

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

April 20, 2021, 7:00pm

GENERAL BUSINESS

Present: Chair Tim Lang, Paul Dexter, member, Doug Rasp, member, Steve Cobb, alternate, Melissa Anderson, member, Audry Barriault, clerk/alternate

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 explaining that the ZBA was authorized to meet electronically.

This public meeting was held to discuss a request for re-hearing of case 2020-4 heard on March 23, 2021. A special exception was granted to R.D. Edmunds Land Holdings, LLC, for gravel pit operation on Johnson Rd, Tax Map 15, Lot 58.

Chair Tim Lang stated that a re-hearing in this case has been requested by Patricia Panciocco, attorney for abutters Julie and David Lonergan. The request states that the property is located in the aquifer conservation district according to the map referenced in Article 12 of the Zoning Ordinance and that noise studies were not submitted as part of the application. It also states that a previous study on this property found that longer monitoring periods of wells during years of normal precipitation would be needed before determining if there is a medium- or high-yield aquifer present.

Chair Lang asked members for comment. Steve Cobb stated that he feels there are some issues that he feels the ZBA should be able to have more information about including testing. Don Bormes stated that he feels every item in the re-hearing request has already been addressed multiple times and a re-hearing is not necessary. Paul Dexter had no comments. Melissa Anderson stated that she feels the applicant should have been held to the same standard that the previous applicant for the same project regarding drilling to bedrock to determine aquifer presence, but also noted that needing to monitor wells for a whole year is an extreme request. Chair Lang responded that the current applicant provided a study showing that there is not a medium- or high-yield aquifer present by drilling to glacial till rather than bedrock. Since this was in conflict with the Town's aquifer district map, the ZBA required the applicant to pay for a \$2,500 study of a third-party geologist, chosen by the ZBA, to determine if that method of determining aquifer level was appropriate; the ZBA's geologist concluded that it was. He noted that the exact map referred to in the ordinance from the 1970's was not used but the ZBA did meet the intent of the ordinance.

Doug Rasp stated that he doesn't feel the traffic is an issue; Melissa and Steve disagreed. Paul Dexter stated that the applicant agreed to a road bond that was discussed as part of the approval in the amount of \$35,000 which will repair any damage caused by trucks. Audry Barriault stated that the aquifer issue has been studied many times by different engineers and further studies are unnecessary; she noted that requiring an applicant to do lengthy testing due to weather, a factor nobody can control, is unfair. Don Bormes stated that he would be in favor of further testing if there was a disagreement between the applicant's geologist and the ZBA's, but there was not.

Chair Lang asked members of the public if they had comments. Mary MacMahon asked who would be in charge of making the applicants test for water quality in neighboring wells and water bodies; Chair Lang responded that the Zoning Enforcement Officer Steve Laurin could require a property owner to do testing if there is evidence of a breach of the approved site plan. Donna Ledgard stated that she feels there are still unanswered questions related to this application and there should be a re-hearing; she stated that there will undoubtedly be disturbance to the aquifer. Julie Lonergan stated that the previous applicant submitted studies related to noise and she would like to see a new study.

Tim Bernier, agent for the applicant stated that a re-hearing would be required only if there has been new information that was not considered by the ZBA before, and that is not the case. This was also reiterated to the ZBA via attorney for the applicant, Christopher Seufert.

Melissa Anderson made a motion to grant a re-hearing. There was no second.

Don Bormes made a motion to deny the request for re-hearing as there was no new evidence submitted. Doug Rasp seconded the motion and the motion passed 4-1 with votes as follows:

Lang/Yes; Rasp/Yes; Dexter/Yes; Bormes/Yes; Anderson/No

Meeting adjourned at 7:50pm.

Respectfully submitted,
Audry Barriault