



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, February 15, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry, Frank Landford, Anthony Sillitta (Alternate), Rich Onufry (Alternate)

Members Absent: Bob Hall (Vice Chair), George Reagan, Nicholas Couturier (Alternate)

Staff Present: Elena Piekut (Assistant City Planner, Zoning Administrator)

The Chair called the meeting to order at 7:02 p.m. He introduced the Board and staff present to the audience and explained the process used to hear cases. He appointed both alternates present to decide the case.

Otis Perry moved to hold the election of officers at the end of the meeting. Frank Landford seconded. Vote: U/A

2. APPROVAL OF MEETING MINUTES OF DECEMBER 21, 2017

Motion: Frank Landford moved to approve the meeting minutes of December 21, 2017 as amended. Anthony Sillitta seconded. Otis Perry asked that the names of members present be corrected and that a statement be added to the minutes indicating the alternates that decided the cases. Frank Landford and Anthony Sillitta assented to the amendments. Vote: U/A.

3. HEARINGS

- A. Z18-01 Applicants Little Bay Marina & Development, LLC and Owners Little Bay Marina & Development, LLC and Richard & Victoria Benn, 421, 423, 425 & 427 Dover Point Road (Tax Map 8, Lots 11, 9, 12, and 10 respectively), request a variance to from **Section 170-11** to permit multi-family dwellings where multi-family dwellings are not a permitted use in the Little Bay Waterfront (LBW) Zoning District.

Attorney FX Bruton, Bruton & Berube, represented the Applicant. He provided an overview of the project, request, and its satisfaction of the five variance criteria.

Chris Prior asked for clarification on the two plans presented. Otis Perry asked for clarification between discussion of 15 units or 16 units and Atty. Bruton explained that the sixteenth unit is accessory to the 24-hour marina building and intended for its employee.

Frank Landford asked what effect the development will have on the marina. Atty. Bruton said that the marina would remain but boat storage would be eliminated.

Public hearing opened.

Gloria Esposito Anastas, 419 A Dover Point Road, spoke in favor of the project.



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STAFF RECOMMENDATION:

Assistant City Planner Piekut explained the reasons for the Planning Department's support of the request, particularly its environmental benefits to the public interest and its consistency with the spirit and intent of the ordinance. She also explained that a similar development could be achieved on four separate lots, but allowing multifamily would both permit and require a unified site development plan.

Public hearing closed.

Motion: Otis Perry moved to grant approval of the variance request as presented. Anthony Sillitta seconded. Frank Landford noted his displeasure at the loss of marina space. Vote: U/A.

- B. Z18-02 Applicant Personal Best Dover, LLC and Owner 851 Central Ave, LLC request a variance from **Section 170-32.A and 170-12** to permit a wall sign of 71.35 square feet, where wall signs are limited to one square foot per linear foot of business frontage and the subject tenant space has 35 feet, 7 inches (35.58 feet) of business frontage.

Attorney Paul Bauer, Devine Millimet and John DeStefano, DeStefano & Associates, represented the Applicant. He provided an overview of the request and addressed how the five variance criteria are satisfied.

Otis Perry asked for clarification that there are three nonconforming signs that have been erected since 2003. Chris Prior asked whether the numbers on the table provided had been revised and John DeStefano explained that they had after he reviewed the permits file for the property. Discussion ensued regarding competition amongst businesses, and the color and size of the sign(s). John DeStefano presented visual representations of the proposed signage in comparison to the signage permitted by right.

Sherri Ritz, owner of Personal Best Dover, LLC, explained her reasons for requesting larger signage, including the guidance provided in the property owners leasing documents.

Public hearing opened.

STAFF RECOMMENDATION:

Assistant City Planner Piekut explained the reasons for the Planning Department's recommendation to deny the variance, particularly that the property has achieved half conforming signs and half legally nonconforming signs since being built and occupied for many years prior to the current zoning. She also explained that automobile-oriented signs are provided for by allowing freestanding signs, and that it is customary for this type of development to permit larger signs for larger tenancies.

Public hearing closed.

Frank Landford commented that the sign won't show up well on the proposed façade, but that he supports the request. Chris Prior noted the proximity to abutters creates a hardship.

Motion: Otis Perry made a motion to grant the variance. Frank Landford seconded. Vote: 4 to 1, with Rich Onufry opposed.



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4. ELECTION OF OFFICERS

Otis Perry moved to nominate the current slate of officers, Chris Prior as Chair and Bob Hall as Vice Chair. Frank Landford seconded. The board voted by secret ballot and elected Chris Prior as Chair and Bob Hall as Vice Chair.

5. OTHER BUSINESS

None.

6. ADJOURN

Motion: Otis Perry moved to adjourn. Anthony Sillitta seconded. Vote: U/A. Adjourned: 8:05 p.m.