



ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, July 17, 2018 – 7:00 p.m. – Town Hall Conference Room

Members Present: Liz Cummings, Lindsey Franck, Steve Gerrato, Ron Gross, Leonard Schwab

Staff: Jim Marchese – Building Inspector

Chair Cummings opened the Board of Adjustment meeting at 7:00 p.m. and a roll call was taken. 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 will also be available on the Town's website.

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.

James Halsey addressed the Board; also present was Wendy Halsey. J. Halsey was seeking an Appeal from an Administrative Decision from the Building Inspector's judgement that there were possibly wetlands on the front of the property. The Variance was sought if the Administrative Appeal was denied. Both applications were discussed together.

Several Board members had driven by the property, and felt there was a strong potential for wetlands on the property. J. Halsey felt the Town should prove there were wetlands on the property; he didn't feel the property owner should have to go to the expense of proving there were no wetlands on the property. Chair Cummings reminded J. Halsey that the Town's Wetland Ordinance was very specific about building in the wetlands. J. Halsey stated there were no wetlands on the front of the property; the garage would be located on the back of the property away from any possible wetlands in the front.

The survey provided to the Board by the applicant was approved in 1979. J. Halsey stated that survey should be sufficient; nothing had changed on his property. The ZBA Guidelines require stamped, professionally engineered, appropriately scaled, technically dimensional plans for projects over \$20,000.

It was suggested that if the garage was moved, it would be out of the setbacks. It was noted that there are no State regulations prohibiting building near wells. J. Halsey responded that would require cutting down trees, which he didn't want to do. He added that the view of the backyard would be the garage and wouldn't be aesthetically pleasing; W. Halsey agreed. It was also suggested that he may want to

make the garage slightly smaller. J. Halsey responded that the turn radius wouldn't work and it would be a tight fit for his truck.

There was a very lengthy discussion about the requirements for engineered plans. There will be a block foundation; the Board felt there wasn't a need for stamped, professionally engineered plans, appropriately scaled, technically dimensional plans certified by a Wetland Scientist (Item 10B, ZBA Guidelines). R. Gross noted that the application wasn't complete; all requirements weren't met.

MOTION: S. Gerrato moved to accept plan as submitted based on the partial plan of John Brackett by Moulton Engineers dated 1979. Second – there was no second.

MOTION: S. Gerrato moved not to accept the application as submitted. Second – R. Gross

Discussion: Members of the Board felt there was plenty of room between the well and house for a garage, and suggested moving it and "tipping" it slightly. J. Halsey responded there was no backyard and he would have to cut trees.

MOTION: S. Gerrato moved not to accept the application as submitted. Second – R. Gross; all in favor. MOTION CARRIED

Chair Cummings clarified for the applicant that the Board was not accepting the plan and application as submitted. She also explained the dollar threshold and that it could be found in the ZBA Guidelines; all requirements were clearly stated. J. Halsey acknowledged he had received a copy of the Guidelines.

MOTION: R. Gross moved to continue the application to the meeting on Tuesday, August 21, 2018. Second – S. Gerrato; all in favor. MOTION CARRIED

2. ZBA Guidelines

Revisions made at the June meeting were reviewed. The applicant will receive written notification when the application is accepted as complete. During the review of the Guidelines, the foundation for 250 Dearborn Road was discussed as it relates to Item 10B. The Board determined that the foundation would meet those requirements; the applicant will be asked to provide stamped, professionally engineered, appropriately scaled and technically dimensional plans that are certified by a Wetlands Scientist. Chair Cummings will notify the applicant.

MOTION: R. Gross moved to forward the revised ZBA Guidelines to public hearing at the next meeting. Second – Chair Cummings; all in favor. MOTION CARRIED

3. Approval of Minutes

MOTION: S. Gerrato moved to approve the minutes of Tuesday, June 19, 2018. Second – Chair Cummings; four in favor, one abstain (L. Franck). MOTION CARRIED

4. Other Business

There was no other business to discuss.

5. Adjournment

MOTION: R. Gross moved to adjourn at 8:12 p.m. Second – L. Schwab; all in favor. MOTION CARRIED

NEXT MEETING

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

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: