

# **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

## **MEETING MINUTES**

**October 27<sup>th</sup>, 2020**

### **GENERAL BUSINESS**

Present: Steve Cobb, alternate seated as member (remote), Melissa Anderson, member, Don Bormes, member, Audry Barriault, Secretary/Clerk and alternate (seated as Chair), Paul Dexter, member

The meeting took place both in-person at Old Town Hall, 19 Meeting House Hill Rd, as well as through telephone conference. Roll call votes were required.

Don Bormes made a motion to approve the draft minutes of 8/25 with changes. Melissa Anderson seconded the motion and the motion passed unanimously, with votes as follows: Cobb/Yes; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

#### **a. Zoning Board review of quotes for third-party review of hydrogeological study for gravel pit proposal on Johnson Rd (Applicant: Tim Bernier on behalf of owner Richard Edmunds)**

Audry explained that members have received the quotes via email from three firms to complete a third-party review of the hydrogeological study furnished by the applicant at the August meeting. Paul asked if there was a formal RFP for this and Audry responded that there was not, this was communicated to the firms by ZBA Chair Lang and Planning Board Assistant Steve Laurin. Melissa stated that she thought Terracon would be reached out to about this because they had done the study in the original application; Audry responded that this needs to be treated as a new application.

Abutter Julie Lonergan stated that there has been no new Alteration of Terrain permit granted for this applicant which was discussed at last meeting. Don stated that according to RSA 676:4 an application cannot be denied because an applicant is waiting on further permits or approval from another government bodies. Julie noted that the Town should not pay for this and that there should be money in an escrow funded by the applicant; Audry responded that there will be an escrow established and that the applicant will be paying for the work. Julie stated that there are parts of the application that are still pending so it is not a complete application and the Board should not be voting on this; Audry responded that the Board is indeed waiting on items such as a business plan, noise study, traffic study, etc., but stated that the hydro study component is an expensive component for the applicant and can understand that they would want this part taken care of before proceeding with the other items.

Mary Macmahon stated that she had sent a letter to ZBA members and reiterated that there was no formal vote taken at the August meeting to vote on quotes from third-party engineers and no formal RFP. Audry stated that there did seem to be consensus among members at the last meeting that this is how they would proceed, with asking Steve Laurin to assist with obtaining quotes for this work.

Don stated that the original quote in the previous application asked for borings to bedrock to determine if an aquifer is present. Paul noted that the merits of the original application are not on the agenda; the Board is meeting to vote on using one of the firms that have submitted a proposal

as part of this new application. Audry read the scope of work from each firm, Calex, Milone & Macbroom, and Keach-Nordstrom, and noted that Muriel Robinette had worked on the study as part of the original application and would be the main contact at Calex now. The scope of work proposed by Milone & Macbroom is more extensive than the others and includes testing and site reconnaissance as well as reviewing the existing study. This is the most expensive quote at \$2,500, but Audry noted that it seems the Board would like that level of service. Calex proposed to analyze the study and provide a report within one week as well as attend a meeting for \$900. There was no formal proposal from Keach-Nordstrom, but they provided a quote of \$800 via email.

Tim Bernier explained that there are already five wells at the proposed gravel pit site from the previous three studies.

Audry stated that she will move forward with making a motion for using one of these firms as outlined on the agenda and any member can vote No and then propose their own motion if they want to do something else.

Audry Barriault made a motion to contract with Milone & Macbroom for \$2,500. Don Bormes seconded the motion. Paul Dexter noted that the scope of work proposed by Milone & Macbroom does not seem to be in line with what was asked for. Audry agreed and retracted her motion; Don retracted his second. Audry made a motion to contract with Calex for \$900. Paul Dexter seconded the motion and the motion failed 3-2 with votes as follows:

Cobb/No; Bormes/No; Dexter/Yes; Anderson/No; Barriault/Yes

Steve Cobb made a motion to contract with Milone & Macbroom for \$2,500. Don Bormes seconded the motion and the motion passed 4-1 with votes as follows:

Cobb/Yes; Bormes/Yes; Dexter/No; Anderson/Yes; Barriault/Yes

Tim Bernier stated that there are some deficiencies in the data that Milone & Macbroom will be reviewing and would like to address these as he does not want them focusing on those items. He asked if he should work with Steve Laurin or someone else on this as Steve had told him previously that he does not work for the ZBA. Audry responded that she will check on this and get back to him.

**b. Public Hearing - Application for Zoning Variance (ZBA 2020-6) –Sanbornton Zoning Ordinance Article 10, Section A2. Applicant: James Bledsoe (Bledsoe Auto Repair), 31 Bay Rd, Tax Map 24/Lot 29. Applicant seeks operation of State inspection repair facilities, a non-permitted use in the Commercial District.**

Audry explained that the applicant had applied to be a State inspection facility and the State asked Steve Laurin if the applicant conforms with other Town regulations; currently Sanbornton's ordinance does not allow for auto repair facilities in the Commercial Zone so the applicant would require this variance.

James explained that there has been an existing body shop on this property for 11 years; he leases the building from owner Allen Michael. He stated that he must be able to provide basic repairs in order to be a licensed inspection facility, but these are limited to routine maintenance like brakes and exhaust pipe repair. Melissa and Steve both states that they are concerned about oil and other

fluids as this property is located in the Aquifer Overlay district; James responded that he is only doing a few oil changes a month and has a waste oil company that takes his used oil. Melissa asked if he has scrap metal on the property; James responded that he has a company retrieve scrap metal for recycling every two weeks.

James noted that there are other repair facilities in the immediate area such as Giguere Auto and Winnisquam Marine. Audry noted that Steve Laurin could find nothing on record stating that this location was approved for any type of business, and because of that James will still need to submit a site plan to the Planning Board which Steve has already mentioned to him.

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**

Cobb/No; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Cobb/Yes; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Cobb/Yes; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Cobb/Yes; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Cobb/Yes; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Cobb/Yes; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

Melissa Anderson made a motion to grant the variance to Article 10, Section A2 of the Sanbornton Zoning Ordinance to James Bledsoe. Paul Dexter seconded the motion and the motion passed unanimously with votes as follows:

Cobb/Yes; Bormes/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

Audry reminded the applicant that there is a 30-day period in which any resident can appeal the ZBA's decision.

**Meeting adjourned at 8:05pm.**

Respectfully submitted, Audry Barriault