

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date: **Thursday, November 17, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

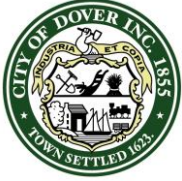
2. APPROVAL OF MEETING MINUTES OF OCTOBER 20, 2016

3. HEARINGS

- A. Z16-17 Owner Okad of Dover, LLC, 828 Central Avenue (Tax Map 37, Lot 37), located in the Thoroughfare Business (B-3) Zoning District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to permit a front setback of thirty (30) feet where fifty (50) feet is required.
- ~~B. Z16-18 Owner Douglas MacDonald and Applicant Adam Laferriere, 17 Littleworth Road (Tax Map H, Lot 22-A), located in the R-20 Zoning District, request a variance from **Section 170-18.B, H, and J** to permit: 1) more than one non-resident to be employed there, where no more than one non-resident employee shall be employed therein per subsection **B**; 2) to permit a landscaping company as a customary home occupation where “landscaping” is not considered a home occupation per subsection **H**; and 3) to permit more than one commercial vehicle where no more than one commercial vehicle in connection with the home occupation shall be stored on the premises per subsection **J**.~~

4. 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
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ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
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288 Central Avenue, Dover NH 03820
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Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Frank Landford, Chris Prior, Bob Hall, George Reagan (Alternate), Nicholas Couturier (Alternate)

Members Not Present: Otis Perry (Vice Chair), 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 SEPTEMBER 15, 2016

Motion: C.Prior made a motion to approve the September 15, 2016 Regular Meeting Minutes as submitted. Seconded by F.Landford. Vote U/A

S.Reid and B.Hall did not vote as they were not present at the previous meeting.

3. HEARINGS

- A. Z16-14 Owner Heirs of Rae Ann Wood and Applicant Wolcott Holdings, LLC, 18 and 24 Garrison Road (Tax Map I, Lots 73 and 73-A), located in the Suburban Density Multi Residential (RM-SU) Zoning District, request a variance from **Section 170-11(B)** of the Zoning Ordinance to permit, after the merger of lots 73 and 73-A, the addition of six (6) dwelling units on a lot containing two (2) existing single-family dwellings and 85,023 square feet, where single-family dwellings require 20,000 square feet of lot area and multi-family dwellings are only permitted with 10,000 square feet of lot area per dwelling unit.

F.X. Bruton of Bruton & Berube, PLLC, represented the applicants, and presented the proposed plan. He referred to V1, V2, and V3 of the plan set (original in file) in the Board member packets to further explain the concept of the proposed plan, and presented the five criteria of the application. Jim Wolcott was also present.

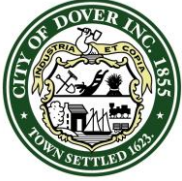
The Chair recognized G.Reagan to sit in on the vote.

F.X.Bruton confirmed for Board members that the V3 plan was reviewed by the Planning Staff, and that if the variance was granted it would be based on the V3 plan.

Discussion ensued regarding keeping single family homes out front as the better plan, the driveway location, and that the buffer and encroachment issues would go before the Planning Board and would be noted on the site plan.

F.Landford confirmed with F.X.Bruton that the applicant has no issue with the condition proposed by Staff.

Public Hearing Opened.



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Tom Willett, 32 Garrison Road, stated his concern regarding how the property would be managed if it was not owner occupied. He requested to have input regarding the buffer, and verified with the Board that the variance would be obtained based on the V3 plan.

S.Reid stated the Planning Board would address the screening and buffer issues with the plan.

STAFF RECOMMENDATION:

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

1. The existing single-family dwellings shall not be converted to duplexes or add accessory dwelling units.

E.Piekut stated the Planning Staff recommendation and added that the proposed plan would require site plan approval and a notice would be sent out to the abutters.

Discussion ensued regarding clarification of the condition.

Public Hearing Closed.

Motion: F.Landford made a motion to approve the variance as requested with the condition as recommended by the Planning Department. Seconded by G.Reagan. Vote U/A

- B. Z16-15 Owner Cocheco Mill Holdings, LLC, Main Street (Tax Map 2, Lot 37-A), located in the Central Business District – General Subdistrict (CBD), requests a variance from **Section 170-32.A and Section 170-32.N(3)** of the Zoning Ordinance to permit the replacement an existing, nonconforming freestanding sign with a new freestanding sign and new support structure, where freestanding signs are prohibited and the replacement of nonconforming freestanding signs is permitted only when the support structure of the sign remains in place and the dimensions of the sign are the same or smaller.

Michael Wynkoop represented the applicant, displayed a plan for viewing, and presented the proposed project.

The Chair recognized N.Couturier to sit in on the vote.

M.Wynkoop confirmed for F.Landford that the existing signs mentions other businesses in the Mill, and that the proposed sign would not.

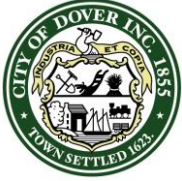
M.Wynkoop confirmed for C.Prior that the sign would have no lighting.

Discussion ensued regarding confirmation that the other company that is listed on the existing sign is still a part of the building, and that a directory is located inside the building listing information regarding the businesses inside the mill.

Public Hearing Opened.

STAFF RECOMMENDATION:

The Planning Department recommends that the Board approve the variance request.



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E.Piekut stated the Planning Staff agrees with the sign as presented, adding that the proposed project is an improvement. S.Reid stated the sign compliments the Mill.

Public Hearing Closed.

Motion: C.Prior made a motion to grant the variance as presented in the packet. Discussion ensued regarding consideration to have a condition regarding lighting, signs internally lit in the Central Business District, and comparison of the existing sign to the proposed sign. The Board agreed to grant the variance as presented, without any conditions. Seconded by F.Landford. Vote U/A

- C. Z16-16 Owner Cocheco Mill Holdings, LLC, 427 Central Avenue (Tax Map 3, Lot 66), located in the Central Business District – General Subdistrict (CBD), requests a variance from **Section 170-32.A and Section 170-32.C(1)** of the Zoning Ordinance to permit a freestanding sign where freestanding signs are not permitted and to permit a sign to be located on Tax Map 3, Lot 66 where signs are required to be located on the premises to which they relate (Tax Map 3, Lot 68; Tax Map 2, Lot 37; Tax Map 2, Lot 37-A; Tax Map 3, Lot 63-B).

Michael Wynkoop represented the applicant, displayed plans for viewing, and presented the proposed project.

M.Wynkoop confirmed for Board members that the courtyard property is owned by the mill and has a lot of public use, that the sign is the same but smaller in size than the one presented in the previous case, the dimensions of the sign, and that the applicant accepts the condition of the variance.

Public Hearing Opened.

STAFF RECOMMENDATION: (Z16-16)

The Planning Department recommends that if the Board grants the variance, the following condition of approval should be imposed:

1. If Tax Map 3, Lot 66 is conveyed separately from Lot 63, the freestanding sign shall be removed.

E.Piekut clarified the recommendation due to the separate lot and the four lots that make up the building, as well as the option for wall signage.

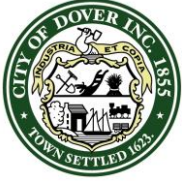
Discussion ensued regarding the condition and how the variance would apply to a change in ownership, consideration of the separate lots to the mill and the businesses, and as the condition would pertain to free standing signs.

E.Piekut explained the regulations and applicant's rights as it pertained to the discussion.

The Chair recognized N.Couturier to sit in on the vote.

Public Hearing Closed.

Motion: N.Couturier made a motion to approve the variance with the condition as recommended by the Planning Staff. Seconded by F.Landford.



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Discussion ensued regarding consideration to add lighting as a condition, what is allowed by right, consideration of future interpretation of the variance regarding replacing the sign with different dimensions, and comparison of this application to other similar applications.

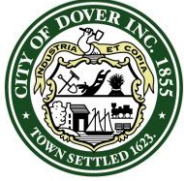
E.Piekut explained the regulations and applicant's rights as it pertained to the discussion.

B.Hall recommended to add a condition that the sign can only be replaced with one of the same dimensions of the submitted design. N.Couturier and F.Landford agreed. Vote U/A

E.Piekut stated the tentative date for the Land Use Meet and Greet would be on January 10, 2017 at 5:30 p.m. at the McConnell Center.

4. ADJOURN

Motion: F.Landford made a motion to adjourn at 7:53 p.m. Seconded by B.Hall. Vote: U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date:	Thursday, November 17, 2016
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a front setback of 30 feet where 50 feet is required.

UNITS PROPOSED: Four commercial buildings

AGENDA ITEM #: 3-A

ZONING DISTRICT: B-3

FILE: Z16-17

APPLICANT/OWNER: Okad of Dover, LLC

LOCATION: 828 Central Avenue (Tax Map 37, Lot 37, to be merged with lots 35, 36, and 38)

ACREAGE: 5.38 after lot merger

EXISTING LAND USE: Offices, single family dwellings

PROPOSED LAND USE: Mixed commercial

SURROUNDING LAND USE: Commercial, single family dwellings, Berry Brook restoration area

PREVIOUS ZBA ACTION: Yes, for lot 37: H70-07 (denied), H87-47 (granted for larger freestanding signs), Z94-15 (denied), Z94-22 (granted for larger freestanding sign). For lot 35: H82-17 (granted for professional offices in a residential zone), H84-36 (granted to permit two principal buildings on a lot), Z01-02 (granted to permit a freestanding sign). For lot 36: Z00-16 (granted to permit a freestanding sign).

PLANNING BOARD APPROVAL

REQUIRED: Site plan approval and conditional use permit approval for wetland impacts and secondary groundwater protection district use.

ATTACHMENTS: Application

STAFF RECOMMENDATION: Staff supports the variance request.

Summary of Appeal and Background

The subject lots are located at the corner of Glenwood Avenue and Central Avenue and were recently rezoned to Thoroughfare Business (B-3). The four lots will be merged into one, and the Applicant intends to submit to the Planning Board a site plan for four commercial buildings. In the process of Planning Board review the plan is likely to change slightly and more details regarding landscaping, lighting, stormwater treatment, phasing, and other concerns will be addressed at that time.

The Applicant requests a variance to permit a 30.6-foot front setback (for one of four buildings, at the nearest point) where a 50 foot setback is required.

Note that rezoning to B-3 has had the effect of nullifying the variance that have been received for these properties of the last few decades.

Reason for Staff Recommendation

Staff has considered presenting an amendment to the B-3 dimensional requirements because they are outdated and encourage placing parking lots in front of buildings. A 20-foot reduction in the front yard setback will result in a smaller number of parking spaces in front of the building, which is consistent along Central Avenue heading south. The corner lot configuration presents some hardship as a 50-foot “front” is required on two sides. The presence of wetlands to the rear and side also presents a hardship. The variance is unlikely to impact property values. Three of the four existing buildings on site are currently nonconforming to the front yard setback, to a greater extent than the proposed building is. The nonconformity will be lessened.

Recommendation

The Planning Department recommends that the Board hold a public hearing and approve the variance request.

**Property Information**

Property ID 37038-000000
Location 8 GLENWOOD AV
Owner BANAIA CHARLES



**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.

Parcels updated 1/1/2016
Properties updated 11/09/2016



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Adopted: August 16, 2012]

Office Use Only	Case #:	<u>216-17</u>	Date Received:	<u>OCT 26 2016</u>
	Amount Paid:	\$ <u>281.00</u> <u>ck #284843</u>	Time Received:	<u>Dover, New Hampshire</u>

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Okad of Dover, LLC Phone # 225-4334

Address of Applicant: 321D Lafayette Rd., Hampton, NH

E-Mail Address: jarnold@hinckleyallen.com

PROPERTY OWNER (if different from applicant): Same

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: 828 Central Ave.

Brief Directions: Corner of Central Ave. and Glenwood Ave.

Zoning District: B-3 Assessor's Map # 37 Lot(s) # 37

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-12(B)</u> 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:

Merge surrounding lots for mixed use commercial development. See attached.

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:

A front setback of approximately 30' where 50' is otherwise required.

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:

See attached

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

See attached

3. Granting the variance would do substantial justice because:

See attached

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

See attached

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:

See attached

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:

See attached

and

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

See attached

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:

N/A

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: 10/25/16

NARRATIVE IN SUPPORT OF VARIANCE APPLICATION
OF OKAD OF DOVER, LLC

This variance application is related to property located at 828 Central Avenue (the "Property"). The Property was recently rezoned to the Thoroughfare Business (B-3) Zoning District. Okad of Dover, LLC ("Okad") owns the Property and intends to merge it with 826 Central Avenue, 824 Central Avenue, and 8 Glenwood Avenue. The merged lots would then be used for a commercial development, potentially including restaurant, retail and banking uses. A conceptual plan has been submitted herewith.

The Property is located on the corner of Central Avenue and Glenwood Avenue. As can be seen on the enclosed plan, the property line around the intersection is located well within the actual edge of pavement and curbing. A substantial portion of the existing parking lot and driveway are located outside of the property line, and within the City's right of way.¹ As such, the actual lot line setback is much less than it appears from the street.

The proposed building will be located approximately 30' from the front lot line. However, when measured from the street curb, the building is set back over 60'. The required front yard setback in the B-3 Zoning District is 50'. Consequently, a variance from Section 170-12(B)/Table of Dimensional Regulations to allow a 30' setback, is requested.

DISCUSSION

Pursuant to RSA 674:33, I(b), the Zoning Board of Adjustment has the power to authorize a variance from the terms of the zoning ordinance, if:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Under the last provision, "unnecessary hardship" means either:

(A) Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one; or

(B) If, and only if, 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.

¹ Okad is in discussions with the City to lease the area between the front lot line and the edge of the right of way, as was done for the Walgreens development across the street.

Here, the variance requested by Okad satisfies the statutory requirements.

1. The variance will not be contrary to the public interest.

A variance is contrary to the public interest if “it unduly and in a marked degree conflicts with an ordinance such that it violates the ordinance’s basic zoning objectives.” Farrar v. City of Keene, 158 N.H. 684, 691 (2009) (internal quotations omitted). In determining whether a variance would violate basic zoning objectives, the board should examine whether the variance would alter the essential character of the locality, or whether the granting of the variance would threaten public health, safety or welfare. Id.

Here, allowing a 30’ front yard setback will not violate the Ordinance’s basic zoning objectives. Specifically, the reduced setback will not threaten public safety, health or welfare in any way. Although the setback will technically be reduced, the building setback from the edge of the street actually exceeds the 50’ required. The building is sufficiently set back to prevent overcrowding of the streetscape, and will not impede visibility at the intersection at all. Indeed, the adjacent residential properties along Central Avenue are much closer to the street than the proposed building.

2. The spirit of the ordinance is observed.

The Supreme Court has determined that the requirement that a variance not be contrary to the public interest “is co-extensive and related to the requirement that a variance be consistent with the spirit of the ordinance.” Chester Rod & Gun Club v. Town of Chester, 152 NH 577, 580 (2005). “The public interest is protected by standards which prohibit the granting of a variance inconsistent with the purpose and intent of the ordinance, which require that variances be consistent with the spirit of the ordinance, or which permit only variances that are in the public interest.” Id. As such, this criterion overlaps with the public interest requirement.

The purpose of the 50’ setback is to provide adequate distance between the street and buildings. This is designed to promote attractive streetscapes and prevent overcrowding and congestion. As noted above, these purposes are served even allowing a reduced setback in this case, given that the distance between the proposed building and street (as opposed to the front lot line) actually exceeds the requirement.

3. Substantial justice is done.

Substantial justice is done where granting a variance will not cause harm to the general public that outweighs the benefit to the applicant. See Malachy Glen Associates v. Town of Chichester, 155 N.H. 102, 109 (2007). That is the case here.

Allowing this variance would cause no harm to the general public. The location of the building provides an attractive and appropriate front yard, and allows the building to maintain reasonable visibility for commercial success, without interfering with sight lines or traffic safety around the intersection. The benefit of the variance to Okad is substantial. If the building were set back 50’ from the lot line, the actual distance from the street would be over 60’. Allowing the

building to be closer to the street enhances visibility for the business, and allows more parking to be located to the rear of the building, rather than in front, creating a more attractive appearance.

4. The value of surrounding properties is not diminished.

Granting this variance will not diminish surrounding property values. The proposed building setback is consistent with other buildings in the area, and still provides adequate separation, especially when measured from the edge of the street. Okad is not seeking to encroach on the side yard setbacks, so distances to adjacent properties will still comply.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because, owing to special conditions of the property that distinguish it from other properties in the area:

- a. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.*

The Property is unique in that it will be merged to create a relatively large lot in the B-3 Zoning District, at a busy intersection, recently rezoned and well suited for a new commercial development. It is also unique in that the front property line is located well inside of the actual edge of the right of way. The pavement and curbing is nearly 40' beyond the front property line. In a practical sense, this provides a much greater setback from the street.

As noted above, the general public purpose of requiring a 50' front setback is to create an attractive streetscape and prevent overcrowding. Strict application of that setback is unnecessary to achieve that purpose in this case. The additional area between the front lot line and the street, although within the right of way, has historically been used for landscaping and parking at the Property. It is expected that Okad will reach an agreement with the City to continue using that space for those purposes. As such, the actual distance from the proposed building to the street is over 60'. This provides ample setback and allows an attractive front yard and streetscape. Indeed, if the setback were strictly enforced, the actual distance from the street (and passing traffic) to the building would be greater than the required setback and detract from the visibility of the development, which is critical for commercial success.

- b. *The proposed use is reasonable.*

The proposed use is reasonable because the building location offers reasonable commercial visibility while preserving the streetscape and avoiding interference with sight lines and traffic. The B-3 Zoning District is designed to encourage "efficient and attractive automobile oriented commercial development along major highways" and to provide "economic development opportunities for a mix of land uses..." See Zoning Ordinance §170-7(B)(2)(b). This redevelopment achieves those goals, and will greatly improve what is now prime commercial land.

RECEIVED
Planning Office

OCT 26 2016

Dover, New Hampshire

List of Abutters

<u>Tax Map</u>	<u>Lot No.</u>	<u>Owner(s) of Record</u>	<u>Mailing Address</u>
38	6-A	851 Central Avenue, LLC	177 Huntington Avenue, Suite 1901 Boston, MA 02115
37	24-H1	Marske Condominiums	c/o Thomas & Ann Massingham 835 Central Avenue Dover, NH 03820
37	24-H1-1	Stock Realty Trust, LLC	839 Central Avenue (First Class Mail) Dover, NH 03820
37	24-H1-2	Stock Realty Trust, LLC	839 Central Avenue (First Class Mail) Dover, NH 03820
37	24-H1-3	837A Central Avenue, LLC	6 Glendale Circle (First Class Mail) Plaistow, NH 03865
37	24-H1-4	Stock Realty Trust, LLC	839 Central Avenue (First Class Mail) Dover, NH 03820
37	24-H1-5	Stock Realty Trust, LLC	839 Central Avenue (First Class Mail) Dover, NH 03820
37	24-A	Papa Ginos of America, Inc. (Leaseholder)	600 Providence Highway Dedham, MA 02026
37	24-A1	Hannaford Brothers Co.	c/o Sampson Supermarket, Inc. P.O. Box 1000 MS 6000 RE Dept. Portland, ME 04104
37	24-H	Hannaford Brothers Co.	c/o Sampson Supermarket, Inc. P.O. Box 1000 MS 6000 RE Dept. Portland, ME 04104
37	37	Okad of Dover, LLC (Owner)	321 D Lafayette Road Hampton, NH 03842
37	36	826 Central Avenue, LLC	P.O. Box 343 Lafayette, CO 80026
37	35	Judith T. Spang, Trustee of Judith T. Spang Revocable Trust	55 Wiswall Road Durham, NH 03824

37 38

Charles Banaian

8 Glenwood Avenue
Dover, NH 03820

38 33

Bulwark Dover, LLC

c/o Walgreen Store No. 10780
P.O. Box 1159
Deerfield, IL 60015

Agent:

John L. Arnold, Esquire
Hinckley Allen & Snyder, LLP
11 South Main Street, Suite 400
Concord, NH 03301

Surveyor/
Engineer:

Rick Friberg, PE, LEED AP
Regional Office Manager
TEC, Inc.
169 Ocean Blvd,
Unit 101 PO Box 249
Hampton, NH 03842

LATCHAW DAVID W & LATCHAW
KENNETH AND KATHERINE
1 CRESCENT AVENUE
DOVER, NH 03820

PARRY KAREN V & PARRY DANA H
10 CRESCENT AVE
DOVER, NH 03820

WEST AILEEN P
10 GLENWOOD AV
DOVER, NH 03820

LUU HOAN
109 D PORTLAND AVE
DOVER, NH 03820

CELLUPICA FRANCIS LIFE ESTATE &
CELLUPICA EDWARD ALLEN AND KARLA
MARIE
12 CRESCENT AVENUE
DOVER, NH 03820

MOUTEVELIS NIKI
12 GLENWOOD AVE
DOVER, NH 03820

RIDLEY DOUGLAS & RIDLEY ASHLEY
14 CRESCENT AVE
DOVER, NH 03820

CALDERONE KEITH J CALDERONE LEE A
16 CRESCENT AVE
DOVER, NH 03820

KELLEY FAMILY REVOCABLE TRUST
KELLEY BRIAN T SR AND ANN R
TRUSTEES
2 CRESCENT AVENUE
DOVER, NH 03820

WITHAM BENJAMIN E & WITHAM
MARCIA R
3 CRESCENT AV
DOVER, NH 03820

CASIMIRO RICHARD S & PRISCILLA G
TRUSTEE CASIMIRO FAMILY TRUST
4 CRESCENT AVENUE
DOVER, NH 03820

DEAN GAYE H & DEAN MICHAEL D
4A SMITH WELL RD
DOVER, NH 03820

REILLY CAROLYN A REILLY EDWARD F
5 CRESCENT AVENUE
DOVER, NH 03820

BARTON THEODORE D
5 GLENWOOD AV
DOVER, NH 03820

BENNETT IRENE C BENNETT RICHARD P
6 CRESCENT AVENUE
DOVER, NH 03820

837A CENTRAL AVE LLC
6 GLENDALE CIRCLE
PLAISTOW, NH 03865

STEELE ROBERT D & ROBERTA
TRUSTEES STEELE ROBERT D AND
ROBERTA REVOCABLE LI
7 CRESCENT AV
DOVER, NH 03820

SMITH-ROBINSON KATHY
8 CRESCENT AV
DOVER, NH 03820

LEBLANC PAUL W
816 CENTRAL AVENUE
DOVER, NH 03820

FLYNN JOHN J TRUSTEE FLYNN JOHN J
REVOCABLE LIVING TRUST
818 CENTRAL AVE
DOVER, NH 03820

STOCK REALTY TRUST LLC
839 CENTRAL AV
DOVER, NH 03820

KOTTARIDIS ROULA A KOTTARIDIS
ELIAS D
9 CRESCENT AVENUE
DOVER, NH 03820

CES INC
PO BOX 1972
DOVER, NH 03821-1972

Additional abutters 216-17

YOUR RECEIPT THANK YOU

216-17

Planning and Com Dev
M-T 8:30A - 5:30P
603.516.6008

10/27/2016 4:36PM 07
000000#1932 CLERK07

COPY

#1617

#284843

1 @ \$100.00

Variance \$100.00

12 @ \$8.00

Certified Mail \$96.00

5 @ \$1.00

First Class \$5.00

1 @ \$80.00

Legal Notice \$80.00

ITEMS 190

CHECK \$281.00

APPLICATION CHECKLIST (Please check off)

Application signed by Applicant and Property Owner (if different from Applicant) ☒

In order for the application to be accepted by Planning Department staff placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.

Copies of Completed Zoning Board of Adjustment Application

Only include those pages of the application that are relevant to your request. Please do not include the abutters list with the 10 copies (include only Part of original signed application (Part A above)). ☒

Copies of a plot plan drawn in accordance with a boundary line to scale than 1" = 40'. They need to include the lot dimensions including area in feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. ☒

Submit at least one (1) copy of the plot plan at a size of 8 1/2 x 11 in addition to the 10 copies required in 'C' above). ☒

E. **10 copies of photos** (suggested but optional) and any **other materials** applicant would like to submit in support of the application. N/A

F. **List of abutters** including addresses and map and lot number of parcels that adjoin or are located within two hundred (200) feet (including land across the street or waterway) of the subject property. 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 by first class mail only. ☒

G. **Mailing Labels** in triplicate with abutters names and addresses for notices. (Use Avery 5160 label) ☒

H. **TOTAL FEE** paid by cash or check made payable to "City of Dover"

1.	Application fee of:	
	\$100.00 VARIANCE (per Section requested)	\$ 100.00
	\$100.00 SPECIAL EXCEPTION	\$
	\$100.00 APPEAL FROM ADMINISTRATIVE DECISION	\$
	\$100.00 EQUITABLE WAIVER	\$
2.	Certified letters fee: # of abutters <u>11</u> X \$8.00 =	\$ 88.00
3.	Applicant & Owner mailing fee: <u>1</u> X \$8.00 =	\$ 8.00
4.	First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters <u>5</u> X \$1.00 =	\$ 5.00
5.	Foster's newspaper public notice	\$ 80.00

TOTAL FEE \$ 281.00

ZONING TABLE		
ZONING DISTRICT	THOROUGHFARE BUSINESS (B-3); GROUNDWATER PROTECTION OVERLAY DISTRICT (SECONDARY)*; WETLANDS PROTECTION OVERLAY DISTRICT*	
PROPOSED USE	MIXED USE - 28,247 SF± 19,175 SF RETAIL, 7,000 SF RESTAURANT, 2,072 SF BANK	
PROPOSED USE ALLOWABLE BY	RIGHT	
DIMENSIONAL REQUIREMENTS	REQUIRED	PROVIDED
LOT SIZE	20,000 SF	±5.44 ACRE (APPROX. 237,013 SF)
FRONTAGE	125 FT	±664.09 FT
FRONT YARD SETBACK	50 FT	30.6 FT**
SIDE YARD SETBACK	12 FT	35.4 FT
REAR YARD SETBACK	15 FT	N/A
BUILDING HEIGHT/STORIES	40 FT	±20 FT/1 STORY
MAX BUILDING COVERAGE	50%	11.9%
MAXIMUM IMPERVIOUS	20%	49.2%

NOTES: *THE PROPOSED DEVELOPMENT IS REQUESTING CONDITIONAL USE PERMITS FOR WORK WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT (SECONDARY) & WETLANDS PROTECTION OVERLAY DISTRICT.

**THE PROPOSED DEVELOPMENT IS REQUESTING VARIANCES FROM THE FOLLOWING REQUIREMENT OF THE BYLAW: THOROUGHFARE BUSINESS (B-3) DISTRICT DIMENSIONAL REGULATIONS FOR FRONT YARD SETBACK.

PARKING TABLE		
MAXIMUM PARKING ALLOWED	RETAIL/SERVICE (21,247 SF) 1 SPACE/275 SF x 21,247 SF = 78 SPACES	
	GATHERING/RESTAURANT (7,000 SF) 1 SPACE/2 SEATS x 125 SEATS = 63 SPACES 1 SPACE/EMPLOYEE (MAX SHIFT) x 16 EMPLOYEES = 16 SPACES	
	TOTAL MAXIMUM ALLOWED: 157 SPACES	
PROPOSED PARKING	141 SPACES	
REQUIRED ACCESSIBLE PARKING	6 ACCESSIBLE PARKING SPACES	
PROPOSED ACCESSIBLE PARKING	10 SPACES	
REQUIRED BICYCLE PARKING	8 SPACES	
PROPOSED BICYCLE PARKING	8 SPACES	
DIMENSIONAL REQUIREMENTS	REQUIRED	PROVIDED
PARKING SPACE DIMENSIONS	9 FT x 18 FT	9 FT x 18 FT
aisle width (two way)	20 FT (MIN), 24 FT (MAX)	22 FT (MIN)



TEC, Inc.

65 Glenn Street
Lawrence, MA 01843
(978) 794-1792
www.TheEngineeringCorp.com

169 Ocean Boulevard
Unit 101, PO Box 249
Hampton, NH 03842
(603) 601-8154

DESIGNED BY HEG/PFE
DRAWN BY HEG/PFE
CHECKED BY RJF
DATE OCTOBER 24, 2016
SCALE 1" = 40'

PREPARED FOR
Tropic Star Development
321D Lafayette Rd
Hampton, NH 03842

RECEIVED
Planning Office
OCT 26 2016

Dover, New Hampshire

REVISIONS

ISSUED FOR
Permitting

PROJECT TITLE
Central Avenue
Redevelopment

PROJECT LOCATION
824, 826, 828
Central Avenue &
8 Glenwood Avenue
Dover, New Hampshire

DRAWING TITLE
ZBA Plan



PROJECT NO.
N0602

TEC CAD FILE
N0602_ZBA.dwg

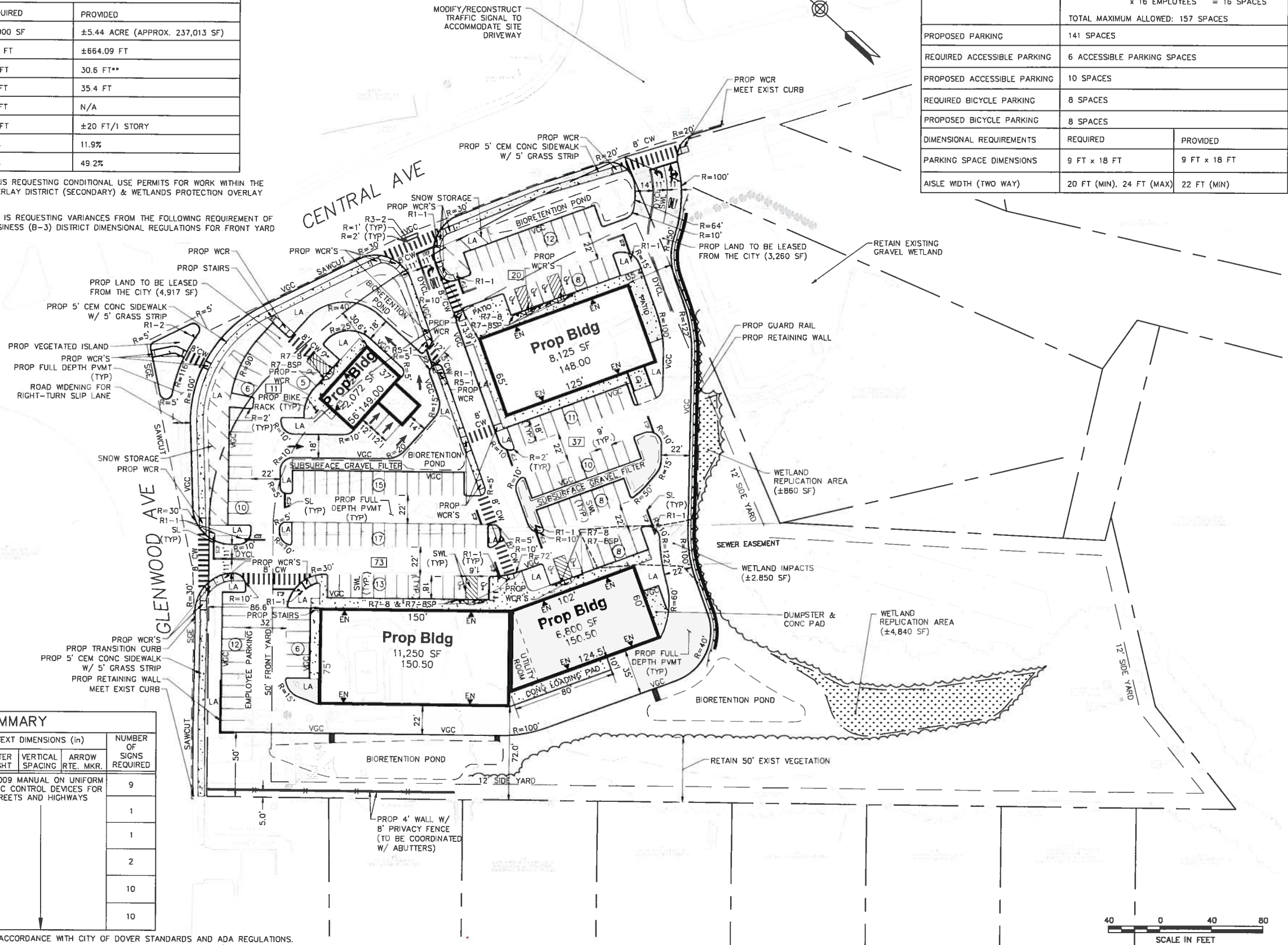
DRAWING NO.
C-1

SHEET 1 OF 1

SIGN SUMMARY							
IDENTIFI- CATION NUMBER	SIZE OF SIGN (in)		TEXT	TEXT DIMENSIONS (in)			NUMBER OF SIGNS REQUIRED
	WIDTH	HEIGHT		LETTER HEIGHT	VERTICAL SPACING	ARROW RTE. MKR.	
R1-1	30	30		SEE 2009 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS			9
R1-2	36 x 36 x 36						1
R3-2	24	24					1
R5-1	20	20					2
R7-8*	12	18					10
R7-8SP**	12	6					10

*HANDICAP PARKING SIGNS SHALL BE IN ACCORDANCE WITH CITY OF DOVER STANDARDS AND ADA REGULATIONS.

**VAN SIGNS SHOULD BE LOCATED AT ALL ADA SPACES. PER ADA ACCESSIBILITY GUIDELINES (AMENDED 2002) ANY SPACE WITH A VAN SIGN IS NOT INTENDED TO BE RESTRICTED ONLY TO VANS.



PERMITTING SET - NOT FOR CONSTRUCTION