



# ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

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## MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, May 20, 2014 – 7:00 p.m. – Town Hall Conference Room

*Members Present:* Chair Chris Halligan, Liz Cummings, Ron Gross, Brian Hutchinson, John Samonas

*Staff:* Myrick Bunker – Building Inspector

Chair Halligan opened the Board of Adjustment meeting at 6:57 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.

1. Application for a Special Exception: 75 Tuttle Lane [Map R9, 1A]

Owners: Robin and Dorothy Hughes

Applicants: Bob and Barbara Dion

*The owners and applicants are proposing to build a house with accessory structures within the 75' wetlands setback. Article XVIII, Section 18.10.1 of the Greenland Zoning Ordinances states a Special Exception must be granted in order to build these structures within the setback.*

Bob Dion, applicant, addressed the Board. Also present was Robin Hughes, owner. B. Dion described the four acre lot to the Board. In his estimate, approximately three acres are wetlands leaving a very small building envelope. He also pointed out the location of the septic system which was approved in 2007 and reapproved in 2012. The proposed house was aligned with the edge of the setback line; it comes close to the wetlands setback, with the foundation in the allowed building area. A portion of the deck, stairs coming down from the deck, porch and stairs, and shed are within the wetlands setback.

The deck will not be on the ground. The ground will be built up under a portion of the deck; the remaining deck will be high enough to walk under. A 12' x 16' shed is proposed. The proposed home is four bedrooms; the effluent will be pumped from the septic to a leach field. A three car garage is planned. The applicant was asked if they had thought about putting a door between the first and second garage doors for storage rather than putting up a 192 sq. ft. shed. They responded the shed would provide more room for storage.

The Board was concerned about the shed being placed in the wetland buffer. One suggestion was to move it closer to the property line on the other side of the house and get a waiver. Although it would be in the structure setback, it would be out of the wetlands setback; the applicants were in agreement.

L. Cummings asked the Building Inspector for clarification about the applicant going to the Planning Board for the roadway, utilities and drainage. He stated their application for a Conditional Use Permit through the Planning Board had been received.

L. Cummings questioned the Building Inspector on the 75' requirement. He responded that it was contiguous to the Winnicut River. It was her feeling that it was not a 75' setback, adding that it was an

inland jurisdictional wetland. The river would not be considered tidal. The Building Inspector stated that on the plan it was shown as a 50' setback. If the back of the shed was 34', it would easily be 16' to the wall at the edge of the wetlands and is only 50' which would still be within the setback. Asked by Chair Halligan which would be relevant to the application, L. Cummings stated it would be the 50' setback. She continued that the shed was the problem, and wanted to make sure the Board was not setting a precedent by stating it needed to be 75' when it should be 50'.

J. Samonas stated that the lot does have hardship with the wetlands. The applicant has done what he can to stay within the available building area. L. Cummings reminded the Board the applicant did not have to meet the requirements of a Variance; they were requesting a Special Exception. J. Samonas continued that the shed seemed large or too far towards the wetland buffer. The deck and stairs from the deck have been kept to a minimum, and were not a concern. L. Cummings added they could get closer to the setbacks depending on the size of the shed; with the proposed shed, they couldn't. She suggested they could put something underneath their deck and it wouldn't be in the setback.

Chair Halligan opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board for discussion. The Board was in agreement there was hardship; however, their biggest concern was the shed and suggested alternative locations. J. Samonas commented that the Board was leaning towards granting a Special Exceptions for the small infractions. He added that he was willing to approve the Special Exception specific to the stairs and porch, and stairs and deck. If that was approved, the applicant would have to return for a Variance for the shed if it was not in the uplands. L. Cummings suggested another location near the septic system that might work without having to return for a Variance.

**MOTION:** *L. Cummings moved to grant the Special Exception for the areas indicated in green on the submitted drawings stamped May 02, 2014 (received date). This will consist of the deck and stairs, and porch and stairs. The Special Exception does not include the proposed shed (shown in blue). Second – J. Samonas*

DISCUSSION: The lot was a lot of record and recorded. The new structure or expansion is not otherwise prohibited, is located within a residential area, and a large house will be built at this location on a very small footprint. Due to the provisions of the Wetlands Ordinance, no reasonable economically feasible use of the lot can be made without the Special Exception. The disturbances are not greater than 300 sq. ft., and the applicant will stay out of the wetlands as much as possible. All the requirements of the Special Exception have been met. The use is granted in and of itself because the Special Exception means that it's granted. R. Gross commented that if the applicant goes to the Planning Board and there are changes to the drawing, the Zoning Board may have to make some changes on what they're looking at. L. Cummings added that if they did not change the items in green, the ZBA would be fine.

**MOTION:** *L. Cummings moved to grant the Special Exception for the areas indicated in green on the submitted drawings stamped May 02, 2014 (received date). This will consist of the deck and stairs, and porch and stairs. The Special Exception does not include the proposed shed (shown in blue). Second – J. Samonas; all in favor. MOTION CARRIED*

## **2. Approval of Minutes: Tuesday, April 15, 2014**

**MOTION:** *L. Cummings moved to approve the minutes of Tuesday, April 15, 2014. Second – R. Gross; all in favor. MOTION CARRIED*

3. Other Business

There was no other business to discuss.

4. Adjournment

**MOTION:** *B. Hutchinson moved to adjourn at 7:25 p.m. Second – Chair Halligan; all in favor. MOTION CARRIED*

NEXT MEETING

Tuesday, June 17, 2014 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Tuesday, June 17, 2014