



**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, August 18, 2011**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Sam Reid (Chair), William Colbath (Vice Chair), Jim Kelley

**Members Not Present:** Otis Perry, Jennifer Stone (Alternate), Joshua Cote (Alternate), Chris Prior, and Frank Landford

**Staff Present:** Christopher Parker (Planning Director), Gail Pare (Recording Secretary)

Chair called the meeting to order at 7:07pm. Three voting members present. Chairman Reid offered the public the option to postpone meeting due to lack of attendance by voting members of the board. Explained 3 affirmative votes or move to table until next month. As a courtesy, abutters will be notified by first class mail only.

### 2. APPROVAL OF PRIOR MINUTES OF JUNE 16, 2011 & JULY 21, 2011.

**Motion:** J.Kelley motioned to approve the June 16, 2011 minutes. Seconded by W.Colbath. J.Kelley states the spelling of his last name is incorrect and should be spelled Kelley with an "ey". Vote: U/A.

**Motion:** J.Kelley made the motion to approve the July 21, 2011 minutes. W.Colbath Seconded. Vote: U/A

### 3. OLD BUSINESS - NONE

### 4. NEW BUSINESS

- A. \* Z 11-16 William Colbath, 70 Silver Street, Tax Map 12, Lot 79, zoned RM-U, appeals an administrative decision by the Zoning Administrator that enforcement action at 70 Silver Street regarding too many dwelling units has been satisfactorily concluded.

Chair announces that this item will be tabled to next month. There are only two members to consider the case, and there is no quorum. W.Colbath is a board member and cannot vote on this case.

- B. \* Z 11-17 FW Webb Co., 218 Knox Marsh Road, Tax Map H, Lot 40B, zoned B-4, (Owners: Eileen E. Cecchetti and Gail Capuccilli), requests a variance from the terms of Article IV, Section 170-11 to allow a warehouse/wholesale distribution use in a commercial district.

Attorney Schulte, represents land owners, approached the podium and advised the Board that the owners asked to table the case until next month.

- C. \* Z 11-18 Roland Royer, (Owner: Roland Royer), 14 Royer Lane, Tax Map L, Lot 73C, zoned R-20, requests a variance from the terms of Article IV, Section 170-12, to subdivide a parcel creating a lot with approximately 108' frontage, where 125' is required.

*Public hearing opened*



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Attorney Tanguay, who represented Roland Royer, spoke to Chris Parker before the meeting that when the notice came out in regards to frontage, he states application states it refers to frontage and lot size – the notice is not correct, however, he wants to move forward as the application submitted is correct. Mr. Royer does not want to postpone. There are two variance requests, to seek subdivision approval to create a 2-lot subdivision, where house lot #15 and #14 are located. Mr. Tanguay states the lots do not have the 20,000 s.f. required. Mr. Royer purchased two lots originally and now wants to subdivide and put them back into original 2-lot configuration where two homes would be on the original plans. A letter was submitted by Mr. McLoan, who has no objection to subdivision. Attorney Tanguay also submitted a letter from Bob McGuire Jr., Trustee of Spectrum Trust, which states he has no problem with the subdivision.

J. Kelley asked about Tax lots as one or two lots. B.Colbath asked about original 1951 plans. There are no plans on file at Registry of Deeds. No prior plans are available.

W.Colbath states the application is to have two non-conforming lots and it should have been advertised as two variance requests.

C.Parker stated the Planning Dept. supports the variance request and the lot sizes and subdivision is consistent with neighborhood lot sizes.

*Public hearing closed*

Motion: J.Kelley made the motion to grant the Variance, with two conditions:

1. Correct the lot number on the plan, and
2. The front of the new house and driveway have access off Royer Lane, which would be more appropriate.

W.Colbath seconded. Vote: U/A

D. \* Z 11-20 Mast Landing, LLC & Housing Initiatives of N.E. Corporation, (Owner: VC Dover Investments) NH Route 108 & Mast Road, Tax Map H, Lot 4-3, zoned B-4, requests a variance from the terms of Article IV, Section 170-28.2, Section F) 2) a) (i) to allow a non-residential building to be placed 26' feet off the property line where 50' is required.

*Public hearing opened*

Robert Bell, who represented Mast Landing, LLC & Housing Initiaves of N.E. Corporation, stated the proposed site consists of a mixed use zone combination residential/commercial and nonresidential development. This plan is to build a 60-unit congregate care facility. The proposed site has 30 feet of drop off in elevation, and the building will be built appropriate to land grading to get number of units viable to be successful. Letter submitted from Mr. & Mrs. Scott Torr which supports the application (in file). The Torr's lot is large and has a substantial wooded buffer which is several hundred feet abutting the proposed site.

The Chair asks anyone who is in favor or against this application to speak during the public hearing. No one else spoke.



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Chris Parker states Planning Dept supports the variance request as the building will bring a necessary use to the overall development plan. The spirit intent of the mixed use overlay district is to promote residential and commercial uses for elderly residents that are located within a close proximity. (Letter in file)

J. Kelley asks if there is any consideration from the Torr's to satisfy the project. (letter in file). The Torr's are not interested in selling any land. J.Kelley also asked about the buffer – parking is limited to upper and lower levels and no driveway between the two lots. There is a parking setback and not a pavement setback.

W.Colbath questioned the proposal shown and the land and it was discussed in detail.

Cindy Taylor – explained services, the assisted living complex, and low level services.

*Public hearing closed*

Board discussion ensued regarding the conceptual plan.

Motion: Jim Kelley move to grant the Variance. W.Colbath seconded. Vote: U/A

- E. \*Z 11-21 Anne Nichols K9 Kaos Residence/Fast Dogs Realty, 432 Sixth Street, Tax Map E, Lot 32, zoned ETP, requests a variance the terms of Article VIII, Section 170-33, A) to allow a fence to be erected between the right of way (Sixth Street) and the front of a residence, at a height of 6' where 3' is required. Additionally, the applicant requests to place a fence closer to County Farm Road than originally approved by the Planning Board.

*Public hearing opened*

Anne Nichols spoke about her plan, submitted for the case. W.Colbath expressed deep concern with the initial proposed plan and existing work already done. Craig Poole, owner of land that surrounds the property on Sixth St. spoke regarding his concerns. Mr. Poole stated he has no ill-will towards the owner of the kennel. He said the issue for him was not just the fencing on Sixth St., but deviation from the approved plan. Further discussion by the Zoning Board ensued. W.Colbath had additional issues and concerns regarding ongoing changes to the plan.

After a long discussion, Anne Nichols requested to withdraw her case without prejudice. The Board agreed to allow the withdrawal. She will reapply for the October meeting.

*Public hearing closed*

### 5. OTHER BOARD BUSINESS

Operating rules – adopt revised operating rules.

Motion: J.Kelley made the motion to adopt the revised operating rules. W.Colbath seconded. Vote: U/A

### 6. ADJOURN

**Motion:** W.Colbath made the motion to adjourn at 9:03 pm. J. Kelley seconded. Vote: U/A