

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, April 17, 2014**
Meeting Time: **7:00 pm**

1. ATTENDANCE

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

Members Not Present: Joshua Cote (Alternate)

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

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

2. APPROVAL OF REGULAR MEETING MINUTES OF MARCH 20, 2014

Motion: C.Prior made the motion to accept the March 20, 2014 meeting minutes. Seconded by F.Landford.

S.Reid suggested adding on page 3 that the variance was granted with conditions "as stated by T.Corwin".

Vote: U/A (B.Hall abstained because he was not at the meeting and G.Reagan did not vote.)

The Chair asked B.Hall to sit in on the next case.

3. HEARINGS

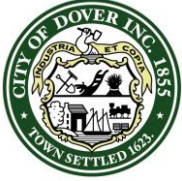
- A.** *Z 14-08 Thomas and Kim Jost, 7 Riverdale Avenue (Tax Map I, Lot 79-A), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the construction of an attached two car garage to be located 12 feet from the side lot line shared with 9 Riverdale Avenue, where a minimum side setback of 15 feet is required.

Public Hearing Opened

Thomas Jost, the applicant, 7 Riverdale Avenue, explained that right now he has a 2-car carport and he would like to expand that to a 32-ft. wide enclosed 2-car garage which encroaches on the 15-ft. setback. He said the proposed garage would include a laundry room, furnace, storage space and a master suite on the second floor. He stated there is very little storage in his house, he has a couple sheds out back and could use more storage space and living space. He feels an enclosed garage will look much nicer and neater than the open carport. He has owned this property for 28 years and stated there have been a couple instances where things were stolen from the carport.

S.Reid stated he noticed on the plan that there is a slight angle to the building and that 12 feet is the point that is the closest to the lot line.

T.Jost stated the setback would be 12 feet in the back and was not sure of the actual front measurement, but it would not be 12 feet to the side. His immediate neighbor to the left has a 2-car garage with no windows on that side, so there would not be a lot of interference with their living space.



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, April 17, 2014**
Meeting Time: **7:00 pm**

T.Jost stated he has spoken with his neighbors who submitted a letter stating they had no issues with this request. There is a fence between the properties in the back and when they built the fence they measured 15 feet from that fence line to the corner of the back part of the garage. T.Jost submitted the letter from his neighbor to the Board.

Fenton Groen, of Groen Builders, who is working with the Josts on their addition, explained that they had intended to have the addition meet the setbacks but when they tried to fit the laundry room and furnace along with a hall and stairway to the second floor into the garage it was unworkable. That is the reason why the variance was requested. He explained that the roof on the addition will match the roof on house.

STAFF RECOMMENDATION

T.Corwin stated the Planning Department has not taken a position on this application and he read the staff memo into record. He added that the applicant worked with the Planning Department to reduce the impact as much as possible.

S.Reid asked if there is a significant difference between a 15-ft. and a 12-ft. setback from a planning perspective.

T.Corwin explained that the minimum setback is generally important to enforce so that there is some consistency in the neighborhood and that is why the Planning Department is ambivalent about this application. The angled position of the house on the lot makes the setback short by 3 feet at its maximum and close to 1-1/2 feet at its minimum, so there is no issue from a planning perspective.

S.Reid asked what the purpose of the 15-ft. setback was in general.

T.Corwin stated that it is a single family residential neighborhood, a 1960s subdivision, and it is to control the density and to ensure that there is a reasonable space between houses. In the staff memo it is pointed out that the two garages will face one another.

Discussion ensued regarding carports.

J.Stone confirmed with T.Jost that the 2-car carport existed when he bought the house 28 years ago, and that originally there was a 1-car carport and he believes the second bay was added on later.

Public Hearing Closed

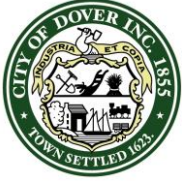
Motion: B.Hall made the motion to grant the variance. Seconded by J.Stone.

J.Stone stated that she thought inside storage of personal property in a garage would be more aesthetically pleasing.

C.Prior stated that he is in favor of protection of personal property and because the property is not parallel to the street makes it succumb to the need for the variance.

B.Hall stated that he felt it was not a problem due to the way the house is positioned relative to the nearest abutter.
Vote: U/A

B. *Z 14-09 Strafford County (Property Owner: Profero Management & Holdings LLC), 61 Rutland Street (Tax Map 13, Lot 24), located in the Medium Density Residential (R-12) District, requests a variance



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, April 17, 2014**
Meeting Time: **7:00 pm**

from **Section 170-12.A** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Requirements to permit the property to be used as a visitation and exchange center (a place where non-custodial parents can meet with their children and/or exchange their children from one parent to the other).

Scott Hampton, the project coordinator for the Visitation and Exchange Center, spoke on behalf of Strafford County and gave an overview of the purpose and function of the center and explained that all activity occurs inside the center. With the funding from the Federal Government the center is able to see two families at a time and there would be five staff people. There is a need for 9 parking spaces and the site has 10 parking spaces. He explained the hours of operation. He said there are no structural changes planned for the inside of the building. He explained that there is a handicap accessible ramp on one side of the building and at another door there would be a wooden and moveable handicap ramp for the other side of the building in case a family needed to use that entrance. Video monitors will be added on the doors.

J.Stone asked if there would be a sign on the outside of the building and asked how much traffic he expected there would be in the off hours before 4:00 p.m.

S.Hampton explained that there is no plan to put a sign on the building, and two to three days per week there would be no staff members at the center and on other days there would be two or three staff members, so traffic would be minimal.

B.Hall asked if any babysitting would occur at the center while waiting for a parent to come there.

S.Hampton explained staggered arrivals of the parents with the visiting parent arriving first and a half hour later the custodial parent would arrive with the child, so no babysitting occurs in the center.

S.Reid asked about the handling of parents with conflicts, and how conflicts would be prevented outside the center.

S.Hampton said the visitation process and the design of the visitation center allows for complete separation between the parents so that they never have contact.

S.Reid confirmed with S.Hampton that the center will not provide supervised visitation for parents who have lost custody due to abuse or neglect because the grant for this visitation center does not address that.

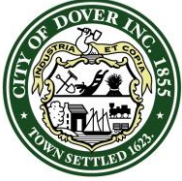
S.Reid asked what the case load capacity was for the center.

S.Hampton acknowledged that at the beginning of operation the case load will be significantly less than what they would like, seeing two families at a time, but the important thing is they do it right.

C.Prior confirmed with S.Hampton that he had read the conditions of approval on the staff memo and is agreeable to them, and he stated that the conditions are fitting with what they are able to do in the grant.

B.Hall requested S.Hampton to explain in more detail the visitation process.

S.Hampton said for exchanges the visits do not occur on site. For visitations, they do occur on site and typically they would last 1 to 2 hours. There are two visitation rooms separated by an office, so that the residential parent can wait



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, April 17, 2014**
Meeting Time: **7:00 pm**

in one room or can leave and come back later, while the visiting parent visits with the child in the other room. There would never be a time when a parent is not there. He explained an emergency contact is provided by each parent in case something happens and they cannot get there.

J.Stone wanted to know if this visitation center was a pilot program or if it was run differently from other sites.

S.Hampton explained they opened a visitation center at the Strafford Guidance Center in 1996 and ran it until about 2001 and there was also a county center that was in existence for a long time. Those were in existence before there were any national standards or guidelines. A National Advisory Committee came up with guiding principles for visitation centers and they did the piloting. Now they are helping implement these around the country. He stated there are currently 78 in the country, and there are others in New Hampshire as well. He stated this organization had to approve all of this visitation center's policies and procedures. The grant for this visitation center is for Strafford County, the preference is to serve the local community as much as possible, and the philosophy is to open the doors as capacity allows. As people become aware of them and realize how valuable they are, with county support, satellite centers may be opened. He stated the vast majority of people who use these centers are invested in them and want them to succeed.

J.Stone noted that no abutters were present and asked if S.Hampton had spoken to any of them.

S.Hampton stated one letter from an abutter was received who was in favor of the visitation center, and this letter is included in the packets for the meeting.

F.Landford confirmed with S.Hampton that he would like to open the center by June 1st.

Discussion ensued regarding the owner of the property, the location of the lot and the building, the surrounding businesses, the permitted uses in this zone and the fact that "visitation center" is not listed as a permitted use in any zones currently.

Public Hearing Opened

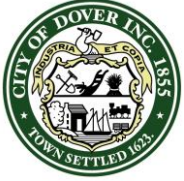
STAFF RECOMMENDATION

T.Corwin stated staff supports the requested variance and read from the staff memo. He read the proposed first three conditions from the staff memo. He stated he modified the fourth condition based on what was said by the applicant tonight, stating it should read, "The applicant shall provide the Planning Department with a plot plan showing at least nine parking spaces available on site that meet the minimum standards of the City's zoning and site review regulations". He explained the reason for this change was that the property apparently was marketed as having a 10-space parking area and the Planning Department would like to see something showing this.

B.Hall confirmed with T.Corwin what the process would be to change the restriction on hours of operation, should the visitation center desire to expand that in the future. T.Corwin stated that the applicant would need to ask the Board to amend his condition.

Public Hearing Closed

Discussion ensued regarding adding some flexibility to the hours of operation as a condition of approval.



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, April 17, 2014**
Meeting Time: **7:00 pm**

Motion: J.Stone made the motion to grant the variance with the proposed conditions but amending the third condition to state that family visitation and exchanges shall occur on three weekdays from 4 PM – 8 PM and on Saturday from 8 AM until 4 PM. Seconded by B.Hall. Vote: U/A

4. OTHER BUSINESS

S.Reid stated he recently looked at the bylaws which state that if a member of the board misses three consecutive meetings they shall be removed. There is at least one member who has missed three meetings and he worries that, if that member voted on something, would it be legal. He wants to look over the bylaws at least once a year. T.Corwin suggested a workshop to discuss the bylaws. He asked T.Corwin to circulate the bylaws so that everyone has a chance to look at them and then discuss at the next meeting whether a workshop is needed.

B.Hall suggested there might be some recommended changes in light of state law changes.

S.Reid asked if it is possible to mail packets to members so that they do not have to come to City Hall to pick them up.

Discussion ensued regarding the convenience of paper copies for making notes and, if materials are put on the web, the difficulty of looking at plans electronically.

S.Reid stated there was no need to mail the packets because the overall consensus is people do not mind picking them up.

S.Reid welcomed the new alternate member, George Reagan.

5. ADJOURN

Motion: F.Landford made the motion to adjourn at 7:55 p.m. Seconded by J.Stone. Vote: U/A