



ZONING BOARD OF ADJUSTMENT

Town of Greenland • Greenland, NH 03840

11 Town Square • Phone: 603.380.7372

Website: greenland.nh.gov

MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING

Tuesday, June 16, 2026 – 6:30 p.m. – Town Hall Conference Room

Members Present: Jean Eno, Chip Hussey, Rick Mauer, Glenn Page, Leonard Schwab, Gordon Sims (Alternate)

C. Hussey opened the Zoning Board of Adjustment meeting at 6:30 p.m. Roll call was taken; C. Hussey announced that there was a quorum and the meeting was being recorded and live streamed.

1. Continued

Request for a Variance (Three)

1575 Greenland Road (Map R20, Lot 13: Commercial B Zone)

Owner/Applicant – 1575 Greenland Road LLC

The owner/applicant is seeking the following Variances:

- An automobile dealership, which is not permitted by the Greenland Zoning Ordinance Article III – Establishment of Districts and Uses, Section 3.6 – Table of Uses, Subsection 'L' – Motor Vehicle, Item '1' -Sales, Renting or Leasing of Passengers Cars and Light Trucks, and Others, Including Accessory Repair Services, Snowmobiles, Zone CB – Alden Avenue.
- Maximum Building Footprint: 46,000 square feet are proposed where 20,000 square feet are allowed by the Greenland Zoning Ordinance Article IV – Dimensional Requirements, Section 4.2 – Table of Dimensional Requirements, Item 'j' – Building Footprint, Zone CB – Alden Avenue.
- Minimum Open Space: 43% of open space is proposed where 50% of open space is required by the Greenland Zoning Ordinance Article IV – Dimensional Requirements, Section 4.2 – Table of Dimensional Requirements, Item 'i' – Open Space Requirement, Zone CB – Alden Avenue.

R. Mauer stated that the Variance for the use would be remanded to the Planning Board because the property was within the Residential, Commercial, Industrial, Mixed Use (RCIM) Overlay District. C. Hussey explained that the Board had been advised by the Town Attorney to discuss the applicant's three requested Variances as three separate requests rather a single combine Variance; if one request was a problem, it would not derail the other two.

MOTION: C. Hussey moved to discuss each Variance request individually. Second – G. Page; all in favor.
MOTION CARRIED

Attorney John Bosen (Donahue, Tucker, and Ciandella), representing the applicant, introduced the proposed project to the Board. Attorney Bosen introduced other members of their team: Brad Johnson (Group One Automotive), Mark Wilkins (General Manager, BMW Stratham), Kelsey Kraus (The Kane Company), Neil Hansen (Tighe and Bond), and Attorney Courtney Vaughan (Donahue, Tucker, and Ciandella).

The proposed project is for a BMW dealership at 1575 Greenland Road, the current site of Consolidated Communications. Attorney Bosen explained that Group One Automotive is under contract to purchase the property and intends to demolish the existing building and replace it with a modern dealership.

Variance Details and Justification: A Variance for the building footprint of 46,000 square feet was requested. Article IV – Dimensional Requirements, Section 4.2 – Table of Dimensional Requirements, Item ‘j’ – Building Footprint, Zone CB – Alden Avenue, allows for 20,000 square feet. Attorney Bosen stated that the proposed building will be smaller than the existing structure (which is 50,000 square feet). The proposed structure, in addition to being smaller, would improve site circulation, and introduce environmental and aesthetic improvements. The Variance was justified by referencing the site’s current non-conformities and their intent to enhance the property.

Site Design and Environmental Improvements: Neil Hansen, Tighe and Bond, described the site plan. The new building would use the existing driveways, reconfigure parking for better circulation, and move pavement away from wetlands. He emphasized that stormwater treatment would be added to meet current standards, improving environmental conditions on the existing site.

Members of the Board questioned the differences between conceptual site plans (two were provided), the rationale for the building size and environmental concerns. The applicant clarified that the civil site plan dictated parking, the building size was determined by operational needs, and environmental testing had been conducted; any contamination would be addressed during construction.

Public Comments and Concerns: C. Hussey opened the hearing to public comments. Debbie Ludington, 407 Portsmouth Avenue, abutter and owner of several neighboring properties, voiced concerns about the use, building size, open space, property values, and environmental impacts. The applicant stated that the proposed use is consistent with the overlay district, would not diminish property values, and that environmental impacts and traffic issues would be addressed at the Planning Board level.

Zoning Interpretation and Overlay District Debate: Board members, the applicant, and an abutter extensively discussed the RCIM Overlay District, its impact on permitted uses, and whether the dealership was allowed. Several Board members requested legal counsel for clarification.

Overlay District Application: The Board discussed whether the RCIM Overlay District allowed for automobile dealerships. Some members argued that the overlay allows any combination of residential, commercial, or industrial use; others contended that the underlying zoning restrictions still apply unless specifically overridden.

Legal Ambiguity and Need for Counsel: Multiple Board members and the abutter expressed confusion with the zoning language, referencing specific sections of the Ordinance. There was a debate whether the overlay district supersedes underlying prohibitions. The consensus of the Board was to seek a formal legal opinion to resolve the ambiguity.

Process for Variance and Conditional Use Permit: It was clarified that the applicant must obtain a Conditional Use Permit from the Planning Board; the Zoning Board’s role was limited to dimensional variances.

Reference to Zoning Ordinance Sections: Various sections of the Zoning Ordinance and the Table of Uses were referenced. The Board had differing interpretations about whether the proposed use was permitted by right, required a Special Exception, or was prohibited.

Vote – Building Footprint Variance:

MOTION: R. Mauer moved to grant the Variance to at 1575 Greenland Road (Map R20, Lot 13: Commercial B Zone) to allow a maximum building footprint of 46,000 square feet where 20,000 square feet is allowed by the Greenland Zoning Ordinance Article IV – Dimensional Requirements, Section 4.2 – Table of Dimensional

DRAFT: SUBJECT TO CHANGE

Requirements, Item 'j' – Building Footprint, Zone CB – Alden Avenue. Second – G. Page; roll call vote: J. Eno – no, R. Mauer – yes, C. Hussey – yes, G. Page – yes, L. Schwab – no. Three in favor, two against; MOTION CARRIED

Vote – Open Space Variance:

MOTION: R. Mauer moved to grant the Variance at 1575 Greenland Road (Map R20, Lot 13: Commercial B Zone) to allow 43% of open space where 50% of open space is required by the Greenland Zoning Ordinance Article IV – Dimensional Requirements, Section 4.2 – Table of Dimensional Requirements, Item 'i' – Open Space Requirement, Zone CB – Alden Avenue. Second – G. Page; roll call vote: J. Eno – no, R. Mauer – no, C. Hussey – yes, G. Page – yes, L. Schwab – no. Two in favor, three against; MOTION DENIED

The applicant was informed there was a 30-day appeal period.

Drafting Questions for Legal Counsel: The Board agreed to draft formal questions for the Town Attorney to review regarding the RCIM Overlay District's impact on permitted uses. A draft will be emailed to Board members prior to submission.

2. Approval of Minutes

MOTION: L. Schwab moved to approve the minutes of Tuesday, June 16, 2026. Second – G. Page; three in favor, two abstained (J. Eno, R. Mauer). MOTION CARRIED

3. Other Business

There was no 'Other Business'.

4. Adjournment

MOTION: J. Eno moved to adjourn at 7:45 pm. Second – L. Schwab; all in favor. MOTION CARRIED

Submitted By: Charlotte Hussey, Administrative Assistant

NEXT MEETING: Tuesday, August 18, 2026, 6:30 pm, Town Hall Conference Room