

Dover Zoning Board of Adjustment

Thursday, March 17, 2005

MINUTES

Members Present: Richard Callaghan, Bill Colbath, John Levasseur, Masi Denison, Ruth Gorton

Members Absent: Frank Landford

Staff Present: Thomas Clark; Building Official, Christopher Parker; City Planner,
Jean Glidden; Recording Secretary

ITEM # 1: CALL TO ORDER

Richard Callaghan brought the meeting to order at 7:10 p.m.

ITEM # 2: APPROVAL OF MINUTES

A. Approval of the minutes for regular meeting of February 17, 2005.

Motion: Bill Colbath made the motion to accept the minutes. Ruth Gorton seconded the motion.

VOTE: U/A

ITEM # 3: OLD BUSINESS

A. Request for Motion for Rehearing regarding ZBA case Z 05-01 Randy & Teresa Palmer, 19 Union St., a/k/a Assessor's Map M-20, Lot 101, zoned RM-10, requests a variance from the terms of Article V, Section 170-16, to demolish a non-conforming accessory structure (detached garage) and to construct an attached garage within approximately two (2) feet from a property line, where a minimum of six (6) feet is required and within approximately four (4) feet from a rear property line, where a minimum of fifteen (15) feet is required.

Richard Callaghan stated that they would base their decision for the request for rehearing by the letter that was submitted by Attorney Schulte on behalf of the applicants. He asked if the Board members had any comments.

John Levasseur stated that he does not see anything different that was submitted as far as geometry of the layout of the property. The only thing submitted in this presentation is justification of Attorney Schulte's argument for the variance.

Masi Denison stated that she feels that maybe the Board was not clear enough and it might be useful to be more explicit about their reasons for their votes. She requested that the Board consider the motion for rehearing.

Richard Callaghan stated that he agrees and the statement that he made at the last meeting regarding the "owners may not be here today but fifty years from now may have a problem" his thought process was that the neighbors that are living there are tenants, not owners and they may not even know that this hearing is taking place. It was not his intent to say the owners. He stated that as far as voting on the two issues separately as Attorney Schulte stated in the letter, the Board has done that in the past but it is normally in the agenda as two issues. He stated that the Board might want to consider voting on the issues separately and asked if the Planning Department had any comments.

Chris Parker stated that the Planning Department supported the request for variance at the first meeting and the department would support the request for rehearing.

Discussion ensued regarding how the Board voted on the issues that were presented in Attorney Schulte's letter for request for rehearing.

Richard Callaghan stated that if they grant the request for rehearing the Board needs to take adherence to the new case that will be presented to the Board clearly, vote correctly, articulate their decisions in rationale and if the vote still ends up in the same way, at least they have done it in a different manner.

John Levasseur stated that most of the controversy was with the side setback.

Richard Callaghan asked if the Board was ready to make a motion to either accept or deny the request for rehearing.

Motion: Bill Colbath made the motion to grant the rehearing. John Levasseur seconded the motion.
VOTE: U/A

Richard Callaghan reminded the members of the Board that if anyone was interested in attending the NHOEP Planning and Zoning Conference they should submit the completed forms to the Planning Office before April 1, 2005.

ITEM # 4: NEW BUSINESS

- A. Z 05-03 Kevin Kelley, Trustee of the Strafford Trust, County Farm Rd., and Watson Rd., a/k/a Assessor's Map E, Lot 32-4, zoned ETP, requests a variance from the terms of 1) Article IV, Section 170-12, Table I, Part A, to permit a three lot single-family residential subdivision and 2) Article V, Section 170-16 to create a lot within an area of approximately two (2) acres, where a minimum of three (3) acres is required and 3) Article V, Section 170-16 to construct a building within approximately fifty (50) feet from a front property line, where a minimum of one hundred (100) feet is required.**

Richard Callaghan announced that another official notification was submitted this month requesting that this case be postponed to the May meeting and proceeded to read the letter.

ITEM # 5: OTHER BOARD BUSINESS

Richard Callaghan received thanks from all of the ZBA members for his success in returning the meetings back to the Council Chambers.

ITEM # 6: ADJOURNMENT

MOTION TO ADJOURN

Bill Colbath made the motion to adjourn at 7:35 p.m. and was seconded by Masi Denison. **VOTE:** U/A

List of Members

Richard Callaghan-regular member
William Colbath-regular member
Frank Landford-regular member
Ruth Gorton-regular member
John Levasseur-regular member
Masi Denison-alternate member

Term Expires

04-13-06
10-23-06
04-10-08
11-12-06
11-12-06
09-08-07