



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, City Hall, Dover, NH 03820  
Meeting Date: **Thursday, April 18, 2013**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Sam Reid (Chair), Otis Perry (Vice Chair), Jennifer Stone (Alternate), Joshua Cote (Alternate), Bob Hall (Alternate).

**Members Not Present:** Frank Landford, James Kelley, Chris Prior.

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

The Chair called the meeting to order at 7:00 p.m. He 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 THE FEBRUARY 21, 2013 MINUTES

**Motion:** J.Stone motioned to accept the February 21, 2013 meeting minutes. Seconded by J.Cote. Vote: U/A. B.Hall abstained.

*The Chair appointed Jennifer Stone (Alternate), Joshua Cote (Alternate) and Bob Hall (Alternate) to vote on all cases.*

### 3. HEARING – NEW

- A. \* Z 13-05 Dana T. & Anna H. Boudreau, 9 Northam Drive (Tax Map 36, Lot 15H), located in the Medium Density Residential (R-12) District, proposes to construct an accessory dwelling unit as an addition to the existing single family home. A portion of the addition will encroach into the minimum required side setback. A variance is required from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use to permit the addition to be located approximately 11.5 ft. from the side lot line shared with 7 Northam Drive (Tax Map 36, Lot 15G), where a minimum setback of 15 ft. is required.

Sam Reid stated that he is friends with Dana and Anna Boudreau but has no financial interest in this case.

Atty. James Schulte represented the applicants. He stated that as a result of the Zoning Ordinance changes in 2012, Accessory Dwelling Units are now allowed. He described the home of the Boudreau's and the location of the proposed addition which would be used as an accessory dwelling unit encroaching into the minimum required side setback. The addition will not look out of character of the neighborhood, and the house sits further back from the street than the house next door. This encroachment is so small it would have no impact on the health and safety of the neighborhood. The addition cannot go on the left side of the property, and moving it closer to the front, you would block off the second floor window. It would have no impact on surrounding properties. The hardship is that the primary house sits at an angle. It is consistent with the neighborhood and the neighbors agree with the plan.

*Public hearing open*

Pam Leduc, 7 Northam Drive, spoke on behalf of the applicants. She does not oppose the plan for the addition.



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T.Corwin discussed the staff memo. Planning staff does supports the application.

*Public hearing closed.*

**Motion:** J.Stone motioned to grant the variance as requested. Seconded by B.Hall. Vote: 5-0.

- B. \* Z 13-06 Jennifer & David Coffin, 336 Washington Street (Tax Map G, Lot 10-1), located in the Medium Density Residential (R-12) District, proposes to keep two (2) goats in the existing barn located approximately 15 ft. from the rear lot line. A variance is required from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use to permit the keeping of goats in the barn - located approximately 15 ft. from the rear lot line - where structures used to shelter farm animals for family use must be located a minimum of 30 ft. from all property lines.

David Coffin gave a brief overview of the antique barn located on the property which previously housed cows and other farm animals. This keeps with the historic nature of the structure.

S.Reid confirmed with D.Coffin that the barn is at least 30 ft. from the neighbor's house on Taylor Road. He asked what Nigerian dwarf goats are.

D.Coffin explained that Nigerian dwarf goats are smaller; they are the size of a small dog when fully grown.

O.Perry asked about the waste from the animals.

D.Coffin explained that they will use a large compost system to dispose of the waste. They will use pine shavings with straw over it and add more straw as needed. They will dispose of the waste through a trap door from the first floor to the basement. They will clean the animal waste storage area in the basement as necessary. There is no odor and the animals are quiet.

O.Perry asked what the Coffins are going to use the goats for.

D.Coffin explained initially as pets, and then possibly to make goat cheese, and they may breed one of them.

B.Hall questioned the limit of goats.

T.Corwin explained that due to the Zoning ordinance, they are allowed to have up to six sheep or goats, but you need 10,000 sq. ft. of area per animal, so they would only be able to have two farm animals. Because this lot contains 24,000 sq. ft. it would limit them to two farm animals. He made the applicants aware that there needs to be 30 sq. ft. of a fenced enclosure for each animal and the enclosure must be at least 30 ft. away from any property line. He also described the requirements of having chickens which have their own dimensional requirements.

S.Reid stated that emails were received from Scott and Cortney Farmer, Kristin McCullough, and Cynthia and Michael Christie in favor of the variance.



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Area residents Rick Lundborn, 340 Washington Street, and his wife Abby; and Kris McCullough, 338 Washington Street, were present and spoke in favor of the request.

Jennifer Coffin confirmed with T.Corwin that they can have chickens in the future as long as they follow the Zoning regulations.

*Public hearing closed.*

**Motion:** J.Stone motioned to grant the variance as requested. Seconded by J.Cote. Vote: 5-0.

#### 4. RE-HEARING REQUEST – Z 12-09 ROBERT E. FISHER, 49 LITTLEWORTH ROAD (TAX MAP G, LOT B)

S.Reid stated that Mr. Fisher originally submitted his letter on December 6, 2012 for a rehearing, and subsequently had some health issues. The request for the rehearing was deferred. Mr. Fisher since asked for a rehearing on his case.

T.Corwin commented on the rehearing request which had 10 points of interest. The Board needs to decide if they want to grant a rehearing. Planning staff recommends a rehearing and would be happy to draft a finding of fact based on the original hearing.

S.Reid and O.Perry commented that they both dispute any allegations that they are biased against Mr. Fisher.

J.Stone commented that Mr. Fisher left the Board with many unanswered questions about the proposed site of the lunch cart and would Mr. Fisher need to present all over again.

S.Reid stated that the presentation could have been a lot better. Mr. Fisher has to start over and present new information if the rehearing is granted. This is a clean slate. This would be a de novo hearing.

T.Corwin stated Planning staff could help draw up Findings of Fact.

O.Perry stated that by agreeing for a rehearing he is not agreeing to support the variance request.

**Motion:** J.Cote motioned to grant the rehearing. Seconded by J.Stone. Vote: 5-0.

The rehearing is rescheduled for May 16, 2013.

#### **Staff Comments:**

T. Corwin reminded the Board that the OEP Planning & Zoning Conference email was sent out. The conference will be held on Saturday, May 11, 2013.

#### 5. ADJOURN:

**Motion:** O.Perry motioned to adjourn at 7:38 p.m. Seconded by J.Stone. Vote: U/A.