

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING HELD

Thursday, June 18, 1981
Council Chambers,
Municipal Building, Dover, N.H.

Members present: Chairperson Proulx, G. Lamoureux, R. Shortill, H. Wersosky and W. Peters. Also present was Building Inspector R. Selleck.

Moved by Wersosky, seconded by Peters to accept minutes of meeting held on May 21, 1981.

Moved by Lamoureux, seconded by Shortill to amend 5/21/81 minutes to read that in case H81-8, O'Neil, that both Dr. O'Neil and Attorney Tanguay had agreed to furnish the Zoning Board of Adjustment with a copy of the court stenographer's transcript of the H81-8 hearing, and that the cost of this transcript would be borne by the applicant.

H81-8, O'Neil, 17 Summer Street - Petition for Rehearing.

Moved by Shortill, seconded by Lamoureux, to suspend the By-Laws with reference to section concerning quorum for rehearings. U.A.

Petition for rehearing of case H81-8:

Against: Peters, Wersosky, Shortill, Lamoureux (Keefe absent)

PETITION DENIED: 4-0

H81-11 Strom, Alnes and Georgia, 254 Dover Point Road, Assessor's Map L, Lot 96, zoned R-20, petitions for a variance from Article 21:5.4 to subdivide their parcel of land into two sections, one having insufficient frontage.

Attorney Bryant, representing the applicants, stated that intentions of the Stroms. He noted the existence of City sewer across the waterfront parcel. The applicants, he stated, would restrict the density of the waterfront property to a one family lot. Further, he referred to a court case, Carter vs Nashua regarding the establishing of hardship of the land vs financial hardship.

Mary Dewing, applicants daughter, stated that a 25 foot wide strip of land had been cleared for access into the back parcel about 25 years ago.

David Strom, son, stated that in 1980 his parents had arrangements made for sewer accessibility for developing the back parcel. When questioned, he stated that access to the garage under the house would be diminished.

Montgomery Childs, real estate broker, note that there was approximately 45 foot between the house and proposed right-of-way.

Discussion ensued as to the "uniqueness" of the property.

Mr. Childs noted that it was to the City's best interest to grant this variance as it would create more tax revenue. He further read a letter from the State Highway commission with reference to the allowing the applicants to have State permission for access into the back parcel from Route 16.

Arthur Grimes, direct abutter, spoke in favor of granting of this variance.

Luminun Gross, abutter, spoke in favor of granting of this variance.

William Scruftis, abutter, spoke in favor of granting of this variance.

When questioned, it was noted that parcels owned by Grimes, Gross and Labbe all have the same configuration as the Strom property.

Jerry Lipman, Dover Point Road resident, spoke in opposition and noted that granting of this variance would set a precedent.

Edward Hoginski, Dover Point Road resident, also spoke of setting of a precedent with the granting of this case.

Larry Keenan, abutting property owner, spoke in opposition referring to his history of proposed development utilizing a lesser frontage criteria and being unable to do so.

Wilma Thoren, President of the Dover Point Association, spoke in opposition.

Attorney Bryant rebutted stating that the applicants did not have full use of their property as the waterfront could not be seen from the present dwelling. A separate parcel would allow someone to benefit from the waterfront use and also would increase the City's tax revenue.

M. Dewing stated that her parents really did not want to sell the property and that they had intended to build by the waterfront but due to rising medical costs they had to.

Both J. Lipman and E. Hoginski rebutted opposing again stating the setting of a precedent.

Applicant was represented at the time of decision.

VARIANCE GRANTED: 3-2 FOR: Peters, Shortill, Proulx. AGAINST: Wersosky, Lamoureux.

Discussion ensued with reference to changing the By-Laws under the section of suspending the By-Laws to have a quorum.

Moved by Wersosky, seconded by Peters to table vote until the Board had time to review that section.

Moved by Shortill, seconded by Peters to adjourn. U.A.