



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: **Room 306, McConnell Center** – 61 Locust St., Dover, NH 03820
Meeting Date: **Thursday, August 16, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF JULY 19, 2018

3. HEARINGS

- A. Z18-13 Applicant Charles Robbins and Owner Fred E. & Ruth K. Riley Trust 1991, 64 Littleworth Road (Tax Map G, Lot 2), located in the Rural Restricted Industrial (I-2) Zoning District, request a special exception per **Section 170-12.A** of the Zoning Ordinance to permit a vehicle refueling and recharging station with an accessory retail store.
- B. Z18-14 Applicant Laura Utley, 7 Federal Street, (Tax Map 20, Lot 94), located in the Urban Density Multit-Residential (RM-U) Zoning District, requests a variance from **Section 170-15.B** of the Zoning Ordinance to permit a new garage to be five feet from the single-family dwelling, where accessory structures are required to be at least as far away from the principal building as the height of the accessory structure's rear wall.

4. OTHER BUSINESS

5. 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 DOVER

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Room 306, McConnell Center – 61 Locust St. Dover, NH 03820
Meeting Date: **Thursday, July 19, 2018**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Bob Hall (Vice Chair), Otis Perry, Nick Couturier (Alternate), Rich Onufry (Alternate), Anthony Sillitta (Alternate)

Members Absent: Frank Landford, George Reagan

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

The Chair called the meeting to order at 7:00 p.m. He introduced the Board and staff present to the audience and explained the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF JUNE 21, 2018

Motion: Rich Onufry moved to approve the meeting minutes of June 21, 2018 as written. Bob Hall seconded. Vote: U/A

3. HEARINGS

- A. Z18-13 Applicant Charles Robbins and Owner Fred E. & Ruth K. Riley Trust 1991, 64 Littleworth Road (Tax Map G, Lot 2), located in the Rural Restricted Industrial (I-2) Zoning District, request a special exception per Section 170-12.A of the Zoning Ordinance to permit a vehicle refueling and recharging station with an accessory retail store.

Bob Stowell of Tritech Engineering represented the applicant as did applicant Chuck Robbins. Bob Stowell provided an overview of the project and addressed items involved in site plan review such as traffic and utilities.

Otis Perry asked whether the station would include any electric vehicle charging and Chuck Robbins stated that it likely would.

Public hearing opened.

Dave Bovee, 75 Littleworth Road, stated that he had lived there since 1990. He addressed the nature of the property as having been a farm and now wildlife habitat, and that he is concerned about the heavy traffic on the road and the existing danger of leaving his driveway. He believes the proposal will have a negative impact on property values. He noted that the property has been zoned industrial for a long time, but that he doesn't see a gas station fitting in nor does he see a need for it. Chris Prior asked Mr. Bovee to indicate the location of his property on the concept plan and he showed the Board where it is.

Joanne Fairchild, 77 Littleworth Road, stated that she had lived there since 1969. She is concerned about Harmony Lane and neighbors who did not receive notice. She said there is a dangerous blind curve near Harmony Lane, and that it is difficult to exit her driveway already and is concerned she will only be able to turn west. She said she doesn't oppose the Rileys, but that the proposal is dangerous and described an accident that happened in the vicinity as well as an instance when a police officer was unwilling to park in her driveway. She reiterated that her biggest concern is safety.



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Sandra Cutchin, 81 Littleworth Road, stated she had lived there since 1999. She said that traffic has worsened and that she is not anti-development but that she has rights as well. She said that people will not visit her because of the traffic. She added that although it will affect wildlife, safety is the more important issue. She asked the Board to consider the decision from an abutter's perspective.

David Pelletier, 73 Littleworth Road, is concerned about the impact on safety and believes that the proposal will definitely have a negative impact on his property value. He thinks the plan does not show the actual danger on the ground, and that the corner to the west is sharper than what is depicted. He said he has spoken with the DOT. He encouraged the Board to view the site in person. Chris Prior asked for clarification on Mr. Pelletier's thoughts about the existing traffic versus the conditions that will result if the use is approved. Mr. Pelletier said that there is already a lot of traffic, but that the use would increase its congestion. He added that the land is zoned industrial and that he is not opposed to industry as it wouldn't have as big of an impact on traffic. He raised concerns about the relationship of a refueling station to the nearby wetlands. He does not see a need for a gas station/convenience store with others nearby, and believes this would be neither a benefit nor a convenience to the public. He encourage the Board to see the site before making a decision. He would like to see the entrance shifted to the east to limit the direct effect of headlights into his property.

Joanne Fairchild, 77 Littleworth Road, added that the curve in the road is so sharp that she can see the road from her house, behind her Sandra Cutchin's house.

Sandra Cutchin, 81 Littleworth Road, added that the concern is not so much the increase in the number of vehicles as it is the introduction of additional turns.

Paul Butler, a Dover resident and representative of abutter Chauvin Arnoux, supported the abutters concerns about traffic and suggested widening the road to accommodate an additional lane.

Lisa Nugent, 69 Littleworth Road, believes that the proposal would diminish values. She said the public hearing notice sign was too small and hard to see. She noted that the proposal also affects homeowners on Columbus Avenue. She said that especially if it is open late, the use will affect quality of life.

Paul Butler added that the plan shown does not illustrate the elevation changes in the road.

Chris Prior asked Bob Stowell to respond to the points raised by abutters. Mr. Stowell said that the applicant has had initial conversations with the NH DOT and that a detailed traffic study will be completed. He explained how the sharp corner influenced the proposed driveway location and explained that this is the safer side of the road for sight distance due to the lesser curve. He listed other uses permitted by right in the zoning district that could be busier than a gas station.

Chris Prior asked if it is possible to move the entrance to the east. Chuck Robbins explained that if there is to be a single entrance, it is best centered. He said he relates to the abutters' concerns. He described how the construction of an Irving resulted in increased property values for commercially zoned properties and described how the abutters are located in a strip of R-40 zoned land that is surrounded by industrial zones. Rich Onufry asked whether the applicant has completed a market study and noted that there are many stores and gas stations nearby. Chuck Robbins said that he has permitted six gas stations and that market studies don't compare to knowledge of an area and gut feeling. He believes the whole area will be developed.



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STAFF RECOMMENDATION:

Assistant City Planner Elena Piekut stated that the Planning Department does not oppose the request for a special exception. She explained that there are general criteria that apply to all special exception uses, and specific criteria developed for this particular use in this zone. She said that the requirement that the Board find that the use “will not create undue traffic congestion” is applied to all special exception requests, some of which do not undergo additional review through the site plan approval process. She recommended that the Board evaluate the criterion regarding property values in the same way that they do for variance requests, by balancing applicant and abutter testimony with their own personal knowledge.

Bob Hall asked to clarify the Planning Board’s purview over traffic and Ms. Piekut explained the process by which the project will be evaluated and potential improvements that may be required to accommodate increased vehicle trips and turning movements.

Public hearing closed.

Otis Perry said that he doesn’t agree with the Assistant City Planner’s comments on the importance of traffic impacts at the Zoning Board level, and would like to obtain more information regarding traffic and the NH DOT’s opinion. **Motion:** Otis Perry moved to refer the item to the August 16 meeting with the understanding that more information will be provided. Rich Onufry agreed and also still feels it needs to be measured as a benefit to public convenience versus impacting public welfare. Rich Onufry seconded. Chair Prior asked Rich Onufry and Nick Couturier to vote. Vote: U/A

- B. Z18-07 Applicant Industrial Tower and Wireless, LLC and Owners Peter and Susan Rousseau, 200 Henry Law Avenue (Tax Map K, Lot 1), located in the Rural Residential (R-40) Zoning District, request a variance from **Section 170-22.C(1)** of the Zoning Ordinance to permit the construction of a new, 180-foot tall telecommunications tower on the above referenced property, where the construction of new telecommunications towers is only permitted on 15 parcels specified by the Zoning Ordinance.

Chair Chris Prior and alternate member Nick Couturier recused themselves from hearing the case and left the table.

Vice Chair Bob Hall explained the process used to review the case and its progression to this point. He explained that as only four Board members were present to hear the case, and three positive votes would be required to grant a variance, that the applicant has the option of postponing the hearing to the next meeting. Discussion ensued with the applicant about their availability and desire to postpone to September rather than August. Chair Hall asked the applicant if they would be willing to extend the 150-day “shot clock” by 90 to 120 days in order to cover both the extension and possible rehearing. The applicant was willing to extend the shot clock by 60 days, and agreed to that and to continue the case to the September 20, 2018 meeting. Otis Perry moved to do so. Vote: U/A.

4. OTHER BUSINESS

None.

5. ADJOURN

Motion: Otis Perry moved to adjourn. Anthony Sillitta seconded. Vote: U/A. Adjourned: 8:13 p.m.



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

RECEIVED
Planning Office

Office Use Only

Case #:

Z18-13

Date Received:

JUN 28 2018

Amount Paid: \$

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: CHARLES ROBBINS Phone # 603 473 2000

Address of Applicant: 271 WALSH RD. SANBORNVILLE NH 03872

E-Mail Address: CPR55@ROADRUNNER.COM

PROPERTY OWNER (if different from applicant): FRED E. + RUTH K. RILEY TRUST

Address: 201 TOLEND RD BARRINGTON 03825 Phone # 603-742 5690

E-Mail Address: CAROLIE CASH @ AOL.COM

PROPERTY/PARCEL INFORMATION

Address: 64 LITTLEWORTH ROAD

Brief Directions: 85 ACRE FIELD and FARM BETWEEN
CROSBY ROAD + INDUSTRIAL PARK ROAD

Zoning District: I-2 Assessor's Map # G Lot(s) # 2-0-0

TYPE OF APPEAL: (Please check one)

- | | |
|--|---|
| ☐ Variance | from Section _____ 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:

SEE ATTACHED

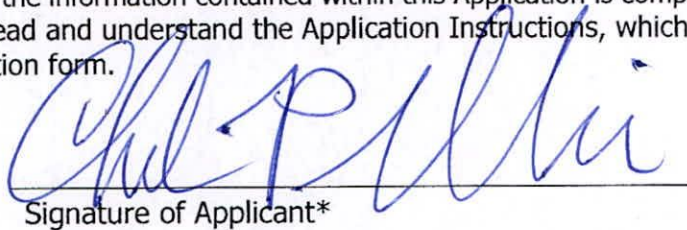
SIGNATURE PAGE

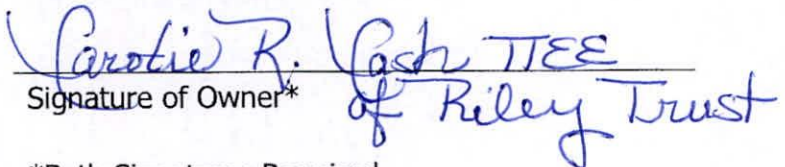
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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*

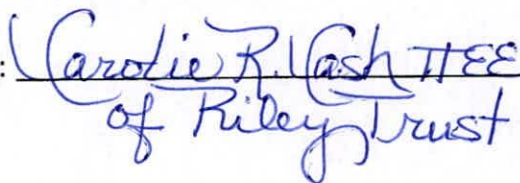

Signature of Owner*

*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: 6/26/18

SEE
ATTACHED

SPECIAL EXCEPTION REQUIREMENTS

THIS SECTION TO BE COMPLETED BY SPECIAL EXCEPTION APPLICANTS ONLY

A. General Special Exception Requirements (as set forth in §170-52.C.3 of the Zoning Ordinance)

1. Explain how the requested use would be essential or desirable to the public convenience or welfare.

2. Detail how the requested use would not create undue traffic congestion or unduly impair pedestrian safety.

3. Describe how the requested use would not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

B. Specific Special Exception Requirements (as may be set forth in the applicable Table of Use)

Explain how the proposal meets the specific special exception requirements as may be set forth in the Table of Use for the zoning district in which the subject property is located:

A. _____

B. _____

C. _____

D. _____

E. _____

F. _____

Plans for Property

A Refueling/Recharging station with retail store. To be created from an 85 acre parcel on 64 Littleworth Road

A) Requirements for Special Exception

1) Littleworth Road has evolved into an approximately 10,000 vehicle a day commuter road with residential homes located on side roads off of Littleworth Road. These 2 factors lend this location to be helpful to reducing the need for people to travel other roads in Dover for the conveniences available in this area, especially at peak travel times.

2) There is very little pedestrian traffic along this area of Littleworth Road. The state of NH DOT will require road improvements for this overall project that will insure safety and continued free flow of traffic.

3) The amount of water and sewer required for project is limited in comparison to other uses allowed in this zone, such as hotel/motel or eating and drinking establishments.

B) The project meets specific special exceptions requirements as set forth in this zoning district by being close to twice the required lot size and twice the required minimum road frontage. It also will exceed the 25% minimum required green area. The area is zoned I-2 bordering on each side of property and although there are 2 homes across the road from this 340 foot road lot, there is a large PSNH/Eversource transformer substation directly across from this to be created lot. Also, the homes mentioned have the I-4 district adjacent to their back property lines.

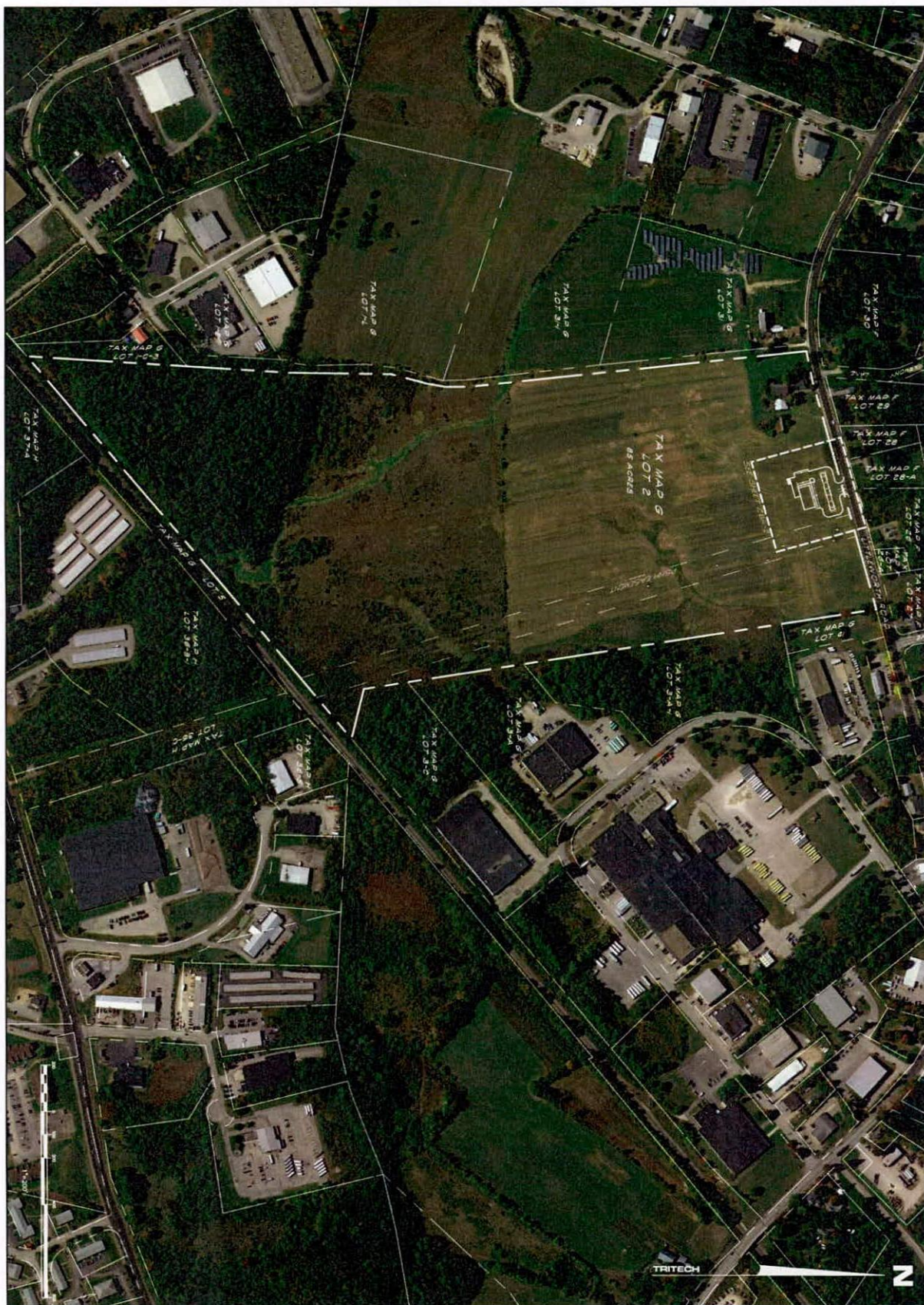


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ZBA-2

TRITECH
ENGINEERING CORPORATION

785 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 2892



SHEET NO. **ZBA-1**

ZONING BOARD OF ADJUSTMENT
APPLICATION PLAN

FRED E. RILEY TRUST 1991
& RUTH K. RILEY TRUST 1991
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE
JUNE 26, 2018 JOB No. 18128
SCALE: 1" = 200'

REVISIONS	
DATE	DESCRIPTION

TRITECH
ENGINEERING CORPORATION

750 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03803
TELEPHONE 603 742 8107
FAX 603 742 2600



SHEET NO. **ZBA-1**

ZONING BOARD OF ADJUSTMENT
APPLICATION PLAN

FRED E. RILEY TRUST 1991
& RUTH K. RILEY TRUST 1991
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE
JUNE 26, 2018 JOB No. 18128
SCALE: 1" = 200'

REVISIONS	DATE	DESCRIPTION
06-28-18	ADDED PROPERTY LINES	

TRITECH
ENGINEERING CORPORATION

705 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03801
TELEPHONE: 603.742.8107
FAX: 603.742.3800

RECEIVED
Planning Office
JUN 28 2018

Dover, New Hampshire



- ADJUSTMENT APPLICATION FOR A SPECIAL EXEMPTION FOR THE SUBJECT PROPERTY WHICH WOULD ALLOW FOR THE CONSTRUCTION OF A RECYCLING/RECYCLING STATION WITH RETAIL STORE.

- 2) CHARLES OWEN: FORD E. KELLY TRUST 1981
RUTH K. KELLY TRUST 1981
201 TOLSON ROAD
BETHESDA, MD 03025-3700

- 4.) TOTAL AREA 85 ACRES

- 6.) PRODUCT DATA REFERENCE: BOOK 553 PAGE 1

- 7) PRODUCT NAME REFERENCE: DOWRIP-100 TAN 100

- | | |
|---------------|---------|
| MIN. HEIGHT: | 100 FT. |
| MIN. SETBACK: | |
| FRONT: | 35 FT. |
| SIDE: | 10 FT. |
| REAR: | 10 FT. |

- VEHICLE STOPPING AND BACKWARD SLIDING IN THE WINDING LOT SHALL BE SIXTY THOUSAND FEET, THE WINDING LOT WITH SHALL BE ONE HUNDRED FEET, THE WINDING LOT WITH SHALL BE ONE HUNDRED FEET.

- EXCITED ONE HUNDRED (100) SQUARE FEET.

- 10.) SUBJECT PARCEL IS NOT WITHIN A FEDERAL FLOOD HAZARD ZONE (COMMUNITY PANEL NO. 5) LOT IS SERVED BY MUNICIPAL WATER.

- EFFECTIVE DATE: 9-30-2015)

-

- 100

- ZBA-2**

Z1813		64 Littleworth Road				
Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State Zip
F0026-000000	LITTLEWORTH RD	PUBLIC SERV CO OF N H		PO BOX 330	MANCHESTER	NH 03105-0330
F0026-A00000	69 LITTLEWORTH RD	NUGENT LISA A		69 LITTLEWORTH RD	DOVER	NH 03820
F0027-000000	67 LITTLEWORTH RD	RAVELING DAVID L		16 FORD DR	BARRINGTON	NH 03825
F0028-000000	75 LITTLEWORTH RD	BOVEE DAVID G & CAROL A TRUSTEES	BOVEE FAMILY REVOCABLE TRUST OF 2014	75 LITTLEWORTH ROAD	DOVER	NH 03820
F0028-A00000	73 LITTLEWORTH RD	PELLETIER DAVID G		73 LITTLEWORTH ROAD	DOVER	NH 03820
F0029-000000	77 LITTLEWORTH RD	FAIRCHILD JOANNE M TRUSTEE	FAIRCHILD JOANNE M 1999 TRUST	77 LITTLEWORTH ROAD	DOVER	NH 03820
F0030-000000	81 LITTLEWORTH RD	CUTCHIN SANDRA		81 LITTLEWORTH ROAD	DOVER	NH 03820
G0001-C00001	CROSBY RD	AYER PAUL JR & DUSTON ROBERT &	GROSS HOWARD	PO BOX 1715	DOVER	NH 03821-1715
G0001-C00002	207 CROSBY RD	AYER PAUL JR & DUSTON ROBERT &	GROSS HOWARD	PO BOX 1715	DOVER	NH 03821-1715
G0001-C00003	211 CROSBY RD	COLBATH WILLIAM C		211 CROSBY RD	DOVER	NH 03820
G0001-E00000	5 FARADAY DR	VIRTUOUS REALTY LLC	C/O TURBOCAM INC	607 CALEF HIGHWAY #200	BARRINGTON	NH 03825-7237
G0001-L00000	15 FARADAY DR	CHAUVIN ARNOUX INC		15 FARADAY DR	DOVER	NH 03820
G0003-A00000	74 INDUSTRIAL PARK RD	JUMAJA SEACOAST LLC		74 INDUSTRIAL PARK RD	DOVER	NH 03820
G0003-A00001	INDUSTRIAL PARK RD	74 INDUSTRIAL PARK LLC		273 CORPORATE DR STE 150	PORTSMOUTH	NH 03801
G0003-C00000	44 INDUSTRIAL PARK RD	SOLVETTA SALES INC		655 POST RD	WELLS	ME 04090
G0003-D00002	62 LITTLEWORTH RD	IWORX REAL ESTATE LLC		62 LITTLEWORTH RD	DOVER	NH 03820
G0004-E00000	92 INDUSTRIAL PARK RD	WILLMANCH CORP	% TAX DEPT	PO BOX 28606	ATLANTA	GA 30358-0606
G0005-000000	LITTLEWORTH RD	BOSTON & MAINE RR	IRON HORSE PARK	HIGH STREET	NORTH BILLERICA	MA 01862
G0031-000000	66 LITTLEWORTH RD	CASWELL BRUCE		68 LITTLEWORTH RD	DOVER	NH 03820-4330
G0031-001000	50 CROSBY RD	MCGUIRE A ROBERT JR TRUSTEE	HORIZON TRUST OF NEW HAMPSHIRE	PO BOX 988	DOVER	NH 03821-0988
G0041-000000	LITTLEWORTH RD	BT-NEWYO LLC		PO BOX 28606	ATLANTA	GA 30358-0606
H0031-000000	30 LITTLEWORTH RD	SOUSANE RUTH K &	QUINLAN NANCY K	30 LITTLEWORTH RD	DOVER	NH 03820
H0036-004000	8 PROGRESS DR	PROGRESS OF DOVER LLC		PO BOX 1409	DOVER	NH 03821-1409
H0036-005000	10 PROGRESS DR	10 PROGRESS DRIVE LLC		P O BOX 926	DOVER	NH 03821
H0036-B00001	221 KNOX MARSH RD	NSA OPTIVEST ACQUISITION HOLDINGS LLC		24901 DANA POINT HARBOR DR STE 200	DANA POINT	CA 92629
H0036-C00000	KNOX MARSH RD	PUBLIC SERV CO OF N H		PO BOX 330	MANCHESTER	NH 03105-0330
H0037-A00000	239 KNOX MARSH RD	MCCRONE IRREVOCABLE TRUST	MCCRONE GREGORY AND HERGOTT LISA TF	PO BOX 14	DOVER	NH 03820
H0038-000000	289 KNOX MARSH RD	CRAGIN PATRICK J TRUSTEE	CRAGIN PATRICK J LIVING REV TRUST	PO BOX 250	DOVER	NH 03820
		CHARLES ROBBINS		271 WASH ROAD	SANBORNVILLE	NH 03872
		FRED E. & RUTH K. RILEY TRUST		201 TOLEND ROAD	BARRINGTON	NH 03825
		TRITECH ENGINEERING CORPORATION		755 CENTRAL AVENUE	DOVER	NH 03820



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type: Regular Meeting
Meeting Location: Room 306, McConnell Center – 61 Locust St. Dover, NH 03820
Meeting Date: Thursday, August 16, 2018
Meeting Time: 7:00 pm

INTENT: The Applicant requests a variance to permit a 5-foot separation between a house and proposed garage, where a minimum of 8 feet is required.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: Urban
Density Multi-Residential (RM-U)

FILE: Z18-14

APPLICANT/OWNER: Laura
Utley

LOCATION: 7 Federal Street (Tax
Map 20, Lot 94)

ACREAGE: 0.45 acre

EXISTING LAND USE: Single-
family dwelling

PROPOSED LAND USE:
Single-family dwelling

SURROUNDING LAND USE:
Single-family, two-family, three-
family, and multi-family dwellings

PREVIOUS ZBA ACTION:
None

**PLANNING BOARD
APPROVAL REQUIRED:** No

ATTACHMENTS: Application,
plans

STAFF RECOMMENDATION:
Staff does not oppose granting the
variance.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The property subject to this variance request is a 0.45-acre, single-family dwelling lot located on Federal Street, a short dead-end street off of Union Street.

The applicant proposes constructing a detached garage that will be closer to the house than is permitted by Section 170-15.B of the Zoning Ordinance, which requires that any accessory structure must be at least as far from the principal building as the height of that accessory structure's rear wall (as measured to the top plate). In this case, the rear wall height is eight feet and the applicant wishes to locate the garage only five feet from the corner of the house.

REASON FOR STAFF RECOMMENDATION

The property owner has demonstrated that meeting the separation requirement would result in additional impervious area and possible damage to a tree on the property. The use is a reasonable one and unlikely to impact neighboring property values. The spirit and intent of this requirement is to preserve public safety by preventing one building catching fire from another, and by ensuring sufficient circulation between buildings. The Zoning Ordinance's separation requirement exceeds that of the Building Code, and the Building Official has recommended a condition of approval in order to further ensure the safety of the principal building.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing and evaluate and make findings on each of the variance criteria. Staff does not oppose granting the variance. If the Board grants the variance, staff proposes the following condition:

1. The wall(s) nearest the principal building shall be fire rated, as determined and approved by the Building Official.

**Property Information**

Property ID 20094-000000
Location 7 FEDERAL ST
Owner UTLEY LAURA C

**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 03/29/2018
Properties updated 08/07/2018



Dover, New Hampshire

The plan is to add a garage at the end of the existing driveway. Simultaneously the existing deck will be removed and replaced by a paved patio area.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-15B of the Zoning Ordinance to permit:

the garage wall to be built 5 feet from the house wall instead
of 8 feet (the height of the garage's rear wall)

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:

the distance change has no negative impact on neighbors
or passerbys

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

It still allows ample distance between structures and
exceeds the 3 feet separation that is required by
safety code. See attached table R302.6

3. Granting the variance would do substantial justice because:

The ordinances aim for well planned spaces and this
adjustment for this property results in a better planned
space than if the full 8 feet distance was followed.
It helps avoid a more major topographical change and
protects a mature tree from root damage. It also
helps create an easier to maintain property for the winter.

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

The placement improves the distance of the garage from the neighbor's property line. So it's actually better for them.

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:

There is a tree at the road edge and we don't want to disturb its roots with digging and paving near it - which would be necessary if the garage was pushed further out because the driveway would need substantial widening. The shape of the lot makes pushing the garage back or over a less desirable use of space/yard.

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:

Pushing the building 8 feet away would break up the yard more and decrease the yard's appeal and usability

and

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

It keeps a good amount of space between buildings and meets and exceeds safety requirements. Again, see attached table R 302.6

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:

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.

Jaura Attley
Signature of Applicant*

Jaura Attley
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: Jaura Attley Date: 7/23/18

APPLICATION CHECKLIST (Please check off)

- A. **Application signed** by Applicant and Property Owner (if different from Applicant) ✓
Note: In order for the application to be accepted by Planning Department staff and placed on the ZBA agenda YOU MUST COMPLETE (1) ALL SECTIONS ON PAGE 1 as well as (2) ALL QUESTIONS FOR THE SPECIFIC APPEAL YOU ARE SEEKING.
- B. **10 Copies of Completed Zoning Board of Adjustment Application** ✓
Note: 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 as part of original signed application (Part A above)).
- C. **10 copies of a plot plan** drawn in accordance with a boundary line to scale not less than 1" = 40'. They need to include the lot dimensions including area in square feet, and also the size and location of existing and proposed buildings if applicable, including setbacks. ✓
- D. Submit at least one (1) copy of the plot plan at a size of **8 1/2 x 11** (this is 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. ✓
- 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 15 X \$8.00 =

\$ 120.00

3. Applicant & Owner mailing fee: 1 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 12 X \$1.00 =

\$ 12.00

5. Foster's newspaper public notice

\$ 80.00

TOTAL FEE \$ 320.00

ABUTTER LIST

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

Pursuant to RSA 676:7, the State Law of New Hampshire, the City of Dover is required to notify the applicant and every abutter of the public hearing by certified mail. The cost of required publication or posting of notice, and the cost of mailing said notices, shall be paid by the applicant.

"Abutter" is defined in Chapter 170, Dover Zoning Ordinance, as:

The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within **two hundred (200) feet** (including land across the street or waterway) of the proposed site under consideration by the Board.

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 only by first class mail.

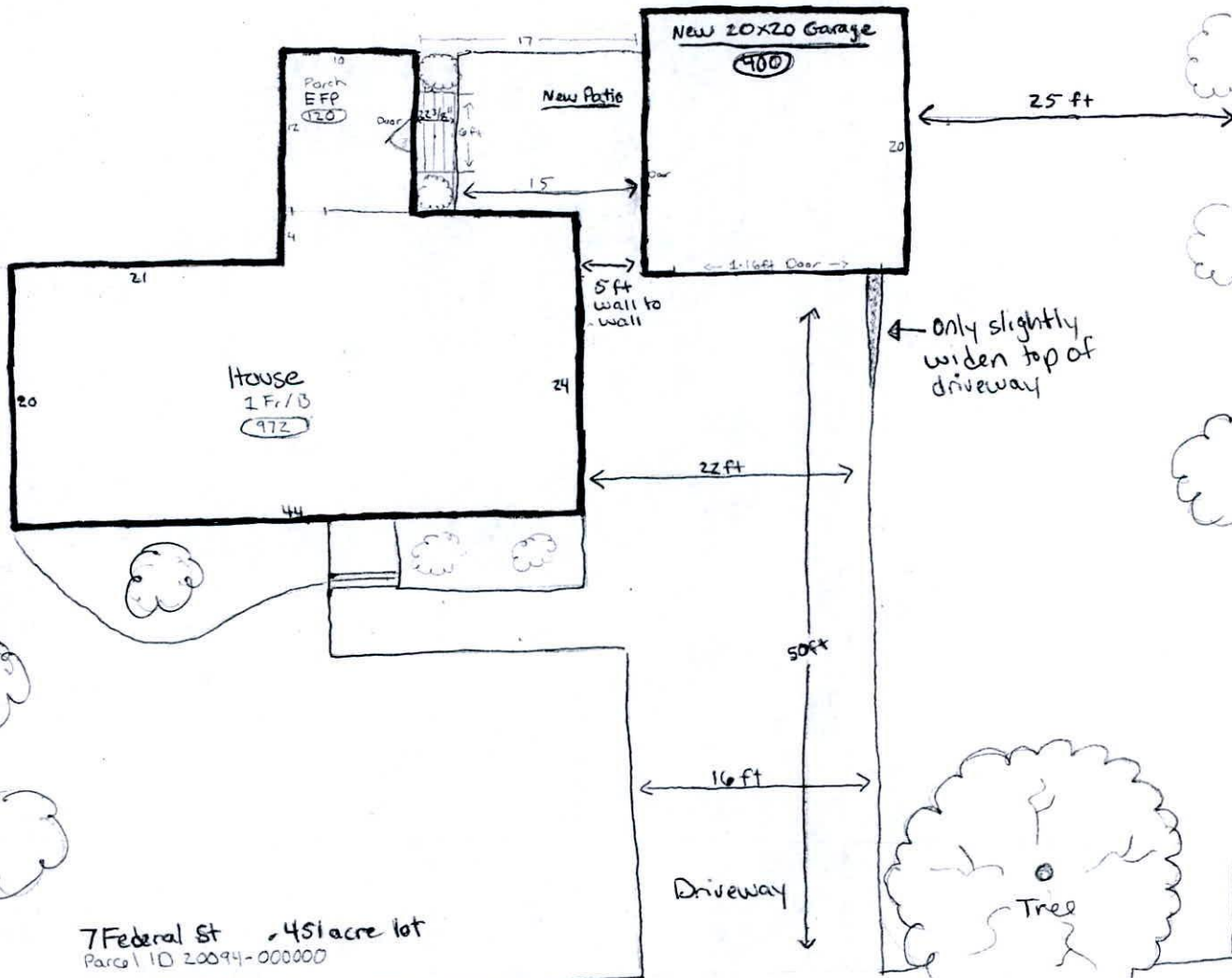
PLEASE NOTE: abutter ownership information for lots located in Dover, shall be obtained through the City's Tax Assessment Office.

[illegible]

Property line/fence

Property line/fence

Shed



House
1 Fr / 0
972

New 20x20 Garage

400

New Patio

Porch
EFP
120

← Only slightly
widen top of
driveway

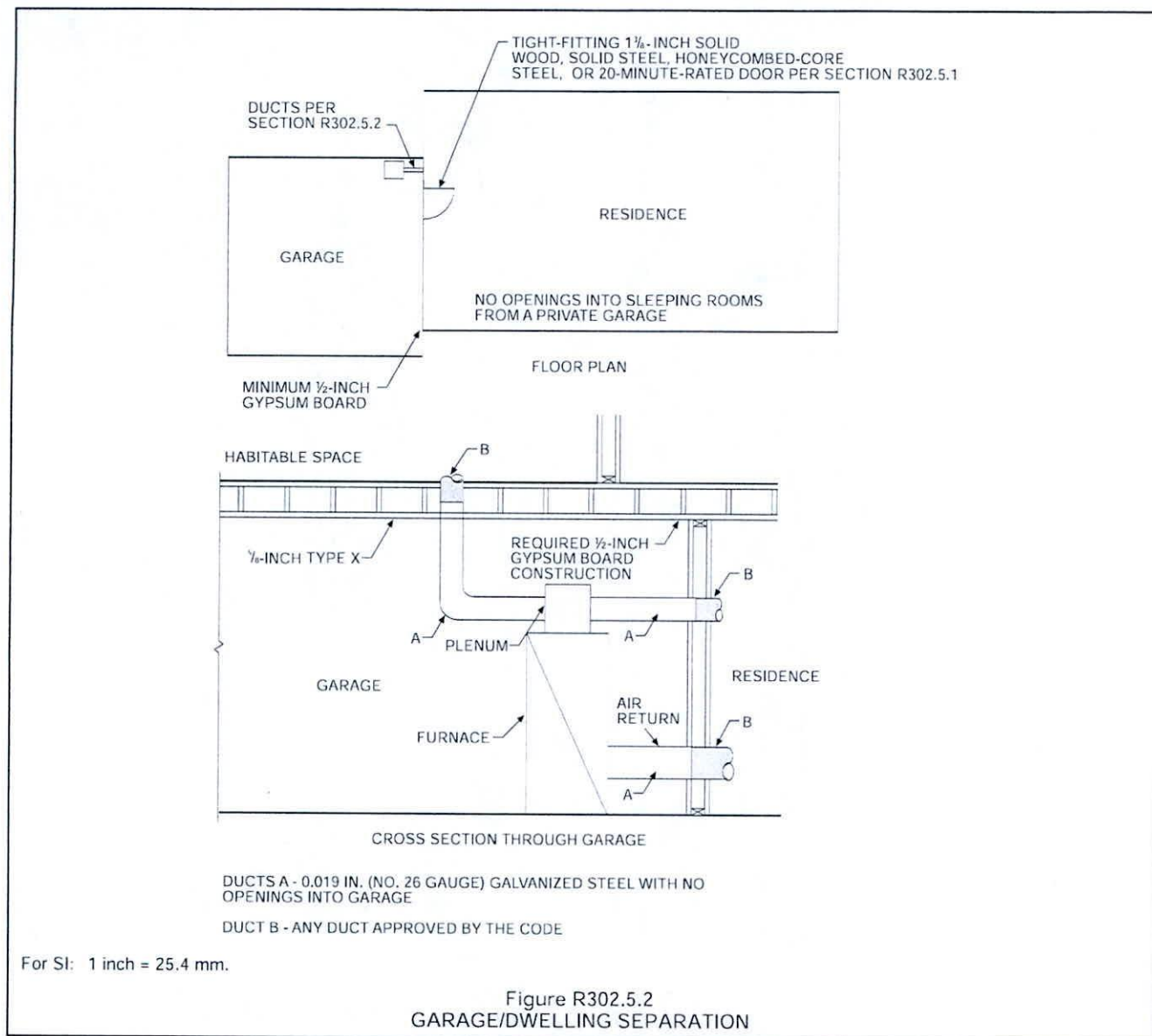
Driveway

Tree

7 Federal St 4.51 acre lot
Parcel ID 20094-000000

Scale 1" = 13 ft

Federal Street



ducts or ductwork. It is important that the building official verify that these spaces are properly filled and do not compromise the protection offered by the common wall between the residence and garage against the free passage of smoke, fire, noxious gases and odors.

R302.6 Dwelling/garage fire separation. The garage shall be separated as required by Table R302.6. Openings in garage walls shall comply with Section R302.5. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

❖ Numerous potential hazards exist within garages because occupants of dwelling units tend to store a variety of hazardous materials there. Along with this and the potential for CO build-up within the garage, the code requires that the garage be separated from the dwelling unit and attic as indicated in Table R302.6. Garage walls and ceilings that do not form a separation from

the dwelling unit are not required to be rated unless they are an extension of a rated assembly.

R302.7 Under-stair protection. Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with 1/2-inch (12.7 mm) gypsum board.

❖ Often times the space under a stairway is used for storage because this space is often of little use for other purposes. The code permits the use of an open space beneath a stair without the need for any additional protection. Additionally, if the space is walled off and there is no access to the area, the code is also not concerned. If, however, the area beneath the stairway is enclosed and any type of access is provided into the space, the walls, soffits and ceilings of the enclosed space must be protected on the enclosed side with at least 1/2-inch (12.7 mm) gypsum board.

TABLE R302.6
DWELLING/GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than $\frac{1}{2}$ -inch gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage	Not less than $\frac{5}{8}$ -inch Type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than $\frac{1}{2}$ -inch gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than $\frac{1}{2}$ -inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

❖ This table specifies when and how the garage must be separated from the dwelling unit and any attic space. Walls between the residence and the attached garage, or ceilings between the garage and an attic space, must have at least $\frac{1}{2}$ -inch (12.7 mm) gypsum board on the garage side. If a habitable room is above the garage, the ceiling must be at least $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum board on the garage side. Additionally, the exterior walls of the garage are required to have $\frac{1}{2}$ -inch (12.7 mm) gypsum board on the interior face where they support floors separating all or part of a dwelling unit above the garage.

Detached garages located less than 3 feet (305 mm) from an adjacent dwelling unit must be protected with at least $\frac{1}{2}$ -inch (12.7 mm) gypsum board applied to the interior side of the garage. The close proximity to adjacent dwellings requires the additional protection. This $\frac{1}{2}$ -inch (12.7 mm) gypsum board is required even when the exterior walls are exempted by Section R302.1.

The term "or equivalent" under each option allows for alternative means consistent with Section R104.11.

There are two primary reasons for the enhanced fire endurance of a garage ceiling located beneath a habitable room. First, a fire occurring in a garage may well go undetected for an extended period prior to activation of a detector or other visual alerting.

Second, the inherent fire load and hazardous household activities associated with a garage necessitate this additional level of protection if fire suppression forces are to have a reasonable opportunity to contain a garage fire to the area of origin.

The single layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum board at the garage ceiling increases the fire endurance of the assembly considerably, from 15 minutes for a $\frac{1}{2}$ -inch (12.7 mm) layer, to at least 40 minutes, or a 167-percent increase in endurance. When added to the rating for floor joists and certain subflooring combinations, the final endurance is close to 1 hour.

Commentary Figure R302.6 shows two locations of gypsum wallboard; each achieves the protection required by the code.

Z18-14 7 Federal Street

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
20013-000000	1A CRICKET BROOK	GUARD HOUSE LLC		670 N COMMERCIAL ST SUITE 303	MANCHESTER	NH	03101
20013-000131	131 CRICKET BROOK	BENOIT DENNIS J TRUSTEE	BENOIT DENNIS J REVOCABLE TRUST	136 CRICKET BROOK	DOVER	NH	03820
20013-000132	132 CRICKET BROOK	BELANGER CRAIG A		132 CRICKET BROOK	DOVER	NH	03820-3866
20013-000133	133 CRICKET BROOK	MUSTO MATTHEW C		133 CRICKET BROOK	DOVER	NH	03820
20013-000134	134 CRICKET BROOK	BARKER BLAKE J		24 PURINGTON LN	HAMPTON	NH	03842-1710
20013-000135	135 CRICKET BROOK	BENOIT DENNIS J TRUSTEE	BENOIT DENNIS J REVOCABLE TRUST	93 HENRY LAW AVE UNIT #136	DOVER	NH	03820
20013-000136	136 CRICKET BROOK	BENOIT DENNIS J TRUSTEEQ	BENOIT DENNIS J REVOCABLE TRUST	93 HENRY LAW AVE UNIT #136	DOVER	NH	03820
20013-000137	137 CRICKET BROOK	FAVA JOSEPH J &	FAVA SANDRA A	22 LAWSON RD	WESTFORD	MA	01886
20013-000138	138 CRICKET BROOK	SHERWOOD KANDACE K		93 HENRY LAW AVE UNIT #138	DOVER	NH	03820
20013-000141	141 CRICKET BROOK	RUBALCABA BEVERLY L TRUSTEE	SURVIVORS TRUST UNDER THE CRANE FAMILY	51 WATERLOO CIRCLE	DOVER	NH	03820
20013-000142	142 CRICKET BROOK	BULGER RICHARD D &	BULGER HANNA	94 OLD FIELDS RD	SOUTH BERWICK ME		03908
20013-000143	143 CRICKET BROOK	HADLEY WILLIAM J &	HADLEY GAIL C	7 ANGELO LN	LONDONDERRY	NH	03053
20013-000144	144 CRICKET BROOK	RUBALCABA BEVERLY L TRUSTEE	SURVIVORS TRUST UNDER THE CRANE FAMILY	51 WATERLOO CIRCLE	DOVER	NH	03820
20013-000145	145 CRICKET BROOK	YORKE MELANIE &	GERKE STEVEN	2 PINE HILL RD S	CAPE NEDDICK ME		03902
20013-000146	146 CRICKET BROOK	QUINTON MICHAEL W & MARY TRUSTEES	QUINTON MICHAEL AND MARY LIVING TRUST	83 DARLING RD	KEENE	NH	03431
20013-000147	147 CRICKET BROOK	KAUR SURINDER &	SINGH JOGA	20 CRESCENT AVE	DOVER	NH	03820
20013-000148	148 CRICKET BROOK	BUNGERT ADAM E &	BUNGERT CAROLYN E	148 CRICKET BROOK	DOVER	NH	03820
20013-000151	151 CRICKET BROOK	HARVEY MICHAEL		44 DAWSON ST	SOUTH BERWICK ME		03908-1102
20013-000152	152 CRICKET BROOK	DUBOIS AIMEE E &	DUBOIS THOMAS R	93 HENRY LAW AVE UNIT #152	DOVER	NH	03820
20013-000153	153 CRICKET BROOK	DUBOIS BONNIE JEAN &	DUBOIS THOMAS R	73 GLEN HILL RD	DOVER	NH	03820
20013-000155	155 CRICKET BROOK	WRIGHT ALAN H		93 HENRY LAW AVE UNIT #155	DOVER	NH	03820
20013-000156	156 CRICKET BROOK	RUBALCABA BEVERLY L TRUSTEE	SURVIVOR'S TRUST UNDER THE CRANE FAMILY	51 WATERLOO CIRCLE	DOVER	NH	03820
20013-000157	157 CRICKET BROOK	CRANFORD J MARK &	CRANFORD ELIZABETH R	6 HERITAGE DR	HAMPTON	NH	03842
20013-000158	158 CRICKET BROOK	DAVIDSON JULIAN S		158 CRICKET BROOK	DOVER	NH	03820
20081-000000	9 BOYLE ST	BOYLE CATHERINE	BOYLE CHARLES	9 BOYLE STREET	DOVER	NH	03820
20083-000000	32 34 COURT ST	FORD PAUL S		816 MIDDLE ST	PORTSMOUTH	NH	03801-5021
20084-000000	36 COURT ST	KNOX MARSH DEVELOPMENT LLC		242 CENTRAL AVE	DOVER	NH	03820
20087-000000	22 UNION ST	DOVER HOUSING AUTHORITY		62 WHITTIER STREET	DOVER	NH	03820
20089-000000	30 UNION ST	SULLIVAN DENNIS		30 UNION STREET	DOVER	NH	03820
20090-000000	6 8 FEDERAL ST	PETTIS EVELYN L	PETTIS JAMES J	6 FEDERAL STREET	DOVER	NH	03820
20091-000000	10 FEDERAL ST	FEDERAL ST CONDOS		10 FEDERAL ST	DOVER	NH	03820
20091-A00000	10 FEDERAL ST	KRYZAK MELISSA		70 HUBBARD CT	DERRY	NH	03038-4831
20091-B00000	12 FEDERAL ST	LAROCHE SANDRA		265 ROCHESTER HILL RD	ROCHESTER	NH	03867
20092-000000	11 FEDERAL ST	RIPTIDE INVESTMENTS LLC		17 SOUTH PINE ST	DOVER	NH	03820
20093-000000	9 FEDERAL ST	BASTIANELLI COREY M		9 FEDERAL ST	DOVER	NH	03820
20095-000000	32 UNION ST	PETTIS MARK A	PETTIS DIANA B	32 UNION STREET	DOVER	NH	03820
20096-000000	31 82 UNION ST	DOVER HOUSING AUTHORITY		62 WHITTIER STREET	DOVER	NH	03820
20097-000000	29 UNION ST	DOVER HOUSING AUTHORITY		62 WHITTIER ST	DOVER	NH	03820
20098-000000	27 UNION ST	PALMER DANA &	PALMER JANETTE	27 UNION ST	DOVER	NH	03820
20099-000000	25 UNION ST	CASSIDY JULIE E &	CASSIDY BRIAN P	12 LAVOIE DR	NOTTINGHAM	NH	03290
20100-000000	21 23 UNION ST	DOVER HOUSING AUTHORITY		62 WHITTIER STREET	DOVER	NH	03820