

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: Thursday, November 20, 1980
Dover Council Chambers

Members Present: Vice Chairman Gerard Lamoureux, Helen Wersosky, Ann Barr, Al Souther and Bob Keefe.

Moved by Keefe, seconded by Souther to approve minutes of meeting held 10/23/80. U.A.

Moved by Lamoureux, seconded by Souther to approve financial report as submitted. U.A.

Discussion ensued on the By-Laws in reference to what constitutes a quorum. Subject to be further discussed at the next ZBA meeting. Further discussion on the on-going problem of filling of vacancies. The Board still has a alternate vacancy which has been unfilled since January, 1980. With one of the Board's members having an expiration date of December 31, 1980, the Board felt that something should be done to prevent cancellation of Public Hearings due to lack of obtaining a quorum. City Manager suggested the Board contact Councilman Arthur Maglaras, chairman of the Appointments committee to expedite the filling in of present and future vacancies.

Business meeting closed.

H80-28 Ed Byrnes Chevrolet - Assessor's Map K, Lot 40C, zoned B-3 on Dover Point Rd. petitions for a variance from Article 21:9.2d to erect a sign which is 16' higher than the allowable 30' height.

Wayne McCarthy, representing the applicant, read letter submitted to the Board.
John Viola spoke in opposition.
Laurette Viola spoke in opposition.
Peter Kretsepes spoke in opposition.
Mrs. Kretsepes spoke in opposition.

VARIANCE DENIED: 5-0 as applicant did not meet with the requirements needed in granting this variance.

H80-29 Ed Byrnes Chevrolet - Assessor's Map K, Lot 40C, zoned B-3 on Dover Point Rd. petitions for a variance from Article 21:9.2d to erect a sign which is 4' higher than the allowable 30' height.

Wayne McCarthy, representing the applicant, explained the applicant's intentions. He noted that the proposed new sign was the same that now exists on the adjacent property.

John Viola spoke in opposition
Peter Kretsepes spoke in opposition

VARIANCE DENIED: 5-0 as applicant did not meet with the requirements necessary for granting a variance.

H80-30 Thomas & Eileen Murphy, 90 Stark Avenue, Assessor's Map 17, Lot 116, zoned R-12 petitions for a variance from Article 21:4.8 to convert present dwelling into a four apartment family dwelling.

Attorney Allan Keener, representing the applicants, explained the status of this application with reference to a Supreme Court decision. He further noted that the applicants were completely unaware of any Court litigation while purchasing this 200 plus year old, 32 room structure. Attorney Keener stated that the present use of dwelling was as student type housing and that the applicants desired strictly family type units.

Attorney Robert Fisher, representing abuttor Clara Fisher, spoke in opposition citing the Court decision and actions pending and how they reflected on this application. He read agreement between applicants and Mrs. Fisher and placed copy of both agreement and Supreme Court decision on file.

Keener responded that the Murphy's variance request was different than the Supreme Court decision (against McQuade Realty) in that the Murphys were requesting four apartments and not student housing. He stated that the Murphys inherited a lease with ten students but that they would be leaving shortly. The families now there were to stay.

Fisher questions the adequacy of available parking facilities.

VARIANCE DENIED: 3-2 For- Souther, Lamoureux. Against- Wersosky, Barr, Keefe As applicant failed to meet the requirements necessary to grant a variance.

H80-31 City of Dover, River Street, Assessor's Map 22, Lot 1, zoned I-2, petitions for a variance from Article 21:4.8 to operate a quarry operation.

City Manager Robert Steele explained the City's request that in order to save the city taxpayers approximately \$400,000, the City has had bids from various companies to excavate a certain area of the parcel at no charge in return for the materials removed from a larger section than anticipated for the job. The excavation work would be on a ten year lease. He further noted that an insurance company had investigated the surrounding area (in case of damages, for pending claims) and that the company had approved insurance for the bidders.

Jay Stephens, City Engineer, with an aid of a detailed map, explained that there exists a "quarry" type operation in the proposed site now, that the excavation would not be any lower than 4' from ground level and that would be filled in after removal of materials. He further stated that the City could add stipulations in the lease such as working hours, days, where excavation work to begin, etc. He noted that a geological study was to be made in reference to the surrounding properties.

Leo Lavoie, abuttor, questioned the ten year contract.

Russell White, Clarostat representative, opposed as the company manufacturers delicate components and the blasting and dust would interfere with the quality and work operations. He noted that when the City blasted for the sewer line on River St. it interfered with their operations. He further stated that the dust caused by the crusher would settle over the downtown area.

Joseph Allis, abuttor, stated the potential health hazard due to dust and noise.

Jean Frew, abuttor questioned the relationship of the quarry to the construction of the proposed bridge.

Alice Houde questioned why any of the areas had to be removed.

Claude Landry, abuttor, opposed due to the noise hazards.

Mrs. Landry, abuttor, noted that she was allergic to dust and would have to move out of area if granted.

Ann Davis stated that she had respiratory problems and the dust would aggravate the problem.

R. Houde opposed the variance

L. Lavoie stated that the property values would depreciate during the 10 year period.

R. Fredette questioned the health hazard to the nearby elderly and dust problem which could ruin the the newly acquired pool filter.

J. Twardus, abuttor, opposed variance and questioned mineral rights.

Herbert Ayer, abuttor opposed variance.

R. Houde questioned the Industrial zone relationship to the desire to excavate the total area involved and was that part of a master plan to open up the industrial area.

J. Allis questioned why any of the area had to be excavated.

Jsy Stephens stated the State was requiring that River St. be relocated to minimize dangers caused by the River St./Washington St. Bridge intersection.

VARIANCE DENIED: 5-0 as the applicant failed to meet all the requirements necessary to grant a variance.

Moved by Keefe, seconded by Barr to adjourn. U.A.