area, where waterfront homes exist. See Nine v. Chesterfield, 157 NH 361, 368 (2008). This test considers whether the benefit to the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the proposed location of the structure and the buffering of the site, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

4. Provide proof that demonstrates the variance will not diminish the values of the surrounding properties.

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings located upon the Applicant's property. In this instance, the location of the structure in the area sought by the Applicant will have no affect upon any abutter, with respect to its property, as the use will be consistent with other uses in the near vicinity, and consistent with the existing zoning. In addition, the lot is unique, as there already exists a significant amount of buffering on both sides of the property. The Applicant also relies upon the opinion of Paula Forbes, a New Hampshire licensed real estate broker (a copy of Ms. Forbes' opinion is attached hereto.)

5A. Provide proof that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Unnecessary hardship standards are:

(i) Special conditions of the property that distinguish it from other properties in the area; and

As one can see from the enclosed tax map, the subject parcel in this case is significantly different than the parcels that are located in the same vicinity. Most of the parcels are square in shape, rather than the "pork-chop" shape of the subject property, and thus, do not utilize a "neck" in order for access to Dover Point Road. In this case, given the fact that the Neck will be approximately fifty (50) feet, and given the side yard setbacks of twenty (20) feet, the only house that the Applicant could locate, that would be one hundred thirty-two (132) feet from Dover Point Road, would be a house ten (10) feet in width.

(ii) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks locate a single-family residence within the "Limits of the Principal Structure Area." We understand, after discussing the issue with the Planning Department, that the purpose of the "build to line" is geared to context sensitive design, and, in this case the context appears to be river-fronted homes. As such, the purpose of the ordinance, and the specific restriction itself will be preserved given the other waterfront homes within the area. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the

specific application, which would require a structure to be built within the Neck, and to 132 feet from Dover Point Road.

(iii) The proposed use is a reasonable one because:

The proposed use is reasonable because it provides for the location of the single-family residence within an area that is “context sensitive,” given the other waterfront homes within the area. Also, there is no way for the Applicant to built to 132 feet from Dover Point Road, without disrupting the access to the site.

5B. If the criteria in subparagraph 5A above are not established, provide proof that an unnecessary hardship exists if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance of the ordinance and a variance is therefore necessary in order to enable the reasonable use of it.

The Applicant respectfully submits that although it firmly believes it meets the criteria under Subsection A herein, that the parcel is one of the most uniquely shaped parcels located within the area. Given the shape and size of the lot; and given that the Applicant cannot locate a structure to the “build to line,” as the house could only be ten (10) feet in width given the side yard setback requirements of twenty (20) feet; and given the purpose of the “build to line,” which is to preserve the existing design of the local, the variance is therefore necessary in order to enable this reasonable use of the property.



ROUTE 4

HOMESTEAD LN

PINEVIEW DR

DOVERPOINT RD

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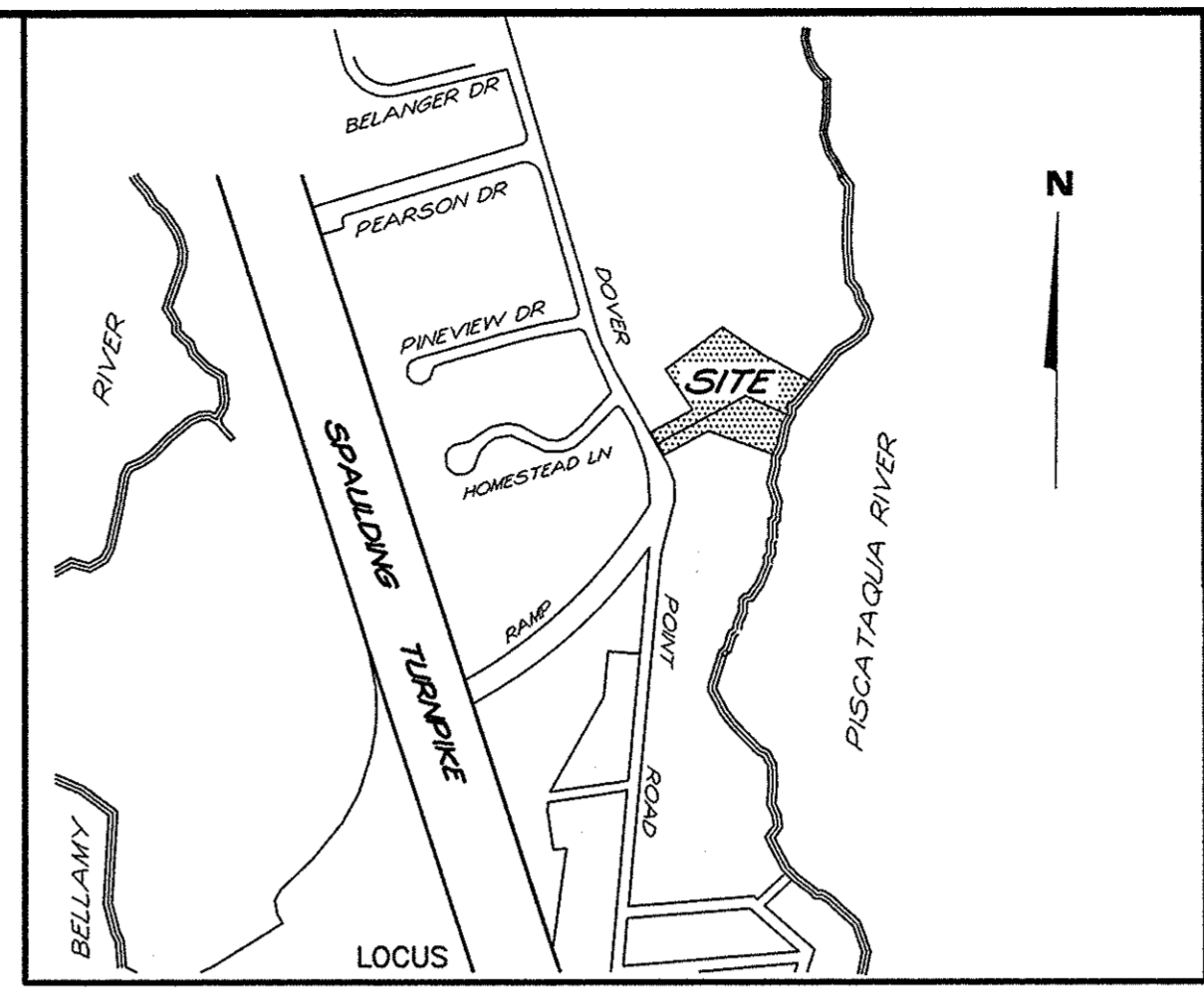
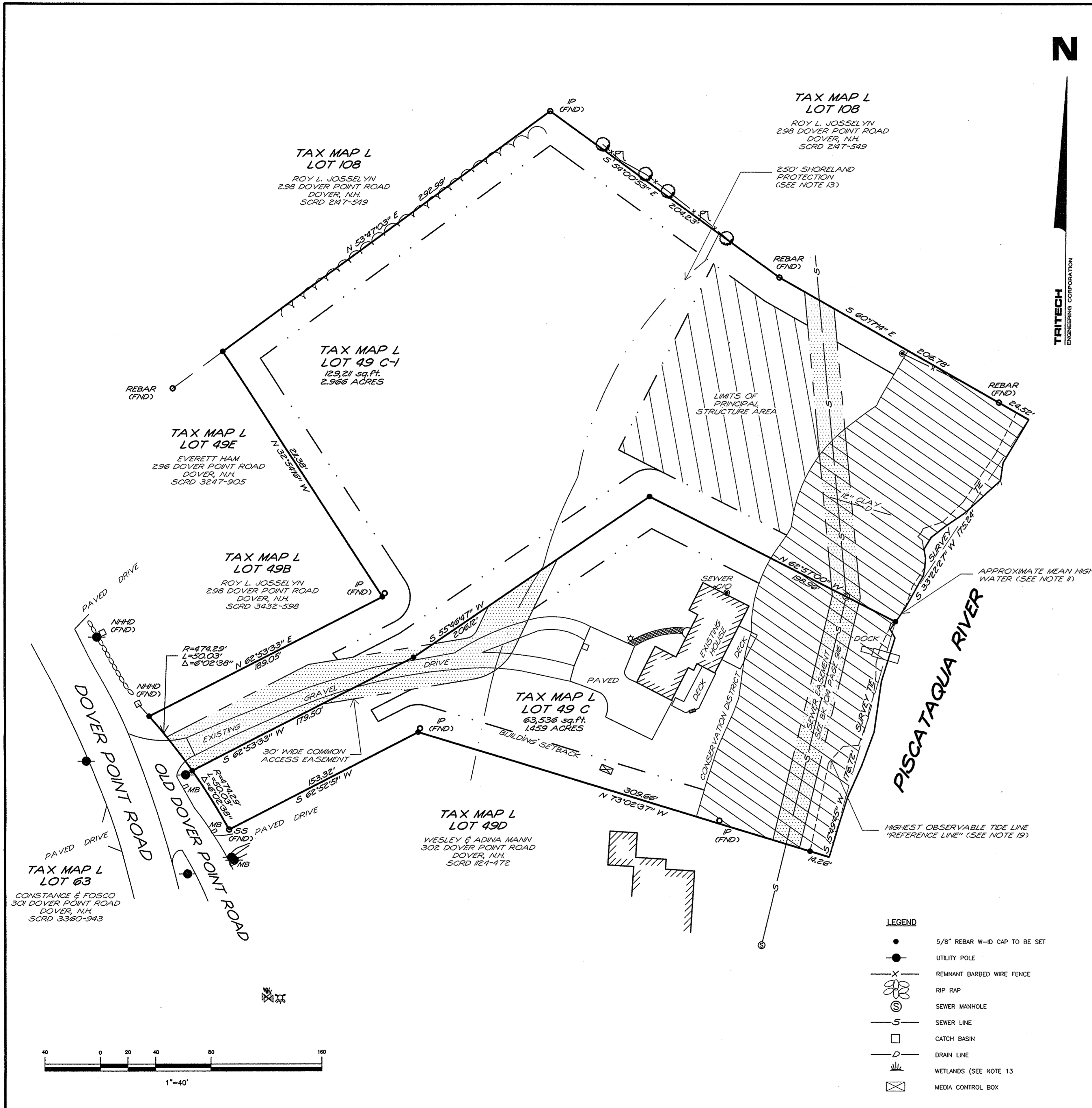
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NOTES

- 1.) INTENT: TO SUBDIVIDE DOVER TAX MAP L LOT 49C INTO 2 LOTS.
- 2.) CURRENT OWNER OF RECORD: JEAN REID REVOCABLE TRUST
300 DOVER POINT ROAD
DOVER, N.H. 03820
- 3.) SUBJECT PARCEL IS LOCATED IN THE CITY OF DOVER, COUNTY OF STRAFFORD AND THE STATE OF NEW HAMPSHIRE.
- 4.) TOTAL LOT AREA: 192,747 SQ.FT. - 4.425 ACRES
- 5.) TAX MAP L LOT 49C
- 6.) PROJECT DEED REFERENCE: SCRD BOOK 3386 PAGE 939
- 7.) PROJECT PLAN REFERENCE: SUBDIVISION PLAN, PETER S. BRADLEY, DOVER, N.H., F.E. DREW ASSOCIATES, APRIL 1977 SCRD 17A-182
F. C. HALLIDAY PROPERTY TRACT EAST OF ROUTE 16 DOVER, NEW HAMPSHIRE, F.E. DREW ASSOCIATES, NOV 1973 SCRD PO 8, FO 3, PL #52
PLAN OF LOTS 1A & 1B, D. C. H. CONSTRUCTION, DOVER, N.H., R. W. McCRONE, MARCH 1978 SCRD 17B-164
STATE OF NH DOT FEDERAL AID PROJECT N.R.M. 262 - 1933 SHEET 10 OF 70
LOT LINE ADJUSTMENT PLAN PREPARED FOR THE ESTATE OF DOROTHY JOSSELYN 288 DOVER POINT ROAD DOVER, NEW HAMPSHIRE McNEANEY SURVEY ASSOCIATES FEBRUARY 8, 1999 SCRD 55-34
- 8.) ZONING: R-20
MIN. LOT SIZE: 20,000 SQ.FT.
* MIN. FRONTAGE: 125 FT - (LOTS 49C & 49C-1 WILL HAVE LESS THAN THE REQUIRED FRONTAGE)
MIN. SETBACKS:
* FRONT: 132 FT (BUILD TO LINE)
SIDE: 20 FT (NON-CONFORMING LOT: 10 FT 170-14 a(1))
REAR: 15 FT
ACCESSORY STRUCTURES: 10 FT
* REQUESTING RELIEF FROM CITY OF DOVER DIMENSIONAL REGULATIONS.
IN ADDITION TO R-20, THIS PROPERTY FALLS WITHIN SEVERAL ZONING OVERLAY DISTRICTS:
- CONSERVATION DISTRICT
- WETLANDS PROTECTION DISTRICT
- RIVERFRONT RESIDENTIAL OVERLAY DISTRICT
- 9.) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 30,000, AND WAS ACCOMPLISHED USING A LEICA TC 703 TOTAL STATION, DURING THE MONTH OF MARCH, 2009.
- 10.) BASIS OF BEARING: BASED ON THE DOVER GIS SYSTEM.
- 11.) THIS LINE REPRESENTS THE APPROXIMATE MEAN HIGH WATER LINE AS OBSERVED IN MARCH, 2011. IT IS NOT INTENDED TO REPRESENT THE HIGHEST OBSERVABLE TIDE LINE OR REFERENCE LINE.
- 12.) 20' SEWER EASEMENT AS DESCRIBED IN SCRD BOOK 1014 PAGE 916
- 13.) MAP L LOT 49C FALLS WITHIN 250 FEET OF THE SHORELINE OF THE TIDAL PORTION OF THE PISCATAQUA RIVER AND IS SUBJECT TO THE MINIMUM SHORELAND PROTECTION STANDARDS, RSA 483-B (COMPREHENSIVE SHORELAND PROTECTION ACT).
- 14.) SUBJECT PARCEL IS LOCATED WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A - PANEL 0330D, MAP No. 33017C0340D, DATE: 5-17-2005).
- 15.) LOTS TO BE SERVICED BY MUNICIPAL WATER AND SEWER.
- 16.) STREET ADDRESSES FOR EACH LOT SHALL BE ASSIGNED BY THE BUILDING INSPECTOR AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- 17.) ALL ON-SITE UTILITIES SHALL BE INSTALLED UNDERGROUND.
- 18.) THE FINAL SUBDIVISION PLAN SHALL BE SUBMITTED IN A DIGITAL DXF FORMAT ON A TRANSFERABLE DISK TO THE CITY OF DOVER PLANNING DEPARTMENT'S OFFICE.
- 19.) VARIANCE REQUESTED:
A VARIANCE IS REQUESTED FROM THE TERMS OF THE CITY OF DOVER CODE, CHAPTER 170, ZONING TABLE OF USE AND DIMENSIONAL REGULATIONS (R-20 TABLE) TO SUBDIVIDE A LOT INTO (2) PARCELS, EACH HAVING APPROXIMATELY FIFTY (50) FEET OF FRONTAGE ALONG A PUBLIC RIGHT OF WAY, WHERE A MINIMUM OF ONE-HUNDRED (125) FEET IS REQUIRED PER LOT. A VARIANCE IS ALSO REQUESTED FROM THE BUILD TO LINE REQUIREMENT TO ALLOW BUILDING OF A PRINCIPAL STRUCTURE TO BE ALLOWED WITHIN THE LIMITS OF THE PRINCIPAL STRUCTURE AREA, AS SHOWN.
- 20.) LOTS 49C & 49C-1 SHALL SHARE A DRIVEWAY ACCESS TO DOVER POINT ROAD.

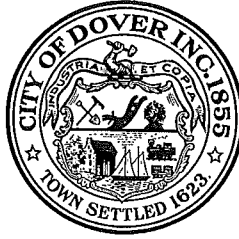
TRITECH
ENGINEERING CORPORATION

765 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03860
TELEPHONE 603 742 8107
FAX 603 742 3830

REVISIONS
DATE: DESCRIPTION:

VARIANCE APPLICATION PLAN
JEAN REID REVOCABLE TRUST
300 DOVER POINT ROAD
DOVER, NEW HAMPSHIRE
APRIL 6, 2011
JOB No. 10151
SCALE: 1" = 40'

SHEET NO. **2-1**



ZONING BOARD OF ADJUSTMENT OPERATING RULES

Article I. Name

The name of the board is the Dover Zoning Board of Adjustment.

Article II. Authority and Duties

- A. These Rules of Procedure are adopted under the authority of New Hampshire RSA 676:1 and the Zoning Ordinance of the City of Dover, New Hampshire. The Zoning Board of Adjustment shall study, consider and recommend to the City Council and the City Manager, or designee, general zoning policies for the City of Dover.

Article III. Membership

- A. **Membership.** There shall be five (5) regular members and up to three (3) alternate members.
- B. Alternates should attend all meetings to familiarize themselves with the workings of the Board so that they are ready to serve whenever a regular member is unable to fulfill his or her responsibilities. Alternate members shall substitute for regular members on any case when a regular member is absent or disqualified pursuant to RSA 673:14 and the Chair designates them to do so.
- C. Members must reside in Dover, New Hampshire and are expected to attend each meeting of the Board to fulfill their duties and responsibilities. Any member unable to attend a meeting shall notify the Chair or Clerk as soon as possible. Members shall be appointed to terms of one (1) year.
- D. Voting members shall be announced by the Chair prior to the consideration of the agenda item. Alternate members who are not voting may fully participate during the presentation of applications and the public hearing.
- E. **Attendance, Vacancies and Removal.** All appointments to the board shall serve for the terms appointed and until a successor shall have been appointed and qualified, unless any board member is absent for four (4) consecutive meetings or four (4) regular meetings in a calendar year, whereby a vacancy shall be created in the position, and said vacancy shall be filled by the appointing authority. Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute. Conditions for removal of any board member shall be defined by statute, ordinance or the Charter.

Article IV. Officers and Staffing

- A. A **Chair** shall be elected in January on a yearly basis by a majority vote of the Board. The Chair shall preside over all meetings and hearings, appoint such committees as directed by the Board, and shall sign documents on behalf of the Board.
- B. A **Vice-Chair** shall be elected in January on a yearly basis by a majority vote of the Board. The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board during the absence of the Chair.
- C. If the Chair and the Vice-Chair are not present, or cannot sit on a case due to a conflict of interest, then the Board shall elect a temporary Chair from its members for that particular case or meeting.
- D. The **Clerk** shall be the staff person designated by the Director of Planning and Community Development. If the City does not provide a staff person to perform the duties of the Clerk, then the Board may elect a temporary Clerk by majority vote of the Board in January who shall serve as Clerk until approval and funding can be obtained to hire a dedicated Clerk as an employee of the City pursuant to RSA 673:16,I. The Clerk shall maintain a record of all meetings, transactions, and findings of the Board, as approved by the Board.
- E. All officers shall serve a term that expires in January and shall be eligible for re-election.

Article V. Procedures

Meetings.

- A. Regular meetings shall be held at the Municipal Building at 7:00 p.m. on the third Thursday of the month. Other meetings may be held on call of the Chair provided public notice and notice to each member is given in accordance with RSA 91-A:2,II.
- B. A maximum of six (6) applicant related items, which includes the combination of new applications and old business, shall be placed on the agenda for each monthly meeting, unless the Chair approves additional items. If no applications have been submitted to the Planning Department and there is no Other Business, the regularly scheduled monthly meeting may be canceled by the Chair.
- C. The order of business for regular meetings of the Board shall be as follows:
 - 1. Call to order by the Chair
 - 2. Roll Call by the Clerk
 - 3. Approval of minutes from the previous meeting
 - 4. Changes to the Agenda/Special Announcements
 - 5. Old Business
 - 6. New Business – Disposition of new applications under consideration
 - 7. Other Board Business
 - 8. Adjournment
- D. **Appeals.** Appeals from an administrative decision taken under New Hampshire RSA 676:5 shall be filed with the City Planning Department within thirty (30) days of the date of the decision. Any appeal made after this deadline will not be considered timely. The Zoning Board of Adjustment reserves the rights to waive this deadline under any special circumstances as it sees fit.
- E. **Quorum.** Fifty-one percent (51%) of the voting membership of the board shall constitute a quorum.
- F. **Parliamentary Authority.** The parliamentary authority for the board is *Robert's Rules of Order Revised, 10th ed*, except as provided by these rules or local, state or federal law.

- G. **Minutes.** Minutes shall be kept for all meetings of the board. The minutes shall include the names of the members in attendance, all actions, motions and resolutions coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the board at the next meeting of the board, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.
- H. **Recording of Meetings.** The board shall arrange for video recording at all meetings. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.
- I. **E-mail accounts.** Board members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. Board members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the board. In addition, board members shall refrain from conducting the official business of the board outside the view of the public and the press unless permitted by state law.

Member Disqualification

- A. If any member finds it necessary to disqualify himself/herself from sitting in a particular case, as provided in RSA 673:14, the member shall notify the Chair as soon as possible so that the Chair can designate an alternate to sit in the disqualified member's place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to make a non-binding vote on the question of disqualification; only the member can disqualify themselves. Any such request shall be made before the beginning of the public hearing. The Board's vote shall be advisory and non-binding.
- B. A disqualified member shall not sit with the Board during the public hearing and during all deliberations on the case.

Applications and Decisions

- A. **Applications.** Each application for a hearing shall be made on forms approved by the Board and provided by the Planning Department to the applicant. At each meeting of the Board, the Clerk shall provide the Board with all applications received by the Planning Department which have been received no less than fourteen (14) days before the date of the hearing.
- B. **Public Notice.** Public notice of hearings on each application shall be given in the Foster's Daily Democrat and shall be posted in two (2) public places not less than five (5) days before the date of the hearing. Notice shall include the applicant's name, description of the subject property, action desired by the applicant, provisions of the zoning ordinance concerned, the type of relief being sought and the date, time and place of the hearing. Personal notice of the hearing shall be made by certified mail to the applicant and all abutters not less than five (5) days before the date of the hearing. Notice shall also be given to the Planning Board, City Clerk and other parties deemed by the Board to have special interest in the application. The applicant shall pay in advance for the cost of all required notice.
 - 1. The applicant must post at their property in clear view from the Street, the poster provided to them by the Planning Department. The poster must be posted no later than five (5) days before the hearing at which their application will be presented. If the poster is not posted, the Board may deem that as cause to disqualify the application.

C. **Public Hearing.** The conduct of public hearings shall be governed by the following rules:

1. The Chair shall call the hearing in session by reading the public notice referring to the application. If there are less than five (5) members of the Board sitting on a particular application, the Chair shall give the applicant the option of postponing the hearing until there is a full Board. If the applicant elects to proceed with less than a full Board, that fact will not be grounds for a rehearing in the event the application is denied.
2. Members of the Board may ask questions at any point during testimony after recognition from the Chair.
3. Any party to the case who wants to ask a question of another party to the case must do so through the Chair.
4. Everyone who speaks and is not a member of the Board or an advisor to the Board, shall be required to state his or her name and address and indicate whether he or she is a party to the case, an abutter or an agent or counsel to a party or an abutter.
5. The applicant (or the applicant's counsel or agent) shall be called by the Chair to present the application to the Board. Thereafter, those in favor of the application shall be allowed to speak. Once those in attendance in favor of the application have spoken, the Board shall hear those in opposition to the application. After those in opposition to the application have spoken, the applicant (or the applicant's counsel or agent) shall be allowed to speak in rebuttal. Once they have spoken in rebuttal, those in opposition shall be allowed to speak in rebuttal. Upon completion of the final rebuttal, the public hearing shall be declared closed and the Board shall deliberate on the application or defer action on the application to a later date, and schedule a date for continuance. After close of the public hearing no further comment from applicant or abutter shall be taken.

D. **Decisions.** Decisions of the Board shall be governed by the following rules:

1. Any decision made by the Board that is in favor of the applicant shall require three (3) votes; this applies to the approval of any conditions that are placed on a variance.
2. All decisions shall be documented on a form that is approved by the ZBA.
3. The application shall be approved or denied based upon a majority vote by the members of the Board.
4. Notification of the decision shall be sent to the applicant and shall be filed in the records of the Board and shall be available to the public within five (5) business days.

E. **Nonpublic meetings.** The board may conduct nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by General Legal Counsel for nonpublic meetings.

F. **Amendment of Rules.** These Rules of Procedure may be amended by a majority vote of the members provided that such amendment is presented at one (1) meeting immediately preceding the meeting at which the vote is to be taken.