

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: February 20, 1986
Council Chambers
Municipal Building
Dover, NH

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

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

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

Vote: U/A to pass the minutes from last month's meeting with corrections.

Meeting adjourned at 7:25 PM.

Public Hearings:

Mr. Joy called the meeting to order at 7:36 PM.

Mr. Joy explained that the Fisher application was withdrawn.

H86-2 Hyder Management of Portsmouth, for property between the Spaulding Turnpike and Dover Point Road (Across from Newick's, applicants: Anthony Irons and Daniel Quinto), also known as Assessor's Map 8, lot 28, requests a variance from the terms of Article IV, section D and 170-12, Table of use regulations, to construct an office building in a B-1 zone.

Anthony Irons, explained that whereas the State of New Hampshire has changed the traffic flow in this area, the uses that the zoning predicated on their being this traffic flow substantial enough to generate a business are no longer applicable. An office building would be a permanent structure and would not interfere or be detrimental to the neighborhood and would generate less traffic than a mercantile/retail business.

Public hearing opened: no comment

Public hearing closed:

Mr. Joy inquired if the layout was for a single story office building.

Mr. Irons replied no. The layout was for a three story with a fourth story mezzanine over one section. The intent was to seek a variance to build offices complying to all regulations, ie pipes and ratios.

Mrs. Turner stated that if technically the layout was for four stories - the application stated 6-12 offices. There shows only one on the plan.

Mr. Irons stated that the floor plan was for the first floor. The design work has not been done - pending on the City - the footprint of the building shows a proposal of three offices with a fourth over.

Mrs. Turner questioned if the footprint would remain the same.

Mr. Irons answered yes. It would remain the same, but not exactly. It would stay within 3-4 feet in the same direction.

Mr. Joy stated that the ratio was .5.

Mr. Irons added .5 ratio - total of 27,000 sq. ft. with a height ratio of 6/10.

Public hearing opened: no comment
Public hearing closed:

Mr. Joy added that this does come into a question of spot zoning. His personal feeling was that the use of the office building is lot less of a use than a B-1 could be and, therefore, would be advantageous as opposed to putting in a residential zone which he would call bad spotting.

Mr. Joy asked for a motion. Mrs. Frazer moved to grant. Mr. Joy seconded the motion to grant.

Vote: 4-0

H86-5 Indian Head Bank & Trust Company, 104 Washington Street, also known as Assessor's Map 2, lot 5, requests a variance from the terms of Article IX, sections 170-32, D-17 & F-1A, to install a third sign in a B-2 zoning district which indicates a limit of two signs.

Kevin Bailey, Branch Manager of Indian Head Bank North stated a request for a third sign replacing the Locust Street Sign that would be exactly the same as the sign currently on Washington Street side.

Mr. Selleck stated his personal feelings that this was just a quirk and that they needed the variance. They have the perfect location for three signs.

Public hearing opened: no comment
Public hearing closed:

Mrs. Frazer inquired as to where the two existing signs are located.

Mr. Hunt asked how long the bank had been in this location.

Mr. Bailey replied since October 28, 1985.

Mrs. Turner asked if the lite sign would remain.

Mr. Bailey answered yes. He also stated that the Strafford National Bank had three signs.

Public hearing openend: no comment
Public hearing closed:

Mrs. Frazer stated she was opposed to having three signs.

Mr. Hunt inquired to the intent of the sign ordinance.

Mr. Joy stated that the ordinance was made to keep the flash/blinking road signs out of the city.

Mr. Selleck agreed with Mr. Joy and stated that basically they have to ask for a third wall sign.

Mrs. Frazer stated that any building on the corner is going to want two signs, but a third is unnecessary.

Mr. Selleck noted that yes, via the ordinance, which was written to eliminate excess signage, that they have a lot of square footage and what they are asking for is far less than what they are entitled to.

Mr. Joy asked if the sign would be less than one foot high and that they are allowed one square foot of every business footage.

Mr. Bailey replied the lettering would not be more than one square foot high.

Mr. Hunt moved to have the sign over the door as not to change size at any time in the future and that the sign on Locust Street be consistent with the size as the one on Washington.

Mr. Joy restated and motioned granting variance as such to limit any future signage. Mrs. Turner seconded the motion.

3-1 in favor. Mrs. Frazer denied.

H86-6 John & Johanna Brewster, 11 Tennyson Avenue, also known as Assessor's Map 21, lot 53, requests a variance for relief from the terms of Article V, section 170-16, sideyard setback requirements, in an R-12 zone. Applicant requests a 10 foot sideyard setback where 15 is the requirement.

Public hearing opened: no comment
Public hearing closed:

Members looked over the application.

Mr. Joy read the application addressed to the ZBA and motioned to table the application.

Public hearing opened: no comment
Public hearing closed:

Mrs. Turner seconded the motion to table the application.

H86-7 Janet LeBreton, 124 Middle Road-lot #12, (property owner: Dana Crockett) requests a variance from Article X, section 170-41A, to construct an addition to an existing non-conforming structure to within eight and one half feet of an external mobile home park boundary line.

Janet LeBritton restated that she wished to construct an addition on conforming structure to within eight and one half feet of an external mobile home park boundary line.

Mr. Joy inquired if Mr. Crockett, Trailor Park owner was present.

Public hearing opened: no comment
Public hearing closed:

Mr. Joy inquired if the boundary fence abutted any immediate housing.

Janet LeBritton replied no and that there was a junkyard on the otherside of the fence.

Mrs. Turner inquired if the fence was directly on the boundary.

Janet LeBritton replied yes. She was told that it was the line that divides between the property.

Mr. Hunt noted that currently there is a 16 1/2 foot clearance between the fence and mobile home at this time.

Janet LeBritton confirmed Mr. Hunt's statement.

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Mr. Hunt further stated that the lot would be reduced to 8 1/2 feet.

Janet LeBritton confirmed Mr. Hunt's statement again.

Mr. Hunt inquired if there was enough room for a vehicle to get in.

Janet LeBritton said the owner of the park will not allow vehicles to drive in back.

Mrs. Turner stated that if the variance was granted it would stay with the property.

Janet LeBritton stated that the structure wouldn't be permanent and that it would be on cement columns.

Mr. Joy asked Mr. Selleck if the variance would be granted to Mr. Crockett or to Janet LeBritton.

Mr. Selleck stated the variance would be granted to the trailer park.

Mr. Joy added that in this particular case the variance goes to this particular lot.

Public hearing opened: no comment
Public hearing closed:

Mrs. Frazer moved to grant. Mrs. Turner seconded. Mr. Joy denied because it is simply too close to the clearance zoned for a private home.

Vote: 3-1

H86-7 Kevin A. Clifford (Property owner: Mary Clifford), for 91 Littleworth Road, also known as Assessor's Map F, lot 23, 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. Clifford asked the Board to grant variance for a 25 foot right of way coming off of Rt. 9.

Public hearing opened: no comment
Public hearing closed:

Board members agreed in unison to try to make the subdivision more conforming- as not to create a sub-standard size lot.

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Mr. Selleck reminded the Board members that Mr. Clifford was only asking for frontage and that he has a right to subdivide the land the way he wants to.

Mr. Hunt moved to grant the variance with the stipulation that the right-of-way be moved to the side line abutting the Manning lot.

Mrs. Frazer seconded the motion. Mrs. Turner agreed. Mr. Joy denied.

Vote: 3-1

Zoning Board Meeting adjourned 9:20 P.M.