



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, November 15, 2012**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF PRIOR MINUTES OF OCTOBER 18, 2012

3. HEARING – CONTINUED FROM SEPTEMBER 20, 2012

- A. * Z 12-09 Robert F. Fisher (Owner: Anne E Revocable Trust), 49 Littleworth Road (Tax Map G, Lot 29) located in the Low Density Residential (R-20) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 District Table of Use and Dimensional Requirements to permit a lunch cart on the property where lunch carts are not a permitted use in the R-20 District.

4. HEARING – CONTINUED FROM OCTOBER 18, 2012

- A. * Z 12-23 Changing Places, LLC (Owner: Estate of Rita T. Taylor), 72 Durham Road (Tax Map I, Lot 12), located in the Low Density Residential (R-20) District and the Suburban Density Multi-Residential (RM-SU) District. Applicant proposes to construct a twenty (20) unit townhouse residential development in addition to the existing residence for a total of twenty-one (21) units. Applicant requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 and RM-SU District Tables of Use and Dimensional Requirements to permit +/- 6,331 sq. ft. of land per unit where a minimum of 10,000 sq. ft. is required.

5. HEARING – NEW

- A. * Z 12-24 Phil & Donna Rinaldi, 13 Riverdale Avenue (Tax Map I, Lot 74-Z), located in the Medium Density Residential (R-12) District, propose to remove the existing home and construct a new single family dwelling. Applicants request a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the proposed single family dwelling to be located not more than fifty (50) ft. from the front lot line, where a build to line of not closer than five (5) ft. and not further than twenty-five (25) ft. from the front lot line is required.

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, Monday-Thursday from 8:30 am to 5:30 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, City Hall, Dover, NH 03820
Meeting Date: **Thursday, October 18, 2012**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), William Colbath (Vice Chair), Otis Perry, Jennifer Stone, James Kelley, Chris Prior (Alternate).

Members Not Present: Frank Landford, Joshua Cote (Alternate).

Staff Present: Timothy Corwin (Assistant City Planner), Gail Pare (Recording Secretary)

The Chair called the meeting to order at 7:01 p.m. The Chair opened the meeting, introduced the Board and staff members to the audience, and described the process used to hear cases.

2. APPROVAL OF PRIOR MINUTES OF SEPTEMBER 20, 2012

Motion: C.Prior motioned to accept the September 20, 2012 minutes. Seconded by O.Perry.
Vote: U/A. J.Kelley abstained.

3. HEARING – CONTINUED FROM SEPTEMBER 20, 2012

A. * Z 12-18 David A. Goodwin, 37 Dover Neck Road (Tax Map M, Lot 79B), located in the Rural Residential (R-40) District. The subject property is improved with a Quonset hut and wooden office building, both which are currently used as a training facility for the carpenters' union. The applicant proposes to remove the Quonset hut and use the wooden office building as a small scale printing business with up to three (3) employees. Applicant requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-40 District Table of Use and Dimensional Requirements to permit the wooden building to be used as a printing business with up to three (3) employees where printing business is not a permitted use in the R-40 District.

Atty. James Schulte, representing Mr. Goodwin, gave an overview of the application and explained the current business operations of the owner. The location of the wooden office building is to immediate left of the residence. The proposal is to remove the Quonset hut within 12 months and relocate Mr. Goodwin's printing operations into the wooden building. Schulte discussed the previous use of the Quonset hut and the office building. He stated the carpenters union used it for training on the weekends which included inside and outside operations. The current sign on the premises will be removed. Schulte suggested that the proposed use is less intense than the previous use and that Mr. Goodwin is not actively advertising his business, but in fact is downsizing. Walk in business is very rare and most business is repeat business. There are two justifications for the variance. 1) There will be limited noise and less intensity to the property. 2) The printing business is a service business, and the volume of the paper distributed is about 30% of the value of the product. Most of the service is printing stationary and business cards. Schulte discussed the option of the R-40 zone to allow an open space subdivision and stated that this business qualifies as a personal services establishment. The use is consistent with the neighborhood. Schulte stated the business would be a part-time printing operation with no more than two additional employees. This variance would be limited to what is applied for. There is ample parking on site.

Schulte clarified for an abutter who is approximately 600 feet away, that the Goodwin property has been on City water/sewer for the past 16 years. Mr. Goodwin stated he uses a rubber based ink, and has voluntarily participated in the State of NH Department of Environmental Services pollution discharge review program.



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His business is classified as “notification level” as it does not contain hazardous chemicals. During cleanup, he uses a “wash and a little bit of solvent on a rag” and then air dries the rag. There are no hazardous waste trucks necessary after cleanup. The City of Dover Community Services Department has issued him a discharge permit with respect to pollutant discharge.

The Chair appointed Jennifer Stone (alternate) to sit in on the case.

O.Perry confirmed with Mr. Goodwin about the sewer disposal.

J.Kelley confirmed with Atty. Schulte that the printing operations were still on Littleworth Road and that the same process will be used at the current location.

S.Reid confirmed with Mr. Goodwin that the City requires annual testing of the wastewater and questioned the disposal of the rags.

Mr. Goodwin stated he submits samples once a year to the State and that they have determined that the ink is not hazardous. Goodwin also stated that his current hours of operation are between 7:30-8:30 am through 3:30 pm Monday-Thursday. There are no operations Friday-Sunday. Much of his business has gone to internet business, which is the reason for him downsizing.

Public Hearing Open.

Vera and Jeff Haus, 28 Dover Neck Road, support the variance request. They have been neighbors of the Goodwin's for the past 16 years and confirmed that they have been great neighbors. Their yard is meticulous and they are not concerned with hazardous materials.

S.Reid asked the Haus' if they felt this would be a beneficial use for the property and if it would negatively affect the neighborhood.

Mrs. Haus responded that the hours would be better and more normal than the carpenters union. She stated the Goodwin's were considering building a smaller home later.

Steve Hyde, 45 Dover Neck Road, support the variance request. He abuts the other side of the Goodwin's lot. Since UPS would be the intended delivery system, the business use would not increase traffic and would have less parking and less vehicle use than the carpenters union. The net result is a benefit of the neighborhood.

S.Reid asked Mr. Hyde if he had any concerns with the proposed use.

Hyatt confirmed that there would be less activity weekly, and less business compared to the previous educational facility.

Alisa Karwowski, 7 Dover Neck Road, spoke in favor of the variance and how caring the Goodwin's have been to their property and to their neighbors. They have been good neighbors for the past 13 years and good friends.



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Peter Caradonna, 14 Dover Neck Road, is glad the Quonset hut will be removed. He feels that vehicle and foot traffic will diminish. He stated the Goodwin's house is meticulous. Goodwin will operate a low impact business. He initially had concerns of the hazardous waste, but feels it was well overblown. This business will be tremendously beneficial to the neighborhood.

Maureen Staples, 2 Ruthie's Run, who is directly across from the Quonset hut, totally supports the use.

Jack Kimball, 24 Isaac Lucas Circle, stated it's a big deal to get rid of the Quonset hut, and it will only have positive impact on the neighborhood.

Joyce Bowden, 374 Middle Road, opposes the variance and said the variance will not end with the Goodwin's. She is glad for the clarification that the Goodwin's are on City water/sewer but is concerned with the commercial printing facility. Bowden stated she is worried about the case law that supports the termination of a variance after it is granted.

S.Reid stated that Atty. Schulte could work with the Goodwin's to sign a document stating the variance ends with the Goodwin's.

Linda Osburn, 366 Middle Road, opposes the variance and wants to know what happens when the Goodwin's leave. Osburn wants to know how the variance would be enforced.

Atty. J.Schulte stated if this went to the Planning Board for a site review, the Board would state conditions of approval, and the applicant would be required to sign a developer's agreement. There could be a developer or use agreement between the applicant and the City that would get signed and recorded with the Strafford County Registry of Deeds.

Mr. Goodwin confirmed that when he is done with the printing business, the business is done.

Tim Corwin stated he has concerns of limiting the variance to a particular applicant. A variance pertains to special conditions of the property and not to specific circumstances of the applicant. As a practical matter, if the ZBA were to condition the variance to the application, nobody would appeal it because nobody would benefit from it. Corwin suggested that the Board consider conditioning the application to severely limit any future printing operation business and to attach reasonable conditions.

Staff Recommendation:

The Planning Department is not opposed to the variance request and supports granting the requested variance on the following conditions:

- The Quonset hut shall be removed within one (1) year of the variance approval date.
- No more than three (3) employees including the business owner, shall be permitted on the premises at any time.
- The carpenters' union sign in the front of the property shall be removed within three (3) months of the variance approval date.
- The hours of operations shall be limited to 7 am – 4 pm Monday through Thursday.
- No palletized deliveries shall be permitted.



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- Obtain a sewer discharge permit from the City of Dover Community Services Department and obtain a review by the NH Department of Environmental Services with respect to pollutant discharge.
- The variance is valid only for as long as the applicant owns and operates the printing business.

O.Perry asked if it would be appropriate to propose a time limit on the variance.

W.Colbath confirmed with T.Corwin that a personal services establishment includes a printing business.

Public Hearing Closed.

Motion: J.Kelley motioned to grant the variance with the conditions of approval as listed. Seconded by O.Perry. Vote: 4/1 (Colbath opposed)

4. HEARINGS – NEW

- A. * Z 12-20 Howard M. MacDonald (Owner: Doverbrook, LLC), 1 Constitution Way (Tax Map K, Lot 21), located in the Rural Residential (R-40) District. Applicant requests a variance from the Code of the City of Dover, Chapter 126 “Mobile Home Parks”, **Section 126-5.F**, to permit a carport addition onto the existing mobile home to be located within one (1) ft. of the side property line shared with 3 Constitution Way where a minimum side yard setback of twelve (12) ft. is required.

The Chair appointed Chris Prior to sit in on the case.

Howard MacDonald presented his case and discussed his request for a carport which will contain a handicap ramp. The carport will protect them from weather conditions and existing medical problems for him and his wife. The applicant explained that due to a drop off area on the right side of his home, he could not place the carport on that side of the yard due to gravel fill.

S.Reid confirmed with MacDonald the distance is 25 feet between the applicant’s home and 3 Constitution Way.

J.Kelley questioned the applicant about the width of the carport.

Mr. MacDonald stated they need the extra space to open their car doors.

Public Hearing Open. Nobody spoke. Public Hearing Closed.

Discussion ensued from the Board about screenings between #1 and #3 Constitution Way and who would be responsible for the maintenance of the trees.

T.Corwin confirmed with the applicant that he would have no problems maintaining the screening between the carport and the abutting property at #3 Constitution Way.

S.Reid asked who is responsible for the maintenance and the trees.

Mr. Macdonald stated that Doverbrook, LLC owns the arborvitae and the land.



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O.Perry commented if the trees are damaged during the construction of the carport, they would need to be replaced. He is also concerned about maintenance of the screening.

Staff Recommendation:

Provided that the abutter at 3 Constitution Way is agreeable to the location of the applicant's proposed carport, the Planning Department supports the variance request and grant the requested variance with the following conditions:

- Adequate screening shall be maintained between the carport and the abutting property at 3 Constitution Way.

Motion: O.Perry motioned to grant the variance with the conditions of approval. Seconded by W.Colbath. Vote: U/A.

Recess at 8:29 pm. Meeting Resumed at 8:33 pm.

- B. * Z 12-22 Dover Chevrolet/Jerry Staveris (Owner: M & E Jespersen Realty, LLC), 5 Dover Point Road (Tax Map K, Lot 40-B), located in the Thoroughfare Business (B-3) District. Applicant requests a variance from **Section 170-32.F** of the Zoning Ordinance and the B-3 District Table of Use and Dimensional Requirements to permit a second wall sign where only one is permitted.

The Chair appointed Jennifer Stone (alternate) to sit in on the case.

Art Guadano of AG Architect, represented the applicant. He stated that the applicant has approval for all signs on the side of the building. The building is being upgraded to improve the image of the dealership after 50+ years and to tie in with Chevy's new standard look. Mr. Guadano, using the displayed plans, discussed the proposed signage and showed how the tower extends out from the façade. He stated that they are not trying to duplicate the signage and have two signs. They are trying to have "Dover Chevrolet" and there is no room for Dover on the tower. He explained they are not trying to exceed the sign allowance, but the sign is split apart as part of the design of the sign. He reviewed other design elements for the lot, lighting and building improvements which add value to the neighborhood and which will have a positive impact to the neighbors. The applicant is trying to use the word Dover to confirm to travelers on Dover Point Road, they have reached the correct destination.

J.Stone confirmed with Guadano that there was a sign there previously; Dover Auto World did have a sign.

J.Kelley questioned Guadano about the sign summary and if Chevy dictates the sign size.

Guadano replied that Chevy dictates everything.

O.Perry asked why three signs are required that say Chevrolet to be visible from Dover Point Road, including the two freestanding signs. He questioned the need of the freestanding signs.



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Discussion ensued by Guadano explaining the need for the signage for overall visibility. He stated that the applicant had met with City staff to discuss the layout and the City considers the Dover and the Chevrolet as two signs.

J.Kelley confirmed that the two freestanding signs will be upgraded.

Guadano explained that one of the freestanding sign faces has already been up updated and another one will be done next week.

T.Corwin discussed that due to sign regulations; non-conforming signs can be repaired but cannot be replaced.

W.Colbath asked Guadano if the size of the towers could be enlarged.

Guadano confirmed that Chevrolet allows for three prefab towers. Chevrolet drives the size of the signs. In this case, visibility is an issue.

J.Stone asked if the applicant is willing to remove one of the freestanding signs.

Guadano confirmed that the architecture is difficult to allow only one sign and it's not an option.

W.Colbath wants a compelling reason for the Dover sign.

Guadano stated that the applicant is trying to comply with the square footage of the signs.

Public Hearing Open.

Paul Barnes, 13 Dover Point Road, had questions about the lighting and if they are internally lit. He asks that the signs are in conformance with light pollution and within the zoning ordinance for signage.

Guadano confirmed for Mr. Barnes that the applicant is willing to work with him about any lighting concerns that would shine on his property.

T.Corwin suggested that the Board may recommend limiting the operating times of the signage. He feels that the abutter is concerned with the overall pollution of lighting onto his property and what the new signs would add. The Board could require the applicant to supply documentation from a licensed lighting professional after the lighting is installed, that the lighting meets all maximum illumination standards (daytime and nighttime) and they comply with the standards of the zoning ordinance.

Staff Recommendation:

The Planning Department is not opposed to the variance request and recommends approval. Should the Board vote to approve the requested variance, staff recommends that such approval be limited to auto dealer occupants only.

O.Perry asked why the Zoning staff recognizes it as two signs.



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T. Corwin stated that the Planning staff has discussed the sign proposals with the architect several months ago and Planning staff disagrees with Mr. Guadano and believes it is very clear that the application is for two separate signs.

The Chair read a letter received from Linda Merullo in opposition of the second sign.

Public Hearing Closed.

J. Stone recognized that she likes the design of the sign; however, she feels the applicant already has two signs.

J. Kelley stated he is not in favor of two signs and if approved it would set precedence.

Motion: J. Stone motioned to reopen the public hearing. Seconded by W. Colbath. Vote 4/1 (O. Perry opposed).

Public Hearing Open.

S. Reid stated he feels that two freestanding signs are clutter and one needs to go.

O. Perry commented that the applicant feels it is one sign separated by a larger space, which is wrong.

Public Hearing Closed.

Motion: O. Perry motioned to deny the variance. Seconded by W. Colbath. Vote: U/A.

~~C. *Z 12-23 Changing Places, LLC (Owner: Estate of Rita T. Taylor), 72 Durham Road (Tax Map I, Lot 12), located in the Low Density Residential (R-20) District and the Suburban Density Multi-Residential (RM-SU) District. Applicant proposes to construct a twenty (20) unit townhouse residential development in addition to the existing residence for a total of twenty-one (21) units. Applicant requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-20 and RM-SU District Tables of Use and Dimensional Requirements to permit +/- 7,306 sq. ft. of land per unit where a minimum of 10,000 sq. ft. is required.~~

Item C has been tabled until the November 15, 2012 Zoning Board Meeting.

5. ADJOURN:

Motion: O. Perry motioned to adjourn at 9:26 p.m. Seconded by J. Stone. Vote: U/A.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z12-09)

Application Type:	Variance
Applicant:	Robert F. Fisher
Owner:	Anne E Tucker Revocable Trust
Location:	49 Littleworth Road (Tax Map G, Lot 29C)

INTENT: Applicant proposes to operate a lunch cart on the subject property. A variance is required to permit the lunch cart which is not a permitted use in the zoning district in which the property is located (R-20).

LOTS/UNITS PROPOSED: n/a

AGENDA ITEM #: 3A

ZONING DISTRICT: R-20

EXISTING LAND USE: Residential

PROPOSED LAND USE:
Residential and Commercial

SURROUNDING LAND USE: Single-family residential, industrial and commercial

PREVIOUS ZBA ACTION: Variance sought to permit an eating and drinking establishment in a residential zoning district (Case Z00-9). Variance denied per Notice of Decision dated April 20, 2000.

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, Tax Map, Case Z00-9 Application, Case Z00-9 Notice of Decision

APPLICATION IS COMPLETE: No – Plot Plan not submitted

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department does not support the variance request.

Summary of Request and Background

The subject property is located at 49 Littleworth Road and is improved with a multi-family dwelling unit. The applicant has requested a variance to operate a “lunch truck” on the property which is a non-permitted commercial use of the property. A similar variance request for a “mobile lunch truck” was made in 2000 (Case Z00-9), at which time the property was located in the R-40 District. The variance request was denied by the ZBA.

Reason for Staff Recommendation

Staff believes that there are no special conditions of the property that distinguishes it from any other property similarly zoned. The property is already being used for a multi-family residence, and there are several other uses permitted in the R-20 District that the property could be used for, if desired. A similar request was made to the ZBA in 2000 and was denied where the ZBA concluded that the application failed to meet all five (5) of the variance criteria.

Recommendation

The Planning Department recommends the Board hold the public hearing, and deny the variance.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: _____, 2012]

Office Use Only	Case #:	<u>212-09</u>	Date Received:	<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED MAY 29 2012 By _____ </div>
	Amount Paid:	\$ <u>223.00</u>	Time Received:	
		<u>CL # 1058</u>		

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Robert E. Fisher Phone # 603-742-6131

Address of Applicant: PO Box 70, Dover, NH 03821-0070

E-Mail Address: _____

PROPERTY OWNER (if different from applicant): Ann Tucker

#16
Address: The Garrison, Route 108, Dover, NH 03820 Phone # 603-742-2424

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 49 Littleworth Rd.

Brief Directions: Littleworth Road beyond Dover Paint & Varnish on the same side
of the street.

Zoning District: R 20 Assessor's Map # G Lot(s) # 29

TYPE OF APPEAL: (Please check one)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Variance | from Section _____ of the Zoning Ordinance |
| <input type="checkbox"/> Physical Disability Variance (RSA 674:33-V) | from Section _____ of the Zoning Ordinance |
| <input type="checkbox"/> Special Exception | per Section _____ of the Zoning Ordinance |
| <input type="checkbox"/> Appeal of Administrative Decision | regarding Section _____ of the Zoning Ordinance |
| <input type="checkbox"/> Equitable Waiver | per Section _____ of the Zoning Ordinance |

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Lunch Cart

**YOUR RECEIPT
THANK YOU**

Planning and Com Dev
M-F 8A - 4P
603.516.6008

APPLICATION CHECKLIST (Please check off)

05/02/2012 3:29AM 07
000000#2365 CLERK07

- _____ of Completed Zoning Board of Adjustment Application
- _____ Application signed by Property Owner (if different from Applicant)
- _____ Copies of plot plan drawn in accordance with a boundary line to scale than 1" = 40', **(12 copies)**. They need to include the lot lines including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks.
- _____ **Abutters** including addresses and map and lot number of parcels which abut, touch, or are located within two hundred (200) feet (including land across a street or waterway) of the subject property. In the case of an abutting parcel being under a condominium or other collective form of ownership, the "abutter" means the officers of the collective or association, as defined in Section 56-B: 3, XXIII. Additionally, the individual owners of units within the condominium, which are located within two hundred (200) feet of the common boundary line, shall be notified by first class mail only.
- _____ **Labels** in triplicate with abutters names and addresses for notices
- _____ **FEE** paid by cash or check made payable to "City of Dover"

COPY
 1 @ \$100.00
 Variance \$100.00
 6 @ \$8.00
 Certified Mail \$48.00
 1 @ \$100.00
 LLA \$100.00
 -1 @ \$100.00
 LLA V-100.00
 1 @ \$8.00
 Certified Mail \$8.00
 7 @ \$1.00
 Archive Fee \$7.00
 1 @ \$60.00
 Legal Notice \$60.00
 50 @ \$0.50
 Copies \$25.00
 #176
 #1058
 #1209
 ITEMS 66Q
 CHECK \$248.00

1. Application fee of:
 - \$100.00 VARIANCE (per Section requested) \$ 100.00
 - \$100.00 SPECIAL EXCEPTION \$ _____
 - \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$ _____
 - \$100.00 EQUITABLE WAIVER \$ _____
 2. Certified letters fee: # of abutters 6 X \$8.00 = \$ 48.00
 3. Applicant & Owner mailing fee: 1 X \$8.00 = \$ 8.00
 4. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters 7 X \$1.00 = \$ 7.00
 5. Foster's newspaper public notice \$ 60.00 ✓
- TOTAL FEE** \$ 223.00

6. Copies 10 sets @ 6 pages each X .50 = 30.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12A of the Zoning Ordinance to permit:

A LUNCH CART

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

A lunch cart will enhance the property and neighborhood.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See #1.

3. Granting the variance would do substantial justice because:

See #1.

3. The value of surrounding property will not be diminished because:

The land is large enough to accommodate this use and the property is already multi family.

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

The property is large enough and suitable for the proposed use

and

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

The property is suitable for the use

and

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

A hard coat will not be offensive to the neighbors

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, 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 with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

SIGNATURE PAGE

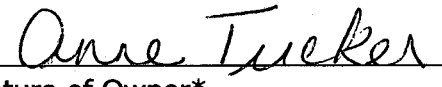
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

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



Signature of Applicant*

x 

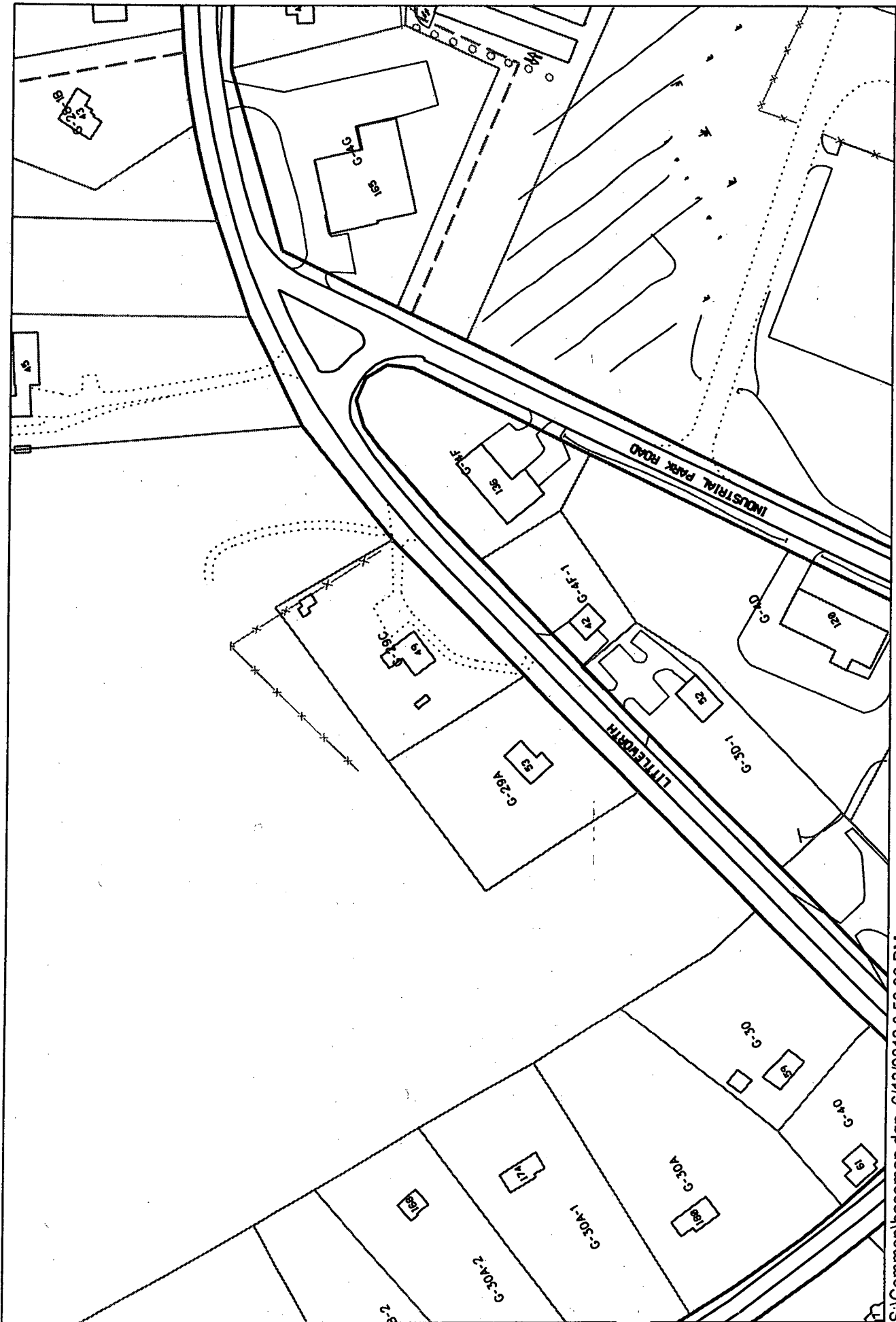
Signature of Owner*

*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  Date: 6-1-12



S:\Common\basemap.dgn 6/13/2012 3:50:36 PM



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: Date Received:
Amount Paid: \$ Time Received:
RECEIVED NOV 05 2012
By [Signature]

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Changing Places, LLC Phone # (603) 749-3800

Address of Applicant: 42J Dover Point Road, Dover, NH 03820

E-Mail Address: changingplacesllc@gmail.com

PROPERTY OWNER (if different from applicant): The Estate of Rita T. Taylor

Address: c/o George Taylor 248 Littleworth Road, Madbury NH 03823 Phone #

E-Mail Address:

PROPERTY/PARCEL INFORMATION

Address: 72 Durham Road

Brief Directions: 4.6 +/- acre parcel with an existing residential home

Zoning District: RM-SU, R-20 Assessor's Map # 1 Lot(s) # 12

TYPE OF APPEAL: (Please check one)

- X Variance from Section 170-12A of the Zoning Ordinance
Physical Disability Variance (RSA 674:33-V) from Section of the Zoning Ordinance
Special Exception per Section of the Zoning Ordinance
Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Construct a 20 unit residential development and retain the existing home.
The development will be set back 500' from the road and will have no wetlands impact.

APPLICATION CHECKLIST (Please check off)

A. **Application signed** by Applicant and Property Owner (if different from Applicant) x _____
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

B. **10 Copies of Completed Zoning Board of Adjustment Application** x _____
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).

C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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 _____

D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is in addition to the 10 copies required in 'C' above). x _____

E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. _____

F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only. x _____

G. **Mailing Labels** in triplicate with abutters names and addresses for notices. **(Use Avery 5160 label)** x _____

H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1.	Application fee of:	
	\$100.00 VARIANCE (per Section requested)	\$ <u>100.00</u>
	\$100.00 SPECIAL EXCEPTION	\$ _____
	\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ _____
	\$100.00 EQUITABLE WAIVER	\$ _____
2.	Certified letters fee: # of abutters <u>10</u> X \$8.00 =	\$ <u>80.00</u>
3.	Applicant & Owner mailing fee: <u>2</u> X \$8.00 =	\$ <u>16.00</u>
4.	First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters <u>35</u> X \$1.00 =	\$ <u>35.00</u>
5.	Foster's newspaper public notice	\$ <u>60.00</u>

TOTAL FEE \$ 291.00

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12.A of the Zoning Ordinance to permit:

We are requesting a variance to allow 20 new residential units with 6,331 square feet of upland in the RM-SU where 10,000 square feet of upland is required.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

See Attached

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

See Attached

3. Granting the variance would do substantial justice because:

See Attached

4. The value of surrounding property will not be diminished because:

See Attached

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(i) The following special conditions of the property distinguish it from other properties in the area:

See Attached

and

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

See Attached

and

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

See Attached

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, 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 with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning ordinance to permit _____

1. Does the request involve a dimension requirement, not a use restriction? yes no

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

VARIANCE REQUIREMENTS:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The applicant seeks a variance to allow the construction of 20 new residential units in the RM-SU Zone while retaining the existing residence in the R-20 Zone for a total of 21 units on this property.

This property is located in an area of the City where there has been intensive residential development. The Density Exhibit shows the density calculations for nearby residential developments. Those projects range in size from 15 units to 163 units, and the average amount of land per unit ranges from 3,034 square feet to 15,471 square feet. Taking all of the projects into consideration, the average amount of land per unit is 4,856 square feet. The property which is immediately adjacent to this site has 62 units with 3,770 square feet per unit in the RM-SU Zone which includes wetlands. The proposal for this property is 20 units on 126,637 square feet of upland in the RM-SU Zone so that each new unit would have 6,331 square feet of uplands associated with it where 10,000 square feet is required.

The public interest is affected if the proposed use would constitute a fundamental change in the neighborhood or if there would be a substantial impact on health and safety. The proposed variance will allow development of this multi-family project with greater amounts of land per unit than is the average for other multi-family developments in this area. Granting this variance will not constitute a fundamental change in the neighborhood, but would allow development at a lesser density than already exists. The residential use is allowed in this zone and would not cause a substantial impact on health and safety. City utilities are adequate to provide service for the number of units proposed in this request.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the ordinance because:

The spirit of the ordinance is to allow multi-family development which is consistent with other multi-family projects in the neighborhood. The proposed density will be less intensive than other projects in the area, and provides substantially more land per unit than is the average for existing developments in this area. City utilities are adequate to provide service for number of units proposed in this request. This project is consistent with other properties in the neighborhood.

3. Granting the variance would do substantial justice because:

Substantial justice is done if the benefit to the applicant exceeds any detriment to the general public. The proposed use is less intensive than the average of other similar projects in the neighborhood. Those existing projects have existed for many years without any detrimental impact on abutting properties or on the neighborhood. This project will not have any detrimental impact on the neighborhood or on the City in general.

4. The value of surrounding properties will not be diminished because:

The proposed use is less intensive than the average of other similar projects in the neighborhood. Those existing projects have existed for many years without any detrimental impact on abutting properties or on the neighborhood. This project will not have any detrimental impact on the neighborhood or on the City in general since it is the same type of use as is existing in the neighborhood.

The existing house near Durham Road will be retained, although it may be converted to a duplex. The new residences to be constructed will be set back more than 500 feet from Durham Road and will not be readily visible from Durham Road. The immediate abutter is the multi-family project known as The Garrison, which is more intensively developed than what is proposed for this site.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(i) The following special conditions of the property distinguish it from other properties in the area:

This parcel is 4.714 acres which is bisected by the R-20 and the RM-SU zones. The immediate abutter is the multi-family project known as The Garrison, which is more intensively developed than what is proposed for this site. The parcel is larger than other underdeveloped lots having frontage on Durham Road. The property has areas of wetlands which make the siting of new residences more difficult. The property is located in a neighborhood in which the existing development is more intensive than what is currently allowed.

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

The general purpose of the ordinance is to limit the density of multi-family development of land. However, this property is located adjacent to or near other multi-family projects which already have a greater density than what is being requested for this.

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

The proposed use will be less intensive than what exists in the neighborhood and what exists on the adjacent lot. The proposed use is consistent with other properties in the neighborhood, but will have less density than the average of those other projects. City utilities are adequate to provide service for the number of units proposed in this request.

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

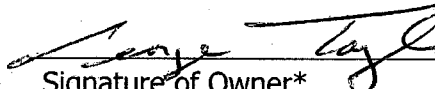
IMPORTANT

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.



Signature of Applicant*

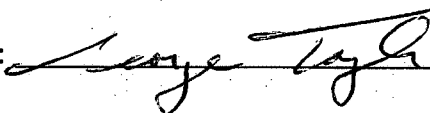


Signature of Owner*

*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

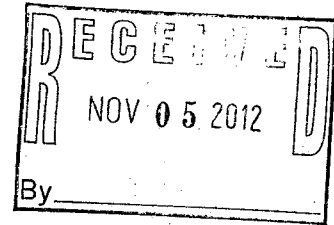
Signature of Property Owner:  _____ Date: 10-3-12

Abutters List
Zoning Board of Adjustment
Estate of Rita T. Taylor
Changing Places, LLC
Tax Map I, Lot 12

72 Durham Road
Dover, New Hampshire

Job No. 12127

Page 1 of 5



Abutters:

Map H, Lot 7

James F. Keating
Kathleen A. Hall
113 Court Street
Dover, NH 03820

Map H, Lot 8
Map H, Lot 8B

Paul & Karen O'Brien
81 Durham Road
Dover, NH 03820

Map H, Lot 8A

Terrance C. & Laurie A. Edgecomb
69 Durham Road #8
Dover, NH 03820

Map I, Lot 7A
Map I, Lot 55

Holgate Limited Partnership
130 Central Avenue
Dover, NH 03820

Map I, Lot 9B

The Garrison Condos
95 Brewery Ln #10
Portsmouth, NH 03801

Map I, Lot 10

Martin C. & Lisa J. James
64 Durham Road
Dover, NH 03820

Map I, Lot 11

Rita Taylor
PO Box 243
Dover, NH 03821-0243

Map I, Lot 13
Map I, Lot 13A

Catalfo Family Revocable Trust
Alfred W. & Jane A. Catalfo, Trustees
82 Durham Road
Dover, NH 03820

Abutters (Other):

Map I, Lot 9B-01

Athena Laipis Trust
Athena Laipis, Trustee
1001 Starkey Road #116
Largo, FL 33771-3169

Map I, Lot 9B-02

Anne R. Henriksen
The Garrison
56 Durham Road - Unit 2
Dover, NH 03820

Map I, Lot 9B-03

Heidemarie Richardson
The Garrison
56 Durham Road - Unit 3
Dover, NH 03820

Abutters List
Zoning Board of Adjustment
Estate of Rita T. Taylor
Changing Places, LLC
Tax Map I, Lot 12

72 Durham Road
Dover, New Hampshire

Job No. 12127

Page 2 of 5

Abutters (Other) cont'd:

Map I, Lot 9B-04	Pauline M. Hanson David P. Nollet The Garrison 56 Durham Road - Unit 4 Dover, NH 03820
Map I, Lot 9B-05	Guiseppe E. Bellavita The Garrison 56 Durham Road - Unit 5 Dover, NH 03820
Map I, Lot 9B-06	Karen M. Kelly The Garrison 56 Durham Road - Unit 6 Dover, NH 03820
Map I, Lot 9B-07	Robert D. Sylvester Jr. & Elaine P. Sylvester The Garrison 56 Durham Road - Unit 7 Dover, NH 03820
Map I, Lot 9B-08	Robart J. White Sr. & Susan K. White The Garrison 56 Durham Road - Unit 8 Dover, NH 03820
Map I, Lot 9B-09	Wells Fargo Bank NA 110 North Phillips Avenue Soux Falls, SD 57104
Map I, Lot 9B-10	Robin M. Tuttle The Garrison 56 Durham Road - Unit 10 Dover, NH 03820
Map I, Lot 9B-11	Karl H. Laudенbach & Colleen M. Laudенbach The Garrison 56 Durham Road - Unit 11 Dover, NH 03820
Map I, Lot 9B-12	Carla Cannizzaro The Garrison 56 Durham Road - Unit 12 Dover, NH 03820

Abutters List

Zoning Board of Adjustment

**Estate of Rita T. Taylor
Changing Places, LLC**

Tax Map I, Lot 12

72 Durham Road
Dover, New Hampshire

Job No. 12127

Page 3 of 5

Abutters (Other) cont'd:

Map I, Lot 9B-13

Steven A. Shackford
The Garrison
56 Durham Road - Unit 13
Dover, NH 03820

Map I, Lot 9B-14

Louise I. Juneau-Kurylak
The Garrison
56 Durham Road - Unit 14
Dover, NH 03820

Map I, Lot 9B-15

Norah Lopez
The Garrison
56 Durham Road - Unit 15
Dover, NH 03820

Map I, Lot 9B-16

Anne E. Tucker Revocable Trust
Anne E. Tucker, Trustee
The Garrison
56 Durham Road - Unit 16
Dover, NH 03820

Map I, Lot 9B-17

Peter M. Rose
The Garrison
56 Durham Road - Unit 17
Dover, NH 03820

Map I, Lot 9B-18

Nancy Leonard Trust of 1989
Nancy K. Leonard, Trustee
The Garrison
56 Durham Road - Unit 18
Dover, NH 03820

Map I, Lot 9B-19

Clarice L. Garon
The Garrison
56 Durham Road - Unit 19
Dover, NH 03820

Map I, Lot 9B-20

Graham D. Camire
The Garrison
56 Durham Road - Unit 20
Dover, NH 03820

Map I, Lot 9B-21

Robert Paolini
The Garrison
56 Durham Road - Unit 21
Dover, NH 03820

Abutters List
Zoning Board of Adjustment
Estate of Rita T. Taylor
Changing Places, LLC

Tax Map I, Lot 12

72 Durham Road
Dover, New Hampshire

Job No. 12127

Page 4 of 5

Abutters (Other) cont'd:

Map I, Lot 9B-22

Linda R. Ouellette &
Robert E. Sevigny
PO Box 929
Portsmouth, NH 03802

Map I, Lot 9B-23

Jean G. Bullen
The Garrison
56 Durham Road - Unit 23
Dover, NH 03820

Map I, Lot 9B-24

Diane Lynn Walker
c/o Edna Soucy
The Garrison
56 Durham Road - Unit 24
Dover, NH 03820

Map I, Lot 9B-25

Alice D. Towle
Leslie E. Towle
220 Dover Point Road
Dover, NH 03820

Map I, Lot 9B-26

Thomas L. Southworth
The Garrison
56 Durham Road - Unit 26
Dover, NH 03820

Map I, Lot 9B-27

Tarik K. Darwish
Isa Darwish of Garrison City Management
7 Hanson Street
Dover, NH 03820

Map I, Lot 9B-28

Marie Hersman Revocable Trust
Marie J. Hersman, Trustee
The Garrison
56 Durham Road - Unit 28
Dover, NH 03820

Map I, Lot 9B-29

William A. & Leah E. Trefethen
The Garrison
56 Durham Road - Unit 29
Dover, NH 03820

Map I, Lot 9B-30

Amy S. Cundiff
The Garrison
56 Durham Road - Unit 30
Dover, NH 03820

Abutters List
Zoning Board of Adjustment
Estate of Rita T. Taylor
Changing Places, LLC
Tax Map I, Lot 12

72 Durham Road
Dover, New Hampshire

Job No. 12127

Page 5 of 5

Abutters (Other) cont'd:

Map I, Lot 9B-31

Lucinda O. Colburn Revocable Living Trust
Lucinda O. Colburn, Trustee
165 Dana Mill road
Woolwich, ME 04579

Map I, Lot 9B-32

Linda G. Estee Revocable Living Trust
Linda G. Estee, Trustee
The Garrison
56 Durham Road - Unit 32
Dover, NH 03820

Map I, Lot 9B-33

Briana L. Foy
The Garrison
56 Durham Road - Unit 33
Dover, NH 03820

Map I, Lot 9B-34

David G. Hodgdon
The Garrison
56 Durham Road - Unit 34
Dover, NH 03820

Map I, Lot 9B-35

Joan S. C. Fisher
The Garrison
56 Durham Road - Unit 35
Dover, NH 03820

Owner:

Map I, Lot 12

The Estate of Rita T. Taylor
c/o George Taylor
248 Littleworth Road
Madbury, NH 03823

Applicant:

Changing Places, LLC
42J Dover Point Road
Dover, NH 03820

Attorney:

Attorney James Schulte
James H. Schulte Law Office
660 Central Avenue
Dover, NH 03820

Agent:

Tritech Engineering Corporation
755 Central Avenue
Dover, NH 03820



TRITECH
ENGINEERING CORPORATION

- NOTES**
- INTENT: TO SHOW THE PROPOSED DEVELOPMENT OF DOVER TAX MAP I LOT 12, WITH 20 NEW RESIDENTIAL UNITS AND ONE EXISTING HOME FOR THE PURPOSE OF OBTAINING A VARIANCE FROM SECTION 120-12A OF THE ZONING ORDINANCE.
 - CURRENT OWNER: THE ESTATE OF RITA TAYLOR
72 DURHAM ROAD
DOVER, N.H. 03820
 - LOT AREA: TOTAL: 205,349 SQ.FT. - 4.714 ACRES
RM-SU TOTAL: 165,683 SQ. FT. - 3.804 ACRES
RM-SU UPLAND: 126,637 SQ. FT. - 2.907 ACRES
 - TAX MAP I LOT 12
 - PROJECT DEED REFERENCE: BOOK 3824 PAGE 537
 - ZONING: R-20
MIN. LOT SIZE: 20,000 SQ.FT.
MIN. FRONTAGE: 125 FEET
MIN. BUILDING SETBACKS:
FRONT: 20 FEET
SIDE: 20 FEET
REAR: 30 FEET
ZONING: RM-SU
20,000 SQ.FT.
100 FEET
50 FEET
20 FEET
20 FEET
 - BASIS OF BEARING: DOVER GIS SYSTEM POINTS #108 & #109 WERE OCCUPIED TO DETERMINE DIRECTION, LOCATION AND VERTICAL DATUM.
 - THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 60,000 AND WAS ACCOMPLISHED USING A LEICA TC 703 TOTAL STATION, DURING THE MONTH OF OCTOBER, 2012.
 - PROJECT PLAN REFERENCE:
PLAN OF LAND
HEBERT E. MEADER
DOVER, N.H.
G.L. DAVIS
DECEMBER 1949 SCRD PO 3 FO 1 PLAN #15

PLAN OF LAND FOR
DONALD J. McNAMARA &
ARMAND J. DIMAMBRO
DURHAM ROAD - ROUTE 108
DOVER, NEW HAMPSHIRE
CIVIL CONSULTANTS
SEPT. 1979 SCRD 19A-67

LOT LINE ADJUSTMENT PLAN
PREPARED FOR JANE CATALFO
AND ALFRED CATALFO
78 & 82 DURHAM ROAD (NH RTE 108)
CITY OF DOVER
STATE OF NEW HAMPSHIRE
McNEANEY SURVEY ASSOCIATES
JANUARY 2005 SCRD 78-73
 - SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD BOUNDARY. (MAP NUMBER 33017C0320D PANEL NUMBER 03200.)
 - DURING THE MONTH OF SEPTEMBER, 2012 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #76, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987) ON THIS SITE, WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO POORLY DRAINED SOILS WERE FOUND.
 - STRUCTURES SHOWN ON ADJUTING PARCELS ARE BASED ON THE DOVER GIS SYSTEM AND WERE NOT FIELD LOCATED.

RECEIVED
NOV 05 2012

TRITECH
ISSUED
NOV - 5 2012



ZONING VARIANCE PLAN
THE ESTATE OF RITA T. TAYLOR
CHANGING PLACES, LLC.
72 DURHAM ROAD
DOVER, NEW HAMPSHIRE
NOVEMBER 5, 2012 JOB No. 1212.7
SCALE: 1" = 40'

TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03860
TELEPHONE 603 742 8107
FAX 603 742 9830

REVISIONS DATE:	DESCRIPTION:

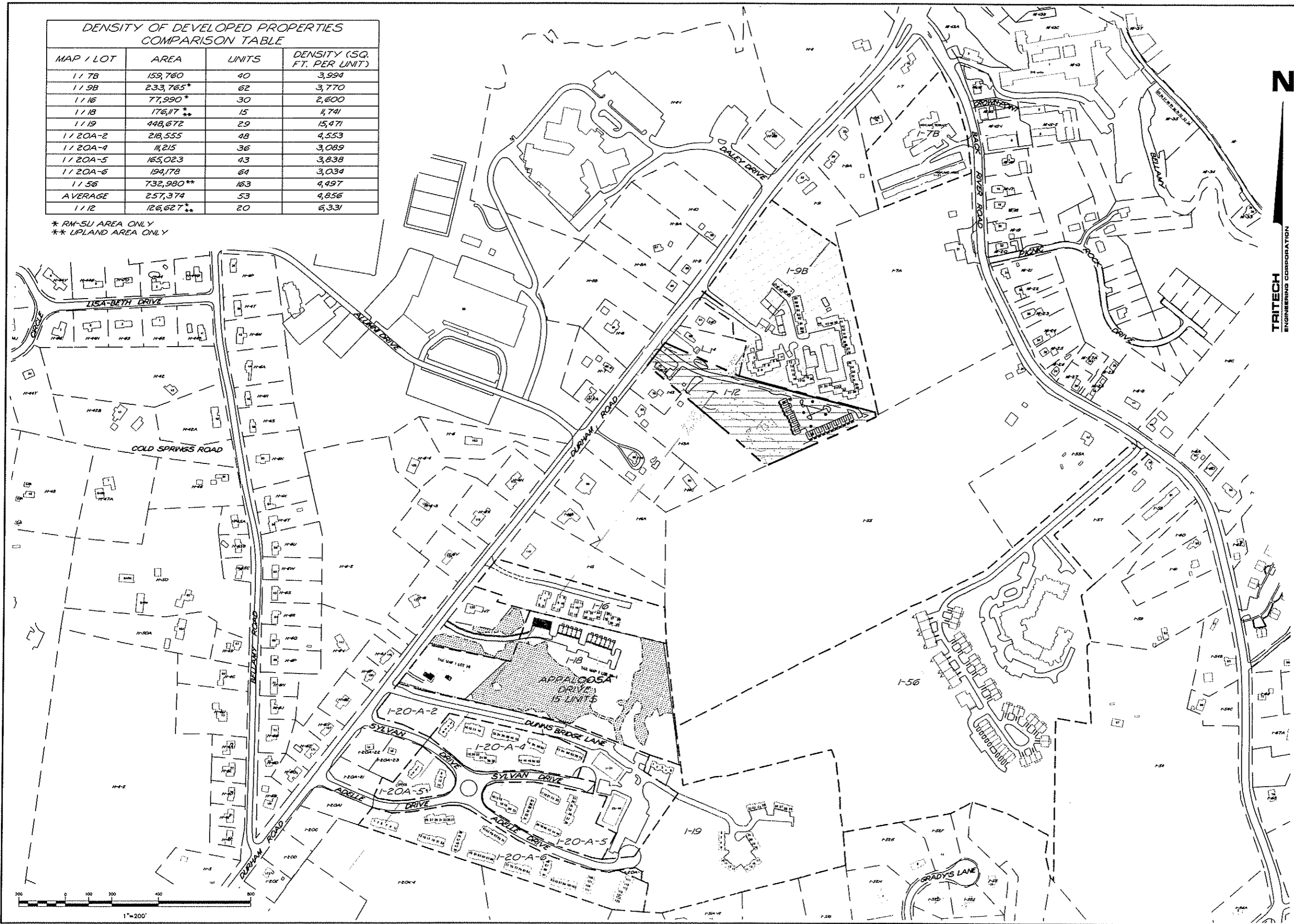
SHEET NO.

N-1

**DENSITY OF DEVELOPED PROPERTIES
COMPARISON TABLE**

MAP / LOT	AREA	UNITS	DENSITY (SQ. FT. PER UNIT)
1 / 7B	159,760	40	3,994
1 / 9B	233,765*	62	3,770
1 / 16	77,990*	30	2,600
1 / 18	176,117**	15	1,174
1 / 19	448,672	29	15,471
1 / 20A-2	218,555	48	4,553
1 / 20A-4	14,215	36	3,947
1 / 20A-5	165,023	43	3,838
1 / 20A-6	194,178	64	3,034
1 / 56	732,980**	163	4,497
AVERAGE	257,374	53	4,856
1 / 12	126,627**	20	6,331

* RM-SU AREA ONLY
** UPLAND AREA ONLY



TRITECH
 ENGINEERING CORPORATION

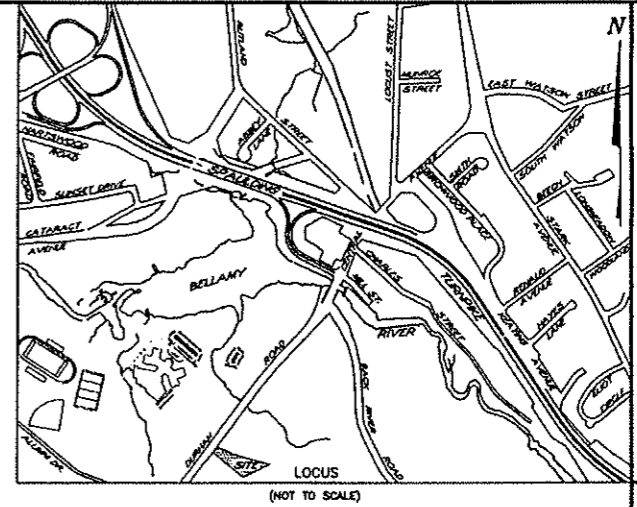
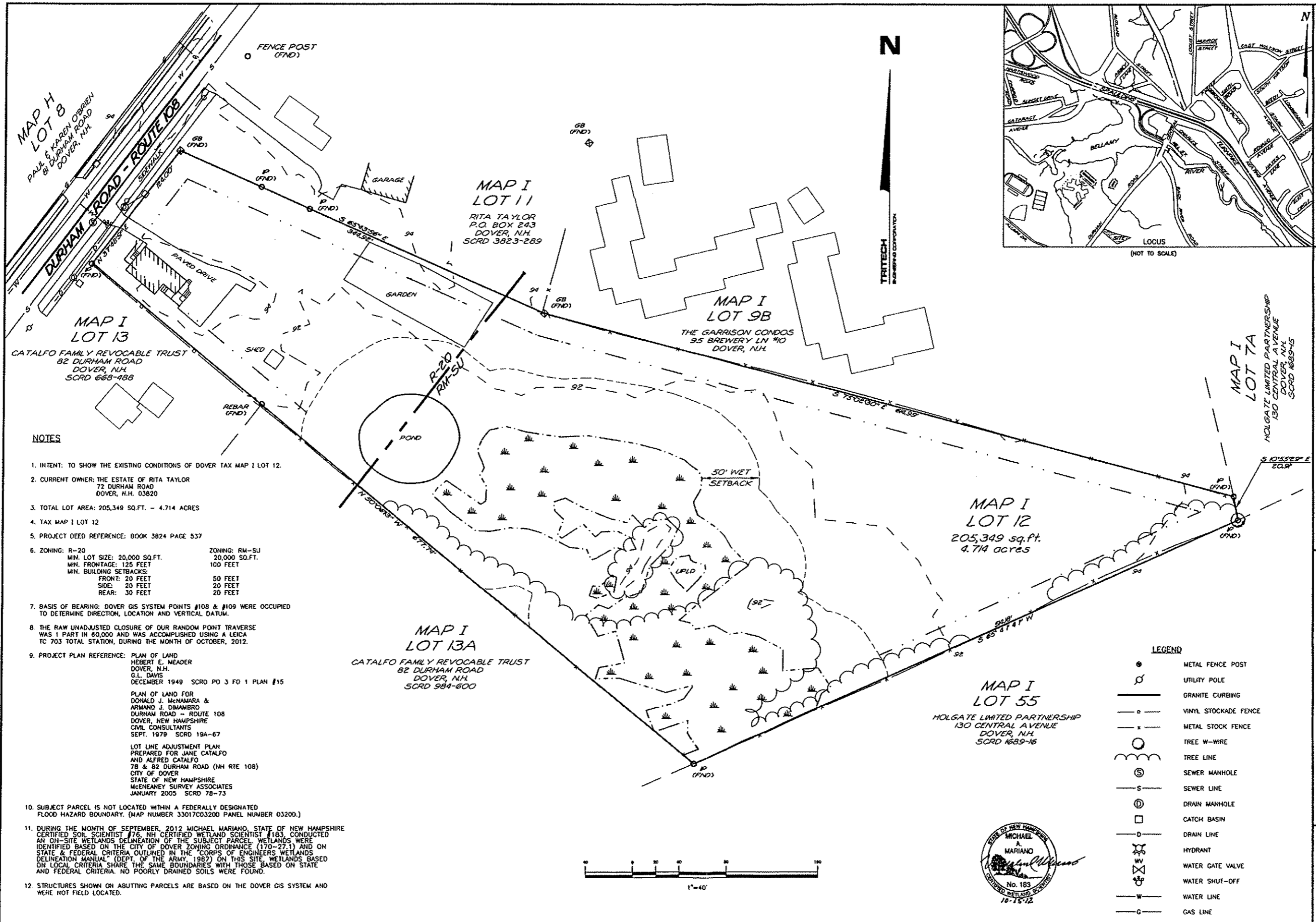
TRITECH
 ENGINEERING CORPORATION

788 CENTRAL AVENUE
 DOVER, NEW HAMPSHIRE 03800
 TELEPHONE 603 742 8707
 FAX 603 742 8830

REVISIONS DATE	DESCRIPTION

DENSITY EXHIBIT
THE ESTATE OF RITA T. TAYLOR
CHANGING PLACES, LLC
 72 DURHAM ROAD
 DOVER, NEW HAMPSHIRE
 NOVEMBER 5, 2012 JOB No. 12127
 SCALE: 1" = 200'

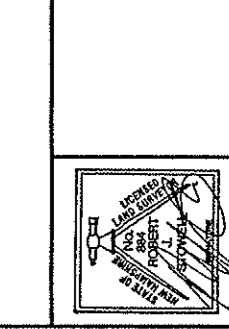
SHEET NO.
DE-1



TRITECH
ENGINEERING CORPORATION

705 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03800
TELEPHONE: 603 746 8007
FAX: 603 742 5800

REVISIONS	DATE	DESCRIPTION



EXISTING CONDITIONS PLAN

THE ESTATE OF RITA TAYLOR
DURHAM ROAD
DOVER, NEW HAMPSHIRE

OCTOBER 9, 2012 SCALE: 1" = 40'

SHEET NO. **EX-1**

- NOTES**
- INTENT: TO SHOW THE EXISTING CONDITIONS OF DOVER TAX MAP I LOT 12.
 - CURRENT OWNER: THE ESTATE OF RITA TAYLOR
72 DURHAM ROAD
DOVER, N.H. 03820
 - TOTAL LOT AREA: 205,349 SQ.FT. - 4.714 ACRES
 - TAX MAP I LOT 12
 - PROJECT DEED REFERENCE: BOOK 3824 PAGE 537
 - ZONING: R-20
MIN. LOT SIZE: 20,000 SQ.FT.
MIN. FRONTAGE: 125 FEET
MIN. BUILDING SETBACKS:
FRONT: 20 FEET
SIDE: 20 FEET
REAR: 30 FEET
 - BASIS OF BEARING: DOVER GIS SYSTEM POINTS #108 & #109 WERE OCCUPIED TO DETERMINE DIRECTION, LOCATION AND VERTICAL DATUM.
 - THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 80,000 AND WAS ACCOMPLISHED USING A LEICA TC 703 TOTAL STATION, DURING THE MONTH OF OCTOBER, 2012.
 - PROJECT PLAN REFERENCE: PLAN OF LAND
HEBERT E. MEADER
DOVER, N.H.
C.L. DAVIS
DECEMBER 1949 SCRD PO 3 FO 1 PLAN #15

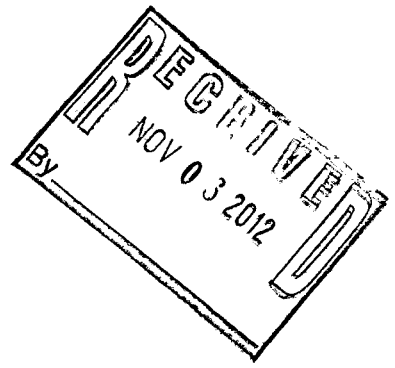
PLAN OF LAND FOR
DONALD J. McNAMARA &
ARNAND J. DIMAMBRO
DURHAM ROAD - ROUTE 108
DOVER, NEW HAMPSHIRE
CIVIL CONSULTANTS
SEPT. 1979 SCRD 19A-67

LOT LINE ADJUSTMENT PLAN
PREPARED FOR JANE CATALFO
AND ALFRED CATALFO
78 & 82 DURHAM ROAD (NH RTE 108)
CITY OF DOVER
STATE OF NEW HAMPSHIRE
McENEANEY SURVEY ASSOCIATES
JANUARY 2005 SCRD 78-73
 - SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD BOUNDARY. (MAP NUMBER 33017C0320D PANEL NUMBER 0320D.)
 - DURING THE MONTH OF SEPTEMBER, 2012 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #176, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (DEPT. OF THE ARMY, 1987) ON THIS SITE, WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO POORLY DRAINED SOILS WERE FOUND.
 - STRUCTURES SHOWN ON ADJUTING PARCELS ARE BASED ON THE DOVER GIS SYSTEM AND WERE NOT FIELD LOCATED.

- LEGEND**
- METAL FENCE POST
 - UTILITY POLE
 - GRANITE CURBING
 - x— VINYL STOCKADE FENCE
 - x— METAL STOCK FENCE
 - TREE W-WIRE
 - TREE LINE
 - ⊙ SEWER MANHOLE
 - S— SEWER LINE
 - ⊖ DRAIN MANHOLE
 - CATCH BASIN
 - DRAIN LINE
 - ⊕ HYDRANT
 - ⊕ WATER GATE VALVE
 - ⊕ WATER SHUT-OFF
 - W— WATER LINE
 - G— GAS LINE



212-22



THE GARRISON IN DOVER, A CONDOMINIUM

November 3, 2012

City of Dover
Planning Department
Zoning Board
288 Central Ave.
Dover, NH 03820

Dear Members of the Zoning Board,

I am Charlene Courtemanche, President of the Garrison Condominium Association representing the Association and homeowners located at 56 Durham Road. I am writing this letter in response to the density zoning request for the property located at 72 Durham Road known as the Rita Taylor Property. This lot abuts 13 of our homeowners at the Garrison Condominium Association and there are several issues that we would like to address concerning this density request for the development known also as "Changing Places". Below is a list of those concerns:

Tritech Plans:

The plans that were provided to us by the Planning Office and done by Tritech Corp. do not show our property to scale or buildings located properly. I do not know how these plans are used in determining the decision of the Zoning Board, but the building design does not show the decks on our buildings, the correct placement in alignment with the abutting lot, the scale of the buildings in conjunction with all of the other buildings on the plans or the distance between the abutting buildings to the driveway proposed for entering the development.

Water:

One of the primary concerns is the amount of water that settles and drains from the abutting property. The Garrison Condominium currently has over 50% of their homeowners with sump pumps that work steadily all year. With the development and construction of foundations, parking lot black top, and even the storage of snow, the potential for additional drainage on our property is very high. The Association and abutting homeowners could be facing an expensive future of cracked foundations; sump pumps unable to handle additional water, and hydro-static water pressure.

Entrance Driveway:

The driveway for the entrance of 72 Durham Road is close to our property line. With the development of 20 units which allow 2 vehicles per unit along with the guest parking spaces could mean up to 60 vehicles

56 Durham Road • Dover, NH 03820



THE GARRISON IN DOVER, A CONDOMINIUM

coming and going day and night. These lights can directly light into the living rooms of homeowners! Noise with utility vehicles such as waste management, delivery trucks etc. are added to the traffic.

Lighting:

Lighting is the necessary part of a multi-family development. Currently, there should be entrance lighting along the driveway that abuts our property, lighting in the parking lot, trash and mailroom lighting, and lighting on homes. All reflecting into our homes located abutting the property.

Traffic:

Traffic counts do not reflect the frustration of leaving and entering The Garrison property. School opening and closing at the Middle School and High School, along with events at night and weekends are a challenge to anyone leaving their homes at the Garrison Condos. You are now adding to the problem by the development and 40 + more cars.

Snow Removal:

The driveway entering the proposed development closely abuts The Garrison Condominium property line. Very close. Snow pushed aside by plows will inevitably be pushed onto our property. Adding fencing, unless it is a stone wall, will not withstand the weight of large amounts of snow.

Looking at the property development and layout, there is no or little room for snow to be piled or stored. Random locations (based on a quick decision) could have serious consequences for our property. Melting snow, salt, and sand could destroy vegetation and water adds to the already problem of too much water.

Property Values:

The most important issue of all...the value of our homeowners property. Along with the above listed issues and the loss of privacy, water damage, noise, and the beauty of the grounds, property assessments will drop and resale value will be lost.



THE GARRISON IN DOVER, A CONDOMINIUM

We understand that Durham Road is a mixed single family and multi-family zoned area. However, zoning does not mean that development is always right for every lot. We ask that you please review our concerns. If you have any questions or if I can assist any of you, please feel free to contact me at any time.

Thank you.

Charlene Courtemanche
President, Garrison Condominium Assoc.
56 Durham Road. #47
Dover, NH 03820

(h) 740-8484
© 312-0056

Cc: Mayor Dean Trefethen
Councilor Dot Hooper



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO (Z12-24)

Application Type:	Variance
Applicant:	Phil & Donna Rinaldi
Owner:	Phil & Donna Rinaldi
Location:	13 Riverdale Avenue (Tax Map I, Lot 74-Z)

INTENT: Applicants have removed the existing home and propose to construct a new single family dwelling which will be located approximately fifty (50) ft. from the front lot line, where the Zoning Ordinance requires the house to be located not closer than five (5) ft. and not further than twenty-five (25) ft. from the front lot line.

LOTS/UNITS PROPOSED: One (1)
Single Family Dwelling

AGENDA ITEM #: 5-A

ZONING DISTRICT: R-12

EXISTING LAND USE: single family residential

PROPOSED LAND USE: single family residential

SURROUNDING LAND USE: single family residential

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application, tax map, photos, and signatures from abutters

APPLICATION IS COMPLETE: Yes

NOTICES AS REQUIRED: Yes

STAFF RECOMMENDATION:
The Planning Department supports the variance request.

Summary of Request and Background

The subject property is a vacant lot located in between Arbor Drive and Linda Avenue. The property was most recently improved with a single family dwelling that was located approximately fifty-eight (58) ft. from the front lot. The house was a legal nonconforming structure, in that the R-12 District Table of Regulations was recently amended to require a “build to” line of not closer than 5 ft. and not farther than 25 ft. from the front lot line. Applicants intend to construct a new single family dwelling and desire to place the home approximately fifty (50) feet from the from the lot line.

Reason for Staff Recommendation

Applicants explain that they wish to locate the proposed home 50 ft. from the front lot line in order to maintain a large landscaped front yard in keeping with the character of the neighborhood. Although our calculations place the average setback for the abutting properties closer to thirty-five (35) feet, it is our view that the request is a reasonable one which will have no discernible negative impact on the neighborhood. The purpose of the “build to” requirement is to encourage homes to be located closer to the street in order to maintain the integrity of older neighborhoods. Here, however, the applicants are asking to place the home in a similar location to the house that formerly occupied the lot, and it is clear that the abutting properties generally are set significantly farther back from the 25 ft. maximum setback requirement. Therefore, staff does not believe there is any relationship between the purpose of the build to requirement and its application to the subject property.

Recommendation

The Planning Department supports the variance request and recommends the Board hold the public hearing.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only Case #: Z12-24 Date Received:
Amount Paid: \$ 248.00 Time Received:
RECEIVED OCT 29 2012

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Phil & Donna Rinaldi Phone # 603-742-3144

Address of Applicant: 14 Riverdale Ave Dover NH 03820

E-Mail Address: phil@dssadmin.com

PROPERTY OWNER (if different from applicant): Phil & Donna Rinaldi

Address: 14 Riverdale Ave, Dover, NH 03820 Phone # 603-742-3144

E-Mail Address: phil@dssadmin.com

PROPERTY/PARCEL INFORMATION

Address: 13 Riverdale Ave, Dover, NH 03820

Brief Directions: Rt 108 to Back River Rd, left onto Morningside, stay straight onto Riverdale Ave #13 is on the left. Vacant lot.

Zoning District: R-12 Assessor's Map # 10074 Lot(s) # Z00000 I-4

TYPE OF APPEAL: (Please check one)

- X Variance from Section 170-12A of the Zoning Ordinance
Physical Disability Variance (RSA 674:33-V) from Section of the Zoning Ordinance
Special Exception per Section of the Zoning Ordinance
Appeal of Administrative Decision regarding Section of the Zoning Ordinance
Equitable Waiver per Section of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

We recently bought 13 Riverdale Ave at auction on 8/25/12. The empty home had deteriorated over the last 4 years. We demoolished the home on 10/1/12, and will be building a one story Ranch that is 60' by 61'. We hope to start building before the weather gets too bad. The lot has 150' frontage and 180' and 190' on the sides. The original building was setback 58'. The 25' setback does not conform to the current setbacks in this established neighborhood. We would like a setback of 50' from the street.

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) X
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

- B. **10 Copies of Completed Zoning Board of Adjustment Application** X
Note: Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only as part of original signed application (Part A above)).

- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. 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.

- D. Submit at least one (1) copy of the plot plan at a size of 8 1/2 x 11 (this is in addition to the 10 copies required in 'C' above). X

- E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. X

- F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line, shall be notified by first class mail only. X

- G. **Mailing Labels** in triplicate with abutters names and addresses for notices. **(Use Avery 5160 label)**

- H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1.	Application fee of:	
	\$100.00 VARIANCE (per Section requested)	\$ <u>100.00</u>
	\$100.00 SPECIAL EXCEPTION	\$ <u> </u>
	\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$ <u> </u>
	\$100.00 EQUITABLE WAIVER	\$ <u> </u>
2.	Certified letters fee: # of abutters <u>10</u> X \$8.00 =	\$ <u>80.00</u>
3.	Applicant & Owner mailing fee: <u>1</u> X \$8.00 =	\$ <u>8.00</u>
4.	First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X \$1.00 =	\$ <u> </u>
5.	Foster's newspaper public notice	\$ <u>60.00</u>
TOTAL FEE		\$ <u>248.00</u>

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12A of the Zoning Ordinance to permit:

A setback of 50' from the street rather than the maximum of 25' in the ordinance. The original house was set back 58' and we would like to maintain the similar neighborhood landscaped front yard that the rest of the homes have in this development.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The 50' setback that we would like would maintain the same look as the rest of the neighborhood. The original house was set back 58' and the homes on Riverdale have larger lots than the rest of the streets in the Morningside Park area. The homes on Riverdale are setback 38' to 58' from the street. Our neighbors all agree that they would not like to see the house at 13 Riverdale with a 25' setback as it would look too close to the street. (see attached signatures.)

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

If the spirit of the Ordinance is to have a consistent feel and look to the neighborhood, then the 25' setback would not follow the spirit of the neighborhood. If the spirit of the Ordinance is to maintain larger backyards, the 50' setback with our proposed house of 61' would still leave at least 79' for the backyard.

3. Granting the variance would do substantial justice because:

It would allow a nicer home to be placed on this property than the home that was abandoned and crumbling. The home would be in the style that is similar to others in the neighborhood. If we build at the 25' setback there are several beautifully matured trees that would have to come down. The 50' setback would allow for apple parking rather than street parking. 25' setback only allows for 1 and 1/2 cars to be parked in line with each other.

4. The value of surrounding property will not be diminished because:

The value of the surrounding property will be greatly improved with the building of this new home. As a property owner for 38 years on this same street, we will be selling 14 Riverdale to move into 13 Riverdale and the new property will enhance the value.

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

(i) The following special conditions of the property distinguish it from other properties in the area:

Granting the variance would place the home in accordance with other properties in the area who have setbacks of 38' to 58'.

Conforming to the ordinance would create a different look from the other properties in the immediate area.

The 25' setback would require the destruction of several mature trees that are on the lot, but with a 50' setback would remain to enhance the property.

and

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

and

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

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, 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 with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

<p>IMPORTANT</p> <p>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.</p>

Philip Rinaldi Donna Rinaldi

Signature of Applicant*

Philip Rinaldi Donna Rinaldi

Signature of Owner*

*Both Signatures Required

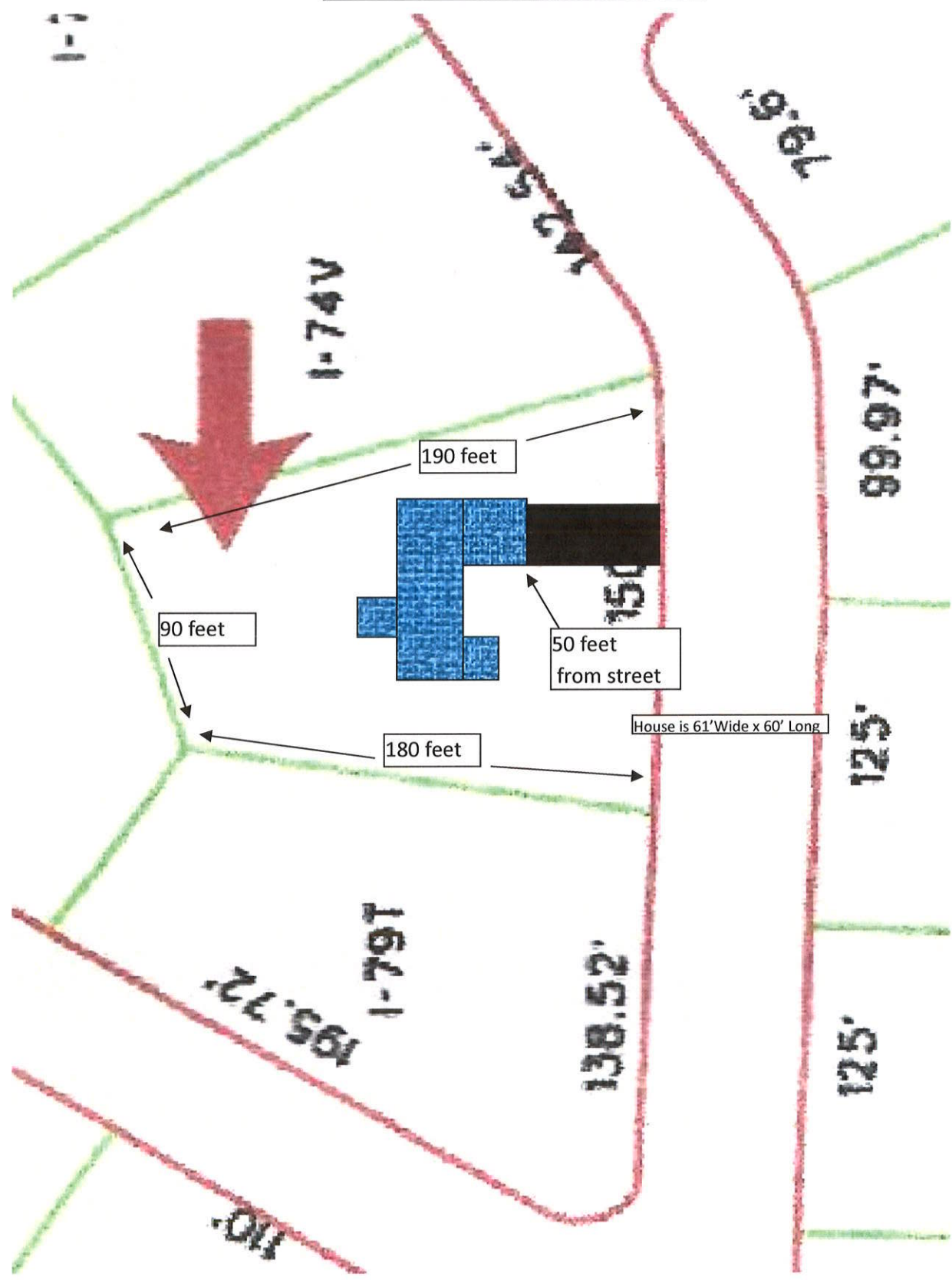
AUTHORIZATION TO ENTER SUBJECT PROPERTY

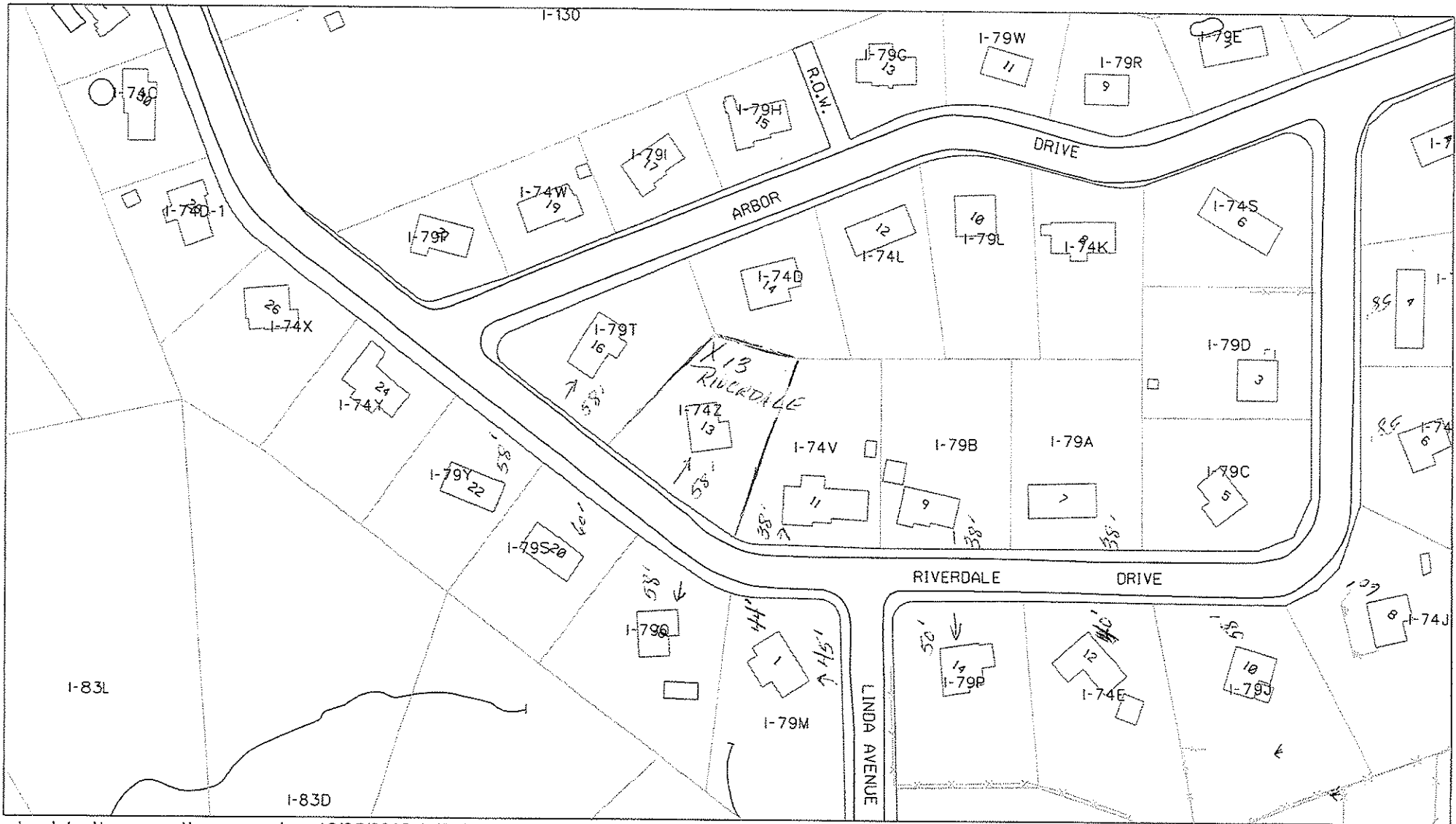
I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Philip Rinaldi Date: 10-29-12
Donna Rinaldi

50 feet

Rinaldi – 13 Riverdale Ave, Dover, NH







Original House on 13 Riverdale, setback was 58'
2 mature trees on each side of this driveway would be
in jeopardy with the 25' setback.



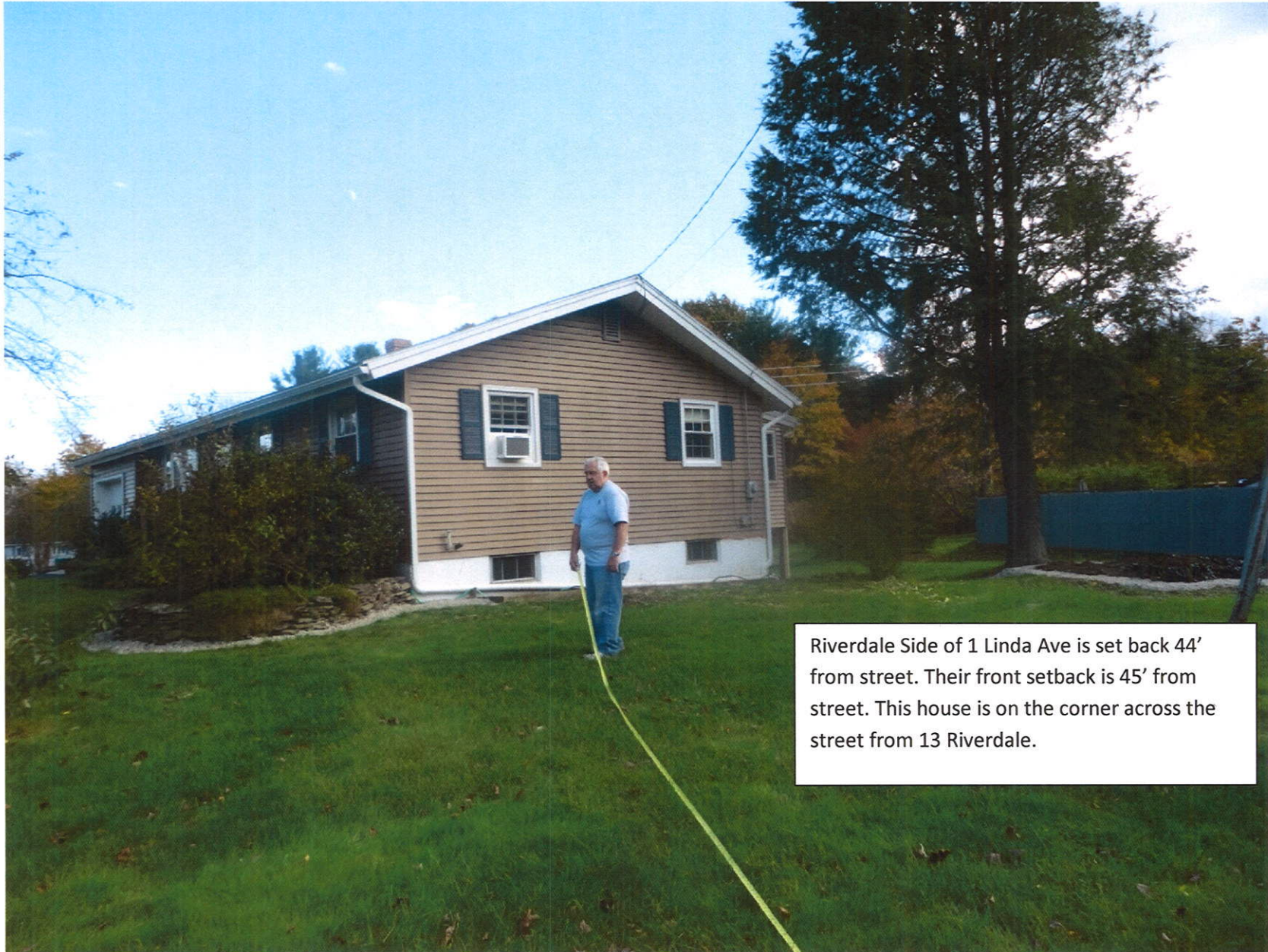
Phil is standing at 25' set back from street.
There is hardly room for 2 vehicles behind each other.
Tree behind bush would have to come down.



Current owner house at 14 Riverdale is setback 50'.
All homes in the neighborhood are from 38' to 58' set
back.



18 Riverdale is directly across the street from 13 Riverdale and the setback is at 58'.



Riverdale Side of 1 Linda Ave is set back 44' from street. Their front setback is 45' from street. This house is on the corner across the street from 13 Riverdale.

October 22, 2012

Christopher Parker
Planning Director
City of Dover NH
288 Central Ave
Dover, NH 03820

RE: Set Back restriction of no more than 25' for rebuilding in existing neighborhood where original home set back was at 58'. Zone R-12

Dear Mr. Parker,

With the signatures below, the noted neighbors in the Riverdale Avenue area are in support of allowing a setback of at least 50' from the street at 13 Riverdale Avenue. We would not like to see the new home construction as close as 25' since all of our existing homes in this neighborhood sit back farther than 25' from the street. We have a wonderful neighborhood that just celebrated its 35th Block Party on Labor Day weekend of this year and this is the one street in the area that has larger front & back yards.

NAME ADDRESS TELEPHONE #

Ermon Lejeune 12 Riverdale Ave. 742-5849

Kim Test 17 Riverdale Ave 742-1279

Andrew P. Smith 11 Riverdale Ave 742-8482

Yvette P. Lodzicki 11 Riverdale Ave 742-8488

Car C. Potts 1 UINDA AVE 742-0688

Robert J. Bryan 18 RIVERDALE AVE 749-1029

Yvonne B. Bryan 18 Riverdale Ave 749-1029

