

1                                   Town of Greenville, New Hampshire  
2   **Planning Board**  
3   **Minutes**  
4                                   **Thursday, October 11, 2018**

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6 The Greenville Planning Board met on **Thursday, October 11, 2018 at 7:00 pm** in the Town Hall, 46  
7 Main Street, Greenville, NH 03048.

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9 *In attendance were Chairman Ed White; Member Miles Horsley, BOS Ex-officio Scott Tenney. Also in*  
10 *attendance was Town Counsel, Biron Bedard.*

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12 **CALLED TO ORDER:**

13 Chairman White called the meeting to order at 7:05 pm. Chairman White introduced members of the  
14 Board for those in the audience.

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16 **PUBLIC COMMENTS:** There were no public comments presented.

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18 **BUSINESS:**

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20 **47 Main Street, Greenville, NH Tax Map 5-34**

21 Present: Jason & Kat Seymore, property owners.

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23 Chairman White began the meeting by stating that the Board would be having a discussion on the  
24 ordinance interpretation as it pertains to this property. He said the discussion is about having a  
25 residential occupancy at 47 Main Street with a hydro-electric dam below. He requested that Planning  
26 Board members refer to the levels of the building as bottom, middle and top floors. He said this was  
27 for clarity and to ensure that there is no misinterpretation of the Planning Board in how many stories  
28 the structure has.

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30 Chairman White called on Jason & Kat Seymore to make their presentation. Mr. Seymore asked if  
31 members of the Board had an opportunity to read their submission. Members stated "yes".

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33 Ms. Seymore stated what she was proposing was that if the town actually adopted a zoning ordinance  
34 that accounts for the hydro-electric plants that it would be beneficial for them. She said in order to run  
35 the utility, there has to be qualified individuals to run them.

36  
37 At this point, Chairman White questioned what they wanted to accomplish tonight. Ms. Seymore  
38 replied and stated that they wanted to obtain a residential Certificate of Occupancy for the building.  
39 Chairman White questioned whether they were here tonight to be able to use the entire building for  
40 residential use. Ms. Seymore stated "yes".  
41

Chairman White stated that during his research, this property was an approved use before the ordinances went into effect so there is nothing specific to the utility. He said any grandfathered use is approved. Ms. Seymore stated that this would solve all problems if it were grandfathered in and not violate the spirit of the town ordinance. Chairman White asked what permitted use did she think they were under. Ms. Seymore replied "single family residential".

Discussion followed regarding the definition of a single-family residence. Chairman White said a single-family structure houses only a residence and not a residence with a utility or a business. He stated that if they were to remove the hydro-electric plant, it would be considered a single-family residence. He said since it's a mixed use building, Chairman White stated the homeowners prepared a statement and that was acknowledged in their statement.

Ms. Seymore stated that if the Planning Board labeled her property as mixed use, she said it would be recognized from the postal service and any bank as commercial. She stated that this would make it prohibitive to take a loan against the building.

Chairman White stated that in Ms. Seymore's letter she recognizes that the hydro-electric plant has a separate tax card so they have two uses in the building. Chairman White stated that the Planning Board cannot ignore that and concluded that they are a single-family residence.

Discussion continued regarding information obtained by referencing the town's zoning ordinance. Chairman White stated that the applicant is not proposing a two-family, multi-family or a condominium. Ms. Seymore agreed. He said that nothing else would apply and there is nothing in the zoning ordinance that would allow them to put a single family in a mixed-use building.

Town Counsel Biron Bedard questioned whether there was a formal application in place before the Planning Board. Chairman White stated no. Attorney Bedard questioned whether they had a surveyed engineered plan that shows the property. Ms. Seymore stated yes but not with them tonight.

Attorney Bedard stated that he understands that they have a three-level structure of which part of the building is occupied by a hydro-electric plant that is associated with the dam. He stated that they have a couple of options of what they need to do. He stated you can contact the building inspector and apply for a building permit which he suspects would be denied. He stated that the applicant could appeal that decision to the Zoning Board of Adjustment claiming that they are wrong in their interpretation of the ordinance. Attorney Bedard stated that the applicants would need a variance. He said the building is a unique structure not created by the current owners. He said the application could be framed to be able to qualify for a variance. Attorney Bedard stated that the applicants could then present a site plan application to the Planning Board that would allow them to have a mixed industrial use and obtain an approval for that mixed use. He stated that this Board could probably grant that subject to any other conditions, i.e. parking, safety concerns, etc. He stated that the applicants could then file the decision with the Registry of Deeds that there is an industrial use present. Attorney Bedard stated that procedurally they would need to meet with the Zoning Board first and in terms of interpreting the zoning ordinance, the ZBA has the final decision. He also stated that any discussion tonight is conceptual since there is no formal application applied for.

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87 Ms. Seymore questioned the process and stated that the building currently has a commercial  
88 certificate of occupancy, however, she still needs a residential certificate of occupancy that grants her  
89 residential which is allowed under zoning. Attorney Bedard stated that it is because they are not  
90 taking out the commercial/industrial use. He said if the owners took out the hydro portion out of the  
91 building that they would have a legitimate point. He said he believes the owners could get their  
92 building permit without needing to file with the ZBA or Planning Board provided that they showed  
93 proof that the commercial/industrial use was removed from the building. Attorney Bedard stated that  
94 the issue is with the mixed use.

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96 Chairman White stated that the owners are currently occupying the bottom level with cars and  
97 storage, occupying the middle and top levels as residential so they are using all three levels and  
98 therefore this is connected as residential use. Ms. Seymore didn't realize that storage counted as  
99 residential use. Attorney Bedard recommended if they were to apply to the ZBA for a variance that  
100 they include the whole building. He said you will want to have the structure be a single-family  
101 residence top to bottom and you want to have it with a mixed use in it.

102  
103 Chairman White notified the owners that there are issues of ownership with their deeds and tax cards.  
104 He was wondering if anyone had informed them because it was just brought to the Planning Board's  
105 attention. Ms. Seymore stated she didn't know. Chairman White stated that their deed does not  
106 match the tax cards. Chairman White said that he wanted them to be aware. The Planning Board  
107 provided them with a letter from Town Administrator Tara Sousa and advised them to contact her.

#### 108 109 BOARD COMMENTS/DISCUSSION

##### 110 111 Correspondence:

112 Department of Safety, Division of Motor Vehicles – Chairman White stated that he is in receipt of a letter from  
113 the state notifying us that they received an application from Northeast Drill Supply on whether it meets their  
114 qualifications as a Retail Dealer License and Registration. The Planning Board determined that a site plan review  
115 would be needed.

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117 Hearing no other comments or concerns, Chairman White called for a motion to adjourn.

##### 118 119 ADJOURNMENT:

120 S. Tenney motioned to adjourn at 7:38 pm, M. Horsley 2<sup>nd</sup>. *VOTE: All in favor. Motion passed*  
121 *unanimously.*

122  
123 NEXT PLANNING BOARD MEETING: November 8, 2018

124  
125 Respectfully Submitted,  
126 Debra A. Butcher

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128 APPROVED BY:  
129 *Greenville Planning Board*

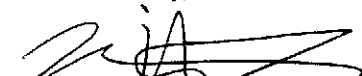


Edward White, Chairman



Michael Sadowki, Vice Chairman - ABSENT

Scott Tenney, BOS Ex-Officio



Myles Horsley, Member