

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: November 21, 1985
Council Chambers
Municipal Building
Dover, NH

Members Present: Alden Joy-Chairman, William Hunt, Mardean Frazer, David Bertrand, Ann Turner-Alternate.

Also Present: Richard Selleck-Building Inspector, Tom Clark-Assistant Building Inspector, Berrie Donovan-Recording Secretary.

Business Meeting:

Mr. Joy called the Business Meeting to order at 7:15 P.M.

Mr. Bertrand motioned to approve the minutes. Mrs. Turner seconded.

Vote: U/A

Mrs. Turner motioned to adjourn the meeting at 7:25 P.M.

Meeting adjourned at 7:25 P.M.

Public Hearings:

Mr. Joy called the meeting to order at 7:30 P.M.

Mr. Joy explained that the Spinelli item has been postponed to December 19, 1985 due to a clerical error.

H85-61 A. Lipson, Inc., 69 Fifth Street, also known as Assessor's Map 31, lot 4A, requests a variance from Article X, section 170-40 and 170-41 to expand an existing non-conforming structure and use in an RM-8 zone.

Steve Morrison, Attorney representing Lipson, explained the nature of the business as refrigeration. The business now has permanently placed refrigeration trucks and would like to replace them with an attached refrigeration addition to the

existing building. Hardship exists in the shape of the lot and that it abutts a railroad right of way. If the use is denied, the use of the building is denied. Surrounding properties indicate that this proposal would be in the spirit and intent of the ordinance...Lord & Keenan, Purdy's, right of way to the railroad. No adverse effect, just the opposite, trucks will be removed, visually attractive.

Public Hearing opened: no comment.
Public Hearing closed.

Ray Henessey, owner of Lipson's, noted that the railroad is being used, that the active siding is being leased by him now. He noted that the current trucks parked permanently as refrigeration units are vandalized frequently and will be removed when the new unit is in place.

Mr. Joy inquired as to the amount of noise increase to the neighborhood, to which Mr. Selleck replied that a notation on the mylar for the approved new apartments on Fifth Street indicates the higher noise level.

Mr. Henessey noted that access to the building by trailers would remain the same.

Attorney Morrison noted in response to a question from Mrs. Turner that the addition is modular, but permanent.

Mr. Henessey noted that there are no plans to have the doors opening on the side of the addition, but it could be done in the future.

Mr. Hunt noted that the plans have a notation for a future addition, will there be a foundation for that now?

Mr. Henessey responded that there will be just the one foundation for the proposed modular unit.

Mr. Bertrand motioned to grant in that there is a hardship in the land and no diminution of value. Mrs. Fraser seconded.

Vote: 5-0

H85-62 James Melitis, 3 and 5 Portland Avenue, also known as Assessor's Map 23, lot 7, requests a variance to convert the existing two family dwelling to a three family dwelling and a CWD

zone.

James Melitis explained his intent to add an apartment to the existing house for his son.

Mr. Selleck noted that Mr. Melitis needs a variance because in the CWD residential expansion requires a variance.

Mr. Melitis noted that he is not now changing the roof line.

Mr. Joy read a letter from Krans & Krans noting they had no objection to the variance being granted.

Public Hearing opened: no comment
Public Hearing closed.

Mrs. Fraser motioned to approve. Mrs. Turner seconded

Vote: 5-0

H85-63 Highland Group of Barrington, Flanders Court (off North Pine Street), also known as Assessor's Map 24, lot 27A, requests a variance from Article V, 170-16, Dimensional Requirements, in an RM-8 zone.

Terry Waite, representing the Highland Group, explained his desire to fix up the run-down apartment building and that he is able to save only a small part of the building, the rest is rotted out. He noted the shape of the lot creates a hardship for any feasible structure, that he will have fewer bedrooms therefore less population and that more open area will be provided.

Public Hearing opened: no comment
Public Hearing closed.

Mr. Selleck offered the comment that this is definitely in the Public interest.

Mr. Waite noted that the new proposal would allow for more parking and the current parking situation would be alleviated.

Mr. Selleck indicated that Flanders Court is a private street.

Mr. Joy moved to grant on the basis that it is in the public interest, is in the spirit and intent of the ordinance and would

enhance. Mr. Hunt seconded.

Vote: 5-0

H85-64 Highland Group of Barrington, 6 St. John Street, also known as Assessor's Map 3, lot 49, requests a variance from Article V, 170-16, Dimensional Requirements, in an RM-8 zone.

Terry Waite, representing the Highland Group, explained the reconstruction of the building, removal of the garage and noted that if he had to abide by the setbacks there would be no room for parking. The building will be smaller, less land area will be used, and the building will be brought up to safety codes, similar to Flanders Court. Again, there will be fewer bedrooms; three units.

Public hearing opened:

Charlie Porter, 4 St. John Street, expressed disappointment over tearing down an historical building, and that the developer consider the nature of the area in designing the type of structure to take its place.

Mr. Waite noted that the design is in the same manner as that of the buildings in the area, that the tenants will have a tendency to take better care of the property with a rehabbed building.

Mr. Waite noted that six parking spaces will be provided, that only the foundation of the building will be saved.

Public hearing closed.

Mr. Joy motioned to approve, that it is in the sprit and intent of the ordinance, no diminution of value. Mr. Bertrand seconded.

Vote: 5-0

H85-65 Robert Parsons, Central Avenue and Locust Streets (applicant: Adams Drug Company), also known as Assessor's Map 15, lot 113, requests a variance from Article IX, 170-32-H3(b) to increase the non-conformity of an existing free standing sign in a B-1 zone.

Joe Madeiros explained that the setting of the Brooks store is

such that it cannot be seen from the road and would like to add a sign to the existing pole now containing the Prescott Farms sign.

Public Hearing opened: no comment
Public hearing closed.

Mr. Bertrand motioned to grant, that it is in the spirit and intent of the ordinance, no diminution of property values. Mr. Hunt seconded.

Vote: 5-0

H85-66 Purnell and Clara Ross, Jr., 82 Littleworth Road, also known as Assessor's Map G, lot 35, alleges an error in an administrative decision by the Building Inspector regarding Customary Home Occupation in an R-40 zone. (Article II, 170-6 (B1-12)).

Purnell Ross explained that his wife would be making and selling women's clothing, that there will be no changes in the building and two abutters have indicated they are in favor of the idea.

Mrs. Turner asked Mr. Selleck if this is a question of nomenclature to which he responded that it is.

Mr. Joy inquired of Mr. Ross if they intended to do rentals to which Mr. Ross responded that they would rent formal clothing.

Mr. Selleck noted that this would not be setting a precedent, that a motion to grant would apply in this case only.

Mr. Joy motioned to allow in this case, overrule the decision of the Building Inspector in this case only. Mrs Fraser seconded.

Vote: 5-0

Mr. Joy adjourned the meeting at 8:53 P.M.