



**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:

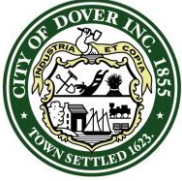
The Planning Department recommends that the Board grant the variance with the following condition:

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.



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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:

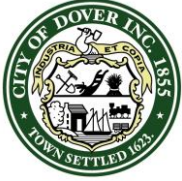
1. The house not be built less than 270 ft. from Dover Point Road.

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.



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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