

**HANOVER ZONING BOARD OF ADJUSTMENT**

**Deliberation & Public Hearing**

**February 4, 2010**

**Board Room, Municipal Building, 7:00pm**

Board Members Present: William Dietrich, Bernie Waugh, Steve Marion, Ruth Lappin and Gert Assmus

Staff: Judith Brotman, Denise Shibles

Others: See the attached sheet

**DELIBERATION:**

(Further explanation and support for the following actions are contained in the Board's approved, written decisions found in the respective case files.)

1. The Ethel Hayes Estate, through its agent Frank J. Barrett, Jr. requests a variance under Article X, Section 1006, "Variance," pursuant to Table 204.6, "Single Residence" and Table 204.7, "Rural Residence" for purposes of creating a new lot with less than the frontage required. The property is located at 122 Etna Road, Tax Map 29, Lot 12, and is partly within the "SR-2" Single Residence district, and partly in the "RR" Rural Residence district.

It was moved by Waugh, seconded by Assmus to **GRANT** a Variance to the Ethel Hayes estate, for purposes of creating a new lot with less than the frontage required, at its property located at 122 Etna Road, Tax Map 29, Lot 12, subject to the following:

A. The proposal shall be implemented substantially in conformity with the testimony and materials on file, including the subdivision plan.

B. In particular, as proposed by the applicant, no more than one principal building, housing no more than one primary dwelling unit, shall be constructed on "Parcel 2" utilizing this variance, in the absence of further application and review by the ZBA.

Voted in favor: 5

Opposed: 0

2. Applicant, Sigma Phi Epsilon NH Alpha Alumni & Volunteer Corporation (Corporation), property owner of record, is requesting a Special Exception under Section 206, "Special Exceptions," as required by Article II, Section 204.4, for a student residence in order to rebuild

their chapter house located at 11 Webster Avenue, Tax Map 37, Lot15, in the "I" Institution Zoning District.

It was moved by Assmus, seconded by Marion, to **GRANT** the requested Special Exception so as to permit Applicant to proceed with the proposed rebuilding of a residence at 11 Webster Avenue, subject to the conditions that:

1. Construction and use of the project be in substantial conformity with the plans and specifications and other evidence submitted by Applicant in this proceeding; and
2. Certificate of Occupancy not be issued until Applicant has provided the Zoning Administrator with a fully executed Lease Agreement for 10 parking spaces and in addition, deliver a document committing the Corporation to provide at least 13 parking spaces on its property, in case the lease agreement is terminated in the future.

Voted in favor: 5

Opposed: 0

3. On January 28, 2010 this Board held a hearing on the request James Murray Washburn and Karen Washburn for a Special Exception under Article II, Section 204.7. The purpose of the Special Exception was to allow a Bed & Breakfast.

It was moved by Marion, seconded by Lappin, to **GRANT** the requested Special Exception to permit a three bedroom Bed & Breakfast at 231 Dogford Road, Tax Map 9, Lot 23, in the "RR" Rural Residence zoning district. This grant is subject to the following condition:

1. This Special Exception is limited to 3 rental rooms with a total maximum occupancy of 6 persons.
2. That the driveway shall be maintained in a plowed and sanded condition during all winter periods when the Bed & Breakfast is in operation, and that a plowed area on the right side of the lower flat portion of the driveway shall also be maintained for emergency extended parking for guests during all winter periods when the Bed & Breakfast is in operation.
3. That no sign greater than one square foot shall be erected on the property as provided by Section 317.2 .
4. That all other required state approvals and licenses be obtained before operation shall commence. [Such as DES for septic and Food Service licensing for the B&B food service.] A copy of such additional approvals and licenses shall be provided to the Zoning Administrator to be included in the case file.

Voted in favor: 5

Opposed: 0

4. Applicant T-Mobile Northeast, LLC, as Agent for the Church of Christ, property owner of record, requests a Special Exception under Article III, Section 322, "Communication/Telecommunications Facilities", pursuant to Article II, Section 206, "Special Exceptions", to permit the installation of a wireless communication facility within a steeple. The property is located at 40 College Street, Tax Map 38, Lot 3, in the "I" Institution Zoning District.

G. Assmus recused himself from this case.

It was moved by Lappin, seconded by Waugh, to **GRANT** a Special Exception to T-Mobile Northeast, LLC, Agent for Property Owner of Record Church of Christ, to permit the installation of wireless communication antennas and associated equipment at property located at 40 College Street, Tax Map 38, Lot 3, in the "I" Institution Zoning District, with the following conditions:

1. That the proposed installation of four (4) antennas and related equipment be completed in substantial conformity with the plans and testimony as presented;
2. That T-Mobile comply with all the requirements of Section 322.4 of the Ordinance to the satisfaction of the Zoning Administrator; and
3. That T-Mobile conduct the operation of its equipment within all applicable requirements of the Federal and State governments.

Voted in favor: 4

Opposed: 0

Respectfully submitted,

Denise D. Shibles

Recording Secretary