

**BOARD OF APPEALS  
Town of Dover**

Meeting Minutes  
March 9, 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 were Jacques Boudreau and Scott Salvucci.

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 were two matters on the agenda: a hearing on the application by Jacques Boudreau for relief relating to 36 Dover Road, and a request by the Town’s Highway Department to waive the filing fee for its application for a special permit to perform repairs to Claybrook Road within 150 feet of the Charles River.

**1. Hearing on application of Jacques 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.

Dr. Boudreau said 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 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. 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 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.

The Board determined that a site visit was not necessary.

Mrs. Lovell moved to close the hearing, seconded by Mr. Ahmed. It was voted unanimously.

Mr. Fryer asked if anyone felt that the proposed addition would be substantially more detrimental to the neighborhood. 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 explained to Dr. 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.

**2. Request by the Dover Highway Department to waive the application fee for its application for a special permit to perform repairs to Claybrook Road within 150 feet of the Charles River.**

Scott Salvucci of Woodard & Curran was present on behalf of the Dover Highway Department. He confirmed that the Town's Highway Department has applied for a special permit to perform repairs to Claybrook Road within 150 feet of the Charles River and that the applicant was requesting that the application fee be waived.

Mr. Fryer noted that it is customary for Town boards to waive such fees when the Town is the applicant.

A motion was made and seconded to waive the fee. The motion was approved unanimously.

At 7:20 p.m., the meeting was adjourned.