



# ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

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## MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, October 21, 2014 – 7:00 p.m. – Town Hall Conference Room

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

*Members Absent:* John Samonas

*Staff:* Myrick Bunker – Building Inspector

Chair Halligan 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. Application for a Variance: 60 Great Bay Drive West [Map R13, 14A]

Owner/Applicant: Cheryl Strong

Greenland Zoning Ordinance: Article IV, Section 4.2, Subsection R (d) & (f)

Greenland Zoning Ordinance: Article XIV, Section 14.4, Subsection 14.4.3

*The owner/applicant is proposing the construction of a 24'x32' two car garage on the southeasterly corner of the property. The location of the structure will be 15' from the front property line where 30' is required, and between 6' and 10' from the side property line where 20' is required. Additionally, the lot size is 26,000 sq. ft. where the Ordinance requires 60,000 sq. ft.; therefore, the lot is non-conforming.*

Cheryl Strong addressed the Board. She was proposing the construction of a 24'x32' garage. The southeasterly corner of the property is the only place the garage can be located. The structure will be a one story two car garage; the siding will be the same color as the house. There will be a door on each end of the garage so vehicles can be driven through.

There is approximately 8' to 10' between the well and garage. It will be on a slab and not a foundation because of the way the land slopes. Several members of the Board have driven by the site; the description given by the applicant is accurate.

No other questions for the applicant, Chair Halligan opened the meeting to public comments. Stuart Bauder, 66 Great Bay Drive West: Didn't have a problem with the garage. David Strong, 71 Great Bay Drive West: Didn't have a problem with the garage. Glenn and Marilyn Page, 7 Great Bay Drive: When the leaves are off the trees, they can see the applicant's property and didn't have a problem with the garage. There being no further public comments, Chair Halligan closed the public hearing and returned to the Board for discussion.

Asked by L. Cummings if the proposed location was 75' from the leach field, the Building Inspector responded that the well and leach field were existing and not measured. The leach field must be 75' from the well; there is no structural setback from the leach field for an accessory unit.

**MOTION:** Chair Halligan moved to grant a Variance from Greenland Zoning Ordinance Article IV, Section 4.2, Subsection R (d) & (f) – Table of Dimensional Requirements (Subsection R (d) requires a front yard minimum setback of 30'; Subsection R (f) requires a side yard minimum setback of 20'), and Article XIV, Section 14.4, Subsection 14.4.3 – Development of Non-Conforming Lots (the structure must meet the setback requirements of the underlying zoning district). Second – L. Cummings

DISCUSSION: R. Gross felt the garage was too deep; the front setbacks were a concern. C. Strong responded there was not enough turning radius to enter through the side and has to enter from the front. L. Cummings stated she has the same concerns; however, she also drove by and saw the slopes in the back. Moving the garage back would have put the garage out of the setbacks and made the lot more non-conforming. L. Cummings reviewed the factors.

- 1) She didn't feel it would be contrary to public interest. It was a non-conforming lot of record at the time it was on file. Her concern was their ability to grant certain things on a private road; it has met the requirements under RSA 674. The non-conforming lot of record was not a concern; the setbacks were a concern. The front setback will not be a significant change to the existing conditions in that area. There are woods along one side; the garage won't interfere with sight lines.
- 2) The spirit of the ordinance is observed. It's the job of the ZBA to take the "what should be done" and try to modify them in this type of situation.
- 3) Substantial justice: There is no indication from the neighbors that they disagreed with the proposed structure being built.
- 4) Values of the surrounding properties would not be diminished. There were no objections from the neighbors. Adding a garage is not a significant change in this area.
- 5) Hardship: This situation should be looked at differently. Things have changed over time; that should be kept in mind. The use is a reasonable one.

L. Cummings felt the garage was a little big; however, that was not what the ZBA was looking at. R. Gross also felt it was big; if it was built to meet the requirements, it would probably be too small. He stated that he would like to see it changed; he felt it too big and too close to the road. He continued that they would be setting a precedence by allowing this.

**MOTION:** Chair Halligan moved to grant a Variance from Greenland Zoning Ordinance Article IV, Section 4.2, Subsection R (d) & (f) – Table of Dimensional Requirements (Subsection R (d) requires a front yard minimum setback of 30'; Subsection R (f) requires a side yard minimum setback of 20'), and Article XIV, Section 14.4, Subsection 14.4.3 – Development of Non-Conforming Lots (the structure must meet the setback requirements of the underlying zoning district). Second – L. Cummings; three in favor, one opposed (R. Gross). **MOTION CARRIED**

## 2. Approval of Minutes: Tuesday, July 15, 2014

**MOTION:** L. Cummings moved to approve the minutes of Tuesday, July 15, 2014. Second – R. Gross; three in favor, one abstain (Chair Halligan). **MOTION CARRIED**

## 3. Other Business

L. Cummings told the Board a request from the Conservation Commission was sent to the ZBA asking them to reconsider their decision regarding 1533 Greenland Road. They were hoping to be able to review the site plan for the truck stop. She continued that the Conservation Commission felt the ZBA erred in their decision because it was not tabled. The meeting was a joint hearing with the Planning Board in July. L. Cummings had told the Conservation Commission chairman that what they wanted the

ZBA to reconsider was not before them; what wasn't before them could not be reconsidered. Chair Halligan added that "reconsideration" was done if it was an error of process. Tabling it would have been a process.

The applicant at 1533 Greenland wanted to make the back area the equivalent of a truck stop—a truck repair facility; the ZBA voted against it. The applicant was going to sell the truck repair facility to the truck stop in exchange for the septic pump station. Because the truck stop would have a new facility, the Conservation Commission would have had the opportunity to do a site plan review. The truck stop wasn't before the ZBA. During that meeting, the applicant was given several opportunities to withdraw their application; they chose not to withdraw.

At the next meeting, an appropriate response should be given to the Conservation Commission; they don't have the standing to come to the ZBA with that request. A copy of the request will be sent to all ZBA members. The letter will be added to the next agenda for further discussion.

#### 4. Adjournment

**MOTION:** *L. Cummings moved to adjourn at 7:26 p.m. Second – R. Gross; all in favor. MOTION CARRIED*

NEXT MEETING
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Tuesday, November 18, 2014 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Accepted: Tuesday, November 18, 2014