

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. Box 124

Sanbornton, New Hampshire 03269-0124

DRAFT

MEETING MINUTES

Meeting Date and Time: Tuesday, February 23 2016 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Road, Sanbornton, N.H

GENERAL BUSINESS

Present: Don Bormes, member, Craig Davis, Chair, Tim Lang, member, Ralph Rathjen, Alternate, John Olmstead, member, Earl Leighton, member, and Town Planner, Bob Ward.

Craig Davis opened the meeting at 7:00 p.m.; all in attendance recited the pledge of allegiance.

Minutes

Tim Lang made a **motion** to approve the minutes from 11/24/15 with minor corrections. John Olmstead **seconded** the motion and the **motion passed unanimously**.

Public Hearing

Case #478 – Request from Ockert Van Der Schijff for a Variance from Article 8, Section A(5) of the Sanbornton Zoning Ordinance. Applicant seeks permission to construct new two-car garage 25 feet from front property line and one foot from side property line, current Zoning Ordinance requires 30 foot front setback and ten foot side setback. The property is located at 135 Hermit Lake Road, Tax Map 03, Lot 069. The abutting property is owned by the Town.

Chair Craig Davis presented a letter to the ZBA from the Board of Selectmen regarding this case, attached to these minutes.

Mr. Van Der Schijff stated that he had a surveyor stake his property at the property boundaries and has provided a drawing that clearly indicates where the proposed garage would be built. He explained that, because of the layout of the property, existing structures and the required 15 foot setback from the leech field, this would be the only place to construct a garage. Earl Leighton mentioned that even if the finished building itself would be 12 inches from the side property line, the forms needed to build the foundation would be at least two feet wide, a ladder would need to be over 12 inches from the structure, and the gutters on the finished garage would be over the side property line. Mr. Van Der Schijff said that he would be sure that they wouldn't.

Chair Craig Davis noted that even if the digging of the foundation was on Mr. Van Der Schijff's property he would be cutting into tree roots from the town-owned property which could destroy the trees, and then there would also be a danger of the trees falling on the garage. Tim Lang mentioned that if Mr. Van Der Schijff wanted to build a drain along the side property line (which is the bottom of a slope) and cut into the root system, he wouldn't have to get permission from the ZBA to do that so that shouldn't be a factor to consider. Tim Lang also asked how long the abutting property has been owned by the Town and Mr. Van Der Schijff answered that it's been owned by Sanbornton for at least forty years.

Earl Leighton asked if Mr. Van Der Schijff would consider buying the abutting property from the Town and he answered Yes and asked what the procedure would be to do so. Tim Lang responded that it would be at auction. Chair Craig Davis suggested that Mr. Van Der Schijff come before the Board of Selectmen at their next meeting (Wednesday 2/24) and Mr. Van Der Schijff said he will try to do that. Town Planner Bob Ward mentioned that there has been another case where an applicant purchased a small sliver of land from an abutting owner and that may be a possibility to consider. Earl Leighton asked if, instead of purchasing any property, it may be possible for the State to provide a waiver to build closer to the leech field. Mr. Van Der Schijff stated that DES provided a chart outlining setback requirements for different types of structures and drainage. Earl Leighton stated that it sounds like the type of drainage and structure Mr. Van Der Schijff is proposing would actually be allowed within five feet according to that chart so he may want to check on that.

Chair Craig Davis asked the Applicant if he would like to table the variance request until he is able to do more research and explore his options, and he responded Yes.

John Olmstead made a **motion** to table the variance request until at least June 28 2016. Don Bormes **seconded** the motion and the **motion passed unanimously**.

Other Business

Bull Fish Investments LLC Update - Town Planner Bob Ward notified the ZBA that Bull Fish Investments LLC did not complete an aquifer study of the proposed gravel pit site, outlined during the November 24th meeting, by the January 24th ZBA meeting. Bull Fish has since hired an attorney, Regina Nadeau. Town Planner Ward stated that he has met with Regina Nadeau regarding the issue of which map Bull Fish would be required to use to determine if an aquifer is present on the proposed site (Article 12). He also stated that Bull Fish and Attorney Nadeau have agreed to come before the ZBA at the March 29th meeting but that he will confirm with them two weeks prior to that meeting. Tim Lang asked if the ZBA could vote on Chair Craig Davis writing a letter requiring Bull Fish to get a hydrogeology study rather than discuss which map to use. Town Planner Ward mentioned that this matter was not on the agenda and Bull Fish nor their attorney is in attendance so no voting should take place about this.

Audience member and abutter to proposed gravel pit, Julie Lonergan, asked why the real estate value appraisal mentioned by Anne Glines at the November 24th Bull Fish hearing was not brought up by the ZBA as the hydrogeology study was. Chair Craig Davis stated that the minutes are a summary and that no further changes will be made to those minutes and they were approved at the beginning of this meeting. Mrs. Lonergan requested the recording of the November 24 meeting minutes and also of any future meeting pertaining to the Bull Fish matter.

Invoice from Lakes Region Planning Commission for “Planning and Land Use Regulation” books – Town Planner Ward presented invoice from LRPC for Land Use Regulation books used by the ZBA; invoice will go to the Town’s Finance Officer to be paid.

John Olmstead made a **motion** to adjourn the meeting at 8:20. Tim Lang **seconded** the motion and the **motion passed unanimously**.

Respectfully submitted,

Audry Barriault, ZBA Secretary/Clerk



**Town of Sanbornton
P.O. Box 124
573 Sanborn Road
Sanbornton, NH 03269
(603) 286-8303**

Memorandum

To: Craig Davis, Chairman, Zoning Board of Adjustment (ZBA)

From: Sanbornton Board of Selectmen

Date: February 22, 2016

Subject: Case #478

Dear Chairman Davis,

At the Sanbornton Board of Selectmen meeting on Wednesday, February 17th, 2016 the board acknowledged receipt of your Notice of Public Hearing on ZBA Case #478. As noted in the notice, the applicant has requested a variance which "seeks permission to allow construction of a two car garage closer to the side property line than as required by the side setback requirements." Chairman Davis please take under consideration the position of the board, which remains the same as from a prior ZBA hearing, the board believes it is not the best interest of the town to approve this case out of concerns for the future sale of this property.

Sincerely,

David Nickerson, Chairman
Sanbornton Board of Selectmen