

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: April 19, 1984
City Council Chambers
Municipal Building
Dover, NH

Members Present: Chair Peter Greenwood, Vice-Chair Alden Joy, David Bertrand, Dennis Ciotti.

Alternate Member Present: Charles Zamzow.

Other: Building Inspector Dick Selleck.

BUSINESS MEETING:

Called to order at 7:07 p.m.

1) Approval of Minutes

- Moved by Bertrand, seconded by Joy to accept the minutes of the regularly scheduled meeting held on March 15, 1984.

2) It was decided by the Board that a workshop session will be held with Planning Director Timothy Sheldon in the near future.

Moved by Ciotti, seconded by Zamzow to adjourn the meeting at 7:12 p.m. U.A.

Discussion of cases followed.

PUBLIC HEARING:

Called to order at 7:35 p.m.

H84-10 Patricia Stanley, (applicant Shannon French), 11 Court Street, known as Assessor's Map 20, Lot 76, zoned RM-8, petitions for a variance from Article IV, 170-12, to convert a one family dwelling to a two family dwelling in an RM-8 zone, on a lot having insufficient width and area.

-Shannon French explained the petition.

- No one spoke in favor or in opposition.

- Discussion among the Board ensued regarding the proposal's compatibility with the criteria for granting a variance.

-Petition approved: 5-0.

H84-11: The Estate of Donald W. Gordon, Nora Jean Gordon, Executor, (applicant Martin and Vicky Ready), 124 Middle Road, known as Assessor's Map M, Lot 95, zoned R-40, petitions for a variance from Article II, 170-6: definition of a lot; to subdivide land with lots having frontage only on a private right-of-way.

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- Martin Ready, 124 Middle Road, explained the petition and cited a letter he had sent to the Board dated March 30, 1984.
- Mr. Ready responded to a question from Mr. Bertrand regarding the intended use of Lots B and C. Mr. Bertrand stated his desire to limit further development on the private right-of-way.
- No one spoke in favor or in opposition.
- Ruth Rigby, Dover Neck Road, sought assurance from the Board that the property values of abutting parcels of land would not be affected.
- Mr. Greenwood was informed by Mr. Selleck that the proposal must be brought before the Planning Board for review of the subdivision.
- Discussion among the Board, regarding the proposal's compatibility with the criteria for granting a variance, followed.
- Petition approved, contingent upon the following conditions:
 - 1) There will be no further development of the private right-of-way.
 - 2) There will be no further subdivision of lots A, B, C, and D.
- U.A.

H84-12 McQuade Realty, (applicant Philip and Nancy Christie), 66-67 Third Street, known as Assessor's Map 31, Lot 7, zoned B-2 and I-2, petitions for a variance from Article V, 170-16, and Article IV, 170-12, to subdivide an existing lot and building containing two separate fire divisions, and creating two separate buildings having their own lot, with both buildings located in an I-2 zone.

- Bill Tanguay, an attorney representing the Christies, One Glenwood Avenue, presented the petition.
- Mr. Tanguay explained to Mr. Greenwood the zoning irregularities of the lot in question.
- Mr. Tanguay, upon questioning by Mr. Greenwood, restated the request for the two variances:
 - 1) Relief from the setback requirements
 - 2) Relief from the use requirements.
- Mr. Bertrand asked for a clarification of light industry use.
- No one spoke in favor or in opposition.
- Mr. Tanguay, upon questioning by Mr. Joy, explained the proposed plans for parking.
- Mr. Greenwood clarified with Mr. Selleck the need for the applicant's

petition.

- Petition approved: 5-0.

H84-13 Evelyn B. and Charles D. Reynolds, 84 Fourth Street, known as Assessor's Map 32, Lot 4, zoned R-12, petitions for a variance from Article IV, 170-12, to convert the existing buildings to two residential units, located in an R-12 zone.

- Charles D. Reynolds, applicant, explained the petition.
- Mr. Bertrand asked about the number of units proposed for the rear of the building.
- Mr. Reynolds, upon questioning by Mr. Joy, noted that there would be no change in the square footage of the building.
- Mr. Reynolds, upon questioning by Mr. Greenwood, stated that the difficulty was evidenced in the fact that the lot was restricted in the amount of development permitted, relative to other lots in the area.
- No one spoke in favor or in opposition.

Discussion among the Board regarding the reason for the petition followed.

- Petition granted: 5-0.

H84-14 Pierre J. Labrie, (applicant Norman Labrie), corner of Everett Street and Ham Street, known as Assessor's Map ~~32~~²⁷, Lot ~~4~~^{85/86}, zoned R-12, petitions for a variance from Article V, 170-16, and Article XI, 170-45, to subdivide an existing lot having two principle buildings, to create two separate lots for each building, one lot having insufficient area and frontage, and regarding parking spaces.

- Norman Labrie explained the petition.
- Mr. Labrie, upon questioning by Mr. Joy, noted that there would be six one-bedroom apartmentd and two two-bedroom apartments developed.
- Mr. Greenwood read the original letter submitted by Mr. Labrie.
- Discussion among the Board regarding the proposal ensued.
- Mr. Selleck, in response to Mr. Bertrand, noted that this application was subject to both site review and review of the subdivision by the Planning Board.

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- Thomas Duffy, City Council Member, asked to review the plans and directed a question to the Board regarding the parking problem. Mr. Duffy stated that he was in favor of the plan but that the Planning Board would need to address the parking issue.
- Stassios Skatsis, Eric Drive, spoke in favor of the proposal.
- No one spoke in opposition.
- Petition approved: 5-0.

H84-15 Thomas and Elaine Roux, 103 Broadway, known as Assessor's Map 26, Lot 5, zoned B-3 and I-2, petitions for a variance from Article IV, 170-12, to convert a now existing commercial building, in an I-2 zone, to multi-family use.

- Tom Roux, 21 Oak Hill Road, explained the petition and submitted a letter (dated 3/20/84) and sketch to the Board.
- Mr. Roux responded to a question by Mr. Bertrand by stating that he intended to develop a minimum of four units and a maximum of six units in the building.
- Mr. Roux, upon questioning by Mr. Joy, noted that the back ten feet of the building is zoned as I-2.
- Mr. Joy asked about access to the site.
- Mr. Joy directed a question to Mr. Greenwood regarding the rights of property owners whose parcel is zoned in two districts.
- No one spoke in favor or in opposition.
- Mr. Roux explained to the Board the current status of the property, including the current use.
- Petition approved: 5-0.

H84-16 Karen and Richard Moore, (applicant Philip Melanson), One Cataract Avenue, known as Assessor's Map 15, Lot 18, zoned R-12, petitions for a variance from Article IV, 170-12, to convert an existing one family dwelling to a two family dwelling, on a lot having insufficient area.

- Philip Melanson explained the petition.
- Mr. Melanson, upon questioning by Mr. Greenwood, noted that the parcel was 3000 square feet short of the required area.
- No one spoke in favor or in opposition.

- Petition approved: 5-0.

H84-17 Edward Byrens, Stark Avenue, known as Assessor's Map K, Lot 31, zoned as R-12, petitions for a variance from Article IV, 170-11, uses: in order to construct a showroom building in connection with the adjacent automobile dealership, on a lot zoned R-12, having two single family dwellings.

- Malcolm McNeil, an attorney representing Mr. Byrnes, 627 Central Avenue, directed questions to the Board regarding the necessary quorum. He raised objections to Mr. Ciotti hearing the petition and suggested a possible conflict of interest.
- Mr. McNeill requested that the item be tabled until the end of the meeting.

H84-18 Paul McQuade and Phil Christie, (applicant Edward L. Morin and Karil S. Morin), Third Street, known as Assessor's Map 31, Lot 7, zoned I-2, petitions for a variance from Article IV, 170-12, uses: in order to have a dance hall in a portion of a building located in an I-2 zone.

- Edward Morin, applicant, explained the petition and presented the Board with a package of letters supporting his proposal to provide young adults with an opportunity to dance in a drug and alcohol free environment.
- Mr. Ciotti questioned Mr. Morin regarding the fence on the side of the property facing the railroad tracks.
- No one spoke in favor or in opposition.
- Bruce Nadeau, Washington Square Building, directed questions to the Board regarding the occupancy load, and the possibility of alcohol being served on the premises at a later date.
- Mr. Morin responded to the concerns of the Board regarding the possibility of alcohol being served in the dancehall. He stated that, in the event young adults did not support his establishment, he did not wish to limit his future alternatives.
- Mr. Morin assured the Board that he had not applied for a liquor license.
- Mr. Selleck, upon questioning by Mr. Ciotti, noted that if use in the building were restricted, the applicant would need to petition the Board for another variance, should his proposal change.
- Discussion among the Board regarding the petition's compatibility with the criteria for granting a variance followed.
- Petition approved: 55-0.

H84-19 Frnak and Joseph Minichiello, (applicant Landry's Auto Salvage), Glenhill Road, known as Assessor's Map C, Lot 20, zoned R-40, petitions for a special exception from Article VI, 170-24, to operate an auotmobile junkyard on the present site of Minichiello's automobile junkyard. This special exception request is to comply with the requirement that existing automobile junkyard licenses are not assignable.

- Jim Landry explained the petition.
- Mr. Bertrand directed a question to Mr. Landry regarding his plans to smelt aluminum and copper on the property.
- Mr. Landry explained, upon questioning by Mr. Bertrand that he intended to recycle the automobile oil.
- Mr. Landry responded to a series of questions by Mr. Joy:
 - 1) What square footage of the property will be used to store cars?
-- three acres
 - 2) How fast is the turnover of the automobiles on your lot?
-- about one year
 - 3) How do you propose to contain the oil leakage from the automobiles you dismantle?
-- all automobiles will be stripped on the designated hot top
-- all parts will then remain in the storage building.
 - 4) How close is the nearest storage building to the Calderwood Well?
-- approximately 1500 feet
 - 5) What would the smelter be used for , should it be built?
-- aluminum
 - 6) Where will the storage are for the aluminum smelting materials be located?
-- on the hot top area
 - 7) -- Mr. Landry noted that he would not begin a smelting operation until he has proven to the public that his business can be run efficiently.
 - 7) Is there surface water on the parcel during the spring and winter seasons?
-- no
-- Mr. Landry noted that he intended to move the storage area away from the wet portion of the parcel.
- Mr. Minichiello spoke in favor of the proposal and cited the history of both his business and that of Mr. Landry as evidence for the Board.
- Thomas Dubois, 8 Glenhill Road, spoke favorably of Mr. Minichiello's operation but in opposition to the proposal by Mr. Landry. He raised concerns regarding the increased scale of the

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operation, the possibility of increased traffic in the area, and the possibility of contamination of area water supplies.

- Kerry Forbes, Longhill Road, directed questions to the Board regarding the origin of aluminum products for recycling and the business as a retail operation. He noted that he believed that the property values in the area would be diminished should this petition be granted.
- Mr. Landry stated that he did not believe that the traffic would increase, although the aluminum would originate from the surrounding area.
- James Fox, Silver Street, spoke in opposition to the proposal. He read a letter from Mr. Walter Fischer, Glenhill Road, and submitted a copy to the file. He stated that his remarks would also be representative of the sentiments of Arthur and Elizabeth Corteau, area property owners and his clients. Mr. Fox cited the potential for increased traffic in the area. He raised concerns regarding the possibility of diminished property values in the area, as well as the possibility of runoff from the hot top.
- Bob Ersing, Tolend Road, raised concerns regarding the possibility of contamination of private wells and the Calderwood Well. He spoke of his recent visit to Mr. Landry's current operation and noted possible sources of pollution.
- Pierre Bouchard, Public Works Director, spoke in strong opposition to the proposal and presented a letter to the Board from the State which emphasized his recommendation for a denial of the proposal.
- Dave Bibber, Dover Fire Chief, stated that he was neither in favor nor in opposition to the proposal, however he did feel that the problem of petroleum products leeching into the environment is a matter of concern.
- Alfred Thomas, Chair of the Dover Conservation Committee, stated his concerns regarding the protection of the water resources in the area, specifically the Calderwood Well.
- Mrs. Dougherty, Tolend Road, spoke in opposition to the proposal and cited the possibility of increased traffic in the area, as well as the potential for air and water pollution.
- David Miles, 9 Glenhill Road, stated that a professional assessor had determined that his property would decrease in value by

15% should this petition be approved.

- Joe Parks, Glenhill Road, noted that he had recently lost a potential sale of land in the area because of the proposal. He also raised concerns regarding the affect on local property because of the potential oil residues and rusting metals.
- Dave Goodwin, Glenhill Road, spoke in opposition to the proposal and reiterated the concerns regarding the affect on local property values, as well as the potential for air and water pollution.
- Tim Weiker, 3 Glenhill Road, spoke in opposition to the proposal and again raised issues relative to the quality of the air and water.
- Russell Newell, 2 Pearl Street, spoke in opposition to the proposal.
- Pearl Goodwin, Glenhill Road, spoke in opposition to the proposal and cited the possibility of diminished recreational activities in the area should the petition be approved.
- Ken Meadow, 7 Glenhill Road, spoke in opposition to the proposal and raised concerns about the possibility of the decrease of the quality of life in the area.
- Bill Tanguay, an attorney representing the abutters, reminded the public that the applicant was seeking a special exception and that the burden of proof, relevant to the application, was the responsibility of the applicant.
- David Nysteadt, Glenhill Road, spoke in strong opposition to the proposal. He presented the Board with a letter from Mr. Chadwick, a professional appraiser, regarding the possibility of diminished property values in the area. He also addressed the possibility of water pollution in the area and appealed to the Board to deny the request by the applicant.
- Donald Hastings, Tolend Road, spoke in opposition to the proposal, citing the possibility of diminished property values.
- Mr. Landry noted that he did not intend to burn hazardous materials on the site. He also stated that the operation would be both retail and wholesale.
- The Board discussed the requirements for a special exception.
- Petition denied: 5-0.
- - Mr. Greenwood explained the procedure for application for a rehearing.

H84-17: Mr. McNeill requested that the application be withdrawn from the Board's consideration until the next regularly scheduled meeting.

Moved by Bertrand, seconded by Ciotti to adjourn at 10:50 p.m. U.A.