# ZONING BOARD OF ADJUSTMENT - MINUTES

CITY OF DOVER

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| Meeting Type: | Regular Meeting |
| Meeting Location: | **Council Chambers, City Hall** – 288 Central Ave., Dover, NH 03820 |
| Meeting Date: | **Thursday, January 17, 2019** |
| Meeting Time: | **7:00 pm** |

## 1. ATTENDANCE

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

**Members Absent:** George Reagan

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

The Chair called the meeting to order at 7:00 p.m. He stated that Rich Onufry will serve as a voting member on the old business item.

## 2. ELECTION OF OFFICERS

**Motion:** Otis Perry moved to hold the election of officers after other business. Anthony Sillitta seconded. **Vote:** U/A

## 3. APPROVAL OF MEETING MINUTES OF DECEMBER 20, 2018 AND JANUARY 8, 2019

Chair Chris Prior explained that a revised version of the minutes was provided at the start of the meeting.

**Motion:** Otis Perry moved to refer a decision on the December 20, 2018 meeting minutes to the February meeting. Bob Hall seconded. **Vote:** U/A

**Motion:** Frank Landford moved to approve the minutes of the January 8, 2019 meeting as written. Otis Perry seconded. **Vote:** U/A

## 4. OLD BUSINESS

A. Z18-20 Applicant/Owner Real McKoy Properties, LLC, 301 Durham Road (Tax Map H, Lot 1), located in the Hotel/Retail (B-4) Zoning District, requests a variance from Section 170-12.A of the Zoning Ordinance to permit an assisted living facility, where assisted living facilities are not permitted in the B-4 Zoning District.

**Motion:** Otis Perry moved to remove the item from the table. Bob Hall seconded. **Vote:** U/A

Chair Chris Prior asked alternate Rich Onufry to vote on the case as he had attended the previous hearing. He explained that the item had been tabled in order to obtain comments from Community Services staff on concerns raised at the public hearing regarding the effect of a septic system on an abutting well. He paraphrased the memo provided by City Engineer Dave White, explaining that Mr. White had reviewed the materials submitted to the Zoning Board as well as during his Planning Board review, and that the proposal meets the City Code and that he defers to the state's Subsurface Systems Bureau for review of compliance with their technical requirements.

**Motion:** Otis Perry moved that in light of the testimony and memo provided, that the variance be granted. Bob Hall seconded. Rich Onufry asked about the status of the septic system and well permits with the state. Assistant City Planner

Elena Piekut said her understanding is that both are pending approval. Chris Prior read the conditions of approval proposed by staff:

1. NH Subsurface Systems Bureau and Town of Madbury approve the septic system, with permit number added to the plan.
2. Prior to issuance of a Certificate of Occupancy, the City has been provided proof that the NH Drinking Water Bureau approves of the well.

Otis Perry amended his motion to include the conditions. Frank Landford seconded and Bob Hall assented to the amendment. **Vote:** U/A

## 5. HEARINGS

None.

## 6. OTHER BUSINESS

Chair Chris Prior began a discussion about improving detail included in meeting minutes and asked Assistant City Planner Elena Piekut to convey that message to the contracted minute taker. Otis Perry commented on the importance of minutes as an official record, and said they should be complete enough for a reader to understand what happened. He said he was concerned that the most recent meeting minutes would not meet the rules for public access to meeting records. Bob Hall agreed, noting that discussion on key points needs to be captured. Rich Onufry pointed out that there were some mentions of questions and answers but no information on what they were. Chris Prior said he saw the findings of fact issued after the meeting are also important in completing the record.

The group discussed offering applicants the option of providing a digital presentation.

## 7. ELECTION OF OFFICERS

Otis Perry nominated Chris Prior as Chair and Bob Hall as Vice Chair. Members voted by secret ballot and the slate was elected unanimously.

## 8. ADJOURN

**Motion:** Otis Perry moved to adjourn at 7:20 pm. Anthony Sillitta seconded. **Vote:** U/A