

**ZONING BOARD OF ADJUSTMENT  
DELIBERATIONS: JULY 9, 2013  
TOWN HALL, 41 SOUTH MAIN STREET - 7:00 PM**

**Board members present:** Assmus (Acting Chair), Frechette, Lappin, Marion, Waugh

**Staff:** Judy Brotman, Zoning Administrator

Gert Assmus, Zoning Board Acting Chair, called the meeting to order at 7:00 PM in the Boardroom of the Hanover Municipal Building.

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

1. **Z203-27:** Edward & Linda Dwyer, **Request a Rehearing** of Z2013-15 (Special Exception granted to Dartmouth College to permit a student residence in the "I" zoning district at 4 N Park St).

It was moved by Waugh, seconded by Marion, to DENY the request for rehearing. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

**2. CASE No. Z2013-25 (DC: MEMORIAL FIELD)**

Frechette stepped down. Lappin prepared the preliminary draft.

It was moved by Lappin, seconded by Marion, to **GRANT** to Dartmouth College the requested Special Exception, as detailed above, subject to the following conditions:

- (1) The project shall be implemented substantially in conformity with the application materials and testimony presented with the exception of the hedge. No substantial deviation from the details of those materials shall be permitted without further review by the Board.
- (2) Applicant must monitor use of the sound system used in connection with the scoreboard to ensure that noise levels do not exceed those permitted under the Ordinance.

Voted in Favor: 3

Voted in Opposition: 1 (Lappin)

Frechette rejoined the Board.

**3. CASEs No. Z2013-17 & 20 (DICKSON / GAMBLE)**

Marion prepared the preliminary draft.

It was moved by Marion, seconded by Frechette, to **GRANT** Special Exceptions to Rolland Dickson and Kathryn Gamble to permit a vehicle turn-around within the front setback, to permit a width greater than 14 feet both in the turn-around area and in other areas of the driveway as shown in their submitted drawings, and to construct a fence in the required front-setback area no greater than five feet in height on their property at 131 South Main Street, Tax map 19, Lot 1, in the “SR-1” zoning district subject to the following conditions:

1. There shall be no parking in the turn-around area.
2. The driveway and fence shall be located and constructed in accordance with the drawings submitted by the applicants except that the fence shall be no higher than five feet tall and the proposed gate across the driveway shall not be constructed without further approval of the Board.

Voted in favor: 3

Opposed: 2 (Assmus, Lappin)

**4. CASE No. Z2013-18 (JOSEPH / KUNDTZ)**

Frechette prepared the preliminary draft.

It was moved by Frechette, seconded by Marion, to **GRANT** a Special Exception to Richard Joseph and Margaret Kundtz to permit a deposit of fill in an amount greater than 200 cubic yards and to permit the resulting slope, from a deposit of fill, to be over 10%, subject to the following conditions:

- A. the final topography shall be as reflected in the revised plan or, if Applicants deviate from the revised plan, the resulting slopes shall be less than the slopes indicated on the revised plan and the drainages shall be identical to those of the revised plan;
- B. the work shall be started within 2 years of the date of this decision and completed within 2 months of the date work is begun;
- C. the resulting slope shall be planted with native groundcover that will control erosion; and
- D. while undertaking the work and until groundcover has sufficiently taken root to provide effective erosion control, Applicants shall use silt fencing and erosion mats to prevent erosion as needed.

Voted in favor: 4

Opposed: 1 (Frechette)

**5. CASE No. Z2013-22 (OBERTING)**

Lappin prepared the preliminary draft.

It was moved by Lappin and seconded by Frechette to **GRANT** a Special Exception under Section 318.10 to Kernan Oberting and Judith Parish-Oberting to allow the placement of fill in an amount greater than 200 cubic yards on their property at 26 Occom Ridge, Tax Map 37, Lot 13, subject to the following conditions:

- A. The project shall be completed in substantial conformity with the submitted plans, specifications, and oral testimony.
- B. In accord with Section 318.10 of the Ordinance, all filling, grading and seeding will be completed within 6 months of the date this Special Exception becomes final.

Voted in Favor: 4

Opposed: 1 (Frechette)

**6. CASE No. Z2013-23 (CARROLL)**

Assmus prepared the preliminary draft.

It was moved by Assmus, seconded by Frechette, to **GRANT** Rowan Carroll a Special Exception to construct a 6 ft. fence, as proposed in the application, at 27 School Street.

Voted in Favor: 5

Voted in Opposition: 0

**7. CASE No. Z2013-24 (SMITH)**

Waugh prepared the preliminary draft.

It was moved by Waugh, seconded by Frechette, to **GRANT** the requested special exception, as detailed above, subject to the following conditions:

- A. The project shall be implemented substantially in conformity with the details contained in the application materials and testimony presented. No material or substantial deviation from those details shall be permitted without further review by the Board.
- B. No cutting, view clearing, or other disturbance or alteration shall be made by the applicants or their agents or successors-in-interest to any of the steep riverbank portion of the lot or to the “no access” zone depicted on Sheet 4, either before or after construction, without further approval of this Board.
- C. The Zoning Administrator shall cause sufficient inspections to be made throughout the construction process so as to assure that conditions A and B – including all drainage and erosion control measures contained in the plans – continue to be being met. If compliance with this condition entails a greater frequency of inspections than is common with residential projects, the cost of such inspections shall be borne by the applicants.

Voted in Favor: 4

Voted in Opposition: 1 (Assmus)

**8. CASE No. Z2013-26 (SWENSON)**

Assmus prepared the preliminary draft.

It was moved by Assmus, seconded by Waugh, to **GRANT** applicants' request for a Variance to allow an addition to an existing non-conforming structure further into the side setback area of the property, thereby increasing the dimensional non-conformity at 42 Goss Road, Tax Map 3, Lot 78, in the "F" Forestry and Recreation Zoning District subject to the following condition:

- a. That all work be undertaken in accordance with the plans, specifications and representations made by applicant and included in the record.

Voted in favor: 5

Opposed: 0

**9. MINUTES:** The minutes of June 6<sup>th</sup> and June 27<sup>th</sup> were approved.

**10. ADJOURNMENT:** The meeting adjourned at 10:00 PM.

Respectfully submitted,  
Beth Rivard