

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

### 1. ATTENDANCE

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

**Staff Present:** Timothy Corwin (Assistant City Planner), Jean Glidden (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 MEETING MINUTES OF OCTOBER 16, 2014

T. Corwin stated that O. Perry and B. Hall contacted him and suggested some amendments to the draft meeting minutes. He added that he incorporated the changes, as outlined in the replacement set of draft minutes submitted to the Board. He suggested either accepting them or table to the next meeting.

S. Reid confirmed with O. Perry and B. Hall that the changes have been made and they are satisfied. G. Reagan added that his last name on page 3 was spelled incorrectly.

**Motion:** O. Perry made a motion to accept the October 16, 2014 Regular Meeting Minutes as amended. Seconded by F. Landford. Vote: U/A

### 3. HEARING – CONTINUED FROM OCTOBER 16, 2014

- A. \* Z 14-23 Margaret E. and William F. Green, 124 Dover Neck Road (Tax Map M, Lot 95B), located in the Rural Residential (R-40) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the R-40 District Table of Use and Dimensional Requirements to permit the construction of a single family dwelling to be located 23 ft. from the front lot line where a minimum setback of 40 ft. is required.

#### *Public Hearing Opened*

Attorney FX Bruton, representing the applicant stated that the property fronts on a 50 ft. private right-of-way and is partially located within the Conservation District, which extends 100 ft. from the Piscataqua River. The applicant proposes to remove the existing single family dwelling and to construct a new home and related improvements within 23 ft. of the front lot line. The proposed home will be located outside of the 100 ft. buffer as depicted on the plan and is located within 23 ft. of the 50 ft. right-of-way. The plan also shows an abandoned well, existing septic and two sheds that will be taken out of that area. He stated that they have been before the Conservation Commission and they have endorsed the plan. The next step is a Conditional Use Permit before the Planning Board. He proceeded to read through the criteria.

O. Perry asked who maintains the right-of-way.

Attorney Bruton said that the homeowners have a shared maintenance.

F. Landford noted that with the plan it shows that the driveway will be located further away from the abutter.

G. Green asked why they need a variance if the abutters and applicant own the right-of-way.

Attorney Bruton stated that he is asking for relief from a right-of-way that has public aspects to it and they are moving the access way. He met with staff and felt it was necessary.



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### STAFF RECOMMENDATION:

T.Corwin stated that the Planning Department supports the request as set forth in the staff memo. He suggested a condition that the variance be granted per plan submitted. It is important that the abutter's agreement to provide the landscaping shown on the plan will be met.

*Public Hearing Closed*

**Motion:** O.Perry made a motion to grant the variance, per the plan submitted dated November 7, 2014 and per the landscaping improvements depicted. Seconded by C.Prior, due to the fact that the applicant has met all the requirements for the variance. Vote: 5/0

### 4. HEARINGS – NEW

- A. \* Z 14-26 Peter and Susan Iordanou, 46 Drew Road (Tax Map I, Lot 93-2), located in the Rural Residential (R-40) District. The applicants propose a lot line adjustment with 62 Drew Road (Tax Map I, Lot 94) and to subdivide their property into two lots. They request a variance from **Section 170-12.A** of the Zoning Ordinance and the R-40 District Table of Use and Dimensional Requirements to permit the proposed lots to have frontage of 112.5 ft. each where minimum frontage of 150 ft. is required.

O.Perry stated that he went to view the property, but couldn't locate the public notice that is supposed to be posted. He added that he couldn't be sure that he located the right property.

T.Corwin stated that the applicant is not present and he tried to contact him via e-mail and informed him of the notice and gave him some options, however has not heard back from him. He added that he also asked him to submit a revised subdivision plan.

B.Hall agreed with O.Perry.

F.Landford added that he would like to see more information on the lot itself and how it will be subdivided. This is not a surveyed plan.

**Motion:** O.Perry made the motion to table the item. Seconded by B.Hall. Vote: 5/0

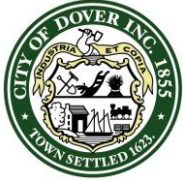
The Board requested the abutters would receive another certified mail notification if and when the case is rescheduled.

- B. \* Z 14-27 Christian R. Sterndale, 33-35 Forest Street (Tax Map 24, Lot 84), located in the Urban Density Multi Residential (RM-U) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the RM-U District Table of Use and Dimensional Requirements to permit the reconstruction of an enclosed porch to be located 4 ft. from the side lot line shared with 31 Forest Street (Tax Map 24, Lot 85) where a minimum setback of 10 ft. is required.

*Public Hearing Opened*

Robert Sterndale represented his son and stated that this is a century old house and he has lived there for a while and is preparing to do some serious face-lifting to the home. When he went to apply for a building permit to replace and reconstruct the enclosed porches, which are currently in disrepair, he was informed that he would need a variance. He proceeded to read through the criteria for the record.

S.Reid stated that he received an e-mail from Vaughn Cooper, abutter at 41 Forest Street, which stated he was in favor of the request.



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O.Perry asked if the intent was to remove and rebuild.

R.Sterndale said yes, they are in bad shape, so rather than repair them they will be torn off and restored to the same size, shape and footprint.

B.Hall asked whether the abutters were notified of the hearing.

Elizabeth Chamberlain, 43 Forest Street mentioned that she was notified and does not have any opposition.

F.Landford confirmed with Mr. Sterndale that he is rebuilding the entrance ways on both sides of the home however only one side requires a variance.

### **STAFF RECOMMENDATION:**

T.Corwin stated that the Planning Department supports the request as set forth in the staff memo.

*Public Hearing Closed*

**Motion:** C.Prior made the motion to grant the variance to reduce the minimum side setback from 10 ft. to 4 ft., due to the fact that the applicant has met all the requirements for the variance. Seconded by O.Perry. Vote: 5/0

### **5. REVIEW OF ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE**

T.Corwin reviewed the rules of procedure. He stated that at the last meeting a red lined version was presented to all Board members to view. In front of you is another red lined version that just shows the suggested changes from the last meeting. He mentioned an e-mail that he sent which included an attachment from North Hampton and their rules of procedure. He added that B.Hall had suggested one or two things from their rules, which the Board may want to consider incorporating into the rules.

Discussion took place regarding the appeal process, site visits and time limits on variances.

B.Hall commented on page 6, item I, applications and decisions. Decision is actually paragraphed A, and it should read applications.

G.Green added that page 5, part D refers to Roberts Rules, you are citing the current most up to date revision, but wouldn't it be better to say "The Board is using the current addition of Roberts Rule of Order". It would simplify that you wouldn't have to go back and change the text.

B.Hall disagreed as the Board may not choose to adopt them.

S.Reid asked T.Corwin to find out what edition other boards use.

B.Hall said that we should be consistent.

O.Perry suggests a completed set of rules without the red lines to view at the next meeting.

T.Corwin reviewed their discussed changes.

### **6. ADJOURN**

**Motion:** O.Perry made the motion to adjourn at 8:01 p.m. Seconded by B.Hall. Vote: U/A