



ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, July 20, 2021 – 6:30 p.m. – Town Hall Conference Room

Members Present: Steve Gerrato, Ron Gross (Remote), Chip Hussey, David Sandmann, Bob Dell Isola (Alternate)

Members Absent: Leonard Schwab

Staff Present: Jack Shephard – Building Inspector (Remote)

Chair Sandman opened the Board of Adjustment meeting at 6:40 p.m. and a roll call was taken. He stated this was a Zoom meeting and was being recorded.

Roll call attendance: S. Gerrato – present, R. Gross – present, C. Hussey – present, D. Sandmann – present, B. Dell Isola – present. B. Dell Isola was designated as an alternate for this meeting.

1. 33 Post Road – Residential Zone (U4, 35)

Application: Request for a Variance

Owner/Applicant: Robert Dell Isola

The owner/applicant is requesting a Variance for a 10x16 garden shed within the 20 ft. setback, which is not allowed under Greenland Zoning Ordinance Article VI – Dimensional Requirements, Section 4.1 – General Requirements and Section 4.2 – Table of Dimensional Requirements.

R. Gross and S. Gerrato asked D. Sandmann to recuse himself from this case because he recommended B. Dell Isola as an alternate. D. Sandmann stated he would not recuse himself during the hearing but would recuse himself prior to a vote if he felt it was necessary.

Bob Dell Isola recused himself from the Board and addressed members. He was requesting a Variance to have a shed installed on the property within the 20 ft. setback. Direct abutters to the property had submitted letters of support. B. Dell Isola reviewed the Variance and noted the proposed location of the shed, which will be 2 ft. from the property line. B. Dell Isola stated that considering the lot size and setbacks, there was not other viable location for the shed.

S. Gerrato, referring to the letters from abutters, noted the Variance goes with the land and not the people; abutters can change. C. Hussey commented that, for him, letters from abutters do help.

R. Gross requested an aerial view and note the drawing reviewed by the Board was not professionally drawn. B. Dell Isola would like to put electrical in the shed. C. Hussey stated that if electrical was put in the building, he did not want gasoline or propane stored there; a well-ventilated area is required for storage of both. B. Dell Isola noted that he planned to have the shed well-ventilated but did not have a problem with that request.

S. Gerrato stated that there has been a precedent in the past on trying to follow the code unless the lot restricts it. He felt the shed could be put behind the shrubs. B. Dell Isola noted that was the only useable lawn area in the yard. Putting the shed in that location would render it unusable. B. Dell Isola stated that according to recent court cases, it would be an unnecessary hardship by definition to not using the lot in a free manner. R. Gross noted there was a big inground pool that was being used as well as it could be and it was a small lot. B. Dell Isola stated it was there when he purchased the property.

There were several discussions on the best location for the shed. R. Gross suggested putting it against the arborvitaes as a compromise. B. Dell Isola stated that he was trying to put the shed in a location that would make the best use of the property. R. Gross noted that the public interest defined the Ordinance. The public votes on the Ordinances and defines what they want in Town. B. Dell Isola responded that according to the court cases he read, the public interest must be harmed to deny the Variance (one of the five criteria). He did not know how the public interest would be harmed by putting the shed in the proposed location. S. Gerrato stated they would not be denying the Variance and suggested the shed be located where it would better meet the regulations.

R. Gross added that the spirit of the Ordinance was not to allow something like this in the setbacks. The Board was trying to allow something that might work for the applicant and the Town. There was continued discussion about the spirit of the Ordinance, the purpose of setbacks and the benefit of the public interest.

It was suggested to relocate the shed in front of the last two arborvitaes (see attached sketch). B. Dell Isola agreed it was acceptable. J. Shephard stated a compromise would be to bring the shed out 10 ft. R. Gross clarified that the shed should be moved in 20 ft. on the side of the lot and placed close to the arborvitae. The side lot line would have the whole 20 ft. and the rear line would be in front of the arborvitae and 12 ft. to 14 ft. off the property line.

D. Sandmann opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board.

MOTION: R. Gross moved to grant the Variance for 33 Post Road (Map U4, 35) to construct a 10x16 garden shed within the 20 ft. setback with the following condition: the shed will be moved to meet the 20 ft. setback from the side lot line and in front of the arborvitae on the rear lot line, making it 12 ft. to 14 ft. off the property line. Second – S. Gerrato; three in favor, one abstained (D. Sandmann). MOTION CARRIED

2. Approval of Minutes

S. Gerrato corrected: top of page 4, the alternate's term will expire March 2022.

MOTION: R. Gross moved to approve the minutes of Tuesday, June 15, 2021, as amended. Second – C. Hussey; four in favor, one abstained (B. Dell Isola). MOTION CARRIED

3. Other Business

There was no 'Other Business' to discuss.

4. Adjournment

MOTION: S. Gerrato moved to adjourn at 7:14 p.m. Second – R. Gross; all in favor. MOTION CARRIED

NEXT MEETING

Tuesday, August 17, 2021 – 6:30 p.m.

Respectfully Submitted: Charlotte Hussey, Administrative Assistant