

DOVER ZONING BOARD OF ADJUSTMENT

MINUTES OF MEETING

Held: Thursday, July 18, 1985

Place: Council Chambers, Municipal Bldg., Dover, NH

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BUSINESS MEETING

Members Present: Alden Joy, Vice-Chairman; Bill Hunt; David Bertrand, Dennis Ciotti

Alternates Present: Mardean Frazer; Anne Turner

Other: Dick Selleck, Building Inspector

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

It was announced that Bill Hunt, previously an alternate, is now a regular member of the Board.

On the motion of Dennis Ciotti and the second of David Bertrand, minutes of previous meeting were unanimously approved.

Board voted to schedule request for rehearing for George Demosthenes for the meeting which will be held July 25, 1985.

Discussion of cases followed

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Alden Joy called the regular meeting with public hearings to order at 7:45 PM. He proceeded to explain how public hearing is conducted and also introduced members of the Board.

H85-31 Eunice Tapscott, Middle Rd., also known as Assessor's Map M, Lot 5, zoned R-40, request a variance from Article V, Section 170-16, for relief from frontage requirements.

Mark Wentworth, representing Ms. Tapscott, explained the request to the Board. He explained that Ms. Tapscott would like to sell 20.3 acres of land and must keep 21' on the road for a 20 acre lot. The property line is within 5' of a paved driveway. There is too much excavation to move driveway and also there is a fire hydrant there.

Mr. Joy asked if she wishes to open the 20 acres out back of the property. Mr. Wentworth replied in the affirmative.

Mr. Bertrand requested if the existing house meets setback requirements to new proposed property line. Mr. Wentworth replied that it does.

Nobody spoke in favor of the request.

Craig Williams, Dover Point Rd., spoke in opposition the the request. He stated he lives directly across the street and he feels the property has excessive frontage with an extremely

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narrow entrance and to approve the request would start a precedent in the area. He also stated there is no hardship involved and the land can be used in other ways.

Matt Williams, 28 Dover Point Rd., stated the opposition of his company for similar reasons. He owns property on the northerly and westerly sides of the area and feels this will be a prime building area in the future in Dover.

James Andrews, Middle Road, also spoke in opposition to the request stating that when they start grading in the area the water will wash down into his driveway.

Harold Preston presented a copy of Ms. Tapscott's deed for information purposes stating she could sub-divide without a variance if she keeps 6 acres for herself. She is allowed to do so if there are 2 separate tracts in the deed.

Mr. Selleck stated that the tax map does not reflect 2 tracts of land.

Mr. Joy closed the public hearing at this time.

David Bertrand made a motion to grant the variance as requested because it is in the spirit and intent of the ordinance and there would be a hardship in the land because of the limited frontage.

Dennis Ciotti seconded the motion.

Variance granted, 4-1 (Joy).

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H85-32 Spinelli Corp., Heritage Hill Apartments, Portland Ave., also known as Assessor's Map 25, Lots 43B, 43B-1, 43B-2, 43C-1, 43C-2, zoned B-3, R-12, requests a special exception for the addition of 14 dwelling units and a separate management office.

Alden Joy stated that Dennis Ciotti would chair for this case and he stepped down since he is an abutter. Anne Turner sat on this case also.

Thomas Harmon of Civil Consultants in South Berwick, ME, representing Spinelli, presented the case to the Board. He explained that the addition of these units would bring the total number of units to 139 within existing development. He explained where the additional units would be located and also stated they would be adding 14 parking spaces by reorganizing the existing parking area. He stated they would not be encroaching in R-12 zone with new construction or parking. He stated their present occupancy is approaching 100% and there is a need for multi-family housing in the area. He also stated that this proposal would not create any additional traffic congestion and stated that Jay Stevens had said that sewerage would not be a problem. He stated it is

an appropriate location since there are already apartments there and it would not be offensive or noxious to the neighbors. He also feels it would be in the spirit and intent of the ordinance.

Mr. Bertrand asked whether there would be any paving being done.

Mr. Harmon replied that there would be no paving being done and that the existing parking area would be rearranged to accommodate 14 additional parking spaces.

Nobody spoke in favor of the request.

John Abbott, 6 Elmwood Ave., spoke in opposition stating that compacting present area with 14 more units would create more noise than there already is. He also stated he feels it would add to the existing traffic problem in the area and does not feel the request should be granted.

Thomas Lauher, 8 Elmwood Ave., also spoke in opposition stating that the noise impact from the area in question is very bad. He stated that his chief opposition is because it would add to the traffic problem in the area, a heavily used part of Portland Ave. for vehicles as well as pedestrians. He also stated he does not feel it would be in the best interest of the public.

Patrick Roche, 16 Elmwood Ave., also spoke in opposition because of sewerage problems.

Alden Joy, 12 Elmwood Ave., spoke in opposition to the request mainly because of safety reasons since many recreational activities take place in the area. Many children are often crossing the street to go the store. He stated that when granting a special exception certain zones are allowed to put in things which normally would not be there, if there are no mitigating circumstances which make it detrimental to the citizens. He also stated that, contrary to what application states, there is not 9.2 acres there. He also felt that with the addition of a new management office there could be increased truck traffic in the area. Mr. Joy also presented pictures to the Board of the Dover Arena when a swim meet was taking place. He stated his feelings that since this is a recreational area of Dover, a child's life is more important than adding additional units.

Michael Spinelli stated he had met with Chief Reynolds that morning and he did not feel there would be a traffic problem. Coming out of the driveway, there is an unobstructed view of 1,000' down, 600' up. Regarding noise, he stated the new units would be facing into the complex and would not create additional noise.

Mr. Bertrand asked how many people would be working in office.

Mr. Spinelli said that 4 people would be working there.

Mr. Hunt asked Mr. Spinelli if he lives in the complex. Mr. Spinelli replied that he does not.

Ann Turner asked how many parking places there are not.

Mr. Harmon replied that there are presently 188. The additional spaces would bring total up to 213. He stated that the plan presented is only a concept and is meant to delineate areas where parking spaces would be.

Ms. Frazer asked if other people come into the office in the morning to receive instructions.

Mr. Spinelli stated that just the 4 employees previously mentioned come into the office.

Mr. Ciotti asked how many people come in and out of the office during the day.

Mr. Spinelli replied that they are not adding any additional people to the office, only space and that office traffic would not increase except during construction period (8 to 10 months).

In reply to a question from Ms. Turner, Mr. Harmon replied that he does not know if the water serving this area comes from the holding tank on top of Garrison Hill.

Mr. Spinelli stated there had been a problem with water pressure in the area but that it has been corrected. A flow test was done and it was up to the State of New Hampshire standards.

Dennis Ciotti declared the public hearing on this case closed.

Mardean Frazer made a motion to deny the special exception on the basis that it is offensive to the neighborhood and would create additional traffic congestion on Portland Ave.

David Bertrand seconded the motion.

Variance denied, 5-0.

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H85-33 Forbes & Parks, Forest St. - This application was withdrawn.  
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H85-34 Helen R. Williams, 24 Dover Point Rd., also known as Assessor's Map K, Lot 27, zoned R-12, requests a variance from Article V, Section 170-16, for relief from road frontage requirements.  
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Bonnie McGeary, representing Helen Williams, presented the case to the Board. Ms. McGeary distributed maps to Board members. She stated the lot has 127' of frontage, close to 1,000' deep and is presently used for strawberries. They wish to have farm access.

Ida Purpura, 20 Dover Point Road, spoke in favor of the request.

No one spoke in opposition to the request.

Alden Joy closed public hearing.

Bill Hunt made a motion to grant the request because of hardship.

David Bertrand seconded the motion.

Mardean Frazer stated she feels it would an injustice not to grant the request.

Variance granted, 3-2 (Joy, Ciotti)

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H85-35 Jeffrey R. & Sara B. Lapoint, 27 Old Stage Rd., also known as Assessor's Map F, Lot 41A, zoned R-40, requests a variance from Article VII, Section 170-28.3, to construct a building in a Well Site Protection District.

After some discussion regarding the new law concerning construction in a Well Site Protection District, the Board informed Mr. & Mrs. Lapointe that they would have to get some clarification and would inform them as soon as possible regarding a decision. Tabled - 5-0.

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Discussion of a request for a rehearing on case H85-25 (Tamposi) followed. The request was denied, 5-0. No new evidence has been presented which changes the decision of the Board. Traffic surveys were support documentation for the moratorium. 170-28.2 was designed to manage development activities at Weeks Traffic Circle with the growth management criteria that no new structures or additions be permitted on those parcels of land that derive access from the Weeks Traffic Circle.

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The meeting was adjourned at 10:15 PM.