

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: Thursday, September 12, 1985
Council Chambers, Municipal Building, Dover, NH
Present: Chairman Alden Joy; Vice Chairman Bill Hunt; David
Bertrand; Mardean Frazer
Alternates: Ann Turner; John Torr
Other: Dick Selleck, Building Inspector; Tom Clark, Assistant
Building Inspector

BUSINESS MEETING

Meeting was called to order at 7:10 PM by Alden Joy.

Mr. Joy read a letter from Elmer & Evelyn Forbes requesting a rehearing on case H85-41.

After some discussion, David Bertrand made a motion to deny the request for rehearing since no new evidence had been submitted.

Ann Turner seconded the motion. The Board voted 5-0 to deny the request.

Discussion of cases followed.

REGULAR MEETING WITH PUBLIC HEARINGS

Chairman Alden Joy called the meeting to order at 7:37 PM. He then introduced Board members and explained procedures of public hearing.

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

This case had been tabled at the July 18th meeting, pending judgment on regulations in a Well Site Protection District from the Planning Board.

A letter from the Planning Board to the Zoning Board, dated 7/31/85, discusses the Lapointe application for a variance to build a garage and pave his driveway. The letter states that the Planning Board has no objection to the request.

David Bertrand made a motion to grant the request and Bill Hunt seconded the motion.

Variance granted - 5-0.

H85-43 Earle Goodwin, Jr., 52 Littleworth Rd., also known as Assessor's Map G, Lot 4F-1, zoned I-1, requests a variance from Article V, Section 170-16, for relief from dimensional requirements to sub-divide land, creating a non-conforming lot in an I-1 zone.

(over)

Mr. Goodwin explained the request to the Board. He stated that the lot is 73,980 square feet. They would like to sell 33,980 of this and keep the remaining 40,000 square feet for future use.

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

After Board discussion, David Bertrand made a motion to grant the request because he feels it is in the spirit and intent of the ordinance. Mardean Frazer seconded the motion.

Variance granted - 5-0.

H85-44 Alan A. Rubin, corner of Broadway and Rose Street, also known as Assessor's Map 27, Lot 286, zoned B-3, requests a variance from Article V, Section 170-16, for relief from frontage requirements, and a special exception from Article VI, Sections 170-19 & 170-52(C3), to extend and sub-divide a non-conforming lot partially in a B-3 zone and remainder in an R-12 zone.

Mr. Del Fox, an architect, explained the request to the Board. He stated that they would like to sub-divide the lot and put in a small apartment house. He stated there would be substantial parking space and the entrance would be on Rose Street. Mr. Fox stated he feels they meet all the requirements for the special exception. He feels it is an appropriate site for an apartment building and would not be detrimental to the neighborhood. Also it is keeping with the residential flavor of this area. Also would not be a hazard to pedestrian traffic. Sewer, water and drainage are all taken care of on final engineered plan. He feels the request is in the spirit and intent of the ordinance. There is a housing shortage in Dover so it would be advantageous and would not overload public utilities.

Bill Hunt asked Mr. Fox how many units there would be. He stated there would be 15 units. Also, 5 in the existing building.

No one spoke in favor of the request.

Theresa Elliot, 1 Rose Street, spoke in opposition to the request and presented a petition signed by 20 abutters who are also in opposition. Their main reason for objection is because of traffic in the area and Rose Street is a very narrow street, only 50' wide. There have been 5 accidents there in the past year.

Paul Royer, 2 Rose Street, also spoke in opposition because of traffic.

Mr. Fox stated that if the Board feels it would be better to have entrance on Broadway, that would be no problem.

Theresa Elliot stated she believes they would have to have two entrances, and that would mean one on Broadway and one on Rose Street.

In reply to a question from Bill Hunt, Mr. Fox stated the lot goes approximately 40' into the R-12 zone.

Dick Selleck stated that the number of driveways required would be up to the Planning Board.

Mardean Frazer made a motion to deny the request for a special exception because it is offensive to the neighbors, violates Article VI, Section 170-19, and would increase traffic.

David Bertrand seconded the motion.

Special Exception denied, 5-0.

Mardean Frazer made a motion to grant the request for a variance from frontage requirements.

David Bertrand seconded the motion.

Variance granted, 5-0.

H85-45 Ernest Carrier, Florence Street, also known as Assessor's Map 27, Lot 171, zoned R-12, requests a variance from Article IV, Section 170-12, to construct a duplex in an R-12 zone which only permits single family residences.

Ernest Carrier, representing his father, submitted a petition signed by some of the abutters, stating they are in favor of the request. He stated they have a lot on Florence Street, a residential area, and that within 200' of the lot there are 5 duplexes. He stated the lot has been a blight on the neighborhood for many years and they have cleared it up. Everyone is very much in favor of their plans. Use would not be detrimental to the neighborhood.

Bill Hunt asked if the lot is currently empty. Mr. Carrier replied that it is.

Alden Joy asked if they meet setback requirements. Mr. Carrier replied that they do.

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

After discussion, Mardean Frazer made a motion to grant the request which was seconded by David Bertrand.

Variance granted, 4-1 (Turner)

H85-46 Charles Hatch & David Abbott, Long Hill Rd., also known as Assessor's Map A, Lot 53C, zoned R-12, request a variance from Article X, Sections 170-40 & 170-41, to replace the existing mobile home with a larger and newer mobile home on a solid masonry foundation in an R-12 zone.

Attorney Chris Calivas, representing Mr. Hatch & Mr. Abbott, stated they presently have a 12' x 56½' mobile home which has been there for over 20 years. They wish to replace this with a 14' x 66' mobile home, which would increase their living area by 250' (less than 2% increase in use of area). All setback requirements will be met. The only difference in replacement is that the new mobile home

is larger. He stated that the existing home is very run down and submitted photos showing this. It could be a safety hazard and is not HUD approved. The new home would look more like a conventional house and is HUD approved. Also, the new home would be on a solid foundation.

Lois Smith, Long Hill Rd., spoke in favor of the request stating she feels it would be a big improvement.

Faul McGowen spoke in opposition for legal reasons, stating he has a signed lease from Mr. Hatch.

Mr. Joy stated that what Mr. McGowen raised is a legitimate point, however it is a legal matter and not the concern of the Board.

Brian St. Onge, Long Hill Road, spoke in opposition, stating he feels there is nothing wrong with the inside of the existing home and he sees no hardship in this case. Would like to see a conventional home go in rather than another mobile home.

Mr. McGowen requested that the Board put off making a decision.

Attorney Calivas stated that Mr. Hatch is elderly and cannot care for himself anymore. He wants to put in a larger mobile home so his nephew can live with him and take care of him.

Mr. St. Onge stated that if the building is in such bad condition it should be condemned and removed.

After Board discussion, David Bertrand made a motion to grant the request. Ann Turner seconded the motion.

Mardean Frazer stated she feels there is no hardship and would have diminution of value of surrounding properties.

Variance granted, 4-1 (Frazer)

H85-47 Aranco Oil, 543 Central Ave., also known as Assessor's Map 4, Lot 29, zoned B-2, requests a special exception from Article VI, Section 170-23, to reopen a gasoline service station which has been unoccupied for a period exceeding 90 days.

Larry Bickford, 35 Portland St., presented the case to the Board stating he would be managing the station if special exception is granted. He stated they plan on fixing up the building and having all tanks, etc. tested.

Alden Joy read a letter from Aranco Oil.

No one spoke in favor of the request.

John Guy, President of Seacoast Bank, stated his opposition to the request.

Paul Reilly, President of Rowell and Watson, also stated his opposition.

Gerald Taube of Portsmouth, representing Mr. Guy and Mr. Reilly, stated the building has been used as an auto repair shop for many years and that putting in a gas station would not be a positive use since 7 years have elapsed. Also, there would be a negative impact on pedestrian safety and would unduly add to a major congested area in the city. When it was operational, the traffic along this road was considerably less. It was one lane, now it is three lanes. Being a postage stamp size lot and being tucked into a corner poses tremendous hazards. There are no curb cuts on Preble Street. Is not essential to public convenience. Adjacent property values would be jeopardized.

After Board discussion, Alden Joy made a motion to deny the request because of heavy traffic, no hardship, not in spirit and intent of the ordinance.

Mardean Frazer seconded the motion.

Special Exception denied, 4-1 (Hunt)

The meeting adjourned at 9:40.

