



**ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
JUNE 23, 2016 at 7:00 PM
Town Hall; 41 S Main St**

Board Members present: Eggleton, Gardiner, Harrison, Marion (Clerk), Radisch (chair)

Staff: Judith Brotman, Zoning Administrator

Others: See Attendance Sheet

Radisch called the meeting to order at 7:01 pm in the Boardroom of the Hanover Municipal Building. The Deliberation Session for cases #Z2016-10 and #Z2016-15 will be held on Thursday, June 30, in the Boardroom.

- 1. Case #12072-Z2016-10: James Venizelos & Barbara Zinman are requesting a Special Exception under Article VII, Section 713, "Fences", pursuant to Section 207, "Special exception", to construct a fence greater than 4' tall within the required front setback. The property is located at 134 Lyme Road, Tax Map 12, Lot 72, in the "RR" rural Residence zoning district.**

The notice of action was read.

James Venizelos, property owner, presented the application.

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

The Hearing on Case #Z2016-10 was closed, with the record being left open for receipt of information pertaining to the request from NH DOT.

- 2. Case #05073-Z2016-15: Audra Klumb, as Agent for William B. Weeks Trust, property owner of record, is requesting a Wetlands Special Exception under Article XI, Section 1103, "Wetland, waterbody, and intermittent stream protection", to permit a replacement septic system within the 125' and 75' wetland buffer areas. The property is located at 246 Hanover Center Road, Tax Map 5, Lot 73, in the "RR" Rural Residence zoning district.**

The notice of action was read.

Audra Klumb, agent, presented the application.

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

The Hearing on Case # Z2016-15 was closed.

- 3. Case #38002-Z2016-16: Rehearing of Case #Z2016-05 - New Hampshire Alpha Association of Sigma Alpha Epsilon is Appealing an Administrative Decision, under Article X, Section 1005, "Board of Adjustment" that the continued use of the property as a student residence is a violation of the Zoning Ordinance because, due to derecognition by Dartmouth College, it is no longer operating in conjunction with an institutional use. The decision being appealed is contained a letter from the Zoning Administrator dated February 12, 2016. The property is located at 38 College Street, Tax Map 38, Lot 2, in the "I" Institution zoning district.**

The Zoning Board members disclosed any relationship that they have with Dartmouth College. No member was disqualified from hearing the case.

Before proceeding with the appeal, the Board discussed the Motion to Disqualify and Vacate the Rehearing. Gardiner moved to reserve deliberation on the Motion. Eggleton seconded the motion. Ms. Cole stated they had preserved their objection and were prepared to go forward with the hearing. Board members voted to deny the Motion to disqualify as moot, and voted to reserve deliberation on the Motion to Vacate.

Radisch gave the floor to Carolyn Cole, Attorney and Jeremy Katz, Trustee and requested a summary of the appeal in Phase I.

Joseph Asch, Rick Akerboom, Alex Tonelli, Scott Brown and Mike Davidson all spoke in Phase I.

Kevin O'Leary, Associate General Counsel for Dartmouth College presented in Phase II, in opposition to the appeal.

No one else spoke in Phase II.

Ms. Cole and Mr. Katz spoke in rebuttal in Phase III.

Mr. O'Leary spoke in conclusion in Phase IV.

The hearing was closed at 10:40 pm, with the record left open for a list of the "other institutions" in the "I" zoning district.

- 4. Case #12065-Z2016-11: Bruce & Emily Swomley are requesting a Wetlands Special Exception under Article VII, "Protection of Flood Plains, Waterbodies, Intermittent Streams and Wetlands", Section 701 and Section 702, to construct bank stabilization, a gravel footpath, dock abutment, seasonal dock and incidental work within a wetland and wetland buffer areas. The property is located at 26 River Road, Tax Map 12, Lot 65, in the "RR" Rural Residence zoning district. The applicant has asked to be heard in July.**

Upon motion made, seconded and unanimously passed, Case #Z2016-11 was continued to the July hearing.

- 5. Adjourn** - The meeting adjourned at 10:45 pm.

Respectfully submitted,

Judith Lee Shelnutt Brotman

Zoning Administrator