

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: June 19, 1986
Council Chambers
Municipal Building

Members Present: Alden Joy-Chairman, William Hunt-Vice Chairman, Mardean Frazer, Barry Hager, and David Bertrand.

Also Present: Tom Clark-Assistant Building Inspector and Kathy Munson-Recording Secretary.

Mr. Joy called the meeting to order at 7:31 P.M.

H86-17 Daniel Philbrick, 78 Broadway, also known as Assessor's Map 27, Lot 71 (applicant: Gene Bergeron) Zoned B-3, requests a special exception as provided in Article XII, Section 170-52(3) to convert an existing single family dwelling to a two-family dwelling. (This item was tabled from the April, 1986 meeting.)

Daniel Philbrook stated to the board members that he wished to convert the single family dwelling into a two family dwelling - that there would be four parking spaces available (amount required). He also mentioned that the front of the home was previously used as a store - he hopes to rent it out - having a one bedroom unit.

Public Hearing opened. No comment.
Public Hearing closed.

Mr. Joy asked Tom Clark if this particular case would be up for a site review.

Mr. Clark stated no because it is a special exception.

Will Hunt stated that the area is certainly a multi-family dwelling area.

Mr. Joy stated that he saw no problem in granting the special exception.

Mardean Frazer moved to grant. Dave Bertrand seconded.

VOTE: 5-0. Special Exception granted.

H86-33 Joseph T. and Barbara A. McGivern, 3 Partridge Lane, also known as Assessor's Map I, Lot 36C, Zoned R-12 requests a variance from the terms of Article V, Section 170-16, to construct an attached garage 21 feet from a public right-of-way where 30 feet is required.

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Joe McGivern stated to the board members that he wished to construct a garage 22' x 22' and that he could not reduce the size of the garage to serve the purpose. He mentioned that on the south side there was a steep grade - on the rear side there was on 15' available. He also mentioned that he would be 16' from the abutting property.

Public Hearing opened: no comment
Public Hearing closed:

Mr. Joy stated that he new the area as being newer in an older one and that most of the buildings did not meet the required setback requirements.

Dave Bertrand moved to grant the variance. Barry Hager seconded.

VOTE: 5-0. Variance granted.

H86-34 Warren and Susan Spencer, 583 Sixth Street, also known as Assessor's Map A, Lot 40, Zoned R-40, requests a variance from terms of article V, Section 170-16 to construct an addition, including garage on an existing structure 10 feet from side-yard setback where 25 feet is required. (Existing garage to be demolished.)

Mrs. Spencer stated that she wished to construct a 14' x 20' family room along with a bay garage. Frost heaves have ruined the foundation on existing structure. The new garage will be built 15' further - she cannot move the garage to the other side because of the septic tank.

Public Hearing opened: no comment.
Public Hearing closed:

Mr. Joy inquired if the septic system needed to be replaced.

Mrs. Spencer stated no.

Dave Bertrand stated that he sees this as a problem - tearing down and rebuilding.

Mardean Frazer stated that no hardship was apparent in this case.

Mardean Frazer moved to deny the variance. Dave Bertrand seconded.

VOTE: 5-0. Variance denied.

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H86-35 Roy and Blanche T. Tetreau

Withdrawn before meeting.

H86-36 Roy and Blanche Tetreau, 141 Back River Road, also known as Assessor's Map I, Lot 40A, Zoned R-12, requests a variance from the terms of Article V, Section 170-16, to subdivide two lots having no frontage on a public right-of-way.

Greg Koutrelakos spoke for Roy Tetreau. He stated that there is hardship involved - the land size is too big - there is no more frontage on the right-of-way. If the variance was not granted it would prevent the Tetreaus from enjoying their property. If granted, it would be kept within character of the area - the building depth would be 100 feet - will go back to each building lot - won't decrease the value of the area - should enhance the area - simply stating that it would be an injustice not to grant the variance.

Public Hearing opened:

Mr. Crickett spoke against granting the variance because of a sewage problem with the grades between his house and Morning Side Drive. He also stated that the crosswalk will end up between Morningside Drive and the Driveway proposed.

Mr. Shaw also spoke against granting the variance. He stated that there was no articulation of hardship. He also agreed with the drainage problem. He felt that granting a subdivision without frontage was not right. He stated that the ZBA was not in the position to make a decision for sewage, etc.

Mr. Callahan also spoke against granting the variance. He stated that Mr. Tetreau purchased the land and then striped it of trees - also sold gravel without a permit. Now the run over from the land comes down to his house.

Mrs. Renner also spoke against granting the variance. She stated that she is worried about the sewage problem. Last winter she had water in her cellar and stated she did not wish for this to happen again this winter.

Rebuttal:

Greg Koutrelakos stated that they were not looking for subdivision - site review will handle that - only looking for a variance for 100 feet on a public right-of-way.

Mr. Callahan showed to the board pictures taken during spring time of the land.

Mr. Joy asked Mr. Callahan if the lay of the land was higher than his own originally.

Mr. Callahan stated no it was not until the land was stripped.

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Mr. Joy stated that the ZBA was here only for granting or denying variances that they were not on the Planning Board.

Mardean Frazer stated that this was already a bad situation and will not contribute to it.

Will Hunt inquired as to what kind of impact this situation would have on the sewage. He asked if the value of the property would be compromised by additional lots.

Tom Clark stated that he had no idea about the sewer lines.

Mr. Joy stated that the inquiry was about granting a variance not a special exception. He told the board members to consider if this was a case of diminishing property value - was there any hardship involved - is it in the public interest to grant the variance.

Mardean Frazer stated that part of the problem with granting is the fact that the public interest is not in favor.

Mardean moved to deny granting the variance. William Hunt seconded the denial.

Mr. Joy stated that he had a problem with the reasons for denial - feeling that it is up to the Planning Board.

Mardean Frazer inquired if they (Tetreaus) could come back for review after all the information is in.

Dave Bertrand stated that the problem is that the land size is so big - inquired if the case should go to site-review.

Will Hunt stated this is diminishing value of the property because of the activities of the ZBA already.

Bill Hager stated that it should be look at from both angels.

VOTE: 4-1. Variance denied. Mr. Joy voted in favor of granting the variance on the grounds that it is up to the Planning Board.

H86-37 Stephen A. White, 247-249 Washington Street, also known as Assessor's Map 10, Lot 29, zoned RM-10, requests a variance from the terms of Article V, Section 170-12, Table I, Principle Uses, Part C, to operate a law office in a residential structure without residing on the premises.

Stephen White stated to the board members that he wished to convert the west-side of the building for his own office space. He presently lives elsewhere - there will be no diminishing of property value - near the Burns building - Washington Street is a major artery into Dover - heavily traveled, not conducive to family raising.

Public Hearing opened. No comment.
Public Hearing closed.

David Bertrand asked if six spaces were required for parking.

Stephen White stated that only four spaces were required. He would have two available for his office and will be allotting for six spaces.

Mr. Joy stated that the board should be considering the question as to whether or not Mr. White would be living in the office dwelling or not.

William Hunt mentioned that there was still plenty of residential property on Washington Street and moved to deny the granting of the variance.

Mardean Frazer seconded the denial on the basis that it was against the Spirit and Intent of the variance.

VOTE: 5-0. Variance denied.

H86-38 Greg R. Stover, 35 Toftree Lane, also known as Assessor's Map M, lot 123, Zoned, R-40, requests an appeal from administrative decision, Article II, Section 170-6 to include small engine repair as a customary home occupation.

Greg Stover stated that he plans to work out of a two-car garage and operate with doors closed. Would not be visible to street - no intent on retail selling.

Public Hearing opened. No comment.
Public Hearing closed.

Mr. Joy stated that small engine repair does not fit the definition of a home occupation.

Mardean Frazer moved to deny granting the variance based on the fact that it was against the Spirit and Intent.

Dave Bertrand seconded the denial.

VOTE: 5-0. Variance denied.

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H86-39 Eddie Baker and Alfred Sawicki, lot on northwest corner of intersection of George and Sonnett Streets (owner: David B. Sullivan), also known as Assessor's Map 20, Lots 28 & 29, Zoned RM-10, requests a variance from the terms of Article V, Section 170-14A to construct a single family dwelling on a lot having insufficient square footage.

Eddie Baker stated to the board that he wished to build a single family dwelling on the lot.

Public Hearing opened. No comment
Public Hearing closed.

Tom Clark stated that the area has been a real eyesore for some time.

Mr. Joy added that this would be an opportunity to upgrade the land.

Eddie Baker added that all surrounding land in the area was in the same condition.- not having the required square footage.

David Bertrand moved to grant the variance.

Mardean Frazer seconded the motion.

VOTE: 5-0. Variance granted.

Meeting adjourned at 8:45 P.M.