

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

April 23, 2019

GENERAL BUSINESS

Present: Tim Lang, Chair, Paul Dexter, member, Don Bormes, member, Steve Cobb, alternate, Audry Barriault, secretary and alternate

Paul Dexter made a motion to approve the draft minutes of 3/26. Doug Rasp seconded the motion and the motion passed unanimously.

PUBLIC HEARING

Application for Zoning Variance (ZBA 2019-3) – Sanbornton Zoning Ordinance Article 15, Section F.1(b). Applicant: Douglas and Mary Mader, 786 Sanborn Rd, Tax Map 22, Lot 002-1. Applicant seeks construction of an attached accessory dwelling unit 15' from wetlands, whereas a minimum of 75' is required per the ordinance.

(Steve Cobb and Audry Barriault seated as a voting members). Applicants Douglas and Mary Mader explained that that they would like to convert an existing attached garage into an accessory dwelling unit for family to use, and add a small addition on to it. The will be one story of living space plus a loft area. The existing garage is already non-conforming at 22 feet from seasonal wetlands, and will be about 15 feet from the wetlands with the addition. Mr. Mader stated that the wetland area is only wet in the spring time as it is lower ground than the rest of the property, and not wet year-round. The applicants already have septic design approval from the State.

Tim Lang asked if all abutters have been noticed; secretary Audry Barriault responded Yes.

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

Criterion #2: The spirit of the ordinance is observed

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

Criterion #3: Substantial justice is done

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

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

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

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

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

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

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

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

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

Paul Dexter made a motion to grant the variance to Article 15, Section F.1(b). of the Sanbornton Zoning Ordinance to Douglas and Mary Mader. 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. ZBA hearing timeframe – Chair Lang explained that a bill recently passed to allow for a 45-day period to hold a public hearing from the time a ZBA application is received, instead of the previous 30 days. He stated that the 30-day period was too narrow a time frame for applicants that may submit an application mid-month and not be heard until the 4th Tuesday of the following month.

Meeting adjourned at 7:40pm.

Respectfully submitted, Audry Barriault