



ZONING BOARD OF ADJUSTMENT

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, August 16, 2016 – 7:00 p.m. – Town Hall Conference Room

Members Present: George Baryames, Steve Gerrato, Leonard Schwab

Members Absent: Chair John Samonas, Liz Cummings

Staff: Jim Marchese – Building Inspector

Steve Gerrato, Acting Chair, opened the Board of Adjustment meeting at 7:00 p.m. and a roll call was taken. S. Gerrato explained he was sitting in for J. Samonas, Chairman, and L. Cummings, Vice Chairman, adding that there are five members on the Zoning Board of Adjustment and that three constitutes a quorum. He gave those present the option of waiting for a full board. A quorum was present and the meeting was being recorded.

1. Requests for Variances: 125 Ocean Road [Map R21, 51] – Commercial C

Owner: Harbor Links Estates, LLC

Applicant: Bluebird Greenland, LLC

The owner and applicant are requesting the following Variances from the Greenland Zoning Ordinance:

- a. Article III – Establishments of Districts and Uses, Section 3.5 – Use Regulations, Section 3.6 – Table of Uses – M. Wholesale Trade, Warehousing and Distribution, Item 2. Warehousing is not allowed in that district. The existing use is non-conforming; expansion of a non-conforming use is not allowed per Article 7.10.
- b. Article VI – Signs; Section 6.3 – General Provisions, Subsection 6.3.7(B). A freestanding sign (pylon) of 147 sq. ft. and two wall signs of 65 sq. ft. each, a total of 277 sq. ft., is requested. The Ordinance allows 48 sq. ft., per side, in that district for a single business on a lot.

The applicant requested a continuance to the meeting on Tuesday, September 20, 2016.

MOTION: G. Baryames moved to grant a continuance for 125 Ocean Road to the meeting on Tuesday, September 20, 2016. Second – L. Schwab; all in favor. **MOTION CARRIED**

2. Request for a Variance: 2 Tide Mill Road [Map U5, 23] – Commercial A

Owner/Applicant: Blue Bonnet Realty, LLC

The owner/applicant is seeking a Variance for a replacement shed previously encroaching on the abutter's property with a smaller 8' x 14' shed on the property line. Greenland Zoning Ordinance Article IV, Section 4.2, requires sheds with a floor area of less than 64 sq. ft. to have a 10' setback from the property line.

S. Gerrato clarified that the proposed shed has a floor area of greater than 64 sq. ft. and will require a 20' setback.

John Ahlgren, residing at 2 Tide Mill Road, addressed the Board. He was seeking a Variance to the 20' setback for a replacement shed. J. Ahlgren stated that when he purchased the property last year, his neighbor informed him that the property line used over the years was incorrect. A survey had been done and they needed to do an ambiguous boundary, and this was done. It was re-staked and there was an encroachment; J. Ahlgren removed the shed.

J. Ahlgren described his property, stating it was a very narrow lot. The frontage on Tide Mill Road is 78'. On the left side of the lot there is a distance of 19' between the house and the lot line; the back of the lot drops off steeply. He would like to put an 8' shed in the same location (on the boundary line) as the old shed; if the 20' setback was applied, there will be no room for a shed. J. Ahlgren continued that he needed room for a vehicle and small equipment to access the back of the lot, and possibly a driveway and garage at a later date; they would be added to the left side of the lot. Putting the shed on the property line would leave 8' to put in a driveway or room for a vehicle and/or small equipment to reach the back of the lot.

J. Ahlgren reviewed his application (copy on file). Because the house is small, there is a need for external storage. The lot drops off steeply in the rear and the shed can't be moved back without dropping down 8' to 10', which would make the storage shed inaccessible.

S. Gerrato clarified for the applicant that the Board's decision would be binding and he could not return; J. Ahlgren stated he understood and it was made clear at the outset. S. Gerrato continued that the Board never takes into consideration what the neighbor thinks. The Board would be looking for hardship, and may try to improve the applicant's situation. S. Gerrato suggested that if the applicant wanted to add a driveway, he could fill in the rear of the lot for the shed. Rather than deny the Variance, S. Gerrato felt they could offer suggestions for improvement.

S. Gerrato opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board for discussion. Responding to a question from G. Baryames, J. Ahlgren stated there was no other functional location for the shed that would allow access to the rear of the lot. When asked about adding a garage, J. Ahlgren told the Board he would need to talk to an engineer and excavator. S. Gerrato commented that the septic system was not shown on the plan, and was important on a small lot. J. Ahlgren stated the septic system is located on the back of lot, just beyond where the 19' corridor stops and widens somewhat to the back portion of the house. S. Gerrato stated the plans were incomplete without the septic system. L. Schwab was concerned about the lack of topo on the plan, and felt the Board was at a loss not having that information. G. Baryames suggested a smaller shed that would require a 10' setback and a Variance would not be needed. J. Ahlgren responded that the driveway and access to the back of the lot would be on the neighbor's property. It was suggested the shed be put on the opposite side of the house, but that's used as a corridor to the side door. There was a discussion at the table with J. Ahlgren reviewing the plan, which was outdated.

S. Gerrato offered J. Ahlgren the option to withdraw his application without prejudice, giving him time to update his plans. He added it would be in his favor to do so because the applicant was talking about adding a garage and driveway. J. Ahlgren clarified that he would need to include the topo and location of the septic system. S. Gerrato offered a continuance to the next meeting; the applicant was in agreement

MOTION: L. Schwab moved to continue the Request for a Variance for 2 Tide Mill Road [Map U5, 23] to the meeting on Tuesday, September 20, 2016. Second – G. Baryames; all in favor. **MOTION CARRIED**

3. Request for a Variance: 1088 Portsmouth Avenue [Map R11, 31] – Residential

Owner/Applicant: James Coombs

The owner/applicant is seeking a Variance to permit landscaping use/hydro-seeding business, retail sales of landscaping materials, and the processing and storage of landscaping materials within the Residential Zone. Greenland Zoning Ordinance Article III, Section 3.6, does not allow retail sales within the Residential Zone.

S. Gerrato commented that this application was “a bad one” for him. He continued it was his belief that the commercial zone should be extended on both sides of Rt. 33, all the way down through Stratham. He further stated that for the Board to deny Mr. Coombs this tonight would be very bad.

Kevin Baum, representing the applicant, stated he appreciated S. Gerrato’s sentiment. However, based on the fact that only three Board members were present, he opted to continue to the meeting on Tuesday, September 20, 2016.

MOTION: *G. Baryiames moved to continue the Request for a Variance for 1088 Portsmouth Avenue [Map R11, 31] to the meeting on Tuesday, September 20, 2016. Second – L. Schwab; all in favor. MOTION CARRIED*

4. Approval of Minutes: Tuesday, July 19, 2016

Approval of minutes was continued to the meeting on Tuesday, September 20, 2016.

5. Other Business

- Randy Bunnell, 2 McIntosh Way: R. Bunnell is an abutter to J. Coombs. He questioned S. Gerrato’s comment regarding the commercialization of Rt. 33. S. Gerrato responded that “we’re starving for commercial area and there’s no other land”. R. Bunnell stated there are quite a few residences on Rt. 33. S. Gerrato noted that if it was rezoned commercial, the value of his property would be more. G. Baryiames explained that the Zoning Board could not change zoning; it would have to be done by the Planning Board. R. Bunnell voiced his concern that S. Gerrato would state his personal opinion, which could influence the Board. R. Bunnell was present to support J. Coombs; however, he was concerned that Rt. 33 may turn commercial. S. Gerrato responded that it wasn’t being discussed.
- Building Inspector’s Responsibility: The Building Inspector asked the Board if he was responsible for the completeness of an application. This was continued to the next meeting for a discussion by the Board.
- Bruce Court: The Building Inspector had previously sent an email to all Board members informing them that an Occupancy Permit has been issued to Greenland Auto Sales.
- Sign Committee Update: L. Schwab updated the Board on revisions to the Sign Ordinance by the Sign Committee.

6. Adjournment

MOTION: *L. Schwab moved to adjourn at 8:50 p.m. Second – G. Baryiames; all in favor. MOTION CARRIED*

NEXT MEETING

Tuesday, September 20, 2016 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Tuesday, September 20, 2016