



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, March 21, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 21, 2019

3. HEARINGS

- A. Z19-04 Applicant/Owner Quantum Real Estate Group, LLC, Littleworth Road (Tax Map H, Lot 29-A-3), located in the Low-Density Residential (R-20) Zoning District, requests a variance from **Section 170-12.A** of the Zoning Ordinance to permit a self-service storage facility, where self-service storage facilities are not permitted in the R-20 Zoning District.
- B. Z19-03 Applicant White Birch Armory and Owner Dover Business & Industrial Development Authority, Quality Way (Tax Map D, Lot 11-7), located in the Assembly & Office (I-4) Zoning District, request a variance from **Section 170-12.A** of the Zoning Ordinance to permit a commercial recreation use (indoor shooting range), where commercial recreation is not a permitted use in the I-4 Zoning District.
- C. Z18-18 Applicant/Owner Mac's Convenience Stores, LLC, Dover Point Road (Tax Map K, Lot 19-C and 19-A), located in the Thoroughfare Business (B-3), Medium Density Residential (R-12), and Executive Technology Park (ETP) Zoning Districts, requests a special exception per **Section 170-11.B** of the Zoning Ordinance to permit a vehicle refueling and recharging station in the B-3 Zoning District.

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: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, February 21, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

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

Members Absent: Nick Couturier (Alternate)

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

The Chair called the meeting to order at 7:00 p.m and explained the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF DECEMBER 20, 2018 AND JANUARY 17, 2019

Motion: Otis Perry moved to approve the minutes of December 20, 2018 as submitted. Seconded by Frank Landford. Vote: U/A with George Reagan abstaining.

Motion: Otis Perry moved to approve the minutes of January 17, 2019 as submitted. Seconded by Bob Hall. Vote: U/A with George Reagan abstaining.

3. HEARINGS

- A. Z19-01 Applicant Thomas A. Toye IV and Owner Michelle Hunt, 10 Durham Road (Tax Map I, Lot 7), located in the Low Density Residential (R-20) Zoning District, request a variance from **Section 170-12.A** of the Zoning Ordinance to permit an office use, where offices are not permitted in the R-20 Zoning District.

Thomas Toye, applicant presented the case. He offered to present Cases A and B together as they are related, but the board preferred to hear them separately.

The proposal is for a variance for office use of a single-family home located on the corner of Back River Rd and Rt. 108 (Durham Rd). The use is for Arthur Thomas Properties, a real estate business currently being run out of 278 Washington St., to move its location to this address.

He walked through the variance criteria as follows: The location is at a corner of a signaled intersection. It's at the beginning of the neighborhood and flanked by other commercial properties. The office use proposed is a relatively low intensity commercial use. All activities would take place indoors and during business hours.

The Chair noted the board members have copies of the application which they've read through so the applicant can highlight the criteria if he prefers.

Thomas Toye stated the R20 zone is the low-density residential district. It is near major roadways. The ordinance would allow a residential-only purpose for this property. It has 420 lineal feet of frontage on two major roadways. It's also built closer to the street than what would currently be allowed. The strict requirements don't relate well to this property.

He currently has the property under contract to purchase. The current owners state the home has very little appeal to



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, February 21, 2019
Meeting Time: 7:00 pm

be sold as a residential home.

The adapted use of the historical property would be beneficial. The requested use is compatible with low-density zoning and would not be in conflict with abutting uses in the neighborhood.

Regarding hardship, there are special conditions of the property. It's on the corner of a busy intersection. DOT reports 15,000 cars pass the property per day. The square footage and frontage would allow for two separate lots, but the current configuration doesn't support that. There is a circular driveway which is unusual. There's additional signage across the street. Right out the front door the view is the 7/11.

The best description of this lot is a busy downtown street corner- not an R20 residential home. The home is within the 35' setback. The yard slopes down to both roads and fencing was put up to try to keep the yard private and safe. The proposed use is reasonable because it's primarily an interior use. The timeframe would be during business hours rather than nights and weekends. It's very noisy there with the commercial uses around it which is not conducive to residential use.

George Reagan inquired about parking. The intent is to expand a parking area to the south side of the driveway which will primarily be used by employees and clients.

The Chair showed a map describing this lot as at the corner of four different zones.

Public hearing opened. No one spoke.

STAFF RECOMMENDATION:

Assistant City Planner Elena Piekut clarified the zones surrounding this property. Staff agrees this lot is not conducive to residential use. The house predates the existence of zoning regulations. No one would build a home on that lot now. Planning Director has determined this needs to go before TRC for the expansion of the parking which staff has added as a condition of approval. If this was a residential home, a home-office would be allowed.

Otis Perry wondered if the whole property would be office use with no apartments.

Mr. Toye stated there's no intention of apartments. There is a garage on site which has unfinished space. The intent is to use it for storage.

Public hearing closed.

Motion: Otis Perry moved to approve the variance subject to the following conditions:

1. Applicant obtain TRC approval for additional parking and complete all site improvements prior to occupancy as an office
2. TRC confirms efficacy of vehicle access to and from the site

Seconded by Frank Landford. Vote: U/A

- B. Z19-02 Applicant Thomas A. Toye IV and Owner Michelle Hunt, 10 Durham Road (Tax Map I, Lot 7), located in the Low Density Residential (R-20) Zoning District, request a variance from **Section 170-32.A** of the Zoning Ordinance to permit two signs, each not to exceed 16 square feet, where only one 16-square-foot sign is permitted in the R-20 Zoning District.

Thomas Toye, applicant presented the case for two signs where only one is permitted. The criteria is largely the same as the previous case. The zone permits one sign up to 16 sq. ft. His intent is to have two signs. One sign would limit his ability to have directional signage for entrance.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820
Meeting Date: Thursday, February 21, 2019
Meeting Time: 7:00 pm

This is an unusual lot due to the two main roads.

The intent is not to clutter up the landscape. The neighborhood has commercial properties and it's on a busy street corner.

This is a secondary application that supports the other application. All criteria is the same.

The Chair asked for clarity on the signage proposed. He is planning to design a single free-standing sign for the front and plans for some directional signage on the building.

Otis Perry asked for clarity about the second set of signage for direction and entrances. The applicant may not need a variance.

Elena Piekut stated the request was written as two free-standing signs because wall signage is not permitted in that zone. If the applicant intends to have one sign advertising the business and then have directional signage for entrance and exit, no variance is required.

The applicant is happy to withdraw the application if what was noticed is not his intent. Otis Perry suggested he figure out what he wants to do and come back at a later date with a request.

The application was withdrawn without prejudice.

- C. Z19-03 Applicant White Birch Armory and Owner Dover Business & Industrial Development Authority, Quality Way (Tax Map D, Lot 11-7), located in the Assembly & Office (I-4) Zoning District, request a variance from **Section 170-12.A** to permit a commercial recreation use (indoor shooting range), where commercial recreation is not a permitted use in the I-4 Zoning District.

Steve Haight, Civilworks presented the case for White Birch who is looking to acquire this property.

They are proposing an indoor shooting range and training facility. There would be an underground shooting range for the high-powered rifles in a concrete chamber. The owner of White Birch, Sean Manning and Operations Manager David Guard were present and will speak later.

Civilworks has already done the research and work to create a site plan which normally occurs at a later time in the process. They wanted to make sure the project would fit on the site. The site plan shows parking and access for trucks and security. There are no wetland impacts. The application will still have to go through Planning Board and TRC processes.

The closest residents are off Quail Dr and the nearest one is 250-300 feet away.

The location is an industrial park. There is an industrial use across the street. There's water and sewer on the road.

Sean Manning, owner spoke giving some background on himself and David Guard. He was an active duty Marine, went to UConn for mechanical engineering, and listed some places he's worked. David spent 10 years in the Marine Corps reserves. They both have many years of experience working around weapons. White Birch is a gun shop, but that's the smallest part of the business. The shop is not marketed- it's all word of mouth. They sell to federal government and law enforcement. They do wholesale sales which is probably the largest part of the business.

He addressed the criteria as follows: This property is at the end of Quality Way in Enterprise Park.

1. Public interest: Individuals who use the firearms follow the firearm safety rules. Industrial zones are usually high-risk areas with high truck traffic, high noise, dangerous machinery. This doesn't work for all commercial recreational uses but is ideal for an indoor shooting range.

2. Spirit of the ordinance: This range could be an accessory use for their business. The business performs similar packaging and shipping functions as other businesses in the area. This wholesaling part of the business can grow and



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, February 21, 2019**
Meeting Time: **7:00 pm**

become the primary source of revenue. The range is complementary to the operations and will provide employment opportunities.

3. Substantial Justice: The use is consistent with other businesses in the zone. The nearest range is an hour away. Most residents don't want to drive that far so they shoot their firearms in their backyards or at gravel pits with or without permission. This is a safety concern and noise issue. This proposal will give residents a safe option. Many law enforcement agencies do not have access to a range of their own and must commute. This could provide a convenient option for officer training.

4. Value of surrounding properties: industrial and commercial uses surround the property and the proposed use is the same. The range will use sound dampening materials so there will be little to no noise emitted. The local businesses will benefit from the added customer traffic coming in to the range. Hardened steel baffles will surround the range keeping all rounds contained inside the building. Surrounding neighborhoods should not be impacted.

5. Hardship: Indoor ranges are considered commercial recreation which is not a permitted use in the I-4 zone. To restrict them to a commercial zone would cost more to build the range and would put them in an area more open to the public. The industrial site is more private and keeps them out of site from the general public.

No fair and substantial relationship: There are not many public indoor ranges available. He listed amenities this range will have.

Reasonable use: the facility will complement and support adjacent businesses. The structure will be aesthetically pleasing. It will be a safe location to train and enjoy this form of recreation.

He showed some conceptual drawings which are just drafts at this point. It will be a two-story structure. The exterior walls are multi-layered to absorb impacts. The exterior will conform to Enterprise Park's regulations. The range would have 18 lanes with 10 public lanes and 8 tactical lanes. There is a warehousing area to store pallets. The second floor will have offices and a retail store. There will be classrooms and a conference room. There will be an event room and a member area which will also be a law enforcement prep area that leads into that section of the range. He described the safety materials used in construction of the range and the maintenance required.

Frank Landford asked for more detail on the protected steel and granulated rubber coverings.

Bob Hall asked about the materials for the high-powered range.

Mr. Manning stated the rifle range would utilize concrete ducts underground.

Frangible ammunition is formed from copper dust which turns to dust on impact. It is more expensive. Police academies have switched to that ammunition so agencies cannot use the standard ammunition they have in stock at that location. They would be able to use it here.

Bob Hall asked what organization audits and approves the design. Mr. Manning said there's OSHA, ADA, NRA. There isn't one organization that oversees. It's a combination. They will work with all the checklists.

Chris Prior asked if any noise or vibration studies have been done to confirm the construction materials and design will contain all audible noise from abutters.

Mr. Manning said there are construction options that can be chosen for noise dampening, but those plans haven't been designed yet. The noise would be very faint even from the parking lot. They were considering adding a range to their current warehouse location in Rochester. The building is very old. They fired some rifle blanks and the decibels registered 85 outside the door. Most industrial noise registers at 80 decibels. The 85 was without any sound dampening. The proposed structure will also include functioning offices right outside the range, so the sound will be dampened as much as possible to not interfere with business.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, February 21, 2019**
Meeting Time: **7:00 pm**

Rich Onufry asked about hours of operations. They are still to be determined. 9-9 or 9-10 M-S with later start and earlier finish on Sunday.

Bob Hall asked about limiting caliber ammunition? No armor-piercing rounds or incendiary rounds will be fired.

David Guard, operations manager noted there are two other ranges in NH and both are operating in industrial areas. In this area there would be no chance of any children being near the firearms. National Shooting Sports Foundation does certify ranges. It is not legally binding, but it is a set of recommendations we will follow. The ATF regulations have to be followed. Extensive records need to be kept.

Public hearing opened.

Dan Barufaldi, Black Water Rd, Economic Development Director for Dover and Dover Business and Industrial Development Authority and Technical Review Committee member. He and those organizations he represents are in favor of this proposal. The Police Chief is enthusiastic about this. Money will be saved on overtime pay for when the police have to go to ranges far away. This week, 89% of the discussion on the Dover Facebook page was positive about this project. People often shoot in the conservation land near his home. This will give them a site, safety training and supervision. The police training capability will be wonderful.

Scott Johnson, Vice-Chairman Dover Business and Industrial Development Authority stated the focus of tonight's talk is to find out if this use makes sense. If it passes this board, it still has several approvals to pass including TRC and Planning Board. The DBIDA has discussed the proposal and has met with the Police Chief. Dover police would use this facility. They don't believe traffic will be an issue. The board approved this project unanimously. He also spoke as an abutter. He owns the building right next door. He is not a gun owner and doesn't like guns. He has no concerns about this project and is in favor of the added police presence.

David Choate, Colliers- marketing agent for Enterprise Park stated numerous companies have expressed interest in Enterprise Park. One of those is a metal fabrication company and some of their work would be done outdoors. There would be noise associated with that use. There are many industrial uses that could go into the park that would be a lot noisier than this one. He is impressed with the quality of design they are proposing and also that the firing range is underground. Sean and David are very professional and are responsive to the concerns brought up. A goal of DBIDA and Enterprise Park is to bring quality jobs to Dover. Projects that wouldn't bring jobs have been rejected. This proposal is a Veteran-owned business that will bring quality jobs. He reiterated that there have been other proposals that have been discussed for that area that would be more detrimental to the neighbors than this one.

Matt Mayberry, Dover spoke in favor of the applicants stating they care about the neighborhood, want to bring jobs, they have done their research and one is an engineer. He has worked with them and knows they will always do the right thing. He is a real estate broker and noted some neighborhoods where sales have not been affected by outdoor shooting areas. This will be indoors and won't be heard. They will support safety and education at this facility. One goal of City Council was to diversify the tax base away from all residential. Quality Way and this additional building helps that.

Jessica Devoid, White Birch Armory employee, parent, said her daughter attends school 4500 feet away from this site. She has no safety concerns about the proposal. She clarified she is not being paid to be here tonight- it was voluntary.

Ken LeBlanc, Henry Law Park area, White Birch Armory employee stated the owners are very conscientious and never take short-cuts. Safety is a priority.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, February 21, 2019**
Meeting Time: **7:00 pm**

Patrick Law, local firearms manufacturer stated he grew up in Canada where the firearms regulations are much stricter therefore shooting is done in ranges. This proposal is safer and with better sound dampening then any he's been to. It will be a benefit to local businesses, law enforcement and possible military training.

Lee **Zigamson**, Dover resident registered the noise at the current facility and at other ranges. The sound outside of the range would be similar to a hammer hitting a cinderblock and that's with less dampening than they are proposing.

Tony Dow 2 Dunn's Bridge Ln, former quality inspector at Sig explained he worked in the room right next to the range and had no safety issues and did not need ear protection.

Douglas Porter 29 Quail is opposed to the proposal. The neighborhood has been great for kids and quiet for over 20 years. He is concerned about traffic outside of business hours, wildlife, safety regarding how much ammunition is stored on site, noise levels, property valuation is going up but with this next door he anticipates having resale issues. He does not think it's the right location for this business. How will the zoning be affected if this goes through? Will it set precedence? He just found out about this project with his notification letter last week. Are there other locations they can use?

Rachel Kline 32 Quail Dr commented that the variance is not consistent with the character of the I-4 ordinance, Enterprise Park or the nearby neighborhood. The proposed change of use does not meet the five criteria. How does the proposal meet public needs? How will the proposal impact the immediate surrounding area? The applicant cannot guarantee the actions or safety of people outside the building which is 300 feet from her property. The business will add traffic volume and noise pollution. An influx of new traffic and traffic patterns and volume including evenings and weekends is very different than the static traffic now. This will have an adverse impact on the neighbors.

The applicant describes the warehousing as the main function, but also claims the state-of-the-art range will be a recreation destination. The traffic and use is not consistent with the rest of the park with static traffic and population, regular hours and minimal safety issues.

Her research shows 70 shooting ranges in an 80-mile distance with 10 inside of 20 miles. Four have indoor ranges. The distance argument does not meet criteria for substantial justice.

She is concerned with neighboring property valuation. Her research shows a potential decrease of 3.7% with the shooting range added. She has concerns about the nearby wetlands which will be impacted. There are conservation easements on the property. Wetland watershed and wildlife could be impacted considerably.

Denying the variance would not create unnecessary hardship to the applicant. Just because it is more expensive to build on a commercial property than this one does not create hardship.

She does not believe the proposal is a reasonable one or within the spirit of the ordinance due to the outdoor safety concerns, increase in traffic as a destination, noise, adverse effect on wetlands and potential reduction in property values. The build-outs would surround her property on two sides. She requests the application be denied and the applicant find a different location.

Emily Rose Quail Dr is concerned about diminishing residential values. The project should be in a commercial zone, not this industrial park. She is concerned about traffic and entering and exiting Quail Dr. A 6-year old traffic study seems to have been referenced in the application.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, February 21, 2019**
Meeting Time: **7:00 pm**

Chris Trichoni 28 Quail Dr said the information given is all based on personal opinion- not studies. The traffic is already an issue and we've seen nothing to ease that concern. DBIDA wants to sell this property because they own it. Once these properties are built out, the other I-4 properties will increase in value. He requested the variance decision to be postponed so more data can be gathered: traffic study, environmental study (water, sound pollution). The proposal is not a good fit for that location being so close to neighbors.

Mary Ann Taylor 3 Reyner's Brook Dr stated there are three major issues: quality of life for current abutters; police, fire and parking issues; air quality and noise issues. What will be done to make sure lead particulates do not come out of the building into the air? She appreciates the effort made to clean the interior air. What method will be used to clean and dispose of expended rounds/powder? Would a fire-suppression system or back-up power source be required? If a fire occurs in that building, the neighborhood will be impacted with munitions going off. How will the fire department handle this? Can the fire be contained? Has the fire department reviewed the proposal? They may have input regarding the location. Regarding police issues, would a burglar alarm with back-up power be required? Will the police have access to the building in the event of emergency? She's thinking of the safety of the people who will be just outside the building. If the variance is granted and the business fails in the future, what measures are taken with the next owners to make sure the same precautions are taken as these owners? How is that regulated?

Wayne Clapper 27 Reyner's Brook Dr asked if there were there other lots considered within Enterprise Park that don't abut the residential properties.

Barbara Civiello 3 Quail Dr wondered about the wetlands survey and it seemed nondescript and may need to be updated. She requested the decision be postponed to another night. Has White Birch looked into other properties and were they turned down and why? The idea of people coming by train to Dover is not well thought-out. How would they get to Quail Dr?

Nevin Brown 7 Quail Dr is opposed to the project. Another project recently changed the zoning in the area, and we don't yet know what the impact will be. Now the character of the neighborhood is changing around them.

Kerryellen Vroman 24 Quail Dr mentioned it's difficult for a neighborhood to have a voice against business and the City. She doesn't feel the resident's voices are heard or respected. She asked the board to please consider the abutters concerns with the same weight and research given to the applicant.

Matt Mayberry mentioned that Sig Sauer has a manufacturing business located at 129 Broadway which is a residential area.

Jake Banaian 11 Quail Dr asked for meeting minutes from a November 2016 meeting and they were given to him just hours before the meeting. He doesn't have confidence in DBIDA. It was stated that the Police Chief is in favor of the project, but he is not here as proof. This is not the right location for this project.

Rachel Kline 32 Quail Dr moved specifically to Quail Dr three years ago for the woods and wetlands. Location does matter. Please consider the residents.

Sean Manning, White Birch Armory responded to comments. Most concerns will be addressed at the Planning Board level. There will be more tests done regarding wetlands. Two other locations at Enterprise park were considered. One was rejected because of the wetlands. The underground rifle range is what is encroaching the most on the wetlands. If



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, February 21, 2019**
Meeting Time: **7:00 pm**

it can't be built without adversely affecting the wetlands, that portion of the proposal will go away. The wetlands should not be affected by the main structure.

They do not plan to store powder or primer which is a lot more volatile. They are familiar with the regulations for storage of complete ammunition vs powder and primers. If the building was on fire, because the complete ammunition is not in the firearms, the bullets will separate from the cartridges when they heat up. There won't be a large explosion and they won't exit the building into the neighborhood.

Regarding parking, the 97 spaces accounts for every lane being occupied with full staffing to support that, all classrooms and event center full. That was done based off code requirement based from building square footage. He does not anticipate that traffic regularly.

When they advertise using the train, that's in reference to stiff regulations in Massachusetts. Those residents could come up and rent equipment to use.

They will not have eyes on customers when they leave the facility, but generally speaking these are responsible people that would come here.

The majority of ranges in the area are members-only and not accepting new clients. Sig academy does not have open ranges- you can only attend classes.

If the range was in a commercial zone in downtown Dover and the clients were transporting their firearms from their vehicles to the range, that can make some general public feel uncomfortable. That's why they are requesting to be in a more private area – to respect both parties.

There will be protection and security at the site.

Future owners could purchase and occupy with the same use within one year of White Birch leaving.

The building will have a sprinkler system.

OSHA has strict requirements for lead disposal from the air which they will follow. The amount leaving the building is incredibly low. They will follow the strict program. There are multiple companies that can come mine out the lead indoors and replace the coverings and recycle and dispose.

The distance from the edge of the proposed building and the parking lot looks like 500-600 feet to the nearest abutter. That will be confirmed.

Steve Haight, Civilworks clarified they are not anticipating any wetland impacts. Any impacts would be to the wetland buffer. It's a signaled entrance coming into the park. The City is looking into whether that intersection needs attention to allow for larger trucks.

Otis Perry stated the concern from abutters is the volume of traffic. Steve Haight explained road systems are designed for a certain number of vehicles per hour. They will have to do a traffic impact study as part of the Planning Board process.

Otis Perry asked about the turn-over of how long people spend there.

Mr. Manning stated most people would come for a minimum of 30 minutes but most often an hour or more.

Otis Perry wondered how many customers rent equipment and how many bring their own.

Mr. Manning said the majority will bring their own. People looking to buy one or people who don't yet own one may use the rental equipment.

George Reagan asked about the noise level of the air exchange.

Mr. Manning said he cannot comment on that yet. They have not decided on the model or company they will use.

Steve Haight commented that they are typically screened for sight as well as sound.

Scott Johnson stated there are no restrictions on hours of operations in industrial parks. There are other businesses in that park currently running second shifts.

 CITY OF DOVER	ZONING BOARD OF ADJUSTMENT – MINUTES Meeting Type: Regular Meeting Meeting Location: Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820 Meeting Date: Thursday, February 21, 2019 Meeting Time: 7:00 pm
---	---

David Guard thanked everyone for coming out tonight and encouraged people to reach out to them with concerns and questions.

STAFF RECOMMENDATION:

Assistant City Planner Elena Piekut stated staff is in favor of granting the variance with at least one condition. There are five zones throughout the City that allow commercial recreation which this use falls under. Three of the five are straight commercial districts. One is a mixed-use district with residential but focused on water recreation. The last is the I-2 district which is the most industrial district. The I-2 also promotes the most density. This property is more unique and more suitable for this use because it is a larger minimum lot size with more significant setbacks. The park has been designed to protect the wetland buffers. Staff agrees with the applicant's rationale that the uniqueness of the site makes it more suitable to this use rather than putting it for example, next to the Hannafords- which it could do by right. The condition suggested is that it's solely an indoor range- never outdoors.

The Chair stated he would like to have more information before voting to approve or deny the variance. He would like some environmental noise data though Dover does not have a noise ordinance. He'd like to confirm this building's design will not adversely affect the abutting residential and commercial properties any more than another use allowed in that zone would do. He would also like a traffic study done. He'd also like to confirm the wetlands study is currently accurate and determine exactly how far away the structure will be and how much will be impacted. Steve Haight said a study was done three weeks ago.

Rich Onufry said the public coming to the site adds a different element than just employees going in and out of work. Otis Perry clarified with staff that the building and the parking lot are permitted uses- it's the shooting range that is not permitted.

Motion: Otis Perry moved to recess the public hearing and reconvene at the next meeting March 21st with the hope more information regarding traffic and noise can be gathered from staff and the applicant. Seconded by Bob Hall.

Vote: U/A

Anthony Sillitta left the meeting at this time

4. OLD BUSINESS

- A. Z18-20R, a Motion for Rehearing of Z18-20 by Coldstream Properties, LLC/Little Tree Education, LLC, where Z18-20 was a variance request by Applicant/Owner Real McKoy Properties, LLC, 301 Durham Road (Tax Map H, Lot 1), located in the Hotel/Retail (B-4) Zoning District, to permit an assisted living facility, where assisted living facilities are not permitted in the B-4 Zoning District. The request was granted by the Board, with conditions, on January 17, 2019.

The Chair stated a packet of information was received by the Board from Little Tree/ Coldstream in which five items were listed describing the Board's error in judgement and information that was not available/ not allowed to be presented at the hearing.

The Chair explained in detail the five reasons the applicant claims the Board erred, and his responses to those items.



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Council Chambers, City Hall – 288 Central Ave., Dover, NH 03820**
Meeting Date: **Thursday, February 21, 2019**
Meeting Time: **7:00 pm**

1. Conditions for granting a variance don't exist. Applicant didn't detail how they overcame objections.

The Chair stated it's not the responsibility of the Board to submit findings of fact for every objection, but to assess their worthiness as they relate to the case. The board found the applicant met the criteria for the five tests through their application and presentation.

2. Hardship and Substantial Justice criteria were granted by the Board without the connection to public sewer after City staff and a licensed hydrologist made that recommendation.

The Board doesn't need to be an expert on each matter presented. We rely on State and local agencies to set standards for guidance. The leach field in question abuts the primary well head protection area- but is not within it- therefore there is no impact because it is outside the minimum buffer zone. We also placed a condition on the approval that deferred the technical requirements to the agencies with the most knowledge about the issue.

3. Since the applicant's proposed water supply qualifies as a community water system, the proposal needs to come back for a separate variance under a revised proposal.

The Board set a condition of approval for this plan that requires the NH drinking water bureau approve before they can obtain a certificate of occupancy.

4. Refusal of City staff to accept expert material from abutters.

It's the responsibility of all parties in a case to submit their materials during the presentation of application and public hearing. In exhibit E, rules of procedures are listed and after public hearing is closed, no further materials can be submitted.

5. No findings of fact submitted by the ZBA to the abutters. The findings of fact the Chair signed point to the materials used to make the decision- specifically, the application, the materials presented at the December 20th hearing and draft minutes that were available to the general public.

Bob Hall agreed with the Chair stating his notes were similar. He added that on item four, the Board doesn't make decisions on rules for water. We rely on agencies to set those limits.

Motion: Bob Hall moved to deny the request for rehearing. The ZBA did not make an error in judgement and there's no new factual information that was not available at the hearing. Seconded by Otis Perry. Vote U/A

5. OTHER BUSINESS

None

6. ADJOURN

Otis Perry moved to adjourn at 9:52pm. George Reagan seconded. Vote U/A

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>.

From: FX Bruton [<mailto:fx@brutonlaw.com>]
Sent: Thursday, March 14, 2019 1:35 PM
To: Piekut, Elena <E.Piekut@doover.nh.gov>
Cc: Robert J. Stowell <rjs@tritecheng.com>
Subject: Quantum Real Estate Group, LLC

Dear Ms. Piekut,

As you may be aware, our office represents Quantum Real Estate Group, LLC regarding a variance recently submitted regarding property located on Littleworth Road, Map H, Lot 29-A-3. I believe the matter is currently on the April 21 ZBA agenda. We are currently working with the Applicant, but have developed a scheduling issue as to the existing hearing date. As such, on behalf of the Applicant, we respectfully request that the matter be continued to the next meeting of the ZBA, which I understand will be on April 18.

Thank you kindly for your consideration.

Francis X. Bruton, III, Esquire
Bruton & Berube, PLLC
601 Central Avenue
Dover, New Hampshire 03820
p: (603) 749-4529
F: (603) 343-2986



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

RECEIVED
Planning Office

Office Use Only

Case #:

Z19-04

Date Received:

FEB 28 2019

Amount Paid:

\$ _____

Time Received:

Dover, New Hampshire

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Quantum Real Estate Group, LLC Phone # (603)-742-8107

Address of Applicant: 755 Central Avenue, Dover, NH 03820

E-Mail Address: rjs@tritecheng.com

PROPERTY OWNER (if different from applicant): _____

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: Littleworth Road, Dover, NH 03820

Brief Directions: From the Route 155 & Route 9 intersection, proceed 1,360 feet west on Route 9.

The Site is on the left, just to the west of John Deere

Zoning District: R-20 Assessor's Map # H Lot(s) # 29A-3

TYPE OF APPEAL: (Please check one)

☒ Variance	from Section <u>170-11</u> 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:

To construct 30,000 sq.ft of mini/self storage in multiple buildings.

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) 170-11 of the Zoning Ordinance to permit:

To construct 30,000 sq.ft. of mini/self storage in multiple buildings, where mini/self storage is not a permitted use in the R-20 district

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:

See attached variance narrative

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

See attached variance narrative

3. Granting the variance would do substantial justice because:

See attached variance narrative

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

See attached variance narrative

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:

See attached variance narrative

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:

See attached variance narrative

and

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

See attached variance narrative

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

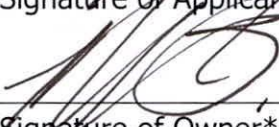
THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

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.

 MEMBER
Signature of Applicant*

 MEMBER
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:

 MEMBER Date: 02/28/2019

Quantum Real Estate Group, LLC

**Littleworth Road
Map H, Lot 29A-3**

APPLICATION FOR VARIANCE

RECEIVED
Planning Office

FEB 28 2019

Dover, New Hampshire

Introduction

The property subject to this application is located on Littleworth Road and is depicted on the City's Tax Maps at Map H, Lot 29A-3. The property is within the R-20 District. The property is comprised of 3.974 acres. The parcel is unique, not only in its size, but also as to its zoning designation for residential use along Littleworth Road. The parcel is also surrounded by industrial and commercial uses and zones. The Applicant intends to construct 30,000 sq. ft. of mini/self-storage.

Pursuant to Section 170-11 and the Table of Uses and Dimensional Requirements, the property is mainly restricted to the construction of residential uses. Given the location of the lot along Littleworth Road and considering the surrounding commercial and industrial uses and that the lot is directly adjacent to the B-4 District, it is believed that requiring a residential use on this particular lot is unreasonable and will result in an unnecessary hardship.

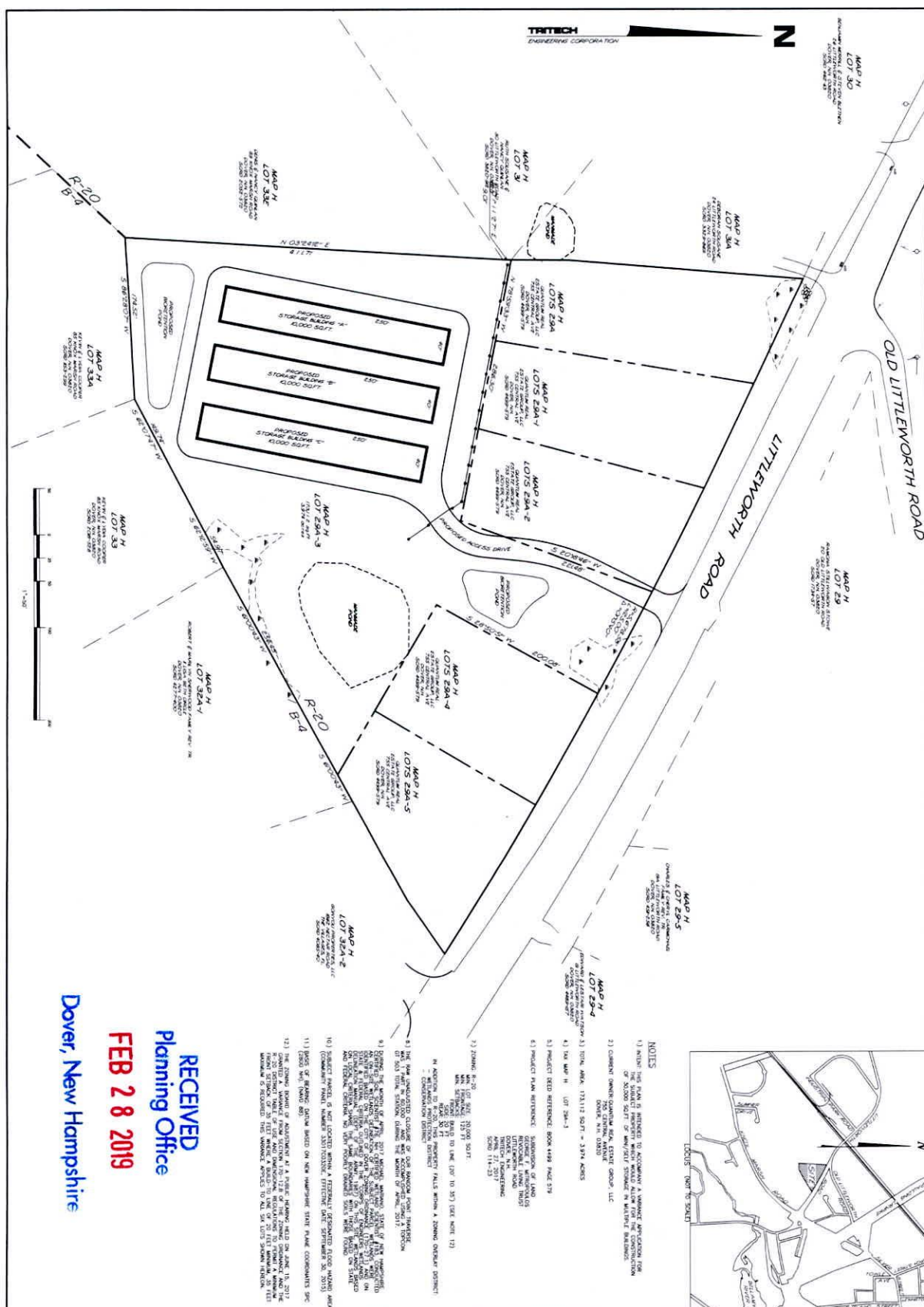
APPLICANT'S REQUEST FOR VARIANCES
FACTS SUPPORTING THIS REQUEST

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where previous commercial and industrial development has already occurred. In addition, by allowing the location of the low-impact development of storage, the project represents a context sensitive design, given the location of the commercial and industrial uses along Littleworth Road and the surrounding properties. As such, the proposed use will not be contrary to the public interest, as the use will not "alter the essential character of the locality." See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577 (2005). Granting the variance will permit the location of a use most appropriate within the parcel due to the surrounding area, and would not threaten the public health, safety or welfare.

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

The Applicant respectfully submits that if the variance is granted, the spirit of the ordinance would be observed because the variance would permit uses which are suitable for the property



RECEIVED
Planning Office
FEB 28 2019
Dover, New Hampshire

TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3830

REVISIONS	
DATE:	DESCRIPTION:

SHEET No. **V-B1** VARIANCE APPLICATION PLAN
QUANTUM REAL ESTATE GROUP
LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE
FEBRUARY 28, 2019 JOB No. 16144
SCALE: 1" = 50'

considering the existing uses of the property, the location of the parcel, and given the surrounding commercial and industrial uses of properties. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance's basic zoning objectives. See Chester Rod and Gun Club, Inc. v. Town of Chester, 152 NH 577, at 581 (2005). It is respectfully submitted, that given the reasons set forth above, the granting of the variance will promote the ordinance's basic and overall zoning objectives.

3. Granting the variance would do substantial justice because:

The grant of the variance would do substantial justice because it would allow the Applicant's property to be utilized in a reasonable fashion by allowing the location of low-impact commercial use adjacent to Littleworth Road. By doing so, and granting the variance, the use of the parcel will be more appropriate given the existing surrounding uses. This test considers whether the benefit to the Applicant outweighs the burden to the public. See Farrar v. City of Keene, 158 NH 684, 692 (2009). In this instance, given the proposed nature and location of the structures, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant would exceed the burden to the public, thus resulting in substantial justice being done.

4. Explain how the proposal would not diminish the surrounding property values:

It is respectfully submitted that all of the surrounding properties have a value associated with them that is premised upon the existence of the same type of buildings to be located upon the Applicant's property. In this instance, the location of a low-impact commercial use with access to Littleworth Road, with adjacent commercial uses, will have no negative affect upon any abutter.

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:

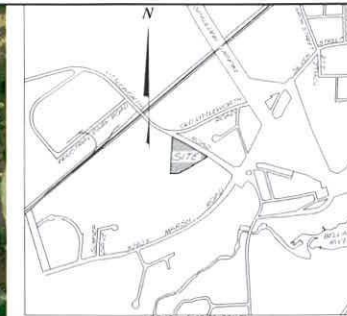
As one can see from the Plan, the parcel in this case is located along a portion of Littleworth Road that is surrounded by commercial and industrial uses and the B-4 District. The R-20 District requires residential uses; however, it is unreasonable and unnecessary to require that residential structures be constructed on this particular parcel, considering the location of the property and the nature of this portion of Littleworth Road. The goals of the R-20 District, to promote future and to protect existing residential uses, will not be served by requiring a residential use on this parcel.

(ii) No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. In this instance, the Applicant seeks to locate a low-impact commercial use in an effort to promote orderly development consistent with surrounding existing commercial uses. The overriding purpose of the zoning ordinance is geared to context sensitive design, and, in this case the context appears to be commercial and industrial uses, and, thus, requiring a residential use is unnecessary. As such, with the grant of the variance, the purpose of the ordinance will be promoted, and given the nature of where this portion of the R-20 District falls, sandwiched between commercial and industrial uses, requiring residential structures on the lot seems unreasonable and would result in a hardship to the Applicant that would be unnecessary. Thus, the Applicant respectfully submits that there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would require houses to be constructed closer to Littleworth Road.

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

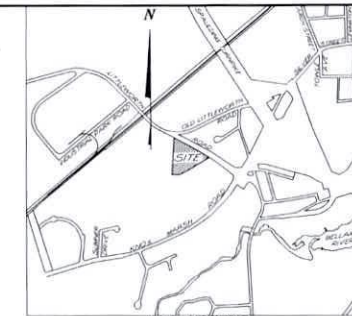
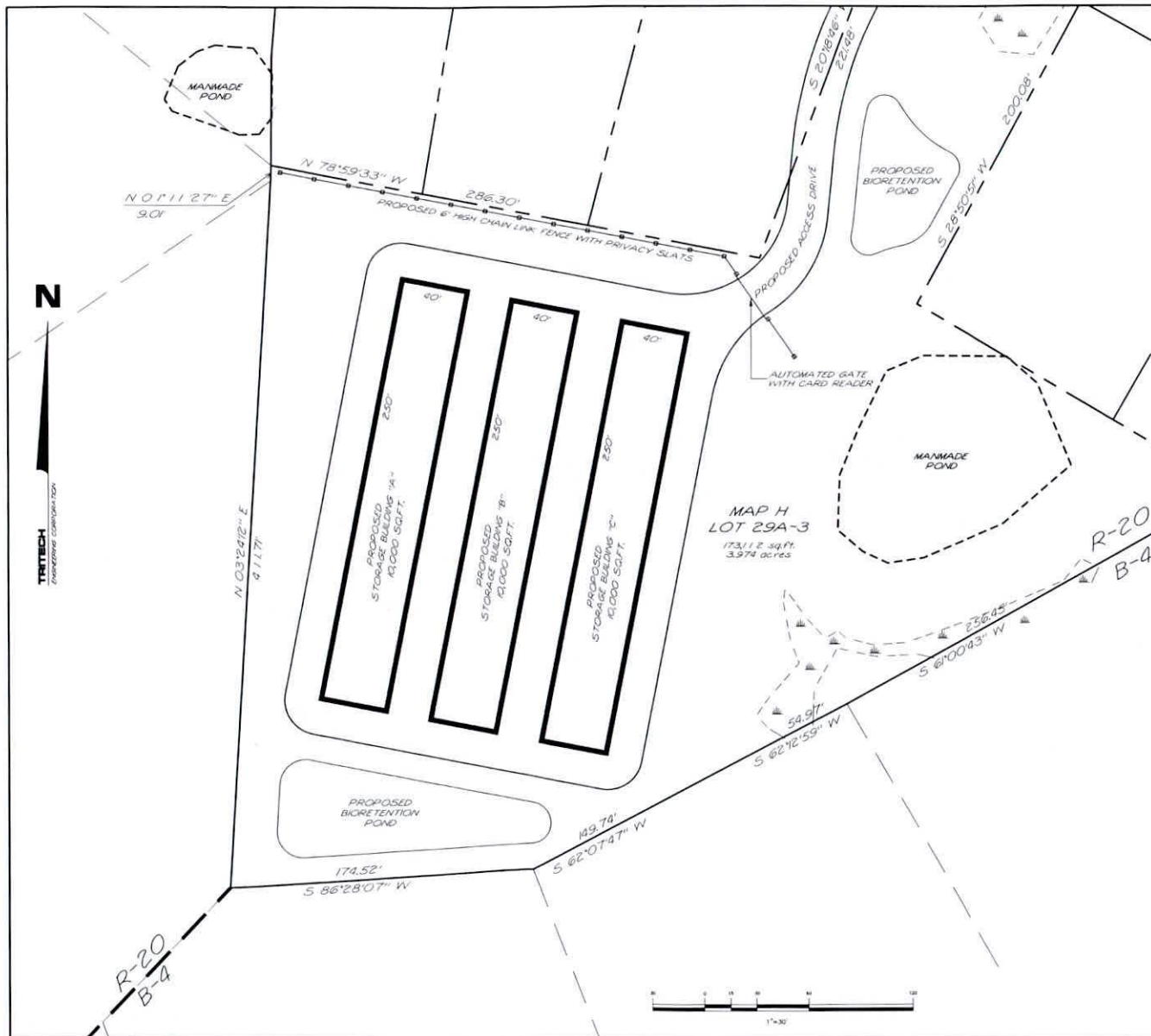
The proposed use is reasonable because it provides for an appropriate low-impact commercial use in an area already surrounding by commercial and industrial uses and which is located adjacent to the existing B-4 commercial District.



- NOTES**
- 1) INTENT: THIS PLAN IS INTENDED TO ACCOMPANY A VARIANCE APPLICATION FOR THE SUBJECT PROPERTY WHICH WOULD ALLOW FOR THE CONSTRUCTION OF 30,000 SQFT OF MIN/SELF STORAGE IN MULTIPLE BUILDINGS.
 - 2) CURRENT OWNER: QUANTUM REAL ESTATE GROUP, LLC
755 CENTRAL AVENUE
DOVER, NH 03820
 - 3) TOTAL AREA: 173,112 SQFT = 3.974 ACRES
 - 4) TAX MAP: H LOT 29A-3
 - 5) PROJECT DEED REFERENCE: BOOK 4489 PAGE 579
 - 6) PROJECT PLAN REFERENCE: SUBDIVISION OF LAND
GEORGE F. MIRONOPOULOS
REVOCABLE TRUST
LITTLEWORTH ROAD
DOVER, N.H.
TRITECH ENGINEERING
APRIL 27, 2017
SCRD 114-23
 - 7) ZONING: R-20
MIN. LOT SIZE: 20,000 SQFT
MIN. FRONTAGE: 125 FT
MIN. SETBACK:
FRONT: BUILD TO LINE (20' TO 35') (SEE NOTE 12)
SIDE: 30 FT
REAR: 30 FT
IN ADDITION TO R-20, THIS PROPERTY FALLS WITHIN A ZONING OVERLAY DISTRICT:
- WETLANDS PROTECTION DISTRICT
- CONSERVATION DISTRICT
 - 8) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1.11 FT IN 40,000 - ADD WAS ACCOMPLISHED USING A TOPCON OF 100 TOTAL STATION DURING THE MONTH OF APRIL, 2017
 - 9) DURING THE MONTH OF APRIL, 2017 MICHAEL MARRASO, STATE OF NEW HAMPSHIRE, CERTIFIED SURVEYOR #18, AND CERTIFIED WETLAND SCIENTIST #181, CONDUCTED AN ON-SITE WETLAND DELINEATION OF THE SUBJECT PROPERTY. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.11) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE HANDBOOK OF ENGINEERING WETLAND DELINEATION MANUAL, (DEPT. OF THE ARMY, 1987) ON THE 2017 WETLANDS DELINEATION CRITERIA GUIDE, THE SAME DELINEATION WITH PROGS BASED ON STATE AND FEDERAL CRITERIA. NO VERY POORLY DRAINED SOILS WERE FOUND.
 - 10) SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA (COMMUNITY FLOOD NUMBER 13017C0306, EFFECTIVE DATE: SEPTEMBER 30, 2015)
 - 11) BASIS OF BEARING DATUM BASED ON NEW HAMPSHIRE STATE PLANE COORDINATES SPC 12800 (NAD 83, DATUM 83)
 - 12) THE ZONING BOARD OF ADJUSTMENT AT A PUBLIC HEARING HELD ON JUNE 15, 2017, GRANTED A VARIANCE FROM SECTION 170-12.B OF THE ZONING ORDINANCE AND THE P-20 DISTRICT TABLE OF USE AND ZONING REGULATIONS TO PERMIT A MINIMUM FRONT SETBACK OF 35 FEET WHERE A BUILD-TO LINE OF 20 FEET MINIMUM 25 FEET MINIMUM IS REQUIRED. THIS VARIANCE APPLIES TO ALL SIX LOTS SHOWN HEREON.

TRITECH ENGINEERING CORPORATION 755 CENTRAL AVENUE DOVER, NEW HAMPSHIRE 03820 TELEPHONE 603.746.8627 FAX 603.746.3600		REVISIONS DATE DESCRIPTION	
		VARIANCE APPLICATION PLAN QUANTUM REAL ESTATE GROUP LITTLEWORTH ROAD DOVER, NEW HAMPSHIRE FEBRUARY 28, 2019 JCB NO. 16144 SCALE: 1" = 50'	
SHEET NO.	V-B1		

RECEIVED
Planning Office
FEB 28 2019
Dover, New Hampshire



NOTES

- 1.) INTENT THIS PLAN IS INTENDED TO ACCOMPANY A VARIANCE APPLICATION FOR THE SUBJECT PROPERTY WHICH WOULD ALLOW FOR THE CONSTRUCTION OF 30,000 SQ. FT. OF MAN/SELF STORAGE IN MULTIPLE BUILDINGS.
- 2.) CURRENT OWNER QUANTUM REAL ESTATE GROUP, LLC
755 CENTRAL AVENUE
DOVER, N.H. 03820
- 3.) TOTAL AREA: 173,112 SQ. FT. = 3.974 ACRES
- 4.) TAX MAP # - LOT 29A
- 5.) PROJECT DEED REFERENCE: BOOK 4499 PAGE 579
- 6.) PROJECT PLAN REFERENCE: SUBDIVISION OF LAND
GEORGE F. WINDPENSOLUS
REVOCABLE LIVING TRUST
LITTLEBORO ROAD
DOVER, N.H.
TRITECH ENGINEERING
APRIL 27, 2017
SCD 114-23
- 7.) ZONING R-20
MIN. LOT SIZE: 20,000 SQ. FT.
MIN. FRONTAGE: 125 FT.
MIN. SETBACKS:
FRONT: BUILT TO LINE (20' TO 35') (SEE NOTE 12)
SIDE: 10 FT.
REAR: 35 FT.
IN ADDITION TO R-20, THIS PROPERTY FALLS WITHIN A ZONING OVERLAY DISTRICT:
- WETLANDS PROTECTION DISTRICT
CONSERVATION DISTRICT
- 8.) THE RAMP UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1' PART IN 40,000 AND WAS ACCOMPLISHED USING A TOPCON DT 503 TOTAL STATION DURING THE MONTH OF APRIL, 2017.
- 9.) DURING THE MONTH OF APRIL, 2017 MICHAEL MARANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #72, AN CERTIFIED WETLAND SCIENTIST #183, CONDUCTED 28 ON-SITE WETLAND OBSERVATIONS IN THE SUBJECT PROPERTY. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (1705-21.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "GUIDE TO WETLANDS MAPPING" (DECEMBER 2014) AND THE "GUIDE TO WETLANDS MAPPING" (DECEMBER 2014) ON THIS SITE. WETLANDS BASED ON LOCAL CRITERIA SHOW THE SAME DESIGNATIONS WITH THESE BASED ON STATE AND FEDERAL CRITERIA TWO VERY POORLY DRAINING SOILS WERE FOUND.
- 10.) SUBJECT PARCEL IS NOT LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA (COMMUNITY PANEL NUMBER 3301703000, EFFECTIVE DATE, SEPTEMBER 30, 2015).
- 11.) BASIS OF BEARING DATUM BASED ON NEW HAMPSHIRE STATE PLANE COORDINATES SPC (2000 NH) (NAD83).
- 12.) THE ZONING BOARD OF ADJUSTMENT AT A PUBLIC HEARING HELD ON JUNE 15, 2017 GRANTED A VARIANCE FROM SECTION 170-12.8 OF THE ZONING ORDINANCE AND THE R-20 DISTRICT TABLE OF USE AND DIMENSIONAL REGULATIONS TO PERMIT A MINIMUM FRONT SETBACK OF 35 FEET WHERE A BUILT-TO LINE OF 20 FEET MINIMUM, 35 FEET MINIMUM IS REQUIRED. THIS VARIANCE APPLIES TO ALL SIX LOTS SHOWN HEREIN.

RECEIVED
Planning Office

FEB 28 2019

Dover, New Hampshire

TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603.748.8107
FAX 603.748.8100

KEYWORDS
DATE

VARIANCE APPLICATION PLAN
QUANTUM REAL ESTATE GROUP
LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE
FEBRUARY 28, 2019 JOB NO. 16149
SCALE: 1" = 30'

SHEET NO.
V-B2

Z19-04 Littleworth Road

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
H0029-000000	20 OLD LITTLEWORTH RD	STILLWAGON BERNARD R LIFE ESTATE &	STOWE STILLWAGON RAMONA L	20 OLD LITTLEWORTH ROAD	DOVER	NH	03820-4333
H0029-005000	19 A LITTLEWORTH RD	CARMICHAEL CHARLES E JR & CHERYL TRUSTEE	CARMICHAEL FAMILY REVOCABLE TRUST OF 201	19A LITTLEWORTH ROAD	DOVER	NH	03820
H0029-A00000	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00001	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00002	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00004	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0029-A00005	LITTLEWORTH RD	QUANTUM REAL ESTATE GROUP LLC		755 CENTRAL AVE	DOVER	NH	03820
H0031-000000	30 LITTLEWORTH RD	SOUSANE RUTH K &	QUINLAN NANCY K	30 LITTLEWORTH RD	DOVER	NH	03820
H0031-A00000	24 LITTLEWORTH RD	SOUSANE DEBORAH		24 LITTLEWORTH ROAD	DOVER	NH	03820
H0032-A00001	55 KNOX MARSH RD	SHERWOOD ROBERT E & MARILYN A TRUSTEES	SHERWOOD ROBERT & MARILYN FAMILY REVOCAB	11 LISA BETH CIRCLE	DOVER	NH	03820
H0032-A00002	10 LITTLEWORTH RD	GONYOU PROPERTIES LLC		1862 NECTAR RD	THE VILLAGES	FL	32163-2136
H0033-000000	67 KNOX MARSH RD	COOPER KEVIN &	COOPER LYDIA A	85 KNOX MARSH ROAD	DOVER	NH	03820
H0033-A00000	85 KNOX MARSH RD	COOPER LYDIA	COOPER KEVIN	85 KNOX MARSH RD	DOVER	NH	03820
H0033-E00000	89 KNOX MARSH RD	QUINLAN DENIS J	QUINLAN NANCY K	89 KNOX MARSH RD	DOVER	NH	03820



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, March 21, 2019
Meeting Time:	7:00 pm

INTENT: The Applicant requests a variance to permit a commercial recreation use (indoor shooting range).

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-B

ZONING DISTRICT: Assembly & Office (I-4)

FILE: Z19-03

APPLICANT/OWNER: White Birch Armory/Dover Business & Industrial Development Authority

LOCATION: Quality Way (Tax Map D, Lot 11-7)

ACREAGE: 3.49 ac (152,024 sq. ft.)

EXISTING LAND USE: Vacant

PROPOSED LAND USE:
Commercial recreation, warehouse, office, and retail

SURROUNDING LAND USE:
Vacant/conserved land, warehouse/manufacturing/office, single-family dwellings

PREVIOUS ZBA ACTION: None

PLANNING BOARD APPROVAL REQUIRED: Yes

ATTACHMENTS: Application, plans, renderings

STAFF RECOMMENDATION:
Staff supports granting the variance request.

STAFF RECOMMENDATION

Staff recommends the Board continue the public hearing to April 18, 2019, as the additional information requested was not available at the time meeting materials were prepared.



ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date: Thursday, March 21, 2019
Meeting Time: 7:00 pm

INTENT: The Applicant requests a special exception to permit a vehicle refueling and recharging station.

UNITS PROPOSED: N/A

AGENDA ITEM #: 3-C

ZONING DISTRICT:

Thoroughfare Business (B-3) with portions of lot in Medium Density Residential (R-12) and Executive Technology Park (ETP)

FILE: Z18-18

APPLICANT/OWNER: Mac's Convenience Stores, LLC

LOCATION: Dover Point Road (Tax Map K, Lot 19-C and 19-A)

ACREAGE: 2.38 acre (103,673 sq. ft.)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Vehicle refueling and recharging station

SURROUNDING LAND USE:

Vacant, commercial, public recreation, multi-family dwellings

PREVIOUS ZBA ACTION: Z10-02: special exception granted for gas station/convenience store

PLANNING BOARD APPROVAL REQUIRED: Yes, site plan review

ATTACHMENTS: Application, plan

STAFF RECOMMENDATION:

Staff does not oppose granting the special exception.

BACKGROUND INFORMATION AND SUMMARY OF REQUEST

The property subject to this variance request is located on the northeast side of Dover Point Road at its intersection with Pointe Place. It consists of two lots located in primarily the Thoroughfare Business (B-3) Zoning District, with the western portion in the Medium Density Residential (R-12) District and the northern portion in the Executive Technology Park (ETP) District.

The applicant requests a special exception to permit a vehicle refueling and recharging station in the B-3 Zoning District.

REASON FOR STAFF RECOMMENDATION

The applicant proposes the development of a vehicle refueling and recharging station and its accessory convenience store. The development will occur on a 2.38 acre parcel. After being granted a special exception for the use, the applicant will appear before the Planning Board for site plan review and approval.

The Board must grant the special exception if it finds that the general criteria for special exceptions, per **Section 170-52.C(3)** and the criteria specific to the B-3 district, found on the reverse of the Table of Uses and Dimensional Regulations. These are as follows.

From 170-52.C(3):

1. The requested use is essential or desirable to the public convenience or welfare.
2. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
3. The requested use will 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.

Specific to the B-3:

- A. The use of land for VEHICLE REFUELING/RECHARGING STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.
- B. The minimum lot size shall be eighty thousand (80,000) square feet; the minimum lot width shall be one hundred fifty (150) feet. Thirty percent (30%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one-hundred (100) square feet.
- C. If a drive-in thru service is proposed, said facility shall be setback either fifty



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – STAFF MEMO

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall – 288 Central Ave. Dover, NH 03820
Meeting Date:	Thursday, March 21, 2019
Meeting Time:	7:00 pm

(50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater. Additionally, adequate vegetative or fence screening shall be constructed. Audible ordering system design features shall include, but not be limited to; non-audible ordering systems (touchpad or human contact) shall be utilized, and hours of operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9:00 p.m.

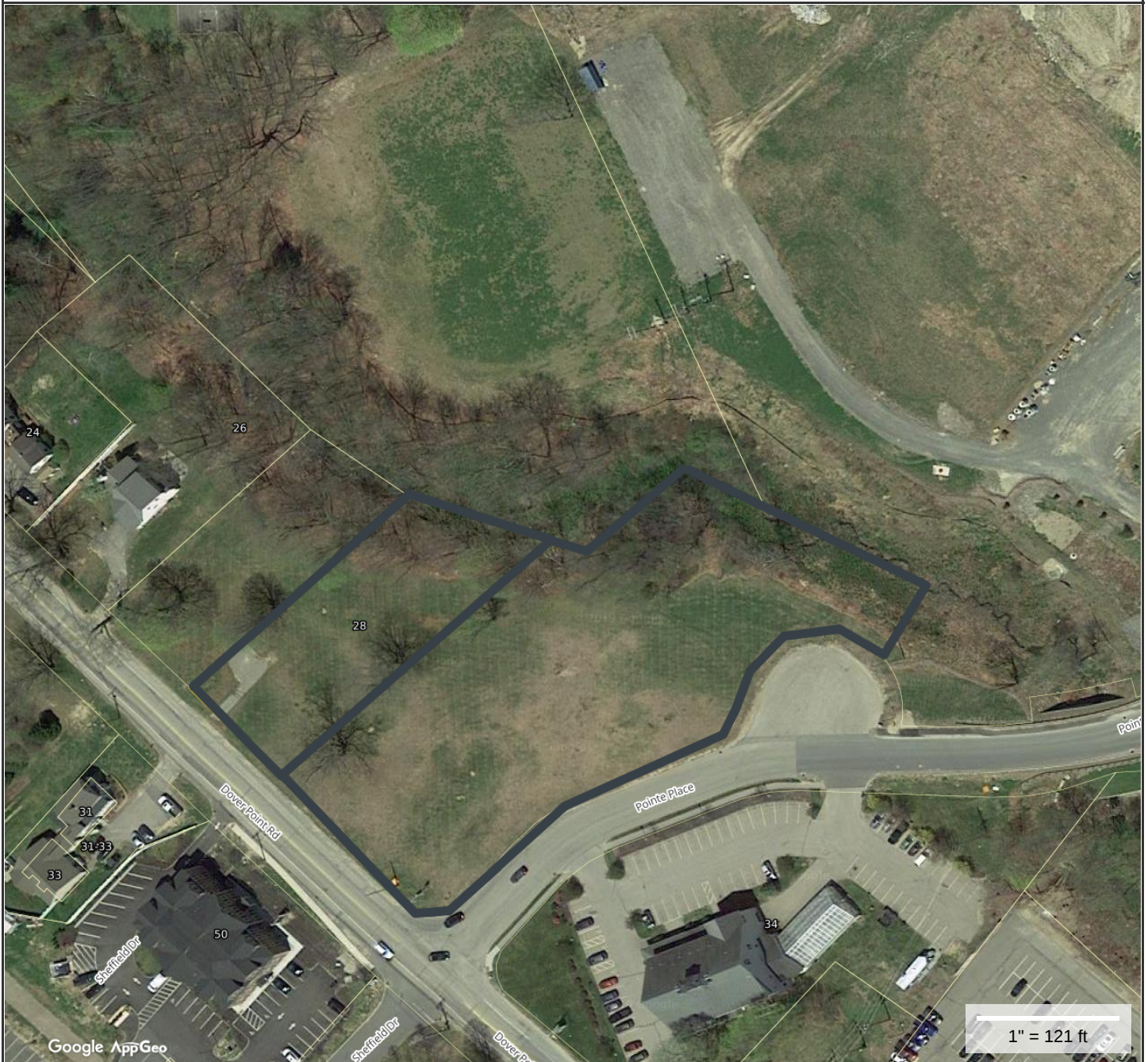
No drive thru service is proposed and the dimensional criteria are met. However, the only information submitted regarding effects on property values is from 2010, when a special exception was previously granted (and has since expired). Staff is of the opinion that this evidence is insufficient for the Board's review and needs to be updated to reflect changes in the market and significant development in the immediate vicinity.

The general criteria for a special exception appear to be met, especially given that the site will undergo Planning Board review and its development will likely trigger the installation of a traffic control device at the intersection of Dover Point Road and Pointe Place.

STAFF RECOMMENDATION

Staff recommends the Board hold a public hearing and evaluate and make findings on the special exception criteria. Staff does not oppose granting the special exception, but believes there is insufficient evidence to support a finding that there will be no adverse impacts on adjacent property values.

Dover Point Road

**Property Information**

Property ID K0019-A00000
Location 28 DOVER POINT RD
Owner SEBRING HOLDINGS LLC
Land Use 130

**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.

Geometry updated 11/16/2018
Data updated Daily



City of Dover, New Hampshire
ZONING BOARD OF ADJUSTMENT APPLICATION

[Revised April 7, 2017]

Office Use Only Case #: _____ Date Received: _____
Amount Paid: \$ _____ Time Received: _____

APPLICANT/PROPERTY OWNER INFORMATION

APPLICANT: Mac's Convenience Stores, LLC Phone # 330.696.9715

Address of Applicant: 935 E. Talmadge Avenue, Akron, OH 44310

E-Mail Address: rlawrence@circlek.com

PROPERTY OWNER (if different from applicant): Same As Above

Address: _____ Phone # _____

E-Mail Address: _____

PROPERTY/PARCEL INFORMATION

Address: Dover Point Road

Brief Directions: At the northeasterly corner of Dover Point Road and Pointe Place

Zoning District: R-12/B-3/ETP Assessor's Map # K Lot(s) # 19C plus a portion of 19A

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 ^{170-11.B} <u>170-12</u> 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:

The proposed use includes development of a 91,443 s.f. convenience store and eight (8) bay gas station with associated parking, utilities, stormwater management, and landscaping.

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. **Abutter Notification/Mailing Labels** - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.
1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
 Certified letters fee # 5 of x \$8.00 = \$ 96.00
 2. Certified letters fee: # of abutters 79 X \$8.00 = \$ 112.00
 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters 0 X \$1.00 = \$ —
 4. Creating/Printing Abutter Labels in triplicate per sheet — x \$10.00 = \$ —
- G. **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 SPECIAL EXCEPTION \$ 100.00
 - \$100.00 APPEAL FROM ADMINISTRATIVE DECISION \$ —
 - \$100.00 EQUITABLE WAIVER \$ —
 2. Foster's newspaper public notice \$ 80.00
- TOTAL FEE** \$ 276.00
~~\$ 292.00~~

VARIANCE REQUIREMENTS

THIS SECTION TO BE COMPLETED BY VARIANCE APPLICANTS ONLY

A. Variance Requested

A variance is requested from Section(s) _____ of the Zoning Ordinance to permit:

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:

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

3. Granting the variance would do substantial justice because:

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

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:

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:

and

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

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:

EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

THIS SECTION TO BE COMPLETED BY EQUITABLE WAIVER APPLICANTS ONLY

An Equitable Waiver of Dimensional Requirements is requested from Article _____ Section _____ of the Zoning ordinance to permit _____

1. Does the request involve a dimension requirement, not a use restriction? yes no

2. a) Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the city **OR** b) explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser **AND** how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake.

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area.

4. Explain how the cost of correction far outweighs any public benefit to be gained.

NOTE: The Board must find in the affirmative on all four questions or the request must be denied

APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION TO BE COMPLETED BY APPLICANTS APPEALING AN ADMINISTRATIVE DECISION ONLY

Explain why you feel that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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.

The proposed gas station would be a desirable convenience to the public who currently do not have a location to purchase gas or "convenience good items" when traveling Dover Point Road. The use will also compliment other surrounding business in the area including the auto dealerships, offices and food uses. The existing area is lacking basic convenience services and the addition gas station/convenience store will provide improved convenience, reducing travel distance to obtain the services for many in the area.

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

The project has been designed to provide adequate parking stacking and vehicular and pedestrian circulation within the site. Gas bays, convenience store and drive-thru access have been located to be accessible and without conflict to the associated users. The B-3 "Thoroughfare Business District" implies "traffic passing through" and the proposed use will be serviced from existing raffic and not a "generator" of new traffic. These improvements in conjunction with the proposed project will not create undue traffic, congestion or unduly impair pedestrian safety. A traffic impact analysis was completed in 2017 by TEPP, LLC and accepted by the City. The agreed upon improvements, including sidewalks, have been implemented by the applicant.

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.

The proposed sewer and water use (approximately 1,500 gpd and/or as standard for this type of development) will not overload any public water, drainage, sewer or municipal system affecting health, safety or general welfare. The existing city system has capacity as indicated by the City Engineer and stormwater mitigation is designed on site to be handled on site and therefore will not affect the Citys stormwater system.

* See attached information provided on Table 1 of 1 "Additional Information", and letter provided by City Engineer.

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. "Evidence was provided in 2010 (original granting of Special Exception) that property values of adjacent land will not be compromised.

B. See attached Table 1 of 1 for data regarding dimensioned requirements.

C. N/A - no drive-in service proposed

D. No fuel storage will be constructed closer than 100 ft. to the Conservation District.

E.

F.

Table 1 of 1
Additional Information
Special Exception Requirements

Proposed Gas Station
Tax Map K, Lot 19C
Dover Point Road
Dover, NH 03820

November 19, 2018

Required as special exception criteria for gasoline station:

	Required	Proposed
Min. Lot Size	80,000 s.f.	91,443 s.f.
Min. Lot Width	150 ft.	214 ft.
Open Space	30%	45%
Sign Area	100 s.f.	Not requesting signage at this time

The property values of adjacent land will not be compromised due to the proposed development. The proposed use will tend to add value to the surrounding properties as additional commercial/business uses tend to compliment other business/commercial uses. No existing residential proeprties will be compromised from this development as the use is similar to other allowable uses in this zone including retail, bank, commercial parking, eating and drinking establishments (including drive thru services). Reference is made to evidence submitted to and accepted by the ZBA in 2010.

SIGNATURE PAGE

THIS SECTION OF THE APPLICATION MUST BE COMPLETED BY ALL APPLICANTS

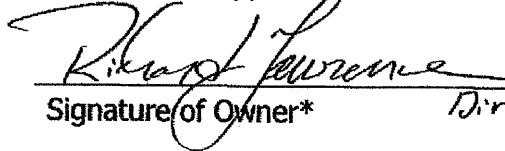
I, the undersigned Applicant, hereby certify that the information contained within this Application is complete and accurate, and I acknowledge that I have read and understand the Application Instructions, which are set forth on the first two pages of this Application form.



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*

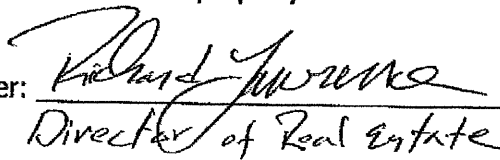
Director of Real Estate

*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:


Director of Real Estate

Date: 11-7-2018

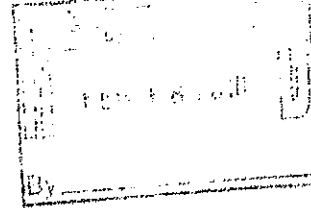
WHITE APPRAISAL

REAL ESTATE APPRAISING & CONSULTING

Brian W. White, MAI, SRA

February 18, 2010

Dover Zoning Board of Adjustment
City Hall
288 Central Avenue
Dover, NH 03820



RE: The Special Exception application for a gasoline/convenience facility located on the corner of Dover Point Road and Thornwood Lane in Dover, NH

To Whom It May Concern:

I have reviewed the proposed site plan for a new gasoline/convenience facility to be located on a 1.74 acre parcel of land located on the corner of Dover Point Road and Thornwood Lane. This parcel is identified as Map K, Lot 19C and it is currently owned by 2830 Holdings, LLC. The plan calls for constructing a 3,055 square foot building along with a gasoline canopy and other on-site improvements that are typical for a modern gasoline/convenience facility.

I have been asked by the owner of the subject property to prepare an opinion on the proposed use for this parcel as it relates to the possible change of value for the surrounding properties. I have been appraising residential and commercial property located in the Dover area for the past twenty-six years. I am very familiar with the Dover Point Road area as I have appraised numerous residential and commercial properties located on or off of this road over the years. I am attaching a copy of my qualifications for your review.

The subject property is largely located in the B-3 (Thoroughfare Business) zone. This zone allows for a variety of permitted uses including: Barber or beauty shop; Bank; Bed and breakfast; Commercial parking facility; Commercial recreation facility; Eating and drinking establishments; Hotel; Motel; New car sales; Office; Personal service establishment; retail store; service club; theater; Child care facility; Church; Clinic; Educational institution, post secondary; offices (administrative, financial, professional). Several other uses are allowed by Special Exception. The subject's proposed use for a retail convenience store would be permitted in the B-3 zone while the proposed gasoline station would require a Special Exception.

The subject's section of Dover Point Road is part of the State of NH Highway System and is a heavy commuter route, with over 15,000 vehicles per day. The proposed gasoline/convenience facility has been designed on a corner parcel that will have ingress and egress to and from Thornwood Lane and egress to Dover Point Road. The development will have good sight distance from both the northbound and the southbound lanes on Dover Point Road. This type of commercial development will benefit from both local and impulse customers as it would provide a combined gasoline and convenience service that is currently not offered in a modern facility anywhere along Dover Point Road.

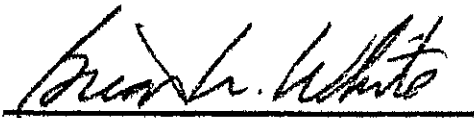
If the proposed gasoline/convenience facility is constructed, the other commercial properties located on Thornwood Lane and Dover Point Road would not be negatively impacted as gasoline/convenience facilities are commonly found in areas with retail, office and automobile dealership facilities. I am not aware of any data that suggests that these properties would experience a diminution of value. There would be some impact from the subject's proposed facility on the nearby residential properties. This impact would largely be felt by an increase in traffic to and from the property. However, since the subject property is currently a vacant lot, any type of development would increase traffic to the property. A modern gasoline/convenience facility typically experiences the bulk of its customer visits during business hours with the volume declining during the evening hours. A similar increase in traffic would be experienced if a number of the uses permitted in the B-3 zone were constructed on the property. For example, if the subject's parcel was improved with a restaurant, lounge, hotel or motel use, the result would also be a similar increase in traffic to and from the property.

The subject's proposed gasoline/convenience commercial development is one that is commonly found along commercially zoned areas located throughout many cities and towns located in the Seacoast area of New Hampshire. In my opinion, it is not a use that is typically prohibited from commercial thoroughfares. Dover Point Road extends southerly from Stark Avenue over three miles having three business zoned nodes with none of them containing a modern gasoline/convenience facility. The subject's corner location with Thornwood Lane being the main access road enhances the utility of the subject parcel to accommodate a modern gasoline/convenience facility. It should be noted that there are two mixed use (commercial and residential) projects currently under construction on Dover Point Road.

The northern half mile of Dover Point Road, which includes the subject property, is a varied mixture of uses including single-family homes, multi-family homes, mobile home parks, commercial condominiums, residential condominiums, restaurants, ice cream stand, automotive dealerships, auto service facilities, general office uses, tattoo parlor, car wash, convenience/beverage sales, general retail stove shop and others. It is the very definition of a mixed use business thoroughfare zone.

Based on these facts and conditions, along with my experience appraising real estate in the Seacoast area of New Hampshire for many years, it is my opinion that the construction of the proposed gasoline/convenience facility on the subject property would not result in a diminution in value for the residential properties located on or off of Dover Point Road.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Brian W. White", is written over a horizontal line.

Brian W. White, MAI
NHCG-#52

Qualifications of the Appraiser

Brian W. White, MAI, SRA

Professional Designations:

Member, Appraisal Institute (*MAI*) – Awarded by the Appraisal Institute. MAI #9104
Senior Residential Appraiser (*SRA*)

Employment:

1989 to Present White Appraisal – Dover, NH
President – Senior Appraiser
Owner of White Appraisal, a commercial and residential
real estate appraisal firm. Complete appraisals on all
types of commercial and residential properties.
Consulting.

1988 Finlay Appraisal Services – Portsmouth, NH
Senior Vice President/Chief Operations Officer
Oversaw the operation of four appraisal offices. Completed commercial
and residential appraisals on all types of properties.

1985 Finlay Appraisal Services – Portsmouth, NH
and Appraisal Services Manager – South Portland, ME.
Completed commercial and residential appraisals on all types of
properties.

Education:

Mitchell College
Associate of Arts, Liberal Studies, 1979

University of Southern Maine
Bachelors of Science, Business Admin., 1984
Bus 022 Real Estate Law
Bus 023 Real Estate Practice
Bus 025 Real Estate Valuation

American Institute of Real Estate Appraisers
1A-1 Real Estate Appraisal Principles, 1985
1A-2 Basic Valuation Procedures, 1985
1B-A Cap. Theory and Technique (A), 1985
1B-B Cap. Theory and Technique (B), 1985
2-3 Standards of Pro. Practice, 1985
Exam #7 Industrial Valuation, 1986

Society of Real Estate Appraisers
101 Intro. To Appraising Real Property, 1986
102 Applied Residential Property Val., 1987
201 Prin. Of Income Property Appraising, 1985
202 Applied Income Property Valuation, 1985

Education (Continued):

Recent Appraisal Institute Classes:

Residential Property Construction – 2003
National USPAP Update – 2003
Feasibility, Market Value, Investment Timing & Option value – 2003
330 Apartment Appraisal – 2004
Business Practices & Ethics – 2004
Subdivision Analysis – 2004
Evaluating Commercial Construction - 2007
Office Building Valuation - 2008
USPAP Update – 2009

Recent Seminars:

Allocation of Real Estate in a Going Concern - 2005
Economics for the Appraiser – 2005
Conservation Easements – 2005
Staying Relevant in a Time of Change – 2006
Real Estate Values and Trends in the NH Economy - 2007
Affordable Financing and Valuation – 2007
NH Board of Tax & Land Appeals in RE Appraising - 2008
Review Appraiser Seminar – 2008
Changes to the Comprehensive Shoreline Protection Act - 2009

Appointments:

Board of Directors – New Hampshire Chapter of the Appraisal
Institute - 1991 to 1993 and 2000 to the present

Experience:

Review Chairperson – New Hampshire Chapter of the Appraisal
Institute – 1994 to Present

Licenses:

N.H. Certified General Appraiser #NHCG -52, Expires 12/31/11
M.E. Certified General Appraiser #CG716, Expires 12/31/10

Partial List of Clients:

Banks:

Bank of New Hampshire
Citizens Bank
Community Bank
Federal Savings Bank
Sovereign Bank
Centrix Bank and Trust
Century Bank
Bank of America
Kennebunk Savings Bank
Northeast Federal Credit Union
Ocean National Bank
Key Bank

Attorneys:

John Colliander
Karyn Forbes
Gerald Giles
John Hinsman
Richard Krans
Simone Massy
Samuel Reid
Daniel Schwartz
Robert Shaines
William Shaheen
Steve Soloman
Ralph Woodman



To: The City of Dover Board of Adjustment
From: Barbara Shiembob, Keller Williams Real Estate Agent
Date: February 12, 2010
Re: Special exception for the proposed gas station, Tax Map K lot 19C Dover Point Road

Dear Members of the Board of Adjustment:

I am a licensed Real Estate agent in New Hampshire and Maine with many years experience in the Dover area. I have been asked by Matt and Andrea Hoppe to give my professional opinion on the effect a proposed gas station/convenience store/drive thru would have on their property value should the City of Dover grant a special exception for a six bay gas station with a convenience store and fast-food drive thru window to be built adjacent to their home at 26 Dover Point Road.

Unlike many commercial businesses a gas station/convenience store/drive thru has several negative characteristics that makes it undesirable to live near.

- The increase volume of traffic and the noise and fumes that come as a result
- Extended hours of operation and the impact on residential living
- Transient nature of the customers and the increase risk of violence and crime
- Hazardous and dangerous materials on site and the associated risk
- With the drive thru window on the Hoppes side of property the constant noise/lights would disrupt anyone living next door and would be a deterrent to a future homebuyer

In my experience the issues listed above together with the underlying stigma that is often associated with gas stations can only have a negative impact on the residential properties in the area. I not only believe the value of the Hoppe's property and adjacent residential properties will be substantially compromised but also that this six bay gas station/convenience store/drive thru would deter potential buyers from even considering these adjacent residential properties in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Barbara Shiembob', written over a horizontal line.

Barbara Shiembob

Keller Williams Coastal Realty

Keller Williams Coastal Realty
501 Islington Street, Ste. 2, Portsmouth, NH 03801
Telephone 603-610-8500 Fax 603-610-8550
EACH OFFICE IS INDEPENDENTLY OWNED AND OPERATED

Submitted
12-10

Marilyn Follansbee
25 Dover Point Rd
Dover, NH 03820

Dear Marilyn,

You asked a whether a gas station diagonally across the street from your residence would affect your property value.

In my opinion it would have an adverse impact on your value.

The adage that the most important rule in real estate is location, location, location has met the test of time because it's true. Identical properties will market and sell differently due to location.

A property's location provides most of its economic value. If you had frontage on Great Bay or the Atlantic it would definitely improve the value. Virtually, all land use ordinances exist to protect zoning, whether historic districts, conservation areas, viewsheds, waterfront or residential.

Realistically, a view of a brightly lit, multiple bay gas station, backed by a convenience store will negatively impact market value. The pictures attached very clearly show the view from your side entry door, the garage, the driveway and the southeast section of your property. So every time you exit or access your home or driveway you will have this view.

The bright lights, beeps from the pump, conversations while pumping gas, delivery vehicle noise and the traffic stopping to turn into and pulling out of the retail facility will have an adverse impact on the nature of your neighborhood and cause devaluation of your property values.

Regards,



02.09.10

Darle

Darle MacFadyen
Realtor NH & ME
Prudential Verani Realty
(c) 603-401-7663
darle.macfadyen@verani.com

WHITE APPRAISAL

REAL ESTATE APPRAISING & CONSULTING



Brian W. White, MAI, SRA

March 18, 2019

Dover Zoning Board of Adjustment
City Hall
288 Central Avenue
Dover, NH 03820

R.E.: The Special Exception application for a gasoline/convenience facility located on the corner of Dover Point Road and Pointe Place in Dover, NH

To Whom It May Concern:

I have been asked by the owner of the subject property to prepare an opinion on the proposed use for the above referenced property as it relates to the possible change of value for the surrounding properties. I have been appraising residential and commercial properties located in the Dover area for the past thirty-five years. I am very familiar with the Dover Point Road area and the recent developments located on Pointe Place as I have appraised many of the surrounding properties over the years. I am attaching a copy of my qualifications for your review.

I have reviewed the proposed site plan for the subject property which calls for developing the parcel with a new gasoline/convenience facility on the corner of Dover Point Road and Pointe Place. The parcel is identified as Map K, Lot 19C and it is currently owned by Macs Convenience Stores, LLC. The plan calls for constructing a 5,328 square foot building along with a gasoline canopy and other on-site improvements that are typical for a modern gasoline/convenience facility. The building will be located in the rear of the buildable portion of the parcel and the gasoline pumps and canopy will be located toward the front of the parcel similar to other modern gasoline/convenience developments. There will be a vinyl fence ranging in height from 4' to 8' along the northern portion of the parcel that will provide a visual screen for the property.

The property is located in the B-3 (Thoroughfare Business) zone. The zone allows for a variety of permitted uses including: Barber or beauty shop, Bank, Bed and breakfast, Commercial parking facility, Commercial recreation facility, Eating and drinking establishments, Hotel, Motel, New car sales, Office, Personal service establishment, Retail store, Service club, Theater, Child care facility, Church, Clinic, Educational institution - Post Secondary, Offices (administrative, financial & professional). Several other uses are allowed by Special Exception. The subject's proposed use for a retail convenience store would be permitted in the B-3 zone while the proposed gasoline station would require a Special Exception.

The subject's section of Dover Point Road is part of the state of NH Highway System and it is a heavily trafficked commuter route with over 12,000 vehicles per day. The proposed gasoline/convenience facility has been designed on a corner parcel that will have ingress and egress

to and from both Dover Point Road and Pointe Place. This type of commercial development will benefit from both local and impulse customers as it would provide a combined gasoline and convenience service that is currently not offered in a modern facility anywhere along Dover Point Road.

In 2010, the subject property received a Special Exception for the proposed gasoline/convenience use. Over the past eight plus years, both residential and commercial development in the subject's immediate area has increased. Pointe Place, to the rear of the subject property, has been developed with an over-55 detached condo development, a 20-unit townhouse condominium development, two multi-story mixed-use buildings with commercial and apartment space and an assisted living facility. Directly across Dover Point Road from the subject property, 50 Sheffield Drive was recently developed with a multi-tenant commercial building with residential townhouse units to the rear. At the present time, the multi-tenant commercial development located just to the south of the subject property (34 Dover Point Road) is being expanded with a rear addition to Patty B's Restaurant. Over the past eight years, the subject's immediate neighborhood has expended with a variety of residential and commercial developments.

At the present time, the subject property is abuts the Pointe Place development to the northeast and a vacant residential lot to the northwest. The Pointe Place development is a recently developed mixed-use property with a combination of commercial and residential space. The adjacent vacant residential lot is zoned R-12. It is noted that this lot was purchased by an investor in September of 2012. At that time, the subject property was approved for development with a gasoline/convenience development. The development located directly to the southwest of the subject property across Dover Point Road (50 Sheffield Drive) is improved with a multi-tenant commercial building with residential townhouse units to the rear. The development located directly to the southeast of the subject property across Pointe Place is improved with a multi-tenant commercial building with Patty B's being the major tenant. Three of the four immediately adjacent properties to the subject property have a commercial component and the one residential property is owned by an investor who purchased the property with the knowledge that the subject property was approved for a gasoline/convenience development.

If the proposed gasoline/convenience facility is constructed, the other commercial properties located on Dover Point Road and Pointe Place would not be negatively impacted as gasoline/convenience facilities are commonly found in areas with retail, office and automobile dealership facilities. I am not aware of any data that suggests that these properties would experience a diminution of value. There would be some impact from the subject's proposed facility on the nearby residential properties. This impact would largely be felt by an increase in traffic to and from the property. However, over the past eight years, the same can be said for all of the other commercial and mixed-use development that has taken place. New development where there was previously vacant land results in some increase in traffic. The subject property is currently a vacant lot and any type of development would increase traffic to the area. A modern gasoline/convenience facility typically experiences the bulk of its customer visits during business hours with the volume declining during the evening hours. A similar increase in traffic would be experienced if a number of other uses permitted in the B-3 zone were constructed on the property.

The subject's proposed gasoline/convenience commercial development is one that is commonly found along commercially zoned areas located throughout many cities and towns in the Seacoast area of New Hampshire. It is not a use that is typically prohibited from commercial thoroughfares. Dover Point Road extends southerly from Stark Avenue over three miles having three business zoned nodes with none of them containing a modern gasoline/convenience facility. The subject's corner location enhances the utility of the subject parcel to accommodate a modern gasoline/convenience facility.

The northern half mile of Dover Point Road, which includes the subject property, is a varied mixture of uses including single-family homes, multi-family homes, mobile home parks, commercial condominiums, residential condominiums, restaurants, ice cream stand, automotive dealerships, auto service facilities, general office uses, car wash, convenience/beverage sales, general retail store, and other uses. It is the very definition of a mixed-use business thoroughfare zone. Based on these facts and conditions, along with my experience appraising real estate in the Seacoast area of New Hampshire for many years, it is my opinion that the construction of the proposed gasoline/convenience facility on the subject property would not result in a diminution in value for the residential properties located on or off Dover Point Road.

The construction of the subject's gasoline/convenience development will add a modern convenience store and a modern gasoline station to the Dover Point Road and Point Place area. The convenience of these items will be viewed as an enhancement for most commercial users. The majority of the residential development that has taken place in the immediate area over the past eight years has been garden style or townhouse style apartment units. The tenants in these developments typically prefer to locate in areas that have convenient nearby access to shopping and highways. The addition of the subject's proposed gasoline/convenience development will also be viewed as an enhancement for these residential users. The fact that most of the users in the immediate area would view the proposed gasoline/convenience as an enhancement will likely result in the values of the commercial and residential properties that house these users being enhanced rather than a diminution in value taking place.

Respectively submitted,

A handwritten signature in black ink, reading "Brian W. White", is written over a solid black horizontal line.

Brian W. White, MAI
NHCG-#52

Professional Designations:

Member, Appraisal Institute (**MAI**) – Awarded by the Appraisal Institute. MAI #9104
Senior Residential Appraiser (**SRA**)

Employment:

1989 to Present	White Appraisal – Dover, NH President – Senior Appraiser Owner of White Appraisal, a commercial and residential real estate appraisal firm. Complete appraisals on all types of commercial and residential properties. Consulting.
1988	Finlay Appraisal Services – Portsmouth, NH Senior Vice President/Chief Operations Officer Oversaw the operation of four appraisal offices. Completed commercial and residential appraisals on all types of properties.
1985	Finlay Appraisal Services – Portsmouth, NH and Appraisal Services Manager – South Portland, ME. Completed commercial and residential appraisals on all types of properties.

Education:

Mitchell College
Associate of Arts, Liberal Studies, 1979

University of Southern Maine
Bachelors of Science, Business Admin., 1984
Bus 022 Real Estate Law
Bus 023 Real Estate Practice
Bus 025 Real Estate Valuation

American Institute of Real Estate Appraisers
1A-1 Real Estate Appraisal Principles, 1985
1A-2 Basic Valuation Procedures, 1985
1B-A Cap. Theory and Technique (A), 1985
1B-B Cap. Theory and Technique (B), 1985
2-3 Standards of Pro. Practice, 1985
Exam #7 Industrial Valuation, 1986

Society of Real Estate Appraisers
101 Intro. To Appraising Real Property, 1986
102 Applied Residential Property Val., 1987
201 Prin. Of Income Property Appraising, 1985
202 Applied Income Property Valuation, 1985

Education (Continued):

Recent Appraisal Institute Classes:

Introduction to Appraising Green Buildings – 2011
USPAP Update - 2013
USPAP Update - 2015
Introduction to Land Valuation - 2016

Recent Seminars:

Drone Technology and Its Impact on the Appraisal Industry - 2015
Business Practices and Ethics - 2016
Paragon for Appraisers - 2016
NH's Changing Economic Real Estate Environment - 2016
Excel Can Do That - 2017
Mixed Use Properties - Income Capitalization Approach - 2017
Paragon - Appraisal Essentials for Appraisers – 2017
Current Use - 2018
Real Estate Damages Overview - 2018
Understanding and Using Public Data - 2018
Appraising Energy Efficient Residential Properties – 2018
Commercial Real Estate Roundtable - 2019

Appointments:

Board of Directors – New Hampshire Chapter of the Appraisal
Institute - 1991 to 1993; 2000 to 2010 and 2015-2018
Vice President - New Hampshire Chapter of the Appraisal Institute – 2011-2012 & 2019
President – New Hampshire Chapter of the Appraisal Institute – 2013 & 2014

Experience:

Review Chairperson – New Hampshire Chapter of the Appraisal
Institute – 1994 to 2010

Licenses:

N.H. Certified General Appraiser #NHCG -52, Expires 4/30/2019

Partial List of Clients:

Banks:

Androscoggin Bank
Granite Bank
Federal Savings Bank
Sovereign Bank
Eastern Bank
Century Bank
TD Bank
Kennebunk Savings Bank
Northeast Federal Credit Union
Profile Bank
Peoples United Bank
Key Bank
Optima Bank and Trust
Provident Bank

Attorneys:

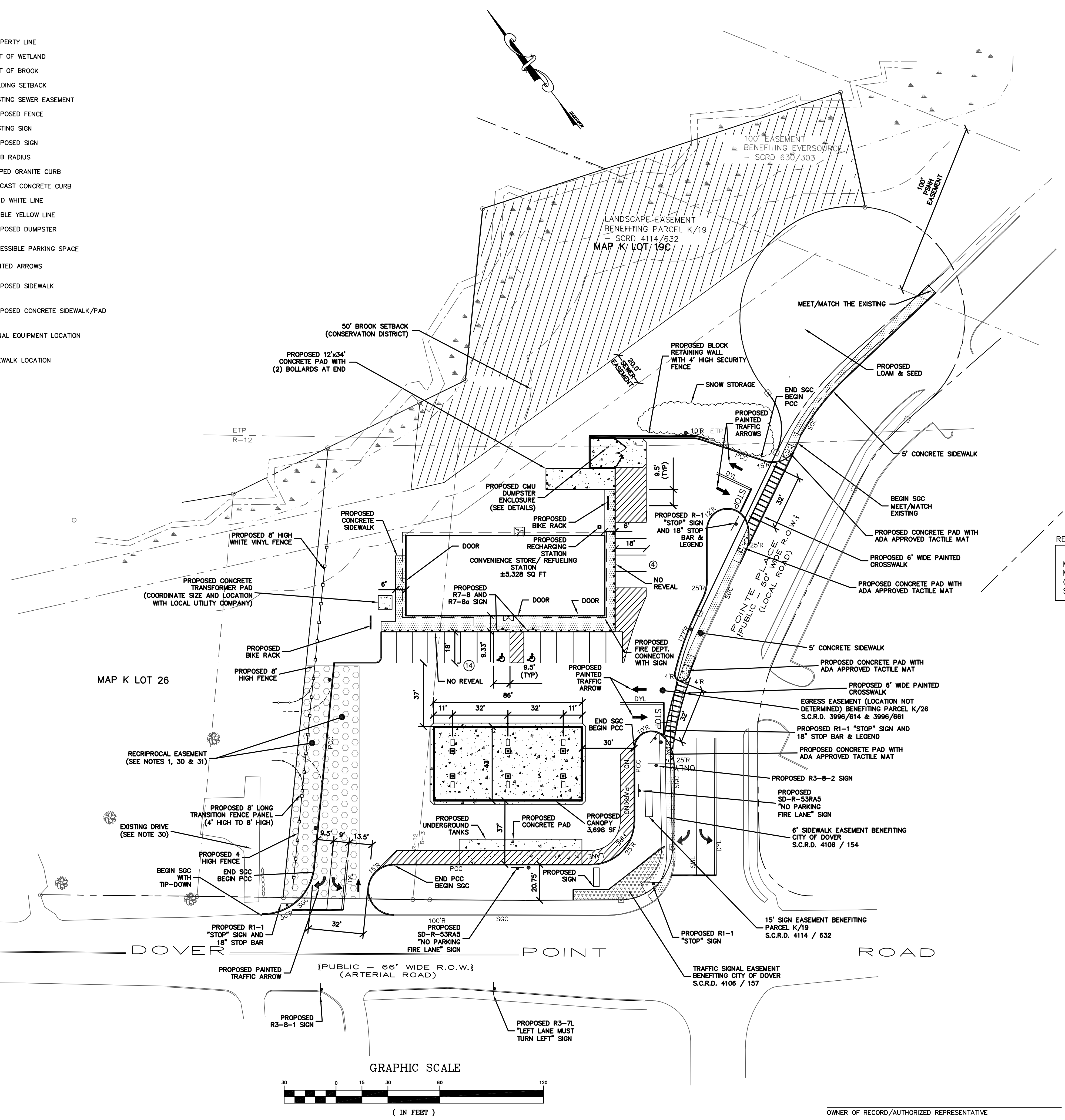
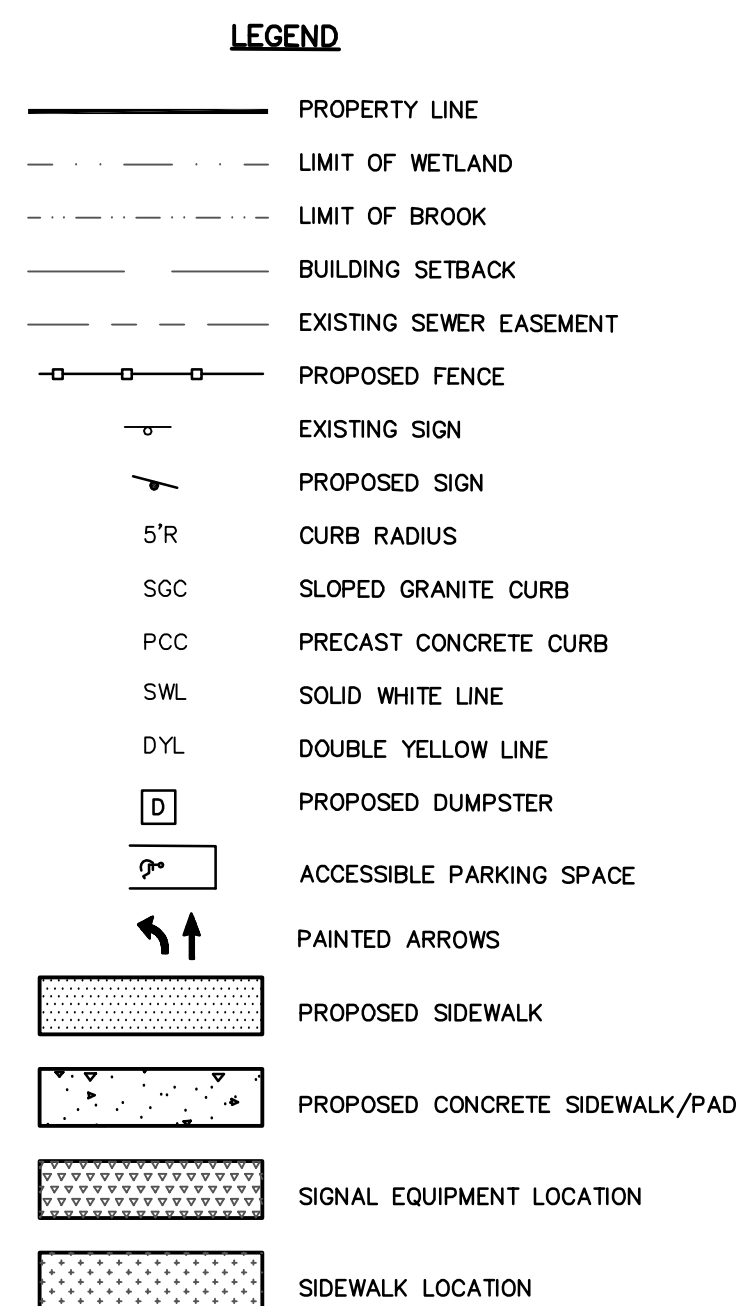
John Colliander
Karyn Forbes
Michael Donahue
Richard Krans
Simone Massy
Samuel Reid
Daniel Schwartz
Robert Shaines
William Shaheen
Steve Soloman
Gerald Giles
Ralph Woodman
Gayle Braley
Fred Forman

Others:

City of Dover
Town of Durham
University of New Hampshire
Wentworth-Douglass
The Homemakers
Strafford Health Alliance
Goss International
Chad Kageleiry
Gary Levy
Stan Robbins
Daniel Philbrick
Keith Frizzell
Chuck Cressy
John Proulx

Z18-18**30 Dover Point Road**

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
K0018-A00010	APPLEVALE DR	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
K0019-000000	DOVER POINT RD	VARNEY BROOK LANDS LLC &	CITY OF DOVER	340 CENTRAL AVE STE 202	DOVER	NH	03820
K0019-A00000	28 DOVER POINT RD	SEBRING HOLDINGS LLC		340 CENTRAL AVE STE 202	DOVER	NH	03820
K0019-B00000	34 DOVER POINT RD	JBACK REALTY LLC		34 DOVER POINT RD	DOVER	NH	03820
K0026-000000	DOVER POINT RD	SEBRING HOLDINGS LLC		340 CENTRAL AVE STE 202	DOVER	NH	03820
K0026-001000	26 DOVER POINT RD	WAYNE CHRISTOPHER M &	WONG CHRISTINA	26 DOVER POINT RD	DOVER	NH	03820
K0035-000000	25 DOVER POINT RD	FOLLANSBEE HERBERT E	FOLLANSBEE MARILYN	25 DOVER POINT ROAD	DOVER	NH	03820
K0036-000000	31 33 DOVER POINT RD	31 33 DOVER POINT RD CONDOMINIUM	PAOLINI ROBERT TRUSTEE AND WILKINSON STE	15 BRIARWOOD LN	DOVER	NH	03820
K0036-000031	31 DOVER POINT RD	PAOLINI ROBERT V TRUSTEE	JNM REALTY TRUST	242 CENTRAL AVE	DOVER	NH	03820
K0036-000033	33 DOVER POINT RD	WILKINS KENNETH &	WILKINS HEIDI G	58 TEMPERANCE HILL DR	NORTHWOOD	NH	03261
K0037-000000	50 SHEFFIELD DR	STF DEVELOPMENT CORP		242 CENTRAL AVE	DOVER	NH	03820
K0038-000000	1 16 SHEFFIELD DR	STF DEVELOPMENT CORP		242 CENTRAL AVE	DOVER	NH	03820
K0039-000000	DOVER POINT RD	ROMAN CATHOLIC BISHOP		153 ASH ST	MANCHESTER	NH	03104
		MAC'S CONVENIENCE STORES LLC		935 E TALMADGE AVENUE	AKRON	OH	44310
		CIVILWORKS NEW ENGLAND		181 WATSON ROAD	DOVER	NH	03820



REFERENCE PLAN
1. "EXISTING CONDITIONS PLAN OF LAND" PREPARED FOR MACS CONVENIENCE STORES LLC; TAX MAP NO. LOT NO. 19C; DOVER POINT ROAD & POINTE PLACE, CITY OF DOVER, COUNTY OF STAFFORD, STATE OF NEW HAMPSHIRE; FILE W10 CAP1720D18-1720 EG; PREPARED BY MCNEENEY SURVEY ASSOCIATES, INC.; SCALE: 1"=30'; DATE: NOV. 1, 2018.

BICYCLE PARK REQUIREMENTS

MINIMUM NUMBER OF BIKE STORAGE SPACES:	<u>REQUIRED</u>	<u>PROVIDED</u>
5% TOTAL REQUIRED PARKING	2 SPACES	5 SPACES

<u>DRIVEWAY REQUIREMENTS</u>		
# OF DRIVEWAYS 1/400 FT OF FRONTAGE (ARTERIAL ROAD)	1	2
# OF DRIVEWAYS 1/125 FT OF FRONTAGE (LOCAL ROAD)	3	2
MINIMUM DISTANCE FROM INTERSECTION (LOCAL ROAD - 35 MPH)	155'	*135
MINIMUM DRIVEWAYS SEPARATION	155'	*110

<u>DIMENSIONAL REQUIREMENTS (ZONES R-12, B-3 ETP)</u>		
	<u>REQUIRED</u>	<u>PROPOSED</u>
MINIMUM LOT AREA	43,600 SF	±91,443 SF
OUTSIDE CONSERVATION DISTRICT	\$650,500	±68,869 SF
MINIMUM LOT FRONTAGE	125'	±219'
MINIMUM LOT WIDTH	155'	±214'
FRONT YARD SETBACK	50'	±164'
SIDE YARD SETBACK (ABUT A LOT)	12'	±52'
SIDE YARD SETBACK (ABUT A STREET)	50'	50'
REAR YARD SETBACK	15'	>67'
MAXIMUM BUILDING COVERAGE	50%	±±11.7%
MINIMUM LOT OPEN SPACE	25%	54.8%
MINIMUM BUILDING HEIGHT	40'	<40'
MINIMUM SIGN SETBACK	0'	2'
MAXIMUM SIGN HEIGHT	30'	<30'
MINIMUM INTERIOR PARKING LANDSCAPE	5%	N/A

<u>PARKING REQUIREMENTS</u>		
	<u>MAX ALLOWED</u>	<u>PROPOSAL</u>
PARKING STALL SIZE (90°)	9'x18'	9.5'x18'
MINIMUM ACCESS WAY WIDTH	22' AISLE	24' AISLE
PARKING CALCULATIONS:		
RETAIL (1 SPACE PER 275 SF) (±5,275 SF)	21 SPACES	18 SPACES
GAS ISLAND (2 SPACES PER FUELING LOCATION) (6 X 2)		12 SPACES
TOTAL		30* SPACES
* 1 SPACE IS A RECHARGING STATION		

REQUIRED AS SPECIAL EXCEPTION CRITERIA FOR GASOLINE STATION		
MIN. LOT SIZE	REQUIRED 80,000 S.F.	PROPOSED 91,443 S.F.
MIN. LOT WIDTH	150 FT	214 FT
OPEN SPACE	30%	45%
SIGN AREA	100 S.F.	NOT REQUESTING SIGNAGE AT THIS TIME

5 PROJECT: CIRCLE K MAP K, LOT 19 30 DOVER POINT ROAD DOVER, NH 03820		APPLICANT/OWNER OF RECORD: MAC'S CONVENIENCE STORES, LLC 935 E TALLMADGE AVE AKRON, OH 44310	DATE: xxx SCALE: 1"=30' DRAWN BY: SRD DESIGN BY: SRD APPROVED BY: JH PROJECT NO: 1677 FILE: SITE.DWG		NO. REVISION APPD DATE	~PERMIT PLAN~ NOT FOR CONSTRUCTION CIVILWORKS NEW ENGLAND NEW HAMPSHIRE 181 Watson Road, P.O. Box 1166 Dover, New Hampshire 03820 (603) 749-0443
---	--	--	--	--	---	---