

CITY OF DOVER

ZONING BOARD OF ADJUSTMENT - AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Avenue, Dover, NH 03820
Meeting Date: **Thursday, July 16, 2026**
Meeting Time: **7:00 pm**

1. ATTENDANCE

2. APPROVAL OF THE PRIOR MINUTES

- July 8, 2026 Special Meeting Minutes
- May 21, 2026 Regular Meeting Minutes

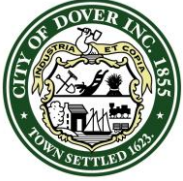
3. HEARINGS

- A. ZONE-2026-0020** Applicant: VMD Equities DVR, LLC, Sterling Way, Tax Map 11, Lot 2, located in the Commercial District (C), requests two Variances from **Section 170-12(B), Commercial District**, to construct a mixed-use building with 79% overall square footage of residential use where 66.67% is allowed and allowing 55 feet in building height where 40 feet maximum height is allowed.

4. OTHER BUSINESS

5. ADJOURN

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@dover.nh.gov. You may also view materials at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>. The public is encouraged to leave comments in advance by emailing Dover-Planning@dover.nh.gov, or mailing written comments to the Zoning Board of Adjustment, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



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, May 21, 2026**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Chris Prior (Chair), Nicholas Couturier (Vice Chair), Jackson Brown, Rich Onufry, Ethan Ash (Alternate)

Members Not Present: Anthony Sillitta, Hilary Hamer (Alternate), Nicole Morin (Alternate)

Staff Present: Paul R. Crouser (Zoning Administrator)

Chair Prior called the meeting to order at 7PM.

2. APPROVAL OF MEETING MINUTES OF FEBRUARY 19, 2026

Motion: Onufry moved to approve the minutes of February 19, 2026. Seconded by Brown. Vote: 3-0 with 2 abstentions

Chair Prior explained the hearing process.

3. HEARINGS

- A. ZONE-2026-0011** Applicant: Daniel G. Gabriel Trust, 260 Dover Point Road, Tax Map L, Lot 98-A, located in the Low-Density Residential District (R-20), requests three Variances from **Section 170-12(B), R-20 Table of Uses**, to subdivide the parcel for the construction of a single-family dwelling, with both proposed lots having frontage of one-hundred (100) feet where one hundred and twenty-five (125) feet is required, in addition to seeking relief for the maximum build-to line where thirty-five (35) feet is the maximum permitted, but one-hundred (100) feet is proposed.

Background

The subject parcel for this variance request is located at 260 Dover Point Rd. within the Low-Density Residential (R-20) Zoning District.

The owner of 260 Dover Point Rd. is seeking three (3) variances necessary to subdivide the property in half, with the intent of constructing a single-family home on the newly created lot. The variances are as follows:

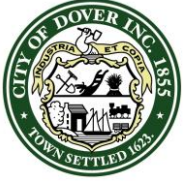
1. Post-subdivision, the parent parcel will have 100' of frontage, where 125' is required;
2. Post-subdivision, the new lot will also have 100' of frontage, where 125' is required; and
3. Construction on the new lot would require relief from the build-to line maximum of 35', where 100' is proposed.

FX Bruton, Bruton and Berube represented the item and explained the proposal to subdivide the lot in half, the waivers for frontage, the existing driveway which they intend to keep, the waiver for the build-to line, the unique aspects of the site having slopes and an existing driveway which is a safe access they'd prefer to use for both homes which is the reason for the proposed home to be set back.

He addressed the variance criteria.

Kevin MacEneany, Surveyor explained the existing slopes and driveway locations.

Mr. Bruton clarified information for the board members about the intended easement for the proposed lot and the applicant's acceptance of the proposed conditions.



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, May 21, 2026
Meeting Time:	7:00 pm

Public Hearing opened

No one spoke

One letter was received from Richard Morin which noted his support of the project.

Staff Recommendation:

Staff supports these variance requests as the relief sought yields two lots comparable to the surrounding neighborhood and because this Board has approved similar such variances in order to permit a minor subdivision where the two resulting lots would be dimensionally nonconforming by a small degree.

Staff recommends that if the Board approves these variance requests, it do so with the following conditions:

1. The applicant receives minor subdivision approval from the Dover Planning Board;
2. No future variance for dimensional relief will be granted for either parcel;
3. No additional curb cuts shall be approved for either parcel;
4. Additions to the future single-family home shall retain a minimum 100' front setback; and
5. Outbuilding/Accessory Use front setbacks shall be 65'.
6. Residential structures for both properties, post-subdivision, shall be restricted to single-family home use only and shall not be converted to hold more than one (1) dwelling unit (save for ADUs pursuant to the rules set forth under §170-24).

This condition shall be memorialized by separate deed restrictions for each property, to be recorded at the Strafford County Registry of Deeds

Public Hearing closed

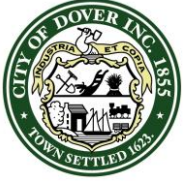
Motion: Onufry moved to grant the three variances requested with the conditions itemized by staff having met the criteria. Seconded by Couturier. Vote: U/A

B. ZONE-2026-0012 Applicant: Laine Major, 15-17 New York Street, Tax Map 4, Lot 68, located in the Urban Density Multi-Residential District (RM-U), requests two Variances from **Section 170-12(B), RM-U Table of Uses**, to reconstruct a two-family dwelling on the previous building's footprint with a side setback of 1.92', where 6' is required and 47.2% lot coverage where 40% is required.

Background

The applicant seeks two dimensional variances to rebuild a two-family structure at 15–17 New York Street upon the same footprint where an existing duplex stood it was damaged beyond repair by a fire in 2024.

In 2025, due to safety concerns, the building was demolished. The subject lot is nonconforming in terms of both frontage (33.5') and area (2,790 s.f.). The relief requested is to re-establish the long-standing 1.92' east side setback where 6' is required, and to allow for a lot coverage percentage of 47.2% where 40% is permitted.



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, May 21, 2026
Meeting Time: 7:00 pm

Staff would highlight the fact that per §170-53 of the Zoning Ordinance, had building permits been sought within 12 months of the fire event, the structure would be permitted to be re-constructed as it was by-right and without any zoning relief. However, delays due to the insurance claims process and re-development plan revisions, coupled with the safety issues necessitating the structure's demolition, meant that the 12-month reconstruction window expired, requiring than any new structure meet current zoning standards.

Laine Major, owner presented the item and explained the proposal to reconstruct on the same footprint of a building which was destroyed by fire. She explained the two variance requests for setback and lot coverage.

She addressed the criteria for variance.

She confirmed for Mr. Brown that once complete, she will retain ownership and the units will be rented as apartments.

Public Hearing opened

No one spoke

Staff Recommendation:

Staff supports these variance requests as the subject parcel is dimensionally non-conforming to a large degree in both area and frontage, making compliance with underlying zoning highly impractical regardless of the use proposed at the site. Considering the present dimensional nonconformities, this site's similarity to the majority of neighboring lots, and the unfortunate missing of the 12-month re-construction period, staff feels as though the applicant has sufficiently demonstrated hardship and has submitted a proposal compliant within the context of the surrounding neighborhood. Based on the evidence presented, Staff recommends that this Board approve these two variance requests with the following condition:

1. No future variance shall be given for dimensional relief at this property.

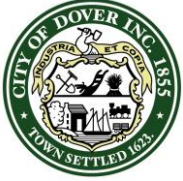
Public Hearing closed

Motion: Couturier moved to grant the two variances requested with the condition itemized by staff having met the criteria. Seconded by Ash. Vote: U/A

- C. ZONE-2026-0013** Applicant: Ryan A. Hardin and Melissa L. Wheeler, Long Hill Road, Tax Map A, Lot 18-B-4, located in the Medium Density Residential District (R-12), requests a Variance from **Section 170-12(B), R-12 Table of Uses**, to construct a single-family home +/- seventy (70) feet beyond the maximum build-to-line where thirty-five (35) feet is the maximum permitted.

Background

The applicant seeks a variance from the R-12's build-to-line requirement of 15' – 25', instead proposing a front setback of approximately 72.3'. The need for this variance relief stems from the site's topography, which gains elevation as you move from the front to the rear of the lot. Should the applicant comply with underlying zoning requirements, the leach field would be located, by default, in the rear of the property, 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, May 21, 2026
Meeting Time: 7:00 pm

given the elevation change, that system would likely be required to be a pumped system, which is less reliable and more expensive than a gravity-fed system. Thus, the applicant proposes installing the leach field in front of the house, allowing the installation of the more affordable and reliable gravity-fed system.

Eric Salovitch, Northam Survey presented the item along with owner Ryan Hardin.

Mr. Salovitch explained the owner is in the process of working out the proposed layout for the new home on the vacant lot and discovered the topography would cause the septic issues described above. The intention of the owner will be to move into the new home once built and as he currently has the same septic issue, he would prefer not to repeat that option in the new home.

Mr. Salovitch addressed the criteria for variance.

Public Hearing opened
No one spoke

Staff Recommendation:

Staff supports this variance request without conditions. Staff does not see the public benefit in the denial of this variance, whereas if granted, the proposed home would closer match the existing front setbacks of neighboring properties and the applicants would be spared the extra expense of an inferior septic system.

Public Hearing closed

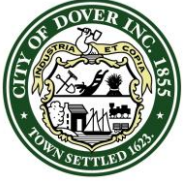
Motion: Couturier moved to grant the variance request with no conditions having met the criteria.
Seconded by Onufry. Vote: U/A

D. ZONE-2026-0014 Applicant: Fergus Cullen, Owners: Morgan & Eileen Allen Irrevocable Trust, 53 Cataract Avenue, Tax Map 14, Lot 6, located in the Medium Density Residential District (R-12), requests four Variances from **Section 170-12, R-12 Table of Uses**, to subdivide the parcel yielding two new lots, each with nonconforming frontages of +/- ninety-four (94) feet where one-hundred (100) feet is required and nonconforming areas of +/- nine-thousand five-hundred (9,500) s.f. where twelve-thousand (12,000) s.f. is required.

Background

The applicant, through authorization of the current owner, is seeking four (4) variances necessary to subdivide the property in half, with the intent of constructing a single-family home on the newly created lot. The variances are as follows:

1. Post-subdivision, the parent parcel will have $\pm 94'$ of frontage, where 100' is required;
2. Post-subdivision, the new lot will also have $\pm 94'$ of frontage, where 100' is required;
3. Post-subdivision, the parent parcel will have $\pm 9,500$ s.f. of lot area, where 12,000 s.f. is required; and
4. Post-subdivision, the new lot will also have $\pm 9,500$ s.f. of lot area, where 12,000 s.f. is required.



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, May 21, 2026
Meeting Time:	7:00 pm

Fergus Cullen, owner presented the item, explained the existing conditions and the intent to demolish the older unit and renovate the newer unit into a single family home with possible garage addition and/or ADU. He noted a survey has been done, but has not yet been provided. He described the potential layout of the renovated home and an example of a proposed new home layout on the subdivided portion of the lot.

He addressed the variances requested and addressed the criteria.

He addressed questions from the board relating to the foundation condition for the older unit and other options for the parcel.

Chair Prior addressed his concern about the proposal putting the property line directly at the existing building which causes hardship for both future property owners.

R. Onufry agreed and suggested one duplex might be a better option for the site.

Public Hearing opened

No one spoke

Staff Recommendation:

Staff supports these variance requests with proposed conditions below as the relief sought yields two lots comparable to the surrounding neighborhood and because this Board has approved similar such variances in order to permit a minor subdivision where the two resulting lots would be dimensionally non-conforming by a small degree. Staff would consider the deviations from underlying zoning ($\pm 12'$ short of compliant frontage and $\pm 4,000$ s.f. short of compliant lot area) to be fairly minor deviations consistent with previously-approved variances.

Staff recommends that this Board approve these variance requests with the following conditions to ensure future compliance with the narrative presented to the Board:

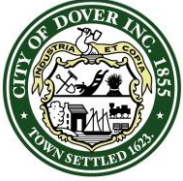
1. The applicant receives minor subdivision approval from the Dover Planning Board;
2. Residential structures for both properties, post-subdivision, shall be restricted to single-family home use only and shall not be converted to hold more than one (1) dwelling unit (save for ADUs pursuant to the rules set forth under §170-24).

This condition shall be memorialized by separate deed restrictions for each property, to be recorded at the Strafford County Registry of Deeds.

The board discussed adding a condition that all structures must comply with current setback regulations for the zone.

A letter was received from Alexander Temple in opposition to the project and summarized by the Chair.

Public Hearing closed



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, May 21, 2026**
Meeting Time: **7:00 pm**

Motion: Onufry moved to deny the requests based on hardship not being proven, public good not being proven, not having enough information to process what could happen in the future. Seconded by Couturier.

Mr. Couturier noted there's not enough information to approve the variances at this time.

Vote: 3-2 with Ash and Brown opposed. The variance requests are denied.

4. OTHER BUSINESS

ZBA Rules of Procedure

Motion: Brown moved to remove the item from the table. Seconded by Onufry. Vote: U/A

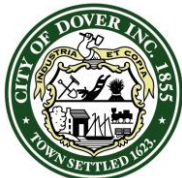
Discussion regarding change in ZBA Rules of Procedure. Discussed amending public hearing section of rules to include discretionary 5 minute cutoff for testimony, per person, at the discretion of the Board.

Motion: Couturier moved to adopt the amendment to the rules as proposed. Seconded by Ash.

Vote: U/A

5. ADJOURN

Motion: Couturier moved to adjourn at 8:39pm. Brown seconded. Vote: U/A



CITY OF DOVER

ZONING BOARD OF ADJUSTMENT – ABUTTER NOTICE

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall 288 Central Ave. Dover, NH 03820
Meeting Date: **Thursday, July 17, 2026**
Meeting Time: **7:00 pm**

Dear Property Owner: You are an abutter to the project listed in **bold** on the agenda.

INTENT: The applicant requests two Variances from **Section 170-12(B), Commercial District**, to construct a mixed-use building with 79% overall square footage of residential use where 66.67% is allowed and allowing 55 feet in building height where 40 feet maximum height is allowed.

UNITS PROPOSED: 133

AGENDA ITEM: 3-A

ZONING DISTRICT: Commercial (C)
District

FILE: ZONE-2026-0020

APPLICANT: Attorney FX Bruton

OWNERS: VMD Equities Dover, LLC, C/O:
VMD Companies, LLC

LOCATION: Sterling Way (Tax Map 11, Lot 2)

ACREAGE: Existing: ±19.46 acres (±847,723 s.f.)

EXISTING LAND USE: Commercial

PROPOSED LAND USE: Mixed Use

SURROUNDING LAND USE: Commercial,
Residential, Woodman Park School

PREVIOUS ZBA ACTION: Two (2)
variances granted 5/21/2015 to allow for
building height of 55' where 40' was required,
and to permit Assisted Living Facility use.

PLANNING BOARD APPROVAL REQ.:
Yes – Site Review and Planning Board approval
required.

The ZBA Agenda:

- 1. ATTENDANCE**
- 2. APPROVAL OF MEETING MINUTES OF** June 18, 2026
and July 8, 2026 Special Meeting Minutes
- 3. HEARINGS**
 - A. ZONE-2026-0020** Applicant: VMD Equities DVR, LLC,
Sterling Way, Tax Map 11, Lot 2, located in the Commercial
District (C), requests two Variances from **Section 170-12(B),
Commercial District**, to construct a mixed-use building with
79% overall square footage of residential use where 66.67% is
allowed and allowing 55 feet in building height where 40 feet
maximum height is allowed.
- 4. OTHER BUSINESS**
- 5. ADJOURN**

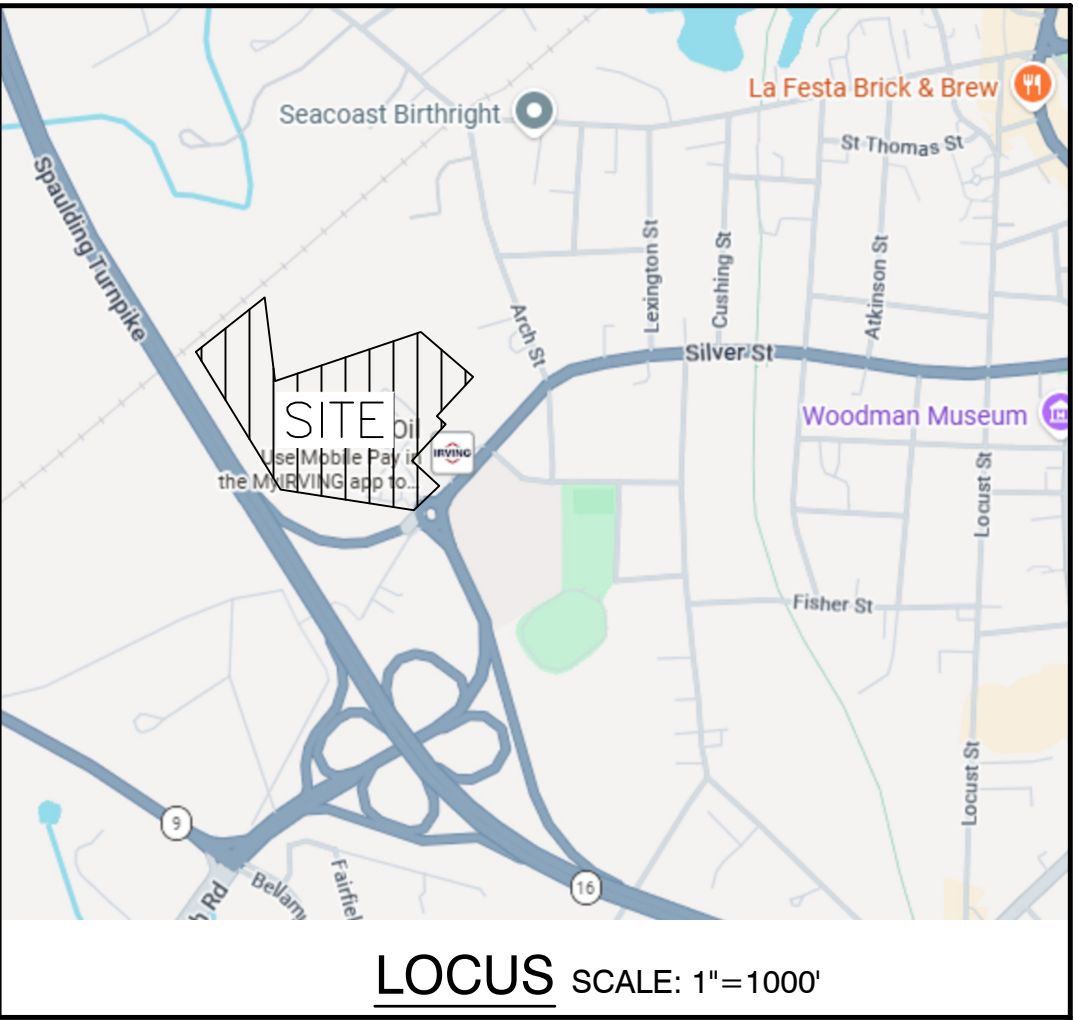
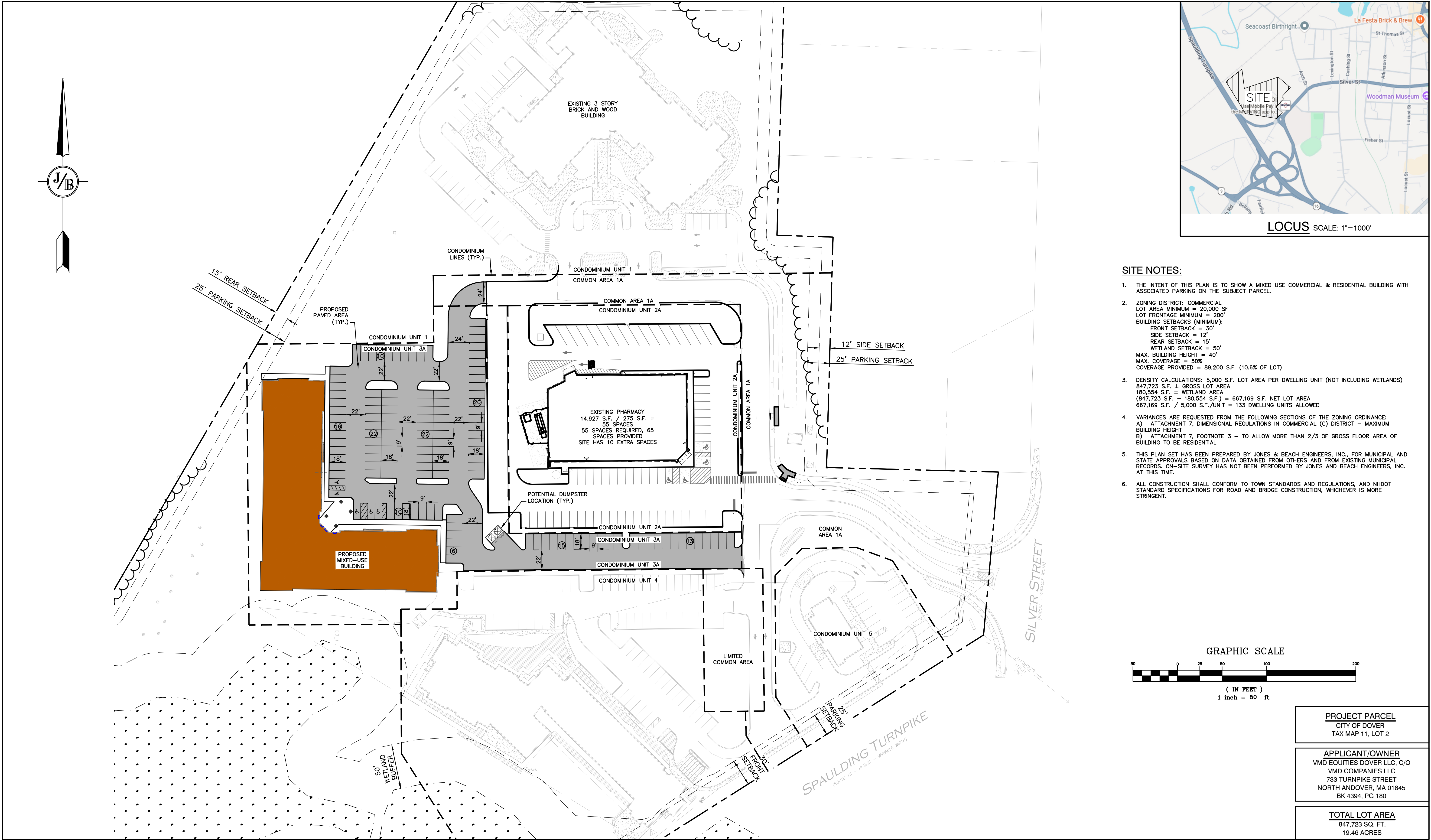
MORE INFORMATION AVAILABLE TO YOU:

Since this is only a partial description of the proposal and it may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm. You may view the rest of the agenda and materials at www.dover.nh.gov or contact the Planning and Community Development Department at City Hall or 603-516-6008.

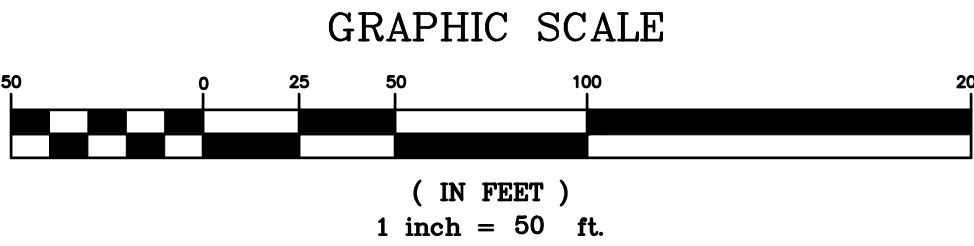
Learn more Dover's Zoning at <https://ecode360.com/32591412>
We invite you to review and comment on the proposal:

- In person at the hearing,
- Phone: 516-MEET (6338) | 516-6008
- Email: Dover-Planning@dover.nh.gov
- Mail: Zoning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820.

Messages regarding applications must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



- SITE NOTES:**
1. THE INTENT OF THIS PLAN IS TO SHOW A MIXED USE COMMERCIAL & RESIDENTIAL BUILDING WITH ASSOCIATED PARKING ON THE SUBJECT PARCEL.
 2. ZONING DISTRICT: COMMERCIAL
LOT AREA MINIMUM = 20,000 SF
LOT FRONTAGE MINIMUM = 200'
BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 30'
SIDE SETBACK = 12'
REAR SETBACK = 15'
WETLAND SETBACK = 50'
MAX. BUILDING HEIGHT = 40'
MAX. COVERAGE = 50%
COVERAGE PROVIDED = 89,200 S.F. (10.6% OF LOT)
 3. DENSITY CALCULATIONS: 5,000 S.F. LOT AREA PER DWELLING UNIT (NOT INCLUDING WETLANDS)
847,723 S.F. ± GROSS LOT AREA
180,554 S.F. ± WETLAND AREA
(847,723 S.F. - 180,554 S.F.) = 667,169 S.F. NET LOT AREA
667,169 S.F. / 5,000 S.F./UNIT = 133 DWELLING UNITS ALLOWED
 4. VARIANCES ARE REQUESTED FROM THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE:
A) ATTACHMENT 7, DIMENSIONAL REGULATIONS IN COMMERCIAL (C) DISTRICT - MAXIMUM BUILDING HEIGHT
B) ATTACHMENT 7, FOOTNOTE 3 - TO ALLOW MORE THAN 2/3 OF GROSS FLOOR AREA OF BUILDING TO BE RESIDENTIAL
 5. THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS BASED ON DATA OBTAINED FROM OTHERS AND FROM EXISTING MUNICIPAL RECORDS. ON-SITE SURVEY HAS NOT BEEN PERFORMED BY JONES AND BEACH ENGINEERS, INC. AT THIS TIME.
 6. ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.



PROJECT PARCEL
CITY OF DOVER
TAX MAP 11, LOT 2

APPLICANT/OWNER
VMD EQUITIES DOVER LLC, C/O
VMD COMPANIES LLC
733 TURNPIKE STREET
NORTH ANDOVER, MA 01845
BK 4394, PG 180

TOTAL LOT AREA
847,723 SQ. FT.
19.46 ACRES

Design: N/A	Draft: DJM	Date: 06/22/2026
Checked: PSL	Scale: AS NOTED	Project No.: 26062
Drawing Name: 26062-PLAN-ZBA.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

0	6/22/26	ISSUED FOR REVIEW	DJM
REV.	DATE	REVISION	BY



Jones & Beach Engineers, Inc.

Designed and Produced in NH

Civil Engineering Services

85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885

603-772-4746
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	ZBA SITE PLAN
Project:	MIXED-USE DEVELOPMENT 181 SILVER STREET, DOVER, NH 03820
Owner of Record:	VMD EQUITIES DOVER LLC, C/O VMD COMPANIES LLC 733 TURNPIKE STREET, NORTH ANDOVER, MA 01845 BK 4394 PG 180

DRAWING No.

C2

SHEET 1 OF 1
JBE PROJECT NO. 26062



PERMIT SNAPSHOT REPORT ZONE-2026-0020 FOR CITY OF DOVER, N.H.

Permit Type Zoning	Project:	App Date: 06/25/2026
Work Class: Variance	District: None	Exp Date: NOT AVAILABLE
Status: Fees Due	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Blonigen, Rachel	Approval Expire Date:

Description: The Applicant seeks variances as to the building height and the Mixed-Use Ratio for the construction of construct a mixed-use building on site with residential units on floors two through four, with commercial units on the first floor.

Parcel: 11002-000000	Main	Address: Sterling Wy Dover, NH	Main	Zone: C(Non-Residential - Commercial) HR(Residential - Heritage) R-12(Residential - Medium Density)
-----------------------------	------	--	------	--

Owner Joe Byrne Business: (781) 534-1388	Owner Stephen Gallagher Business: (401) 569-4416	Applicant Francis X Bruton 601 Central Ave Dover, NH 03820 Business: (603) 749-4529
---	---	--

Permit Custom Fields

ZoneVariAppealPhDisa No bility	Number of Variances 2 Requested:	ZoneVariPlanDirections Off Northerly side of Silver St traffic circle
ZoneVariPlanSummary The Applicant proposes to construct a mixed-use building on site with residential units on floors two through four, with commercial units on the first floor.	ZoneVariAppealSect Section 170-12(B)	ZoneVariAppealSectDe 1) Variance from tail Section 170-12(B), Commercial (C) District, Table of Uses that limits residential uses to 66.67% of the overall square footage of the building, where 79% is proposed, as depicted; and 2) Variance from Section 170-12(B), Commercial (C) District, Table of Uses that restricts building height to 40 feet, where 55 feet is proposed.
What is the parcel C zoned?	ZoneVariAppeal1Public See attached. Interest	ZoneVariAppeal2Ordin See attached. anceSpirit
ZoneVariAppeal3Subst See attached. antialJustice	ZoneVariAppeal4Prope See attached. rtyValue	ZoneVariAppeal5A1Un See attached. NecHardship
ZoneVariAppeal5A2No See attached. FairRelate	ZoneVariAppeal5A3Re See attached. asonableUse	ZoneVariAppeal5BNoR easonableUse

Attachment File Name	Added On	Added By	Attachment Group	Notes
2026-06-24 26062-PLAN-ZBA.pdf	06/25/2026 11:04	Bruton, Francis		Uploaded via Dover, NH - Permits Plans Licensing
VMD Silver Sq Concept_062426 Rev.pdf	06/25/2026 11:04	Bruton, Francis		Uploaded via Dover, NH - Permits Plans Licensing
VMD Variance Narrative 06.25.2026 Final.pdf	06/25/2026 11:04	Bruton, Francis		Uploaded via Dover, NH - Permits Plans Licensing
Signature_Francis_Bruton_6/25/2026.jp g	06/25/2026 11:04	Bruton, Francis		Uploaded via CSS
Permit Snapshot Report.pdf	06/25/2026 11:05	Service, EnerGov		Attached by IO - ATTACH: Initial Permit Snapshot

PERMIT SNAPSHOT REPORT (ZONE-2026-0020)

Invoice No.	Fee	Fee Amount	Amount Paid
INV-2026002425	Planning Zoning Variance Application Fee	\$400.00	\$0.00
Total for Invoice INV-2026002425		\$400.00	\$0.00
Grand Total for Permit		\$400.00	\$0.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Planning Permit Application Review v.1	Approved	06/26/2026	06/30/2026		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Administrator	Planning	Crouser, Paul	Approved	06/26/2026	06/30/2026	06/30/2026

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		06/26/2026 0:00	06/30/2026 10:26
Confirm application complete v.1	Generic Action		06/26/2026 10:00
Planning Permit Application Review v.1	Receive Submittal	06/26/2026 10:00	06/30/2026 10:26
Zoning Board v.1		06/30/2026 10:27	
Zoning Board Agenda v.1	Task	06/30/2026 10:27	06/30/2026 10:27
Invoice for Notices v.1	Task	06/30/2026 10:27	
Send Notices v.1	Task		
Zoning Administrator Creates Staff Recommendations v.1	Task		
Distribute Zoning Board Materials v.1	Task		
Zoning Board Hearing v.1	Hold Hearing		
Zoning Board Decision v.1	Permit Activity		
NOD Sent to Applicant v.1	Create Report		
Final Plan v.1			
Document Archival v.1	Generic Action		
Internal Notification of Permit Completion v.1	Generic Action		
Create/Link to Records v.1			
Create / Link to Permit - Building Major v.1	Create Sub Permit		

ZONE-2026-0020
STERLING WAY

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
11010-000000	8 ARCH ST	BERCH JOSHUA H &	BERCH DINAH	8 ARCH ST	DOVER	NH	03820
13005-000000	178 SILVER ST	SMITH PETER K & BARBARA F TRUSTEES	SMITH BARBARA F LIVING TRUST	34 SANDOWN RD	CHESTER	NH	03036
13007-000000	192 SILVER ST	PICARD TERESA E TRUSTEE	WAYNE A & TERESA E PICARD LIVING TRUST	192 SILVER ST	DOVER	NH	03820
11014-000000	ARCH ST	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
11006-000000	157 SILVER ST	DILEO WILLIAM A JR		157 SILVER STREET	DOVER	NH	03820
11011-000000	10 ARCH ST	JALBERT PROPERTIES LLC		15 DAWSON RD	GREENVILLE	SC	29609
11002-000002	50 STERLING WY	STERLING WAY LLC		1 CVS DR	WOONSOCKET	RI	02895
11002-000003	STERLING WY	VMD EQUITIES DVR LLC	C/O VMD COMPANIES LLC	733 TURNPIKE ST RTE 114	NORTH ANDOVER	MA	01845
11002-000005	250 STERLING WY	VMD EQUITIES DVR LLC	JFS MANAGEMENT C/O JOSE SALEMA	780 PORTSMOUTH AVE	GREENLAND	NH	03840-2121
11002-000001	100 STERLING WY	BLUESTONE DOVER LLC		3 EMBAARCADERO CTR, STE 1120	SAN FRANCISCO	CA	94111
11002-000004	200 STERLING WY	GURU KIRPA LLC		12 BATES RD	LEXINGTON	MA	02421
11004-000000	169 SILVER ST	GTY MA/NH LEASING INC		326 CLARK ST	WORCESTER	MA	01606
11003-A00000	171 SILVER ST	M4 SERVICES INC		171 SILVER ST	DOVER	NH	03820
11009-000000	2 ARCH ST	ARMSTRONG RYAN	ST LAURENT MARISSA	2 ARCH ST	DOVER	NH	03820
G0007-001000	WASHINGTON ST	WASHINGTON HIGHLANDS	HOMEOWNR'S ASSOCIATION	PO BOX 2253	DOVER	NH	03821
11013-000000	20 ARCH ST	WILTON JAMES P	WILTON ROXANNE RAESIDE	20 ARCH ST	DOVER	NH	03820
11005-000000	161 SILVER ST	DUFFY DENNIS P	DUFFY DAWN E	161-163 SILVER ST	DOVER	NH	03820
13004-000000	WOODMAN PARK DR	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
11017-000000	ARCH ST	BOSTON & MAINE RR	IRON HORSE PARK	HIGH STREET	NORTH BILLERICA	MA	01862
13004-A00000	11 TOWLE AV	CITY OF DOVER		288 CENTRAL AV	DOVER	NH	03820
11007-000000	155 SILVER ST	155 SILVER ST CONDOMINIUMS	C/O SPAGNOLIA RICHARD N	73 PINE KNOLL VLG	LEE	NH	03861-6652
		FRANCIS BRUTON	BRUTON & BERUBE pllc	601 CENTRAL AVENUE	DOVER	NH	03820

VMD Equities DVR, LLC

**Sterling Way
Dover, NH 03820
Map 11, Lot 2**

DOVER BOARD OF ADJUSTMENT APPLICATION

APPLICATION FOR VARIANCES

INTRODUCTION

VMD Equities DVR, LLC (the “Applicant”) is the owner of the property located at Sterling Way. The Development is also known as “Silver Square.” The lot is depicted on the Dover tax maps as Map 11, Lot 2 (the “Lot”) and is in the Commercial (“C”) District. The property includes five (5) condominium parcels which contain a hotel known as The Garrison Hotel and Suites at 200 Sterling Way, CVS drugstore at 50 Sterling Way, and Dunkin restaurant at 250 Sterling Way and an assisted living facility known as The Residence at Silver Square at 100 Sterling Way. The entire lot contains 19.46 acres. The Applicant proposes to construct a mixed-use building on site with residential units on floors two through four, with commercial units on the first floor. As the building will contain four floors, the height will be 55 feet. Within the Commercial District, the Dover Zoning Ordinance (the “Ordinance”) limits the height of structure to 40 feet. In addition, the Ordinance permits a mixed-use building to contain a mix of residential use with 66.67% residential and 33.33% commercial (the “Mixed Use Ratio”). As four floors are proposed, the mix will result in 79% residential and 21% commercial. As such, variances are requested as to the height of the proposed building and the Mixed-Use Ratio, as described above.

The site is unique, not only in its size and location along the Spaulding Turnpike and the Silver Square roundabout but also given that the site has already received unanimous approval of a variance from this Board on May 21, 2015 as to the height of a structure up to 55 feet, where 40 feet was allowed for what was intended to be a four-story hotel. The existing hotel was at one time a hotel, then a dorm for the former culinary school, then rehabbed back to a two-story hotel as part of the Silver Square project.¹

The development plan for the mixed-use building proposed is depicted on the enclosed ZBA Sketch attached hereto as Exhibit A. Conceptual elevations are also depicted on the attached Exhibit B

The proposed project comes in time for Dover to address, in a substantial and considerable way, the housing needs of Dover. Recently, the Dover Ad-Hoc Committee to Address Housing Needs (the “Housing Committee”) published its detailed report, presenting its initial findings to the Dover City Council on July 23, 2025. The Housing Committee determined that Dover itself needs 1,734 housing units by 2035 to address and accommodate Dover’s growing population and housing needs. Approving the reasonable requested variances by this Board will serve to pave the way for this much needed housing, with a developer eager and experienced in the art of developing a project that delivers as to the needs expressed by the Housing Committee and regularly espoused

¹ The Applicant also received a variance on May 21, 2015, to permit an assisted living facility within the development.

by the citizenry of Dover.

The project needs the following two variances:

- 1) Variance from Section 170-12(B), Commercial (C) District, Table of Uses that limits residential uses to 66.67% of the overall square footage of the building, where 79% is proposed, as depicted; and
- 2) Variance from Section 170-12(B), Commercial (C) District, Table of Uses that restricts building height to 40 feet, where 55 feet is proposed.

Given that the variances, height and Mixed-Use Ratio, go together with each other, as an increase in height increases the Mixed-Use Ratio algebraically, they will be analyzed together.

FACTS SUPPORTING THIS REQUEST

1. The variances will not be contrary to the public interest because:

In Chester Rod & Gun Club, Inc. v. Town of Chester, 152 N.H. 577, 581 (2005), the Supreme Court held that to be contrary to the public interest or injurious to 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. The Court went on to note that to determine whether a variance would violate the basic zoning objectives, it was appropriate to examine whether the granting of the variance would alter the essential character of the locality or threaten the public health, safety or welfare. It is respectfully submitted that the essential character of the locality will not be changed or altered by the granting of the variances and will not be contrary to the public interest. While the building will be taller than the existing buildings on site, the height proposed is the same as what has already been approved for the site for the hotel. In addition, the building height is mitigated by grade changes and the overall depth of the site. The mix of uses, and the variance as to the Mixed-Use ratio will not be visible to the public and will have no adverse effect upon the essential character of the locality, particularly in light of the existing development on-site.

2. By granting the variances, the spirit of the ordinance would be observed because:

The Applicant respectfully submits that if the variances are granted, the spirit of the ordinance would be observed as the use in question is suitable, considering the existing configuration of the property and give the extensive buffering to all other residential uses not contained within the site. Granting the variances would result in an encouragement of the most appropriate use of the land. The Commercial district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, hotels and mixed-use residential uses. Given the size of the lot and its proximity to the Spaulding Highway, the Applicant respectfully submits that the general purposes and intent of the Zoning Ordinance will be maintained and achieved, to the extent that the variances requested herein are granted.

3. Granting the variances would do substantial justice because:

In Malachy Glen Associates v. Town of Chester, 155 N.H. 102, 109 (2002), the New Hampshire Supreme Court held that "the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." The Court also noted that it would look at whether a proposed development was consistent with the area's present use. The grant of the variances would result in substantial justice as it would allow the properties to be utilized in a similar fashion as it is currently used, with enhanced opportunities for a mixed use residential/commercial use. There is no negative aspect associated with the request for an increase in height, which, by its nature, will alter the Mixed-Use ratio. Given the foregoing, denial of the variances would result in a loss to the Applicant that is not outweighed by any gain to the general public. Thus, granting the requested relief would result in substantial justice.

4. Granting of the variances would not diminish the value of surrounding properties because:

It is respectfully submitted that all the surrounding properties have a value associated with them which is premised upon the existence of the existing buildings and uses located upon the properties. In this instance, it is believed, and therefore averred, that the addition of a mixed use residential/commercial use will not result in a diminution of surrounding property values.

5. Literal enforcement of the provisions of the zoning ordinance would result in an "unnecessary hardship" meaning that, owing to special conditions of the property that distinguish it from other properties in the area, because:

(a) No fair or substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property because:

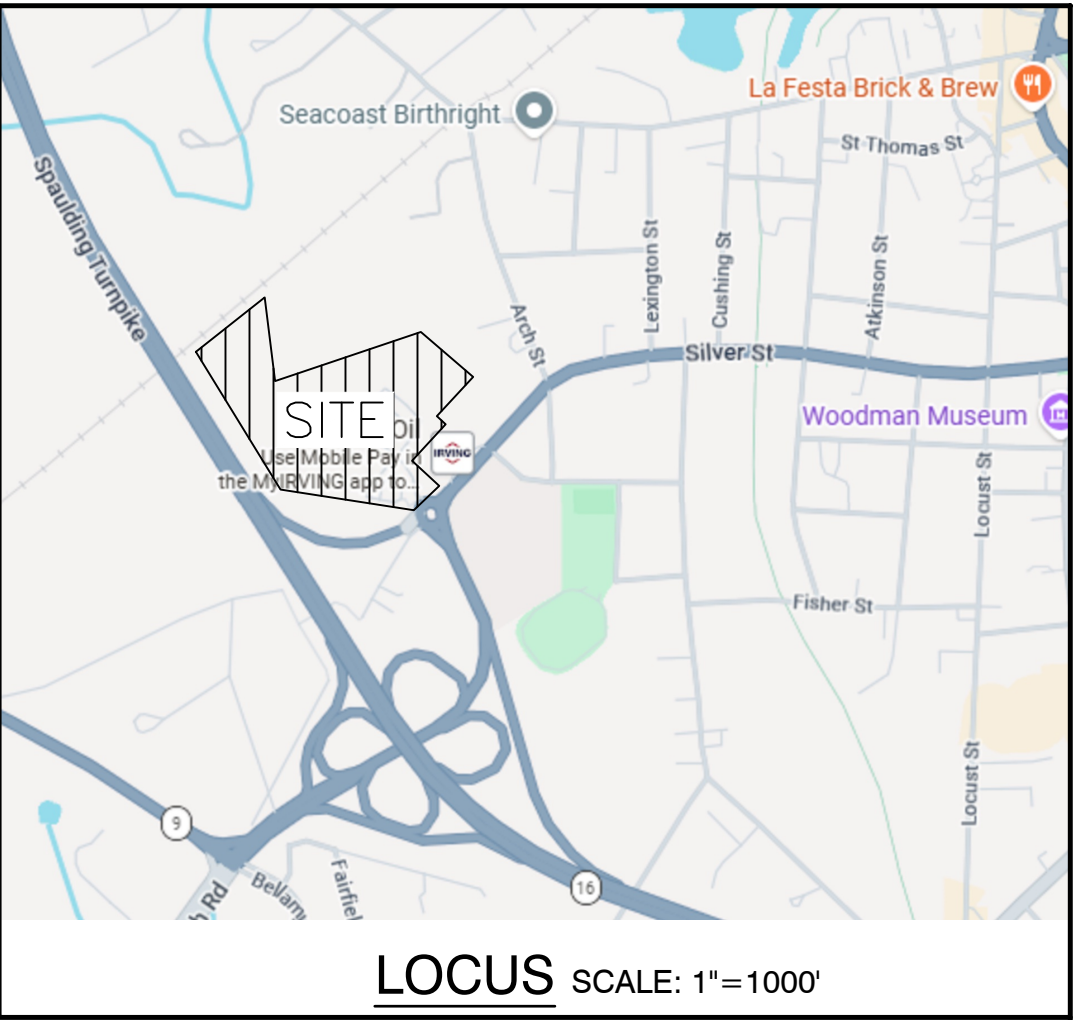
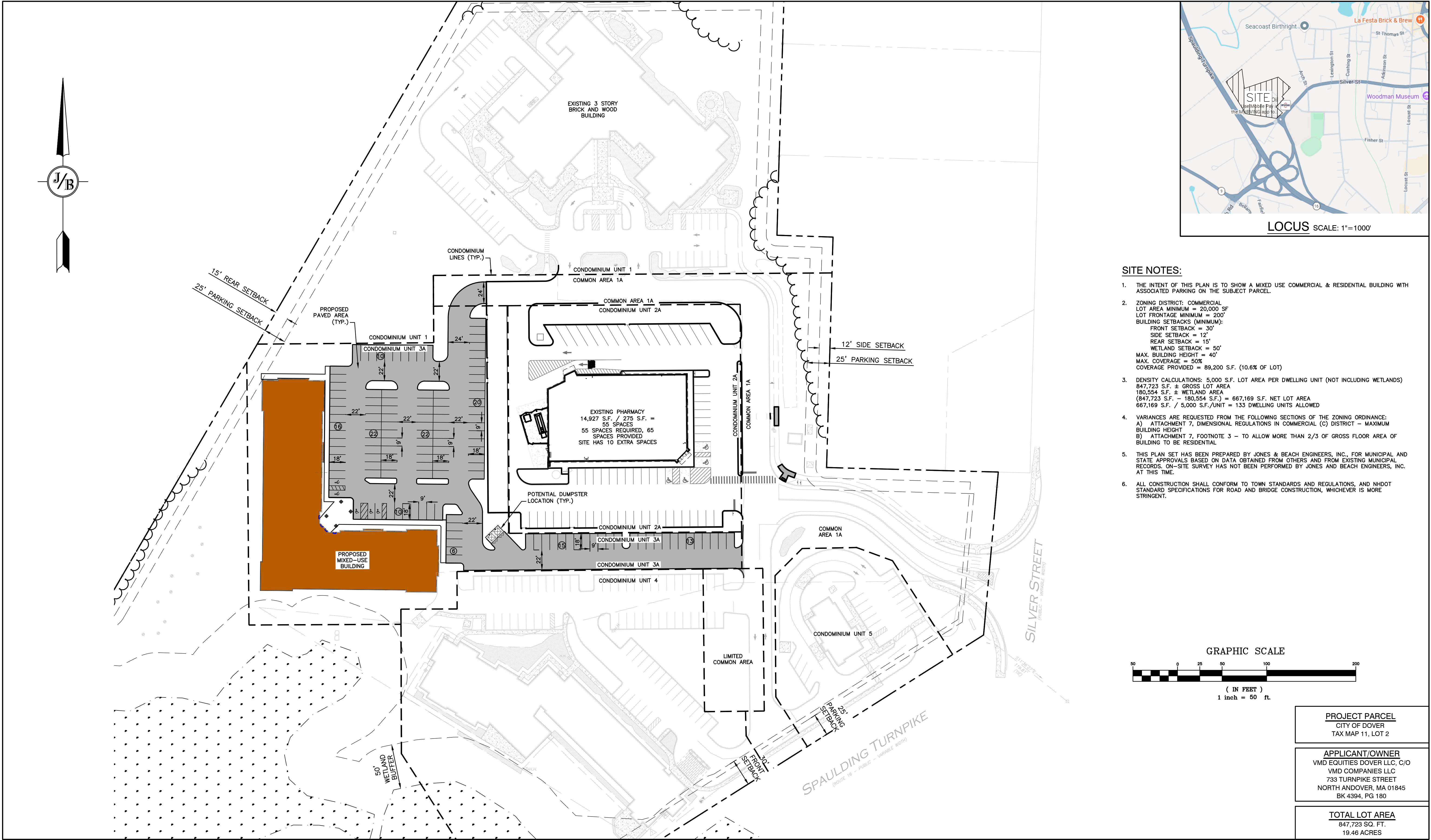
The general purposes of the ordinance are to promote the development of an attractive resort community, while protecting health, safety, convenience, and general welfare and to thus encourage the most appropriate land uses in various parts of the City. For the reasons set forth above, the Applicant respectfully submits that the restrictions that cannot be met are not necessary to be met to protect the purpose of the ordinance. Thus, there is no conflict between the general public purpose of the ordinance and enforcing the restrictions for which the Applicant seeks the variances.

The lot was previously developed as a mix of commercial and residential uses, creating a diverse level of activity upon the site, representing a unique story of revitalization of a previously underutilized area. The development offers an enhanced aesthetic layout for those passing along the Spaulding Turnpike and reflects positively on Dover as a thriving community. The relief requested by the Applicant relates to the special conditions of the property itself, given its size and location adjacent to the Spaulding Turnpike and given the sloping topography that will diminish the effect of the height of the proposed structure. The site is also unique in that a height variance has already been approved for the site. Given the proposed use of the property, in light of the previous current other uses on the property, it is respectfully submitted that the granting of these

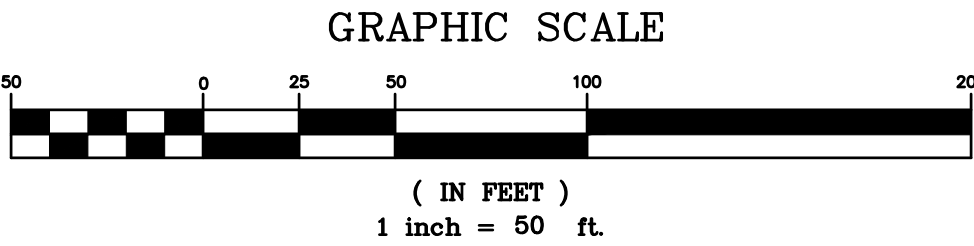
variances would not result in a conflict with the general purpose set forth within the Dover Zoning Ordinance but would rather promote the general purpose of the ordinance, by permitting the final redevelopment of this site while providing additional residential and commercial opportunities to the Dover citizenry and recreational visitors.

(i) Explain how the proposed use is a reasonable one:

The Applicant proposes to use the property in the same manner that it had been used for decades, while adding a residential component. Given the existing mixed uses and the commercial nature of the site, the addition of this proposed mixed-use building and level of residential uses proposed is reasonable particularly in light of the previous grant of the same variance for height.



- SITE NOTES:**
1. THE INTENT OF THIS PLAN IS TO SHOW A MIXED USE COMMERCIAL & RESIDENTIAL BUILDING WITH ASSOCIATED PARKING ON THE SUBJECT PARCEL.
 2. ZONING DISTRICT: COMMERCIAL
LOT AREA MINIMUM = 20,000 SF
LOT FRONTAGE MINIMUM = 200'
BUILDING SETBACKS (MINIMUM):
FRONT SETBACK = 30'
SIDE SETBACK = 12'
REAR SETBACK = 15'
WETLAND SETBACK = 50'
MAX. BUILDING HEIGHT = 40'
MAX. COVERAGE = 50%
COVERAGE PROVIDED = 89,200 S.F. (10.6% OF LOT)
 3. DENSITY CALCULATIONS: 5,000 S.F. LOT AREA PER DWELLING UNIT (NOT INCLUDING WETLANDS)
847,723 S.F. ± GROSS LOT AREA
180,554 S.F. ± WETLAND AREA
(847,723 S.F. - 180,554 S.F.) = 667,169 S.F. NET LOT AREA
667,169 S.F. / 5,000 S.F./UNIT = 133 DWELLING UNITS ALLOWED
 4. VARIANCES ARE REQUESTED FROM THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE:
A) ATTACHMENT 7, DIMENSIONAL REGULATIONS IN COMMERCIAL (C) DISTRICT - MAXIMUM BUILDING HEIGHT
B) ATTACHMENT 7, FOOTNOTE 3 - TO ALLOW MORE THAN 2/3 OF GROSS FLOOR AREA OF BUILDING TO BE RESIDENTIAL
 5. THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS BASED ON DATA OBTAINED FROM OTHERS AND FROM EXISTING MUNICIPAL RECORDS. ON-SITE SURVEY HAS NOT BEEN PERFORMED BY JONES AND BEACH ENGINEERS, INC. AT THIS TIME.
 6. ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.



PROJECT PARCEL
CITY OF DOVER
TAX MAP 11, LOT 2

APPLICANT/OWNER
VMD EQUITIES DOVER LLC, C/O
VMD COMPANIES LLC
733 TURNPIKE STREET
NORTH ANDOVER, MA 01845
BK 4394, PG 180

TOTAL LOT AREA
847,723 SQ. FT.
19.46 ACRES

Design: N/A	Draft: DJM	Date: 06/22/2026
Checked: PSL	Scale: AS NOTED	Project No.: 26062
Drawing Name: 26062-PLAN-ZBA.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

0	6/22/26	ISSUED FOR REVIEW	DJM
REV.	DATE	REVISION	BY



Jones & Beach Engineers, Inc.

Designed and Produced in NH

Civil Engineering Services

85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885

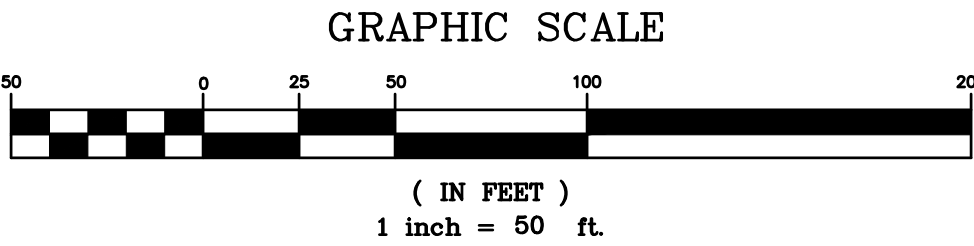
603-772-4746
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	ZBA SITE PLAN
Project:	MIXED-USE DEVELOPMENT 181 SILVER STREET, DOVER, NH 03820
Owner of Record:	VMD EQUITIES DOVER LLC, C/O VMD COMPANIES LLC 733 TURNPIKE STREET, NORTH ANDOVER, MA 01845 BK 4394 PG 180

DRAWING No.

C2

SHEET 1 OF 1
JBE PROJECT NO. 26062



PROJECT PARCEL
CITY OF DOVER
TAX MAP 11, LOT 2

APPLICANT/OWNER
VMD EQUITIES DOVER LLC, C/O
VMD COMPANIES LLC
733 TURNPIKE STREET
NORTH ANDOVER, MA 01845
BK 4394, PG 180

TOTAL LOT AREA
847,723 SQ. FT.
19.46 ACRES

Design: N/A	Draft: DJM	Date: 06/22/2026
Checked: PSL	Scale: AS NOTED	Project No.: 26062
Drawing Name: 26062-PLAN-ZBA.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

0	6/22/26	ISSUED FOR REVIEW	DJM
REV.	DATE	REVISION	BY

J/B

Jones & Beach Engineers, Inc.

Designed and Produced in NH

85 Portsmouth Ave.
PO Box 219
Stratham, NH 03885

Civil Engineering Services

603-772-4746
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	AERIAL ZBA SITE PLAN
Project:	MIXED-USE DEVELOPMENT 181 SILVER STREET, DOVER, NH 03820
Owner of Record:	VMD EQUITIES DOVER LLC, C/O VMD COMPANIES LLC 733 TURNPIKE STREET, NORTH ANDOVER, MA 01845 BK 4394 PG 180

DRAWING No.

AE1

SHEET 1 OF 1
JBE PROJECT NO. 26062

CONCEPT - SITE PLAN

SCALE: 1"=30'-0"

ZONING:

ZONE : C

BUILDING HEIGHTS

HEIGHT DEFINITION: BUILDING HEIGHT DEFINITION SHOULD BE PER CITY ZONING ORDINANCE

MAX BUILDING HEIGHT: 40'-00" PROPOSED BUILDING HEIGHT: 55'*

PARKING PROVIDED: 134 SPOTS

105 RESIDENTIAL

29 COMMERCIAL

*VARIANCE REQUIRED TO ALLOW A BUILING HEIGHT OF 55'

PARKING

MINIMUM PARKING REQUIRED: 1.4/UNIT

PARKING PROVIDED: 134 SPOTS

105 RESIDENTIAL

29 COMMERCIAL

BUILDING ANALYSIS:

FIRST FLOOR BREAKDOWN									
	COMMERCIAL #1	COMMERCIAL #2	GYM	RENTAL OFFICE	CO-WORKING	COMMUNITY ROOM	MAIL/PACKAGE	LOBBY	BOH
RESIDENTIAL							609	980	1,777
NON-RESIDENTIAL	9,559 SF	6,950	1,436	653	783	1,218			

TOTAL BUILDING SQUARE FOOTAGE AND EFFICIENCY					
LEVEL	TOTAL SQUARE FOOTAGE	RESIDENTIAL	AMENITY	NON-RESIDENTIAL	BOH
1	23,965 SF	0 SF	1,589 SF	20,599 SF	1777 SF
2	23,965 SF	21,108 SF	0 SF	0 SF	2,857 SF
3	23,965 SF	21,108 SF	0 SF	0 SF	2,857 SF
4	23,965 SF	21,108 SF	0 SF	0 SF	2,857 SF
TOTAL	95,860 SF	63,324 SF	1,589 SF	20,599 SF	10,348 SF

BUILDING EFFICIENCY CALCS:

WITH AMENITY & NON-RESIDENTIAL: 85,512 / 95,860 = 89%

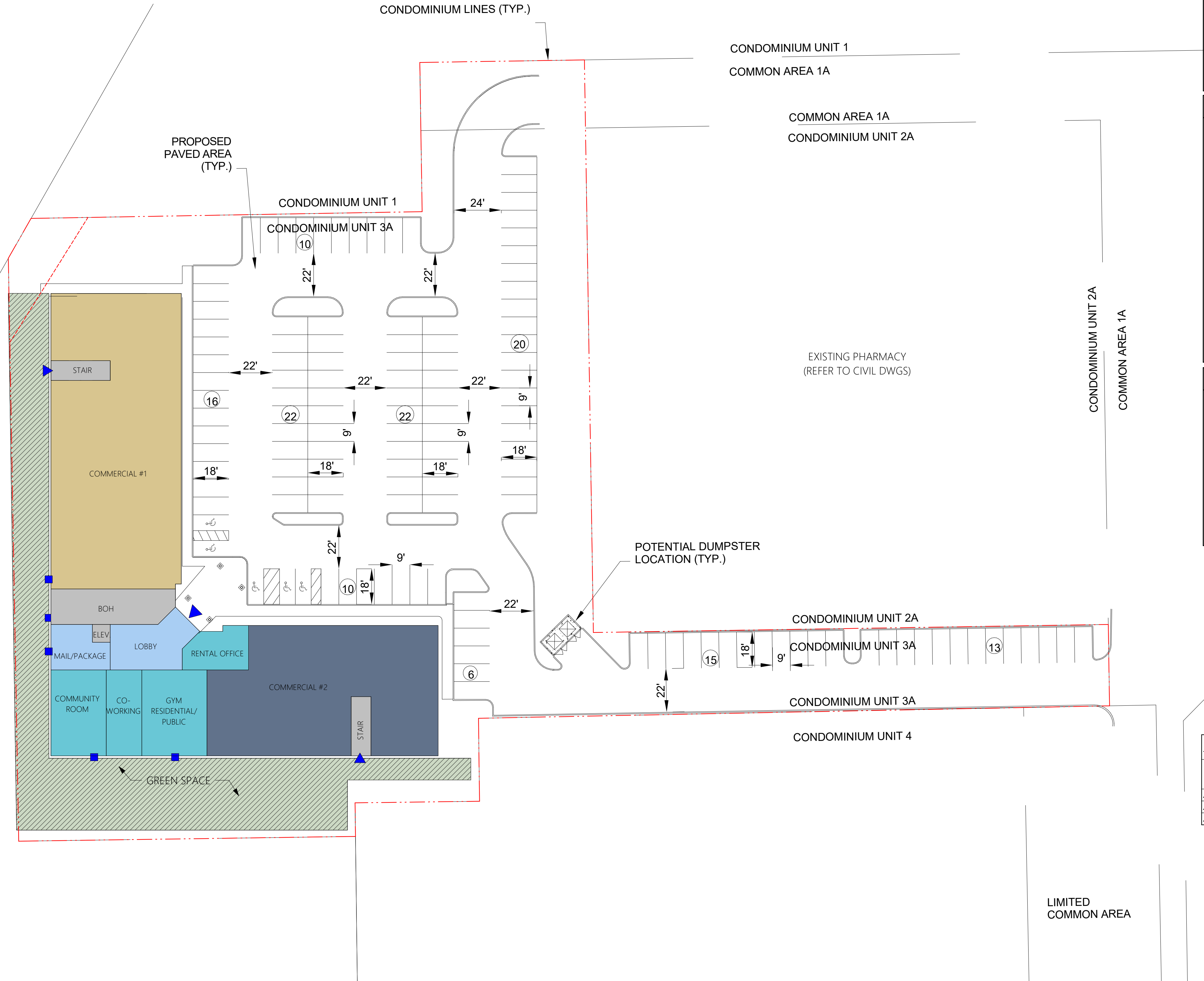
WITHOUT AMENITY: 83,923 / 95,860 = 87%

WITHOUT AMENITY & NON-RESIDENTIAL: 63,324 / 95,860 = 66%

COMMERCIAL TO RESIDENTIAL RATIO:

NON-RESIDENTIAL SQUARE FOOTAGE: 20,599 / 95,860 = 21%

RESIDENTIAL SQUARE FOOTAGE: 75,261 / 95,860 = 79%



TYPICAL SITE PLAN COMPONENTS	
	EXCLUSIVE USE BOUNDARY
	SITE SETBACK LINES
	OUTDOOR AMENITY SPACE

SPACE PLANNING - COMMERCIAL	
	BACK OF HOUSE (BOH) /VERTICAL CIRC/ PARKING
	COMMERCIAL SPACE #1
	COMMERCIAL SPACE #2
	COMMERCIAL # 3 GYM / CO-WORKING / COMMUNITY ROOM/RENTAL OFFICE

SPACE PLANNING - MULTI-FAMILY	
	BACK OF HOUSE (BOH) /VERTICAL CIRC/ PARKING
	RESIDENTIAL UNITS
	AMENITY

KEY:	
	PRIMARY ENTRANCE
	STAIR + ELEV ACCESS
	BOH ACCESS

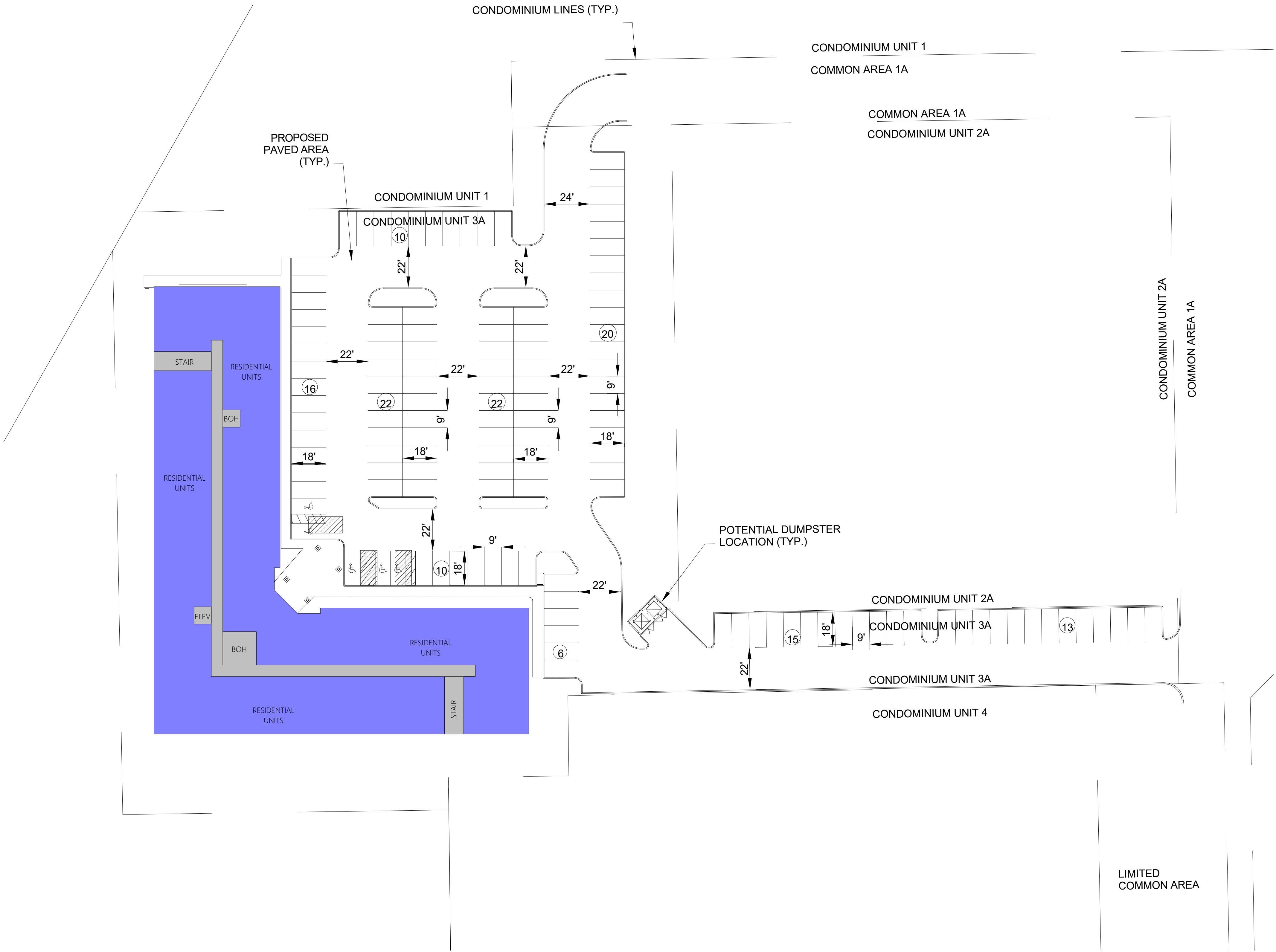
DRAWING LIST - CONCEPT	
SHEET NUMBER	SHEET NAME
A1	CONCEPT - SITE PLAN
A2	CONCEPT - FLOOR PLAN 2-4
A3	CONCEPT - RENDER

DISCLAIMER:

THIS SITE DENSITY STUDY IS INTENDED SOLELY AS A CONCEPTUAL ANALYSIS OF POTENTIAL SITE YIELD AND DEVELOPMENT CAPACITY. THE FINDINGS DO NOT CONSTITUTE A DETERMINATION OF ZONING COMPLIANCE, PERMITTING FEASIBILITY, OR SITE SUITABILITY, AND ACTUAL DEVELOPMENT POTENTIAL MAY BE LIMITED BY ZONING REQUIREMENTS, ENVIRONMENTAL CONSTRAINTS, UTILITY AVAILABILITY, TOPOGRAPHY, ACCESS, AND OTHER SITE-SPECIFIC CONDITIONS.

CONCEPT - FLOOR PLAN 2-4

SCALE: 1"=30'-0"



SPACE PLANNING - COMMERCIAL	
	BACK OF HOUSE (BOH) /VERTICAL CIRC/ PARKING
	COMMERCIAL SPACE #1
	COMMERCIAL SPACE #2
	COMMERCIAL # 3 GYM / CO-WORKING / COMMUNITY ROOM/RENTAL OFFICE

SPACE PLANNING - MULTI-FAMILY	
	BACK OF HOUSE (BOH) /VERTICAL CIRC/ PARKING
	RESIDENTIAL UNITS
	AMENITY

DISCLAIMER:
THIS SITE DENSITY STUDY IS INTENDED SOLELY AS A CONCEPTUAL ANALYSIS OF POTENTIAL SITE YIELD AND DEVELOPMENT CAPACITY. THE FINDINGS DO NOT CONSTITUTE A DETERMINATION OF ZONING COMPLIANCE, PERMITTING FEASIBILITY, OR SITE SUITABILITY, AND ACTUAL DEVELOPMENT POTENTIAL MAY BE LIMITED BY ZONING REQUIREMENTS, ENVIRONMENTAL CONSTRAINTS, UTILITY AVAILABILITY, TOPOGRAPHY, ACCESS, AND OTHER SITE-SPECIFIC CONDITIONS.

CONCEPT - RENDER

