

**SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

**MEETING MINUTES**

**January 25<sup>th</sup>, 2022**

**GENERAL BUSINESS**

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

Tim Lang called the meeting to order at 7:02pm.

Paul Dexter made a motion to approve the minutes of 12/28/21. Melissa Anderson seconded the motion and the motion passed unanimously.

**a. Public hearing - Application for Zoning Variance (ZBA 2022-1) – Sanbornton Zoning Ordinance Article 8, Section A(6)**

**Applicant:** Dennis & Patricia Bourey

**Location:** 12 Apple Rd, Tax Map 3/Lot 141

Applicant seeks variance to build garage 2'3" from front property line whereas a 30' minimum setback is required per the ordinance.

Dennis Bourey explained that he would like to build a garage on his property but he is limited by the topography of his land and the layout of the lot; there is a steep slope behind the proposed building area that leads down to the shoreline of Hermit Lake, and his septic system is on the other side of his house. He has already obtained approval from DES for the building which was provided in his application to the ZBA. Audry Barriault looked at the proposed building site in person. The applicant proposes to build 2'3" from the Town's right-of-way; according to Zoning Enforcement Officer Steve Laurin this is just over 12' from the travelled way (the actual road).

Melissa Anderson asked if he has considered building a smaller garage; Dennis responded that he would like to have enough room to keep his vehicle and tractor and have a small workshop area for himself. Doug Rasp asked if fill could be brought in to move the garage back away from the right of way; Dennis responded that he would be concerned about the fill running into the lake. George Murray asked if he has considered moving the garage closer to the house; Dennis responded that he cannot build there because of the location of his well.

Melissa asked Paul Dexter if he sees any safety concerns with the proposed garage as Fire Chief and he responded that he does not; it is a short dead-end road of three houses with a turnaround area at the end. Paul asked Audry if she saw any issues with the building location when she visited the site and she responded that it's closer to the road than other garages but it seems typical for that part of town where the building lots are small.

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; Lang/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Lang/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Lang/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Lang/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Lang/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Lang/Yes; Frederick/Yes; Rasp/Yes; Anderson/Yes

Paul Dexter made a motion to grant the variance from Article 8, Section A(6) as discussed. Glenn Frederick seconded the motion and the motion passed unanimously. The Applicant was reminded of the 30-day appeal period.

**b. ZBA Budget/Training** – Chair Lang stated that the ZBA has 92% of its budget left with five months left of the fiscal year. He is working on having training available for ZBA members through New Hampshire Municipal Association. Paul asked if this will be mandatory for members; Chair Lang responded that he is not in favor of the State requiring training and believes this should be in the purview of individual municipalities.

**Meeting adjourned at 7:30pm.**

Respectfully submitted,  
Audry Barriault