

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

March 22nd, 2022

GENERAL BUSINESS

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

Chair Lang called the meeting to order at 7:00pm. Audry Barriault was seated as voting member.

Paul Dexter made a motion to approve the minutes of 2/22/22. Doug Rasp seconded the motion and the motion passed unanimously.

a. Public hearing - Application for Zoning Variance (ZBA 2022-5) – Sanbornton Zoning

Ordinance Article 15, Section F.1(b)

Applicant: Paul & Ryan Franklin

Location: Old Range Rd between Rt 132 and Tower Hill Rd, Tax Map 22/Lot 8-1

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

Paul Franklin explained that he and his wife are slowly going to build a house over the next several years. The property location is about 600 feet from the intersection of Rt 132 on Old Range Rd and due to the structure of the lot, the only place to put the house and septic will be within the required buffers in the ordinance. The lot is 2 acres in size and much of it is wet but one corner can be built on; the home will be 25 feet from wetlands and the septic will be 75 feet from the swale on Old Range Rd. Paul added that there is a communal lot owned by multiple people behind this lot; the road will need to be upgraded up to his new driveway. He stated that the State's requirement can be met for septic buffer but not the Town's.

Audry added that there is a hold harmless waiver in place from many years ago but it is still applicable according to Steve Laurin. Paul stated that there is an approved septic system that came with the lot but the house location on that plan was not where he wanted it so a new plan needs to be submitted to DES. Melissa asked if there is the required minimum acreage for General Agricultural; after researching it was found that the minimum size is 3 acres and so a variance is required for that as well (Article 5, Section A.8).

Audry asked Paul if he has issues from a life safety perspective; he responded that he has spoken with the applicant before and let him know that he will need to talk to the Highway Dept Director first about the road upgrades and driveway.

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

Criterion #2: The spirit of the ordinance is observed

Dexter/Yes; Barriault/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes

Criterion #3: Substantial justice is done

Dexter/Yes; Barriault/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes

Paul Dexter made a motion to grant the variance from Article 15, Section F.1(b) and Article 5, Section A(8).as discussed, conditional to all applicable DES and State permits. Doug Rasp seconded the motion and the motion passed unanimously. The Applicant was reminded of the 30-day appeal period.

OTHER BUSINESS

a. Wetlands setbacks – Per last month’s discussion, Audry noted that the Planning Board is adding revising the wetlands setbacks to their list of ordinance items that need review. The RSA related to construction of new septic systems is Section 485-A:33. For buildings the State does not provide setbacks in relation to wetlands.

b. Membership terms – Audry noted that Paul and Chair Lang’s terms expire at the end of this month. Melissa Anderson made a motion to recommend to the BOS that Paul is re-appointed for a 3-year term. Doug Rasp seconded the motion and the motion passed unanimously.

Chair Lang will provide a decision on if he will seek re-appointment by the end of March.

Meeting adjourned at 7:30pm.

Respectfully submitted,
Audry Barriault