



ZONING BOARD OF ADJUSTMENT

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, March 20, 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

Vice Chair Cummings opened the Board of Adjustment meeting at 7:00 p.m. and a roll call was taken. The Vice Chair explained the procedures of the Zoning Board of Adjustment, stating that a quorum was present, and the meeting was being recorded. Vice Chair Cummings welcomed the new members to the Board.

1. Reorganization of the Board

The Board was reorganized following the elections on Tuesday, March 13, 2018. S. Gerrato suggested if any Board member would like to fill the position of Chairman or Vice Chairman, they should state their interest.

MOTION: S. Gerrato nominated L. Cummings as Chairman of the Zoning Board of Adjustment. Second – L. Schwab; all in favor. MOTION CARRIED

MOTION: L. Cummings nominated R. Gross as Vice Chairman of the Zoning Board of Adjustment. Second – S. Gerrato; all in favor. MOTION CARRIED

2. 57 McShane Avenue – Map U9, Lot 33 - Residential Zone

Appeal from an Administrative Decision, Request for a Variance

Owner/Applicant: Jenifer Campbell

The owner/applicant is seeking an Appeal from an Administrative Decision due to the determination that the construction of a septic system is considered a structure, and therefore, not allowed in the wetland setbacks under Article 18, Section 18.7.2 of the Greenland Zoning Ordinance. Variances have been requested for relief from Article 18, Section 18.7.2 of the Greenland Zoning Ordinance: (1) encroachment of the proposed septic system into the 75' wetland setback, to be located 40.1' from the delineated edge of wetland setback; (2) to allow a 36'x46' landing and steps to be located within the 75' inland wetland setback; (3) to allow a 36'x36' covered entrance and steps to be located within the 75' wetland setback.

The applicant has requested a continuance to the meeting on Tuesday, April 17, 2018. There was a concern raised by the Building Inspector about the 100' tidal buffer delineation depicted on the applicant's plans. They are seeking clarification and need additional time. Chair Cummings stated she didn't have a problem granting a continuance; however, wanted to add an extra clarification when responding to the applicant.

The verbiage from the attorney states the measurements of the two small stairway setbacks are in feet; the drawing shows inches. The Board would like clarification although the Building Inspector indicated the intent should be inches. It was also noted that there is a conflict with the size of the secondary tank: the profile states 1,500 gallon; the plan indicates 2,000 gallon. There are inconsistencies in the numbers. The plans need to be stamped by a certified wetland scientist; the Board has also requested a report from the wetland scientist. The requirement on the application states: "Poured foundation and/or wetlands involved, regardless of the dollar amount: stamped, professionally engineered, appropriately scaled, technically dimensional plans; must be certified by a NH Wetlands Specialist". S. Gerrato requested better topography, which wasn't clear on the plans the Board received. J. Marchese responded that there was a plan with existing and proposed topography, and briefly reviewed it with the Board.

MOTION: Chair Cummings moved to grant the continuance for 57 McShane Avenue to the meeting on Tuesday, April 17, 2018, and to send a letter to the applicant regarding the concerns of the Board—clarify the measurements of the stairs (inches or feet), clarify the size of the tank, plan must be stamped by a certified wetland scientist, a written report from same wetland scientist must be submitted. Second – S. Gerrato; all in favor. MOTION CARRIED

Chair Cummings stated that the case for 179 Post Road will be heard first at the meeting on Tuesday, April 17, 2018.

3. Approval of Minutes: Tuesday, January 16, 2018

MOTION: S. Gerrato moved to approve the minutes of Tuesday, January 16, 2018. Second – L. Schwab; three in favor, two abstain (R. Gross, L. Franck). MOTION CARRIED

4. Other Business

OSI Conference: The Office of Strategic Initiatives (formerly Office of Energy and Planning) will hold its annual conference on Saturday, April 28, 2018. Please let the Board Secretary know if you are interested; funds are available.

Acceptance of Applications: The Planning Board plans and specs are reviewed by Mark Fougere, Planner, prior to meetings. Chair Cummings suggested the Zoning Board may want him to review the more complex plans and specs; he is familiar with the Town's Zoning Ordinance. R. Gross offered to help the Building Inspector review the less complex cases prior to acceptance. Chair Cummings clearly stated this was no reflection on the Building Inspector; she wanted to make sure that the complex cases were done correctly and another set of eyes couldn't hurt. She noted that J. Marchese has consulted with the Town Attorney on several occasions. J. Marchese told the Board that he has met with the Planner to review plans/specs.

L. Schwab asked how M. Fougere would report his findings to the ZBA. It was suggested that he could do a staff report, similar to what he does for the Planning Board. Chair Cummings used the current application as an example of a complex case that he could have reviewed. S. Gerrato questioned if it would be appropriate for M. Fougere to give an opinion. Chair Cummings responded that he could do a review and note what was missing. She asked the Board if there was any value to him reviewing plans and specs. If not, that was fine; the Town has a very qualified Building Inspector. Chair Cummings wanted to keep the Board's options open.

There was a brief discussion about the time line for applications. J. Marchese and the Board Secretary will work on a time line and report back to the Board at the next meeting.

5. Adjournment

MOTION: L. Schwab moved to adjourn at 7:37 p.m. Second – R. Gross; all in favor. MOTION CARRIED

NEXT MEETING

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

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Tuesday, April 17, 2018