



ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

11 Town Square • PO Box 100

Phone: 603.431.3070 • Fax: 603.430.3761

Website: greenland-nh.com

MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, November 21, 2017 – 7:00 p.m. – Town Hall Conference Room

Members Present: George Baryames, Steve Gerrato, John Samonas, Leonard Schwab

Members Absent: Liz Cummings

Staff: Jim Marchese – Building Inspector

Chair Samonas 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.

1. Equitable Waiver of Dimensional Requirements
256 Post Road (Map U1, Lot 67 – Residential Zone)
Owner: David Kohlhase, Trustee – 256 Post Road Trust
Applicant: Martin Ferwerda

Chair Samonas asked the Building Inspector how he knew the foundation was 28'6" from the edge of the assumed right-of-way. The Building Inspector responded there is no actual survey. A plan was done in January 1984 that identified the stone wall as the limit of the right-of-way. The stone wall is more than 2' to 3' wide. M. Ferwerda clarified the stone wall was actually granite blocks. Chair Samonas asked if it was possible the foundation could be 30' from the edge of the right-of-way at the furthest point from the stone wall. The Building Inspector responded that it was undeterminable without an on the ground field survey.

Martin Ferwerda, representing David Kohlhase, addressed the Board. Also present were Megan Proulx and Rob Proulx, tenants. M. Ferwerda explained they were trying to make things safer for the Proulx's. The existing driveway is approximately 20' wide and is short with no turn-around, requiring them to back out onto Post Road. There is no way to resolve that issue due to distances and sight line. The existing foundation allows for a turn-around so vehicles can exit the property without disturbing the stone wall and allowing a better sight line onto Post Road. As a safety aspect, it's a significant improvement.

M. Ferwerda continued that the foundation is old; the Building Inspector estimated it was prior to 1992. There is a foundation and slab for a car; however, the structure was never built. There was no explanation why the structure wasn't built. The owner would like to build a two-car garage on the existing foundation. The existing driveway will be abandoned. There is a pending driveway permit with Division 6. There was a discussion about the driveway being off a State road. Chair Samonas stated that the State would make their decision; he wanted the Board to address safety and the applicant's request. The ZBA could approve their request and be denied by the State for a driveway permit. L. Schwab clarified that M. Ferwerda applied to the State for a driveway permit. M. Ferwerda pointed out on the

drawings the location of the proposed driveway. L. Schwab noted that the Town paid William Packer to build the stone wall on September 22, 1857.

There is a gravity-fed leach field in the backyard. The location of the water line coming into the house is unknown. Utility poles are located across the street. The proposed building is a one story garage with a 12 pitch roof for storage above. No living space over the garage; just cold storage.

Chair Samonas opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board for discussion. L. Schwab questioned if the exact location of the leach field and water line were of concern to the Board. Chair Samonas responded that he didn't want them going over the water line; based on discussion with the tenant, it came in on the existing driveway side of the house. The leach field doesn't appear to be near the existing foundation and wouldn't be driven over. Chair Samonas stated the applicant shouldn't be asked to remove any of the existing foundation. Further, they weren't sure of the location of the property line. He was in favor of the safety aspect; Post Road is a busy road.

S. Gerrato didn't have a problem with the 28'6"; however, he didn't feel the State would allow the driveway. He agreed it would be safer to allow access to the proposed garage. It was suggested the waiver be granted contingent upon State approval. M. Ferwerda added that they would be creating a safer situation. The width of the new driveway will be approximately 12'. The existing driveway will be converted to grass. M. Ferwerda continued that he was optimistic regarding State approval; they were creating a driveway with longer sight lines, a better egress way, and were abandoning (not adding) a driveway.

MOTION: S. Gerrato moved to approve the request for an Equitable Waiver of Dimensional Requirements of 28'6", where it should be 30', contingent upon State driveway approval. Second – G. Baryames

DISCUSSION: The Building Inspector suggested the Board eliminate the dimensions allowing them to expand a non-conforming structure because of the uncertainty that the 28'6" into the setback is correct. Chair Samonas responded they were being allowed an intrusion into the 30' setback of no more than 1.5'. The Building Inspector clarified that several years down the road a surveyor could say the structure was 5' into the setback and a portion may have to be eliminated. He continued that if the Equitable Waiver was granted to improve an existing non-conforming structure, the dimensional aspect goes away.

AMENDED MOTION: S. Gerrato moved to approve the request for an Equitable Waiver of Dimensional Requirements for building on the existing foundation only and is contingent upon State driveway approval from NHDOT, Division 6. Second – G. Baryames; all in favor. MOTION CARRIED

2. Approval of Minutes: Tuesday, September 19, 2017

MOTION: S. Gerrato moved to approve the minutes of Tuesday, September 19, 2017. Second – G. Baryames; three in favor, one abstain (L. Schwab). MOTION CARRIED

3. Other Business

ZBA Members on Other Boards: S. Gerrato stated that RSA 673:7 allows Planning Board members to sit on other local boards; he can sit on the Planning Board and Zoning Board. It was explained that S.

Gerrato would like to be a regular member on the Planning Board if a member steps down as suggested. He would like to remain on the ZBA. S. Gerrato is also a member of the Rockingham Planning Commission.

179 Post Road: The Building Inspector sent a follow-up letter to the resident at 179 Post Road regarding landscaping. Chair Samonas read the resident's letter into the record (copy on file). After discussion, the Board would like to see any letters from reputable landscaping companies. Chair Samonas questioned why something live couldn't be planted for separation and view covering. He asked the Building Inspector to respond that the Board would like to see the letters. The assumption that a fence was adequate for the Board was a concern. It wasn't about planting, but rather the construction that took place prior to the planting as well as the addition of water and power. S. Gerrato commented that if a fence was the answer, anyone could put up a shed on the property line. Chair Samonas added that he was unsure enough had been done as far as natural screening. The Board agreed that a fence was not the final answer at this point.

4. Adjournment

MOTION: S. Gerrato moved to adjourn at 7:32 p.m. Second – L. Schwab; all in favor. MOTION CARRIED

NEXT MEETING

Tuesday, December 19, 2017 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Tuesday, January 16, 2018