Town of Greenville  
Zoning Board of Adjustment

Public Hearing – October 25, 2017

Call to order at 7:00 p.m. Present: Chairman David Orgaz, Members Pedro Sousa, Michael Rathbun, and Michael Washburn, Town Attorney Biron Bedard, and Town Administrator Tara Sousa

Chairman Orgaz announced the first matter before the Board was the continuation of the September 27, 2017 meeting regarding the administrative decision appeal filed by Bernard Leblanc. Chairman Orgaz read the hearing notice and summary of testimony from the public hearing held August 30, 2017. The Board reviewed the inspection report and photos provided by the Code Enforcement Officer as a result of their request for a confirmatory inspection. It was noted that the photos indicated no lock or privacy between the area in question at the rear of the first floor and the 2nd floor unit occupied by the property owner.

Motion by Pedro Sousa, 2nd by Michael Washburn, to uphold the Code Enforcement Officer’s determination that the area in question is not a legal 3rd dwelling unit. Motion carried with 4 in favor, none opposed.

Chairman Orgaz read the notice for the variance request submitted by Magno Coelho (Michele Bernier, property owner), and called upon Mr. Coelho to speak to his application. Mr. Coelho explained that he is under contract to purchase Ms. Bernier’s property located on Barrett Hill Road, and that purchase agreement is contingent on obtaining the variance to build a single family home on the class 6 road. In addressing the criteria for a variance, Mr. Coelho discussed the negative impact to the property owner’s land value should the variance be denied. He stated that there is a benefit to the Town in increased tax revenue. He asserted his ability to approve and maintain the road, as he owns an excavation and plowing business.

Chairman Orgaz read the information provided in Mr. Coelho’s application, the invited abutters to speak, followed by other interested parties.

Richard Eaton, of 5 High Street, Greenville, identified himself as owner of the neighboring property to the subject property on Barrett Hill Road. He stated he appreciated the applicant’s interest in improving the road and building a home there. He wanted to clarify that upgrades to the road by Mr. Coelho would not grant exclusive use, as he and other neighboring properties would continue to own to the center of that road.

Penny Seaver identified herself as the listing agent for the property. She stated there is an old foundation and well on the property, which was a home site at one time.

Chairman Orgaz read a letter submitted by Edward White, a Captain on the Greenville Fire Department, which expressed concerns regarding the accessibility of the property for emergency services. He also read the pertinent section of Appendix A of the Zoning ordinance from which the variance was sought.

Pedro Sousa expressed his agreement with the concern brought forward regarding emergency services, specifically concerns regarding the maintenance of the road during and after construction, noting that he found the road to be nearly impassable a couple hundred feet off Route 31. He asked Mr. Coelho
how far he intended to extend the road improvements, should his proposal go forward. Mr. Coelho answered that he would likely improve the road only up to his driveway, unless required to extend further by the Town. Ms. Seaver said the prospective driveway location is approximately 800 feet from the main road, whereas the cell tower is roughly 1800 feet.

Michael Washburn expressed that he would want to see the road improved to class 5 specifications or better. Michael Rathbun discussed the potential liability to the Town if first responders are unable to reach the property in the event of an emergency.

Mr. Coelho discussed his communications with the Town’s Road Agent, who indicated class 5 specifications would be required for the road to be accepted as a town-maintained road. Board members discussed that improvement to class 5 would not guarantee acceptance of the road by the Town.

Attorney Bedard suggested that rather than the Board issuing a decision based on the testimony presented, the applicant could request a continuance to seek, in writing, agreement from the Fire Department as to the acceptable conditions under which they would support the Zoning Board’s granting of the variance. Mr. Coelho expressed his willingness to seek such agreement from the Fire Department.

Motion by Mr. Sousa, 2nd by Mr. Rathbun, to continue this hearing to November 15, 2017 at 7:00 p.m. pending additional information from the applicant and agreement from the Fire Department that the property can be made accessible.

Motion carried with 4 in favor, none opposed.

Attorney Bedard noted that the Town could require a covenant registered with the deed to limit the Town’s liability if the road does not become a town-maintained road. Mr. Washburn asked if the Fire Chief could be invited to attend the continued hearing. The Town Administrator will contact the Chief, and provide Mr. Coelho the contact information needed to obtain Fire Department approval.

Motion by Chairman Orgaz, 2nd by Mr. Rathbun, to accept the minutes of the June 7, 2017 Public Hearing.

Motion carried with 4 in favor, none opposed.

Motion by Mr. Sousa, 2nd by Mr. Washburn, to accept the minutes of the August 30, 2017 Public Hearing.

Motion carried with 4 in favor, none opposed.

Motion by Mr. Washburn, 2nd by Mr. Sousa, to adjourn at 7:46 p.m.

Motion carried with 4 in favor, none opposed.

Submitted by: Tara Sousa/Town Administrator
Approved by:

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David Orgaz/Chairperson

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Pedro Sousa

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Michael Washburn

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Michael Rathbun

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Vacant/Alternate