

**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, May 21, 2015**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Otis Perry (Vice-Chair), Frank Landford, Chris Prior, George Reagan (Alternate)

Members Not Present: Bob Hall

Staff Present: Steve Bird (City Planner), Tracy Smith (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 MARCH 19, 2015 AND APRIL 16, 2015

Motion: O.Perry made a motion to approve the March 19, 2015 Regular Meeting Minutes. Seconded by F.Landford. Vote U/A

Motion: O.Perry made a motion to approve the April 16, 2015 Regular Meeting Minutes. Seconded by F.Landford. Vote U/A

O.Perry stated those members who were not present can still vote on the meeting minutes.

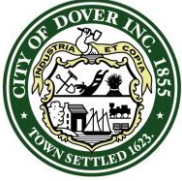
3. HEARINGS

- A. Z 15-10 V.M.D. Companies, LLC, (Property Owner: Profero Management & Holding, LLC), 181 Silver Street (Tax Map 11, Lot 2), located in the Thoroughfare Business (B-3) District, requests two variances, one from **Section 170-12.B** of the Zoning Ordinance and the B-3 District Table of Use and Dimensional Regulations to permit a building height of 55 ft. where 40 ft. is allowed, and one variance from **Section 170-11.C** of the Zoning Ordinance to permit an assisted living facility in the B-3 District, where the use is not permitted.

Ari Pollack, lawyer from Gallagher, Callahan and Gartrell, represented the applicant. Jim Vitas, Managing member of V.M.D. Companies, LLC, and Bob Clark, Site Engineer from Allen & Major Associates, Inc. were also present. A.Pollack displayed plans stating it is a 19.4 acre site located at the intersection of Route 9 and Silver Street. He further stated the overall plan is to completely demolish the McIntosh College buildings and redevelop with a mix of commercial uses, such as, an assisted living facility, medical office, hotel, restaurant, bank, and a coffee shop. One variance is needed to allow the assisted living facility. The other variance is to build a four story hotel with a proposed height of up to 55 ft., where only 40 ft. is permitted. He further stated the redevelopment would be appealing to a wide demographic of people and would add to the property values by revitalizing the area. The site is large and sits below the grade of the frontage and roads. He added the hotel building height is mitigated by the grade changes and overall depth of the site.

F.Landford confirmed with A.Pollack the existing site would be completely demolished.

O.Perry asked if another hotel is needed due to the existing hotels not being used to full capacity. A.Pollack stated the demographic works well and there will be some interest to have a hotel for this site. O.Perry asked if four floors were needed. A.Pollack stated building a four story hotel is the typical modern design, adding the first floor is typically used for common space or conventions and the upper three floors for rooms.



**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, May 21, 2015**
Meeting Time: **7:00 pm**

Public Hearing Opened

The following spoke in favor of the variances:

D.Barufaldi of Dover Business and Industrial Development Authority, stated the area hotels are experiencing expansion due to activity at Pease, the Portsmouth Naval Shipyard and tourism in Kittery, Maine, adding Liberty Mutual uses hotels for conferences. He further stated the City Council wants to expand commercial development in the area to result in a positive effect on the tax rate. He added the existing site has been dormant and this is a great opportunity for development.

David Choate of Colliers International, stated he is the listing agent for the property and expressed the importance of this development to Dover, adding this project could cause the traffic area network to be reconstructed resulting in improved and safer traffic with the possible installation of a roundabout. He further stated this project is an opportunity to generate tax revenue for the City.

Eric Hagman of 205 Silver Street stated he is in support of assisted living and would support the variance if trees with additional height were guaranteed to provide a barrier for the abutters, adding the height of the hotel would be seen from his backyard. He showed on the plans where he is located in comparison to where the hotel would be, and stated the new building would be higher, and he would appreciate trees with height to block the view, adding the trees that were there were removed for the drain line construction.

The following spoke against the variance:

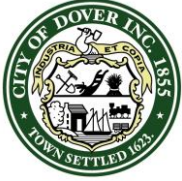
Teri Picard of Silver Street Extension asked if there was information for a traffic impact analysis, research regarding a market analysis to support viability, who would install and pay for the roundabout installation, the number of parking spaces required and where the parking would be located, detailed information regarding the assisted facility, and the architectural designs that would be met to coincide with the Heritage district.

Dawn Duffy of 163 Silver Street stated she received the information with short notice to consider plan and could not read it, adding the application should be postponed for people to consider the matter. She further stated her concern regarding the wetlands in the area and building within 100 ft. of it.

A.Pollack gave his response to the abutters stating the applicant understands the landscaping obligation involved and is willing to work with the abutters. He stated they are working with Jeff Dirk, Traffic Engineer of Vanasse & Associates and have contacted the Department of Transportation regarding the traffic issue which is yet to be determined. He further stated any wetland disruptions would be reviewed by the State of NH, as well as, the Planning Board and Conservation Commission.

S.Reid confirmed with A.Pollack that the specifics regarding type of the assisted living facility are not available at this time.

S.Reid confirmed with S.Bird the notification to abutters according to State law is five days. S.Bird stated the plans are available for inspection in the Planning Department, and he is willing to assist an abutter in locating the plan on the website.



**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, May 21, 2015**
Meeting Time: **7:00 pm**

C.Prior confirmed with A.Pollack that no other plan is considered for multi-family use if this variance is not granted. A.Pollack clarified the applicant is requesting the use of up to 55 ft. for the height of the hotel, and the height would depend on the hotel user.

S.Reid confirmed with A.Pollack that the height relief is specific for a hotel and would be used only for a hotel.

S.Bird stated the project will require a full traffic analysis, adding if the variance was not granted to consider the other options for this site, such as, apartments which would be allowed and would generate more traffic. He further stated to consider the option of assisted living and that the elderly might not have as many vehicles. He confirmed the project location in the B3 district, not the Heritage district. He stated a market analysis is not information the Planning Board requires, adding that is up to the applicant. He further stated a project of this size requires a landscape plan, and there is no guarantee they would not see building with the planting of trees. He added there are lighting requirements regarding this project as well.

Discussion ensued regarding parking at the site. S.Bird stated the Planning Board is trying to encourage shared parking for mixed uses.

STAFF RECOMMENDATION:

S.Bird stated that the Planning Department supports the request as set forth in the Staff memo, adding it is a good project for the City with six interrelated uses and a great use for the abandoned site. He further stated there is a five story building in the area, and height variances for hotels have been granted at Weeks Crossing and one near Margaritas.

Michelle Routhouska of 4 Mohawk Drive stated the architectural concepts should be considered. S.Bird clarified the site is not in the Heritage District and therefore those standards would not apply.

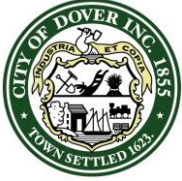
Public Hearing Closed

Motion: O.Perry made a motion to grant both variances with the condition that the building height variance is limited to the use of the structure for a hotel or motel. Seconded by G.Reagan. Vote U/A

- B. Z 15-11 Clifford & Laura Zabkar, 2 Mohawk Drive (Tax Map A, Lot 127), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.B** of the Zoning Ordinance and the R-12 District Table of Use and Dimensional Regulations to permit the construction of an addition to be located eleven (11) ft. from the side lot line shared with 4 Mohawk Lane, where a minimum side setback of fifteen (15) ft. is required.

Laura Zabkar presented the application. Clifford Zabkar was also present. L.Zabkar stated they need a variance to build a room to the right side of their house, adding the difficulty to add to the back due to the location of the septic. She further stated the room is to be used as a living space by her mother who has advanced Parkinson's disease, adding the room would eventually be used as a living room.

Public Hearing Opened



**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, May 21, 2015**
Meeting Time: **7:00 pm**

Michelle Routhouska of 4 Mohawk Drive stated she is in favor of the addition, but requested clarification if it is just one floor the applicant proposes, confirmation of the property line, and if it is a foundation with a crawl space, adding her concern with her tree's root system. She further requested to have the project staked, so she would know how much the addition would affect her property.

L.Zabkar stated the addition will be a one story structure with a cement post foundation, and will not disrupt the surrounding property. She further stated the digging is for five posts. She added she has not found the pin to determine the property line. S.Reid stated where the steel stake is located on the property according to the plan.

STAFF RECOMMENDATION:

S.Bird stated that the Planning Department supports the request as set forth in the staff memo.

Public Hearing Closed

O.Perry asked if this should be a handicap variance. S.Bird stated that variance would limit the future use of the space.

Motion: O.Perry made a motion to grant the variance based on the criteria and Staff recommendation. Seconded by F.Landford. Vote U/A

4. CONSIDERATION OF RE-HEARING REQUEST FOR Z 15-03, KARL LEINSING, 77 SPUR ROAD (TAX MAP L, LOT 15-D)

S.Reid stated the re-hearing request is not open for public input. He further stated there was a scrivener's error on the Findings of Facts sheet where he checked yes, when he meant no; however, the text is consistent with his no. He evaluated the Staff Memo with the Board to examine whether or not to grant the rehearing. S.Reid reviewed the material presented as new evidence and stated that all the material could have been available to the applicant at the time of the original hearing. The Board evaluated the materials submitted by the applicant and determined that granting the re-hearing was not warranted.

Motion: O.Perry made a motion to deny the rehearing. Seconded by F.Landford. Vote U/A

S.Bird stated the Zoning Rules of Procedure will be placed on the June agenda. Discussion ensued regarding the authority of the City Council on the adoption of the Rules of Procedure. S.Bird will have the City Attorney determine the authority.

5. ADJOURN

Motion: O.Perry made a motion to adjourn at 8:11 p.m. Seconded by F.Landford. Vote: U/A