

DOVER ZONING BOARD OF ADJUSTMENT

MINUTES OF MEETING

Held: April 29, 1982
Council Chambers
Dover, New Hampshire

Members present: G. Lamoureux, D. Bertrand, A. Souther, H. Wersosky, Al MacVane, F. Menex, T. Stevens. Also present were Building Inspector R. Selleck and acting secretary P. Folsom.

PUBLIC HEARINGS

H82-5 Mrs. Snook, By-Laws suspended and vote was taken on Matt William's letter for rehearing.

Passed 4-0.

Voting members were Wersosky, MacVane, Souther and Lamoureux.

H82-11 Creek Orthodox Church Hellenic Center, Longhill Road, Dover. Building Inspector explained his position on the matter of renting the hall after complaints from the neighbors and reviving of the zoning codes. A cease and desist order had been issued and an extension to March 1, 1982 had been given. His decision was based upon the rental bi or tri-weekly to the Coastal Singles group which which went past the realm of accessory use or a customary use of a church hall. Attorney Koromilas represented the church. Attorney McNeil, who represented the complainants, stated that he actively represented Lamoureux and Souther. A five minute recess was asked while Attorney McNeil and Koromilas conversed and while Koromilas discussed the matter with his clients. The decision was made that Lamoureux could stay on the case, but Souther was disqualified. Dave Bertrand took Souther's place as a voting member. Souther asked if he could ask questions and Koromilas granted his request.

-Attorney Koromilas went into the background of the hall from 1966 to present and submitted exhibit A, a written summary of use of the hall and 1964 Zoning Ordinance. Also deeds to the land were submitted as exhibit B.

-Those speaking in favor were Paul Caros, Spiro Theodoris, Dr. Peter Lampesis, Greg Koutrelakos, Nick Carabelis, Rev. Athens, Arthur Grimes, Frank Kaggett, President of Coastal Singles, Inc., Costas Stamonos, Larry Rodrigue, Mark Goodman and Betty Jane Benson, a member of the singles group.

-On a hand count approximately 50 people were for the group.

-Attorney McNeil, representing Joe Parks, stated the use was improper by renting continually to one group and not following original request as church recreational hall. Complaints were noise, parking and mess. Testimony also had been stated by Dagget, President, that the group was about 300-350 and growing. This was also a concern of complainant.

-Against were Joe Parks, Kerry Forbes and Harvey Crowley. Crowley stated he had to tow cars out of snow or mud in early morning hours.

Rebuttal: Koromilas stated again use of recreation hall, and church hall are separate. The hall is for recreational purposes as shown on the building permit in upper right corner.

-Attorney McNeil refuted about use of hall and questioned Costas Stominos, rental chairman, how often the hall was rented yearly, and how many times to the same group. Rental now are about 40-50 times a year. When it was rented for beano it was rented 90-100 times a year, but beano got out earlier and with the singles group, rental will be 100+ times a year, but they haven't rented for a year as yet.

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-Questions from the Board came from Menez, Lamoureux, Souther and Wersosky.

DECISION: 3-2 to uphold the Building Inspector's ruling. D. Bertrand (G), A. MacVane (D), F. Menez (G), H. Wersosky (D) and G. Lamoureux (D).

REASON: The nature and consistency of the use of the church hall by the Coastal Singles, Inc. did not constitute an accessory use as defined in the Zoning Ordinance.

H82-5 Mrs. Snook, Dover Point Road.

-Attorney Ouellette represented Mrs. Snook and Mr. Ed Hoginski. Ouellette objected of a complete new hearing and wanted the matters addressed only to new testimony.

-Attorney Peter Taylor representing Mr. Joe Zammit, stated that he worked for the firm of Barrett and McNeil who represents Lamoureux and Souther. Discussion between Ouellette and Hoginski took place and Lamoureux and Souther were able to remain as voting members. Chairman ruled that application had been made for rehearing, therefore a new hearing was in order. Attorney Ouellette objected for the record.

-Ouellette presented case where Mrs. Snook wanted to sell parcel of land on the north easterly side of Roberts Road, having no frontage on Roberts Road. Testimony revealed that other residences of Roberts Road had right-of-way to river and over some right-of-way that Hoginski was asking for. Right-of-way would go with parcel B and would be sold to Hoginski. Ouellette stated a case where a financial hardship can be construed to be a hardship in the land. F. Menez asked if there were any other way to develop the property. Ouellette answered yes, by putting in a city approved street.

-Attorney Peter Taylor rebutted and stated that the reasons that a variance should be granted and this case did not meet any of them. Questions by Souther, Lamoureux, Menez and MacVane were answered.

DECISION: 5-0 Denied.

REASON: No hardship inherent in the land was proven where testimony stated that other access to land was available by following proper subdivision regulations.

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