

**SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

**MEETING MINUTES**

**August 22, 2017**

**GENERAL BUSINESS**

Present: Melissa Anderson, member, Paul Dexter, member, Tim Lang, Chair, Doug Rasp, member, Audry Barriault, alternate (seated for Don Bormes)

Melissa Anderson made a motion to approve the draft minutes of 7/25. Paul Dexter seconded the motion and the motion passed unanimously.

**PUBLIC HEARING**

**Case #498 – A request from Jeanette Wagner, Trustee, as Applicant, for a Variance from conditions applied to a Special Exception granted in 2005. Applicant seeks to remove or amend conditions imposed to the granting of this Special Exception from article 18, section B(4) of the Zoning Ordinance. The proposed project is located at 30 Winni Park Rd, Tax Map 11, Lot 45, and located in the Recreational Zoning District.**

Jeanette Wagner and her family explained to the Board that her late husband had received a Special Exception to have 4 seasonal campers on the family's property on Winni Park Rd, which could be renewed every 2 years. The campers have been at this location for over 40 years. The family was unaware of this arrangement and the last renewal was 6 years ago. The Applicant would like a permanent variance rather than having to renew every 2 years, if possible.

Doug Rasp noted that he has seen this property and it is always well-maintained. Paul Dexter asked how sanitation and graywater is handled, and the Applicant responded that they have a portable toilet as well as holding tanks in each camper, which are pumped often. Paul Dexter also mentioned that there are new State regulations regarding campers, and they must be moveable and registered, and not having any permanent structures attached. The Applicant responded that these campers are all in compliance with those regulations. The Applicant also noted that there are no plans to change the use of the property at all. Melissa Anderson stated that she is concerned that approving this Special Exception for perpetuity would set precedence for future cases. Chair Tim Lang stated that the ZBA approves projects on a case-by-case basis, and suggested that this Exception is granted only for the life of the current deed and would not apply to a different owner in the future.

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

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

**Sub-Category B: “The Strict Conformance with the Ordinance Test”**

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

Doug Rasp made a motion to grant the Special Exception from Article 18, Section B(4) to Jeanette Wagner in Case #498, subject to the following:

1. A maximum of 4 campers is allowed on the property
2. The Special Exception only lasts the lifetime of the current deed
3. Campers must follow State guidelines and be registered and road-worthy, with no permanent structures attached
4. Campers only allowed on a legally buildable lot according to Zoning requirements

Paul Dexter seconded the motion and the motion passed unanimously. Chair Lang reminded the Applicant that there is a 30-day period in which abutters can appeal the ZBA’s decision.

The application for case #396 (a 2-year renewal of the Special Exception) was withdrawn by the Applicant.

**Other Business**

Chair Tim Lang asked members if emailed copies of case documents were preferable to snail mail, and all members agreed that they prefer email.

Chair Lang also asked the Board would they would like to do about the tabled application from Bull Fish for the proposed gravel pit on Johnson Rd. Bull Fish has not completed the further test borings requested by the ZBA earlier this year, and Chair Lang stated that he will ask for the Town Attorney’s opinion on denying an application due to lack of follow-through. Paul Dexter made a motion for the Chair to mail a certified letter to the Applicant asking for a response about Bull Fish’s plans with regards to this case. Melissa Anderson seconded the motion and the motion passed unanimously.

**Meeting adjourned at 7:45pm.**

Respectfully submitted,

Audry Barriault