

**FINAL**  
**TOWN OF GRANTHAM**  
**Zoning Board of Adjustment Minutes**  
**February 28, 2019**

Chair Conrad Frey called the meeting to order at 7:00p.m., February 28, 2019 in the Jerry Whitney Memorial Conference Room located at 300 Route 10 South, Grantham.

Present: Zoning Chair Conrad Frey, Peter Gardiner, Tanya McIntire, Selectmen's Representative Constance Jones, and Clerk Martha Norris.

Absent: Peter Guillette and Myron Cummings.

Public: Robert MacNeil, Patricia MacNeil, Rosie Bard, Town Administrator Melissa White, Emily Owens.

**Approval of Minutes**

Chair Frey asked the board if there were any corrections or additions required of the minutes from November 15, 2018. There being none, Frey entertained a motion to approve the minutes as written. Peter Gardiner made a motion and seconded by Tanya McIntire. ***Unanimously Approved***

**New Business**

Special Exception: ZBA Case #02-2019-01; 165 Yankee Barn Road, M/L 226-018-001; Owner Robert MacNeil for Single Family Home and Tree Farm.

Robert MacNeil stated that he was the trustee on behalf of Yankee Barn Road Realty Trust, and wished to discuss the building of a single-family home and accessory buildings which will be directly related to agricultural uses, including farming of crops and Christmas trees and shrub farming. Permission is necessary as the site is within a flood plain and must conform to the requirements of Article X1-A Flood Plain Conservation District. He said his next step was going to Planning Board for their approval in March. MacNeil proceeded to show his plans and drawings to the Board Members and explain the layout of the proposed area for this project. MacNeil stated that he currently had 127 acres of land of which only six (6) acres will be used for his project. MacNeil stated that he also has an application to FEMA due to the location of the land within a flood plain. Chair Frey explained for MacNeil to build a home within a flood plain there he must have some type of agricultural use for this property. Chair Frey asked MacNeil if he had researched this tree farming business and MacNeil stated yes. Gardiner asked MacNeil how long does it take to grow Christmas Trees? MacNeil stated that he had been told approximately eight (8) years.

Chair Frey at this time read the articles from the zoning ordinance for approval of this Special Exception application page 55 of the Zoning Ordinance; For the purpose of this Ordinance, the following are established as general conditions upon the granting of all Special Exceptions (subject to further conditions as may be defined elsewhere herein as to the uses concerned):

- a) The use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation or undue violation of the character and kind of the neighborhood.
- b) The use will not be injurious, noxious, or offensive, thus, detrimental to the neighborhood.
- c) The use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthy emissions or waste disposal, or similar adverse causes or conditions.

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- d) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use, and the location of the site with respect to the existing or future street giving access to it, shall be such that it will be in harmony with the neighborhood. The location, nature, and height of building, walls, and fences will not discourage the appropriate development and use of the adjacent land and buildings and impair the value thereof.

Chair Frey combined Special Exception criteria a, b, c, and d when reading the articles and requested a vote on such. All criteria approved by all members in favor.

McIntire stated she felt there was some confusion with the order of questioning on the application as compared to how it is written in the zoning ordinance itself and Town Administrator White agreed.

Chair Frey then proceeded to read article (e) page 56 of the Zoning Ordinance:

- e) Operations in connection with such a use shall not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration, than would be the operation of any permitted uses in this District, which are not subject to Special Exception procedures.

McIntire noted that the Special Exception application was missing a response to question 5. Robert MacNeil admitted he neglected to write a response but elaborated that he would not violate any noise, fumes, odor or vibrations and the operation would be very benign. All criteria approved by all members in favor.

The Zoning Board members voted to approve the application. ***Unanimously Approved***

There were NO Conditions added to this application.

Town Administrator White requested in the future that each question be read and voted on individually rather than group together to prevent confusion when typing the meeting minutes. Also, McIntire requested that the Special Exception Application and the Zoning Ordinance match regarding the Special Exception questions. Currently, the Special Application uses numerical designations, and the Zoning Ordinance uses alphabetical designations

McIntire requested that applications in the future be filled out completely and correctly prior to submitting the application to the Board.

**Adjournment**

Chair Frey stated there being no further business motion was made by Gardiner and seconded by McIntire to adjourn the meeting at 7:37 p.m.

The next meeting of the Zoning Board is scheduled for March 28, 2019, at 7:00 p.m. in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall.

Respectfully Submitted,

Martha Norris, ZBA Clerk