

**RESIDENTIAL PROJECT MEETING
MEETING SUMMARY
JANUARY 30, 2012**

Present: Judith Esmay, Jonathan Edwards, Vicki Smith, Kate Connolly, Iain Sim, Michael Hingston, Joan Garipay, Judith Brotman

Minutes of January 9 and 25, 2012

The minutes of January 9, 2012 were reviewed and amended. On a motion by Kate and a second by Michael, the amended minutes were unanimously approved.

The minutes of January 25, 2012 were reviewed and amended. On a motion by Kate and a second by Michael, the amended minutes were unanimously approved.

Discussion about Nonconformity

The list of nonconformity statements from Jonathan's email of January 27, 2012 was reviewed and each item was considered as a potential Committee policy.

1. The extent of nonconformities, with respect to use as well as dimensions, should be minimized by having the zoning reflect and respect pertinent existing conditions which contribute to valued neighborhood character. *All Committee members agreed with this policy.*
2. This approach should be tempered by public safety and health concerns (e.g. access for firefighting and emergency response, for building separation, and for light and air). *All Committee members agreed with this policy.*
3. This approach will be implemented throughout the Town as part of the revision of the Zoning Ordinance. *All Committee members agreed with this process.*
4. Any expansion of existing nonconformities should be undertaken only after a public ZBA hearing which allows input from neighbors. *All Committee members agreed with this policy.*
5. Any resumption or rebuilding of nonconformities damaged or destroyed by fire or other catastrophe should be allowed only after a public ZBA hearing which allows input from neighbors. *There was quite a lot of discussion:* The statement was too broad for comfort. Factors such as the extent of the use, degree of nonconformity, whether a structure or use, and principal vs. accessory structure would qualify this general statement. Extent of damage, undue financial burden and respect for the character of the neighborhood should be parameters the ZBA considers in evaluation of destroyed property. Structures in the flood zone may need to be considered separately.

The addition of an exception to the general statement was proposed: Any rebuilding of a nonconforming principal structure destroyed by fire or other catastrophe may be rebuilt on the same footprint by permit by the Zoning Administrator. This was put to a vote with one member voting on the statement as originally drafted, two members voting on the general statement with the exception proposed and two committee members abstaining. The Committee is divided on this issue.

These are two viewpoints about which the Committee could not reach unanimity therefore the Committee would like input from the public on the approach.

6. Guidelines for decisions in these public hearings need to be determined but must be grounded in the basic principles best described as “the spirit and intent of the adopted zoning ordinance.” *All Committee members agreed with this policy.*
7. Nonconformities should not be allowed to be created or increased- this means non-conforming uses should not be expanded. *This policy invoked a great deal of discussion.* Currently in Hanover a nonconforming structure may be allowed to expand as long as the nonformity is not increased. The time for discussion ran out and the Committee decided to continue with discussion of this point on February 6th.

Next week The Residential Committee will meet on Monday, February 6th at 1:30 PM at the Town Offices to discuss nonconformity.

Meeting adjourned at 3:45 PM.

Respectfully submitted,

Vicki Smith, Scribe

NEXT MEETING ON MONDAY FEBRARY 6th at 1:30 PM at the Town Offices.