

## **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

### **MEETING MINUTES**

**February 25<sup>th</sup>, 2020**

#### **GENERAL BUSINESS**

Present: Tim Lang, Chair, Doug Rasp, member, Steve Cobb, alternate, Paul Dexter, member, Don Bormes, member

Paul Dexter made a motion to approve the draft minutes of 12/23. Doug Rasp seconded the motion and the motion passed, with Steve Cobb abstaining.

#### **PUBLIC HEARING**

**Application for Zoning Variance (2020-1) - Sanbornton Zoning Ordinance Article 15, Section F.1(b) - Applicant: Marie & Paul Rankin, Roxbury Rd, Tax Map 5, Lot 1-4. Applicant seeks construction of a home 30.3' at closest point to wetlands whereas a minimum of 75' is required per the ordinance.** Steve Cobb was seated as a voting member.

Paul Rankin explained that this property has already been purchased; the future location of the home he would like to construct is on the flattest spot of the property and would have to cross wetlands to put it anywhere else. There is an existing shared driveway that will be used for access. Paul Dexter asked if the wetlands are wet year-round; Paul Rankin responded that it depends on the time of year and is drier in warm weather. Chair Lang read the letter from DES which states that these wetlands eventually drain to Black Brook.

The proposed deck would be approximately 30' from wetlands; the garage would be 45' from wetlands and the home itself would be 54' from wetlands. Marie Rankin noted that there is a headstone located on the property and she plans to build a fence around it. Abutter Carrie Drake stated that she has tried to research this headstone but it is not registered with the Town at all. Neighbor Normand Tourigny stated that he does not have objections to the project but does not believe he is a direct abutter. Carrie and Edward Drake explained that they have cleaned any blown-down trees on the wetlands area that abuts their property; the Rankins stated that they will continue to do the same. Chair Lang stated that the location for the proposed home appears to be the best use of the property given its layout.

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

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

Rasp/Yes; Cobb/Yes; Lang/Yes; Dexter/Yes; Bormes/Yes

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

Rasp/Yes; Cobb/Yes; Lang/Yes; Dexter/Yes; Bormes/Yes

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

Rasp/Yes; Cobb/Yes; Lang/Yes; Dexter/Yes; Bormes/Yes

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

Rasp/Yes; Cobb/Yes; Lang/Yes; Dexter/Yes; Bormes/Yes

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

Rasp/Yes; Cobb/Yes; Lang/Yes; Dexter/Yes; Bormes/Yes

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

Rasp/Yes; Cobb/Yes; Lang/Yes; Dexter/Yes; Bormes/Yes

Steve Cobb made a motion to grant the variance to Article 15, Section F.1(b) of the Sanbornton Zoning Ordinance to Marie and Paul Rankin. Paul Dexter 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.

**Meeting adjourned at 7:20pm.**

Respectfully submitted, Audry Barriault