



**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, June 16, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Otis Perry (Vice Chair), George Reagan (Alternate), Arianna Adams (Alternate)

Members Not Present: Frank Landford, Bob Hall, Chris Prior, Nicholas Couturier (Alternate)

Staff Present: Elena Piekut (Assistant 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.

The Chair recognized G.Reagan and A.Adams to sit in for the regular Board members.

2. APPROVAL OF MEETING MINUTES OF MAY 19, 2016

Motion: O.Perry made a motion to approve the May 19, 2016 Regular Meeting Minutes as submitted. Seconded by G.Reagan. Vote U/A

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.

Jason Bourre presented his application.

S.Reid confirmed with J.Bourre the proposed plan was submitted with his application, and that he spoke to his neighbors about the project. J.Bourre stated his neighbors have no issues.

G.Reagan confirmed with J.Bourre that the existing fence is 6 ft. in height.

Public hearing opened.

Jean Lavoie, 3 Northam Drive, spoke against the project because it is too close to her property. She stated she received the abutter notice, but that J.Bourre had not spoken to her about the project.

S.Reid confirmed with J.Lavoie that her house is located directly in back of the applicant's house.

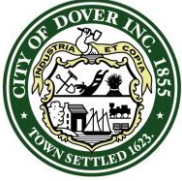
Discussion ensued regarding the location of the proposed deck and the existing house.

E.Piekut stated the Staff recommendation.

STAFF RECOMMENDATION:

The Planning Department does not oppose the variance.

J.Bourre stated he would plant arborvitae trees for additional privacy.



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E.Piekut clarified the Staff Memo for G.Reagan, and that the applicant could build along the existing 21 ft. setback.

Discussion ensued regarding the location of the bulkhead, and that the house was designed for the deck.

S.Reid confirmed with J.Lavoie the arborvitae would be acceptable to her, and noted that a condition could be imposed for the applicant to plant the arborvitae along his property.

Discussion ensued regarding the arborvitae providing additional screening as well as absorbing the sound.

Public hearing closed.

Discussion ensued regarding the location of the deck with the 9 ft. setback, where the setback starts and ends, the zoning regulations when the house was built pertaining to the size of the deck that could have been added at that time, and consideration for granting a variance that would conform to the time the house was built.

Motion: O.Perry made a motion to grant the variance with the deck to be no closer than 12 ft. from the rear property line with the hardship that the deck was initially intended before completion of construction of the house, with the condition that the applicant is to install the arborvitae between himself and his neighbor. Seconded by G.Reagan. Vote U/A

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).

S.Reid explained the process for the re-hearing request. The Board evaluated the motion and email presented by M.Garofano and stated concern that his voice was not heard at the previous meeting. E.Piekut confirmed her email address was initially not on the list M.Garofano used, or she would have provided the information to the Board at that time.

E.Piekut clarified what criteria needs to be met for a re-hearing, and the process if the re-hearing was granted.

Motion: O.Perry made a motion to grant the re-hearing. Seconded by G.Reagan. Vote: 3/1 S.Reid opposed.

O.Perry addressed the community survey from the Stewardship of Resources Master Plan Chapter, and encouraged citizens to complete the survey with the intent to receive public input.

5. ADJOURN

Motion: O.Perry made a motion to adjourn at 7:36 p.m. Seconded by G.Reagan. Vote: U/A