

HANOVER ZONING BOARD OF ADJUSTMENT

Deliberation

June 8, 2009

Basement Conference Room, Municipal Building, 7:00 pm

Board Members Present: William Dietrich, Arthur Gardiner (Chair), Carolyn Radisch, Steven Marion, Ruth Lappin

Staff: Judith Brotman, Denise Shibles

Others: See the attached sheet

Zoning Board Chair Arthur Gardiner called the meeting to order at 7 pm in the Conference Room of the Hanover Municipal Building.

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. **Case #42018-Z2009-14:** Jon and Connie Blatchford are requesting a Special Exception under Article II, Sections 204.6 and 210.1C, pursuant to Section 206, "Special Exceptions," to allow the keeping of poultry as an accessory use. The property is located at 3 Pine Drive, Tax Map 42, Lot 18, in the "SR-1" zoning district. The hearing on this case opened April 23, 2009 and was continued to May 28, 2009.

Radisch prepared the preliminary draft.

It was moved by Radisch, seconded by, Lappin to **GRANT** a Special Exception to Jon and Connie Blatchford, property owners of record, to allow the keeping of poultry as an accessory use, subject to the following conditions:

1. The chicken house and run be constructed in substantial conformity with the drawings and photographs submitted as a part of this application.
2. No more than six chickens are kept on the property.
3. No roosters are to be kept on the property.
4. No slaughtering of chickens will occur on the property.
5. Any odors from the chicken house shall not be perceptible at the property boundary.
6. The chicken coop will be screened from view of the neighbors at 5 Pine Drive by dense evergreen plantings.
7. The chicken house and run must be enclosed on top and otherwise constructed to prevent predator break-ins.
8. Chicken feed shall be secured in a rodent proof container.
9. The property owner will make arrangements for the care of the chickens when they are out of town.

10. The chicken house and run will be subject to inspection by officers or agents of the town who may order the removal of chickens if he/she believes they pose a health risk.
11. The permission granted by this Special Exception shall expire on July 1, 2010. The applicant may apply for a new Special Exception to take affect thereafter.

Voted in favor: 3 Dietrich, Gardiner, Radisch

Opposed: 2 Marion, Lappin

2.Case #23120-Z2009-18: Elizabeth & Joseph Asch, as Agent for Elizabeth Asch and Victoria Austin, property owners of record, are requesting a Special Exception under Article II, Sections 204.6 and 210.1C, pursuant to Section 206, "Special Exceptions," to allow the keeping of poultry as an accessory use. The property is located at 12 Woodrow Road, Tax Map 23, Lot 102, in the "SR-3" zoning district.

Radisch prepared the preliminary draft.

It was moved by Radisch, seconded by, Dietrich to **GRANT** a Special Exception to Elizabeth and Joseph Asch, as agents for Elizabeth Asch and Victoria Austin, property owners of record, to allow the keeping of poultry as an accessory use, subject to the following conditions:

1. The chicken house and run be constructed in substantial conformity with the drawings and photographs submitted as a part of this application.
2. No more than six chickens are kept on the property.
3. No roosters are to be kept on the property.
4. No slaughtering of chickens will occur on the property.
5. Any odors from the chicken house shall not be perceptible at the property boundary.
6. The chicken house and run must be enclosed on top and otherwise constructed to prevent predator break-ins.
7. Chicken feed shall be secured in a rodent proof container.
8. The property owner will make arrangements for the care of the chickens when they are out of town.
9. The chicken house and run will be subject to inspection by officers or agents of the town who may order the removal of chickens if he/she believes they pose a health risk.
10. The permission granted by this Special Exception shall expire on July 1, 2010. The applicant may apply for a new Special Exception to take affect thereafter.

Voted in favor: 3 Dietrich, Gardiner, Radisch

Opposed: 2 Marion, Lappin

3. **Case #44054-Z2009-21:** Applicant, the Trustees of Dartmouth College (“Dartmouth”), is requesting Special Exceptions under Article VII, Section 702, “Wetland, Waterbody and Intermittent Stream Protection,” to conduct repair and restoration work in and adjacent to branches of Girl Brook. The property is located at 37 Lyme Road, Tax Map 44, Lot 54, in the “I” Zoning District.

Gardiner prepared the preliminary draft.

It was moved by Gardiner, seconded by Dietrich, to **GRANT** the requested Special Exceptions under Section 702.7 of the Ordinance as requested in Cases Z2009-21 and 22 subject to the following conditions:

1. Construction projects be in substantial conformity with the plans and specifications and other evidence submitted by Applicant in this proceeding; and
2. Zoning Permits not be issued until the New Hampshire Department of Environmental Services issues permits for the projects under its Dredge and Fill Regulations.
3. Applicant conforms in all material respects to the conditions set forth in such permits.

Voted in favor: 5

Opposed: 0

4. **Case #22068-Z2009-17:** Jerry and Claire Stochlic, property owners of record, are requesting a Special Exception under Article II, Sections 204.6 and 210.1(K), “Fences”, pursuant to Section 206, “Special Exceptions,” to permit a deer fence greater than 4’ in height. The property is located at 1 Weatherby Terrace, Tax Map 22, Lot 68, in the “SR-3” Single Residence zoning district.

Marion prepared the preliminary draft.

It was moved by Marion, seconded by Lappin, to **GRANT** the requested Special Exception to permit a fence greater than 4’ high but no higher than 6 feet within the required setback areas on property located at 1 Weatherby Terrace, Tax Map 22, Lot 68, in the “SR-3” Single Residence zoning district. This grant is subject to the following conditions:

1. That the deer fence shall be maintained in its current excellent state of repair and shall not be allowed to deteriorate or become unkempt in its physical appearance.
2. Any change in the design of the fence, its location, construction or in the materials used will require further action of this Board.

Voted in favor: 5

Opposed: 0

5. **Case #38102-Z2009-19:** The next two cases contain the same facts and are a request by the same applicant for two different actions by the Board. In Case No. 38102-Z2009-19 Stephen

Girdwood, Esq., as Agent for Susan Williamson, property owner of record, is requesting an Equitable Waiver under Article X, Section 1007, for an encroachment into the rear setback. The property is located at 6 Ivy Pointe Way, Tax Map 38, Lot 102, in the "SR-2" Single Residence zoning district.

Dietrich prepared the preliminary draft.

It was moved by Dietrich, seconded by Radisch, to **DENY** an Equitable Waiver to Stephen Girdwood, Esq., as Agent for Susan Williamson, property owner of record, for an encroachment into the rear setback at 6 Ivy Pointe Way, Tax Map 38, Lot 102.

Voted in favor: 5

Opposed: 0

6. In **Case No. 38102-Z2009-13** Stephen Girdwood, Esq., as Agent for Susan Williamson, property owner of record, in requesting a Variance under Article X, Section 1006, "Variance," to allow an existing deck within the rear setback. The property is located at 6 Ivy Pointe Way, Tax Map 38, Lot 102, in the "SR-2" Single Residence zoning district.

Dietrich prepared the preliminary draft.

It was moved by Dietrich, seconded by Radisch, to **DENY** a Variance to Stephen Girdwood, Esq., as Agent for Susan Williamson, property owner of record, to allow an existing deck within the rear setback at 6 Ivy Pointe Way, Tax Map 38, Lot 102.

Voted in favor: 5

Opposed: 0

7. **Case #46017-Z2009-20:** Applicant Hanover Terrace Healthcare, as Agent for Ventas Realty Limited Partnership, property owner of record, requests a Special Exception under Article II, Sections 204.5 and 210.1(K), "Fences", pursuant to Section 206, "Special Exceptions", to permit a fence greater than 4' in height. The property is located at 49 Lyme Road, Tax Map 46, Lot 17, in the "GR-2" General Residence zoning district.

Lappin prepared the preliminary draft.

It was moved by Lappin, seconded by Dietrich to **GRANT** a Special Exception to Hanover Terrace Healthcare to construct a fence over 4' in height, but no higher than 6'6", in the same location as the existing chain link fence, within the required setback area along Curtiss Road on property located at 49 Lyme Road, Tax Map 46, Lot 17, in the "GR-2" General Residence zoning district, with the following conditions:

1. That the existing shrubbery alongside the fence be maintained or replaced by similar shrubbery and, further, additional shrubbery be planted to provide a continuous line of greenery along the fence. To achieve this condition, the applicant shall submit a landscape plan incorporating salt tolerant shrubs and trees for approval by the Zoning Administrator.

2. That the existing chain link gate be replaced with a wood or vinyl gate and break-away lock or closure that is compatible with the style of the proposed fence; and
3. That the proposed construction be completed in substantial conformance with the plans and testimony presented and with the conditions set forth herein.

Voted in favor: 4

Opposed: 0

Respectfully submitted,
Denise D. Shibles
Recording Secretary