

HANOVER ZONING BOARD OF ADJUSTMENT
January 22, 2009
Board Room, Municipal Building, 7:00pm

Board Members Present: Arthur Gardiner, Gert Assmus, William Dietrich, Stephen Marion,
H. Bernie Waugh Jr.

Staff: Judith Brotman, Denise Shibles

Others: See attached sheet

Zoning Board Chair, Arthur Gardiner, called the meeting to order at 7pm. The deliberation meeting will be held January 29, 2009 in the Board room of the Municipal Building at 7:00 pm.

The following agenda items were then heard.

1. **Case #39016-Z2009-02:** Sandra Joslin is requesting a Variance after-the-fact under Article X, Section 1006, "Variance", pursuant to Section 204.5, "General Residence", to allow a two-family dwelling in the GR-2 district on a lot of less than 13,000 sq. ft. The property is located at 12 Fairview Avenue, Tax Map 39, Lot 16, in the "GR-2" General Residence zoning district.

Sandra Joslin asked to have her request for a Variance withdrawn. The Board granted the request to withdraw the case.

2. **Re-Opening of Case #44004-Z2008-46:** Penfield Limited Family Trust – New Heights, is requesting a Special Exception under Article II, Section 204.5, pursuant to Section 206, "Special Exceptions", to allow the siting of an Essential Service (transformer) in the "GR-2" zoning district. The property is located at 8 Reservoir Road, Tax Map 44, Lot 4, in the "GR-2" zoning district. The scope of the re-opened hearing is limited to review of Applicant's proposal for screening the proposed transformer from adjacent residential structures.

Ken Penfield presented the request in Phase I.

No one spoke in Phase II, III, or IV.

Case #44004-Z2008-46 was closed.

The following two cases are being address together.

3. **Case #02086-Z2008-41:** Philip and Amy Goodney are requesting an Equitable Waiver under Article X, Section 1007, for an encroachment into the front setback. The property is located at 38 Laramie Road, Tax Map 2, Lot 86, in the "RR" Rural Residence zoning district.
4. **Case # 02086-Z2008-42:** Philip and Amy Goodney are requesting a Special Exception under Article VIII, Section 803, "Change of Non-Conforming Structures," pursuant to Section 206, "Special Exceptions," to permit the expansion of a non-conforming structure. The proposed expansion would be no closer than the existing structure to the lot line to which the existing structure is non-conforming. In the alternative, a Variance may be requested. The property is located at 38 Laramie Road, Tax Map 2, Lot 86, in the "RR" Rural Residence zoning district.

Bernie Waugh read the Notice of Public Hearing.

Amy Goodney presented the requests in Phase I.

No one spoke in Phase II, III or IV.

Cases #02086-Z2008-41 and # 02086-Z2008-42 were closed subject to the receipt of information by Tuesday, January 27, 2009 at noon.

5. **Re-Opening of Case #12006-Z2008-39:** Neil Borger, as Agent for Sandra Fullington, property owner of record, is requesting a Wetlands Special Exception under Article VII, Section 702, "Wetland and Water Body Protection," to permit construction of a leach field and associated wastewater disposal system within a wetland setback. The property is located at 36 River Road, Tax Map 12, Lot 6, in the "RR" Rural Residence zoning district.

Neil Borger presented the request in Phase I.

No one spoke in Phase II, III or IV.

Case #12006-Z2008-39 was closed.

6. **Case #23005-Z2009-01:** Liam McCarthy is requesting a Variance under Article X, Section 1006, "Variance," pursuant to Article II, Section 204.6, "Single Residence", to permit an addition to a structure, which was previously granted a Variance to be located within the setback area. The property is located at 101 South Main Street, Tax Map 23, Lot 5, in the "SR-2" Single Residence zoning district.

Bernie Waugh read the Notice of Public Hearing.

Paul Tougas, as Agent for Liam McCarthy, presented the request in Phase I.

Stephen Carroll and his wife Gina Adrales also spoke in Phase I.

No one spoke in Phase II, III or IV.

Case #23005-Z2009-01 was closed.

7. **Case #43001-Z2009-03:** Frank Roberts, as Agent for Pine Park Association, property owner of record, is requesting a Wetlands Special Exception under Article VII, Section 701, "Protection of Flood Plains, Waterbodies, Intermittent Streams, and Wetlands", and Section 702, "Wetland, Waterbody, and Intermittent Stream Protection," to permit after-the-fact emergency stabilization of the golf cart bridge abutments and stream stabilization measures within Girl Brook. The property is located at 41 Rope Ferry Road, Tax Map 43, Lot 1, in the "I" Institution zoning district.

Bernie Waugh read the Notice of Public Hearing.

Frank Roberts, from Dartmouth College, and Randal Shuey, from New England Environmental, presented the request in Phase I.

No one spoke in Phase II, III or IV.

Case #43001-Z2009-03 was closed

8. **Case #38071-Z2009-04:** Marty Davis, as Agent for John Engelman, property owner of record, is requesting a Special Exception under Article VIII, Section 803, "Change of Non-Conforming Structures," pursuant to Section 206, "Special Exceptions," to permit the enlargement of a non-conforming structure.

The additions being proposed will be no closer than the existing structure to the lot line(s) to which the existing structure is non-conforming. The property is located at 7 Dana Road, Tax Map 38, Lot 71, in the "SR-2" Single Residence and "GR-2" General Residence zoning districts.

Bernie Waugh read the Notice of Public Hearing.

Marty Davis presented the request in Phase I.

No one spoke in Phase II, III or IV.

Case #38071-Z2009-04 was closed

9. **Other Business**

Revision to "Between Meeting Communication Policy" discussion & second reading of proposed changes to the policy.

Arthur Gardiner read the following:

"Exchanges among members of the Board relating to the substance of a pending Case may occur only in an open public meeting noticed in accordance with RSA 91-A *provided*, that between meeting exchanges between only two Board Members may occur for purposes of assisting decision drafting by recently appointed Board Members and for purposes of drafting decisions in complex cases. The Chair will identify cases for which two-person decision drafting is planned in the public hearing on such cases."

WAUGH made a motion to approve the changes as written, with DIETRICH seconding. The vote was unanimous in favor of the motion. The voting members were: Arthur Gardiner, Gert Assmus, William Dietrich, Stephen Marion, and H. Bernie Waugh Jr.

The meeting adjourned at 9:25 pm.

Respectfully submitted,

Denise D. Shibles
Recording Secretary