

ZONING BOARD OF ADJUSTMENT

MINUTES OF PUBLIC HEARING

Held: November 15, 1984  
Council Chambers  
Municipal Building  
Dover, NH 03820

Members Present: Chairman Peter Greenwood; Vice-Chairman Alden Joy; Geri Weisman;  
Dennis Ciotti

Alternate Member Present: Mardean Frazer

Other: Building Inspector Dick Selleck

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BUSINESS MEETING

Mr. Joy called the meeting to order at 7:10 p.m.

Minutes of the previous meeting were approved.

Discussion of the cases followed.

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REGULAR MEETING WITH PUBLIC HEARINGS

H84-65 Board discussion of request for rehearing for Marguerite Watkins, Route 155, Knox Marsh Road, (Applicant: Kevin R. & Lydia Cooper), also known as Assessor's Map H, Lot 33A, zoned R-20, regarding the petition for a variance from Article IV, 170-12, to operate an open storage in an R-20 zone.

Kevin Cooper explained that he had submitted a letter to the Board stating why he feels a rehearing should be granted.

Members of the Board felt that the letter stated reasons why a rehearing was being requested, however the letter did not present any new evidence.

Mr. Cooper stated that he has some blueprints and layouts, but did not bring them with him.

Mr. Joy made a motion that the Board deny the request for a rehearing because of insufficient new evidence.

Motion was seconded by Ms. Frazer.

Request for rehearing denied 4-0 citing lack of new evidence.

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H84-66 Board discussion of request for rehearing for Matt R. Williams, Jr., 28 Dover Point Rd., also known as Assessor's Map L, Lots 95 & 94B, zoned R-20, regarding the petition for a variance from Article V, 170-16, for relief from public road frontage requirements.

Mr. Edward Hoginski spoke in favor of the request for rehearing. He had submitted a letter to the Board and wished to highlight certain points: he does not feel there is any hardship in the land, and that the only possible hardship would be a financial hardship on the part of the owner which does not qualify in granting a variance; he does not feel there is anything unique in the property that distinguishes it from any other property and that the owner could easily make use of the land without variance; also, he feels that there would be a diminution of

property valuations in the area if variance granted, specifically because of a water regeneration problem in the area. He does not feel that the granting of the variance benefits any of the abutters in any way. Requests that the Board grant a rehearing.

No one spoke in opposition to the request for a rehearing.

Ms. Frazer made a motion that a rehearing be granted.

Mr. Ciotti seconded the motion.

Request for rehearing granted - 4-0.

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H84-68 James & Irene York, Garrison Rd. (Applicant: Bellamy Builders), known as Assessor's Map I, Lot 1N, zoned R-M-12, petitions for a variance from Article II, 170-6 and Article V, 170-16, for relief from minimum frontage requirements.

Kerry Forbes, representing Bellamy Builders, explained the petition.

Richard Selleck, 4F Greenfield Drive, spoke in favor of the petition stating he feels granting the variance would be in the best interest of the City and of the public in the area.

Paul Lester, 10 Austin Drive, also spoke in favor of the petition for similar reasons.

Barbara Richard, 1C Greenfield Drive, also spoke in favor of the petition for similar reasons.

Mr. Forbes elaborated on the plans and explained that he feels the request meets the 4 points that are considered before a variance is granted.

Mr. Joy asked if approval has been given for access to the cul-de-sac, and whether the right of way would be extended.

Mr. Forbes answered yes to both questions.

Mr. Joy made a motion to table the request and discuss it further with the Planning Board.

Ms. Weisman seconded the motion.

The Board voted 3-2 not to table the request.

Ms. Frazer made a motion that the Board grant the variance.

Mr. Ciotti seconded the motion.

Variance granted - 4-1 (Greenwood).

The Board felt there was hardship in the land because of the shape and location of lot and because of power lines, and felt that granting the variance would be in the best interest of the public. Peter Greenwood voted no stating that he did not see that there was any hardship in the land.

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H84-69 Clyde & Mary J. Allen, Old Rochester Rd. (Applicant: Clyde Allen), known as Assessor's Map D, Lot 4, zoned R-12, petitions for a variance from Article II, 170-6 and Article V, 170-16, for relief from public road frontage requirements.

Attorney Malcolm McNeil of Dover, representing Mr. & Mrs. Allen, explained the petition and answered questions of the Board.

Mr. Joy questioned Mr. McNeil regarding frontage, stating that there was an inconsistency with what was on the plan and what Mr. McNeil said.

Attorney McNeil, upon reviewing the plan, stated there was a miscalculation and apologized to the Board. He requested that the petition be tabled for the present time and said he would have a surveyor draw an appropriate plan.

Board voted to table the petition - 5-0.

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H84-70 Alfred & Eleanor Hall, 160 Henry Law Ave. (Applicant: Dover South Side Little League, Inc.), known as Assessor's Map K, Lot 4, zoned R-12/110, petitions for a variance from Article II, 170-6, and Article V, 170-16, for relief from public road frontage requirements.

Steve Towne, representing Dover South Side Little League, Inc., explained the petition to the Board and stated that Dover SSLL had been searching for a new field for four years, and felt that this would be an ideal spot.

Donald Heyliger, Dover Recreation Director, wrote a letter to the Board in favor of the petition.

No one spoke in opposition to the petition.

Mr. Towne answered questions of the Board as to exact location of field and frontage, and stated that other teams would be welcome to use the field if they so desired.

In response to question from Mr. Selleck, Mr. Towne responded that Dover SSLL, Inc. is a private non-profit organization.

Mr. Selleck said he feels it should be stated that the field be used only for private non-profit recreation, open to the public.

Mr. Joy asked if there would be any night games.

Mr. Towne stated that there would not.

The Board discussed putting conditions on the variance if granted, and also on the demise of the field in the event that Little League no longer existed at some point in the future.

Ms. Frazer made a motion that the Board grant the variance, stating that it would clearly be in the best interest of the public, there would be no diminution of property valuations, and in the spirit and intent of the ordinance. Also, the size and shape of the lot and proximity to Maglaras Park make it unique.

Ms. Weisman seconded the motion.

Mr. Ciotti stated that he would like the motion to be amended to read that the property will always be used for public (non-profit) recreational use.

Mr. Joy seconded this.

Variance granted - 5-0 with the stipulation that field be used for public, non-profit recreation.

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