

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

April 28th, 2020

GENERAL BUSINESS

****Virtual meeting only – roll call votes required**

Present: Tim Lang, Chair, Steve Cobb, alternate, Melissa Anderson, member, Audry Barriault, Secretary/Clerk and alternate

PUBLIC HEARING

Application for Zoning Variance (ZBA 2020-3) – Sanbornton Zoning Ordinance Article 15, Section F.1(b)
Applicant: Ben Beaulieu, 82 Hale Rd, Tax Map 9, Lot 70-1. Applicant seeks construction of garage 50' at closest point to wetlands whereas a minimum of 75' is required per the ordinance.

Steve Cobb and Audry Barriault were seated as voting members. The applicant was given the opportunity to postpone the vote to have a full five-member board, however he waived his right to a full board vote and was okay with proceeding with the four members present voting.

Ben Beaulieu explained that he would like to build a garage 50' at closest point to a wetlands area. Tim Lang asked if this area is wet year-round or only seasonally; Ben responded that it is wet mainly when it rains and even then it is only a slow-trickling stream. Steve Cobb asked if the garage could be placed farther away from the wetlands, possibly where the existing driveway sits now, and Ben responded that the contractors he has spoken with advised him that there would be ledge in that area that would need to be blasted. Melissa Anderson asked if the garage could be attached instead, and Ben responded that he would lose natural light by having to remove windows to do that.

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

Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

Criterion #2: The spirit of the ordinance is observed

Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

Criterion #3: Substantial justice is done

Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

Steve Cobb made a motion to grant the variance to Article 15, Section F.1(b) of the Sanbornton Zoning Ordinance to Ben Beaulieu. Melissa Anderson seconded the motion and the motion passed unanimously with votes as follows: Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes

Chair Lang noted that there is a 30-day period when any abutter can appeal the ZBA's decision in this case.

Motion to adjourn at 7:16 made by Steve Cobb, seconded by Melissa Anderson. The motion passed unanimously with roll call votes as follows: Lang/Yes; Cobb/Yes; Anderson/Yes; Barriault/Yes.

Respectfully submitted, Audry Barriault