

**HANOVER ZONING BOARD OF ADJUSTMENT**  
**August 27, 2009**  
**Board Room, Municipal Building, 7:00 pm**

**Board Members Present:** Arthur Gardiner (Chair), Carolyn Radisch (Acting Clerk), Gert Assmus, Steve Marion and Sheila Buckley.

Staff: Judith Brotman, Denise Shibles

Others: See attached sheet

Zoning Board Chair, Arthur Gardiner, called the meeting to order at 7:00 pm. The deliberation meeting will be held September 3, 2009 in the Board room of the Municipal Building at 7:00 pm.

The following agenda items were then heard.

1. **Case #44041-Z2009-31 (Kerrigan)** has been continued to September.
  
2. **Continuation of Case #51005-Z2009-24: Stephen Girdwood, Esq., Agent to John & Gail Montgomery, property owners of record, is requesting a Variance under Article X, Section 1006, "Variance", to allow an expansion of a non-conforming structure with a non-conforming use. The property is located at 151 Wolfeboro Road, Tax Map 51, Lot 5, in the "F" Forestry & Recreation zoning district.**

Carolyn Radisch, clerk, read the Notice of Public Hearing.

Stephen Girdwood, Agent, and John Montgomery, property owner, presented the request in Phase I. Jay Barrett also represented the property owner in Phase I.

Richard Saunders and Joan Garipay spoke against the proposal in Phase II. Judith Brotman also spoke to clarify some facts in Phase II.

Girdwood, Montgomery and Barrett also spoke to clarify the proposal in Phase III.

No one spoke in Phase IV.

Case #51005-Z2009-24 was closed.

The record was left open until noon on Monday for additional items:

- Floor plans indicating the configuration of the second floor and basement.

3. **Case #41037-Z2009-32:** Frank Barrett, Jr., as Agent for James & Julia Healy, property owners of record, is requesting a Special Exception under Article II, Section 210.1, pursuant to Section 206, "Special Exceptions," to allow a second driveway. The property is located at 1 Butternut Lane, Tax Map 41, Lot 37, in the "SR-1" Single Residence zoning district.
4. **Case #41037-Z2009-33:** Frank Barrett, Jr., as Agent for James & Julia Healy, property owners of record, is requesting a Wetlands Special Exception under Article VII, Section 702, "Wetland, Waterbody, and Intermittent Stream Protection," to rebuild a driveway and construct a garage & breezeway within a wetland buffer. The property is located at 1 Butternut Lane, Tax Map 41, Lot 37, in the "I" Institution zoning district.
5. **Case #41037-Z2009-34:** Frank Barrett, Jr., as Agent for James & Julia Healy, property owners of record, is requesting a Variance under Article X, Section 1006, "Variance," from Section 210.1A, "Driveways," to allow the connection of two driveways. The property is located at 1 Butternut Lane, Tax Map 41, Lot 37, in the "I" Institution zoning district.

Carolyn Radisch, Clerk, read the Notice of Public Hearing.

Jay Barrett, Agent, and James Healy, property owner, presented the request in Phase I.

No one spoke in Phases II, III and IV.

Cases #s 41037-Z2009-32, 33, and 34 were closed.

The record was left open until noon on Monday for receipt of a new site plan.

6. **OTHER BUSINESS:** Motion for Rehearing - **Case #41041-Z2009-16:** John Glynn is appealing an Administrative Decision, under Article X, Section 1005, "Board of Adjustment", pursuant to Article II, Table 204.5 and Article IX, Section 902, "Definitions", that an interior stairwell, connecting two living spaces, is required under Hanover's Zoning Ordinance. The decision being appealed is contained a letter from the Zoning Administrator dated March 13, 2009. The property is located at 14 Highland Avenue, Tax Map 41, Lot 41, in the "GR-2" General Residence zoning district.

Steve Marion moved to deny the Motion for Rehearing. Carolyn Radisch seconded the motion. The Motion for Rehearing was **DENIED** by a vote of 4 to deny (Radisch, Marion, Gardiner, Assmus) and 1 abstention (Buckley).

7. **ADJOURN:** The meeting adjourned at 10:15 pm.

Respectfully submitted,

*Judith Lee Shelnutt Brotman, Zoning Administrator*