

DOVER ZONING BOARD OF ADJUSTMENTS  
MINUTES OF MEETING

HELD: July 17, 1986  
Council Chambers  
Municipal Building

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

Also Present: Dick Selleck-Building Inspector and Kathy Munson-Recording Secretary.

Mr. Joy called the meeting to order at 7:35 P.M.  
Mr. Joy called the Business Meeting to order at 7:00 P.M.

New Business: Ann Turner moved and David Bertrand seconded the Dover Zoning Board of Adjustments resolutions requirements accompanying requests for variance.

VOTE: 5-0 - Resolutions requirements as August agenda items.

Old Business: David Bertrand moved to grant hearing on Roy and Blanche Tetreau, Case #H86-36.

VOTE: 4-1. William Hunt opposed.

William Hunt moved to deny granting rehearing on Stephen A. White, Case #H86-37.  
Mardean Frazer seconded the motion.

VOTE: 5-0. Rehearing denied.

Mr. Joy called the meeting to order at 7:35 P.M.

H86-40 Tolend Associates, Tolend Road, also known as Assessor's Map C, Lot 44, Zoned R-40, requests a variance from the terms of Article V, Section 170-16, to create two lots having no frontage on a public right-of-way.

Public Hearing opened: No comment.  
Public Hearing closed:

Mr. Joy asked about the exact location of the property.

Alex Nossiff informed him that after the intersection of French Cross Road heading toward Barrington/Rochester - property is located approximately 800 feet away.

Ann Turner inquired if one continued on the drive - would they eventually get to the river.

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Alex Nossiff replied that the river was about 1,000 feet away.

Ann Turner stated the land to the existing driveway has not yet been subdivided.

Alex Nossiff stated that Mr. Conner owned 1 acre and Mr. Purington owned 3 acres.

Mr. Joy inquired about the easement.

Alex Nossiff stated that it goes between the two lots.

William Hunt inquired who has access to the right-of-way.

Dick Selleck stated only for those deeded.

William Hunt inquired what was the easement used for.

Dick Selleck responded for utility purposes.

Mr. Joy added that in respect to the drawing, the easement showed to be 20 feet.

Alex Nossiff explained that what happened is that the land is what one would call hybrid - seven lots were subdivided - Mr. Ekola had voluntary right-of-way which is now called the easement.

Ann Turner questioned if Mr. Ekola would be given written permission to use the right-of-way.

Dick Selleck stated that the Planning Board would not allow a major subdivision until all legal papers were in.

Mr. Joy stated that this was a case of adverse possession.

Alex Nossiff added that if the variance was granted - cannot have adverse possession.

David Bertrand questioned why Tolend Associates was not seeking access from the front of the lot.

Mr. Joy added that this would be over 1,000 feet and that the client most likely would not want a city street.

Alex Nossiff stated that there were two hardships involved. The first being the difficulty in access to the two lots and the second being the difficulties involved with Mr. Ekola - originally no idea that the property roadway was owned by Tolend Associates.

Mr. Joy inquired if Lot #7 was suitable for development and was it the same as all of the other land in the area.

Mr. Nossiff confirmed Mr. Joy's statement.

Mr. Joy restated that the Public Hearing was closed.

David Bertrand stated that he saw this case as a problem with pork-chopping - there is not enough access - no hardship is involved.

Ann Turner agreed with David Bertrand's statement.

Mr. Joy stated that the inquiry for a variance was for two lots on a right-of-way.

William Hunt agreed that he saw no hardship involved.

Mardean Frazer also added that she saw no hardship involved and motioned to deny granting the variance.

Mr. Joy questioned that fact of there being an injustice and if this case was in line with the Spirit and Intent of the Law.

Kevin McDuffee, Tolend Associates, mentioned the Martle case.

Mr. Nossiff stated that he wished to withdraw the application.

Mr. Joy asked if Mardean Frazer wished to withdraw the motion.

Ann Turner seconded the motion.

VOTE: 5-0. Variance was denied on the basis of there being no hardship involved as well as going against the Spirit and Intent of the Law.

H86-41 A. Rubin and Nicholas Skaltsis, 3-3A Rose Street, also known as Assessor's Map 27, Lot 286, Zoned B-3 and R-12, requests a variance from terms of Article III, Section 170-10E to construct a business building closer than 100 feet to a public right-of-way.

Nicholas Skaltis, President of New Hampshire Aluminum stated that 6,000 square feet of building - corner of Grove Street - last year this lot was brought up before ZBA - problem with negative frontage - problems with original plot on Rose Street and Broadway. Two cases of hardship - first being lack of distance of 100 feet from corner of building facing road - have 76 feet - need 100 feet. Second problem - geography - on end of zone - Board has denied residential use - five adjoining buildings conform to regulations of rear and side-back requirements - this building would not over-burden the land - covering 23 percent - also this is the fourth busiest freeway in the city.

Public Hearing opened: No comment.  
Public Hearing closed:

Dick Selleck stated that this case could not go before the Planning Board without granting of the variance.

Mr. Joy inquired if there would be sufficient parking.

Nick Skaltsis replied yes.

Ann Turner motioned to grant the variance.

David Bertrand seconded the motion.

Mr. Joy stated that where there is a B-3 zone - saw that the structure would be feasible.

VOTE: 4-1. Variance granted. William Hunt opposed.

H86-42 Dean Fournier and Bank East, 180 Washington Street, also known as Assessor's Map 1, Lots 8 & 9, Zoned B-2, requests a variance from terms of Article IX, Section 170-32(3)(a) and 170-32(3)(d) to erect a freestanding sign for a business with a set-back of less than five feet from the property line and to have an accessory wall sign with the freestanding sign not designed in conformance with the mill motif criteria.

John Dolan, representative of Dean Fournier and Bank East stated that the property in question was the land/property formerly known as the Strafford Guidance Building adjacent to the New England Telephone Building. He continued to state the the applicant wishes to erect a sign to identify the new Bank East and to have a freestanding sign. With the way in which the variance is, one or the other is permitted - as well as ten feet is required - wishing to seek relief from both - both signs to be only 4 1/2 feet from the front of the building and property line.

John Dolan presented pictures to the Board (one displaying the dwarfing of the New England Telephone Building over the Bank - another displaying the intersection between Washington and Belknap and how a sign was needed to direct the traffic flow in safety. He also stated that he had quotes from previous Minutes in which the Indian Head Bank applied for variance on signage and read..."Spirit and Intent of the sign ordinance was meant to keep out the flashing/blinking lights." He also stated that the signs have been professionally designed and are consistent with the other banks in Dover. He also added that it would be an injustice - at the very least - to help those coming to the bank to have sufficient time to get in after seeing sign. Lastly, has identified the location of the sign on plan as being in front of the building - would like to have the Planning Board have the final say (because of street lights, etc.).

Public Hearing opened: No comment.  
Public Hearing closed:

David Bertrand inquired if the sign would be illuminious.

John Dolan stated that he believed so and that it would be a soft green.

Dick Selleck commented that in a B-2 zone - it was allowed to have one sign of any design - if having two, must conform with mill motif.

John Dolan explained that the two signs would not conform to the mill motif - that it would be consistent with their known sign for Bank East - just like McDonald's has golden arches.

Mardean Frazer stated that this violates the Spirit and Intent of the ordinance - it diminishes the property value in the downtown area as well.

William Hunt added that the sign ordinance would not have any meaning if the Board continued not to stick with it.

Mr. Joy added that Bank East has a certain logo that they wish to stick with for recognition - the building was not in accordance with the original mill motif to begin with.

Ann Turner stated that there is a problem with outsiders coming in to Dover and taking it hook, line and sinker - could be a little less obvious.

Mardean Frazer moved to deny granting of the variance stating that it violated the Spirit and Intent of the Law.

Ann Turner seconded the motion.

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William Hunt added that it does not meet the requirements for the public interest - being the main point with the Spirit and Intent.

David Bertrand mentioned that he felt the sign was fine and that it would not take away from what was behind the building.

Mr. Joy agreed with David Bertrand - but stated the intent of the ordinance was to keep the flashing/blinking lights out.

VOTE: 3-2. Variance denied.

H86-43 Robert & Tammy McGlone, 25 Tennyson Avenue, also known as Assessor's Map 21, Lot 69, Zoned R-12, requests a variance from terms of Article V, Section 170-17 to construct an accessory building (garage) closer than the required 100 feet from a side boundary line.

Tammy McGlone explained to the Board that she wished to construct a garage four feet from the boundary line. She stated that if the garage was built ten feet from boundary line - access would be impossible because of the way in which the house is situated. The land is very wet and not suitable to build upon - garage would be enclosed.

Mr. Joy inquired what the measurements for the garage would be.

Tammy McGlone stated 20-24 feet.

Mardean Frazer asked if they build the standard size one car garage - would they have enough access.

Tammy McGlone answered yes.

Mr. Joy stated that many homes in the area were in the same boat - problem being that the area would be very cluttered. He inquired if the garage could be set in the back.

Tammy McGlone stated no that the land was filled - too wet - it is a clay area.

William Hunt asked if the garage would be freestanding.

Tammy McGlone stated yes.

David Bertrand added that it appears that the garage could not be set any other way than by presented.

Mardean inquired if it could be moved just a little bit.

Tammy McGlone stated that they would have to move the gate.

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Mr. Joy inquired if they did not have a fence would there be a problem.

Tammy McGlone stated if the fence was moved there would not be a problem.

William Hunt asked how far from the side line is the left side of the house.

Tammy McGlone answered 20 feet.

Ann Turner moved to grant the variance. David Bertrand seconded the motion.

VOTE: 4-1. Variance granted. Mr. Joy opposed.

H86-44 Patrick & Barbara Kenney 33 Richardson Drive, also known as Assessor's Map F, Lot 55, Zoned R-40 requests a variance from terms of Article V, Section 170-17 to construct an accessory building (garage) closer than the required ten feet from a side boundary line.

Patrick Kenney stated that he wished to construct a 20-24 foot garage (two-car) set back 25 feet from house.

Public Hearing Opened: No comment.

Public Hearing Closed:

Mr. Joy inquired how old the lot was.

Patrick Kenney replied that he has lived on lot for 19 years - house was built 15 years before.

Mr. Joy asked if any neighbors objected.

Patrick Kenney stated no - slab already down.

Mr. Joy inquired if the garage would meet requirements if he constructed a one-car garage.

Patrick Kenney stated that he owned a Ram pick-up.

Ann Turner questioned how many vehicles Mr. Kenney owned.

Patrick Kenney replied only two.

Mr. Joy inquired how close was this to the abutting property.

Patrick Kenney stated it would be 30 feet.

Mr. Joy moved to grant the variance. Ann Turner seconded the motion.

VOTE: 5-0. Variance granted.

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H86-45 Dean & Margaret Trefethen, 18 Spruce Lane, also known as Assessor's Map I, Lot, 27P, Zoned R-40, requests a variance from terms of Article V, Section 170-16, to construct an addition closer than the required 50 feet from a boundary line that abutts a public-right-of-way.

Dean Trefethen stated that he was told this was a R-12 zone that he had 30 feet where 50 feet is the requirement. The building (his home) - by the way in which it is placed on the lot - makes it impossible for an addition.

Public Hearing Opened: No comment.  
Public Hearing Closed:

Dick Selleck added that Mr. Trefethen was asking for a variance to increase his non-conforming structure.

Dean Trefethen mentioned that he spoke to all of his neighbors and there was no opposition.

William Hunt inquired if there was a side walk involved.

Dean Trefethen replied no.

Mardean Frazer added that this would violate the Spirit and Intent of the ordinance - making a house bigger.

Ann Turner inquired if the home was ranch style.

Dean Trefethen answered yes.

Ann Turner asked if the roof could be raised.

Dean Trefethen answered that yes he had considered this and that it would not hurt the strength of the structure but would be impractical - would have to re-arrange too much.

David Bertrand mentioned that he did not feel this would diminish the property value any - and motioned to grant the variance.

Ann Turner seconded the motion.

VOTE: 5-0. Variance granted.

Ann Turner motioned to adjourn the meeting. Mardean Frazer seconded the motion.

Meeting adjourned at 9:45 P.M.