

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

March 23rd, 2021

GENERAL BUSINESS

Present: Audry Barriault, Secretary/Clerk and alternate, Paul Dexter, member, Don Bormes, member, Steve Cobb, alternate, Glenn Frederick, alternate, Melissa Anderson, member

Chair Tim Lang called the meeting to order at 7:00pm. Steve Cobb and Glenn Frederick were seated as voting members; due to tech issues Audry Barriault was seated as voting member in place of Steve Cobb at 7:30. Don Bormes arrived late.

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 Chair Lang explaining that the ZBA was authorized to meet electronically.

Melissa Anderson made a motion to approve the draft minutes of 2-23-2021. Paul Dexter seconded the motion and the motion passed with votes as follows:

Lang/Abstain; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

a. Public Hearing - Application for Variance (ZBA 2021-1). Sanbornton Zoning Ordinance Article 8.A, Section 5. Applicant: Peter Anzalone, 253 Hueber Dr, Tax Map 3, Lot 158. Applicant seeks construction of garage five feet from side property line, whereas a minimum of ten feet is required per the ordinance.

Peter Anzalone explained that he will be using this property as his retirement home and would like to build a garage for storage. There is no other feasible way to position the garage on the property due to leech field and septic tank location. Paul Dexter asked if Peter has been in touch with the Borqstroms whose property he abuts; Peter responded that he has, and they are in favor of the project. Neighbor Kent Chapman stated that he is not opposed to the project at all. Glenn Frederick asked about the foundation for the garage; Peter responded that it will be a 6" slab foundation.

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; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

Criterion #2: The spirit of the ordinance is observed

Lang/Yes; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

Criterion #3: Substantial justice is done

Lang/Yes; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

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

Lang/Yes; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

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

Lang/Yes; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

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

Lang/Yes; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

Paul Dexter made a motion to approve the variance from Article 8.A, Section 5 of the Sanbornton Zoning Ordinance to construct a garage five feet from side setback. Melissa Anderson seconded the motion and the motion passed unanimously with votes as follows:

Lang/Yes; Anderson/Yes; Dexter/Yes; Cobb/Yes; Frederick/Yes

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

b. Public Hearing - Application for Special Exception (ZBA 2021-2) - Sanbornton Zoning Ordinance Article 4, Section U. Applicant: Colm and Katy Brophy/Pastoral Properties of NE, LLC, 195 Knox Mountain Rd, Tax Map 14, Lot 24. Applicant seeks operation of campground for guest lodging at existing wedding venue.

Audry Barriault was seated as voting member in place of Steve Cobb due to tech issues.

Colm and Katy Brophy explained their proposal for ten tent sites on their property for wedding guest use only; this will not be open to the public. The applicants have spoken with Police Chief Steve Hankard and Fire Chief Paul Dexter regarding this and received favorable responses. There is currently a tourist home on the wedding venue property which sleeps 16 guests.

Audry asked for the applicants to confirm that there is no additional traffic anticipated since the guests that would be leaving the night of the wedding are instead leaving the following morning; the applicants confirmed this is correct. Audry also noted that the ordinance is not clear on actual process for ZBA approval but states that the site plan for any campground must go to the Planning Board for approval following the special exception being granted. Town Planner Steve Laurin was in attendance and agreed that this part of the ordinance was adopted in 2001 it appears to have not been placed in Article 18 along with the other special exceptions as it should have been.

Melissa Anderson asked who supervises weddings; Katy responded that there is an independent event planner who oversees events.

Chair Lang opened the meeting to comments and questions from the public. Sam Laughy asked about number of occupants in each tent and bathroom/cooking facilities. Colm explained that there will be a maximum of two adults in each tent and bathroom/shower facility will be provided. A barbecue grill would be the only cooking facility. He also noted that there is plenty of water and the existing well is more than equipped to handle the additional load of more guests.

Chair Lang reiterated that most of these issues and other abutter concerns will need to be addressed by the Planning Board as part of the requirements in Article 4 Section U. Donald Plummer stated that he is an abutter and has found shooting targets and trash in the woods between the properties and asked how littering will be prevented. Colm responded that he doesn't allow shooting at weddings but there is a 6-yard dumpster on site already and can expand that if needed. Laurie Graham stated that she has had a lot of issues with the wedding venue and there is usually a party on Friday nights each

wedding weekend and those are unsupervised. Jennifer Hicks is worried about excessive wear and tear on the road from more guests; Joanne Bousquet is concerned with more traffic. Andrea Burns asked when guests are allowed to use the property; Katy responded that the guests are allowed Thursday through Sunday though she doesn't anticipate the tents being used for that duration, they would mainly be for wedding guests to use Saturday night and possibly Friday. Abutters stated that weekends are not peaceful when there are weddings on the property and they take place every weekend in the summer.

Laurie Graham asked if Steve Laurin is available on weekends to do code enforcement as that is when there are issues with the wedding venue. Steve responded that he has received complaints about noise but noise was not initially addressed by the Planning Board as part of the original site plan review for this venue. Any nuisance like loud music or fireworks would be a police issue.

Andy Sanborn stated that there is an assumption by the ZBA that they must grant this exception and asked why it should be granted. Chair Lang asked why it would not be granted, and noted that the first part of Article 4 Section U says that campgrounds are permitted in all zones and that the site plan must be reviewed by the Planning Board. Don Bormes noted that land can be developed as long as it conforms with the standards of the ordinance and if the issue is with noise and there is no decibel limit in the original site plan then it's hard to determine what's excessive. Audry stated that the ZBA does not create the zoning ordinance, the Planning Board does, so perhaps Planning Board Chair Andy Sanborn and Steve Laurin can add revisions to Article 4 to their plan of work.

Chair Lang asked members how they feel about adding conditions of approval for the special exception if it were to be granted. Melissa Anderson stated that she would like to add conditions for the Planning Board to take into consideration such as noise and traffic. Paul stated that he has discussed noise complaints from the wedding venue with the police department and they have not been able to substantiate the complaints when they arrive at the venue. He disagrees that traffic will get worse and thinks it actually would decrease, but the road condition issue would be in the purview of Highway Department Director Johnny Van Tassel. Paul added that he doesn't think the ZBA should set any parameters for the Planning Board upon approval. Glenn agreed that he doesn't think traffic will increase. Audry stated that the way the ordinance is written is problematic and does not permit the ZBA to ask for conditions upon an approval. It does not have a checklist to work with like with the other special exceptions in Article 18, instead the specifics of the plan are entirely in the hands of the Planning Board. The issues will be documented in these ZBA minutes for the Planning Board to read. Chair Lang agreed.

Paul Dexter made a motion to approve the special exception for Article 4 Section U to Colm and Katy Brophy for campground operation at 195 Knox Mountain Rd, Tax Map 14, Lot 24. Glenn Frederick seconded the motion and the motion passed unanimously with votes as follows:

Lang/Yes; Anderson/Yes; Dexter/Yes; Barriault/Yes; Frederick/Yes

Other Business

a. ZBA Membership – Chair Lang stated that there are still two alternate positions open and reminded members to be thinking of residents that may be interested. He will also make a statement about this at Town Meeting in May.

b. In-person meetings – Audry stated that the BOS is moving to in-person meetings again and it's up to each board to decide if they want to do the same. Chair Lang explained that he has been in

discussion with Selectman Jim Dick about having some permanent audio equipment at Old Town Hall to allow for hybrid online/in-person meetings.

Meeting adjourned at 9:10pm.

Respectfully submitted, Audry Barriault