

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

December 28, 2021

GENERAL BUSINESS

Present: Audry Barriault, Secretary/Clerk and alternate, Melissa Anderson, member, George Murray, alternate, Paul Dexter, member, Glenn Frederick, alternate; Doug Rasp, member

Audry Barriault called the meeting to order at 7:05pm. George Murray and Glenn Frederick were seated as voting members.

Paul Dexter made a motion to approve the minutes of 9/28. Melissa Anderson seconded the motion and the motion passed unanimously.

a. Public hearing - Application for Zoning Variance (ZBA 2021-5) – Sanbornton Zoning Ordinance Article 4.X, Section 3(L)

Applicant: Brian Hamill

Location: 165 Hunkins Pond Rd, Tax Map 23/Lot 008

Applicant requires variance for detached accessory dwelling unit using separate driveway.

Charlotte Hamill explained that she would like to work on expanding her family's farm by having a live-in caretaker for livestock. They have recently had a larger barn built which will have an accessory dwelling unit in it, but would like it to be accessed by a driveway separate from that of the main house; the driveway already exists and has serviced the farm for many years. There are three driveways in total and the middle one would be used as access to the ADU.

Paul Dexter stated that he has worked with the Applicant on this project as Fire Chief and he does not see any issues with using the separate driveway for access, especially since it already exists and is used to service the farm. George Murray asked if emergency apparatus can get to the ADU using the middle driveway and Paul responded Yes. Glenn Frederick asked about frontage on the lot; Charlotte responded that she does not know the exact footage but it is more than the minimum frontage requirement. Doug Rasp stated that he has seen all of the driveways being used in the last 12 years that he has lived in town and would prefer that the two driveways not being used to serve the main house would be combined to help with sight distance issues; Paul stated that he has spoken with the Applicants site work contractor about the sight distance issue as well. Charlotte added that the C-shaped driveway that is being proposed to be used is very wide and large equipment access it to deliver hay.

Melissa Anderson asked if the ADU tenant would be charged rent; Charlotte responded that the plan is to offer free living quarters for the person caring for livestock. Melissa noted that she would worry about setting precedence for allowing an ADU to be accessed with a separate driveway but she feels this is different since it is a farm and not being used specifically with the goal to make money via rent. Paul noted that each ZBA case is to be looked at on a case-by-case basis. George stated that he would want the variance to be granted specific to the middle of the three driveways. He also noted that there is no creation of a new driveway in this case, it's been there for many years and is already being used for agriculture. Doug asked if the Applicant plans on having visitors come to the farm; Charlotte responded that there is no plan for agritourism.

George Boyer stated that he is in favor of the variance because he would like to see farms be able to continue in Sanbornton. Abutter Dick Ayers stated that he does not find it unusual to have difficulty with sight distances on that stretch of Hunkins Pond Rd and he is pleased to see the Hamill's property being used in the manner it is currently. Laura Swain stated that she will hopefully be the person caring for the sheep and many generations ago her family hayed this property using the same access road.

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

Dexter/Yes; Murray/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

Criterion #2: The spirit of the ordinance is observed

Dexter/Yes; Murray/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

Criterion #3: Substantial justice is done

Dexter/Yes; Murray/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Murray/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Murray/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Murray/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

Melissa Anderson made a motion to grant the variance from Article 4.X, Section 3(L) as discussed, specifically for the middle driveway to be used to access the ADU. George Murray seconded the motion and the motion passed unanimously. The Applicant was reminded of the 30-day appeal period.

b. ZBA membership – Audry stated that Don Bormes has resigned from his position as full member as he has moved; there is one full member spot open as well as one alternate spot. Paul Dexter made a motion to nominate Glenn Frederick as full member. Melissa Anderson seconded the motion and the motion passed unanimously. Doug noted that he would like a letter to be sent to Don thanking him for his years of service on this and other various boards; Audry will let the Town Administrator know.

Meeting adjourned at 7:36pm.

Respectfully submitted,
Audry Barriault