



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



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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.



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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



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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.



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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 bearing 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.



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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 than 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.



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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



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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.

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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.



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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>.