

## **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

### **MEETING MINUTES**

**November 27<sup>th</sup>, 2018**

#### **GENERAL BUSINESS**

Present: Paul Dexter, member, Don Bormes, member, Steve Cobb, alternate member (seated as voting member), Doug Rasp (Chair pro tem for absent Tim Lang), Melissa Anderson, member

Paul Dexter made a motion to approve the draft minutes of 10/23. Don Bormes seconded the motion and the motion passed unanimously.

#### **PUBLIC HEARING**

**Application for Zoning Variance (ZBA 2018-8)** Sanbornton Zoning Ordinance Article 15, Section F.b. Applicant: Jason Settineri - Build-It Construction Services, Inc. for property located at 24 Maple Circle (Tax Map 12, Lot 13). Mr. Settineri explained that he is representing owners Marc and Lisa Weinstein who would like to construct uncovered porches on an already non-conforming home. He stated that the construction will meet side and front setbacks but not wetland setbacks (75'), and that there is no other way to construct the porches that would be conforming.

Steve Cobb asked how close to the wetlands the existing building is, and Mr. Settineri replied that it is currently 35' from the wetlands and will be 30' from wetlands with the porches. Melissa Anderson asked what the porch foundation will be made of, and Mr. Settineri replied that pillars will be used so rainwater recharge will not be hindered.

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; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

Paul Dexter made a motion to grant the variance to Article 15, Section F.b. to Jason Settineri on behalf of owners Marc and Lisa Weinstein. Steve Cobb seconded the motion and the motion passed unanimously. Doug Rasp noted that there is a 30-day period when any abutter can appeal the ZBA's decision in this case.

**Application for Zoning Variance (ZBA 2018-9)** - Sanbornton Zoning Ordinance Article 15, Section F.1.cii. Applicant: Patricia Bartlett for property located at 336 Stage Rd (Tax Map 9, Lot 30). Ms. Bartlett explained that she has purchased the house next door to her current home and would like to construct an attached garage, which will be closer to seasonal wetlands than permitted in the Zoning Ordinance (75'). She stated that Zoning Administrator Steve Laurin measured the property and the proposed garage will be 34' from the seasonal wetlands. Steve Cobb asked what type of seasonal wetlands are on this property and Mr. Bartlett responded that it is a stream that has runoff from I-93 when it rains. Doug Rasp asked if any abutters in the audience had concerns, and abutter Greg Reece stated that he has no issues with the project as presented.

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; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Bormes/Yes; Cobb/Yes; Anderson/Yes

Paul Dexter made a motion to grant the variance to Article 15, Section F.1.cii to Patricia Bartlett. Steve Cobb seconded the motion and the motion passed unanimously. Doug Rasp noted that there is a 30-day period when any abutter can appeal the ZBA's decision in this case.

**Meeting adjourned at 7:39pm.**

Respectfully submitted, Audry Barriault