

**CITY OF
DOVER**

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: McConnell Center, Room 306
61 Locust Street, Dover NH 03820
Meeting Date: **Thursday, July 16, 2015**
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)

Members Not Present:

Staff Present: Christopher Parker (Assistant City Manager), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:02 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 MAY 21, 2015

Motion: O.Perry made a motion to approve the May 21, 2015 Regular Meeting Minutes. Seconded by C.Prior. Vote U/A

S.Reid stated the word Scribner was misspelled, and should be scrivener.

3. HEARINGS

- A. * Z 13-18A Aramis Black/Real McKoy Properties, LLC, 301 Durham Road (Tax Map H, Lot 1), located in the Hotel/Retail (B-4) District, requests an amendment to a variance granted on October 17, 2013, 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. The amendment requests a total of 12 residents with 2 accessory staff apartments be allowed in the home.

Art Guadano, AG Architects, PC, represented the applicant and stated the five criteria explanations as listed on the application. He displayed and explained the layout of the design for the Board members.

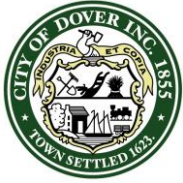
Public Hearing Opened

STAFF RECOMMENDATION:

The Planning Department recommends the Board hold the public hearing and approve the amendment to the variance as requested.

C.Parker stated the request is allowable by special exception in the R-40 district and reasonable due to the layout, adding the 12 units would function well with this layout.

S.Reid inquired on the Planning Board process regarding appropriate buffering and lights. C.Parker stated there is a site review process, adding the B-4 District has additional requirements for screening and open space as added protection to abutters.



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Public Hearing Closed.

Motion: O.Perry made a motion to amend the previous variance based on the information provided in the previous variance with the understanding that two more bedrooms would not drastically change the requirements. Seconded by F.Landford. Vote U/A

- B. Z 15-13 Seacoast Charter School (Owner: Measured Progress Inc.), 171 Watson Road (Tax Map E, Lot 33), located in the Executive Technology Park (ETP) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance and the ETP District Table of Use and Dimensional Regulations to permit the existing structure to be used as an Educational Institution, K-12, where an Educational Institution, Post-Secondary is permitted.

Attorney F.X. Bruton, Bruton & Berube, represented the applicant and clarified the five criteria explanations as listed on the application. He stated Brianna Moynahan, Seacoast Charter School and John Woodman, Measured Progress, Inc., were also present to answer questions.

Discussion ensued regarding the potential capacity of the building at 300 students with 200 students currently confirmed to continue enrollment and 12 new applicants. F.Bruton stated there are a number of families who already travel to Kingston, and confirmed the school does provide bus transportation with 72 students who are bussed from Epping.

O.Perry confirmed with F.Bruton the property will be leased with the intent to purchase.

Public Hearing Opened

STAFF RECOMMENDATION:

The Planning Department recommends the Board hold the public hearing and approve the variance as requested.

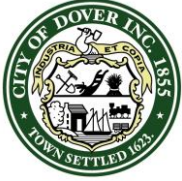
C.Parker stated the request is reasonable to continue the mission of building and surrounding area and the connection regarding the continued use of childhood education. He further stated that the site plan will address further issues, such as parking.

C.Parker explained secondary and post-secondary differences in the zoning ordinance in regards to the consideration of the school sites. Discussion ensued regarding limiting the amount of students to 300 and making it part of the condition of approval.

Public Hearing Closed

Motion: C.Prior made a motion to grant a use variance to allow an education institution, K-12, with the property described in the application, with the condition that it not exceed 300 students, having met the five criteria. Seconded by O.Perry. Vote U/A

4. ZBA RULES OF PROCEDURE – CITY COUNCIL EDITS



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C.Parker stated the suggested changes provided by the City Council, adding the Board could consider and possibly adopt them to the Rules of Procedure adopted by the Board on March 19, 2015. Discussion ensued regarding the City Council suggestions and the decision to file the suggestions for review the next time the Board has evaluate the Rules of Procedure.

C.Parker provided copies of the appeal to Karl Leinsing's application to the Board, and explained the hearing process. He stated the hearing is scheduled for September 16, 2015, adding the City Attorney may schedule an Executive Session meeting to provide legal options and information for the Board members, if needed.

5. ADJOURN

Motion: O.Perry made a motion to adjourn at 7:48 p.m. Seconded by G.Reagan. Vote: U/A