

ZONING BOARD OF ADJUSTMENT

MINUTES OF MEETING

Held: July 16, 1981
Council Chambers
Dover, New Hampshire

Members Present: Chairperson Proulx, R. Shortill, A. Souther, A. MacVane and A. Barr.

Moved by Shortill, seconded by MacVane to accept minutes of meeting held June 18, 1981 as written. U.A.

Moved by Shortill, seconded by Souther to appropriate monies to purchase up-date copies of the Dover Zoning Ordinance. U.A.

No opposition to the Board members sitting on each case.

H81-12 Costas and Helen Phofolos, 471 Central Avenue, Assessor's Map 3, Lot 62, zoned B-2, petitions for a variance from Article 21:5.4 to construct an addition to present structure having insufficient sideyard setback.

-William Hamby, representing the applicants, stated the intentions of the Phofolos's. Mr. Hamby stated that there would be considerable up-grading of the present dwelling in that the the proposed addition would be more fitting the the neighborhood. A green area was planned along the covered walkway. The proposed addition would not block any window space as it backs on a cement block wall. There will be two entrances into the dining sections, one existing and one proposed. Dumpster location to stay the same.

-Mr. Der Hagopian, owner of the abutting Midtown Motel, spoke in opposition stating the misuse of the right-of-way between the Fish Shanty (Phofolos property) and the Motel, the placement of the existing dumpster, and the use of his parking lot for the Fish Shanty's customers.

-Costas Phololos, applicant, noted that the dumpster was on wheels and that it was easier to pick up when rolled out into the right of way and that it would not take up as much room to have it picked up that way. He further noted that deliveries could be made from the street.

-Mr. Hamby noted that the addition would not alter the traffic pattern and that customers would not use the motel's parking lot as much as it would not be visable from the street. He noted the rehabilitation of the Upper Square and the up-grading of the present structure would blend in with the City's efforts.

VARIANCE GRANTED: 5-0 as plan presented. (Applicant represented at time of decision)

H81-13 Dr. John M. O'Day, 668 Central Avenue, Assessor's Map 30, Lot 138, Zoned Office, petitions for a variance from Article 21:4.8 to permit the use of the area upstairs from an office to be used as a craft (retail) shop.

Dr. O'Day stated his intentions of having a craft store in the second floor of his building. The craft store would be considered retail sales, with entrance from front door foyer. The craft store would be run by Mrs. O'Day.

Hours, number of employees, fire escapes and traffic flow was discussed.

No opposition.

VARIANCE DENIED: 3-2 (Applicant present at time of decision). FOR: MacVane, Proulx.
AGAINST: Souther, Barr, Shortill.

H81-14 Carol Van Landingham and Janet Duffy, 368 Washington Street, Assessor's Map 6, Lot 18, zoned R-12, petitions for a variance from Article 21:4.8 and/or Special Exception to Article 21:4.8 to allow the raising of a limited amount of lambs in a residential zoned area.

Moved by Shortill, seconded by Barr to suspend rules to four members voting as Mrs MacVane withdrew from Board as she is an abuttor to this case. U.A.

Chairperson Proulx noted that the Board would not hear the request for special exception as the applicant did not meet the requirements for special exceptions.

-Carol Van Landingham, applicant, stated the history of the existing 7.8 acre farm and noted that the lambs would a 4-H project for her children. Housing of said lambs would be in the lower rear of the existing barn with a penned area projecting out the rear. The lambs are out only twice a day during the summer months and not at all in the winter. Bedding is removed from the barn and the property continuously so that no smell would be present. Ms. Van Landingham showed pictures of the area and explained the process of raising sheep and the impact that it would have on the children who would be doing the raising, under supervision.

-Francis Caswell, abuttor, spoke in favor, stating the neatness and cleanliness of the barn and the penned in area.

-Ellen Van Landingham stated the responsibility that such a project would incur.

-Thomas Van Landingham stated why he thought a project of this type would benefit him.

-Mrs. Tibbetts, abuttor spoke in favor stating the opportunities presented to the children with a program such as the 4-H.

-Barbara Sturrick spoke in favor.

-Sally Varney, leader for the 4-H program, stated the advantages of raising livestock, noting that it was a monitored project. She said that 5-6 lambs each were necessary for the children to gain the necessary experience.

-Dwight Varney, livestock specialist for UNH, stated that no odor or flies would be present if animals were properly taken care of. According to state figures, each acre of land could support seven mature sheep. He further noted that there was a major growth in the agriculture field, with more people taken to raising their own livestock.

Letter from abuttor Fred Ball in favor of variance was read into the record.

Letter from William Trotter in opposition was read into the record.

-Roberta Rosa Miranda questioned the number of lambs per child.

-L. Brackett, abuttor, spoke in opposition.

-James P. Nadeau, abuttor, noted that it would be okay if the number of sheep was limited to one per child.

-Evelyn Bryon, abuttor, opposed as previous owners could not have animals.

-William Bryon questioned the footage from the street to the barn. He noted that a problem would exist with the dogs roaming loose and bothering the lambs. He further stated that it would be okay to grant the variance if the amount of animals was limited.

-Roberta Rosa Miranda noted that it would be okay if the number of animals was limited.

Mrs. Van Landingham stated that there was a pony housed in the barn in 1978 and that the prior owners had dairy cows.

-Kal Schroder, Strafford County Agriculture Agent, noted that more than one lamb per child was necessary to completely satisfy the requirements of a program such as the raising, breeding, etc. of sheep. He noted that three lambs would be good.

-B. Sturrick spoke of keeping the kids off the streets and that this was as good a way as any.

-D. Whitham, charge of Strafford County 4-H Council, spoke of productive use of raising lambs and their by-products, and the enrichment to children who raise them.

Robert Paige, representing Friends of Agriculture spoke in favor.

A. MacVane stated that the area was residential with a considerable number of dogs running loose in the neighborhood. She did note, however, that it would be okay to grant the variance if the number of lambs were limited.

VARIANCE GRANTED: 3-1 as plan presented. (Applicant was present at time of decision.)
FOR: Barr, Souther, Shortill. AGAINST: Proulx (MacVane not sitting.)

H81-15 Ralph E. Chamberlain, Back Road, Assessor's Map M, Lot 93, zoned R-40, petitions for a variance from Article 21:5.4 to subdivide his property with one parcel having insufficient frontage.

-Mr. Chamberlain stated his intentions and the history of both parcels, noting that the 20' deeded right-of-way to parcel 93A was owned by parcel 94.

There was no opposition.

VARIANCE GRANTED: 5-0 as plan presented. (Applicant was not represented at the time of decision) Applicant to present proposed plan to the Planning Board for subdivision approval.

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