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SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

December 23rd, 2019

GENERAL BUSINESS

Present: Tim Lang, Chair, Doug Rasp, member, Glenn Fredericks, alternate, Paul Dexter, member, Melissa Anderson, member

Paul Dexter made a motion to approve the draft minutes of 8/27. Doug Rasp seconded the motion and the motion passed unanimously.

PUBLIC HEARING

Application for Zoning Variance (2019-7) - Sanbornton Zoning Ordinance Article 13, Section A(5) and Article 15, Section F.1(b) - Applicant: James Solloway, 20 Osborne Circle #12, Tax Map 11, Lot 46-Q; Applicant seeks demolition of existing seasonal cottage and construction of new seasonal cottage in floodplain area whereas no buildings are permitted in floodplain areas per the Ordinance.

Glenn Fredericks was seated as a voting member for this case.

Jim Solloway explained that he purchased a lakefront cottage on December 2nd with plans to demo and rebuild, and learned on December 5th that he would need a variance due to the home being located in the floodplain. He provided plans showing that the new cottage will be moved back from the shoreline three feet (currently 40 feet from shoreline) so it will be less non-conforming to the current wetlands setback requirements (Article 13, Section A(5)). A certificate of elevation was also provided, showing that the new cottage will be elevated by a foot and a half whereas the current home is only two inches from ground level.

Chair Lang noted that the Planning Board is working on revising the ordinance to include recommended language regarding homes in floodplains so that homeowners qualify for flood insurance but this does not affect this case; Jim Solloway stated that there is no mortgage on this home and therefore he is not required to buy that insurance anyway. He has received State approval for the existing septic system and could upgrade the system in the future if needed; he also noted that this home will be used May through September.

The ZBA reviewed the variance application against the five variance criteria and voted as follows:

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Dexter/Yes; Anderson/Yes

Criterion #2: The spirit of the ordinance is observed

Rasp/Yes; Fredericks/Yes; Lang/Yes; Dexter/Yes; Anderson/Yes

Criterion #3: Substantial justice is done

Rasp/Yes; Fredericks/Yes; Lang/Yes; Dexter/Yes; Anderson/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Dexter/Yes; Anderson/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Dexter/Yes; Anderson/Yes

Sub-Category A: "The Relationship Test" or "The Reasonable Use Test"

Rasp/Yes; Fredericks/Yes; Lang/Yes; Dexter/Yes; Anderson/Yes

Sub-Category B: "The Strict Conformance with the Ordinance Test"

Rasp/Yes; Fredericks/Yes; Lang/Yes; Dexter/Yes; Anderson/Yes

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Paul Dexter made a motion to grant the variance to Article 13, Section A(5) and Article 15, Section F.1(b) of the Sanbornton Zoning Ordinance to James Solloway. Melissa Anderson seconded the motion and the motion passed unanimously.

Chair Lang noted that there is a 30-day period when any abutter can appeal the ZBA's decision in this case.

Other Business

a. Newspaper advertisement fees – Secretary Audry Barriault noted that she will be removing unnecessary language from the required newspaper advertisements for cases to cut down on the cost; she will use the template provided by OSI to do this.

Meeting adjourned at 7:30pm.

Respectfully submitted, Audry Barriault

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Town of Sanbornton
Zoning Board of Adjustment
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Case No.: 2019-7
Applicant: James Solloway

You are hereby notified your request for a Variance from Article 13, Section A(5) and Article 15, Section F.1(b) of the Sanbornton Zoning Ordinance has been GRANTED by unanimous vote of the Sanbornton Zoning Board of Adjustment. This allows for demolition and rebuild of a cottage located in the floodplain district and no closer than 43 feet from shoreline at 20 Osborne Circle #12, Tax Map 11, Lot 46-Q.

Timothy Lang, Sr., Chairman
By Audry Barriault, ZBA Secretary

DATE OF DECISION: December 23rd, 2019

NOTE: Any person has a right to appeal this decision. If you wish to appeal, you must act within 30 days of the date on this notice. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal.

See New Hampshire Statutes, RSA Chapter 677 for details.

cc: File
Town Clerk
Selectmen
Planning Board