FINAL

TOWN OF GRANTHAM NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENTS MEETING MINUTES
AUGUST 27, 2020
300 Route 10 South, Grantham, NH 03753

Andy Gelston called the meeting to order at 7:03 p.m., August 27, 2020, in the Jerry Whitney Memorial Conference Room located at 300 Route 10 South, Grantham.

He read the following statement, "As a Member of the Zoning Board of Adjustment, due to the COVID-19/Coronavirus and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically, and these reasons shall be reflected in the minutes. Please note that there is no physical location to observe and listen comprehensively to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are meeting telephonically, the numbers were posted on the notice for the meeting as a toll-free number with a pin.

Let's start the meeting by taking a Roll Call attendance. Would each member state their presence, also please state whether there is anyone in the room with you during this meeting, which is also required under the Right-to-Know law. "

Roll Call

Present: Andy Gelston, Tanya McIntire, Peter Gardiner, Tod Lloyd, C. Peter James, and Board Clerk Emily Owens.

Public: Selectmen's Representative Constance Jones, Applicant Dr. Catherine MacLean. Applicants Paul and Valerie Ambrose, and Abutter John Walthour

Approval of Minutes

Andy Gelston asked the Board if there were any corrections or additions required of the minutes from February 27, 2020. Tanya McIntire requested the variance reference the specific subsection of the Zoning Ordinance, **Article V-A Section c Subsection 4.** Tanya McIntire made a motion to approve the minutes as amended, seconded by Andy Gelston. ***(Unanimously Approved 5, 0)***

New Business

Election of the ZBA Chair

Andy Gelston thanked Peter Guillette for his time and dedication to the ZBA. Then he entertained nominations for the position of ZBA Chair. Peter Gardiner nominated Andy Gelston as Chair, seconded by Tod Lloyd and Tanya McIntire nominated herself, seconded by Peter Gardiner. Andy Gelston asked if there were any other nominations, there being none, Tod Lloyd made a motion to close nominations, seconded by Peter Gardiner. ***(Unanimously Approved 5, 0) Andy Gelston asked each Member to indicate their preference by raising their hand for Tanya McIntire. He confirmed there was one vote for Tanya McIntire by Tanya McIntire. Next Andy Gelston asked each member to raise their hand for Andy Gelston. He confirmed there were three votes for Andy Gelston by C. Peter James, Tod Lloyd, and Peter Gardiner, Andy Gelston abstained from voting. Andy Gelston is elected Chair by majority vote.***

Application #08-2020-01 for a Variance from Article IV-A Section a
Variance: ZBA Case #08-2020-01; Wohlmac Holdings LLC, 15 Yankee Barn Road; Map 233 Lot 020-002

Chair Gelston introduced the Applicant Dr. Catherine MacLean and her request for a variance from Article IV-A Section a of the Grantham Zoning Ordinance to operate a small animal veterinary hospital at 15 Yankee Barn Road. The Applicant currently operates a small animal veterinary clinic out of Sawyer Brook Plaza. She appeared before the Board roughly seven years ago and received their approval for a variance. The Ordinance does not specifically allow a small animal veterinary clinic in the Business District as an approved business or by special exception. Therefore, the Applicant must re-apply to the Board for the new location.

Chair Gelston asked if everyone had visited the site and if there were any questions from the Board. Tanya McIntire asked if the Applicant had conducted an environmental assessment of the property before purchasing it. There was some discussion that the pond located adjacent to the property could be contaminated by the previous garage station operator. Dr. MacLean replied that they had and the soil/water samples were clear of contaminates. The site does not have a well or septic system currently, but the Applicant has already been approved with DES for a septic system.

Chair Gelston asked if there were any comments from the public or abutters. John Walthour, 40 Pillsbury Road, offered his support for the approval of the animal hospital. His property runs adjacent to the current Sawyer Brook Plaza location and adjacent to the proposed 15 Yankee Barn Road location. Mr. Walthour stated they were perfect neighbors with no noise issues and he can see nothing but an added benefit to the community.

Chair Gelston asked if there were any other abutters or members of the public that wished to speak. There being none, he asked the Board if there were any additional questions. Tod Lloyd asked if the clinic would be boarding animals. Dr. MacLean stated that the clinic would not board animals but might have a cat or dog stay overnight for medical treatment.

Tanya McIntire asked about the thirteen employees and customers that will be parking on site. Dr. MacLean discussed the plans are for roughly 30 parking spaces and would adhere to the Zoning Ordinance requirements. Tanya McIntire thought the additional vehicles would creating traffic at the corner and might cause a hazard during the winter.

Andy Gelston closed discussions about the application and began reading the Variance application; the vote is recorded as follows (support, against, abstention), and in the event of a tie the question will fail to pass.

1) The variance will not be contrary to the public interest. ***(5, 0, 0) Approved***

2) The Spirit of the ordinance is observed. ***(5, 0, 0) Approved***

3) Substantial justice is done. ***(5, 0, 0) Approved***

4) The values of the surrounding properties are not diminished. ***(5, 0, 0) Approved***

5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. ***(5, 0, 0) Approved***

All criteria were approved by all members in **favor**; therefore, the application for a variance is **approved**.

Application #08-2020-02 for a Variance from Article V-A
Variance: ZBA Case #08-2020-02; Paul and Valerie Ambrose, 89 Longwood Drive; Map 234 Lot 008

Chair Gelston introduced the Applicants Paul and Valerie Ambrose and their request for a variance from Article V-A of the Grantham Zoning Ordinance to build a small garage 29 feet from the road setback. The Ordinance prohibits the building of any structures closer than 35 feet from the road. The Applicants explained that they wish to keep the stonewall intact and avoid encroaching on the leach field. Additionally, the additional six feet would allow the Applicants to drive straight into their garage without having to reorient the garage entrance and back into the garage.

Chair Gelston asked if everyone had visited the site and if there were any questions from the Board. C. Peter James went and looked at the site and does not see an issue with approving the variance. He did have questions about the water runoff from the driveway entering the garage. Mr. Ambrose replied that a contractor would create a solution with regards to the water. C. Peter James mentioned that the road curves at the address location, making the road closer. Chair Gelston mentioned that if the road was ever widened, they would most likely center the road and he did not see this being an issue. Tod Lloyd and Peter Gardiner both went and looked at the location.

Chair Gelston asked if there were any abutters or members of the public that wished to speak. There being none, he asked the Board if there were any additional questions. Tanya McIntire asked what would happen if the variance was not approved. Mrs. Ambrose mentioned that they would have to remove the stonewall. The drainage needs to be prevented from discharging on the neighboring properties.

Andy Gelston closed discussions about the application and began reading the Variance application; the vote is recorded as follows (support, against, abstention), and in the event of a tie the question will fail to pass.

1) The variance will not be contrary to the public interest. ***(5, 0, 0) Approved***

2) The Spirit of the ordinance is observed. ***(5, 0, 0) Approved***

3) Substantial justice is done. ***(5, 0, 0) Approved***

4) The values of the surrounding properties are not diminished. ***(5, 0, 0) Approved***

5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. ***(5, 0, 0) Approved***

All criteria were approved by all members in **favor**; therefore, the application for a variance is **approved**.

Tod Lloyd made a motion to accept both applications as complete, seconded by C. Peter James.
(Unanimously Approved 5, 0)

Old Business
Rules of Procedure

Chair Gelston tabled this item until the final draft of the ZBA Rules of Procedure was ready for the Board to review. C. Peter James made a motion to table the Rules of Procedure, seconded by Tod Lloyd. ***(Unanimously Approved 5, 0)***

Adjournment

There being no further business, a motion was made by C. Peter James and seconded by Peter Gardiner to adjourn the meeting at 7:44 p.m.

If an application is received, the next meeting of the Zoning Board is scheduled for September 24, 2020, at 7:00 p.m. in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall.

Respectfully Submitted,

Emily Owens
ZBA Clerk