

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
OCTOBER 17, 1991

MEMBERS PRESENT: Bob Callan, Bill Colbath, Dean Trefethen,
Chris Jacobs, Dave Paolini, Randy Turner

ALSO PRESENT: Steve Stancel, Tom Clark

Bill Colbath chaired the meeting.

Meeting brought to order at 7:10 P.M.

Minutes to the August 15, 1991 meeting were discussed.

Dean Trefethen motioned to accept the minutes.

Bob Callan seconded.

VOTE U/A

H91-14, Dover Baptist Church, 151 Washington Street,
Assessor's Map 1, Lots 37, 38, and 44, zoned RM-6, requests a
variance from the terms of Article XI, Section 170-44.C to
permit the required parking spaces to be located off-site
(across the street).

Members sitting on the case: Colbath, Paolini, Jacobs,
Callan, Turner

David Nystead represented the case. Gary Bannon also
provided insight to the project.

Tom Clark explained the background of the case.

Randy Turner motioned to accept the case.

Bob Callan seconded.

VOTE 4-1 Paolini - Opposed

Dave Paolini expressed concern over the need for signed
agreements with abutters for the required parking.

Discussion ensued regarding the adequacy of parking in the
area.

Public Hearing opened.

Planning Department spoke in favor of the variance provided
agreements are made with abutters authorizing the needed
parking.

Public Hearing closed.

Discussion ensued.

Chris Jacobs stated that he would feel more comfortable if there were some type of written approvals from the abutters.

Bob Callan felt that there was already an applied use of the abutters properties because of past parking practices.

Randy Turner felt that signed agreements were not necessary.

Dean Trefethen agreed.

Chris Jacobs did agree that it would be difficult for any Hold Harmless Agreements to hold up in court should someone become injured.

Chris Jacobs motioned to table the request until the next meeting of November 21, 1991, if possible, or a maximum of 60 days in order to allow the applicant time to revise their site plan to show the following:

1. Existing property lines.
2. Revised parking configuration utilizing Map 1, Lot 37 to show proposed additional parking.
3. Review drainage of the site.
4. Show the ability to use off-site parking resources in terms of letters of approval or denial from abutters.

Dean Trefethen seconded.

Vote: 4-1 Randy Turner - Opposed

TABLED

H91-15 Dover House Healthcare (Owner: The Hillhaven Corp) The Hillhaven Corp.) Plaza Drive, A/K/A Assessor's Map D, Lots 80 & 80-1, zoned R-12, RM-8 & B-3, requests a variance from the terms of Article III, Section 170-10.E to allow the regulations of the less restricted district to extend more than fifty (50) feet beyond the district boundary and to permit the extension closer than one hundred (100) feet to a street line in the more restricted district.

Members sitting on this case: Randy Turner, Bill Colbath, Dave Paolini, Chris Jacobs and Dean Trefethen.

Tom Clark explained the background of the case.

Tom Long, Administrator of Dover House Healthcare, presented the case.

Randy Turner motioned to accept the case.

Dean Trefethen seconded.

VOTE U/A

Mr. Long reviewed the five criteria.

Public Hearing opened.

Steve Stancel indicated that the Planning Department was in favor of the request.

Public Hearing Closed.

5 CRITERIA

1. The applicant does face an unnecessary hardship because three zones dissect the land and it would be extremely difficult to establish a use that would be allowed in all three zones.
2. The variance will deliver substantial justice in that it will allow the full use of the lot and be consistent with the existing use.
3. The variance will be in harmony with the spirit and intent of the ordinance in that the ordinance did not intend there to be three zones dissecting one lot.
4. The variance will not result in the diminution in value of the surrounding properties because no evidence was presented to the contrary.
5. The variance will be of public benefit as it allows expansion of a facility that is needed and permits off-street parking that is needed for safety of employees and guests.

Dave Paolini motioned to accept.

Chris Jacobs seconded.

VOTE: U/A

APPROVED

Chris Jacobs motioned to adjourn the meeting.

Dave Paolini seconded

VOTE U/A

Meeting adjourned at 9:40 P.M.