

Town of Greenville
Zoning Board of Adjustment
Public Hearing – June 7, 2017

Call to order at 7:00 p.m. Present – Chairman David Orgaz, members Pedro Sousa and Michael Rathbun, Town Counsel Atty. Biron Bedard, Town Administrator Tara Sousa, applicant James Hall, and community members.

Chairman Orgaz read the Notice of Hearing. Chairman Orgaz asked James Hall, owner of the subject property, if he wished to proceed given that only three members of the Board were in attendance. Mr. Hall answered that he would proceed. The Town Administrator provided Chairman Orgaz with a revised notice of hearing, which was the posted notice for this session.

Chairman Orgaz read the following: Notice is hereby given that a public hearing will be held at 7:00 p.m. on Wednesday, June 7, 2017 at the Town Hall Meeting Room, Chamberlin Street, Greenville, NH concerning a request by Frosted Real Estate, LLC for a variance from Section 2.7.2 b1 of the zoning ordinance, which prohibits ground floor dwelling units in multi-story buildings in the Downtown District. Applicant proposes to create a ground floor dwelling unit in the retail building located at 11 Main Street, Map 5 Lot 89. The Application for Appeal is available for review on our website at www.greenvillenh.org and at the Town offices during official business hours. The Zoning Board of Adjustment public hearing previously noticed for May 31, 2017 at 7pm has been cancelled.

James Hall, the applicant, explained the variance sought, which would allow for the conversion of the back half of the first floor to a residential unit. Mr. Hall stated that the kitchen is not viable as a business, and that his proposal is aimed at keeping the building from becoming vacant. Mr. Hall clarified the hand-drawn plans for the Zoning Board, noting exits, a bathroom, and shared laundry.

Chairman Orgaz read a portion of the application, as completed by Mr. Hall. Mr. Hall produced a document which he stated was from the Town's Appraiser, noting an opinion that the "highest and best use" of the property would be its prior use, or to be converted fully to residential. Mr. Hall described investments in interior renovations since acquiring the property. Chairman Orgaz read the rest of the completed sections of the variance application, and asked for comments from abutters first, followed by the general public.

Thomas Falter, of 39 Temple St, identified himself as an abutter, and presented pictures of the subject property to the Board. Mr. Falter stated that the property has been a "single family" since 1890, and that any other use is accessory use. He suggested that 2 other variances would be required to convert the property to 2-family. Mr. Falter stated that 2-family properties are less valuable, and asked why this would be in the interest of the community.

Mr. Hall noted that the prior owner utilized the building as a funeral home. Mr. Falter stated that lack of enforcement was not a reason to grant a variance. He stated that he was one of the original authors of the zoning ordinance, and that the Master Plan reflects the intent. Mr. Falter addressed the hardship criteria for a variance, suggesting that the property could be used as a single family. Addressing the matter of justice. Mr. Falter offered that property values would be diminished. Mr. Falter also noted that upon failure to meet any of the five criteria, the variance is "dead."

Kathleen McNamara, of 10 Ice Street, identified herself as an abutter, and expressed that she did not want to see another non-owner occupied property with additional tenants. She felt such properties are poorly maintained and contribute to drugs and other problems.

Deb Spratt, of 7 Temple Street, identified herself as a member of the Beautification Committee, and stated that it is not in the best interest of the Town to add another 700 square foot apartment. She expressed that the subject property's exterior is poorly maintained. She expressed that there is an effort underway to improve Main Street. She discussed the upcoming Community Profile, which gives the community a voice in the Town's direction. She stated that absentee owners are not vested in the community.

Mr. Hall stated he could "make it easy for everyone" as his intentions for the property had changed due to the passing of his father, who was the anticipated resident of the proposed 1st floor unit. Mr. Hall expressed that the community did not support the business, operated by his wife as a bakery. Several community members addressed that sentiment.

Attorney Biron Bedard, Town Counsel, addressed the issue of the current mixed use of the property, stating that neither he nor the Town Administrator have investigated the approved use, as we were unaware that that might be in dispute. Atty. Bedard explained that the application could be withdrawn, noting the Zoning Board's limited scope in this matter. He noted that the "Downtown District" zoning dates back to 2007, and that unless the conversion to commercial use was unlawful, a variance would be needed to convert back to single family.

Mr. Hall formally stated that he wished to withdraw his application. The application was withdrawn without action by the Board.

Chairman Orgaz closed the public hearing at 7:29 p.m.

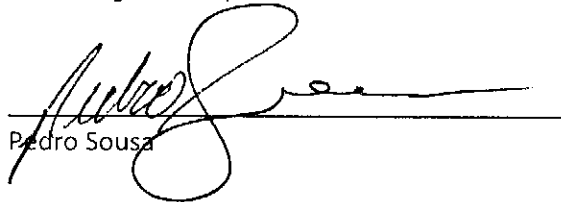
Submitted by: Tara Sousa/Town Administrator

Approved by:




David Orgaz/Chairperson

Michael Washburn



Pedro Sousa



Michael Rathbun

Vacant/Alternate