

ZONING BOARD OF ADJUSTMENT
MINUTES OF PUBLIC HEARING

Revised

Held: October 18, 1984
Council Chambers
Municipal Building
Dover, NH

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

Alternate Members Present: Mardean Frazer; Charles Zamzow, Jr.

Other: Building Inspector Dick Selleck

BUSINESS MEETING

The meeting was called to order at 7:15 p.m. and comprised of discussion of the cases to be presented at public hearing.

REGULAR MEETING WITH PUBLIC HEARINGS

Chairman Peter Greenwood opened the meeting at 7:50 p.m. He introduced Board members and explained procedures of the public hearing.

H84-62 William Ridley, Jr., 1 Thompson Road (Applicant: Wayne D. Jaworski), known as Assessor's Map 21, Lot 2H, zoned R-12, petitions for a variance from Article V-170-17, for relief from the 10' sideyard setback requirements for an accessory building.

William Ridley, Jr. explained the petition. He also answered questions of Mr. Greenwood and Mr. Joy regarding alternate placement of building and footage.

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

Variance granted: 5-0

H84-63 Beverly Fisher, 3 St. John St., known as Assessor's Map 24, Lot 55, zoned RM-8, petitions for a variance from Article IV, 170-11B, for relief from the condition that a 3-unit dwelling in an RM-8 zone be permitted only a lot with at least 6,000 square feet.

Attorney James Ritzo of Portsmouth, representing Mrs. Fisher, explained the petition stating that Mrs. Fisher bought the building in 1981 and wanted to convert it back to a 3-unit apartment, which it originally was. He also stated that it had been very difficult for her to rent out a 5 bedroom apartment. Some of the rooms have been rented out to students while some have remained vacant.

In response to a question from Mr. Joy, Mr. Ritzo stated that the property had been purchased in 1981.

Mrs. Beatrice Morin of 5 St. John Street spoke in favor of the petition, stating that if rooms were converted into an apartment and a family rented it, it would be quieter than what it is with the students renting rooms.

No one spoke in opposition to the petition.

Variance denied: 5-0 (Did not see any hardship; violates the spirit and intent of the ordinance; cannot consider financial hardship)

H84-64 Albert H. and Helen C. Phipps, 374 Sixth Street (Applicant: Mercie Chick), also known as Assessor's Map E, Lot 26A, zoned R-40, petitions for relief from an administrative decision and/or seeks a variance from Article IV, 170-12, to develop a service club in an R-40 zone.

Attorney William Boc of Burns, Bryant, Hinchey, Cox & Shea in Dover, representing Mr. and Mrs. Phipps and Mercie Chick for the Iris Club, explained the petition and also explained that the Iris Club is a non-profit organization offering service to the community as a whole.

In response to a question from Mr. Greenwood regarding whether he would first like the Board to first consider the issue of whether or not the Iris Club could be considered a Country Club, Mr. Boc answered in the affirmative. This would be followed by discussion of the merits of a variance. Mr. Greenwood then explained that if it was decided that the Iris Club could be considered a Country Club, there would be no need to discuss the merits of a variance since a variance would not be required for a Country Club in this area.

Mr. Boc then proceeded by reading the definition of a Country Club and explained that the property in question had a large swimming pool, and that the Iris Club also has such activities as cross country skiing, hiking, and also had plans to have a tennis court and putting green. He explained that while the Iris Club is involved in many social and cultural activities, they also have recreational activities and therefore could be considered a Country Club.

Barbara Cusack of Merrimack, NH, a member of the Iris Club, spoke in favor of reversing the administrative decision. She stated that she had used many of the workshops sponsored by the Iris Club. Also, in their present location they are limited to the use of one or two rooms and she believes that the property in question would provide a Country Club atmosphere.

Attorney Jack Dolan of McNeil & Taylor in Dover, representing several abutters of the Phipps property, spoke in opposition to changing the administrative decision. He submitted to the Board certain requests for finding of facts in regards to the law. Mr. Dolan read the definition of a Service Club and was of the opinion that the Iris Club fit under the definition. He stated that the Iris Club in Portsmouth serves as a gathering place for a group of citizens united for a non-profit purpose.

Philip Morrissette, 410 Sixth Street, spoke in opposition to changing the administrative decision, stating that a Country Club is where you gather mainly for recreational purposes and he did not feel that the Iris Club would be using the property mainly for these purposes.

Jerry Scolameiro of Somersworth spoke in opposition to changing the administrative decision, stating that moving from Portsmouth to Dover would not automatically change the Iris Club from a Service Club to a Country Club.

Arnold Peters, Councilman at Large, 55 Old Rochester Road, spoke in opposition to changing the administrative decision on behalf of several residents who had contacted him regarding this matter. He felt that the Iris Club is more aligned with the definition of a Service Club than a Country Club.

In response to a question from Mr. Joy, Mr. Boc replied that the Iris Club is a chartered organization with by-laws, and that it also has covenants. He did not have a copy of the by-laws with him.

In response to questions from Ms. Weisman regarding bed & breakfast facilities and an apartment, Mr. Boc explained that when there are seminars, the people conducting them need a place to stay, and that the caretaker for the Iris Club would be living in the apartment.

Mr. Joy made a motion that the Board uphold the administrative decision that the Iris Club is a Service Club.

Mr. Zamzow seconded the motion.

The Board voted in favor of upholding the administrative decision - 5-0.

Next, Mr. Boc explained the petition for the requested variance. He discussed the history of the Phipps Farm - it consists of 22 acres, a very large farmhouse and a gigantic barn. He felt that there was not enough acreage for it to be economically feasible for farming, but that the proposed uses of the Iris Club would lend themselves perfectly to the property. He also stated that ^{if} the Iris Club were to buy the property there would no changes to the land.

Sharon Pantadosi of Merrimack, NH spoke in favor of the petition. She stated that she has been a member of the Iris Club for the past few years, but had only attended 5 or 6 meetings in the past two years. She felt that there would not be much increase in traffic since many of the members are from out of state and are not there all the time.

Mr. Dolan spoke in opposition to the petition. He passed out a list of abutters he was representing to the Board. He stated that the Iris Club is open until 1:00 a.m. most days, and that they have a liquor license. He also stated that there would be a traffic problem and that that part of Sixth Street is very narrow and there is a very dangerous curve there. He also felt that if there would be large numbers of people there until the early hours of the morning that this would clearly lower property values in the area. He also stated that the sewer facilities in the area would be inadequate. He felt that there was no unnecessary hardship in the land, and that there were many other permitted uses that the property could be put to.

Philip Morrissette spoke in opposition to the petition stating that he would rather see a pig farm go in than look out his window and see a parking lot. Other reasons he was opposed - there is a flood plain in the area; no sewerage in the area; there is a very dangerous curve in front of the property; it would diminish property values in the area.

Councilman Arnold Peters spoke in opposition to the petition on behalf of the people who had called him. They were happy with the area as it is now and did not want to see a Club going in this area.

Thomas Stinglen, 350 Sixth Street spoke in opposition to the petition. He stated that he is a Police Officer in Dover and feels that such places attract crime. Also, there is a traffic problem on Sixth Street now and he felt that it would increase if the Iris Club went in.

Martha Varney, 342 Sixth Street, spoke in opposition to the petition because of traffic problems.

Martha Haley, 407 Sixth Street, questioned whether the Iris Club would rent out to other organizations.

Mr. Boc replied that they wouldn't be doing this.

Philip Morrissette suggested that Mr. Greenwood ask for a show of hands of people opposed to the petition.

Mr. Greenwood stated that he would not do this.

Martha Haley spoke in opposition to the petition, reemphasizing traffic problems.

Variance denied: 5-0 (No unnecessary hardship in the land; violates spirit and intent of the ordinance; would diminish value of abutting properties.)

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

Kevin Cooper explained the petition. In response to a question from Mr. Greenwood, Mr. Cooper stated that his trucks would not be visible from the road.

Marguerite Watkins spoke in favor of the petition and stated she did not feel that Mr. Cooper's equipment would interfere with any of the abutters.

Stephen Towne, 33 Knox Marsh Road, spoke in opposition to the petition, stating he felt it would adversely affect the resale value of his property.

Edward Morin, 27 Knox Marsh Road, spoke in opposition to the petition, stating that besides trucks Mr. Cooper would have a lot of equipment such as wheelbarrows, tools, etc. and would most likely add more trucks/equipment in the future.

Karil Morin, 27 Knox Marsh Road, spoke in opposition to the petition for similar reasons, and because the property is in back of hers.

In response to Mr. Morin, Mr. Cooper stated that he only has two trucks now, but possibly would expand in the future.

Variance denied: 3-2 (Alden Joy; Geri Weisman; Mardean Frazer)
(No unnecessary hardship in the land; violates spirit and intent of the ordinance)

H84-66 Matt R. Williams, Jr., 28 Dover Point Road, also known as Assessor's Map L, Lot 95, 94B, zoned R-20, petitions for a variance from Article V, 170-16, for relief from public road frontage requirements.

Bonnie McGeary (Matt Williams' daughter) explained the petition and passed out copies of plan to the Board.

Discussion followed between Ms. Weisman and Ms. McGeary regarding frontage on lots.

In response to a question from Mr. Greenwood that if the variance were passed it would include both lots, Ms. McGeary answered in the affirmative.

Matt Williams III, Dover Point Rd., spoke in favor of the petition, stating that the City would not have to provide any additional services in the area if the variance were granted since plowing, etc. would all be handled privately.

Daniel McGeary, County Farm Road, spoke in favor of the petition.

Edward Hoginski, 230 Dover Point Rd., asked Ms. McGeary if the plans she had given the Board members was the same one that was at the Planning Office. Ms. McGeary replied that it was the same plan, only more precise.

Edward Hoginski spoke in opposition to the petition. Mr. Hoginski had with him two documents which he read from. The first was a letter dated 5/11/82 to Helen Smith (former owner) denying her request for a similar variance because there was no inherent hardship in the land; it was proven there was other access to the two lots; these two parcels of land were not big enough to warrant a city street. The second document was a letter dated 4/6/82 from Matt Williams, Jr. asking that the Zoning Board of Adjustment deny Mrs. Smith's request.

Mr. Hoginski presented copies of the letters to the Board.

Jerome Lipman, 218 Dover Point Rd., spoke in opposition to the petition because he sees no hardship.

Variance granted: 3-2 (Weisman; Greenwood)
(No hardship in the land; violates spirit and intent of ordinance)

H84-67 Estate of Ashton Rollins, Trustees, Three Rivers Farm, (Applicant: Edward Rollins, Jr.), also known as Assessor's Map N, Lot 2, zoned R-40, petitions for a variance from Article V, 170-16, for relief from public road frontage requirements.

Edward Rollins, Jr. explained the petition and answered questions of the Board regarding frontage.

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

Variance Granted: 4-1 (Weisman)

The meeting adjourned at 11:15 p.m.