

**ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING: April 28, 2011
Town Hall, 41 South Main Street – 7:00 p.m.**

Board Members Present: Gert Assmus, Ruth Lappin, Carolyn Radisch, Steve Marion
Staff: Judith Brotman

Others: See the attached sheet

Carolyn Radisch, Clerk, called the meeting to order at 7:00 p.m. The first item is to elect an acting chair for the hearing. The Board unanimously voted to elect Gert Assmus as Acting Chair.

The deliberation meeting will be held Wednesday, May 4, 2011 in the Town Hall Boardroom at 7:00 p.m.

Acting Chair Assmus stated that a three-member board was seated for the first two cases, and a four-member board was seated for the last two cases; and advised of the three-member board concurrence requirement. He explained that each applicant could request to continue their cases to a future date when a full board could be present or proceed before the smaller board with the understanding that a split decision, by the smaller board, would be grounds for a rehearing, if requested.

Acting Chair Assmus explained the Board's procedures, which include a Four-Phase hearing process (Phase I, case presentation, and others speak in favor of the proposal; Phase II, opposition presentation, and others speak in opposition to the proposal; Phase III, proponent rebuttal; Phase IV, opponent final statements.)

The following agenda items were then heard:

Carolyn Radisch stepped down from the Board for the following two cases.
The Applicants agreed to be heard by a three member board.

- 1. CASE #33083-Z2011-13: WETLANDS SPECIAL EXCEPTION – FLOOD PLAINS & WETLAND, WATERBODY, AND INTERMITTENT STREAM PROTECTION, JOANNA WHITCOMB FOR DARTMOUTH COLLEGE, TO LOCATE A TEMPORARY STUDENT SWIM DOCK IN THE CONNECTICUT RIVER, @ 33 TUCK MALL**
- 2. CASE #33083-Z2011-16: WETLANDS SPECIAL EXCEPTION - FLOOD PLAINS & WETLAND, WATERBODY, AND INTERMITTENT STREAM PROTECTION, JOANNA WHITCOMB FOR DARTMOUTH COLLEGE, TO CREATE AN ADA-ACCESSIBLE PATH TO THE CONNECTICUT RIVER, 33 TUCK MALL**

For convenience of the Board and the applicant, these two cases will be heard together.
Steve Marion, Acting Clerk, read the Notice of Public Hearing.

Phase I: Joanna Whitcomb & Ellen Arnold, for Dartmouth College, and Roy Schiff of Malone & MacBroom, Inc., presented the case for the Trustees of Dartmouth College.

Phase II, III, IV: No one else spoke either in favor of or opposed to the application.

The hearing in Case #33083-Z2011-15 and Case # 33083-Z2011-16 was closed.

Carolyn Radisch rejoined the Board.

- 3. CONTINUATION OF CASE #34074-Z2011-17: RICHARD & PEGGY HAMEL ARE REQUESTING A VARIANCE UNDER ARTICLE X, SECTION 1006, "VARIANCE", TO SECTION 204.2C, PURSUANT TO SECTION 805, "ABANDONMENT OF NON-CONFORMING USE", TO ALLOW A TWO-FAMILY DWELLING WITHOUT MEETING THE LAND AREA REQUIREMENT. THE PROPERTY IS LOCATED AT 38 LEBANON STREET, TAX MAP 34, LOT 74, IN THE "RO" RESIDENCE AND OFFICE ZONING DISTRICT.**

Carolyn Radisch, Clerk, read the Notice of Public Hearing.
The Applicant agreed to be heard by a four-member board.

Phase I: Sam Westleman, Agent for the property owners, presented the case.

Mr. Westleman requested a continuance of the case to the next hearing. Radisch moved the continuance, Marion seconded the motion. Motion unanimously voted in the affirmative to continue the case to the May 26, 2011 hearing.

- 4. CONTINUATION OF CASE #4023/024-Z2011-18: LORRAINE PFEFFERKORN IS APPEALING AN ADMINISTRATIVE DECISION, UNDER ARTICLE X, SECTION 1005, "BOARD OF ADJUSTMENT". THE DECISION BEING APPEALED IS CONTAINED A LETTER FROM THE ZONING ADMINISTRATOR DATED FEBRUARY 16, 2011. THE PROPERTIES INVOLVED INCLUDE: 24 ROPE FERRY ROAD, TAX MAP 40, LOT 23 AND 2 HILTON FIELD LANE, TAX MAP 40, LOT 24, IN THE "SR-1" SINGLE RESIDENCE ZONING DISTRICT.**

Carolyn Radisch, Clerk, read the Notice of Public Hearing.
The Applicant agreed to be heard by a four-member board.

Phase I: Lorraine Pfefferkorn presented the Appeal.

No one else spoke in favor of the Appeal.

Phase II: Judith Brotman, zoning administrator, summarized her position, as presented in the February 16, 2011 Administrative Decision. No one else spoke in Phase II.

In Phase III of the hearing Ms. Pfefferkorn summarized her request. No one else spoke in Phase III.

Phase IV: No one else spoke either in favor of opposition to the Appeal.

The hearing in Case #4023/024-Z2011-18 was closed.

5. OTHER BUSINESS: There was no other business to come before the Board.

6. ADJOURNMENT: The meeting adjourned at 9:26 pm

Respectfully submitted,

/s/ JLSB

Judith Lee Shelnutt Brotman
Zoning Administrator