



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, August 15, 2019
Meeting Time: 7:00 pm

1. ATTENDANCE

Members Present: Chris Prior (Chair), Otis Perry, Rich Onufry (Alternate), George Reagan (Vice Chair), Nick Couturier, Anthony Sillitta (Alternate), James Burdin (Alternate)

Members Absent (Excused): Frank Landford

Staff Present: Christopher Parker (Assistant City Manager)

The Chair called the meeting to order at 7:00 PM.

2. APPROVAL OF MEETING MINUTES OF AUGUST 15, 2019

Motion: Otis Perry moved to approve the minutes of August 15, 2019 as submitted. Seconded by Rich Onufry.
Vote: U/A with George Reagan abstaining

3. HEARINGS

The Chair explained the ZBA meeting process and stated James Burdin will vote for Frank Landford.

A. Z19-13 Applicant River Valley Development Corp. and Owner Gulf Landing Properties, LLC, Central Avenue (Tax Map 38, Lot 9-A-2), requests a variance from Section 170-12.A of the Zoning Ordinance to permit a hospital use (a substance abuse treatment facility) where hospitals are not a permitted use in the Thoroughfare Business (B-3) Zoning District.

Attorney Joshua Lanzetta, from Bruton and Berbue represented the applicant and presented the case. He showed aerial photos of the site and described the location. The lot is tucked between several businesses.

He described the use stating medical uses are allowed in the zone, though overnight stays are not allowed. The proposed use is a three-story residential treatment facility for drug and alcohol addiction. This use is needed for the City and County. This use requires smaller frontage and vehicular ingress and egress than most commercial uses require. This lot is very unique and fits this use well.

The overnight aspect of the proposal is the issue. People will not be coming and going all hours of the night. People will be dropped off, stay at the facility for a length of time, and be picked up at the end of their stay.

The variance criteria was addressed thoroughly in the application. He summarized for the board that the community benefits from the use which covers the first three criteria. A state-of-the art facility would increase surrounding property values. Addressing the hardship, he stated it's not so much the lot as the zone which doesn't allow for overnight stays at a medical facility. The low visibility of the site is a detraction to other commercial uses but is perfect for this use.

Anthony Sillitta wondered how many staff would come and go and what parking would be needed. Mike Patenaud stated probably about seven staff members and two maintenance at all times. There should be under 50 trips a day coming in and out. On a visitation day, one out of ten may receive a visitor.



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Anthony Sillitta wondered where the clients would come from. They would be recommended from ERs and referred by insurance companies. There is no facility like this on the seacoast and it is needed.

Rich Onufry wondered how the licensed operating/ management company will be selected.
It will not go to bid. Local medical staff is being assembled and the facility will be NH licensed.

George Reagan asked about safety and security. Mr. Patenaud explained the different wards of the facility and how they are locked. Clients cannot come and go without staff escort and cannot leave the facility for appointments on their own or with family.

Public hearing opened.

Mark Bowen, owner of abutting Dover Bowl stated he is in support of the variance both personally and as an abutting business owner.

Owner of Meineke in Dover was originally concerned, but after speaking to the applicants he is in favor of it. He is concerned about security and not adding to the already present crime in the neighborhood.

STAFF RECOMMENDATION:

Christopher Parker stated the Planning Department supports granting the variance. It is a location with poor visibility and a low-residential area which benefit the project.

The Chair suggested making a condition of approval that the operating company obtains state permits to operate as proposed (a long-term care facility). Otis Perry sited that day facilities are permitted in this zone.

Attorney Lanzetta suggested a condition of state licensure.

Public hearing closed.

Motion: Otis Perry moved to approve the variance to permit the use with the condition all state licenses and permits are obtained. Nick Couturier seconded. Vote U/A

4. OTHER BUSINESS

None

5. ADJOURN

Motion: Otis Perry moved to adjourn at 7:36 PM. Seconded by Anthony Sillitta. 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>.