

MINUTES FOR ZONING BOARD OF ADJUSTMENTS
OCTOBER 15, 1987
COUNCIL CHAMBERS

MEMBERS PRESENT: Alden Joy - Chairman, Dave Bertrand, Mark Dellner, Randy Turner, Bill Colbath

ALSO PRESENT: Tom Clark - Assistant Inspector, Steve Stancel
- Assistant Planner, Patricia Unish - Recording Secretary

Nominations for Elections of 1988
Nominations for Chairperson were:

Mark Dellner nominated Dave Bertrand
Dave Bertrand - declined
Randy Turner nonimated Alden Joy
Alden Joy - declined
Dave Bertrand nominated Joyce Bowden
Mark Dellner second this nomination
Alden Joyce nominated Mark Dellner
Randy Turner second this nomination

Nominations for Vice-Chairperson

Randy Turner nominated Mark Dellner
Dave Bertrand second this nomination
Mark Dellner nominated Dave Bertrand
Alden Joy second this nomination

Nominations closed
Mark Dellner - second

Alden Joy referred to a letter received by the Board for Attorney Scott Woodman. This letter stated that case H87-44 (E.R.W. Co.) should be heard.

Alden Joy read a letter from Peggy McLaughlin concerning Austin Cement Co. Encroachment on Conservation District. Peggy McLaughlin asked the Board not to approve anything closer than the '50' requirement.

Tom Clark stated that he contacted Mr. Austin. This storage area has been there before the Conservation Commission ordinances. Mr. Austin had applied for Special Exception.

Alden Joy asked to step down. He had a request he would like to present to the Board.

Alden Joy stated that the Company he works for has changed ownership. They would now like to put up a new wall sign. Request for a variance, but this request did not get on the agenda until November 29, 1987. He asked the Board to hear this request for variance on October 29th.

Mark Dellner motions to hearing
Randy Turner - seconds

Dave Bertrand recommended that we should do this with other signage. Other people are being held up anywhere from sixty to ninety days. We should have an open agenda for this type of request.

Motion for the rehearing of Tamposi/Nash

In order to rehear this we would need new evidence. There are a few things that may not have been taken into consideration. The hardship is that they have no way to develop this land. They are closed in by policy. The traffic should not go through the residential area. Yet that Planning Department never brought up this policy.

Steve Stancel stated that looking over this request it would be better to make all rebuttals at there hearing if it was granted.

Dave Bertrand felt that the case should be heard because of the traffic going into a residential area.

Motion to rehear
Vote U/A

Board voted to accept the agenda for the evening.
Tom Clark stated that H87-54 had withdrawn that afternoon.

Alden Joy questioned H87-50 stating he was not sure it should be accepted. One abutter was not notified. Sign was removed by someone other than the Planning Department. Alden Joy moves not to accept, because owner within 200' was not on the abutters list.

Paul Martel withdraws from the agenda.

Mark Dellner motions to except the minutes as stated.
Dave Bertrand - second

Votes to accept agenda 5-0

PUBLIC MEETING OPENED AT 7:30 P.M.

Alden Joy explains the procedures for the evening to the public, and introduces all Board members.

H87-48 E.R.W. Co. Inc. 63 FOURTH Street, also known as Assessor's Map 31, Lot 2, Zoned RM-8, requests a variance from terms of Article X, Section 170-40.A. to increase a non-conforming use.

Carl Donahue showed outline of property with a 26' ft. setback. Stating that the project was to construct over one area which is a flat roof now. Would like to do an extention of the roof line.

No Opposition
No Rebuttal

Public Hearing Closed
No Discussion

Variance granted
Vote U/A

H87-49 Charles F. Schuh, 272 Dover Point Road, also known as Assessor's Map L, Lot 102, Zoned R-20, requests a variance from Article V, Section 170-16 to subdivide an existing lot and create two (2) lots, one of which having insufficient frontage (fifty-one (51) feet where one hundred twenty-five (125) feet is required.

Bob Murphy stated that this area has changed. The lots are now a lot smaller. This land now is unproductive. The two tracts will conform to the zone except for the back part of the land. The owner owns this property since 1969. A new house will be built, with a set back so that the house will not be seen from the road.

Opposed: Paul Malone stated he was not notified as an abutter.

Alden Joy stated when his case was voted on for acceptance this was not known.

Dave Bertrand motions to table this case - till next hearing
Mark Dellner seconds

H87-51 Donald Hayes, 177 Spur Road , also known as Assessor's Map L, Lot 45-D, Zoned R-20, requests a Special Exception as provided by terms of Article VII, Section 170-27.C.(4) and Article XII, Section 170-52.C.(3) to construct a boat dock and pier in the Conservation District.

Roger Colin stated that all his measurements have been worked with Frank Richardson. The only approval he has no yet received was from the Army Core of Engineers.

No Opposition
No rebuttal

Steve Stancel Stated that with a Special Exception all conditions must be met at the time of the hearing. All conditions here have not been met. So the Board should table it.

Tom Clark stated that Amendment 170.27.D required that all State and Federal requirements must be met.

Randy Turner motions to table it
Mark Dellner - second

Steve Stancel mention to the Board that this case really does not have to be heard all over again. This could come up under Old Business.

Board voted to table this until all required documents are received.

Vote U/A

H87-52 Raymond J. Martineau, 1 and 3 Gilman Street also known as Assessor's Map 37, Lot 5 and 6, Zoned Office requests a variance from terms of Interim Growth Management Ordinance to construct a multi-family building (approx. 90 units) and from terms of Article V, Section 170-16, to exceed the maximum allowable building height (100 ft. where 80 ft. is allowed)

Chris Wyskiel stated that where the property is now, there is an existing structure. The land slopes down. As the slope drops own if this variance is not granted the builder will be forced to build a lesser front. Mr. Martineau wants to build a multi-family (elderly housing) with ground floor office space. Dover is in need of elderly affordable housing. Parking will be under the building. Granting this variance will allow him to build a desirable building. The additional height will also allow more units.

There will be no decreasing of value in this area. The hardship in the slope of the land. If it were flat he would build within the 80 feet.

Opposition:

Tony Lazarus stated that he lived in this area for 30 years. Martineau already has 12 units in the area. This property is in the wetlands. We are having a hard time getting in and out of this area due to the traffic already. This area cannot handle 90 units. This is not the location for this type of building.

Gail Lazarus stated the only one this will help will be Mr. Martineau. No one else will benefit by this. It will decrease all the property values. This is a two lane street with no sidewalks. There is a serious traffic problem on this street.

Steve Stancel stated that the Planning Department would be against the height variance as there was no unnecessary hardship.

Richard Littlefield stated that the traffic is terrible in this area. There is too much congestion. Getting in and out of this area is a real problem. This is no area for the elderly.

Rebuttal:

Chris Wyskiel stated this area is zoned office. A building can be built there anyway. So they will still have the same problems. This will be an improvement for this area. Traffic, sidewalks, congestion will all be addressed with the Planning Board. The slope of this land does create a hardship. There will be no affect to the value of the abutters property.

Lorraine Hoffman stated that these are all dead end streets. How could they get in and out? How could a fire truck even get near this site?

Greg Lazarus stated that no one should buy a piece of property knowing all of these problems. Once you buy this property then try to change every thing.

Public Meeting Closed

Alden Joy questioned what table is being used to determine the size of this building.

Chris Wyskiel stated that they are using the ratio of 2.0.

Tom Clark stated that a multi-family/office zone will require 600 sq. ft. per unit.

Chris Wyskiel stated the number of units will be determined by the sq. ft. that will be allowed

Chris Wyskiel stated the front of the property, you can go up 80 feet. But in the back it will be lower due to the slope. A small building will have to be built then.

Steve Stancel stated that the Planning Department opposes. There is sufficient space with existing regulations. He has reasonable use of this land. There is not a unnecessary hardship.

Alden Joy stated that the Zoning Board can only hear arguments about the height of the building. Other arguments from abutters would be better heard at a Site Review meeting. The Planning Board also can take into consideration the congestion, etc.

Dave Bertrand stated that there are some slopes that cannot be built on due to a slope ordinance.

Randy Turner questioned if the existing house on this property will remain there?

Chris Wyskiel stated that the house will remain on the property.

Mark Dellner felt that this size building for that area would devalue the property there. This is not in the public interest.

Chris Wyskiel stated that the additional footage would mean additional units. Which would off set the cost. That is where the affordable housing will come in. Granting this variance would be in public interest.

Vote was taken for Hardship	4-1	(Mark Dellner)
Devaluing Property	4-1	(Mark Dellner)
Public Interest	3-2	(Bill Colbath)
		(Mark Dellner)

This variance was granted with the condition, such as electrical regulations.

This variance was granted only for the height of the building.

The vote on granting this variance was 3-2 (Mark Dellner and Bill Colbath).

Growth Management Ordinance;

Chris Wyskiel stated the City has a great concern about school systems, sewerage, water, etc. The City put a stop on residential development. This location is uniquely located it is near the hospital and shopping center. This is a good location for elderly housing. Elderly housing is needed in the City. This building will not over tax facilities. Elderly people do not cause much traffic. Many of these residents will not have cars. This is a much needed type of housing. It will not decrease the value of the property. This will be in public interest.

Steve Stancel stated the Planning Department is very much against this variance. You will be going against the Growth Management. Planning Department feels there is no hardship. The variance will not deliver justice. What is affordable?

We also have no details about how many elderly units there will be. Ninety (90) units that 87 more than allowed by the Growth Management.

Chris Wyskiel stated that the Dover is providing middle income housing, residential growth to the common market. There is always a need for affordable housing.

Steve Stancel stated allow the City to finish the Master Plan. Then we will know more about elderly housing and where it should go.

Alden Joy stated he received a phone call from Mr. Hoffman (head of the sewerage department). Stating the sewerage in this area could not handle all this.

Alden Joy felt this is a good case of why the Interim Growth was bought in sewerage, heavy traffic, etc.

This variance was denied. Vote U/A

Public Hearing Opened

H87-53 Kenneth Rappolt and Thomas Livingson, 21-23 and 25-27 Hough Street, also known as Assessor's Map 30, Lot 163, Zoned RM-10, requests a variance from terms of Article V, Section 170-16 to subdivide an existing lot with two buildings into two lots, both of which will not conform to the lot size requirements (4129 sq. ft. & 5490 sq. ft. where 10,000 sq. ft. is required), frontage requirements (67.8 and 54.9 ft. where 80 ft. is required), front setback (13 ft. and 17 ft. where 20 ft. is required), and side setback (13 ft. and 17 ft. where 20 ft. is required an 10 ft. where 15 ft. is required).

John Mar stated there are two houses on this lot, consisting of four units. The property was actually two lots in 1954. No one knows how this property merged together. Both of these lots are serviced by sewerage, city water and parking. There will be no changes made to this property at all. The property will conform more if this variance was granted. Two buildings on one lot causes a hardship. The ordinance says there should be one building on one lot. Through a merge no one can explain the two buildings are on one lot.

No Opposition
No Rebuttal

Discussion
Variance granted Vote U/A

Meeting closed 10:15 P.M.