

DOVER ZONING BOARD OF ADJUSTMENT

MINUTES OF MEETING

Held: Thursday, August 15, 1985
Council Chambers, Municipal Bldg., Dover, NH

Present: Alden Joy, Chairman; Bill Hunt, Vice Chairman; Dennis Ciotti
Ann Turner, Alternate

Other: Dick Selleck, Building inspector

BUSINESS MEETING

The meeting was called to order at 7:15 PM. Ann Turner made a motion to approve the minutes of the previous meeting. Dennis Ciotti seconded the motion. Unanimously approved.

Discussion of cases followed.

REGULAR MEETING WITH PUBLIC HEARINGS

Chairman Alden Joy called the meeting to order at 7:33 PM. He then introduced Board members and explained the procedures of the public hearing.

Rehearing on case numbers H85-22, S & H Enterprises, Inc., north of Mast Road, Assessor's Map H, Lot 60; H85-23, Prue Realty, Inc., north of Mast Road, Assessor's Map H, Lots 59 & 61; and H85-24, James P. Griffin, off Mast Road, Assessor's Map H, Lot 62, requesting a variance from Article VIII, Section 170-30C, for relief from the requirement which prohibits excavation within 20' from any lot line.

Attorney William Cullimore, representing the three gentlemen requesting the variance, presented the case to the Board. He stated that he had submitted a letter to the Board stating reasons they were requesting a rehearing.

Mr. Proulx spoke in favor of the request and also stated that there are two other areas in Dover where they have done the same type of excavation as at the property in question and there have never been any sand or dust storms and also it did not stop people from buying property in the area.

John Torr spoke in opposition to the request because of the city wells in the area, he feels it would decrease property values in the area, and no hardship involved.

Pierre Bouchard, Dover Public Works Director stated he is not opposed to the request, however he would like to see plans that show what the topography of the land will be after they are through excavating.

Harold Preston, Vice Chairman of the Planning Board, presented pictures of the area to the Board. These pictures showed tires, rocks, drums, stumps, etc. and stated the Planning Board is very concerned about this request since the property is over our wells.

(over)

Mr. Cullimore stated that the applicants intend to fully conform to City specs after excavation and will regrade property.

Ann Turner asked what the nature of the hardship is that the 40' wide berms produce.

Mr. Cullimore replied that the reason the berms are there is because of the prohibition of excavating within 20' of lot lines. The berms consist entirely of sand and gravel which his clients wish to remove and sell and they can make the best use of their property. The 20' prohibition prevents them from removing this sand and gravel.

Ann Turner asked if there is any sand and gravel left on the properties except for the berms.

Mr. Cullimore replied that the pits are very close to being exhausted.

Mr. Sanborn of S & H Enterprises explained that the material that is there is such that they have to mix it. If they can use the berms, they can blend it in and use it.

Alden Joy stated the drawing they had was very sketchy and wondered how close are they to grade line now except for the berms.

Mr. Sanborn stated that as far as the berms are concerned they are getting to the point of the 20' frontage (about 100' on one side, and about 30' on two of the other sides).

Mr. Sanborn also stated they are well above the 5' city requirement for a grade line above the well.

In reply to a question from Mr. Selleck, Mr. Griffin stated it would be hard to estimate what it would cost to grade and reseed after excavation to comply with city requirements.

Mr. Selleck asked if there would be any objection to putting a performance bond for compliance with city requirements.

Ann Turner asked how many acres they are currently excavating on Mast Road.

Mr. Griffin replied approximately 2 acres.

Ann Turner asked if other areas they had excavated were returned to their original condition.

Mr. Griffin replied that they were.

Alden Joy asked if there is standing water on one of the pieces of land.

Mr. Proulx stated that there is not. Any water standing is from the processing of sand and gravel and that no surface water stays around that area.

Bill Hunt asked if they anticipate burying the tires when area is reclaimed.

Mr. Proulx replied that it would be graded to remove tires at any time.

In response to a question from Ann Turner, Mr. Proulx stated they never hit water when digging the hole where the tires are.

Alden Joy asked Mr. Cullimore if his clients would accept stipulations in order to remove the berms that there would be some timed reclamation that could be overseen by the Public Works Department or the City Engineer in recovering and reseeding the area after excavation.

Mr. Cullimore stated that the Board has the power of putting stipulations on cases.

Alden Joy closed the public hearing at this time.

After Board discussion of the case, Alden Joy made a motion to grant the request with the following stipulations:

A topographical outline of the removal intended and the recovery intended at the time that this should be done will be presented to the Public Works Director and/or the City Engineer and be approved by the Public Works Director and/or the City Engineer and will be monitored by either of them.

Ann Turner seconded the motion.

Variance granted, 4-0 with stipulations as outlined.

Alden Joy reopened public hearing.

H85-40 Robert & Jeannine Crouch, Long Hill Rd., was tabled at the request of an abutter, Norman Brown due to the improper advertisement of the lot number (advertised as 63A, however should be 43A).

It was agreed that this case would be tabled under the August 22nd meeting.

H85-41 Elmer & Evelyn Forbes, northerly side of Tolend Road, also known as Assessor's Map E, Lot 64, zoned R-20, request a variance from Article X, Sections 170-40 & 41, for relief to construct a garage to be used in a non-conforming auto service business.

Attorney Anthony Hartnett, representing Mr. & Mrs. Forbes, presented the case to the Board. He stated that the Forbes' had recently acquired an additional 50' of depth on their property and they would like to place a garage behind existing house. It would comply with the rear setback requirement. It would consist of 2 bays large enough to accommodate 4 cars and a small storage area. Mr. Forbes and his son operate an automobile repair business here. He stated that there is a hardship and the request would be in the spirit and intent of the ordinance because they are seeking to relieve congestion on the side of the building and move it out back. It would tidy up the lot. Also, it would not adversely effect property values in the area. Mr. Hartnett presented a petition from many of the neighbors indicating their support for Mr. Forbes' request.

Donald Forbes (son) spoke in favor of the request stating their main reason for wanting to build this garage is to be under cover during the cold months. It is very cold working on cars outside.

Jay Beckingham, 345 Tolend Rd., spoke in favor of the request. He stated there have never been any problems since he's lived in the area and he hopes the city will allow the Forbes' to do this.

Tom Dennis, Tolend Road, also spoke in favor of the request.

Mrs. Cloutier, Tolend Road, spoke in favor of the request.

Attorney Steve Mills of Kelly & Kelly in Manchester, representing 7 Dover residents (3 are abutters), spoke in opposition to the request stating they feel there would be diminution of property values and it would increase the traffic on an already busy road. Also, no hardship demonstrated. Also, contrary to the spirit and intent of the ordinance.

Donald Forbes stated there would be no expansion, they simply wish to be able to work inside.

Ann Turner asked what the square footage of the area is as it exists now.

Donald Forbes replied it is 20' long and 9' wide.

Alden Joy asked Mr. Forbes how many unregistered vehicles he has on his land to which he replied one or two.

Alden Joy asked if they intend to discontinue using the present area if variance is granted to which Mr. Forbes replied no.

Alden Joy closed the public hearing at this time.

Dennis Ciotti made a motion to deny the request because there is no hardship and it is against the spirit and intent of the ordinance.

Bill Hunt seconded the motion.

Variance denied, 4-0.

H85-42 Roger O. Boisse, 869 Central Ave., also known as Assessor's Map 38, Lot 5, zoned B-3, requests a variance from Article X, Section 170-41A, for expansion of a non-conforming structure with insufficient side setbacks.

Roger Boisse stated that due to increase in local Dover area, it has become necessary to expand. The building no longer conforms to zoning regulations creating a hardship, therefore I am seeking a variance. Would like to build a 20' addition, 7' from right of way, which is deeded in his name.. It would not affect adjacent businesses in positive or negative way. He stated his feeling that it would be an injustice not to grant the variance.

David Hudon, representing Shaw's, stated their opposition. They feel there would be a parking space reduction, causing more people to park at Shaw's.

Mr. Boisse stated he would be losing 4 parking spaces, but that he is over the limit for parking spaces for the number of seatings.

Bill Hunt stated that on the plan Mr. Boisse shows a 3 story proposed addition and asked what each story would be used for.

Mr. Boisse stated the first floor (basement) would be used for storage.

second for more kitchen space, and third for additional bathrooms.

In reply to a question from Ann Turner, Mr. Boisse stated there would be one common roof.

Alden Joy closed the public hearing at this time.

Ann Turner made a motion to grant the request because of hardship, and in the spirit and intent of the ordinance.

Dennis Ciotti seconded the motion.

Variance granted, 4-0.

Alden Joy read a letter from Attorney John Dolan, Jr. representing the Elliott Rose Company requesting a rehearing on case H85-31, Eunice Tapscott.

After some discussion, the Board voted to grant a rehearing which will be held at the September 19th meeting.

Vice Chairman Bill Hunt read a letter from the office of Gregoire, Calivas and Gray on behalf of Spinelli Corporation, requesting a rehearing on H85-32.

After some discussion, the Board voted to grant rehearing for September 19th meeting.

Meeting adjourned at 10:00.

