



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, December 21, 2017**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Bob Hall (Vice Chair), Anthony Sillitta (Alternate), Frank Landford, Nicholas Couturier (Alternate)

Members Absent: George Reagan, Otis Perry

Staff Present: Elena Piekut (Assistant City Planner), Christopher Parker (Assistant City Manager)

The Chair called the meeting to order at 7:03 p.m. He introduced the Board and staff members to the audience and explained the process used to hear cases. He appointed both alternates present to decide the case.

2. APPROVAL OF MEETING MINUTES OF NOVEMBER 16, 2017

Motion: F. Landford moved to approve the meeting minutes of November 16, 2017, as amended. A. Sillitta seconded. Vote: U/A.

Chairperson made the following modifications:

- Second page, third bullet point: answer needs to be "we would have to acquire another 30' of frontage or acquire a variance"
- Second page, bottom: when vote was taken, it was a (4-1) rather than a (5-1) vote.

3. HEARINGS

- A. Z17-23 Applicant Mark G. Phillips/Storage Barn, LLC, 387 Sixth Street (Tax Map D, Lot 16-G), appeals a November 8, 2017 administrative decision regarding **Section 170-12.A and 170-6** of the Zoning Ordinance. The Zoning Administrator determined that recreational vehicle storage does not constitute a permitted use in the Hotel/Retail (B-4) Zoning District.

M. Phillips, of Newington, presented the Application to the Board. He requested guidance from the Board as to defining commercial parking facility.

The Board asked the following questions and made the following comments:

- What is the duration of time that the vehicles would be on the premises?
 - We have month-to-month leases, but typically people spend more than a month there, in the winter months.
- Realistically some could be there in the winter months?
 - That could be a possibility.



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- You seem to want to call it a parking facility, but in your Application you call it a storage facility. It seems like a storage facility for vehicles.
- If you were able to find a buyer, would you still want to sell the other part of this lot, a couple acres of it?
 - This is already subdivided to its maximum. So by the transfer of developer rights, we're able to take this 27-acre parcel and make it into 3 lots. This 3.8-acre lot upfront cannot be further subdivided.
- That was part of our agreement when it was done 3 years ago?
 - That was the Planning Board's.
- I'm assuming you've had this lot for sale, but it's just not sold?
 - That's true. There's been a number of people that want a piece of it.
- You have kind of a knoll there. Are you going to flatten that?
 - No. The idea would be to have a two-step plateau.
- You're going to level it out on that upper part?
 - The upper part is maybe 10' or 12' higher than the front piece. Not too much leveling is to be done.

Public Hearing opened. Nobody spoke.

STAFF RECOMMENDATION:

E. Piekut explained how she reached her determination as Zoning Administrator. Chairperson inquired whether duration of time that the vehicles would be on the premises was a factor considered. E. Piekut responded that it was the primary factor. C. Parker distinguished the difference between parking and storage.

Public Hearing closed.

The Board made the following comments:

- Permitted uses are commercial parking facilities for this area. Section 170-7.B(2)(c) talks about the purpose of the District. Commercial parking facility means an off-street parking where, for a fee or permit, motor vehicles may be stored for the purpose of temporary daily, weekly, or overnight off-street parking. In comparing that definition to the submitted Application, where it's called a storage facility, there is a big difference in the two.



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Motion: B. Hall made a motion to uphold the Zoning Administrator's decision, as the Applicant has not met the necessary criteria, and that the appeal be denied. A. Sillitta seconded. Vote: (4-1) with F. Landford dissenting.

F. Landford stated that he has no problem with what he wants to do. But the way he's going about it is probably not the way it should be done.

B. Z17-24 Applicant/Owner Margaret M. Gabriel Revocable Trust, Dover Point Road (Tax Map L, Lot 99), located in the Low Density Residential (R-20) Zoning District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to permit a front setback of approximately 95 feet where a build-to line of 20 feet minimum, 35 feet maximum is required.

Kevin McEneaney, represented the Applicant, and presented the Application to the Board.

Public Hearing opened. Nobody spoke.

STAFF RECOMMENDATION:

E. Piekut indicated that Staff does support this request, reiterating everything that the Applicant has presented. She explained the rationale of Staff's decision.

Public Hearing closed.

Motion: B. Hall made a motion to grant the variance, as it meets the criteria, and that it be granted for setbacks as is defined in the submitted Variance Application Plan dated 10/24/17. F. Landford seconded. Vote: U/A

4. OTHER BUSINESS

Chairperson and E. Piekut reminded the Board that on Tuesday, January 9th, 2018, is the Annual Land Use Board Meet & Greet, where the focus will be presenting the Climate Adaptation Chapter of the Master Plan.

B. Hall suggested that there be a session in 2018 with the City Attorney about the variance criteria and “Right to Know” law.

C. Parker thanked the Board Members for their service. He also noted that there has been no rezoning on 6th Street for a very long period of time.

5. ADJOURN

Motion: B. Hall moved to adjourn. N. Couturier seconded. Vote: U/A. Adjourned: 7:39 p.m.