

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING

Held: March 20, 1986
Council Chambers
Municipal Bldg.
Dover, NH

Members Present: Alden Joy-Chairman, Mardean Frazer, John Torr, and Ann Turner-Alternate.

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

Business Meeting:

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

The minutes of the February 20, 1986 Zoning Board of Adjustments were approved.

Vote: U/A

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 case would be rescheduled due to the lack of board members present.

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

John Brewster showed the board members his proposal for a 9 ft. sideyard setback and explained that he wished to build a 24-32' garage.

Ann Turner asked if the porch had a roof on it.

John Brewster explained that his roof had an awning.

Ann Turner stated that the extension would extend forward on the house wall and have a 5' easement.

John Brewster agreed and further stated that the steps were 5' by 5" and that there would be 5 inches behind the existing porch.

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Mr. Joy stated that Mr. Brewster was asking for a variance on 5 1/2 feet on a sidewalk setback and 8 feet on a frontyard setback.

Tom Clark stated that a variance was not needed because the porch is already roofed and he is not coming any closer to the street than the existing structure already is.

Public Hearing opened: no comment
Public Hearing closed:

Ann Turner motioned to grant the variance, Mardean Frazer seconded the motion.

VOTE: 3-1. Variance granted. Mr. Joy denied on the frontyard setback.

H86-9 Kenneth S. and Deanna Gallant, 53 Boston Harbor Road, also known as Assessor's Map 7, lot 9, zoned R-20, requests a variance from the terms of Article X, section 170-41-A, to demolish an existing non-conforming structure and construct a dwelling within 22.5 feet of a private right-of way.

Kenneth Gallant explained that he would like to modify variance already granted to move his house back and add a porch - not pulling the house back as far as the original plan.

Mr. Joy explained that this would be less non-conforming and that the garage would not be a problem - he stated that Mr. Gallant would like to restructure whereas it has already been permitted.

Public Hearing opened: no comment
Public Hearing closed:

Ann Turner restated that Kenneth Gallant was taking a non-conforming structure and replacing it with less of a non-conforming structure.

John Torr added that the land was very crowded.

Mardean Frazer agreed with John Torr as well as with Ann Turner.

Mr. Joy moved for a motion, Ann Turner seconded the motion.

VOTE: 4-0. Variance granted.

H86-10 James B. Towle, 60 Back River Road, also known as Assessor's Map I, lot 67 zoned RM-12 (applicant: Jonathan P. Towle) requests a variance from Article V, section 170-16, to subdivide a lot having no frontage on a public right-of-way.

Jonathan Towle stated that he wished to use James Towles' private driveway that is also used by two other homes in order to get the subdivision in which there is no way to get the 125 feet of frontage.

Tom Clark stated that the culdesac was a continuation of the private right-of-way and that Jonathan's home would be the fourth home off of it. Further stating that Jonathan has the square footage - right frontage in the private drive.

Public Hearing opened: no comment
Public Hearing closed:

Ann Turner questioned the width of the culdesac.

Jonathan Towle answered 16-18 feet.

Tom Clark stated that 16 feet is the minimum requirement.

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

VOTE: 4-0. Variance granted.

H86-11 Wentworth-Doubllass Hospital, 789 Central Avenue, also known as Assessor's Map 37, lot 1, zoned office, requests a variance from Article IX, sections 170-32-I(3)(b)(c)(d) and 170-D-14 to erect signs which exceed ordinance requirements in area, height and quantity.

Charles Craven, Associate Director of Wentworth-Douglass Hospital stated that the intent as part of the program construction and revamping is to re-do all the signs of the hospital. There is a major change with the flow of patients coming to the hospital and the signs reflect those changes. The North entrance will be the Emergency Entrance (presently South end of Central Avenue). Signs coming South will direct people to the Emergency Room and to the Main Entrance. The Main Entrance Sign is in the triangular area that is on the side. The intent is to get the vast majority of people coming to the hospital to come down Rollins Road. The third sign is the Rollinsford Road down by the Doctor's Park directing people into the hospital. The signage is geared to get people to both of those entrances with the least amount of doubt, confusion. The main idea is to keep Central Avenue moving and to get it on to the Rollinsford Road - which will be widened by 12 feet in June.

Mr. Joy inquired if the signage exceeded the size.

Mr. Craven answered yes and added in height also. Height on the main side will be 12 feet.

Ann Turner inquired what was meant by the main side.

Charles Craven responded that the main side is the South side (the one now the entrance).

Mr. Joy added that it would be mounted in a brick structure 6' by 12'.

Charles Craven confirmed Mr. Joy's statement.

Mr. Joy stated his concerns whether people coming out of Rollins Road would have a full and clear picture of what is coming up over Central Avenue.

Charles Craven stated that it would be positioned far enough back.

Mr. Joy stated the lighting on the signs would be internal.

Ann Turner inquired if the emergency exit would also be 12 feet from ground level.

Charles Craven stated that all the directional signs would be approximately 3 1/2 by 4 feet.

Public Hearing opened: no comment

Public Hearing closed:

Mardean Frazer moved to grant the variance, Ann Turner seconded the motion.

Vote: 4-0. Variance granted.

H86-12 Raymond H. Bardwell, 199 Spur Road, re property located at 197 Spur Road, also known as Assessor's MapL, lots 48-I and 48-R, zoned R-20, requests a special exception from the terms of Articles VII, section 170-27-B(3) to construct a dwelling within the 75 foot distance as required in the Conservation District.

Raymond Bardwell reviewed his property lot layout with the members of the board. He stated he wished to construct 55 feet away from embankment. A letter from George Maglaras of the Planning Board, a letter from Mr. Thomas, Chairman of the Conservation Department, and a letter from Mr. Roger Rivers of 193 Spur Road supported the layout.

Public Hearing opened: no comment

Public Hearing closed:

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Mr. Joy questioned if the application was for lots 48-I and 48R and if lot 2 included lots 48-I and 48-R.

Tom Clark added that lot 2 is I and R is in Mrs. Bardwell's name.

Raymond Bardwell confirmed Mr. Clark's statement.

Ann Turner questioned if the property was served by City water.

Raymond Bardwell confirmed Ann Turner's question.

Public Hearing opened: no comment

Public Hearing closed:

Mr. Joy inquired if it was a grandfathered lot.

Raymond Bardwell stated yes.

Mardean Frazer moved to grant variance, John Torr seconded the motion.

VOTE: 4-0. Variance granted.

H86-13 Bryan E. Goodwin, 62 Littleworth Road, also known as Assessor's Map G, lot 3-D-2, zoned I-1, requests a variance from Article V, section 170-16, front and rear yard setback requirements, to reduce the front setback to 44 feet where 50 feet is required and to reduce the rear setback to 19 feet where 25 feet is required.

Bryan Goodwin stated that the lot size is 100 feet deep and that if it complies with 50 foot setback for the front it will not leave ample room for an appropriate size building suitable in that zone and that there is a 20 foot easement abutting the rear line.

Ann Turner asked if the lot was the western-most in the strip/

Bryan Goodwin confirmed her statement.

Public Hearing opened: no comment

Public Hearing closed:

Tom Clark stated that since the property is commercial and if the variance was granted it would still be up for site and Planning Board approval.

Mr. Joy stated that Bryan Goodwin was just seeking variance for backside variance which has already been granted twice on the same piece of property.

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

John Torr denied on stating it was not in the spirit and in the intent of the variance.

Mardean Frazer stated the building could be smaller and that there is no hardship on the land.

Ann Turner stated the building would be two stories when all others in the neighborhood were one story.

Tom Clark added that the purpose of the building is for half office and half warehouse.

Mardean Frazer added that if the building was just for storage it did not matter what shape it was.

Mr. Joy continued by stating that it did not matter what Bryan Goodwin was using the building for. The building is in an industrial zone - question is for someone to be closer to the lot line than what is required.

Mardean Frazer motioned to reopen, John Torr seconded the motion.

Ann Turner motioned to grant the variance, John Torr denied, Ann Turner moved to grant, and Mr. Joy moved to grant.

VOTE: 3-1. Variance Granted.

H86-14 Arthur J. Dugal, Route 16, also known as Assessor's Map 40, lot 21-C, zoned B-3, requests a variance from Article V, Section 170-16, Table I, Part of C, which requires a minimum lot size of 60,000 square feet to operate a restaurant.

Steve Morrison, representing Mr. Dugal, stated that Dugal's Market was in a commercial area. The rear of the market was occupied by a printing Company that vacated - a building permit was issued and then revoked. Building is in a B-3 zone where 60,000 sq. feet is required. Mr. Dugal is seeking a variance to allow people to eat in the establishment - having 22 seats.

Public Hearing opened:

Mr. James Lazarus of Strafford Appliance stated that he does not object to the restaurant, but that Mr. Dugal needs more parking area and needs to discuss this with adjacent property owners.

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Mr. Stevens stated that the restaurant's primary hours would be in the evening and that there are requirements for the number of parking areas for tables and employees, etc. Mr. Dugal will discuss the sharing of the parking area with his neighbors - this should not be a problem - basically the restaurant will be a take-out. A very limited number of patrons will need parking.

Mr. Joy inquired if the lot is grandfathered.

Mr. Dugal confirmed Mr. Joy's statement.

Tom Clark added that it was required for Mr. Dugal to come before the Board for reasons of legality.

Public Hearing closed:

Mardean Frazer stated it would be an injustice not to grant the variance because the area is totally a commercial one.

Mardean Frazer moved to grant the variance, Ann Turner seconded the motion.

VOTE: 4-0. Variance granted.

Meeting adjourned at 8:42 P.M.