



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, March 20, 2014**
Meeting Time: **7:00 pm**

1. ATTENDANCE

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

Members Not Present: Joshua Cote (Alternate), Bob Hall (Alternate)

Staff Present: Timothy Corwin (Assistant City Planner), Diane Britt (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 WORKSHOP MINUTES AND REGULAR MINUTES OF FEBRUARY 20, 2014

Motion: O.Perry made a motion to accept the February 20, 2014 Workshop Minutes. Seconded by J.Kelley. Vote: U/A

Motion: O.Perry made a motion to accept the February 20, 2014 Regular Meeting Minutes. Seconded by C.Prior. Vote: U/A

3. HEARINGS

- A. *Z 14-06 Michael Towle (Property Owner: Katherine & Richard Towle Revocable Trust), 67 Back River Road (Tax Map I, Lot 54), located in the Medium Density Residential (R-12) District, proposes to subdivide a 1.17 acre lot to be used for a single family dwelling. Applicant requests 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 dwelling to be located 240 ft. from the front lot line where the dwelling is required to be located 80 ft. from the front lot line, which is the build to line equal to the average setback for all properties within the R-12 District within 500 ft. of the property to be subdivided.

Public Hearing Open

Attorney James Schulte represents the owners and explained that they own approximately 22 acres and would like to carve out a 1.17 acre parcel. A variance is being requested because, due to the wetlands and the buffers, the proposed house will need to be located 240 feet from the front lot line. He explained that the average setback for houses which are within 500 feet of this new lot is 200 feet, and the average setback for the entire parcel is 80 to 100 feet. He stated that this neighborhood has a wide variety of lot sizes, setbacks and types of house.

J.Kelley asked T.Corwin to clarify why houses need to be placed closer to the street.

T.Corwin stated the purpose of the build to line is to protect the integrity of older neighborhoods, to ensure a degree of uniformity, and to prevent one house from being set back farther than the others. He explained it does not make sense to apply the build to line to this lot.

Charles Cheney, 53 Back River Road, stated the property has a unique shape and that his house is 900 feet back from the front lot line. He stated he is in favor of granting the variance.



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Staff Recommendation

T. Corwin read the staff memo for case Z14-06 into the record.

He stated the Planning Department recommends that the Board approve the variance.

Public Hearing Closed

Motion: O. Perry made the motion to grant the variance. Seconded by J. Kelley. Vote: U/A

- B. *Z 14-07 Changing Places, LLC (Property Owner: Maloney Family Revocable Trust of 2012),** 104 Court Street (Tax Map 20, Lot 113), located in the Medium Density Residential (R-12) District, proposes to subdivide the property into three lots. Applicant requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit each lot to have street frontage of approximately 67 feet where a minimum of 100 ft. of street frontage is required.

O. Perry and J. Kelley recused themselves.

Public Hearing Open

Attorney James Schulte represents the applicant. He passed out to Board members a slightly revised plan that replaces the plan submitted with the application. He explained that this revision is due to an agreement to convey approximately 2,900 sq. ft. to an abutter, Lisa O'Grady, to square off her lot and this will also square off the property being subdivided, and this will have to be surveyed and a lot line adjustment will have to be approved by the Planning Board. He stated that the subdivision will give each new lot frontage of approximately 67 feet and the proposed houses will fit in compliance with the side lot line setbacks. He explained this neighborhood has different lot sizes with different frontages but all homes are single family homes. If this variance is approved he suggested there should be two conditions: (1) The existing home could not be converted to a duplex, and (2) there should be a requirement to go to the Planning Board for a lot line adjustment at the same time as the subdivision approval.

C. Prior confirmed with Atty. Schulte that the existing house is a single family home, that it is under agreement with Atty. Schulte's clients, and that it was not on the market very long.

C. Prior stated he likes the character of the neighborhood in its current condition and he would like Atty. Schulte to explain why the proposal is to subdivide into three lots instead of two.

Atty. Schulte explained that this request is consistent with other new development in the area. The lots will be rectangular which is more in character with this neighborhood of single family houses. This would provide more uniformity in the neighborhood.

J. Stone confirmed with Atty. Schulte that the backyards slope down but the lot goes quite a distance before it slopes down, and there are no drainage issues in that area.

Lisa O'Grady, 100 Court Street, explained that because of where her house is situated on her lot she has no access to her backyard, so she is in favor of the proposed change to her lot. Her house is in a very low spot in the neighborhood and she has had some drainage problems.



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S.Reid asked L.O'Grady if she was concerned that construction of the proposed homes would impact her drainage.

L.O'Grady stated she has discussed this with them and was told that they were going to put drainage all around and take care of that.

S.Reid then asked L.O'Grady what her view was of a duplex and a single family home on that lot vs. three individual homes.

L.O'Grady stated that she would rather see single family homes than duplexes.

Atty. Schulte wanted to address drainage and explained that the proposed houses will have footing drains around them and water will be directed out back where the land slopes down. He explained that this will divert water away from L.O'Grady's lot and should help with her drainage problems.

F.Landford confirmed with T.Corwin that the lot directly behind the property being discussed is an open space lot for the Cobble Hill development.

Staff Recommendation

T.Corwin stated the Planning Department recommends granting the variance for the reasons set forth in the staff memo provided to the Board members in their packets.

He stated the conditions of approval would be that the existing single family dwelling remain a single family home and that the applicant submit and obtain approval of a boundary line adjustment with the O'Grady property approximately as shown on the revised plan submitted this evening.

Public Hearing Closed

Motion: F.Landford made the motion to grant the variance with conditions as stated by T.Corwin. Seconded by J.Stone. Vote: 3/1

S.Reid announced that the Zoning Board received an email invitation to the Meet and Greet meeting with the other land use boards that will be on Tuesday, 4/8/14 and encouraged members to attend.

He also announced that this was the last meeting for J.Kelley and he thanked him for his Zoning Board involvement, time, questions, perspective and diligence. He also congratulated J.Stone for being appointed by the City Council to succeed J.Kelley as a full member of the Zoning Board.

4. ADJOURN

Motion: J.Kelley made the motion to adjourn at 7:32 p.m. Seconded by F.Landford. Vote: U/A