

**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 21, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Otis Perry (Vice Chair), Frank Landford, Bob Hall, Chris Prior, Nicholas Couturier (Alternate)

Members Not Present: George Reagan (Alternate), Arianna Adams (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.

2. APPROVAL OF MEETING MINUTES OF JUNE 16, 2016

Motion: O.Perry made a motion to approve the June 16, 2016 Regular Meeting Minutes as submitted. Seconded by C.Prior. Vote U/A

3. HEARINGS

- A. Z16-09 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** of the Zoning Ordinance 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 feet maximum is required. This is a rehearing of Z16-06.

S.Reid explained the process regarding hearing this case.

Attorney Jim Schulte represented the applicant, displayed the plan for viewing, and presented the proposed plan. He confirmed A.Dubois spoke with many of his neighbors, adding he did not speak with Michael Garofano before the May 19, 2016 meeting because M.Garofano's address is listed as a post office box in Greenland, NH. He addressed the Staff Memo and explained the frontage of similar properties on Dover Point Road that have received variances. He further explained why the request meets the five criteria for a variance. Arthur Dubois was also present.

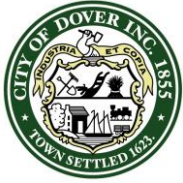
Public hearing opened.

Michael Garofano, 258 Dover Point Road, spoke against the proposed plan and stated his concerns regarding the congestion and safety of developing a driveway instead of a street, and how this development would affect the property he owns at 3 Pineview Drive and its value. He clarified for S.Reid how the street would create a buffer from the congestion and would be maintained by the City in comparison to a driveway.

Discussion ensued regarding side setbacks and comparison of driveway to City street sizes.

M.Garofano requested the Board consider the Staff recommendation.

A.Dubois addressed M.Garofano's safety concern and explained the physical reason to sell their property.



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J.Schulte addressed M.Garofano's concern regarding the driveway and the location of the proposed house. He further addressed the Staff Memo.

M.Garofano stated his rebuttal regarding the subdivision for one property to create a house lot, and it being in his back yard.

S.Reid read the email received from Catherine Giordano, 4 Pearson Drive, which stated her opposition to the proposed plan. Copies of the email were distributed to the Board members.

C.Prior confirmed with E.Piekut that C.Giordano is an abutter.

J.Schulte addressed C.Giordano's concern and stated the applicant does not have control over the trees in her backyard.

STAFF RECOMMENDATION:

The Planning Department recommends that the Board deny the variance requests.

E.Piekut explained the Staff recommendation and the reason why there was no change from May 19, 2016 meeting. She stated the Board would need to specify its reasons for approval or denial.

Discussion ensued regarding how the property is similar to properties across the street, clarification and reason for the build to lines, and acreage needed for an Open Space Subdivision.

Public hearing closed.

C.Prior clarified the intent of the previously stated condition to protect the properties in the surrounding area regarding the size of the lot to remain 2.6 acres +/- to limit the number of houses to be impacted on Pineview Drive.

Motion: C.Prior made a motion to grant the variance with the following conditions:

- The newly created lot remain 2.6 +/- acres in size.
- The house to be built may not be less than 270 ft. from Dover Point Road.

Seconded by B.Hall. C.Prior addressed the five variance criteria.

B.Hall addressed changing the characteristics of the back lot, and stated the current owner can do whatever he wants to the lot, such as, tearing down the existing house and placing a new one on his property.

O.Perry and F.Landford stated they were not convinced there was a hardship that warranted the variances, and voted against the project.

Vote 3/2 Granted

4. ADJOURN

Motion: O.Perry made a motion to adjourn at 7:51 p.m. Seconded by B.Hall. Vote: U/A