

Zoning Board of Adjustment
June 18, 2019
7:35pm

Members present: Chris Stafford, Walter Baird, John Russo, Roger Whitehouse, Roger Denison

Others present: Dana Greenlay, Shane Murphy, Carsten Springer

Case 2019-2, map and lot 4-92-4, 38 Crestwood Drive:

Mr. Greenlay explained his plan to build a three-bay garage with an 8x10' mudroom connecting it to the house. The mudroom will allow a space to take off shoes or coats and will align the roofline more aesthetically. He said he tried to design the smallest garage that will accommodate their vehicles. Removing the mudroom will still encroach on the wetland buffer. He explained the difficulty in placing the garage in another site due to the well and septic. Currently the plan for the garage is to leave open trusses above the parking area. This may be finished at a later time to be used for a playroom. No bathroom is planned right now.

It was explained that if there is no mudroom, the three-car garage still encroaches by 3' into the buffer. With the mudroom, the encroachment is about 11-13'. Pictures were shown of the property and the approximate proposed location was indicated to be at the end of the driveway hot top. The garage will allow the removal of the portable covering. It appeared that if the garage was reduced to two bays and if the mudroom remains, there will still be some encroachment. The garage cannot be built deeper due to the well and the encroachment is worse if the garage is moved forward, which would also not allow the addition to connect with the house.

The distance between the well and the deck is unknown. Mr. Greenlay explained he has a truck with a plow and he would like a bay big enough to fit this vehicle. He's designed a garage that will also fit the existing roofline. As it is proposed, the garage roof will be within 18" of the house roofline.

Mr. Greenlay explained this will allow him to clean up the property by removing the portable garage. He purchased the property from the bank at a foreclosure and has been cleaning up the property since then. This will increase the value of his and the neighbor's properties. Shane Murphy said Mr. Greenlay deserves a garage. Chris said the challenge with this is the hardship. If a smaller garage can be put on the property without encroaching into the buffer, then something else would need to be is unique about the property that requires building in the wetlands.

Mr. Greenlay said he wants to align the house with the addition. A two-car garage without a mudroom could be off-set from the existing home but the roofline would not connect.

Chris said he's having a difficult time accepting that there is anything unique about the property that would require a three-bay garage with mudroom, especially when a smaller addition won't encroach. Mr. Greenlay said he may be able to have a full-size garage in the back and not put

the pool there. Chris reiterated that he's having a hard time assessing a hardship when there appear to be options.

Mr. Greenlay said a garage behind his house could be a detriment to the future sale of his home and this is the hardship. Chris said the burden is on him to convince the Board that there's something unique about the property that necessitates this particular plan. Walter said variances have been granted for wetland encroachment, but those properties did not have other options.

Mr. Greenlay said he's willing to abide by the rules and does not wish to destroy the wetlands, but he said he'll have to move if they can't build what they want. He said this design is something he must have.

There was a short discussion about wetland mitigation and speaking with the Conservation Commission (CC). Roger W. suggested granting a continuance and having him meet with the CC. He said he wasn't convinced that 13' was a large encroachment. Chris said that it's not up to this Board to judge how many feet matter, three is obviously less than 13, but the town has a zoning ordinance which specifies how many feet comprises the wetland setback. This Board is tasked with reviewing the criteria and the proposal. Roger D. said that whether it's 1' or 30' it is an encroachment.

Walter asked if a French drain or swale is proposed for the property. Mr. Greenlay said there is not. He was told that there's no guarantee this would sway a vote, but it may help. Walter said he'd like to know what the CC thinks of this application. Chris agreed that this Board seems to be looking for more than what's been submitted and wondered if the CC could offer an improvement.

Carsten Springer joined the meeting at 8:30pm. The application was briefly explained, adding that there is no mitigation plan. Chris suggested not closing the public hearing at this time. Walter made and Roger W. seconded a **motion to continue the case**. Carsten said there was a case a few years ago in which vehicles were already on the ground; it was suggested that containing them in a garage was in improvement. He invited Mr. Greenlay to the CC meeting on the 20th and said they can talk about French drains and other mitigation treatments. Chris asked if meeting on July 2nd would give Mr. Greenlay enough time to incorporate any comments from the CC. He said it would be. The motion **passed** unanimously.

Mr. Greenlay said his brother-in-law is going to build the garage; Carsten suggested he attend the CC meeting also.

Minutes:

Roger D. made and Walter seconded a **motion to approve the November 27, 2018 minutes as written**. Walter said that town council has reviewed the Heritage Commission's social media policy and it has been adopted by them. Roger W. and John abstained. The motion **passed**.

Chris made and John seconded a **motion to approve the December 20, 2018 minutes as written**. The motion **passed** unanimously.

Roger W. made and Roger D. seconded a **motion to approve the May 7, 2019 minutes as written**. Chris and John abstained. The motion **passed**.

Rules of Procedure:

Chris said that before any discussion of the social media policy, he suggested redoing the paragraph numbering beginning with section VI. Legal Advice. The second paragraph regarding waivers should be its own section.

The media policy as adopted by the Heritage Commission had been reviewed previously. The gist of it is to be careful of offering opinions. Chris explained the members of this Board is should be impartial as this Board can be likened to the judicial branch of the government. Some guidelines from the media policy have been incorporated into the email policy. Not all of the media policy relates to this Board since we don't host events or have a website.

It was suggested that adopting sections 1, 4, and 5 will be sufficient for this Board. Roger D. commented that most of the outside communication is via email and that is for scheduling meetings. Chris made and Roger D. seconded a **motion to adopt the social media policy as amended**. The motion **passed** unanimously.

Nominations:

John nominated Walter as vice chair; Roger D. seconded the nomination. Walter said he was going to nominate Roger D. as vice chair and that he would decline the nomination. Walter nominated Roger D., seconded by John. Roger D. accepted the nomination.

Roger D. nominated Chris as chairman; Chris abstained; John seconded the nomination. Chris accepted the nomination.

Other Business:

Walter said he and Roger W. attended the recent planning/zoning workshop. He attended a class taught by Matt Serge, our town attorney. In this class they learned the RSA was recently amended to allow 45 days to hold the public hearing from receipt of an application. This is in RSA 676:7, II. This will become effective July 9, 2019. Walter also said that the ZBA may conduct site walks on properties for which an application has been received and do this without the owner's permission. It was agreed this does not sound like a good practice.

At 9:15pm, Roger D. made and John seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,
Janet S. Denison