

**BOARD OF APPEALS
Town of Dover**

Meeting Minutes
January 4, 2023

Chairman R. Alan Fryer called the meeting to order at 7:00 p.m. remotely via Zoom participation.

Present were Board Members LaVerne Lovell and Nadir Ahmed and Associate Members Michael Donovan, and Nancy Greene. Also present was Jacques Boudreau.

Documents and Exhibits Used

1. Application for hearing dated November 17, 2022 filed by Jacques Boudreau for relief re: 36 Dover Road, Dover;
2. A document from Jacques Boudreau to the Board of Appeals dated December 2, 2022, entitled “Narrative for the proposed addition to Boudreau residence at 36 Dover Road;
3. A plan entitled “Existing Conditions Plan” for 36 Dover Road prepared by Cheney Engineering Co., Inc. dated October 15, 2022; and
4. A set of drawings prepared by Design and Craft for an addition to 36 Dover Road, consisting of sheets X2.1, X3.1, A2.0, A2.1, A2.2, A3.1, A3.2, A3.3 & A3.4, all dated August 30, 2022.

Mr. Fryer called the meeting to order, and stated that there was one matter on the agenda: a hearing on the application by Jacques Boudreau for relief relating to 36 Dover Road

1. Hearing on application of Jacque Boudreau for relief from the setback requirements to permit the construction of an addition to the existing structure at 36 Dover Road in Dover.

Mr. Fryer explained the procedure for the hearing. The applicant would have an opportunity to present to the board whatever information he or she thought the board should consider; the board would then ask questions or express concerns and discuss the issues involved. After that, there would be an opportunity for anyone else attending the meeting to have a chance to speak. Following that, and any further comments or questions by the board, the hearing would be closed and the board would discuss the issues. At that point, there is no further input from the applicant or anyone else. The board discusses the matter; at the conclusion of discussion, a vote would be taken.

Without objection, the reading of the hearing notice was waived.

Mr. Fryer asked Mr. Boudreau to explain what relief he was seeking from the Board.

Mr. Boudreau said the he is looking to put an addition on the house on the back (south side) and would like to remove a porch that was enclosed to make a four-season room in the 1970's or 1980's. In the process of the addition, there would be no change to the footprint on the east side, but the addition would be constructed over a what used to be a shop. On the back side, the porch will be taken off and replaced by a 20- by 26-foot addition. The house now has three bedrooms. The house is a classic New England farmhouse, and the second floor of the house is very tight, so they want to add another bedroom for himself and his wife. The addition will not encroach further on the side setback. The addition would be two stories, with a couple of elevations. He wants the addition to look like a classic New England barn on the back side of the house. The house has a very unique history, and he wants to preserve the character of the house with the renovations he's made.

Mr. Fryer asked about the work done on the house several years ago on the west side of the house, for which Mr. Boudreau had come before the board. Mr. Boudreau said that side of the house is the side closest to the side lot line. There was a one-story four-season porch, which was removed to the foundation, and then they went up one story, adding a bedroom. They did not extend the footprint of the house at all. In this renovation on the east side, they will just be maintaining the existing foundation walls and going up on a two-floor addition. The back side is where they are seeking the variance. Mr. Fryer confirmed that the house meets the setback requirements on all sides except for the west side. Mr. Boudreau said that when the property was divided back in the 1950's, the family that owned it wanted to get three plots out of the property and the one property that's adjacent on the west side. In order to make three plots and meet the minimum acreage, they had to put the property line very close to the existing house. Mr. Fryer confirmed the property was divided in the 1950's. Mr. Boudreau said he thought the 1950's or 1960's, as that was when the house next door was built.

Mr. Boudreau said the house next door is about 15 or 20 feet from the property line by sight it's probably 20 feet away, which makes it approximately 30 feet from the existing structure. He added that there were yew bushes dividing the two properties. Mr. Fryer asked if the neighbors had expressed any opinions about the plans. Dr. Boudreau said he thought they were happy, and were pleased that he didn't tear down the current house and build something huge.

Mr. Fryer clarified for the record that the proposed addition would not be as close to the lot line as the previous one, but would still be closer to the lot line than what is allowed in terms of the minimum setback. He also verified that this would be a larger two-story addition, which would mean the encroachment would be not only horizontal, but also vertical. Mr. Boudreau verified this.

Mr. Fryer explained that this situation involves a pre-existing non-conforming structure, because the house was built before the zoning bylaws were enacted and does not conform to the new legal standard. In that situation, you're allowed to increase the non-conformity unless it would be substantially more detrimental to the neighborhood than the existing structure. Mr. Fryer invited questions from the Board. There were none.

Mrs. Lovell asked Mr. Boudreau what the current size of his house is. He said approximately 2,800 square feet. Mr. Fryer said the property card from the Town said the gross building area is

almost 3,900 square feet, and the finished building area is 2,364 square feet. The basement is shown on the property card to be 1,222 square feet. Mr. Boudreau said the basement is not completely finished. Most of the basement is about six feet tall, and unfinished, but the part of the basement that used to be the shop is finished. This will be gutted for the addition.

Mr. Donovan asked if Mr. Boudreau was concerned that since the house dates back to the late 1700's, some of the old construction could be problematic, and that more of it might need to be taken down to correct those unforeseen problems. Mr. Boudreau said everything has been exposed, and the architects who have seen it do not have concerns. Mr. Donovan asked if the house still had a fieldstone foundation. Mr. Boudreau explained that it does, except for the shop area, which has a cinderblock foundation. The addition which is being discussed will not have a full foundation, due to granite slab, which would require blasting to remove, and Mr. Boudreau is not going to blast. There will be a cross wall foundation, and a crawlspace for access in the future.

Mr. Fryer asked if the Board felt that a site visit was necessary; since the planned addition would not create any bigger encroachment toward the neighbor than what currently exists, that is not a great concern. Mr. Ahmed asked about the ledge, and would moving the addition closer to it make any difference. Mr. Boudreau said that his house is the highest house in that area because it's perched on the ledge, and he really doesn't need any additional cellar space. If the first floor ends up being family area, he would be content.

The Board determined that a site visit was not necessary.

Mrs. Lovell moved to close the hearing, seconded by Mr. Ahmed. The motion was approved unanimously.

Mr. Fryer reviewed the request for relief: this is a non-conforming structure, and a non-conforming structure can be extended or altered by a special permit unless the changes would be substantially more detrimental to the neighborhood than the existing structure. He asked if anyone felt that this would be substantially more detrimental. The Board all replied no.

Mr. Ahmed made a motion to grant a special permit, seconded by Mrs. Lovell. The motion was approved unanimously.

Mr. Fryer asked if the board felt a need to impose any conditions on the permit. The Board agreed no conditions were necessary.

Mr. Fryer explained to Mr. Boudreau that the Board would issue a written decision that would be filed with the Town Clerk; after filing, there would be a 20-day period for someone to challenge the decision on appeal. When the 20-day period is up, the Town Clerk sends out a notice indicating whether or not there has been an appeal. If there is no appeal, the special permit decision takes effect, and a building permit can be obtained from the Building Inspector. Mr. Boudreau said he probably wouldn't start until March, and thanked the Board for their time.

At 7:30 p.m., the meeting was adjourned.

