

DOVER ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING

Held: December 20, 1984  
Council Chambers  
Municipal Building  
Dover, NH 03820

Members Present: Chair Peter Greenwood; Vice Chair Alden Joy;  
Dennis Ciotti

Alternate

Members Present: Mardean Frazer; Ann Turner

Other: Building Inspector, Dick Selleck

BUSINESS MEETING

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

Moved by Mr. Joy, seconded by Mr. Ciotti, the minutes of the previous meeting were unanimously approved.

Discussion of the cases followed.

REGULAR MEETING WITH PUBLIC HEARINGS

H84-66 Rehearing for Matt Williams, Jr., Dover Point Road, 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 minimum frontage requirements.

Mr. Greenwood asked if anyone had any objections to any Board member voting on this petition.

Edward Hoginski, 230 Dover Point Road, requested that Dennis Ciotti refrain. Mr. Ciotti agreed to do so.

Attorney Walter Mitchell of Laconia, representing Mr. Williams, explained the petition to the Board. He stated that the Williams' are proposing to the Planning Board the subdivision of land on the Dover Point Road, which they wish to divide into 16 lots. They would construct a very exclusive residential development. All proposed lots have 125' frontage. The variance is requested to allow them to build a private road rather than a city street. If granted, they would build the private road to the specifications of the Planning Board. People living in the development would be responsible for the cost of road maintenance, garbage collection, etc.

Mr. Greenwood asked if the uniqueness in this property is the knoll in the middle of the property to which Mr. Mitchell answered yes, that this type of land lends itself to more privacy.

Ms. Turner asked if the lots would still have 125' frontage if these people were willing to develop to the specifications of the City. Mr. Mitchell answered in the affirmative.

Mr. Ray Taylor, engineer on the project, clarified lot sizes on the map for the benefit of the Board members.

No one spoke in favor of the petition.

(over)

The following persons spoke in opposition to the petition:

1. Edward Hoginski, 230 Dover Point Road. Mr. Hoginski felt that granting variance would lead to diminution of property values because the high density in the area, with lack of curbing and storm drainage would cause drainage problems on lower elevation. He also did not think it would benefit the public in any way and would be the first step in the breakdown of the zoning ordinance. Mr. Hoginski added that denial of this request would cause no hardship whatsoever for Mr. Williams. There is nothing unique about this property that would distinguish it from any other in the area. Mr. Hoginski did not feel that this request meets any of the requirements for granting a variance.  
  
He distributed a copy of a letter to the Board that was a denial to Mrs. Snook, former owner, who had requested the same variance.
2. Mr. Bill Wilson, 225 Dover Point Road. Mr. Wilson was opposed for similar reasons. He feels that Mr. Williams wants a private road so that he can build more houses than originally requested. He also feels that this would be a difficult road for a fire engine, school bus, etc. to maneuver since there is no turn around.
3. Mr. James McAdams, 7 Riverside Drive. Mr. McAdams stated that he is opposed to this petition for the main reason that there is no hardship whatsoever involved. He also stated that the residents of the area are very concerned about a large housing development going in.
4. Mr. Rene Plante, 222 Dover Point Road. Mr. Plante stated that he owns 5 acres north of Mr. Williams and bought the land with the understanding that adjoining acreage would be strictly for single family residences (one per 5-acre lot). If development is constructed, one of the houses would be only about 65' from his property. He stated that when the lots were sold in 1979 the Planning Board had placed a restriction on the property to this effect.

Attorney Mitchell at this point stated that whether or not the variance is granted, the number of houses constructed would be the same - 16. He also stated that drainage and curbing requirements would be met.

Ray Taylor stated that the Fire Department had reviewed and approved the layout plan for the development.

Further discussion of this case followed between Board members, abutters, and members of party requesting variance.

Ms. Frazer made a motion that variance be granted, stating that it would enhance the area and it would be an injustice not to grant it. She stated she did not feel it would violate the spirit and intent of the ordinance.

Mr. Joy seconded the motion for similar reasons as Ms. Frazer, also stating that Mr. Williams does not have reasonable use of this land without this variance.

The Board voted on the motion - 2-2 (Greenwood, Turner).

Following further discussion of the request it was stated that owner would go ahead with the development whether or not variance was granted. Mr. Joy stated that he did not find sufficient hardship in the land to grant the variance. He felt that reasonable use of the property was not being denied.

Variance denied - 3-1 (Greenwood, Joy, Turner)

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H84-72 Charles S. & Rosemary Seachrist, 115 (117) Spur Road, also known as Assessor's Map L, Lot 117, zoned R-20, petitions for a variance from Article VII, 170-27D, to subdivide a lot which does not support the minimum lot size outside of the Conservation District, and petitions for a special exception from Article VII, 170-27C-2, to construct a dwelling unit within the Conservation District.

Mr. Seachrist explained the petition to the Board, stating that if the Conservation District were not involved, there would be no need for a variance.

Roland Taylor, 127 Spur Road, spoke in favor of the petition, and stated that the request does conform to dwelling units in the area. All neighbors in the area are in favor of it.

Grant Davis, 109 Spur Road, also spoke in favor of the petition. Mr. Grant does not feel that the reasons stated in Conservation District Manual apply to this small piece of land and that denying variance would take away Mr. Seachrist's right to use his land.

Roland Taylor stated that the environmental impact of building on this land was nil.

Arthur Thomits, Chairman of the Conservation District in Dover, spoke in opposition to the petition, stating that they are trying to maintain the integrity of the Conservation District.

Harold Preston, member of the Planning Board, stated that when they did the environmental impact study they were not aware of the 20,000 square foot requirement.

Further discussion followed regarding the 20,000 square foot requirement.

Ann Turner moved that the variance be denied, stating that approving it would create non-conformity and would be in conflict with spirit and intent of the ordinance.

(over)

Ms. Frazer seconded the motion.

Variance denied - 4-1 (Greenwood, Joy, Frazer, Turner).

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H84-75 Hannaford Brothers Company, Central Ave. (former site of Garrison Hill Greenhouse) (Applicant: Papa Gino's of America, Inc.), known as Assessor's Map 37, Lot 24A, zoned B-3, petitions for a variance from Article II, 170-6 (definition of a lot), to permit the construction of an additional principal building on the lot.

James Dunn of Dunn Engineering in Foxborough, MA explained the petition to the Board.

Mr. Joy questioned Mr. Dunn as to parking in the area.

No one spoke in favor of the petition.

Roger Boisse spoke in opposition to the petition, stating that he does not think it is in the spirit and intent of the ordinance.

Ms. Turner asked if Garrison Greenhouse felt that their parking spaces would be infringed upon. Mr. Dunn replied that he did not see any problem with parking in the area.

Ms. Turner asked what provision, if any, has been made for snow bank removal. Mr. Dunn replied that this would be something that would have to be taken care of.

Mr. Boisse stated that the parking lots in the area are always filled to capacity now and this would only make matters worse if variance is granted.

Ms. Frazer moved to deny variance, stating it is not in the spirit and intent of the ordinance and there is no hardship involved.

Mr. Joy seconded the motion.

Variance denied, 5-0.

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H84-76 Marguerite Watkins, north side of Knox Marsh Road (Applicant: Kevin & Lydia Cooper), also known as Assessor's Map H, Lot 33, zoned R-20, petitions for a variance from Article IV, 170-11, to operate an open storage area in an R-20 zone.

Randy Orvis, designer of site plan, explained the petition.

Mr. Cooper distributed pictures of the property to Board members.

Ken Morin, Littleworth Road, spoke in favor of the petition.

Stephen Towne, 33 Knox Marsh Road, spoke in favor of the petition.

No one spoke in opposition to the petition.

Ms. Turner asked if there were other areas in Dover that are zoned for open storage.

Mr. Cooper stated that this land is right near the industrial area.

Mr. Joy asked what is behind the lot.

Mr. Cooper stated that there are trees behind the lot.

Ann Turner made a motion that the variance be granted.

Mardean Frazer seconded the motion, stating that it would be a substantial injustice not to do so, and there would be no diminution of property values in the plan as presented. This use would be consistent with the spirit and intent of the ordinance.

Variance granted - 3-2 (Ciotti, Joy)

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The meeting adjourned at 11:00 PM.