

Town of Greenville
Zoning Board of Adjustment

Public Meeting – November 15, 2017

Call to order at 7:00 p.m. Present: Members Pedro Sousa, Michael Rathbun, and Michael Washburn, and Town Administrator Tara Sousa. In the absence of the Chairman, Pedro Sousa agreed to conduct the meeting.

The Board reviewed the minutes of the October 25, 2017 meeting. Mr. Rathbun questioned the language of the motion regarding the Board's decision, specifically the term "dwelling unit" versus apartment. The Town Administrator answered that that is how the motion was recorded. The other members agreed that the term was correct and appropriate.

In the matter of the variance sought by Mr. Coelho (M. Bernier, owner), the Board reviewed the 5 required criteria for the granting of a variance. As to Section 3.1 of the Town's application (criteria 4 of RSA 674:33), the Board found that surrounding properties would not be diminished in value. Board members believed the variance would actually increase the values, as surrounding properties would also be able to be developed.

As to Section 3.2 (criteria 1 of RSA 674:33), the variance would not be contrary to the public interest, Mr. Rathbun expressed concern that the granting of the variance would be contrary to the public interest because the Fire Department and other emergency responders could be put at risk attempting to access the property, particularly in winter. The rest of the Board agreed, finding that the granting of the variance would be contrary to the public interest.

As to Section 3.3 (criteria 5 of RSA 674:33), unnecessary hardship, the Board found the applicant failed to present any evidence under 3.3.1.a or 3.3.11, either in writing or during the hearing, thus by default they were unable to find that the denial of the variance would result in an unnecessary hardship.

As to Section 3.1 (criteria 3 of RSA 674:33), substantial justice is done, the Board reviewed the guidance on the concept of substantial justice, which reads "any loss to the individual that is not outweighed by a gain to the general public is an injustice." Citing previously discussed concerns regarding public risk associated with allowing a single family dwelling on a class six road, the Board found that substantial justice would not be done in granting the variance.

As to Section 3.11 (criteria 2 of RSA 674:33), spirit of the ordinance is observed, the Board noted that there was no evidence presented in writing or during the hearing. They found that the variance requested is in direct opposition to the spirit of the ordinance.

Motion by Mr. Washburn, 2nd by Mr. Rathbun, to confirm that the applicant met the criteria for variance in Section 3.1.

Motion carried with 3 in favor, none opposed.

Motion by Mr. Washburn, 2nd by Mr. Rathbun, to confirm that the applicant did not meet the criteria for variance in Section 3.2.

Motion carried with 3 in favor, none opposed.

Motion by Mr. Washburn, 2nd by Mr. Rathbun, to confirm that the applicant did not meet the criteria for variance in Section 3.3.

Motion carried with 3 in favor, none opposed.

Motion by Mr. Washburn, 2nd by Mr. Rathbun, to confirm that the applicant did not meet the criteria for variance in Section 3.I.

Motion carried with 3 in favor, none opposed.

Motion by Mr. Washburn, 2nd by Mr. Rathbun, to confirm that the applicant did not meet the criteria for variance in Section 3.II.

Motion carried with 3 in favor, none opposed.

Motion by Mr. Washburn, 2nd by Mr. Rathbun, to deny the variance request of Mr. Coelho due to the failure to meet the requirement for variance under Sections 3.2, 3.3, 3.I, and 3.II of the Town's application.

Motion carried with 3 in favor, none opposed.

Motion by Mr. Sousa, 2nd by Mr. Washburn, to accept the minutes of the October 25, 2017 meeting.

Motion carried with 3 in favor, none opposed.

Motion by Mr. Rathbun, 2nd by Mr. Washburn, to adjourn at 7:55 p.m.


Motion carried with 3 in favor, none opposed.

Submitted by: Tara Sousa/Town Administrator

Approved by:



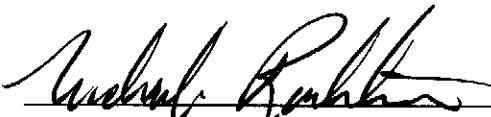
David Orgaz/Chairperson



Pedro Sousa



Michael Washburn



Michael Rathbun

Vacant/Alternate