

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: February 28, 1985
Council Chambers, Municipal Building, Dover, NH

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

Alternate Mem-
bers Present: Mardean Frazer; Anne Turner

Also Present: Bill Hunt, Alternate; Dick Selleck, Building
Inspector

BUSINESS MEETING

Mr. Joy called the meeting to order at 7:15 PM.
Bill Hunt, new alternate, was introduced to Board members.
Discussion of cases followed.

REGULAR MEETING WITH PUBLIC HEARINGS

Mr. Greenwood called the meeting to order at 7:35 PM. Mr. Green-
wood introduced members of the Board and explained procedures of
the public hearing.

H85-05 Albert Cherry Trust, 75 Dover Point Rd. (Applicant:
Nordic Stove Shoppe, Inc. (James Miller, Jr.)), known
as Assessor's Map M, Lot 24A, zoned B-1, petitions for
a variance from Article IV, Section 170-12, for relief
from restrictions governing outdoor storage and display.

James Miller explained the request to the Board and presented a
sketch showing what he proposes to do. Mr. Miller also presented
a paper to the Board with the signatures of 33 abutters to the
property who have no objection to his proposal. He stated that
he believes there is hardship in this case, since the zoning laws
have caused this piece of property to devaluate.

Mr. Miller answered questions of the Board.

No one spoke in favor of the request.

No one spoke in opposition to the request.

In response to a question from Mr. Ciotti, Mr. Miller replied
that the gas tanks that are there will be removed from the ground.

After Board discussion of the request, Mr. Joy made a motion that
the variance be approved as requested.

Dennis Ciotti seconded the motion.

Variance Granted 5-0.

H85-06 George Demetracopoulos, 690-92 Central Ave., known as Assessor's Map 29, Lot 4, zoned O, petitions for a variance from Article IX, Section 170-32, for relief from the minimum setback requirement for a freestanding sign and the 4 square foot limit.

Anthony Demetracopoulos presented photos of the building in question to the Board and explained the request stating the hardship of this building is that business tenants cannot properly identify their businesses. This factor has the ability to diminish renting to future tenants. Mr. Demetracopoulos stated there are two reasons they are requesting a 12' sign: the designer feels it would be more in keeping with the size of the building, and also a larger sign would be better for visibility. At this time, Mr. Demetracopoulos also stated they wish to adjust their request to 2 freestanding signs instead of 1. Given the building is 6 units and their goal is 6 tenants, they would be limited to 4 square feet per tenant which would not be sufficient. They would like to have 2 signs, one on each side, both inside the hedgerow.

No one spoke in favor of the request.

No one spoke in opposition to the request.

Anne Turner asked if it is correct that they are requesting a variance for 2 freestanding signs, one on the north and one on the south, inside the hedgerow.

Mr. Demetracopoulos replied in the affirmative, however he stated at this time they were requesting 2 signs, 18' each.

Mr. Greenwood asked if Mr. Demetracopoulos had discussed this at all with the Planning Director.

Mr. Demetracopoulos said no, but that he had discussed it with the Building Inspector.

Board discussion of the case followed.

Ms. Frazer made a motion to deny the request on the basis that it goes against the spirit and intent of the sign ordinance.

Mr. Ciotti seconded the motion.

Variance denied, 4-1 (Joy).

H85-07 Van E. Hertel, Knox Marsh Rd. (Route 155), (Applicant: Van E. Hertel, Treasurer, Northern Land Traders), known as Assessor's Map H, Lot 32A-1, zoned R-20, petitions for a variance from Article 4, Section 170-11 for construction of a warehouse for use in a residential zone.

Attorney Jack Dolan of McNeil and Taylor in Dover, explained the request, representing Mr. William McQuade. Mr. Dolan presented papers and documents to Board members. He explained that the parcel of land in question is 6 acres in a residential zone. The request is for a self-service storage center. Mr. Dolan passed around a picture of a building similar to what is being requested.

Mr. Dolan explained that this parcel of land is in close proximity to the industrial area which includes Davidson Rubber, Leoca Construction, etc. He also presented an aerial view of the Soil Map for area in question.

He stated that the hardship in this land is it's poorly draining soil which causes very severe development limitations. The water table in this area is near the surface 7 to 10 months of the year.

Francis Hall, a Hydrologist, explained that the soil in the area is very poor as far as drainage. It is developed on marine clay. The water table is very shallow. The land can be developed, but it would be cost prohibitive for residential use.

Mr. Dolan asked Mr. Hall if the property would be feasible for the purposes Mr. McQuade wishes to use it for.

Mr. Hall replied that it would be fine for such use, much better than putting a residence on this property.

Anne Turner questioned how stable it would be if a concrete slab is put under building and if it would be subject to mud slides.

Mr. Hall replied that there would have to be some engineering design but stated that land in question is too flat for mud slides.

Mr. Dolan stated he feels this proposal would be beneficial to the public interest and that it is an economically feasible proposal. There would be no detriment in terms of increased traffic. Also, no diminution of property values. This land is in a low lying area and they would erect whatever screening is necessary. We would want the building to fit in with the character of the neighborhood. The building could be designed very attractively. Mr. Dolan felt that the request is in the spirit and intent of the ordinance according to Zoning Ordinance 170-3.

Mr. Dolan felt that it would be unjust not to grant variance since the owner would be faced with prohibitive expenses if he were to develop this property. Mr. Dolan stated he did not have a sewer map of the area with him but that it would cost \$35 to \$40 per square foot to connect to sewer line approximately 1,000 feet away. He explained that for a residence on this property they would need to connect sewerage but for proposed use they would have a holding tank.

Paul McQuade, 10 Towle Ave., spoke in favor of the request. He stated that he has been driving through this area for years and little by little it has changed from a residential area to an industrial area because of the poor quality of the land. Everyone in this area has had to put in quite a bit of fill. As a result of the poor soil and drainage, people constantly have to have their septic tanks repaired. This property is not feasible for single home. The variance should be given consideration because of the hardship involved in this property. There is a

need for this type of facility in this area in Dover.

Bert Michaud, 21 Knox Marsh Road, spoke in opposition to the request. He bought his home in 1968, has lived there for 17 years. He is opposed because of water drainage problems in the area. He feels they should have a leach field put in if they wish to build here.

Walworth Johnson, Knox Marsh Road, spoke in opposition to the request for similar reasons as Mr. Michaud. He thinks the real issue is their right to exercise protection of the law to keep their residential area residential. He feels that the hardship here is that a piece of land was bought and the people are not able to use the land for the purpose it is zoned for. I feel it would devalue my property if this storage building is built next to it. I feel the people in this area support the zoning ordinance and are opposed to this proposal.

Marguerite Watkins, Knox Marsh Road, spoke in opposition to this request stating the land is very wet and is right near her property. If they put any kind of building there, they would have to put slabs there and it would affect the drainage of my land.

Mr. Dolan again went over the difficulties of building a residence in this area, and stated the requested use would be perfect for this area.

Paul McQuade, Towle Ave., stated the neighbors properties stand substantially higher and would drain onto property in question. Also stated this is a changing neighborhood.

Bill McQuade showed a map (City of Dover) showing drainage in area. He stated proposal would be a residential self-storage center, not industrial storage center.

Mr. Joy asked Mr. McQuade to explain area on drainage map where site is located. Mr. McQuade did so.

Mr. Michaud and Mr. Johnson again spoke in opposition.

Mr. Greenwood stated the public hearing closed at this time.

Ms. Frazer made a motion to deny the request because it violates the spirit and intent of the ordinance, and granting the variance would be an injustice.

Anne Turner seconded the motion.

Variance denied, 5-0.

H85-08 Eugene & Maura Byrne, 69 Glenwood Ave., known as Assessor's Map D, Lot 21, zoned R-12, petition for a variance from Article V, Section 170-16, for relief from the 100' frontage requirements on a public right of way.

Maura Byrne explained the request to the Board. She explained they are requesting a right of way from property to Glenwood Ave. They have no immediate plans to build on the property.

The following abutters stood up and stated they have no objections to the request: Phil Williams, 10 Crestview Dr.; Tom Hoeing, 2 Crestview Dr.; Les Roseneau, 8 Crestview Dr.

No one spoke in opposition to the petition.

Mr. Joy questioned whether in an R-12 zone the septic system comes under 20,000 or 30,000 square feet.

Mr. Selleck replied 20,000 square feet.

Mr. Joy questioned whether there is city water in area.

Mrs. Byrne replied in the affirmative.

Mr. Greenwood stated that his concern in voting to grant this variance is that in the future a home would be built onto the narrow strip.

Mrs. Byrne stated the narrow strip would be used for a driveway and the house would be built on the large lot.

Mr. Joy made a motion to grant the variance with the stipulation that the 70' x 300' strip would not be used for structural use.

Ms. Frazer seconded the motion.

Variance granted, 5-0.
