



**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, May 18, 2017**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry, Frank Landford

Members Not Present: Sam Reid (Vice Chair), Bob Hall, George Reagan (Alternate), 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 and introduced the Board members to the audience.

2. APPROVAL OF MEETING MINUTES OF APRIL 20, 2017

Motion: O.Perry made a motion to approve the April 20, 2017 Regular Meeting Minutes as submitted. Seconded by F.Landford. Vote: U/A

The Chair described the process used to hear cases, introduced the Staff, and explained the applicants would need to receive approval from all three Board members to have their application approved. He gave them the option to defer to the next meeting.

3. HEARINGS

- A. Z17-08 Applicant Brad Shejen and Owner David Haskell, 5 Deerfield Drive (Tax Map I, Lot 22-164), located in the Rural Residential (R-40) Zoning District, request a variance from **Section 170-12.B** of the Zoning Ordinance to permit a side setback of 6 feet where 10 feet is required.

Brad Shejen chose to proceed with his application. He presented his application and confirmed for O.Perry that 5 Deerfield Drive is located in Farmwood Village which is also a corner lot. David Haskell was also present.

Public Hearing Opened.

STAFF RECOMMENDATION:

Staff recommends the Board determine whether each of the five criteria are met, and approve the request.

E.Piekut presented the Staff recommendation and explained the reasonable use, hardship, spirit and intent of the ordinance, and distance from the neighbor.

E.Piekut explained for O.Perry the reason this application was presented to the Board, how this park pre-dated the Manufactured Home Parks Ordinance, and how the application pertains to the Zoning Ordinance regulations regarding accessory structures for this case.

B.Shejen addressed the other homes in the area that have a garage, and confirmed for F.Landford that he is not the contractor. He stated the park manager, Chuck McDonald has someone who will assist him in building the garage, and that C.McDonald will approve the garage as long as the variance is granted.

Public Hearing Closed.



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Motion: O.Perry made a motion to grant the variance. Seconded by F.Landford. Vote: U/A

- B. Z17-09 Applicant Wolcott Holdings, LLC and Owner Thomas J. Cauley, Sr., 52 Old Rochester Road (Tax Map 40, Lot 25), located in the Thoroughfare Business (B-3) Zoning District, request a variance from Section 170-12.A of the Zoning Ordinance to permit a Multi-Family Dwelling where Multi-Family Dwelling is a Use Permitted By Special Exception and the Applicant's proposal does not meet one of the two special exception criteria, which requires that dwelling units are located only on the second story or higher of a newly constructed structure.

Attorney F.X. Bruton of Bruton & Berube, PLLC, represented the applicant and stated the applicant has opted to continue the case to the next Zoning Board of Adjustment meeting on June 15, 2017. Jim Wolcott of Wolcott Holdings, LLC was also present.

Motion: O.Perry made a motion to refer the case to the next scheduled Zoning Board of Adjustment meeting. Seconded by F.Landford. Vote U/A

The Chair confirmed for the audience the next Zoning Board of Adjustment meeting would be held at 7:00 p.m. at the McConnell Center on June 15, 2017, and to expect the application to be heard at that time. He stated if there is not a full Board the applicant would have the opportunity to defer until there is a full Board.

4. OTHER BUSINESS

O.Perry stated his concern regarding the intent of the ordinance for item 3.B and that the conditions of the Special Exception are not subject to variance. E.Piekut addressed the Staff Memo and the email received from F.X.Bruton that was distributed to the Board. She confirmed the email will be part of the packet for the next meeting, and stated the Staff Memo would be revised to address the amended conditions proposed by the applicant. She confirmed that the applicant authorized the Board to visit the site.

E.Piekut informed the Board members that Arianna Adams has resigned from the Board and that there is now a vacancy for an alternate Board member.

E.Piekut stated the Planning Department received a Motion for Rehearing for D.R. Lemieux Builders, Inc. (Case #Z17-07-Equitable Waiver for 53 Spur Road) which will be presented to the Board at the Zoning Board of Adjustment meeting on June 15, 2017. O.Perry stated that he recused himself from this case at the last meeting, and would again.

E.Piekut stated the next meeting would be held at the McConnell Center.

C.Prior provided an update from the Office and Energy Planning conference and stated there may be a change in the regulations to require all Zoning Boards to vote separately on each variance criteria item according to House Bill 86.

5. ADJOURN

Motion: O.Perry made a motion to adjourn at 7:15 p.m. Seconded by F.Landford. Vote: U/A