

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: August 18, 1983
Council Chambers,
Dover, NH

MEMBERS PRESENT

Robert Keefe, Chairman
Francis Menez
David Bertrand
Peter Greenwood
William Scrufutis (attended public hearing only)
Richard Selleck, Building Inspector

BUSINESS MEETING

Called to order 7:00 p.m.
Minutes approved from meeting of July 21.

Meeting of July 1:

Legal counsel sought from Scott Woodman concerning this irregular meeting
Menez moved, Bertrand seconded, that minutes of the July 1 meeting not be accepted and be restricted from the record.

ZBA Reorganization:

Chairman Keefe advised the Board that the ZBA has been physically separated from the Planning Department. Arrangements have been made for Board members to have access to all ZBA files and information now located in the Building Inspector's office.

Chairman Notes:

Chairman Keefe recommended that for next month's ZBA business meeting, an agenda item should be to elect a vice-chairman.
Secretary was asked to prepare copies of the By-Laws for newly appointed Board members.
Any member unable to attend regular meetings should notify the Chairman or secretary.

Menez moved, Bertrand seconded, to adjourn.

Business Meeting adjourned 7:12 p.m.

PUBLIC HEARING

Called to order 7:30 p.m.
Members of the Zoning Board were introduced and procedures for the meeting were explained.
No objection was made to any members sitting on cases to be heard.

H83-30 EDWARD AND FRANCES HOGINSKI, 230 Dover Point Road, Assessor's May L, Lot 95Z, zoned R-20, petitions for a variance from Article V, 170-16, Table of Dimensional Uses, to subdivide a parcel of land into 2 lots, each having insufficient frontage.

Chairman Keefe identified Mr. Joseph Zammett as the one abuttor not notified of this hearing by certified letter.

Menez asked Zammett if he might explain his opposition.

Mr. Steven White, representing Mr. Zammett, stated that they became aware only last Wednesday of scheduled hearing and have therefore not investigated case nor determined their standing for or against.

Mr. Ray Ouellette, representing Mr. Hoginski, requested names of those abuttors receiving certified letters. Chairman Keefe, referring to certified letter receipts, read names.

Chairman Keefe advised that the hearing of this case would be rescheduled for next month's regular ZBA meeting of September 15, when all abuttors have been officially notified.

Mr. Ouellette also requested that for next month's hearing, Mr. Frank Menez should disqualify himself from hearing and voting on this case due to a Menez family member presently involved in litigation with his law firm.

Chairman Keefe advised Mr. Ouellette that an alternate would be available.

H83-31 HENRIETTA J. WALDRON, 23 Cote Drive, Assessor's Map L, Lot 58, zoned R-20, petitions for a variance from Article X, 170-40A, to be able to replace her existing mobile home which is situated on an individual lot with a new mobile home.

Mr. Waldron, representing Henrietta Waldron, presented his case, stating that the present 1965 mobile home needed replacing with a more modern 1983 model.

No one spoke in favor.

No one spoke in opposition.

Board members questioned the building inspector regarding setback requirements.

VARIANCE GRANTED: 5-0

H83-32

McINTOSH COLLEGE, INC., 23 Cataract Avenue, Assessor's Map 13, Lot 23, petitions for a variance from Article XII, 170-53, Table of Use Regulations and/or Article X, 170-40, Non-conforming Uses of Land, to be able to construct 2 dormitories (housing a total of 48 students) a gymnasium and an Administration building in a residential zone where the college presently operates.

Mr. Don Mitchell, attorney for McIntosh, presented the case, citing:

- Hardship from noise, traffic, being surrounded by Spaulding Turnpike.
- Landscaping and buildings would contribute aesthetically to the property.
- City of Dover should be willing to support this institution of higher education, noting the history of McIntosh within the city.

Menez: Have you made provisions for additional parking?

Mitchell: Proposed future parking illustrated on architect's design.

Bertrand: What outside building materials will be used on dorms?

James Royer, builder: Dorms will be clapboard structures, in keeping with style of present building.

Greenwood: What about dining facilities?

Richard Waldo, president of McIntosh: Supervised, efficiency cooking areas have been built into basement of each dorm.

Mitchell: Sprinkler systems are planned to accommodate these areas.

In favor of variance were the following abutters, who each mentioned that in a neighborhood meeting, McIntosh assured them that there will be no development on the street between Rutland and the school:

Ann Bonoyer
Henry Tinker
Joan Preston
Jack Grimes

Don Seachon was opposed, stating that the plans are ok, however, there are contradictions in plans for future development as told in Foster's Daily Democrat and in neighborhood meeting.

Chairman Keefe interrupted Mr. Seachon to remind him the ZBA would vote tonight on variance requested and had no power to discuss or vote on future development.

Jack Mettee was opposed, claiming there was no hardship, and that expansion such as this was inappropriate for area zoned R-12.

Rebuttal

Don Mitchell cited:

Uniqueness to land next to Spaulding Turnpike
Nature of use not being changed
Intent to continue the same operation; no additional
space planned for expansion
Opposing abutters misread law

Jack Mettee:

There is concern for noise in the evening hours
Use is being changed with addition of gymnasium & dorms

VARIANCE GRANTED: 4-1 (Greenwood dissenting)

H83-33 WILLIAM J. & PRISCILLA L. CULLEN, 41 Boston Harbor Road, Assessor's Map 7, Lot 15, zoned R-20, petitions for a variance from Article VII, 170-27B(2) and Article X, 170-41B(1) to reconstruct and expand a residential dwelling lying within a conservation district.

William Cullen presented his case.

Bertrand: Are you talking about one lot?

Cullen: Yes

Bertrand: Will your garage return to use as garage after building?

Cullen: Yes

Greenwood: What size is your structure?

Cullen: 17' x 31' presently with plans to expand to 20' x

Keefe advised Board that Cullen had adequate clearance.

John McCooley spoke in favor.

Chairman Keefe read a list of 15 abutters who signed in favor

No one spoke in opposition.

VARIANCE GRANTED: 4-1 (Greenwood dissenting)
(Bertrand stipulating that the garage on the property be returned to use as garage.)

H83-34 STRAFFORD GUIDANCE CENTER, INC., acting as agent for Alfredo Catalfo, 184-186 Washington Street, Assessor's Map 1, Lot zoned R-2, petitions for a variance from Article IV, 170-1 Table of Use Regulations, to change the use of the property from residential to clinical use.

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Thomas Guptill, representing Strafford Guidance Center, presented his case, citing:

- Moving to this property would provide center with much needed program and office space.
- Outside of structure would remain the same
- No additional parking required because of van transportation of clients and staff parking already accommodated. There are plans to expand for six more parking spaces.

Menez: How many professionals and staff in the building?

Dick Selleck: Because this area is zoned B-2, it is exempt from ruling of 5 parking spaces/professional and 1 space/staff member.

No one spoke in favor.

No one spoke in opposition.

VARIANCE GRANTED: 5-0

Moved by Menez, seconded by Bertrand, to adjourn.

Public Hearing adjourned 8:15 p.m.

Respectfully submitted,

J. Gale Perreault

J. Gale Perreault
Secretary to ZBA