

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

October 23rd, 2018

GENERAL BUSINESS

Present: Paul Dexter, member, Tim Lang, Chair, Don Bormes, member, Steve Cobb, alternate member, Secretary Audry Barriault (alternate, seated as member)

Paul Dexter made a motion to approve the draft minutes of 3/27. Don Bormes seconded the motion and the motion passed unanimously.

PUBLIC HEARING

Application for Zoning Variance (ZBA 2018-7) Sanbornton Zoning Ordinance Article 15, Section F1c – Stacey & Jason Benoit, 276 Bay Rd (Map 16, Lot 67). Stacey and Jason explained that a tree fell on their garage last fall and if they are going to repair it they would prefer to expand the garage so that it can fit two vehicles. The garage is already within the 75-foot wetlands setback requirement (grandfathered, at 57 feet), and they would like to expand it 6 feet in the other direction towards their house, so no further encroachment to the nearby brook will occur. Don Bormes asked how much land is in this parcel, and Stacey Benoit responded that there is around 3 acres and no other way to position the garage.

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Cobb/Yes; Barriault/Yes

Criterion #2: The spirit of the ordinance is observed

Dexter/Yes; Lang/Yes; Bormes/Yes; Cobb/Yes; Barriault/Yes

Criterion #3: Substantial justice is done

Dexter/Yes; Lang/Yes; Bormes/Yes; Cobb/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Cobb/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Cobb/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Cobb/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Cobb/Yes; Barriault/Yes

Paul Dexter made a motion to grant the variance to Article 15, Section F1c to Stacey and Jason Benoit. Steve Cobb 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. Chairmanship – Paul Dexter made a motion to nominate Tim Lang as ZBA Chair. Steve Cobb seconded the motion and the motion passed unanimously.

a. ZBA Procedure Revisions and FY19/20 Budget - Chair Lang explained that there are several procedural changes for the ZBA and for applicants that should be voted on. Included in these changes is the start time for public hearings, monthly deadline for applications, and who to contact

for application questions (ZBA Clerk). Don Bormes stated that he feels the Town Planner should be the person listed on the application instructions rather than the Clerk as the Planner is in office several days a week. Paul Dexter noted that the phone number provided for the Clerk is the Town Offices number, though the Clerk does not currently work in the office during business hours. He also noted that the Clerk should have a Town email address if that is referenced on the application instructions.

Paul Dexter asked how this added work will affect the Secretary/Clerk budget line for the ZBA. Chair Lang responded that the Secretary/Clerk line has been underspent for the last four years and recommends decreasing this for FY19/20, as well as the amounts for Books & Periodicals and for Meetings & Conferences, which have also been historically underspent.

Paul Dexter made a motion to approve the revised ZBA procedures and the total ZBA budget of \$2,836, including a decrease from \$1,582 to \$1,200 for Secretary/Clerk, a decrease from \$175 to \$150 for Books & Periodicals, and a decrease from \$400 to \$200 for Meetings & Conferences. Steve Cobb seconded the motion and the motion passed 4-1, with Don Bormes voting No.

Meeting adjourned at 7:45PM.

Respectfully submitted, Audry Barriault