

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

February 9th, 2021

GENERAL BUSINESS

Present: Chair Tim Lang, Audry Barriault, Secretary/Clerk and alternate, Paul Dexter, member, Don Bormes, member, Steve Cobb, alternate, Glenn Frederick, alternate

Audry Barriault and Steve Cobb were seated as voting members.

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 12-22-2020. Steve Cobb seconded the motion and the motion passed unanimously, with votes as follows:

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

a. Public Re-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 without required 600' road frontage as required per the ordinance.

Chair Lang stated that this re-hearing has been requested by the Board of Selectmen because the variance was granted to the applicant instead of the property itself on December 22nd which is contrary to Statue statute.

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 an existing deeded easement recorded with the Belknap County Registry made up of 50 feet from the Manter property and 50 feet from the Fay property making up a 100 foot wide, 2,000 foot-long strip of land which will be used for access to the property. Chair Lang asked if the applicants have discussed the project with those landowners; Jeremy responded that he has talked to them personally, but those landowners have been notified via abutter notices for this case twice.

Chair Lang asked if there is any other feasible way to access this 64-acre parcel without using the easements; Tuesday responded No. There is an access road for the Army Corp of Engineers property which abuts this land but that road is closed half the year. Chair Lang asked if emergency vehicles will be able to safely access the property using the driveway; Jeremy responded yes, and that he has already discussed this with the Fire Chief. Fire Chief/member Paul Dexter agreed that this has been discussed and will not be an issue.

Don Bormes stated that once a single-family home is built on this lot, any other structures to be built in the future would be subject to the same zoning regulations of the district; Chair Lang stated that

he agrees. Planning Board Assistant Steve Laurin stated that a private road would need to go to the BOS for approval; Chair Lang reiterated that the property owners will have a long driveway but it is NOT a private road. Paul Dexter stated that the BOS would approve the CZC (building permit).

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

Criterion #2: The spirit of the ordinance is observed

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

Criterion #3: Substantial justice is done

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

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

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

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

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

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

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

Don Bormes made a motion to approve the variance from Article 7A, Section 5 of the Sanbornton Zoning Ordinance. This variance is to build a single-family home at Tax Map 19, Lot 1. Paul Dexter seconded the motion and the motion passed unanimously with votes as follows:

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

Meeting adjourned at 7:30pm.

Respectfully submitted, Audry Barriault