

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. Box 124

Sanbornton, New Hampshire 03269-0124

MEETING MINUTES

Meeting Date and Time: Thursday, December 22 2016 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Road, Sanbornton, N.H

GENERAL BUSINESS

Present: Doug Rasp, member, Tim Lang, Chair, Steve Cobb, alternate member, Melissa Anderson, member, Phil Mercer, alternate member, and Town Planner, Bob Ward.

Tim Lang opened the meeting at 7:05 p.m. and all in attendance recited the Pledge of Allegiance.

Minutes

Doug Rasp made a **motion** to approve the minutes from 11/22. Melissa Anderson **seconded** the motion and the **motion passed unanimously**.

PUBLIC HEARING

Case #493: Request from Ralph and Kristin Rathjen, as Applicants, for an appeal from an Administrative Decision made by the Planning Board concerning a proposed wedding/events venue on their farm, known as KREBS Farm. Property is located at 315 Upper Bay Rd, Tax Map 10, Lot 113 and is located in the General Residential Zoning District.

Ralph Rathjen provided an overview of the engineering study provided by CLD Consulting Engineers at the previous hearing for the ZBA members that did not attend that hearing. He reviewed the site plan and explained that at a parking arrangement with the Mountain View Church is in process, stating that the overflow parking area may be eliminated if vehicles can park at the church. Melissa Anderson stated that she lives near a wedding venue and understands that sound can travel differently depending on terrain. Mr. Rathjen went over the sound study as outlined by Brian Pratt from CLD. Melissa Anderson asked if a sound study was conducted from Lower Bay Road, and Mr. Rathjen responded that a resident on Lower Bay Road had stated that he could hear music from a wedding hosted at KREBS Farm before, but the noise was not intrusive. Phil Mercer asked if the parking area on the farm will be gravel and Mr. Rathjen responded that the cultivation will be moved to create the parking area, and then grass will most likely be planted in its place.

The Rathjens' attorney, Courtney H.G. Herz of Sheehan Phinney, explained the reason for the request of the appeal of the Planning Board's decision to classify this as Commercial (as covered last meeting). She stated that she has listened to the recording of the Planning Board's November 3rd meeting and it was her feeling that the Planning Board was only given the option to choose from Home Occupancy Level 2 or Commercial, and that there should have been a third option to consider, which is Agritourism. She cited SB 345 which states that accessory uses of farms are now permitted so that farms can sustain themselves. She also stated that agriculture uses are permitted in residential zones, and the main purpose of the KREBS Farm

will still be to maintain a working farm, with weddings and farm-to-table events being accessory uses. Mrs. Herz noted that SB 345 allows for towns to develop a specific process for special exceptions for Agritourism. She also stated that abutters are concerned that allowing for one commercial variance will lead to more commercial variances, and they want to keep their neighborhood residential. This was echoed by abutters Jim and Karen Sweeting. Mrs. Herz referenced a case from Newington NH where a new commercial business was allowed in an industrial zone due to other commercial entities being previously allowed in the same area. Chair Tim Lang explained to abutters that a use variance does not allow re-zoning, it only goes with the specific piece of property, and that re-zoning would have to take place by vote at the town meeting.

Melissa Anderson asked if the wedding venue would be open year-round. Mr. Rathjen explained that May to October is the peak season for weddings but feasibly a wedding could happen in the winter, and a finished barn is available for this. He did state that the barn would mostly be for farm-to-table dinners and would only be for a maximum of 100 people. Melissa Anderson asked if there will be overnight stays at the farm, and Mr. Rathjen responded that SB 345 does state that overnight stays are an accessory use of a farm but that there are no immediate plans for that.

Chair Tim Lang read a letter from Sheila Dodge who resides on Woodman Road. Mrs. Dodge wrote that she can hear music from the band at Mountain View Church and worries that she will be able to hear it from KREBS Farm as well. George Boyer spoke in support of the Rathjens and stated that he lives nearby and has not been able to hear the music of the weddings held at the farm.

Chair Tim Lang stated that he feels the intention of SB 345 is to allow for weddings and that the request from the Rathjens falls under Agritourism. Steve Cobb agreed and stated that Heritage Farm is another example of this. Doug Rasp and Melissa Anderson stated they agree but they feel guidelines need to be put in place by the Planning Board. Phil Mercer stated that SB 345 does not mention the phrase "wedding venue" at all.

Steve Cobb made a motion to grant the appeal of administrative decision by the Planning Board, and for this request to fall under Agritourism rather than Commercial, pending guidelines put in place by the Planning Board related to traffic, noise, hours of operation, sewage, number of events, parking, lighting, health and safety, and that the farm continues to be a working farm. Doug Rasp seconded the motion and **the motion passed**, with Phil Mercer voting No.

Meeting Adjourned at 8:15 p.m.

Respectfully Submitted,

Audry Barriault, ZBA Secretary