



**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, March 21, 2019  
Meeting Time: 7:00 pm

### 1. ATTENDANCE

**Members Present:** Chris Prior, George Reagan, Otis Perry, Rich Onufry (Alternate), Nick Couturier (Alternate)

**Members Absent:** Bob Hall (Vice Chair), Frank Landford, Anthony Sillitta (Alternate)

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

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

### 2. APPROVAL OF MEETING MINUTES OF FEBRUARY 21, 2019

**Motion:** Otis Perry moved to approve the minutes of February 21, 2019 as submitted. Seconded by George Reagan. Vote: U/A

### 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.

The applicant wished to continue the case to the April 18<sup>th</sup> meeting.

**Motion:** Otis Perry moved to refer the case to the April 18<sup>th</sup> ZBA meeting. Seconded by Rich Onufry. Vote U/A

- 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.

The applicant wished to continue the case to the April 18<sup>th</sup> meeting.

**Motion:** Otis Perry moved to refer the case to the April 18<sup>th</sup> ZBA meeting. Seconded by Rich Onufry. Vote U/A

- 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.

FX Bruton, Bruton and Berube representing the applicant presented the case.

This is an application for Special Exception. Plans have been submitted and are in the packet.

The proposed use is a Circle K station with a convenience store. The last time this was proposed, they were seeking 35 parking spaces. This time they are proposing 30 parking spaces and one of those will be a recharging space.



**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, March 21, 2019**  
Meeting Time: **7:00 pm**

They are proposing six pumping stations. There will be buffering on the northern side. This case will go to Planning Board and TRC for review and approvals. 12,000 cars pass this location a day. The applicant is not looking to attract new traffic, but to add a convenience for passing traffic.

Mr. Bruton reviewed the criteria for special exception. There is no other gas and convenience store in that area but one is needed. They don't anticipate attracting more traffic but are looking to service the current travelers. They do not anticipate overloading City infrastructure. The use will not diminish area property values. There is a lot of construction going on in that area including commercial uses. A report was submitted regarding not diminishing values. The applicant meets and exceeds dimensional requirements and submitted a report explaining that. A drive-thru is not proposed for this location. The fuel storage tank locations meet all criteria.

This project was previously approved, though the time table has lapsed which is why the application is before the board again.

There is a proposal for a traffic light to go in. FX Bruton has spoken to the Assistant City Manager who confirmed the plans for a traffic light. It will work with the applicant's plans and they will discuss it at the Planning Board level.

Steve Haight, Civilworks explained the traffic light, street widening, sidewalks and curb cuts have all been taken into account in the plans.

### *Public hearing opened.*

John Gray, owner of Jback Realty LLC, abutter said his property value has increased since they announced they were putting in the gas and convenience. He is in favor of the project. It will enhance his property.

John Sullivan, owner Sebring Holdings LLC, abutter stated he is in favor of the proposed use. It's a great use for the property. He is the direct abutter and if approved will share the driveway with the applicant. He explained the expanding growth that has occurred over the past few years with apartments, townhouses, single-family homes and commercial properties. The gas station is needed in that area.

Patty Barish, owner Patty B's Italian restaurant, abutter said she is in full support of the project. Circle K is the best gas station brand option. The proposal shouldn't hurt or help her business, but it, along with the traffic light, will make the intersection much safer than it is now.

Marilyn Follansbee, 25 Dover Point Rd, said a traffic light will make it difficult for those houses to get out of their driveways. This proposal will affect neighboring abutters. The reasons given to approve this project in 2010 by some board members were not sufficient. She would like to hear reasoning from all board members tonight.

There are already multiple gas stations a mile from this location so another one is not needed.

There was a proposal for a grocery store which has not gone in, but a convenience store in this location will detract from getting a grocery store.

There are conflicting reports and letters regarding property values. If the gas station was there before she purchased her home, she would not have bought at that location. She is concerned about lights, noise, fumes and late hours. She read a letter from a realtor written to her this week. It describes the project having a negative effect on her property.



**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, March 21, 2019  
Meeting Time: 7:00 pm

Chris Wayne, 26 Dover Point Rd, direct abutter is opposed to the project. The applicant has not met the requirement of showing a need for this project. 2010 documentation is too old to use for appraisal purposes. Gas stations are closing down due to fuel efficiency. There are other convenience stores in walking distance of this location. There are health risks living so close to fuel tanks. He is not comfortable starting a family living so close to a gas station. An appraiser communicated that his home could go down in value up to 10%. If he chooses to sell his property, it would be difficult to do so with a gas station next door.

Christina Wayne, 26 Dover Point Rd, direct abutter is opposed to the gas station at this location due to the health risks.

Virginia Towler, Cricklewood on the Bellamy asked the board to make the decision in the interests of the residents. Dover is a beautiful place and this gas station is not necessary.

FX Bruton addressed some comments. They submitted an appraisal from a licensed appraiser. The criteria has been met for special exception.

Steve Haight clarified the ZBA portion was granted in 2010, but it went through Planning Board approval and was most recently approved there in 2017.

### STAFF RECOMMENDATION:

Assistant City Planner Elena Piekut stated the department was neutral on the project. They did receive the updated appraisal on Monday and are now supportive of the project. The property value issue has to be weighed: the professional information submitted against the testimonials given.

Regarding the proposed traffic light or round-about, one of these will happen soon due to the next phase of development coming at Pointe Place. The approval of this project may speed up getting traffic addressed, but it would not be the tipping point.

*Public hearing closed.*

The Chair reviewed the criteria for special exception and asked the board members if the criteria has been met.

George Reagan noted this is an area under construction and change. He looks to the zoning regulations for clarification. This is a City in high-demand. There are projects in that area that are both enhancing it and diminishing it. Based on what he's read and what he knows, he believes the applicant meets the criteria.

**Motion:** George Reagan moved the criteria has been met for special exception and to approve the application. Seconded by Otis Perry. Vote: 3-2 with Nick Couturier and Rich Onufry opposed. Rich Onufry specifically addressed the traffic as a concern.

### 4. OTHER BUSINESS

None.

### 5. ADJOURN

**Motion:** Otis Perry moved to adjourn at 7:52 PM. Seconded by George Reagan. Vote U/A



**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, March 21, 2019**  
Meeting Time: **7:00 pm**

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](http://www.dover.nh.gov). Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.

DRAFT