



ZONING BOARD OF ADJUSTMENT

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, December 21, 2021 – 6:30 p.m. – Town Hall Conference Room

Members Present: Steve Gerrato, Chip Hussey, David Sandmann, Leonard Schwab, Bob Dell Isola (Alternate)

Members Absent: Ron Gross

Staff Absent: Jack Shephard, Building Inspector

Chair Sandman opened the Board of Adjustment meeting at 6:30 p.m. and a roll call was taken. He stated a quorum was present and the meeting was being recorded. B. Dell Isola arrived late due to technical difficulties with Zoom.

1. 776 Post Road (Residential Zone – R3, 12)

Application: Request for a Variance

Owner/Applicant: Deborah Johnson

The owner/applicant is requesting a Variance from Article IV – Dimensional Requirements, Section 4.2 – Table of Dimensional Requirements, Item 'B' – Lot Front Minimum (ft), to allow a reduction in frontage from 200 ft. to 180 ft., creating a non-conforming lot.

Deborah Johnson addressed the Board. She was requesting a Variance to allow a reduction in frontage from 200 ft. to 180 ft., creating a non-conforming lot. D. Johnson and her neighbor purchased their respective properties in 2019. D. Johnson had a survey done in the fall of 2020. The survey revealed that the neighbor's driveway is on D. Johnson's property and there is no clearance in the back. D. Johnson is proposing to transfer 3,709 sq. ft. to her neighbor, which includes 20 ft. of frontage to move the property line out of the driveway. This transfer would make D. Johnson's lot non-conforming.

D. Johnson reviewed the Variance criteria with the Board (see file). S. Gerrato did not see a problem with granting the Variance. Responding to a question from B. Dell Isola, D. Johnson stated there would be no change of use on the property. C. Hussey stated that a conforming lot could not be changed to a non-conforming lot. He did not have a problem with the boundary line adjustment on the rear of the lot; 200 ft. of frontage needed to be maintained. He suggested the property owners discuss an easement; D. Johnson would maintain her 200 ft. of frontage and the lot would remain conforming. C. Hussey did not support granting a Variance. He also recommended continuing the application to the January 2022 meeting. L. Schwab questioned why the applicant would need to return to the Board if she did not move forward with the 20 ft. property line adjustment. C. Hussey stated she would need to present a plan with the easement. B. Dell Isola clarified that if D. Johnson did not move forward with an easement she would have to come back for the Variance.

L. Schwab questioned the age of the houses and which was built first. D. Johnson stated her home was built in 1954. L. Schwab stated that the required frontage at that time was not 200 ft. and that would be

an adequate reason to approve the Variance. C. Hussey stated that frontage is not grandfathered; he was trying to keep it cleaner for the future. If she wanted to do a home business, a non-conforming lot could be an issue. B. Dell Isola asked if this non-conforming lot would be any different than any other non-conforming lot in Town; C. Hussey responded 'no'.

The neighbor's driveway, part of which is on D. Johnson's property, was in place when the properties were purchased; D. Johnson stated the driveway had clearly been there for a long time. C. Hussey stated a prescriptive easement currently exists; a fence could not be put up to block the driveway. The Board of Adjustment should not make a conforming lot a non-conforming lot. B. Dell Isola asked if it would be considered a hardship if D. Johnson was receiving financial reimbursement. C. Hussey stated that the Board of Adjustment could not consider money a hardship. There was a reasonable alternative without losing frontage. D. Sandmann added that the ZBA did not want to condone a conforming lot become non-conforming.

B. Dell Isola, addressing the applicant, stated there was not enough information for the Board to vote to grant the application. D. Sandmann stated that the options were to take a chance with the ZBA voting at this meeting or to continue to the meeting on January 18, 2022, with additional information or other alternatives. B. Dell Isola added there were various interpretations of case law and the applicant could research similar cases. D. Johnson responded that she was not the only person impacted, she would further discuss the options with the other parties involved. It was suggested that she speak with Mark Fougere, the Planning Board Consultant. D. Sandmann stated that if the ZBA denied the Variance, she could not come back.

MOTION: C. Hussey moved to continue the Request for a Variance, 776 Post Road, to the January 18, 2022, ZBA meeting. Second – B. Dell Isola; all in favor. MOTION CARRIED

2. Approval of Minutes

MOTION: C. Hussey moved to approve the minutes of Tuesday, July 20, 2021. Second – S. Gerrato; three in favor, one abstained (L. Schwab). MOTION CARRIED

3. Other Business

S. Gerrato stated he was extremely disappointed in the Board at the last meeting (referring to 309 Portsmouth Avenue). In this Town, wetlands should be protected. There is a high rate of bladder cancer in Greenland. When testing wells, residents do not test for PFOA's due to the expense. D. Sandmann agreed, adding there is a limited amount of land and wetlands are essential. L. Schwab noted that in 2019, the State of New Hampshire decreased the maximum allowable arsenic level from 10 parts per billion to 5 parts per billion due to significant increase in certain cancers.

4. Adjournment

MOTION: C. Hussey moved to adjourn at 7:00 p.m. Second – L. Schwab; all in favor. MOTION CARRIED

NEXT MEETING

Tuesday, January 18, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant