



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, October 17, 2013**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Frank Landford, James Kelley, Chris Prior, Jennifer Stone (Alternate)

Members Not Present: Otis Perry (Vice Chair), Bob Hall (Alternate), Joshua Cote (Alternate)

Staff Present: Timothy Corwin (Assistant City Planner), Diane Britt (Recording Secretary)

The Chair called the meeting to order at 7:00 p.m. and described the process used to hear cases.

2. APPROVAL OF PRIOR MINUTES OF THE SEPTEMBER 19, 2013 MEETING

Motion: C.Prior motioned to accept the September 19, 2013 meeting minutes. Seconded by J.Stone.

Discussion on the motion due to the fact that B.Hall and O.Perry are not present to vote. T.Corwin advised to defer approval of the September 19, 2013 meeting minutes to the next meeting. C.Prior withdrew his motion.

Motion: C.Prior made a motion to defer approval of minutes to the next meeting. Seconded by J.Stone. Vote: U/A

3. HEARING - NEW

- A. * Z 13-18 Aramis Black/Real McKoy Properties, LLC, 301 Durham Road (Tax Map H, Lot 1), located in the Hotel/Retail (B-4) District, requests a variance from Section 170-12.A of the Zoning Ordinance and the B-4 District Table of Use and Dimensional Requirements to permit the construction of an elderly assisted care home for 8-10 residents with 2 accessory staff apartments, where elderly assisted care homes are not a permitted use in the B-4 District.

Art Guadano of AG Architects represented the applicant. He introduced the owners of the property and also Dan Hussey, their business consultant. The home will be located behind the existing building, currently occupied by the "My Liege" salon. A variance is required to permit the elderly assisted care home, which is not a permitted use in the B-4 District. He gave a brief overview of the application and referenced a map and photos showing the property and the surrounding area. (copy in file)

J.Kelley confirmed with A.Guadano that the applicants own the entire real estate. They will be the owners of the new business and the salon/business will continue to operate along with this proposal.

F.Landord also confirmed with A.Guadano that the elderly care would be on the first floor with one common kitchen facility in the building and the staff apartments will be located on the second floor. They are going to start with the architectural drawings, but wanted to make sure they received the variance before going any further.

C.Prior asked how many residents they would have in the building.

A.Guadano stated that they will have 8-10 residents and they would be in single occupant rooms. He added that some of the residents may have some level of dementia and one of the owners, Mrs. Black is a registered nurse.

Public Hearing Open

Allan Brown of 22 Freshet Road stated that he lives in Madbury and is a direct abutter. He explained that he wasn't sure if he is in favor or opposed to the application at this point. He is concerned with the proposal and if it is too much for the size of the lot. He also had questions about the lighting, height of the building, placement of the septic system and removal of trees.



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A.Guadano responded to Mr. Brown's concerns. He stated that in terms of height they envision one story, not sure if it will be a pitch or flat roof. The apartments would be on the second floor and the size of the building is estimated to be approximately 8,000 sq. ft. He noted that they haven't done a septic system analysis yet. The driveway is to the commercial side of the lot and is kept away from the residential side. The questions are all legitimate Planning Board questions and will be addressed.

S.Reid reminded the abutter that the request before them tonight is only for the use on the lot. Those questions are more related for TRC and Planning Board.

F.Landford clarified that the photos submitted are to show the character of the area. A.Guadano explained each of the photos submitted. Discussion continued.

Mr. Brown submitted a map showing the abutting residential properties. He explained the surrounding lots.

J.Kelley asked the applicant if the abutting properties in Madbury were notified.

Aramis Black explained that he had sent letters and personally spoke with the abutters about this project. He stated that they all looked upon the proposal favorably.

Public hearing closed

C.Prior questioned the zoning ordinance regarding multiple buildings on one lot.

T.Corwin explained that the zoning ordinance does allow multiple buildings in commercial zones and requires Planning Board review. He reiterated that this variance is just for the use. He stated that the Planning Department supports the application for reasons set forth in the Staff Memo, which was read for the record. (copy in file)

J.Kelley questioned other uses in this zone and T.Corwin explained the other permitted uses.

J.Stone stated she had the impression other uses would be difficult because there is not enough land and stated that this use appeared reasonable. She reminded the board that the abutter indicated that this would be a preferable use.

T.Corwin responded and added that J.Stone is correct and some of the uses permitted would not have enough land.

S.Reid added that it is a better use than a kennel and feels it is a reasonable request.

Motion: J.Kelley made the motion to grant the variance. F.Landford seconded. Vote: U/A

S.Reid spoke about the conflict of interest information provided to them by T.Corwin. He encouraged Board members to step down if there is ever any conflict of interest if they feel they shouldn't sit in on a case.

T.Corwin mentioned having another session to go over variance criteria, conflict of interest and the Municipal Law Lecture handout on conditions of approval and the option of having a joint presentation possibly later this fall with the City Attorney.

Motion: J.Kelley motioned to adjourn at 7:33 p.m. Seconded by F.Landford. Vote: U/A