

**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, October 20, 2016**
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.

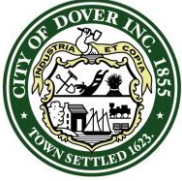
The Chair recognized G.Reagan to sit in on the vote.

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.

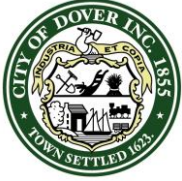
M.Wynkoop confirmed for C.Prior that the sign would have no lighting.

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.

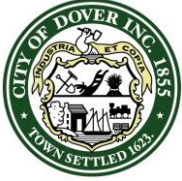
Discussion ensued regarding the condition and how the variance would apply to a change in ownership, consideration of the separate lots to the mill and the businesses, and as the condition would pertain to free standing signs.

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