



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Room 306 – 61 Locust St. Dover, NH 03820
Meeting Date: **Thursday, June 16, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF MAY 19, 2016

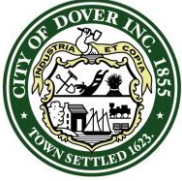
3. HEARINGS

- A. Z16-08 Owner Jason Bourre, 1 Bartlett Street (Tax Map 36, Lot 17-1), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to permit a rear setback of nine (9) feet where 30 feet is required.

4. CONSIDERATION OF RE-HEARING REQUEST Z16-06R by Abutter Michael F. Garofano, 3 Pineview Drive for Z16-06, Owner Arthur & Mary Dubois Irrevocable Trust, 283 Dover Point Road (Tax Map L, Lot 48-A).

5. ADJOURN

Persons with questions or interested in reviewing the meeting materials are invited to visit the Planning Department located in City Hall, open Monday-Thursday from 8:30 am to 5:30 pm and Friday from 8:30 am to 4:00 pm. The meeting materials are also available online at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



**CITY OF
DOVER**

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall
288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, May 19, 2016**
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: Nicholas Couturier (Alternate), Arianna Adams (Alternate)

Staff Present: Elena Piekut (Assistant City Planner), Susan Mistretta (Deputy City Clerk)

The Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF MEETING MINUTES OF APRIL 21, 2016

Motion: O.Perry made a motion to approve the April 21, 2016 Regular Meeting Minutes as submitted. Seconded by B.Hall. Vote U/A

3. HEARINGS

- A. Z16-05 Applicant Peter Strachan and Owners Jean-Jacques and Monique Lassere, 125 Spur Road (Tax Map L, Lot 29), located in the Low Density Residential (R-20) District, requests a variance from Section 170-12.B of the Zoning Ordinance to permit a front setback of 145 feet where a build-to line of 20 feet minimum and 35 feet maximum is required.

B.Hall recused himself from the Board for this discussion and vote, because he is an abutter to the property. The Chair recognized G. Reagan to sit in for B.Hall.

Architect Anne Whitney represented the applicant, and discussed the proposed plan.

Public hearing opened. Nobody spoke.

STAFF RECOMMENDATION:

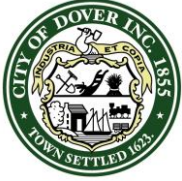
The Planning Department recommends that the Board grant the variance with the following condition:

1. Conditional Use Permit approval for construction within the Conservation District and Wetland Protection District buffer is required.

Public hearing closed.

Motion: O.Perry made a motion to grant the variance with the condition recommended by the Planning Department. Seconded by G.Reagan. Vote U/A

- B. Z16-06 Owner Arthur & Mary Dubois Irrevocable Trust, 283 Dover Point Road (Tax Map L, Lot 48-A), located in the Low Density Residential (R-20) District, requests two variances from **Section 170-12.B** to permit a two-lot subdivision with 1) a lot frontage of 35 feet where a minimum of 125 feet is required and 2) an unspecified building setback where a build-to line of 20 feet minimum and 35 maximum is required.



**CITY OF
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ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
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288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, May 19, 2016**
Meeting Time: **7:00 pm**

Attorney Jim Schulte, represented the applicant, displayed plans for viewing and presented the proposed plan. He distributed a document showing a map of the property to the Board. Arthur and Mary Dubois were also present.

Public hearing opened.

Stanley Elkerton, 278 Dover Point Road, represented his stepmother, Eveline Elkerton, and spoke against the proposed plan. He recommended a condition be added to the approval that only one house be built.

Catherine Giordano, 4 Pearson Drive, spoke against the proposed plan.

Attorney Schulte stated the recommended condition is not needed because any other situation of asking for more than one lot and one residence would require they come back to the Board for approval.

S.Elkerton requested the Board have the condition.

STAFF RECOMMENDATION:

The Planning Department recommends that the Board deny the variance requests for several reasons.

Public hearing closed.

C.Prior suggested putting a condition on the variance that the lot remain 2.6+/- acres. Discussion ensued regarding the condition.

Motion: C.Prior made the motion to grant the two variances with the condition that the newly created lot remain 2.6 +/- acres in size. Seconded by B.Hall.

Attorney Schulte suggested that the condition could be the house cannot be built less than 270 ft. from Dover Point Road.

Motion: C.Prior amended his motion to grant the two variances with the following condition:

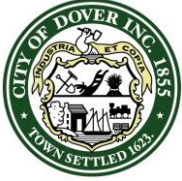
1. The house not be built less than 270 ft. from Dover Point Road.

Seconded by B. Hall. Vote: 4/1; Passed.

- C. Z16-07 Owner STF Development Corp., 20 Lika Drive (Tax Map E, Lot 45-3), located in the Rural Residential (R-40) District, requests an equitable waiver per **Section 170-52.C(d)** from the dimensional requirements of the approved Open Space Subdivision (P05-71), specifically where a side setback of 20 feet is required but 16.1 feet exists.

F.X.Bruton, Bruton & Berube, PLLC, represented the applicant, displayed plans for viewing and presented the proposed plan. He distributed copies of the subdivision plan to the Board members. Dave Paolini was also present.

Public hearing opened.



**CITY OF
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ZONING BOARD OF ADJUSTMENT - MINUTES

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Brian Stern, 201 Tolend Road, stated the open space land was a buffer to his property, and the applicant knew about the setback violation a year ago when they put in the foundation and built the house. He further stated the lot line adjustment had a condition of installing a split rail fence, and requested it be changed to an 8 ft. privacy fence.

F.X.Bruton suggested a 6 ft. fence on the developed area.

STAFF RECOMMENDATION:

The Planning Department does not oppose the waiver.

Public hearing closed.

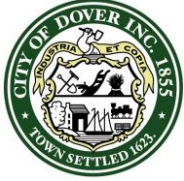
Motion: O.Perry made a motion to grant the equitable waiver with the following conditions:

1. A 30 ft. long, 6 ft. high privacy fence be installed between the house and the open space lot.
2. The Lot Line Adjustment that was granted by the Planning Board will be revoked.

Seconded by B.Hall. Vote U/A

4. ADJOURN

Motion: O.Perry made a motion to adjourn at 8:28 p.m. Seconded by F.Landford. Vote: U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	McConnell Center Room 306, 61 Locust St. Dover, NH
Meeting Date:	Thursday, June 16, 2016
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance from the rear yard setback to permit a deck that is setback nine (9) feet from the rear property line, where 30 feet is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ZONING DISTRICT: R-12

FILE: Z16-08

APPLICANT: Jason Bourre

OWNERS: Jason Bourre

LOCATION: 1 Bartlett Street (Tax Map 36, Lot 17-1)

ACREAGE: 0.28 acre

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwelling

SURROUNDING LAND USE: Single-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: No

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff does not oppose the variance.

Summary of Appeal and Background

The subject property is located on Bartlett Street, off of Glenwood Avenue in the Medium Density Residential (R-12) Zoning District. The surrounding homes were built in the late 1800s (Glenwood Avenue), 1950s and '60s (Bartlett Street, Wedgewood Road, Glenwood Avenue), and late 1980s/1990s (Northam Drive). The subject lot was created in 2007, having been subdivided from 46 Glenwood Avenue, and the house was constructed in 2008.

The Applicant requests a variance from the rear yard setback of 30 feet to permit a 12-foot by 20-foot deck to be set back nine (9) feet from the rear property line. The house itself is currently nonconforming, at 21 feet.

Reason for Staff Recommendation

When the house was built in 2008, the R-12 zoning district required a front setback of 30 feet and a rear setback of 15 feet. The house was built with a rear setback of 21 feet and designed with a sliding glass door at the rear in anticipation of constructing a deck.

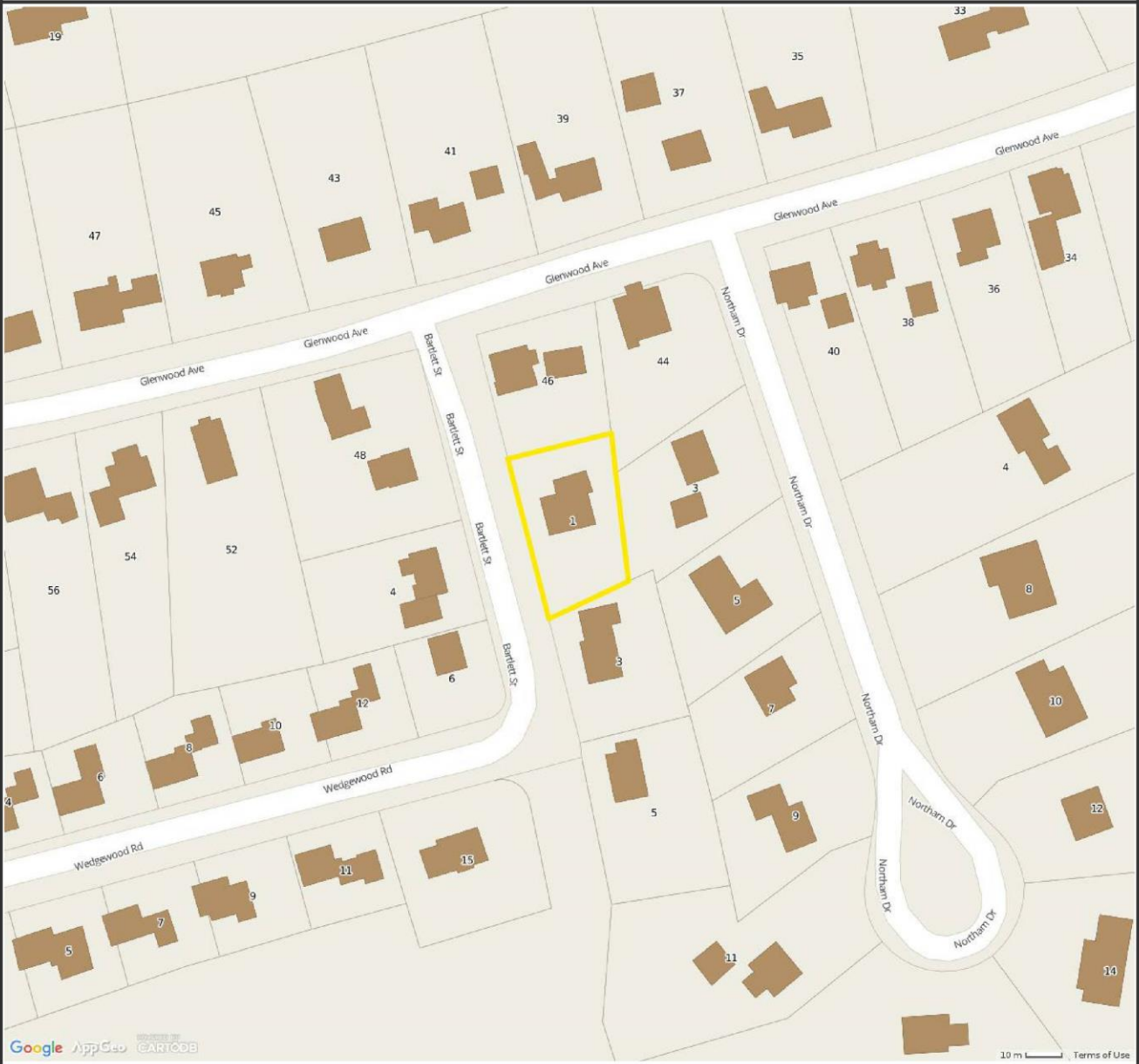
After 2008, the front and rear setbacks in the R-12 essentially were reversed. In 2009, the R-12 dimensional regulations were amended to require a rear setback of 30 feet instead of 15 feet. The front setback requirement has been amended twice since 2008, and is now a front build-to line range of 15 feet minimum, 25 feet maximum. These amendments made the house legally nonconforming in both respects.

Section 170-41.D permits additions to single-family structures that were made nonconforming by zoning amendments to be "no closer to the lot line than the existing nonconforming structure, and no closer than ten (10) feet from the lot line." In other words, the Applicant could extend his structure to the north or south, along the same plane as the rear wall of the house, 21 feet from the property line. If that wall were only five (5) feet from the property line, instead of 21 feet, he could add on at a 10 foot setback. Additionally, per the definition of "building," uncovered decks are permitted to encroach into a setback up three (3) feet, making the effective rear setback for a deck 27 feet.

The special conditions of the property are the structure's orientation and layout, which were designed for a rear yard (east-facing) deck in the future. A south-facing deck would conflict with the bulkhead entrance to the basement and to some degree with the topography of the side yard. No evidence was presented demonstrating that the north, side yard presents a hardship. A few similar nonconformities are present in the immediate neighborhood. Screening is provided by a fence on three sides of the property, and the addition is unlikely to decrease property values.

Recommendation

The Planning Department does not oppose the variance.



Property Information

Property ID 36017-001000
Location 1 BARTLETT ST
Owner BOURRE JASON S



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only

Case #:

216-08

Date Received:

RECEIVED
Planning Office

Amount Paid:

\$ 348.00

Time Received:

MAY 23 2016

Dover, New Hampshire

ch # 329

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Jason Bourre

Phone # 603-953-7454

Address of Applicant: 1 Bartlett St.

E-Mail Address: jason1nh@gmail.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 1 Bartlett St

Brief Directions: Bartlett St is off of Glenwood Ave.

Zoning District: R-12

Assessor's Map # 36-17-1-0 36

Lot(s) # 1 17-1

TYPE OF APPEAL: (Please check one)

☒ Variance

from Section _____ of the Zoning Ordinance

☐ Physical Disability Variance (RSA 674:33-V)

from Section _____ of the Zoning Ordinance

☐ Special Exception

per Section _____ of the Zoning Ordinance

☐ Appeal of Administrative Decision

regarding Section _____ of the Zoning Ordinance

☐ Equitable Waiver

per Section _____ of the Zoning Ordinance

DESCRIBE BRIEFLY YOUR PLANS FOR THE PROPERTY:

Want to build deck in back yard

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-12.B of the Zoning Ordinance to permit:

To allow me to build a 12 X 20' deck on the rear of my property.

The far right rear edge of the deck will be 9' to my rear property line at it's closest point as shown in the attached document.

Looking to have deck built in rear of house vs side (North) yard as that side does not receive any sun. Also a rear deck location would be private.

Having the deck in the back yard was my original intent when house was built as a glass sliding door was installed.

B. The Five Variance Criteria (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The deck will not be seen from neighboring properties as I have a fenced in yard.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

The R-12 dimensional regulations were in fact amended after my house was built in 2008.

A glass sliding door was installed on the rear portion of my house with a plan to build a deck in the future.

Several neighboring properties are nonconforming to the 30 foot rear setback.

3. Granting the variance would do substantial justice because:

I will be able to have my deck as planned when my house was built.

4. The value of surrounding property will not be diminished because:

Deck will be high quality Trex decking with PVC railing.

The deck will not be seen from neighboring properties as I have a fenced in yard.

NOTE: please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

5A. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(i) The following special conditions of the property distinguish it from other properties in the area:

I have a smaller rear back yard than most but not by much.

and

(ii) No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property because:

The R-12 dimensional regulations were in fact amended after my house was built in 2008.

and

(iii) The proposed use is a reasonable one because:

The deck will be high quality Trex decking and will not be seen from neighboring properties as I have a fenced in yard.

OR

5B. If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

SIGNATURE PAGE

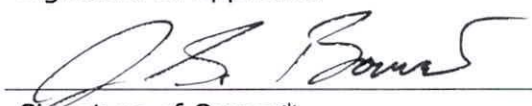
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.

IMPORTANT

PROPERTY IDENTIFICATION SIGN
MUST BE POSTED ON THE PROPERTY
FOR THE 5 DAYS PRIOR TO HEARING.
FAILURE TO POST MAY RESULT IN
APPLICATION NOT BEING ACCEPTED.

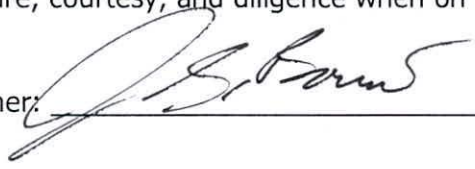

Signature of Applicant*


Signature of Owner*

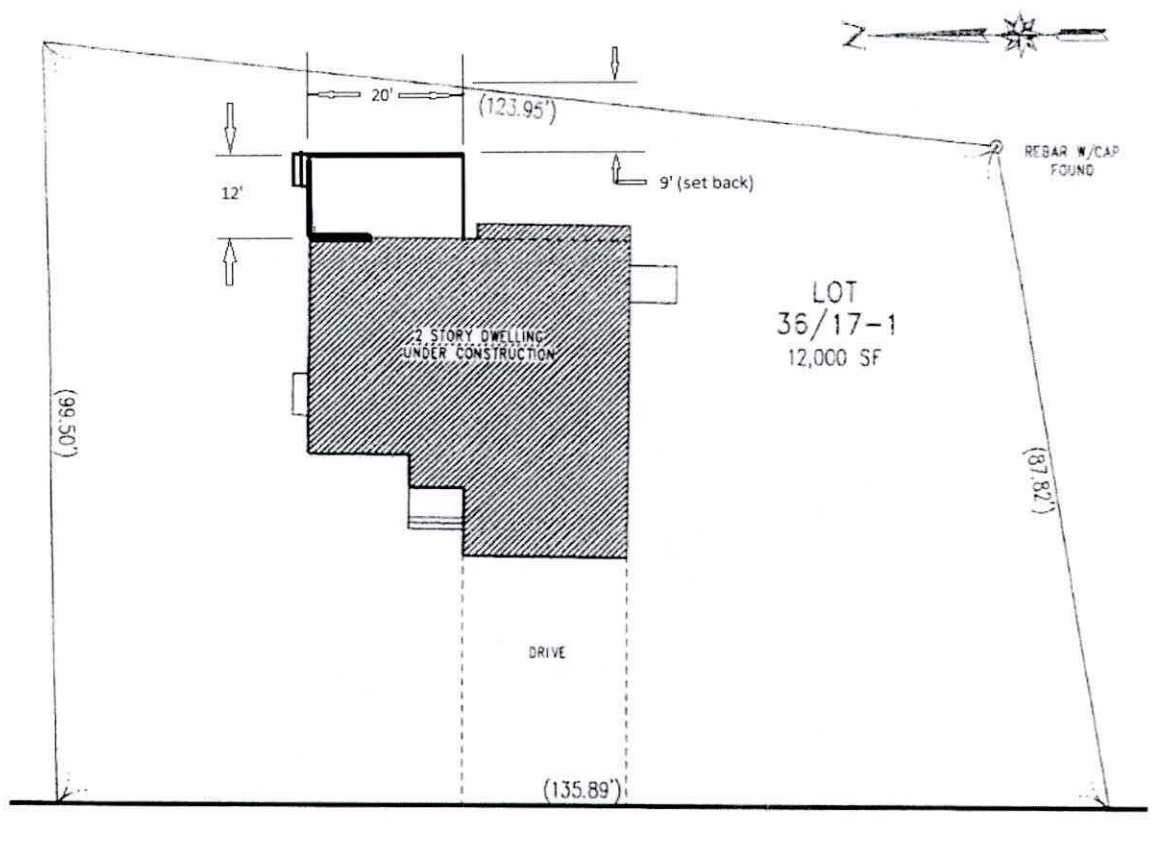
*Both Signatures Required

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Zoning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: 

Date: 5.3.16

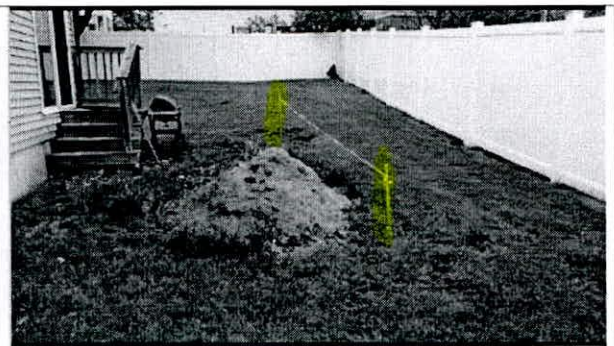
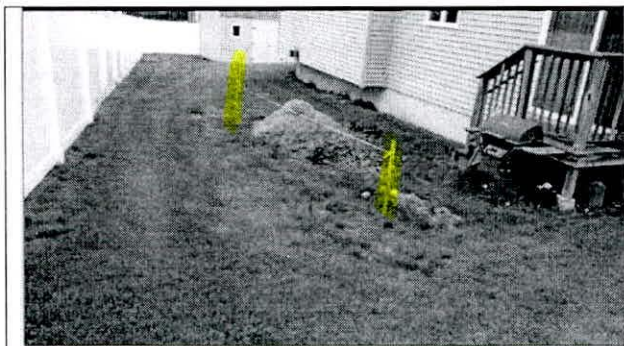


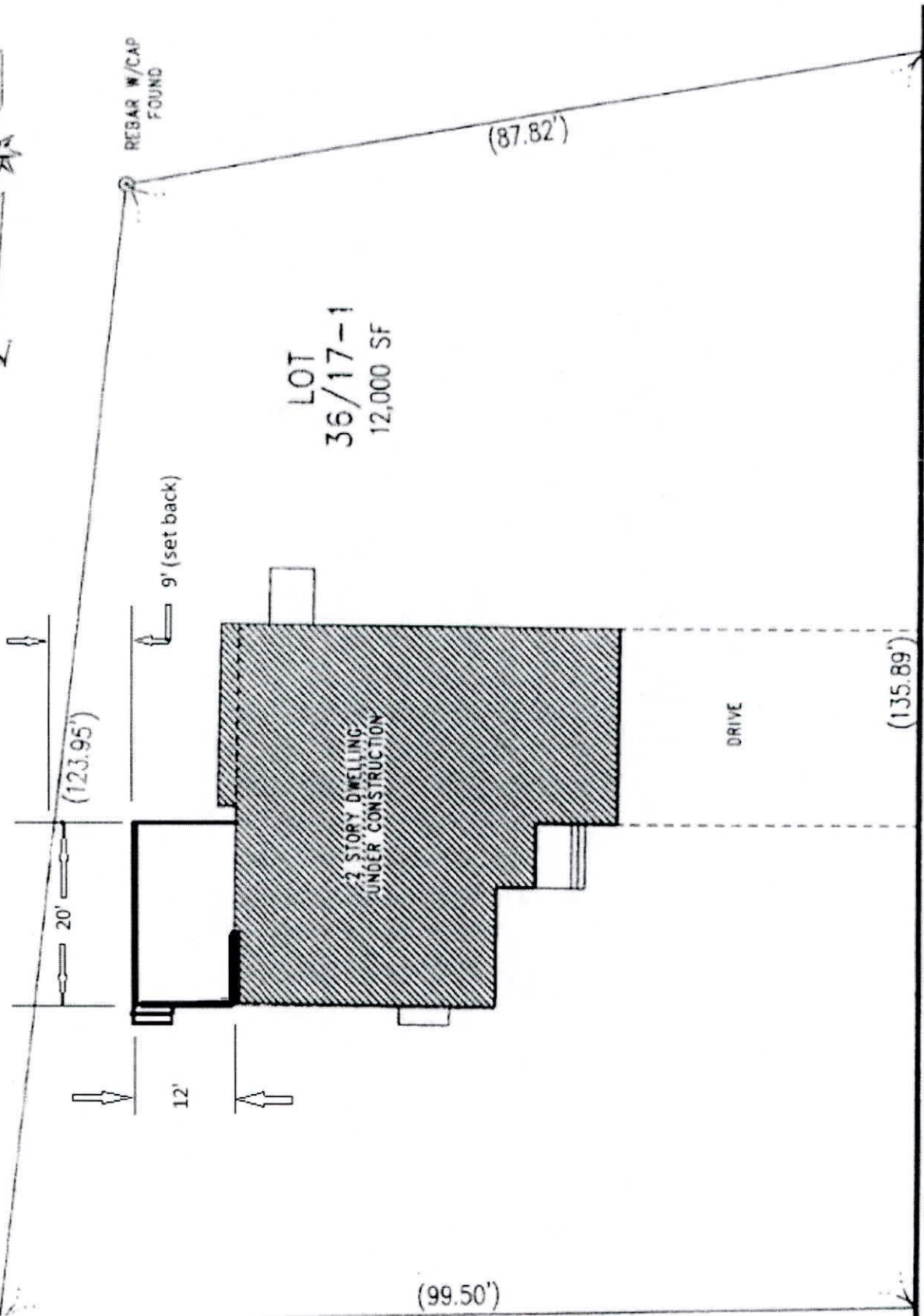
Propose a 12' x 20' deck off the back of the house using PT frame work with a Pebble Gray Trex Select Decking (grooved w/ hidden fasteners) and trimmed with white Versatex trimboard. Also install a 42" high Model style white PVC railing. Decking is to be installed with a picture frame outline using the same Pebble Gray Trex Select decking. All materials and installation are to meet or exceed the code requirements for deck installation. Stringers will be spaced at 12" on center. Add Square Lattice Deck Skirt.

RAILING MATERIALS:

- 2) 42" High x 6' Long Straight Rail Sections
- 2) 42" High x 9'8" Long Straight Rail Sections
- 1) 42" High x 8' Long Straight Rail Section
- 2) 42" x 4' Long Step Rail Sections
- 7) 4x4x48" Blank Plain Post Sleeves

- 2) 4x4x54" Blank Plain Step Post Sleeves (sleeved over 4x4 PT)
- 9) 4" Bottom Post Trim
- 9) 4" Flat Caps (pointed top to match fence caps)
- 20) Straight Rail Mounting Brackets
- 2) Sets of Step Rail Mounting Brackets





ABUTTER LIST

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

Pursuant to RSA 676:7, the State Law of New Hampshire, the City of Dover is required to notify the applicant and every abutter of the public hearing by certified mail. The cost of required publication or posting of notice, and the cost of mailing said notices, shall be paid by the applicant.

"Abutter" is defined in Chapter 170, Dover Zoning Ordinance, as:

The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within **two hundred (200) feet** (including land across the street or waterway) of the proposed site under consideration by the Board.

In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail.

PLEASE NOTE: abutter ownership information for lots located in Dover, shall be obtained through the City's Tax Assessment Office.

Tax Map	Lot No.	Owner(s) of Record	Mailing Address
36-18-0-0	48	ELLIS MARY E	48 Glenwood Avenue
36-21-I-0	4	Lane Peter J	4 Bartlett St
36-21-H-0	6	Immen Howard & Gisela	6 Bartlett St
36-17-0-0	46	Middaugh Shirley	46 Glenwood Avenue
36-15-B-0	3	Fajardo Jennifer C	3 Bartlett St
36-16-0-0	44	Mcglone Gary & Susan	44 Glenwood Avenue
36-15-E-0	3	Lavoie Jean F	3 Northam Dr
36-15-F-0	5	Sharry Mark & Barbara	5 Northam Dr
36-15-C-0	5	Ward David & Renee	5 Bartlett Street
D-29-0-0	39	Sillitta Anthony & Vincent	39 Glenwood Ave
36-19-0-0	52	Gould Timothy & Penny	52 Glenwood Ave
36-15-A-0	40	Foley Mark J	40 Glenwood Ave
36-21-J-0	12	Craft Joel & Carol	12 Wedgewood Rd
36-15-J-0	4	Sheckler Charles & Patricia	4 Northam Dr
36-15-G-0	7	Leduc Michael & Pamela	7 Northam Dr
D-30-0-0	41	Conway Douglas & Mary	41 Glenwood Ave
36-21-T-0	15	Miftari Mergim & Caitlin	15 Wedgewood Rd
D-28-0-0	37	Ivey Leigh & Lynn	37 Glenwood Ave
36-15-H-0	9	Boudreau Dana & Anna	9 Northam Dr
D-31-0-0	43	Frost Elaine L	43 Glenwood Ave



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	McConnell Center Room 306, 61 Locust St., Dover, NH 03820
Meeting Date:	Thursday, June 16, 2016
Meeting Time:	7:00 pm

INTENT: Abutter Michael F.

Garofano, 3 Pineview Drive, requests a rehearing of Z16-06, in which the Board granted a variance at 283 Dover Point Road to permit a lot with 35 feet of frontage where 125 feet is required and a front setback of 270 feet where a build-to line of 20 feet minimum and 35 maximum is required.

AGENDA ITEM #: 4

ZONING DISTRICT: R-20

FILE: Z16-06R

PETITIONER: Michael F. Garofano

APPLICANT/OWNERS: Arthur & Mary Dubois Irrevocable Trust

LOCATION: 283 Dover Point Road
(Tax Map L, Lot 48-A)

ACREAGE: 3.3 acres

EXISTING LAND USE: Single-family dwelling

PROPOSED LAND USE: Single-family dwellings

SURROUNDING LAND USE:
Single-family dwellings, Spaulding Turnpike

PREVIOUS ZBA ACTION: Two variances granted 5/19/16

PLANNING BOARD APPROVAL REQUIRED: Minor Subdivision

ATTACHMENTS: Motion for rehearing

STAFF RECOMMENDATION: Staff recommends that the Board review the criteria for granting a rehearing and determine if they are met.

Summary of Request and Background

The subject property is located on the west side of Dover Point Road, between Pearson Drive and Pineview Drive. The existing 3.3 acre lot has 160 feet of frontage on Dover Point Road and abuts the Spaulding Turnpike at the rear.

The Applicant requested a variance from the 125-foot minimum lot frontage requirement of the Low Density Residential (R-20) zoning district, proposing one conforming lot (with the existing house) and one lot with 35 feet of frontage. This configuration necessitated a second variance request, to permit an unspecified front setback where a build-to line of 20 feet minimum, 35 feet maximum is required. Following a public hearing in which two abutters offered testimony against granting the variances, the Board voted 4-1 on May 19, 2016 to grant the variances with the following conditions:

1. The house not be built less than 270 ft. from Dover Point Road.
2. The new lot shall be 2.6 +/- acres.

A motion for rehearing was filed by Michael F. Garofano of 3 Pineview Drive on May 25, 2016, within 30 days following the Board's decision, and is therefore timely. Mr. Garofano's original correspondence to the Board voicing opposition to the variance request, in the form of an email to ZoningBoard-All@dover.nh.gov on May 18, 2016, was not received prior to nor acknowledged at the public hearing.

Process for a Rehearing

The Board should review each point in the submitted motion and determine if a rehearing is warranted based on the criteria set forth in RSA 677. The Board's consideration of the motion for rehearing occurs at a public meeting, not a public hearing, and no testimony need be taken at this time. The decision to either grant or deny this request is based on the submitted motion.

A rehearing shall be granted only if: 1) the petitioner has new relevant evidence which was originally not available; 2) the petitioner raises new, relevant legal issues, that were not considered at the original hearing; or 3) the Board feels it may have made a prejudicial technical or legal error in its original decision.

If new evidence is provided, it should be evidence that was unobtainable because of the absence of key people, or for other valid reasons, and not because the petitioner has not adequately prepared the original testimony and did not take the trouble to determine sufficient grounds and provide facts to support them.

The reasons for granting a rehearing should be compelling ones; the Board has no right to reopen a case based on the same set of facts unless it is convinced that an injustice would otherwise be created.

The Board shall either grant or deny a rehearing within 30 days of receiving the request. Appeals to the NH Superior Court may be made pursuant to NH RSA 677:4, as amended, within 30 days after the action complained of has been recorded.

Recommendation

Please review NH RSA 677 and guidance from the NH Office of Energy and Planning in *The Board of Adjustment in New Hampshire: A Handbook for Local Officials*, page IV-1.

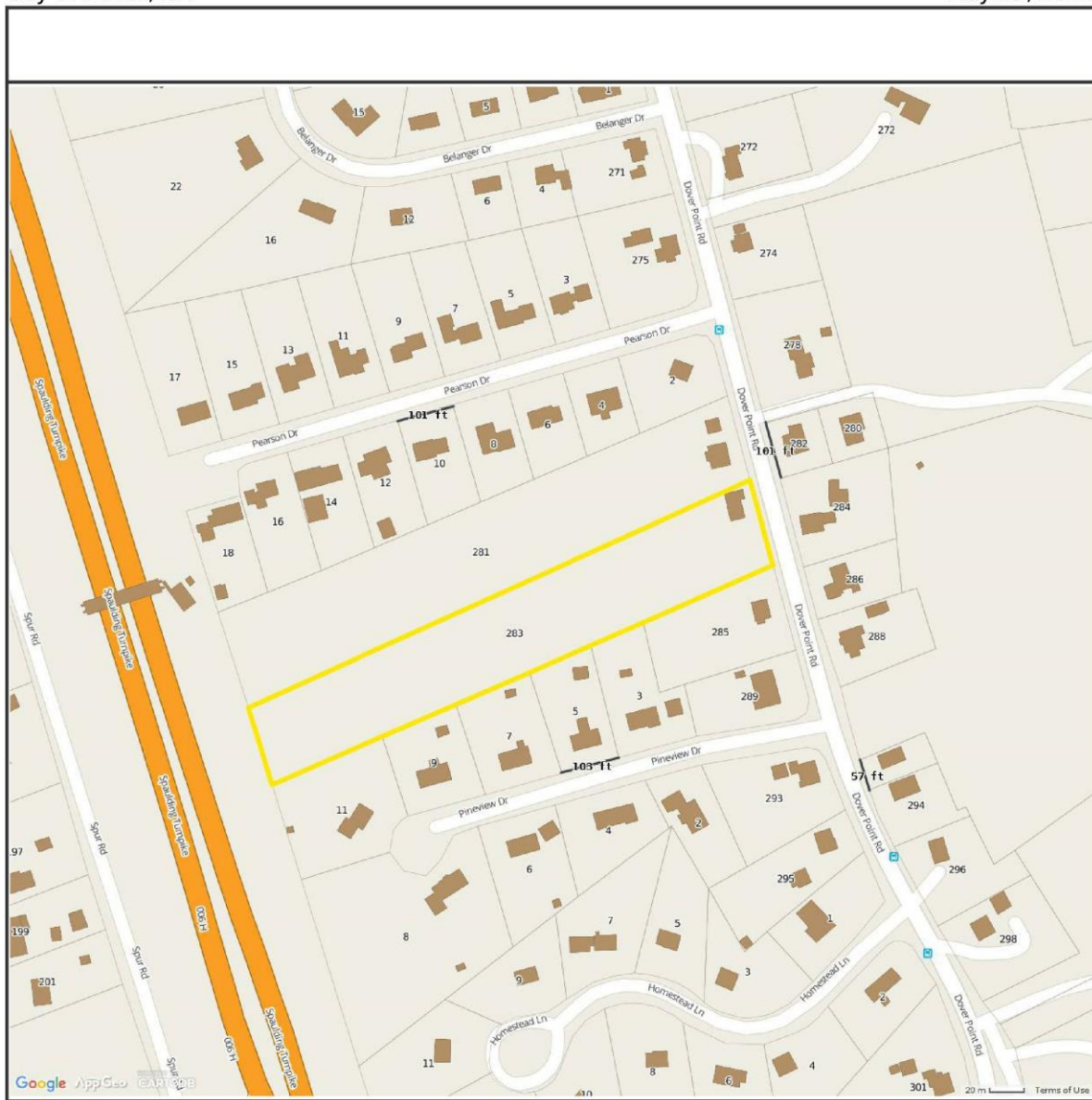
Following a discussion on the motion for rehearing, if the Board finds that one of the following criteria is met, it should grant the motion for rehearing and hold the rehearing at the July 21, 2016 meeting:

- There is new, relevant evidence previously unavailable,
- There are relevant legal issues that were not considered at the original hearing, or
- The Board feels it may have made a prejudicial technical or legal error in its original decision.

If the Board finds that none of the above criteria is met, it should deny the motion for rehearing.

City of Dover, NH

May 13, 2016



MAY 31 2016

Dover, New Hampshire

CITY OF DOVER, NEW HAMPSHIRE

MOTION BY MICHAEL F. GAROFANO FOR REHEARING OF A
DECISION OF THE ZONING BOARD OF ADJUSTMENT ON MAY 19, 2016

May 25, 2016

I, Michael F. Garofano, owner of the property located at 3 Pineview Drive Dover, New Hampshire respectfully moves the Dover Zoning Board of Adjustment ("ZBA") for a rehearing on its May 19, 2016 decision that approved two dimensional variances to Mr. /Mrs. Arthur Dubois to sub-divide the property located at 283 Dover Point Road, of which I am a direct abutter.

This motion is made pursuant to New Hampshire Revised Statutes Annotated 677:2. In support of this this Motion, I Michael F. Garofano state as follows.

BACKGROUND:

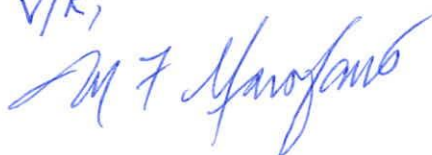
1. I, Michael F. Garofano, currently live at 258 Dover Point Road Dover, New Hampshire. I purchased the property at 3 Pineview Drive three years ago to build a new home with a little more of a buffer from Dover Point Road.
2. I specifically made my investment into the property at 3 Pineview Drive for the zoning district protections that are in place, designated as an R-20 zone.
3. I received notice from the City of Dover, New Hampshire of the upcoming variance requests by Mr. /Mrs. Dubois on Saturday, May 14, 2016 via certified mail of the hearing for these variances on May 19, 2016.
4. My work is sensitive and requires quite a bit of travel which must be scheduled with a minimum of a 90 day notice. I had to travel on a TDY May 16, 2016 through May 21, 2016, but definitely had concerns about the proposal being put forth, by Mr. /Mrs. Dubois and the effect that would have on my property as well as my abutters.
5. Since I was in New Jersey at the time of the hearing my best method of informing the ZBA of my concerns was through the collective e-mail address, posted on the City website, that was supposed to reach all but one member of the ZBA. My e-mail spoke to both the request of creating a new house lot with only 35 feet of frontage on Dover Point Road where 125 feet is required and that this lot will not conform to the "build-to line" of 20 foot minimum/35 foot maximum requirements in an R-20 zone.

GROUND FOR REHEARING:

1. I submitted an e-mail, to the collective e-mail address, on Wednesday, May 18, 2016, voicing my opposition to the requested variances, but my e-mail was never acknowledged or brought to the attention of the board during the hearing.
2. I feel my rights as a resident of Dover, New Hampshire and direct abutter have been not been upheld.

CONCLUSION:

1. I, respectfully, request a rehearing on this application, Case #Z16-06. By granting a rehearing and reconsideration by the ZBA in this matter, my due process, in this procedure can receive the appropriate attention I should have been afforded.

V/R,


From: Michael Garofano <garofanomf@gmail.com>
Sent: Wednesday, May 18, 2016 11:15 PM
To: Zoning Board - All
Subject: Z16-06

May 18, 2016

Chairperson Reid, Vice Chairperson Perry, and Members of the Zoning Board of Adjustment,

My name is Michael F. Garofano, I am an abutter, and I own the property at 3 Pineview Drive in Dover, NH. I'm sorry that I am not able to attend the Zoning Board of Adjustment, Regular Meeting, for May 19, 2016 since I am out of town on business.

I wish to speak to Hearing item B. Z16-06 concerning 283 Dover Point Road. **I am opposed to the request of the two variances for this property.**

1) By allowing a lot to have 35 feet of frontage, where 125 feet is required, is going to cause a safety concern. The essence of this request is to add another driveway onto an already over congested area of Dover Point Road. This will also cause concern because this will be a privately maintained driveway that could be even more problematic during winter months for access by city emergency vehicles.

2) By allowing an undetermined building setback where a build-to line of 20 feet minimum and 35 feet maximum is required also puts abutter's property at risk since this hampers the access of emergency vehicles because the one path to access this proposed dwelling will be via this private driveway. My understanding of the, build-to line of 20 feet minimum and 35 feet maximum requirement, is to create a standard for city emergency personnel to be able to access a dwelling within a maximum of 35 feet from the street. In this case this dwelling will be built at least 250 feet off of Dover Point Road. Other than the proposed private driveway this lot is also completely land locked.

I appreciate the opportunity to speak to this item and I hope you understand my concerns.

Very respectfully,
Michael F. Garofano

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