



**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, September 15, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Otis Perry (Vice Chair), Frank Landford, Chris Prior, Nicholas Couturier (Alternate), Arianna Adams (Alternate)

Members Not Present: Sam Reid (Chair), Bob Hall, George Reagan (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. O.Perry sat in as Chair for S.Reid.

2. APPROVAL OF MEETING MINUTES OF JULY 21, 2016

Motion: C.Prior made a motion to approve the July 21, 2016 Regular Meeting Minutes as submitted. Seconded by F.Landford. Vote U/A

3. HEARINGS

- A. Z16-11 Owner Holgate Limited Partnership, 4-6 Back River Road (Tax Map 16, Lot 14), located in the Medium Density Residential (R-12) District, requests a variance from **Section 170-12.A** of the Zoning Ordinance to permit conversion of offices to a two-family dwelling, where two-family dwellings are only permitted by right as part of an open space subdivision or as a conversion of a dwelling existing on or before May 27, 1964.

William Hopkins represented the applicant, distributed packets (original located in the file) to the Board members, and presented the proposed plan and information regarding the five criteria.

Public Hearing Opened.

N.Couturier and A.Adams sat in for O.Perry and B.Hall.

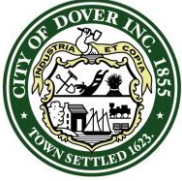
STAFF RECOMMENDATION:

The Planning Department recommends that the Board approve the variance request. E.Piekut clarified information regarding the zoning boundaries, and the surrounding multi-family dwellings. She confirmed for Board members the locations of the nearest single family homes, and that the units surrounding the property are multi-family.

Public Hearing Closed.

Motion: C.Prior made a motion to grant the variance from the use regulations of the R-12 District to permit the conversion of the office back to a two family dwelling. Seconded by F.Landford. Vote U/A

- B. Z16-12 Owners Adam Livingstone Hart and Sarah K. Hart, 51 Mount Vernon Street (Tax Map 30, Lot 145), located in the Urban Density Multi Residential (RM-U) District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit a side setback of zero (0) feet for a deck where a setback of three (3) feet is required.



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Adam Hart presented the proposed plan. He verified the location and construction of the privacy fence and the deck for the Board members.

Public Hearing Opened.

STAFF RECOMMENDATION:

The Planning Department recommends that the Board approve the variance request. E.Piekut clarified the regulations and narrow lot size of the property, and the regulations for the abutting property. She confirmed for O.Perry that the applicant does not need a variance to install the fence, as long it is no more than 8 ft. in height.

Public Hearing Closed.

Motion: F.Landford made a motion to grant the variance as applied. Seconded by C.Prior. Discussion ensued regarding the lot size and no condition is needed regarding the fence. Vote U/A

- C. Z16-13 Owner Dean A. Fournier Revocable Living Trust and Applicant Jeanette Gestapo, LLC, 817, 819, and 825 Central Avenue and 3 Ridge Street (Tax Map 37, Lots 8, 9, 10, and 12), located in the Thoroughfare Business (B-3) District request a variance from **Section 170-12.B** of the Zoning Ordinance to permit an abut-a-street setback from Ridge Street of 41.5 feet and 28.2 feet where 50 feet is required.

John Bosen, Esquire for Bosen and Associates, represented the applicant, and presented the proposed plan and information regarding the five criteria. Jim and Janet Scott (applicants), Dean Fournier (owner), and Gregg Mikolaities, P.E. of Tighe & Bond were also present.

J.Bosen confirmed for C.Prior that the Ridge Street side is the side seeking relief and that there is no access to the building from Ridge Street.

G.Mikolaities verified for C.Prior that the rear elevation will be lower than the front to minimize the building, one story, and that there will be landscaping in the back.

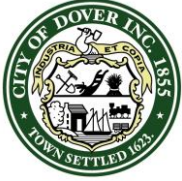
Public Hearing Opened.

John Haley, 4 Hall Street, requested clarification regarding the pet center. He stated his concerns regarding traffic impacts and tree removal, as well as, odor, light, and noise pollution.

J.Bosen addressed the abutter concern and stated there would be no odors. He compared the center to other pet chains in the area and confirmed it would not be used for manufacturing.

J.Bosen addressed Board members questions and stated that the light and traffic issues would be addressed by the Planning Board through the site review, the dog therapy pool would be located inside the building, and there would be no dog kennels for overnight stay.

Robert Terrio, 6 Ridge Street, requested clarification regarding the access road.



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Discussion ensued regarding the access road to confirm it would be from Merry Street, not Ridge Street.

STAFF RECOMMENDATION:

The Planning Department recommends that the Board approve the variance request. E.Piekut addressed Merry Street as it pertained to the Transportation Chapter of the Master Plan recommendation to consider closing the street. She explained the City does not have a right of way at the Hannaford entrance, and therefore will have to permit left turns at Merry Street. She added this issue would be addressed by the Planning Board, as well as landscaping, stormwater, and lighting.

Public Hearing Closed.

C.Prior confirmed for the public that this is just step one of the project, and there is no access from Ridge Street.

Motion: C.Prior made a motion to grant the variance from the abut-a-street setback requirement of the B-3 District to permit 41.5 feet and 28.2 feet where 50 feet is required on Ridge Street. Seconded by F.Landford. Vote U/A

4. ADJOURN

O.Perry stated the need to educate the abutters about obtaining information regarding the applications in advance so that clarifications and additional questions can be addressed at the meeting.

Motion: C.Prior made a motion to adjourn at 7:35 p.m. Seconded by F.Landford. Vote: U/A