

ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Recorded by Janice Pack

August 28, 2019

Members Attending: Gil Morris, Craig Pettigrew, George Rainier, Loren White, Jarvis Adams, Sheldon Pennoyer

Meeting opened at 7:05 PM

Gil called the meeting to order. He explained that tonight we are here to decide whether or not the ZBA should hear the Appeal of Administrative Decision submitted by Garrett and Shantell Curtis.

ZBA Discussion regarding the Curtis Appeal of Select Board Decision

Garrett and Shantell Curtis have filed an Appeal from an Administrative Decision. This is for the property owned by Harriet Yale Russell on Gulf Road, Map R9-71. They are hoping the Zoning Board of Adjustment will overturn the Select Board's decision to deny a building permit on a Class VI Road.

Gil read the minutes from the Planning Board meeting of June 24, 2019 where the Curtis's went before the Planning Board for a PCC. George added that where they propose to put their driveway is two-tenths of a mile from the Class V Road. Gil then read the Advisement from the Planning Board to the Select Board which was written on June 27, 2019. The Planning Board felt that the Curtis's potential use was within the approved use for that district. They did have concerns about access for being able to provide emergency services to such a remote location. When they looked at the impact to the Master Plan, they thought it fit harmoniously. The Planning Board stated that they did not recommend building on a Class VI Road except on a case by case basis, and the Planning Board did not find this Class VI Road to be a good candidate for building on.

Gil read the minutes from the Select Board meeting of August 8, 2019. Their work session resulted in a vote of 2-1 to deny the permit to build for the following reasons:

- The Planning Board does not recommend building on Class VI roads in general, and did not find this road to be a good candidate for future growth and expansion
- The Planning Board noted that such a permit could potentially impact the quality and cost of emergency services to the town
- The application will result in premature development and is not accessible to emergency responders
- The application is contrary to the zoning ordinance, which requires frontage on a Class V road

Gil then read the Appeal that Shantell had submitted. It stated that they were willing to sign a waiver to relieve the Town of any liability in case an emergency vehicle could not reach them. They are willing to put in a sprinkler system.

Sheldon read the email from Michael Borden which stated that he had no opinion on this case. He said in other towns where he works, there is an Agreement to Building on a Class VI Road. He is concerned about an out of control wildfire.

Loren noted that if this family is going to be off the grid, how will they support a fire suppression system?

Sheldon wondered why they just didn't come in with a proposal to upgrade the road and George said the Planning Board had already suggested that.

Gil reminded the Board that we are only here to figure out if the Select Board made the right decision. Loren said that the Select Board cannot instruct anyone to upgrade a road from a Class V to a Class VI; is that why it's come to us? Jarvis read RSA 674 regarding building on a Class VI road.

45 The Board discussed this further. The decision was that they did not find any reason to hear an Appeal. They
46 did feel that if the road were upgraded to a Class V Road, the building permit would be granted.

47 **Sheldon moved that the Zoning Board of Appeals agrees with the Decision of the Select Board based on the**
48 **information presented to them. The ZBA finds no reason to hear the Appeal of the Select Board Decision**
49 **given the information brought to the ZBA. However, the ZBA believe that if you upgrade the existing Class VI**
50 **Road to a Class V Road and meet the Zoning bylaws of Section III, H. on page 9 of the Town of Greenfield**
51 **Zoning Ordinance that you could have a buildable lot. Craig seconded the motion. All were in favor except**
52 **Jarvis who abstained (5-0-1).**

53 Gil read the minutes from their meeting held on August 8, 2019. **Sheldon moved to approve as written.**
54 **George seconded. All were in favor; motion passed. (6-0-0)**

55 **Sheldon moved to adjourn; George seconded.** The meeting ended at 8:40 PM.

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