

**SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

**MEETING MINUTES**

**Thursday, December 28<sup>th</sup>, 2023**

**Old Town Hall, 19 Meeting House Hill Rd**

**6:00pm**

Members present: Chair Brittany Davis, Mark Ledgard, Doug Rasp

Alternates present: Randy Gaudette, Ralph Carter, Mark Brown, Erica Webb

(Randy, Ralph, Mark B and Erica seated as voting members)

- a. **Minutes** – Ralph Carter made a motion to approve the draft minutes of 11/28. Chair Brittany Davis seconded the motion and the motion passed unanimously.
- b. **Nomination of Vice Chair** – Chair Davis made a motion to nominate Mark Ledgard as Vice Chair. Ralph Carter seconded the motion and the motion passed unanimously. Ralph suggested tracking attendance of members and Audry will maintain a tally sheet.
- c. **Cont'd discussion of “Application Types, Hearings, Appeals, and Application Instructions” document** – Mark Ledgard suggested adding a note about requiring written denial from a Town official before an application can go to the ZBA and members agreed. He noted that there are some Special Exception items that should have a list of criteria used by the ZBA, such as living in a camper. Ralph stated that a list of these Special Exceptions should be given to the Planning Board before the Joint Land Use Boards Meeting for consideration.

Mark Brown suggested having a general email address for ZBA inquiries rather than having Audry's email listed and members agreed. Chair Davis will ask about getting this email address established and having access for the Chair, Vice Chair and Clerk.

- d. **Cont'd Public Hearing from November 28 (opened at 7:00pm) – Application for Variance (ZBA 2023-09)**

Sanbornton Zoning Ordinance Article 15, Section F.1.b

Applicant: Roger and Joanne Gaudette

Location: 9 Cottage Dr, Tax Map 11, Lot 30

Applicant seeks variance for construction of screened sun porch closer to wetlands than as permitted per the ordinance.

Roger Gaudette provided additional information per the November public hearing at the request of ZBA members. Information included calculations of runoff from the proposed roof of the sunroom and how he proposes to use a raingarden to collect the runoff and control erosion.

Mark Ledgard explained that the addition of four feet on to an existing porch is not going to encroach any further toward the wetlands than the house already is. He added that more erosion will not occur once the sunroom is constructed since the raingarden will help with controlling runoff which currently slopes towards Cottage Drive. This will protect wetlands from sedimentation. Ralph asked if there will be increased runoff due to the existing roof of the house and Mr. Gaudette responded that the house's roof has a gutter system which drains elsewhere. Mark Ledgard asked what the required maintenance is for the raingarden and Mr. Gaudette responded that there is minimal maintenance other than making sure that silt is not collecting and that it continues draining property.

The public hearing closed at 7:20pm. Mark Ledgard stated that he would recommend that, if the variance is granted, there be a condition for the continued maintenance of the raingarden. The ZBA reviewed the variance application against the five criteria and voted as follows:

**Criterion #1: The variance will not be contrary to the public interest**

Brown/Yes; Carter/Yes; Gaudette/Yes; Webb/Yes; Davis/Yes

Members agreed that the raingarden used for rainwater collection from the roof of the new sunroom will reduce the flow of water draining on to Cottage Drive which could impede travel by the public.

**Criterion #2: The spirit of the ordinance is observed**

Brown/Yes; Carter/Yes; Gaudette/Yes; Webb/Yes; Davis/Yes

Members agreed that, though the footprint of the home is being increased, the impact of additional rain runoff from the new roof will be mitigated by the addition of the raingarden.

**Criterion #3: Substantial justice is done**

Brown/Yes; Carter/Yes; Gaudette/Yes; Webb/Yes; Davis/Yes

Members agreed that granting the variance will do substantial justice as the layout of the property itself offers limited options for expansion of the existing porch.

**Criterion #4: The values of surrounding properties are not diminished**

Brown/Yes; Carter/Yes; Gaudette/Yes; Webb/Yes; Davis/Yes

Members agreed that the surrounding properties will be improved due to runoff from the new roof being controlled.

**Criterion #5: Literal enforcement of the ordinance would result in an unnecessary hardship**

Brown/Yes; Carter/Yes; Gaudette/Yes; Webb/Yes; Davis/Yes

Members agreed that the terrain and uniqueness of the property limit the owners from using it to the most of its ability without a variance.

**Sub-Category A: “The Relationship Test” or “The Reasonable Use Test”**

Brown/Yes; Carter/Yes; Gaudette/Yes; Webb/Yes; Davis/Yes

Members agreed that the request is a reasonable one given the reasons stated above.

Ralph Carter made a motion to approve the variance conditional to constructing the raingarden at the same time as the sunroom so that runoff issues are not exasperated, and to maintain the raingarden per New Hampshire Homeowners Guide to Storm Water Management recommendations. Erica Webb seconded the motion and the motion passed unanimously.

**Meeting adjourned at 7:37pm.** The next meeting is scheduled for January 23<sup>rd</sup> at **6pm** (workshop start time).

Respectfully submitted,

Audry Barriault