

DOVER ZONING BOARD OF ADJUSTMENTS  
MINUTES OF MEETING

Held: March 19, 1987  
Council Chambers

Business Meeting called to order by Chairman, Alden Joy at 7:33 P.M.

Members Present: Alden Joy-Chairman, David Bertrand, Mark Dellner, Randy Turner, Dave Anderson-Alternate, and William Colbath-Alternate.

Also Present: Dick Selleck-Building Inspector, Tom Clark-Assistant Building Inspector, Steve Stancel-City Planner, and Kathy Munson-Recording Secretary.

Old Business: Chairman-Alden Joy reviewed aloud the letter from Attorney Dolan RE: H87-2 Sonnenschein and Deena Peschke request for a rehearing.

David Bertrand commented on the fact that the Board basis their decision on each individual case and motioned to grant a rehearing.

Alden Joy seconded the motion for rehearing.

Randy Turner stated that he felt the letter indicated that the applicant and Attorney Dolan felt that Joyce Bowden was prejudice

Mark Dellner spoke out against granting a rehearing. He stated that he did not feel enough evidence was presented in order to grant one.

Randy Turner agreed with Mark Dellner's statement.

VOTE: 2-2 Split decision. Decision for granting a rehearing denied, based on the fact that enough evidence was not presented.

David Bertrand and Alden Joy voted in favor of the rehearing while Mark Dellner and Randy Turner voted in opposition.

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Meeting called to order at 7:38 P.M.

H87-5 Dover Doctors Park, Inc., Old Rollinsford Road, also known as Assessor's Map 28, lot 1, zoned R-12, requests a variance from terms of Article X, Section 170-40 A and D, to increase a non-conforming use (office building) in an R-12 zone.

Attorney Donald Bryant stated to the Board members that his clients (Doctors Park Inc.) were seeking a modest request - a 116' x 59' addition to Doctors Park II. A variance was already granted in 1973 dividing Doctors Park I (variance granted in 1967) and II. The lots also adjoin another lot which is owned by Strafford Medical Associates for which a variance was granted in 1982 for medical offices. The property is opposite Wentworth Hospital - granting a variance for the addition would allow this property to be utilized consistently with the property which surrounds it. The property cannot be used

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for any other purpose for uses within its present zone - R-12 - impractical for a residential use.

Doctor William Cusack also appeared before the board. As Treasurer of Dover's Doctors Park Inc. since the formation in 1967, he stated that granting the variance for the addition would be in the best interest for the general public. He stated that additional waiting room is needed - Dover Doctors Park has intended to bring high quality medical care to the city and would like to continue this - there is no other logical alternative for the land in the area of question.

Paul Kane, Manager of the Orthopaedic Trauma Center for the past thirteen years, stated that he was hired to exam the conditions - to make them better - present condition is very impractical - goals are to serve their patients 24 hours a day and to cover the emergency room as well - the intend of Doctors Park Inc. is to accommodate their patients - the addition would be ideal to carry this out - there is no other alternative - if they cannot build addition - cannot grow.

Public Hearing opened: no comment.  
Public Hearing closed:

Mark Dellner questioned if an additional road would be added.

Dr. Cusack replied that no road would be added and that the parking lot would be expanded.

Alden Joy asked Tom Clark if the town of Rollinsford was involved.

Tom Clark responded that the town of Rollinsford was not involved.

Dave Anderson question if the proposed building was to be two stories.

Dr. Cusack responded yes, the building would be two stories.

VOTE: 5-0. Variance granted. Based on the following Findings of Fact: Applicant faces hardship, has need to expand, will deliver substantial justice, beneficial to the public, in harmony with the spirit and intent.

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H87-7 Clipper Home Affiliates (Owners: Raymond and Andrea Ross) Middle Road also known as Assessor's Map K, lot 11, zoned R-40, requests a variance from terms of Article V, Section 170-16, to construct buildings with heights of 36 feet and 38 feet where maximum allowable height is 30 feet.

H87-8 Clipper Home Affiliates (Owners: Raymond and Andrea Ross) Middle Road, also known as Assessor's Map K, lot 11, zoned R-40, requests a special exception as provided in terms of Article VII, Section 170-27C(1) and (2) as well as Article XII, Section 170-52C(3) to cross the Conservation District with a utility (sewer line).

John Maher, Attorney, stated that since both cases H87-7 and H87-8 were owned by the same applicant both would be reviewed together. A plot plan displaying the location of the buildings on the lot and architectural elevations drawn to scale were presented to the board members.

Attorney Maher began his petition by stating that the nature and description of the Civil Works Project is a Health Care Facility, to be built in a rural residential zone. It has been determined that the best suited type of facility would be one of three stories. The reason being that it would be a significant burden on its residents if the third floor was removed and the total project was expanded lengthwise to remain within the height requirement. The three stories would grant optimal service - elevators - building fully equipped with sprinkler system, fire alarms - the proposed project will not surrounding property - 400 feet from the nearest resident. The spirit and intent of the variance will be kept - the State has indicated that over 140 beds will be needed - the Dover population will be aging - public interest will be met - having three floors will cut down on the heating costs - will create a greater open space.

Paul Connelly, principle engineer of Civil Works handed copies of the New Hampshire Wetlands approval of construction of the 72-unit Health Care Facility to board members. He stated that in pursuant to the Check-off list of special exceptions, his company offered the following: the request is desirable to the public convenience or welfare - the proposed development will consist of a 72-unit health care facility serving residents age 55 and over in the Dover area - connection to the municipal sewer system will ensure proper disposal of the waste water without affecting the quality of groundwater in the immediate vicinity or the integrity of the adjacent Conservation District - the request

will not create undue traffic congestion, or unduly impair pedestrian safety - the proposed sewer location will minimize disruption of traffic on Middle Road due to construction by requiring only a 15-20 ft. long pavement cut. The proposed connection point of the sewer in question is at the upper end of an existing 8-inch main. This would be a gravity system without mechanical support systems. The anticipated average daily flow is estimated to be 9,000 gals. per day and will require the issuance of a Discharge Permit by the City and NHWSPCC. This quantity of flow will not overload the municipal system using the proposed connection point.

Public Hearing opened:

Harold Preston of Middle Road spoke in favor of granting the variance. He stated that he did not see the

Public Hearing closed.

VOTE: 5-0. Variance granted based on the following Findings of Fact: Will deliver substantial justice, serving the public, more sufficient usage with three stories, in harmony with the spirit and intent of the ordinance - will not diminish surrounding property values, and must apply to the Planning Department for a site review for the subdivision.

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H87-9 McQuade Realty, Inc., Knox Marsh Road, also known as Assessor's Map H, lots 35C-2A, zoned I-1, requests a variance from terms of Article VI, Section 170-23B, to construct a gas service station on a lot with a size of 37,170 square feet where minimum lot size required is 60,000 square feet.

H87-10 McQuade Realty, Inc., Knox Marsh Road, also known as Assessor's Map H, lots 35C-2A, zoned I-1, requests a special exception as provided in terms of Article VI, Section 170-23 as well as Article XII, Section 170-52C(3), to construct a gas station service in an I-1 zone.

Above cases tabled pending on City Attorney's interpretation of Article XII Section 170-52C(3)(a) ...requested use seen as essential and/or desirable to the public convenience or welfare.

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Daniel Dion, 72-74 Broadway, also known as Assessor's Map 27, lot 69, zoned B-3, requests a special exception as provided in terms of Article VI, Section 170-19, as well as Article XII, Section 170-52C(3), to connect an existing dwelling to accommodate 5 (five) units.

Dan Dion stated briefly that he wished to add an additional five units to his property.

Alden Joy questioned if this case appeared earlier before the board.

Dan Dion replied that he appeared earlier before the board requesting for apartments and variance was granted. He also pointed out that this was a different case and that the drawing included in the earlier request has now been changed. Fourteen and one-half feet have been removed from the existing barn.

Public Hearing opened: no comment.  
Public Hearing closed:

VOTE: 5-0. Variance granted based on the following Findings of Fact: All basic requirements met - safety, parking, etc., essential and desirable, no foreseen water drainage problem.

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H87-12 Arthur Grimes, 250 Dover Point Road, also known as Assessor's Map L, lot 96A, zoned R-20, requests a variance from terms of Article V, Section 170-16, to subdivide a lot into 2 (two) parcels, one of which having no frontage on a public right-of-way.

Attorney Thomas McCarthy represented Arthur Grimes. He stated that his client was seeking relief from frontage requirement for a City street. He stated that Mr. Grimes wishes to complete a minor subdivision, extending Parcel A-2. Hardship exists because the property is not on a road - cannot build one - not wide enough - substantial justice would be served if granted - owner can do what he wishes - would benefit the public to have an additional taxable lot.

Public Hearing opened:

William Dube, direct abuttor to the property in question, stated in opposition that he was led to believe that only two houses would be on the existing lot - he has made several changes - may create a drainage problem since he has removed trees - invested \$18,000 on a driveway - value of home will diminish - concerned with safety - also may come back to further subdivide - only hardship involved is financial hardship - applicant does not meet the criteria for a variance - would have a substantial traffic problem.

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Arthur Grimes replied that he offered Mr. Dube first refusal of the property and stated that this would be the only additional lot.

William Dube spoke in rebuttal by stating that the land was offered to him at a ridiculously high price.

Public Hearing closed:

Randy Turner questioned Mr. Dube if he had brought the driveway up to the same level as the Dover Point Road.

William Dube answered yes.

Attorney McCarthy explained that yes the driveway has been improved, yet the easement is owned, used in common with others - not exclusive to him (William Dube) solely.

Steve Stancel spoke out asking Arthur Grimes to please state his explanation of the hardship involved.

Arthur Grimes replied that he wished to subdivide the land and did not have the required frontage needed - cannot put in a road because there is only thirty feet.

Public Hearing closed.

David Betrand added that the Foster property in the Dover Point area will also be developed - there will be more roads - he questioned the fact of 'pork-chopping lots'.

Steve Stancel stated that this was a difficult case - he stated that the Planning Department did not see hardship involved - yet it must meet the requirements.

Mark Dellner added both the Planning Board Members and Zoning Board Members need to discuss the issue of the minor subdivisions - he explained the difficulty involved for the Fire Department and Ambulance Department to find their way to a home during an emergency - what house do they go to? What street?

VOTE: 3-2. Variance granted. David Betrand and Mark Dellner voted in opposition.

Meeting adjourned 10:40 P.M.