

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: August 20, 1981
Council Chambers
Dover, N.H.

Members Present: Chairperson Proulx, M. Cowan, A. Turner, R. Shortill, G. Lamoureux, and W. Peters. Also present was building inspector R. Selleck.

Moved by Lamoureux, seconded by Cowan, to ADD Section 2C under Section "Meetings" in the Zoning Board of Adjustment By-Laws to read: (1st READING) U.A.

Suspension of By-Laws:

Suspension of the By-Laws requires two-thirds (2/3) of the Board.

Any items not covered by the Zoning Board of Adjustment By-Laws shall be governed by Roberts Rules of Order.

Moved by Cowan, seconded by Peters to suspend By-Laws to have second reading of above. U.A.

Moved by Turner, seconded by Peters to have second READING of By-Laws. U.A.

Secretary has not received an up-dated copy of the financial report.

Moved by Cowan, seconded by Proulx to accept minutes of meeting dated July 16, 1981 as written.

Moved by Shortill, seconded by Proulx to amend minutes to read:

H81-12 Phofolos. The word "dwelling" should be removed and be replaced with the word "structure." Further, the minutes should read "Intown Motel, not "Midtown Motel."

H81-16 Alfred R. Weeks, 175 Dover Point Road, Assessor's Map L, Lot 14B, zoned R-20, petitions for a variance from Article 21:5.2B and 21:10.1 to subdivide a 14 acrea lot into two sections according to the original deeds to said parcels.

Members sitting: Proulx, Turner, Shortill, Lamoureux, Peters.

-Alfred Weeks noted that he had nothing further to add to the letter which was submitted to the Board along with his application. Lamoureux requested that the letter to read for the public information. Weeks stated that he had purchased each of the three parcels separately, but all prior to 1964.

-Peter Lavoie spoke in favor as potential buyer of the back section. He stated his intentions of rehabilitating the old barn into a single family residence. He further noted that he planned to farm the area, with no intentions of subdividing. Due to the building of the Spaulding Turnpike, the back parcel is now land locked.

-Alta Hartdorn, realtor, spoke of hardship due to the size of the back parcel and that it was land locked.

-Richard Currier, prospective purchaser of the front parcel, spoke in favor.

-Thomas Dimon questioned the right-of-way in relation to the Clancy's property.

-Thadus Brown, abutter, questioned the original right-of-way which runs across the back parcel. He was informed that this was a civil matter.

-Mr. Lavoie noted that the Clancey's had a privacy fence which is located on the Weeks property (along the side and in the back) to shield Clancy's pool and backyard. He stated that he proposed to move shrubery closer to the fence line for more privacy for the Clancy's. He has been trying to get in touch with them in Ireland.

VARIANCE GRANTED: 5-0. Applicant represented at the time of decision. Variance granted as presented to the Board.

H81-17 Warren Weeden, Long Hill Road, Assessor's Map A, Lot 43A, zoned R-40, petitions for a variance from Article 21:5.4 to subdivide 11 acres into three lots, with two parcels being serviced by a right-of-way.

-Mr. Weeden noted that he had no further information to add to the file. He did state, however, that there was no city water or sewer. He noted that the only access to the back parcel was via the proposed right-of-way due to contour of the land. Applicant, when questioned, noted that he did in fact sell the land surrounding this parcel.

VARIANCE GRANTED: 5-0. Applicant was absent at time of decision. Applicant to apply to the Planning Board for subdivision approval. Variance approved as plan presented.

H81-18 Thomas Willey, 112 Henry Law Avenue, Assessor's Map 22, Lot 23, zoned R-12, petitions for a variance from Article 21:4.8 to permit applicant to construct an apartment in the basement of the dwelling located at 112 Henry Law Avenue (a single family residential zone).

-Mr. Willey purchased the three-apartment dwelling as an investment. Cellar area is vacant and not being used to its fullest potential. There are two abutting dwellings that are four apartment complexes.

-Discussion ensued with reference to parking space available, open (green) space available and total area of lot.

-Brent Diesel spoke in opposition referring the inadequate parking facilities in that area as is and the high level of noise existing presently.

-Sandra Diesel spoke in opposition noting the inadequate space for present parking and the fear that the tenants would park in her front yard.

-MaryLouise Lavoie questioned the ownership of the driveway (right-of-way). She further noted the extensive problem of parking during the past winter.

-Gary Garvin spoke in opposition stating that there was enough congestion with reference to density in the surrounding area.

-Willey stated that the driveway is a deeded right-of-way. He is willing to construct a privacy fence between the property lines.

-Mrs. Lavoie noted that both the applicant and adjacent property owners would be using the right-of-way.

Mrs. G. Gavin spoke in opposition.

VARIANCE DENIED: 5-0. Applicant present at time of decision.

H81-19 Robert Olberg, 345 Tolend Road, Assessor's Map G, Lot 19C, zoned R-12 petitions for a variance from Article 21:4.8 to construct an apartment in the garage annex located in a single family residential zone.

-Robert Olberg read a copy of his letter which he submitted at the time of filing his application.

-Discussion ensued with reference to the business and apartment which was there prior to Mr. Olberg purchasing the land and the unfinished apartment started by the previous owner

VARIANCE GRANTED: 3-2. Applicant present at the time of decision. FOR: Peters, Proulx, Lamoureux. AGAINST: Shortill, Turner.

H81-20 Richard A. Perkins, Tolend Road, Assessor's Map G, Lot 19C, zoned R-12 petitions for a variance from Article 21:4.8 to allow the use of a building situated at the corner of Tolend Road and Washington Street (old laundramat) to be used as an office building.

-Bruce Trefethern noted that he had purchased property previously owned by the Hornes, and that he had not been notified. Secretary checked file and noted that the Hornes had been notified and that the City's Assessor's Office did not as yet, have the change of ownership. (Mr. Trefethern purchased property in the latter part of June.)

-Greg Koutrelakos noted that the letter which was submitted at the same time as the application was incorrect. The area of the proposed office space was 25 X 60, not 40 X 60. He further noted that the hot topped area was 100' X 60' with two proposed offices and with the basement converted into a service/repair facility. Service/repair facility is for the repair of telephones, requiring low volume traffic (two vans, no large trucks). Office area to be rented would also be low traffic (professional) type. No manufacturing would be involved.

-Charles Garabedian, President of Precision Electronics, spoke of the repairing of the telephone components during the hours of 8:00 a.m. to 5:00 p.m. He further spoke of the up-grading that he proposed to do to the structure - new style roof, front vestibule, picture windows, flower boxes, stucco or siding, etc.

-Ken Morin spoke in favor stating that the proposed improvements could only increase the value of the property and up-grade the surrounding area.

-James Servetas, spoke in opposition stating that first the Board allowed sheep to be raised in the neighborhood and now, if granted, would allow light industry into a residential zone. Mr. Servetas was informed that a repair/service facility was not considered light industry.

-Bruce Trefethern opposed to having a business next door that had an expansion potential.

-C. Garabedian stated that he had no intentions of expanding in the City of Dover.

-G. Koutrelakos noted that it would be impossible, financially and otherwise, to revert the parcel back to a residential condition as the building would have to be torn down, the hot top dug up and removed and fill brought in.

-K. Morin stated that, due to the boarded up condition of the building, there was a higher chance of crime and harm to the neighborhoods children.

-B. Trefethern agreed that the building in its present state districts from the area but thought an active business would devaluate his property.

Discussion ensued on the definition of "light industry" and service/repair.

VARIANCE GRANTED: 4-1. Applicant was represented at the time of decision. FOR: Peters, Lamoureux, Shortill, Turner. AGAINST: Proulx. STIPULATION: That the applicant file for SITE REVIEW with the Planning Department.

H81-21 Richard Delaney, 917 Central Avenue, Assessor's Map 38, Lot 14, zoned B-3 petitions for a variance from Article 21:5.4 to construct a building behind existing structure to use as a warehouse.

-Henry Kuazukiewica, representing the applicant, stated the intentions of the applicant to store organs for his business in the proposed structure. There would be no plumbing, no windows and one garage type door. Property of the applicant extends to the end of the gravel in back, with the fence belonging to Sam's.

VARIANCE GRANTED: 5-0. Applicant absent at the time of decision. No stipulation other than adhering to verbal statements made by the applicant or his representative.

Moved by Shortill, seconded by Lamoureux to adjourn the meeting. U.A.