

**ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING: 09/29/2011
Town Hall, 41 South Main Street – 7:00 PM**

Board Members Present: Arthur Gardiner, Ruth Lappin, Steve Marion, Carolyn Radisch

Staff: Judith Brotman, Zoning Administrator

Others: See the Attendance Sheet

Arthur Gardiner, Zoning Board Chair, called the meeting to order at 7:00 p.m. The deliberation meeting will be held October 6, 2011 in the Town Hall Boardroom at 7:00 PM. Gardiner stated that a four-member board was seated and 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. The following agenda items were then heard.

- 1. CASE #24036-Z2011-34: BRADFORD ATWOOD, ESQ., AGENT FOR GREGORY BAKER, PROPERTY OWNER OF RECORD, IS REQUESTING A VARIANCE UNDER ARTICLE X, SECTION 1006, "VARIANCE", FROM ARTICLE II, TABLE 204.3 TO ALLOW A DETACHED GARAGE WITH ADDITIONAL DWELLING UNIT AT 8 BUCK ROAD, TAX MAP 24, LOT 36, IN THE "OL" OFFICE AND LABORATORY ZONING DISTRICT.**

Carolyn Radisch, Clerk, read the Notice of Public Hearing.

Attorney Brad Atwood presented the application.

No one else spoke in favor of, or in opposition to, the application.

Case No. Z2011-34 was closed, with the record left open until Monday at noon for submission of additional information.

- 2. CASE #33083-Z2011-38: JOANNA WHITCOMB, AGENT FOR THE TRUSTEES OF DARTMOUTH COLLEGE, 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 ALLOW A MODIFICATION OF THE APPROVED DOCK ATTACHMENT METHOD IN CASE NO. Z2011-13. THE PROPERTY IS LOCATED AT 33 TUCK MALL, TAX MAP 33, LOT 83, IN THE "I" INSTITUTION ZONING DISTRICT.**

Radisch stepped down. Gardiner, Lappin, and Marion were seated.

The members disclosed their respective affiliations, if any, with Dartmouth College. No objections were raised as to their ability to impartially hear and decide the case.

Steve Marion, Acting Clerk, read the Notice of Public Hearing.

Ms. Whitcomb presented the application.

No one else spoke in favor of, or in opposition to, the application.

Case No. Z2011-38 was closed. Radisch rejoined the Board.

- 3. CASE #41048-Z2011-45: JAMES BARRY & TAMARA KRIVIT ARE REQUESTING A SPECIAL EXCEPTION UNDER ARTICLE II, SECTIONS 210.1K "FENCES", 209.2C "FRONT SETBACK REGULATIONS AND EXCEPTIONS", AND 902 "TERM DEFINITIONS", PURSUANT TO SECTION 206 "SPECIAL EXCEPTIONS", TO CONSTRUCT 2 RETAINING WALLS GREATER THAN 4' TALL WITHIN THE FRONT SETBACK OF 8 RIP ROAD, TAX MAP 41, LOT 48, IN THE "SR-1" SINGLE RESIDENCE ZONING DISTRICT.**

Carolyn Radisch, Clerk, read the Notice of Public Hearing.

Mr. Barry presented the application. Martha Solow spoke in favor of the application in Phase I.

Ms. Brotman addressed several concerns with the application in Phase II.

No one else spoke in favor of, or in opposition to, the application.

Case No. Z2011-45 was closed, with the record left open until Tuesday at noon for submission of additional information.

- 4. CASE #34067-Z2011-46: FR. C. FRANCIS BELANGER, AGENT FOR THE ROMAN CATHOLIC BISHOP OF MANCHESTER, PROPERTY OWNER OF RECORD, IS APPEALING AN ADMINISTRATIVE DECISION, UNDER ARTICLE X, SECTION 1005, "BOARD OF ADJUSTMENT", PURSUANT TO ARTICLE II, TABLE 204.4, "INSTITUTION", THAT USE OF A PROPOSED PARISH HOUSE MUST BE AN ACCESSORY TO THE CHURCH. THE DECISION BEING APPEALED IS CONTAINED A LETTER FROM THE ZONING ADMINISTRATOR DATED AUGUST 17, 2011. THE PROPERTY IS LOCATED AT 14 HOVEY LANE, TAX MAP 34, LOT 67, IN THE "I" INSTITUTION ZONING DISTRICT.**

Carolyn Radisch, Clerk, read the Notice of Public Hearing.

Attorney Kevin O'Leary presented the application, with additional information presented by Jeremy Greeley of Mudge Associates. Brian Denk spoke in favor of the application in Phase I.

Ms. Brotman addressed several concerns with the application in Phase II.

Attorney O'Leary, Mr. Greeley and Mr. Denk spoke in response in Phase III.

No one spoke in Phase IV.

Case No. Z2011-46 was closed, with the record left open until Monday at noon for submission of additional information.

5. ADJOURN: The meeting adjourned at 10:00 PM.

Respectfully submitted,

Judith Lee Shelnutt Brotman
Zoning Administrator