



**CITY OF DOVER**

## ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers, City Hall, Dover, NH 03820  
Meeting Date: **Thursday, May 16, 2013**  
Meeting Time: **7:00 pm**

### 1. ATTENDANCE

**Members Present:** Sam Reid (Chair), Otis Perry (Vice Chair), Frank Landford, James Kelley, Chris Prior, Jennifer Stone (Alternate), Bob Hall (Alternate)

**Members Not Present:** Joshua Cote (Alternate)

**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 APRIL 18, 2013 MINUTES

**Motion:** O.Perry motioned to accept the April 18, 2013 meeting minutes. Seconded by J.Stone. Vote: 4-0. (F.Landford, J.Kelley, and C.Prior abstained from the vote.)

### 3. HEARING – NEW

- A. \* Z 13-07 Changing Places, LLC, Thornwood Lane (**Tax Map K, Lot 19-1**, located in the Executive Technology Park (ETP) District, and **Tax Map K, Lot 6**, located in the Rural Residential (R-40) District). Applicant proposes a lot line adjustment that would result in the addition of 37,897 sq. ft. of area to Tax Map K, Lot 19-1 from Tax Map K, Lot 6. The lot line adjustment would accommodate the development of up to 15 single family homes on Tax Map K, Lot 19-1, permitted as part of the development plan for Thornwood Lane, approved under the Residential-Commercial Mixed Use (RCM) Overlay District. The RCM Overlay District requires a minimum setback of 50 ft. from all external lot lines. Applicant proposes to reduce the 50 ft. minimum setback to 20 ft. as depicted on the plan submitted with the variance application. Therefore, a variance is required from **Section 28.2.F)2)b)i** of the Zoning Ordinance to permit the proposed reduction to the RCM external lot line setback.

Atty. James Schulte represented the applicant and gave a brief overview of the proposed request. He discussed the utility easements, the road location and the setbacks. He stated that the utility line already provides a 130 ft. buffer and that the applicant is requesting that the 50 ft. setback be reduced to 20 ft. due to the utility easements. He confirmed for S.Reid the current and proposed lot lines. The current utility line already provides a 135 ft. buffer.

Chair Reid read a letter dated May 15, 2013 from Helen Preston who has entered into a Purchase & Sales Agreement with Mr. John O'Neil of Changing Places, LLC. She is in favor of the variance. A copy of the letter was handed out to each Board member (in file).

S.Reid commented that the variance request is for a minimal sq. ft. difference.

Atty. Schulte confirmed for S.Reid that they are in the process of requesting a Lot Line Adjustment which will go to the Planning Board on May 28, 2013. The boundary line will be running the edge of the utility easement.

Atty. Schulte confirmed for B.Hall that the existing easement and the utility line is a utilized easement.

J.Kelley asked if this development is consistent with the early approval of Thornwood.



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Atty. Schulte stated that they are working out this issue with the Planning Board. The Thornwood plan, which proposes 14 houses, is going to the Planning Board on May 28, 2013. There is a limit of 62 units from the original approval. At this time, the applicant is only asking for the setback variance. There are changes in the plan that need to be reviewed by the Planning Board and changes in City regulations.

T.Corwin stated that how the yield plan is calculated has been amended to permit a recalculation of that yield, which would substantially increase the number of units. This was approved by the Planning Board and City Council in December 2012.

T.Corwin and J.Kelley discussed the amendment. J.Kelley felt that it was not the way the proposal was presented to the community. He asked if anything will be done with the plantings, not knowing what Mrs. Preston will do in the future.

Atty. Schulte discussed the buffer requirements and stated that there is a no-cut, no-disturb buffer and what is there now must remain unless it is a diseased or damaged tree.

J.Stone asked about distances of the buffer to the no cut line. She asked if they would build beyond the 50 ft. line. Is there a concern about building close to the power lines?

Atty. Schulte referred to the concept sketch. He stated that you cannot encroach on the line, but you can build right up to the line. The reason they did not ask for the waiver to build all the way up to the power line was to allow for 20 ft. of vegetation and screening.

*Public hearing open*

T.Corwin stated that the purpose of the buffer is to provide a buffer. There is a 135 ft. utility easement and combined with the 20 ft. setback the applicant is requesting, the total effective buffer will be 155 ft. They are only asking for a 30 foot reduction. The purpose of the regulation doesn't apply to this property; therefore it is recommended that the variance be granted.

*Public hearing closed*

**Motion:** J.Kelley motioned to grant the variance as requested. Seconded by C.Prior. Vote: 5-0

### **Staff Comments:**

T. Corwin handed out the final approved Rules of Procedures to Board members. He stated that identification cards for ZBA members are optional. He commented that Conservation Commission members were given ID cards for when they visit sites. He explained that the ZBA applications include a section that if signed, would allow ZBA members to access the property. He will find out how to request ID cards for ZBA Board members.

### **4. ADJOURN:**

**Motion:** O.Perry motioned to adjourn at 7:20 p.m. Seconded by F.Landford. Vote: U/A.