

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

June 28th, 2022

GENERAL BUSINESS

Present: Tim Lang, member, Paul Dexter, member, Kevin Riley, alternate, Doug Rasp, member, George Murray, alternate, Audry Barriault, secretary/alternate

The meeting was called to order at 6:05pm. Kevin Riley and George Murray were seated as voting members.

a. Public Hearing - Application for Variance (ZBA 2022-9)

Sanbornton Zoning Ordinance Articles 8.A(5&8a) and 14.C(2&6)

Applicant: Peter Stoddard, S&H Land Services on behalf of Alan Michaud

Location: 110 Dr. True Rd #2

Applicant seeks variance to build structure 6.5' from side property line whereas 10' is required, to permit a septic tank 90' from lake whereas 100' is required, to build a structure 22.2' from shoreline whereas 50' is required, and to allow 757 square feet of impervious groundcover within the 50' shoreland area whereas 200 square feet is required per the ordinance.

Peter Stoddard explained that his client Alan Michaud proposes to demo an existing seasonal camp and build a year-round residence. The size and shape of the lot make it difficult to conform to the setback requirements but the house will be positioned to make it conform as much as possible. The new home will be no closer to the water than the existing structure but an added deck will extend into the shoreland area. The septic design has been approved by the State and the Board of Selectmen, as its location does not conform to Sanbornton's subsurface regulations, but the new system will be much improved and have less environmental impact. A shoreland permit has also been obtained from DES.

Peter explained that the State is concerned with stormwater and how that collects and drains; impervious pavers and a stormwater collection system for runoff will be installed, as well as plantings next to the lake to mitigate erosion. Kevin asked if the proposed home could be moved back farther from the lake and Peter responded that if it was moved back it would be within a setback. Kevin asked if the attached garage could be repositioned and Peter explained that it would then affect the parking area on the abutter's property. Alan Michaud stated that he has owned this property since 1997 and his son owns one of the abutting parcels. Peter stated that letters from both Alan's son and abutter Robert Cloutier were included in the application and neither have objections to the variance request. Tim Lang noted that the size of the lot is difficult to conform to but the applicant seems to have taken measures to prevent erosion and allow for impervious surface as much as possible.

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Criterion #2: The spirit of the ordinance is observed

Lang/Yes; Dexter/Yes; Riley/No ; Rasp/Yes; Murray/Yes

Criterion #3: Substantial justice is done

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Paul Dexter made a motion to approve the variances as requested. George Murray seconded the motion and the motion passed unanimously. The applicant was reminded of the 30-day appeal period.

b. Public Hearing - Application for Variance (ZBA 2022-10)

Sanbornton Zoning Ordinance Article 6, Section A.1

Applicant: William & Danielle Chaffee

Location: 773 New Hampton Rd

Applicant seeks variance to allow manufactured home in the General Residential district.

William Chaffee explained that he and his wife would like to replace their home with a double-wide mobile home which is classified as a manufactured home in the zoning ordinance. He noted that he would be able to meet all setback requirements but his current footprint of 28’ by 34’ would expand to 28’ by 60’. Paul asked if the existing foundation would be used and William responded that it would, unless he needs to pour a new one, but he will explore that once he knows that he can put the manufactured home on his property. William explained that his septic system was installed 7 years ago and can support a 2-bath, 3-bedroom home. He added that he grew up in his current home but it is not in good shape structurally, though he has made many improvements over the years.

Tim asked what the manufactured home will look like; William explained that it will have vinyl siding like a stick-built home and there are different options for types of roofs, and added that manufactured homes have evolved and are constructed differently than they were even 20 years ago. Tim noted that having regulations that prohibit certain types of homes such as manufactured homes makes it so that people aren’t able to afford to stay in the town they grew up in. Audry noted that manufactured homes are allowed in the agriculture zone but not residential.

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Criterion #2: The spirit of the ordinance is observed

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Criterion #3: Substantial justice is done

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Kevin Riley made a motion to approve the variance as requested. Doug Rasp seconded the motion and the motion passed unanimously. The applicant was reminded of the 30-day appeal period.

c. Public Hearing - Application for Variance (ZBA 2022-11)

Sanbornton Zoning Ordinance Article 7, Section A.5

Applicant: Ralph & Deanna Morrison

Location: Old Range Rd

Applicant seeks variance to allow single home to be built on lot without required 600' road frontage.

Representative Tom Morrison was in attendance in-person while Ralph Morrison participated via Zoom. Ralph explained that he purchased this property off Old Range Rd from his father and will be retiring in 8 years and is considering moving back to Sanbornton where he grew up, though he may also sell the lot. Currently the lot is only accessible via a deeded easement through two abutting properties that do have frontage on Old Range Rd. Tim stated that he is not opposed to allowing building on this lot but would want to ensure that the right of way is up to standard enough for emergency vehicles. Tom explained that the right of way is 50-feet wide where it meets Old Range Rd and is used as access for the first two house lots; Paul stated that if a building permit is applied for then the road would need to be named, and depending on the length of the road a cul de sac or hammerhead may be required.

Ralph noted that his land surveyor had noticed that the tax maps do not accurately show the location of the right of way; members stated that they are aware that sometimes surveyed maps and tax maps do not line up.

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Criterion #2: The spirit of the ordinance is observed

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Criterion #3: Substantial justice is done

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Paul Dexter made a motion to approve the variance to allow one home to be built Tax Map 16, Lot 20.010 as requested, conditional to the existing right of way being extended and meeting the Town's criteria. Doug Rasp seconded the motion and the motion passed unanimously. The applicant was reminded of the 30-day appeal period.

d. Public Hearing - Application for Variance (ZBA 2022-12)

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

Applicant: Philip Gauthier

Location: Lot #2, Poplar Rd

Applicant seeks variance to construct home 42' from wetlands whereas 75' is required per the ordinance.

Audry noted that Philip Gauthier came before the ZBA in April but his application was denied; the ZBA had requested further information including plot plan showing the house, wetlands location, septic, propane tank and any other structures.

Philip Gauthier was in attendance with wetlands scientist Randall Shuey from Northpoint Engineering. Randall explained that he did not do a new survey of the property but he analyzed the existing survey and matched up where the wetlands were on the property. He noted that there is a wetlands system that starts to the north of the property and drains just under the driveway. Randall explained that the type of wetland on the property is common in New Hampshire and used by wildlife but there is no evidence of endangered species. The intent of the ordinance is to protect floodplains and abutters and the proposed home would not affect either.

Kevin stated that he has walked the property and there have been improvements made since the last application, but he noted that ditching should be added to prevent water runoff onto Poplar Rd. Phil stated that he has considered adding ditching to improve drainage. Abutter Carl Ronke stated that he is in support of giving this variance. Paul thanked Phil for the additional information he has gathered and stated that he has a better understanding of the property now.

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Criterion #2: The spirit of the ordinance is observed

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

Criterion #3: Substantial justice is done

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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

Lang/Yes; Dexter/Yes; Riley/Yes ; Rasp/Yes; Murray/Yes

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Paul Dexter made a motion to approve the variance. George Murray seconded the motion and the motion passed unanimously. The applicant was reminded of the 30-day appeal period.

e. Minutes of 5/24 – Paul Dexter made a motion to approve the minutes of 5/24. Kevin Riley seconded the motion and the motion passed, with Tim Lang abstaining.

f. Election of ZBA Chair – Paul Dexter made a motion to nominate Tim Lang as Chair for a one-year term. Kevin Riley seconded the motion and the motion passed, with Tim Lang abstaining.

g. Plaque for Don Bormes – Doug Rasp explained that he has asked repeatedly for a plaque to be made in honor of former member Don Bormes and his years of service to the Town, and this has not happened yet. Tim Lang requested that Audry draft a letter to the Selectmen and Town Administrator asking them to take action on this within 30 days or the ZBA will use its own budget.

Meeting adjourned at 7:31 pm.

Respectfully submitted,
Audry Barriault