

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: January 21, 1982
Council Chambers
Dover, N.H.

Members Present: G. Lamoureux, R. Shortill, H. Wersosky, R. Keefe and A. Turner. Also present was Building Inspector R. Selleck.

Moved by Shortill, seconded by Wersosky to approve minutes of meeting held December 17, 1981 as written. U.A.

Discussion ensued on the appointment of regular and alternate members to the Board. It was noted that the City Council Appointment Committee hoped to fill the vacancies prior to the next Zoning Board meeting.

Moved by Keefe, seconded by Wersosky to postpone elections until the above vacancies were filled. U.A.

Discussion ensued on the request to the Building Inspector to enforce the stipulations attached to the granting of case H78-14, Cragin as made at the December 17, 1981 meeting. Board directed Secretary to send memo to Building Inspector requesting a response by the next meeting.

The Second Reading of the By-Laws was deferred until further notice.

Business meeting adjourned.

H81-32 NORMAN P. CARRIER, 8 Linda Avenue, Assessor's Map I, Lot 82J, zoned R-12, petitions for a variance from Article 21:5.4 to construct an addition having insufficient frontyard setback.

Secretary read list of abutters. No additions or deletions. No opposition to Board members sitting on case.

Norman Carrier, applicant briefly stated his intentions. There was no one present in favor or in opposition of variance.

VARIANCE GRANTED: 5-0 as plan presented, as it met all requirements.

H82-1 PETER J. CALLAHAN, Tolend Road Extension, Assessor's Map G, Lot 24, zoned R-20 petitions for a variance from Article 21:5.4 to construct a dwelling having insufficient frontyard setback.

Secretary read list of abutters. No additions or deletions. No opposition to Board members sitting on case.

Peter Callahan, applicant, stated his intentions noting that he had the required area to set back the proposed dwelling according to the regulations of the Ordinance and that the reason for wanting it closer to the road was financial. He stated that the parcel had good drainage with no ledge, and that no further subdivision was planned.

Joanne Lothrop, abutter, questioned exactly where the property was located. She questioned the proposed drainage and position of the leach bed and the area in question consisted of ledge and had a drainage problem.

VARIANCE DENIED: 5-0 as the request did not meet the requirements necessary to grant a variance.

H82-2 WALTER W. CHENEY, Old Rollinsford Road/Ascension Avenue, Assessor's Map 28, Lots 1A and 37, zoned R-12, petitions for a variance from Article 21:4.8 to construct an office in a residential zone.

Secretary read list of abutters. No additions or deletions. No opposition to Board members sitting on case.

Dr. Thomas Decker, option holder on the Cheney parcel, stated the proposed plans were to build a medical office which would hold up to five medical professionals. He noted that due to the topography of the parcel, it was undesirable for commercial or several single family dwellings. He stated that a medical office was in keeping with the neighborhood. He further noted that the City would benefit from the tax revenue that developing this parcel would produce, rather than letting it sit as is. Possible purchase of land from Doctor's Park to enlargen access off Old Rollingsford Road was mentioned by Dr. Decker.

-James Wentworth questioned what the affect to Ascension Avenue would be if variance granted.

-Councilman Arthur Maglaras requested that the abutters have an opportunity to see the proposed plan.

10 MINUTE RECESS to allow public to review proposed plan.

-John McCarthy objected to the hearing and how it was being run. He stated that he was not against the proposed medical facility but against the use of Ascension Ave. He stated a Court case involving the denying of a variance due to conjestion on a public roadway.

-Samuel Carlo questioned the after effects if variance granted - such as the problem of Ascension Avenue.

-Councilman Arnold Peters opposed to the plan as proposed due to the access/egress.

-James Wentworth said he was in favor of a medical building but against problems that might arise.

-Councilman Peters noted that that abutters were in favor of the project but objected to the after effects.

-S. Carlo noted a past case where the proposal was not objectable but whereas the after affects were.

-J. McCarthy objected again the the hearing and noted that his wife was also against the variance.

VARIANCE GRANTED: 5-0 with Stipulations:

1. That the applicant could construct a two story medical building, not to exceed 15,000 square feet, and,
2. That the applicant be subject to all Site Review regulations and present his plan to the Planning Department for said Site Review.

H82-3 RW REALTY, INC. 2 Plaza Drive, Assessor's Map D, Lot 2B, zoned B-3, petitions for a variance from Article 21:5.4 to subdivide their parcel with one lot having insufficient frontage.

Attorney Raymond Ouellette, representing the applicant, noted that RW Realty had gone before the Planning Board with their request for subdivision and was referred back to the ZBA due to having no frontage on the back parcel. He noted that Plaza Drive is a paper street as it was presented and accepted by the Planning Board to be developed later in the future. He further stated that this would be a self correcting variance as when the Plaza Drive is developed, there would be correct frontage. The proposed driveway is incorrect on the submitted plat and is to be changed by the Planning Board.

-The nature of ownership of the paper street was questioned. It was noted that it was a dedicated street and remain so.

-No one spoke in opposition.

VARIANCE GRANTED: 5-0 subject to Planning Board approval.

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