

DOVER ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING

Held: October 17, 1985  
Municipal Building  
Dover, NH

MEMBERS PRESENT: Alden Joy-Chairman, Dennis Ciotti, Mardean Frazer, David Bertrand. Alternates: John Torr, Ann Turner.

OTHERS: Richard Selleck-Zoning Officer, Berrie Donovan-Recording Secretary.

**BUSINESS MEETING:**

The business meeting was called to order at 7:10 P.M.

Mr. Bertrand motioned to approve the minutes of September 19, 1985.

Mrs. Turner noted that the spelling of Judith Chapman's last name should be changed to "Chatman" (application of Raymond Bardwell for Jimbo's Auto Body).

Vote: U/A

Mr. Joy noted that the Spinelli rehearing will be on the November agenda because of a clerical error in the legal advertisement.

**1) Request for rehearing by Aranco Oil**

Mardean Fraser motioned to deny a rehearing on the basis that no new evidence has been presented. David Bertrand seconded.

Vote: 5-0 to deny.

**2) Request for rehearing by Rubin, Broadway and Rose Streets.**

Dave Bertrand motioned to deny a rehearing on the basis that no new evidence has been presented. Ann Turner seconded.

Vote: 5-0

3) Request for rehearing by Ray Bardwell for Jimbo's Auto Body on Sixth Street.

Mardean Fraser motioned to deny on the basis that no new information has been presented. Dave Bertrand seconded.

Vote: 5-0 to deny

Mardean Fraser motioned to adjourn the business meeting.

Meeting adjourned at 7:32 P.M.

**REGULARLY SCHEDULED MEETING:**

Ann Turner sat in as an Alternate on the Board.

H85-54: Michael Plumer, 10 Old Colony Road, also known as Assessor's Map M, lot 31, zoned R-12, petitions for a variance of Article V, Section 170-17 (Accessory Building), to construct a garage within five feet of a property line.

Michael Plumer explained the garage as a detached building, eight feet from his house and five feet from the property line.

Public Hearing opened: no comment.  
Public Hearing closed.

In response to a question from Mr. Joy regarding the distance from the garage to the nearest abutting building, Michael Plumer explained the distance as being 30 feet.

Mr. Bertrand motioned to grant the variance. Mrs. Turner seconded.

Vote: 5-0 to grant.

H85-55: Michael Rosholt, Watson Road, also known as Assessor's Map C, lot 50, zoned R-40, requests a variance from Article V, Section 170-16 to subdivide a lot having no frontage on a public right of way.

Mr. Joy noted that the advertisement in the newspaper incorrectly stated that the Assessor's Map in this item was "E", while in actuality it is "C". He indicated, however, that the correct abutters have been notified.

Michael Rosholt explained that he would like to create a building lot with no frontage, only a right of way.

No one spoke against granting the variance.

Owen Bryson, Watson Road, spoke for granting the variance.

Mardean Fraser motioned to grant. Dennis Ciotti seconded.

Vote: 5-0 to grant.

H85-56: Les Elder, 12 New Rochester Road (applicant: Doctors Edmund Harrigan and Paul Cass), also known as Assessor's Map 39, lots 90 and 91, zoned R-12, request a variance from Article IV, Section 170-12 to convert and construct an addition to the existing dwelling for the use of professional offices and one apartment in an R-12 zone.

Malcolm MacNeil, Attorney for the applicants, explained that the Doctors have a neurological practice with extended appointments creating less traffic, and that a three room apartment would be located on the second floor. He questioned the R-12 zone for this area noting other business in the immediate neighborhood. He noted that hardship in the land is present because of the increased commercial use of the surrounding area, and that adjacent property values would be enhanced with the type of business the Doctors propose.

No one spoke for or against the proposal.

In response to a question from Mrs. Turner regarding the number of staff to be on the premises at any one time, Dr. Harrigan responded that there would be less than five.

Attorney MacNeil noted that the applicants would comply with the Zoning Ordinance with regard to the parking requirements.

Mardean Fraser noted that she is against going commercial in this area at the present time.

Dr. Cass explained that he has spoken with abutters who were positive in response to their proposal knowing that the area will be commercial in the future and this type of business would be preferable to several others.

Public Hearing closed.

Mr. Joy noted that he has a problem with the Board going with a change in the zone.

Mr. Bertrand feels that granting this change in use would be spot zoning.

Mrs. Turner noted that the physical impairment of the patients involved would possibly create a safety problem at the traffic circle. She suggested that this area should be rezoned by the City Council rather than spot zone at this time.

Mrs. Turner motioned to deny because to grant would not be in the spirit and intent of the Zoning Ordinance. Mr. Bertrand seconded.

Vote: 4-1 to deny (Joy).

H85-57: Down East Energy, Inc., corner of Central Avenue, Court Street and Hanson Street, also known as Assessor's Map 20, lots 49 and 50, zoned B-2, petition for a variance from Article IX, Section 170-32, Subsection F (3C) and (3D), to construct a free-standing sign having 63 square feet and an accessory wall sign not conforming with the Mill Motif requirements.

Andy Penaskovic, representing Down East Energy, Inc., explained that the current Mobil sign needs to be updated and they would like to add a wall sign to the building.

No one spoke for or against the variance.

Mr. Bertrand motioned to grant the variance. Mrs. Turner seconded.

Vote: 5-0 to grant.

H85-58: Owen and Evelyn Bryson, Watson Road (applicant: Gordon D. Clark), of land located on Route 108 also known as Assessor's Map I, lot 22D, zoned R-40, request a variance from Article IV, Section 170-12 (Uses), to construct a building for the purpose of retail fence sales in an R-40 zone.

Dennis Ciotti stepped down from the Board on this issue, John Torr sat in as an Alternate.

Gordon Clark explained his proposal to start a fence business in an R-40 zone.

Dick Selleck inquired as to how the materials for the business would be stored.

Mr. Clark indicated that the materials would be stored behind the building, enclosed in solid fencing. He also noted that no heavy equipment is involved, only a pick-up truck.

Public Hearing closed.

Mr. Bertrand noted that the granting of this variance would again be spot zoning.

Mrs. Fraser noted that there seemed to be no hardship of the land.

Mr. Bryson, owner of the property, explained that he had not been able to sell the land because of the commercial properties in the surrounding area.

Mr. Bertrand noted that the abutters of this property are hoping for more business in the area.

Mardean Fraser motioned to deny as it violates the spirit and intent of the ordinance. Mr. Bertrand seconded.

Vote: 2-3 for the motion (Joy, Torr, Turner)  
Motion defeated.

Mr. Joy motioned to grant the variance. Mr. Torr seconded.

Vote: 3-2 for the motion (Fraser, Bertrand)

H85-59: Samuel and James Tamposi, 3 Plaza Drive (applicant: Richard P. Millette & Assoc.), also known as Assessor's Map D, lot 2A, zoned B-3 requests a special exception as provided in Article VII, Chapter 170-27-3 and C(1) to fill an area characterized by unstable slope conditions within the Conservation District.

Dennis Ciotti returned to his position on the Board, John Torr stepped down.

Mike Gilfoy, Engineer for the project, explained that in order to build the necessary road, filling in the Conservation District will be necessary. He noted that the Planning Board has no objection to encroachment in the Conservation District in this instance.

No one spoke for or against.

Mr. Alden moved to grant, Mrs. Fraser seconded.

Vote: 4-1 (Turner)

H85-60: Bruce and Connie Dockham, 125 Middle Road - Trailer Park #11 (Gordon's Mobile Home Park), also known as Assessor's Map M, lot 62, zoned R-40, petitions for a variance from Article X, Section 170-41A to construct an addition on an existing non-conforming structure to within 14 feet of a mobile home park boundary line.

Bruce Dockham explained that he has already begun the construction but stopped when he found a variance was necessary. He noted that the addition is fourteen feet from his neighbor's property.

No one spoke for or against.

Public Hearing closed.

Mr. Bertrand moved to grant, Mrs. Fraser seconded.

Vote: 5-0

Meeting adjourned at 8:45 P.M.