

DOVER ZONING BOARD OF ADJUSTMENT

MINUTES OF MEETING

Held: August 16, 1984  
Council Chambers  
Municipal Building  
Dover, NH

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

Alternate Member Present: Mardean Frazer.

Other: Building Inspector Dick Selleck.

**BUSINESS MEETING:**

Mr. Joy called the meeting to order at 7:15 p.m.

Moved by Mr. Bertrand, seconded by Mr. Joy to approve the minutes of the regularly scheduled meeting held on July 19, 1984.

U.A.

Discussion of the cases followed.

**REGULAR MEETING WITH PUBLIC HEARINGS:**

H84-46 C. Jeannie Lord, 45 Central Avenue, Assessor's Map 17, Lot 76E, zoned B-3, petitions for a variance from Article IX, 170-32:G3.d, for relief from the requirements of the sign ordinance relative to accessory wall signs.

C. Jeannine Lord explained the petition.

In response to a question from Mr. Ciotti, Ms. Lord and her contractor elaborated on the placement of the sign.

Upon questioning by Mr. Joy, Mr. Selleck noted that the applicant will install a legal free-standing sign, however she has also requested 2 accessory wall signs on the property. He stated that she was within the square footage requirements for the one accessory sign that is permitted in the ordinance.

No one spoke in favor or in opposition to the petition.

Variance granted: 5-0.

H84-46 Arthur J. And Winifred Grimes, 250 Dover Point Road, Assessor's Map L, Lot 96A, zoned R-20, petitions for a variance from Article V, 170-16, for relief from public road frontage requirements.

Arthur Grimes explained the petition.

The Board discussed the plans before them.

Jack MacLatchey, 245 Dover Point Road, spoke in favor of the petition.

Dave Campanale, 247 Dover Point Road, spoke in favor of the petition.

Tim Pearson, 246 Dover Point Road, spoke in favor of the petition.

Lumina Gross, 248 Dover Point Road, spoke in favor of the petition.

Mr. Joy raised concerns regarding the placement of the proposed right-of-way and possible safety problems.

The Board further discussed the plans.

Variance granted: 4-1 (Greenwood).

H84-48 James Coughlin, to the rear of Westgate Drive, Assessor's Map H, Lots 41-2 and 41-3, zoned RM-20, petitions for a special exception from Article VII, 170-27, to construct drainage facilities into a conservation district.

James Coughlin introduced the engineers for the project: Eric Mitchell and Don Rhodes. Mr. Mitchell explained the petition and answered questions from the Board.

Mr. Greenwood read the letter submitted by the Conservation Commission regarding its' review of this project's impact on the environment.

Jim Church, Lisa Beth Drive, raised concerns regarding the project's impact on the ski trail in the area. Mr. Coughlin noted that the Planning Board had included a condition in its approval which provides for the relocation of the trail.

John Gembinski, Lisa Beth Circle, raised concerns regarding the

preservation of the conservation district.

Special exception granted, contingent upon the recommendation of the Conservation Commission that in the H-414 Parking area a drop pipe is substituted for a sluice way: 4-1 (Joy).

H84-49 Robert C. and Sally Puth, 41 Cataract Avenue, Assessor's Map 14, Lot 10, zoned R-12, petitions for a variance from Article V, 170-16 for relief from front setback requirements.

Mr. Greenwood tabled this item until the end of the meeting due to the absence of the applicants.

H84-50 McManus and Johnson, (applicant The Cheney Companies), Assessor's Map 40, Lot 25, zoned B-3, petitions for a special exception from Article VI, 170-19, to construct a multi-family dwelling in a B-3 zone (Old Rochester Road).

Diane Langlois explained the petition.

In response to questioning from Mr. Bertrand, Ms. Langlois stated that the rendering depicted eight foot wide by eighteen foot long decks off of each unit. She noted that this did not infringe upon the setback requirements.

Ms. Weisman questioned the lack of an independent traffic study and the impact that such information may have on the project.

Ms. Langlois showed the renderings to the residents present and answered questions regarding the proposal.

Terrance Dunn, 54 Old Rochester Road, questioned the Board regarding the criteria for granting a special exception. Mr. Greenwood explained.

Dave Bennett, Strafford Road, raised concerns regarding the vacant City lot behind the lot in question and its impact on the project.

Daniel Kelleher, 3 Strafford Road, questioned the applicant regarding the provisions made for screening the property.

Jeff Calef, 6 Strafford Road, questioned the lack of a traffic study.

Mr. Kelleher spoke in opposition to the petition and cited traffic, including the site distance and stopping distance,

as well as pedestrian safety, as areas of concern..

Aldo Fantani, 7 Strafford Road, spoke in opposition to the proposal and cited traffic, pedestrian safety, the sewer capacity in the area and the project's impact on the character of the neighborhood as his concerns.

Joyce Dunn, 54 Old Rochester Road, stated that she was concerned the traffic impact of the proposal. She stated that she found the proposed use for the site "obnoxious".

Mr. Bennett spoke in opposition to the proposal. He reiterated the remarks made previously by the abutters.

Mr. Dunn spoke in opposition to the proposal and cited traffic problems in the area.

Andy Galt, 754 Central Avenue, spoke as a representative from the Council's Parking and Traffic Committee and as an ex officio member of the Planning Board. He reiterated all the concerns noted previously by the abutters and particularly emphasized the lack of a traffic study and a sewer and water study.

Arnold Peters, 55 Old Rochester Road, spoke in opposition to the proposal and requested that the Board reject the petition as submitted. He noted the absence of both the applicant and the owner.

Ms. Langlois responded to the concerns raised by the residents and stated that she had been led to believe by Jay Stevens, the City Engineer that the water and sewer availability in the area was adequate.

**Special exception denied: 5-0**

The Board noted that insufficient evidence had been presented by the applicant for the Board to grant a special exception. In addition, the Board stated that they did not feel the site was appropriate for the use proposed.

Mr. Greenwood called for a five minute recess. The meeting was called back to order at 9:15 p.m.

**H84-51** Arthur P. Gasses, (applicant William C. and Marcia J. Colbath), 241 Garrison Road, Assessor's Map J, Lot 1, zoned R-40, petitions for a variance from Article V, 170-16, for relief from public road frontage requirements.

Marcia Colbath explained the petition.

Mr. Ciotti abstained from the public hearing and was replaced by Mardean Frazer.

In response to a question from Mr. Bertrand, Ms. Colbath stated that there would be no further subdivision on the private right-of-way. She noted that access could be obtained off of Seaborne Drive.

Arthur Gasses further explained that his family will maintain the right-of-way.

Mr. Selleck, in response to Mr. Greenwood, clarified the ZBA's jurisdiction with regard to private roads.

Ms. Weisman raised concerns relative to future development off of the private right-of-way.

No one spoke in favor or in opposition to the petition.

Ms. Colbath noted that the Planning Board will consider the private right-of-way in its review of the subdivision.

Variance granted: 4-1 (Weisman).

H84-52 Winifield Scott Leighton Sr., (applicant Zone One Ltd.)  
29/31 Cushing Street, Assessor's Map 10, Lot 120, zoned  
RM-10, petitions for a variance to construct a seven-unit  
apartment building in an RM-10 zone.

Roomet Airing, architect, explained the petition.

Mary Leighton, granddaughter of the property owner, spoke in favor of the petition. She noted that it was the applicant's intention to preserve the building.

Joe Schiro, 35 Cushing Street, spoke in opposition to the proposal and noted the general opposition felt by most abutters. He presented the Board with a petition from 15 residents.

Theresa Manser, 24 Lexington Street, spoke in opposition to the proposal and noted that she did not fancy the idea of a parking lot abutting her property.

Jason Morris, Lexington Street, spoke in opposition to the proposal.

Mark Adams, 15 Cushing Street, spoke in opposition to the DOVER

proposal and cited the impact on the character of the neighborhood as his concern.

Mr. Greenwood read a letter of opposition from Mr. Henry Dozier Jr., 40 Cushing Street.

Mr. Airing responded to the concerns raised by the abutting property owners and stated that he felt the project was in keeping with the spirit and intent of the ordinance.

Eleanor Hendrix, 50 Cushing Street, raised concerns regarding the potential for increased traffic in the area. She also noted that she found it difficult to believe that historic preservation of the building was possible with the creation of seven units.

**Variance denied: 5-0.**

The Board cited lack of hardship in the land and the fact that the proposal was contrary to the spirit and intent of the ordinance as their reasons for denial.

Ms. Weisman noted that many of the concerns raised by the residents could be raised for a legal four-unit dwelling as well.

**H84-49** Mr. Greenwood removed the item from the table and the Board discussed the petition.

**Variance granted: 5-0.**

Meeting adjourned at 10:05 p.m.