

## **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

### **MEETING MINUTES**

**December 22<sup>nd</sup>, 2020**

#### **GENERAL BUSINESS**

Present: Chair Tim Lang, Melissa Anderson, member, Audry Barriault, Secretary/Clerk and alternate (seated as member), Paul Dexter, member, Doug Rasp, member

The meeting took place virtually; roll call votes required for all motions. Due to the COVID-19 crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, a statement was read by Audry explaining that the ZBA was authorized to meet electronically.

Paul Dexter made a motion to approve the draft minutes of 10-27. Melissa Anderson seconded the motion and the motion passed unanimously, with votes as follows:

Lang/Yes; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

**a. Public Hearing - Application for Zoning Variance (ZBA 2020-7) - Sanbornton Zoning Ordinance Article 7A, Section 5. Applicant: Tuesday Belanger & Jeremy Perkins for property located at Tax Map 19, Lot 1, Knox Mtn Rd. Applicant seeks construction of single-family home in Forest Conservation District on lot with 100' of road frontage, whereas a minimum of 600' is required per the ordinance**

The applicants explained that they have a purchase and sales agreement for this property; it is already noted in the agreement that it is contingent on getting this variance approved. There is no other way to access this 64-acre parcel without using the two 50-foot deeded right of ways; these are recorded with the Registry of Deeds. Melissa asked if there is a plan to further develop the property other than the single-family home and the applicants responded No. Abutter Karen Bordeau stated that she doesn't feel the variance approval should be left open-ended and should only be granted to this applicant; Audry stated that she agrees and would only vote in favor of the variance if it was for this applicant's proposal only. Will Ellis stated that the Planning Board has been told its approvals have to go with the land and not the owners; Chair Lang responded that the ZBA is allowed to make conditional approvals which is different than the Planning Board.

Melissa asked Paul Dexter if the right of way will be an issue for the fire department; he stated that he has already discussed this with the applicants and they will make sure the right of way is up to town standard. Andy Sanborn stated that he doesn't feel the hand-drawn map provided by the applicants is adequate to make a decision on this case; Jeremy Perkins responded that there is a large size map in the town office which lists frontage amounts, owners etc. that he can refer to.

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; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

Lang/Yes; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

Paul Dexter made a motion to grant the variance to Article 7A, Section 5 of the Sanbornton Zoning Ordinance to Jeremy Perkins and Tuesday Belanger specific to this project only; if purchase and sales agreement is not finalized then the variance is null and void. Doug Rasp seconded the motion and the motion passed unanimously with votes as follows:

Lang/Yes; Rasp/Yes; Dexter/Yes; Anderson/Yes; Barriault/Yes

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

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

Gina Gulseth of Milone & MacBroom explained her findings to the Board; she reviewed the 1995 USGS mapping of the site, the 2015 report from GeoInsight, the evaluation from Terracon in 2016 as well as the April 2020 report by the applicant's own engineer. She stated that she re-measured water levels in the wells that were previously reported on and was in general agreement that there is only a low-yield aquifer in this area. Chair Lang asked if there is a concern about the well levels changing based on weather; Gina responded that there will not be significant rebound due to precipitation. She noted that the Sanbornton Zoning Ordinance (Article 12.B) states that there needs to be a medium- to high-yield aquifer to be considered part of the Aquifer Conservation District.

Tim Bernier stated that he is working on redesigning the plans for this project which have been delayed due to COVID; he acknowledges that they are not in line with statute. In response to concerns about abutters' wells, he stated that drilled wells would be dipping into a different aquifer than the groundwater aquifers being discussed in Gina's report. He stated that he does not think there are any dug wells above the property that would be affected. Melissa stated that the project would need to be located 50 feet from any disapproving abutter per RSA 155-E:4; Tim responded that he recognizes this and it will be no closer than 50 feet to abutter property boundaries at any point. Tim also stated he is working to address abutters' concerns.

Abutter Julie Lonergan stated that she has not been contacted by the applicant about her concerns. She and Mary MacMahon stated that the report was not provided to the public with enough time to review; Audry stated it was loaded to the town website as soon as she received it on Thursday, December 17<sup>th</sup>. Chair Lang noted that no votes are being taken about this case tonight and questions can be asked about the report in the future by members of the public.

**Meeting adjourned at 8:10pm.**

Respectfully submitted, Audry Barriault