

**SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

**MEETING MINUTES**

**February 22<sup>nd</sup>, 2022**

**GENERAL BUSINESS**

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

Audry Barriault called the meeting to order at 7:03pm. George Murray and Audry Barriault were seated as voting members.

Paul Dexter made a motion to approve the minutes of 1/25/22. George Murray seconded the motion and the motion passed unanimously.

**a. Public hearing - Application for Zoning Variance (ZBA 2022-2) – Sanbornton Zoning Ordinance Article 15, Section F.1(b)**

Applicant: Jeremy & Robin Banks

Location: Circle Point Rd, Tax Map 8/Lot 75

Applicant seeks variance to construct home with septic system closer to wetlands than as permitted per the ordinance.

Jeremy Banks explained that he proposes to build a new home on Circle Point Rd on a lot purchased in 2017. It has been surveyed and he has had plans drawn up for septic and the home itself which is a colonial cape replica. There is a bit of wetland on the north end of the property which collects snow melt and rain. At its closest point, the garage would be approximately 20 feet from the wetland and the leach field would be 75 feet from the wetlands. He is hoping to build in 2023 and has already received his Shoreland Impact Permit from DES and the Town Health Officer has provided an approval conditional to obtaining the variance.

Paul asked where the lot is on Circle Point Rd and Jeremy responded that it is on the interior part of the road and not the lakeside. The acreage of the property is .89; Glenn Frederick asked how much of the land is considered wetlands and Jeremy responded that it is just under 20%. Doug asked how close the nearest home is to this proposed home and Jeremy explained that the closest home is around 150 feet away, and there is a vegetative buffer between the lots. Glenn asked if the elevation of the leach field is higher than that of the wetlands and Jeremy responded that it is either the same elevation or slopes slightly away from wetlands.

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; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

George Murray made a motion to grant the variance from Article 15, Section F.1(b) as discussed. Glenn Frederick seconded the motion and the motion passed unanimously. The Applicant was reminded of the 30-day appeal period.

**b. Public hearing – Application for Zoning Variance (ZBA 2022-3) – Sanbornton Zoning**

Ordinance Article 15, Section F.1(c)

Applicant: Dennis Rechcygl & Patricia LaBrecque

Location: 303 Stage Rd, Tax Map 009/Lot 040

Applicant seeks variance to construct addition 45' at closest point to pond whereas a minimum setback of 75' is required per the ordinance.

Dennis Rechcygl explained that he would like to build a 22x22 addition on to his house 45 feet from a pond on his property. Paul asked if the pond is manmade; Dennis responded that it was dug out in the 70's and was previously a smaller pond, and if the water level drops significantly during dry periods so it does not appear to be spring fed. Glenn asked what type of foundation the addition will have and Dennis responded that it will be a four foot foundation with frost wall. Glenn asked about the soil conditions in the area and Dennis responded that it is gravel and boulders that will need to be moved. A French drain around the home will be extended around the addition and Dennis explained that he has not ever seen any water actually draining from it, but it would drain into a rocky area; he has a very dry basement as well.

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; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

Doug Rasp made a motion to grant the variance from Article 15, Section F.1(c)i as discussed. George Murray seconded the motion and the motion passed unanimously. The Applicant was reminded of the 30-day appeal period.

**c. Public hearing - Application for Zoning Variance (ZBA 2022-4) – Sanbornton Zoning**

Ordinance Article 15, Section F.1(b)

Applicant: Joan Meckel, Oliam Properties, LLC

Location: Alpine Rd (off Hueber Dr), Tax Map 3/Lot 93

Applicant seeks variance to construct home (38') with septic system (87') closer to wetlands than as required per the ordinance.

Brian Meckel explained that 3% of this lot is poorly drained soil which is considered wetlands by the State. It is muddy in the spring and dries in the summertime. He stated that the lot is fairly steep and has quite a bit of ledge, so the best area for the house means that it is closer to the wetlands than allowed by the ordinance. This proposal has already received approval for the septic system from DES.

Audry asked about the location of the driveway (over wetlands) shown on the plan but noted that the driveway is not what this application is for; Brian responded that this was put on the plan by the septic engineer and would probably be moved 15 feet up. Audry stated that a permit from the State would be required for an access way that crosses wetlands, and that Planning Board Assistant Steve Laurin had explained to her that he would be able to provide a building permit after that. Glenn asked where the water in the wetlands comes from; Brian responded that it is runoff from the road and from the upward slope in the back of the lot.

Abutter Ilian Asllani at 28 Alpine Rd stated that a culvert runs from his property to the wetlands and he wants to make sure that the driveway will not interfere with that. Brian responded that he will meet with Ilian about this but the driveway is most likely to move as it was put on the plan by the septic engineer.

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; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

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

Dexter/Yes; Barriault/Yes; Frederick/Yes; Rasp/Yes; Murray/Yes

Doug Rasp made a motion to grant the variance from Article 15, Section F.1(b) as discussed. Glenn Frederick seconded the motion and the motion passed unanimously. The Applicant was reminded of the 30-day appeal period.

### **OTHER BUSINESS**

**a. Wetlands setbacks** – Paul stated that he is concerned about the many wetlands setback variance requests that have already been approved at the State level but then need to be approved a second time by the ZBA due to the zoning ordinance. He suggested that the ordinance be changed to align with the State's requirements, as they have resources and professionals to research and approve these applications, and right now taxpayers are footing the bill for the ZBA to meet and approve them again. Audry stated that she will note this and send the minutes to Steve Laurin so that he can discuss with the Planning Board.

**Meeting adjourned at 8:00pm.**

Respectfully submitted,  
Audry Barriault