

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Meeting Held: December 5, 1986, in the Council Chambers,
Municipal Hall, Dover, New Hampshire.

Members Present: Alden Joy-Chairman, William Hunt, David
Bertrand.

Alternates: Ann Turner, John Torr.

Others: Dick Selleck-Building Inspector, Berrie
Donovan-Recording Secretary.

BUSINESS MEETING

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

Mr. Joy read a letter from Mr. St. Onge which stated his
intention to withdraw his item from the ZBA.

Discussion followed regarding the case of Aronisian vs. City of
Dover. Mr. Joy read a letter from Scott Woodman explaining his
defense of the ZBA decision.

It was decided that a meeting would be set up with the City
Attorney on December 12, 1985.

Ann Turner motioned to adjourn.

Meeting adjourned at 7:20 P.M.

H85-67 Peter Widmark, owner of land on Hartswood Road also
known as Assessor's Map 14, lot 5, requests a variance from
Article V, 170-16 for relief from frontage requirements in an
R-12 zone.

Malcolm McNeill, Attorney representing Mr. Widmark, explained
the reasons necessary for a variance. He noted that there are
two surveys of record, and presented a 1966 plan showing lots of
record. He explained that Hartswood stops at the beginning of
Mr. Widmark's property, and that an easement of record will be
honored by Mr. Widmark to enable Mr. Osman to reach his lot.
Attorney MacNeill noted that hardship exists in the unique

configuration of the land, by mere virtue of the termination of the roadway.

Public hearing opened.

Seymour Osman, Hartswood Road, spoke for the variance and stated that he has spoken with Attorney MacNeill regarding the easement.

Bob Herlihy, Hartswood Road, expressed concern over the ability of vehicles to turn around at the end of the road. He stated that the City road ends at the end of the first lot.

Attorney MacNeill stated that it is the intention of the applicant to go to the Planning Board for minor subdivision at which time these issues will be addressed.

Public hearing closed.

Mr. Selleck noted that it is the Zoning Board of Adjustment's function to consider only the request for a variance.

Mr. Bertrand stated that the land poses a hardship and it would be in the spirit and intent of the ordinance to grant the variance.

Mr. Bertrand motioned to grant the variance on the basis of hardship of the land, and that there is no diminution of property values in the area. Mrs. Turner seconded.

Vote: 4-1 (Joy)

H85-68 Daniel Webber, owner of property on 52 Old Rochester Road also known as Assessor's Map 40, lot 25, requests a variance from Article IV, 170-12, to construct an addition expanding the existing retail area and having one (1) apartment on the second floor in a B-3 zone.

Dan Webber explained that this is not an apartment, but a private residence for himself.

Mr. Selleck noted that apartments are not allowed in this zone unless they are multifamily, and only with a special exception.

Public Hearing opened.

Daniel Kelliher, Strafford Road, spoke for the variance.

Public Hearing closed.

Mr. Hunt motioned to grant the variance as it is in the spirit and intent of the law, and no diminution of value. Mrs. Turner seconded.

Vote: U/A

Mrs. Turner motioned to adjourn.

Mr. Joy adjourned the meeting at 8:15 P. M.