

## **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

### **MEETING MINUTES**

**August 27<sup>th</sup>, 2019**

#### **GENERAL BUSINESS**

Present: Tim Lang, Chair, Don Bormes, member, Doug Rasp, member, Glenn Fredericks, alternate, Audry Barriault, secretary and alternate

made a motion to approve the draft minutes of 5/28. Doug Rasp seconded the motion and the motion passed unanimously.

#### **New Business**

**a. Election of officials** – Glenn Fredericks made a motion to nominate Tim Lang as ZBA Chair. Doug Rasp seconded the motion and the motion passed unanimously. Chair Lang made a motion to nominate Don Bormes as Vice Chair. Doug Rasp seconded the motion and the motion passed unanimously.

#### **PUBLIC HEARING**

**Application for Zoning Variance (2019-6) - Sanbornton Zoning Ordinance Article 15, Section F.1(b) - Applicant: Alden Beauchemin on behalf of Walter Tyson (current owner) and Paul and Suzanne Diulio (pending ownership), Hueber Dr., Tax Map 3/Lot 149. CONTINUED from July meeting.**

(Glenn Fredericks and Audry Barriault were seated as members). As discussed at last month's meeting, Alden Beauchemin explained that his clients are seeking construction of a building 25' from wetlands and a septic system 75' from wetlands, whereas a minimum setback of 75' and 100' is required, respectively, per Sanbornton's ordinance. He noted that the plan meets all the State's requirements, and that he has met with the abutter present at last month's meeting regarding the location of his well. The abutter was able to locate his well and Mr. Beauchemin has moved the location of the proposed leach field by approximately 3 feet to provide adequate buffer from this well.

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**

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

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

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Glenn Fredericks made a motion to grant the variance to Article 15, Section F.1(b) of the Sanbornton Zoning Ordinance to owners Suzanne and Paul Diulio. Doug Rasp 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. Agritourism** – Chair Lang explained that the Planning Board has invited him to their September 5<sup>th</sup> meeting to discuss RSA 674 regarding Agritourism and its definition, as he was sponsor of the newest iteration of the RSA.

**Meeting adjourned at 7:40pm.**

Respectfully submitted, Audry Barriault



## **Town of Sanbornton**

Zoning Board of Adjustment

P.O. Box 124

Sanbornton, New Hampshire 03269

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[www.sanborntonnh.org](http://www.sanborntonnh.org)

**Case No.:** 2019-6

**Applicant:** Alden Beauchemin on behalf of Paul and Suzanne Diulio

You are hereby notified your request for a Variance from Article 15, Section F.1(b) of the Sanbornton Zoning Ordinance has been GRANTED by unanimous vote of the Sanbornton Zoning Board of Adjustment. This allows for construction of a building 25' from wetlands and a septic system 75' from wetlands.

Timothy Lang, Sr., Chairman  
By Audry Barriault, ZBA Secretary

DATE OF DECISION: August 27<sup>th</sup>, 2019

NOTE: Any person has a right to appeal this decision. If you wish to appeal, you must act within 30 days of the date on this notice. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal.

See New Hampshire Statutes, RSA Chapter 677 for details.

cc: File  
Town Clerk  
Selectmen  
Planning Board