



## **ZONING BOARD OF ADJUSTMENT**

**Town of Greenland • Greenland, NH 03840**

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### **MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING**

Tuesday, August 21, 2018 – 7:00 p.m. – Town Hall Conference Room

*Members Present:* Liz Cummings, Lindsey Franck, Steve Gerrato

*Members Absent:* Ron Gross, Leonard Schwab

*Staff Absent:* Jim Marchese – Building Inspector

Chair Cummings opened the Board of Adjustment meeting at 7:15 p.m. and apologized for the delay. A roll call was taken and the Chair explained the procedures of the Zoning Board of Adjustment, stating that a quorum was present, and the meeting was being recorded. Minutes will be available in accordance with the RSA 91-A, and also on the Town's website.

Chair Cummings also explained that because only three members of the Board were present, the applicant had the option to have his application heard and it must be a unanimous decision; or the applicant could request a continuance to the September meeting. The applicant opted to have his application heard.

**1. 250 Dearborn Road - R12, 26C; Residential Zone**

**Appeal from an Administration Decision, Request for a Variance**

**Owner/Applicant: James Halsey**

The owner/applicant is seeking an Appeal from an Administrative Decision from Article IV – Dimensional Requirements, Section 4.2, Subsection 'f' (Side Yard Minimum), of the Greenland Zoning Ordinance, for a 24'x24' garage to be built 10' from the side yard setback where 20' is required. A Variance is being sought should the Administrative Appeal be denied.

S. Gerrato asked if the applicant had a specific use for the proposed addition to his house. J. Halsey responded that it would be a family room. S. Gerrato suggested he explore the option of putting the family room over the garage. J. Halsey stated the house doesn't warrant that on the interior. If he did a 24' long garage, he would be unable to back straight out and turn; he would have to do a four or five point turn because of the stone wall. The wall is 22' away and doesn't allow enough room to turn his truck around. Building in the front would mean one car would have to turn around on top of the septic. The septic would have to be changed to one that could be driven over. They've tried several different options.

S. Gerrato also asked if they thought about moving the garage into the 20'. J. Halsey stated it would be over the well head, which is approximately 42' off the stone wall. J. Halsey amended the setback from to 13' in the front and 15' in the back. That will leave 5' to the well head.

J. Halsey stated that as a result of the July meeting, they tried to take Board comments into consideration and made amendments to their plan. He moved the garage over as far as possible

without damaging the well head. S. Gerrato felt the applicant had room to make changes if he wanted to. J. Halsey responded “a little bit”, adding their lot was not a standard lot and is pie-shaped. There’s not much room to put the garage except in the front of the house.

Using pictures provided by the applicant, he described the property layout, and location of the garage and proposed addition. The garage will be located behind the proposed addition. J. Halsey distributed an updated plan with wetlands and uplands noted.

Chair Cummings noted that the wetlands are out of the way, the septic system is in the front of the house, the well cap prohibits the garage from being moved more to the north, and the back yard slopes away further in the back. J. Halsey added that the train takes a sharper angle in the back. Moving the garage back 70’ would make it more like a barn than garage. L. Franck asked about the abutter’s property; it was shown to the Board on the Town GIS mapping system.

Chair Cummings asked the applicant if he wanted the Board to move forward or if he would like to continue to September. The applicant chose to move forward. Chair Cummings opened the meeting to public comments. There being none, she closed the public hearing and returned to the board.

MOTION: S. Gerrato moved to accept the amendment in the width of the setback. The applicant has made a serious attempt to make it right.

Chair Cummings added it would be for a Variance of the side yard minimum setback. There was a brief discussion about voting on the Administrative Appeal. Chair Cummings stated the Board could vote on it, and she would vote against it; the Building Inspector did not err. She would ask the applicant to withdraw the Administrative Appeal.

MOTION: S. Gerrato moved to accept the amendment in the width of the setback. The applicant has made a serious attempt to make it right. Second – L. Franck; all in favor. MOTION CARRIED

MOTION: G. Gerrato moved to grant the Variance for a 24’ x 24’ garage to be built 13’ in the front from the side yard setback and 15’ from the rear. Second – L. Franck

Chair Cummings stated that she had read the Variance application. The applicant has met all five requirements for a Variance. She specifically addressed the hardship which is usually the most difficult to adhere to: due to the topography of the lot, the existing stone wall, septic system and well, there is no other reasonable location for the proposed 24’x24’ garage.

MOTION: S. Gerrato moved to grant the Variance for a 24’ x 24’ garage to be built 13’ in the front from the side yard setback and 15’ from the rear. Second – L. Franck; all in favor. MOTION CARRIED

Chair Cummings told the applicant that she appreciated his efforts to modify the plans as best he could to accommodate the Ordinance and the Board. J. Halsey responded that when they left last month, they understood the Board had to have checks and balances. If it doesn’t work, you have to amend things. They love Greenland and don’t want to move.

Chair Cummings asked the applicant if he would consider withdrawing the Administrative Appeal because the Variance was granted. The applicant was in agreement.

## DRAFT: SUBJECT TO CHANGE

MOTION: Chair Cummings moved to grant the applicant's request to withdraw the Administrative Appeal without prejudice. Second – S. Gerrato; all in favor. MOTION CARRIED

J. Halsey thanked the Board, adding he appreciated them working with him.

### 2. ZBA Guidelines

Reviewing the ZBA Guidelines was continued to the next meeting when a full Board was present. Chair Cummings stated that amendments do not need to be accepted at a public hearing; it can be done at a regular meeting.

### 3. Approval of Minutes

Approval of minutes was continued to the next meeting.

### 4. Other Business

S. Gerrato stated that alternates were needed for the Board. Suggestions included posting it on the message board outside and the website.

### 5. Adjournment

MOTION: Chair Cummings moved to adjourn at 7:39 p.m. Second – S. Gerrato; all in favor. MOTION CARRIED

NEXT MEETING
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Tuesday, September 18, 2018 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey

Approved: \_\_\_\_\_