

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

Tuesday, June 27th, 2023

Old Town Hall, 19 Meeting House Hill Rd

7:00pm

Present: Paul Dexter, member, Theo Brackett, alternate, Brittany Davis, alternate, Kevin Riley, alternate, Audry Barriault, secretary/alternate, Doug Rasp, member

Brittany Davis, Theo Brackett and Kevin Riley were seated as voting members.

a. Minutes of 4/25/23 – Paul Dexter made a motion to approve the draft minutes of 4/25. Doug Rasp seconded the motion and the motion passed unanimously.

b. Public Hearing - Application for Special Exception (ZBA 2023-6)

Sanbornton Zoning Ordinance Article 18.B, Section 9

Applicant: Brian and Susan Dwinal

Location: 58 Lower Bay Rd

Applicant seeks special exception for conversion of single-family dwelling to two-family dwelling.

Paul Dexter recused himself due to his involvement with this application as Fire Chief. Kevin Riley was seated as voting member.

Audry explained that this is a request for special exception which means that it is a permitted use as long as it meets the requirements listed in Article 18. The home was purchased in 2022 by the Dwinals with a separate apartment in it, though the apartment was not permitted and it is unclear how long the apartment has existed. Letters have been received from the Fire Chief, Zoning Officer, Police Chief, and Health Officer; departments had no issues with the proposed conversion to two-family. Kevin asked if the home was built with a septic that could handle the additional load of a two-family dwelling; Paul stated that the house is on town sewer. Kevin asked if the real estate agent did not research the property enough when advertising it as a two-family unit and Brittany stated that the onus would be on the previous homeowner to disclose to the real estate agent that there is a non-permitted apartment. Audry stated that if the property had changed hands numerous times over the years that information may not have gotten passed on.

Audry noted that the Fire Chief has provided a report showing that both the main dwelling and the apartment meet all NFPA codes; Chief Dexter stated that he was concerned about some tree growth that could block emergency vehicles and the owners have already trimmed those at his request.

Brian Wells asked if the home and apartment already existing for years makes a difference to the Board; Audry explained that it matters to her in the sense that it has existed for a number of years without causing concern for the Police Department, Fire Department, Zoning Officer or Health Officer. Brian asked what the distinction is to make this a two-family unit; Paul stated that there are separate living quarters that make it a two-family, and an ADU would only be able to exist in a home where the owner lives in the main dwelling. This two-family unit does not need to be occupied by the homeowners.

Debra Cavanagh stated that the first two owners of this home did not rent it out. She is concerned about the road getting even busier if everyone has a two-family unit. Steve Lamone stated that he is concerned with rentals and people speeding on the road while others are trying to cross on foot. Doug asked if the Police have been called to enforce the speed limit and abutters said they have not. Steve stated that this home was bought for a business opportunity while he has been in his home on the lake for many years. Audry responded that the ordinance does not care if someone has been here for fifty years or one year, a property owner can have a multi-family residence

if they can meet the requirements of Article 18. Virginia Thompson stated that the area has changed over time and has gotten much busier and the Town has allowed it to happen.

A letter was submitted by Andrew and Johanne Lawrence stating that they are opposed to the conversion. Joann Adams asked if it's legal for these units to be rented. Paul stated that the Town does not have a short-term rental ordinance and people can rent if they want to. Brittany stated that she understands the frustrations of abutters but emotions need to be left out of the Board's decision. Theo stated that there doesn't seem to be a demonstrable public safety concern.

Paul noted that the owners purchased the home without knowing that the apartment was not permitted and they are trying to take steps to correct this. Audry stated that she understands the abutters' frustrations but letters from Fire, Police, Health and Zoning show that this application meets the requirements which the ZBA has to base its decision. Kevin stated that if abutters have concerns with the ordinance they should get involved with Planning Board or Zoning Board.

Kevin Riley made a motion to approve the special exception application. Doug Rasp seconded the motion and the motion passed unanimously.

Audry noted that she will list the letters from the various Town departments, as discussed, as the reason for approving the application. This will be included as the Finding of Facts in the Notice of Decision. Members were in agreement.

c. Vote to withdraw continued case 2023-5, 117 Perkins Rd – (Paul Dexter was seated as voting member again). Audry explained that the property owner has withdrawn their application for a variance to have an Accessory Dwelling Unit accessed using a separate driveway from that of the main dwelling. Paul Dexter made a motion to accept the withdrawal. Kevin Riley seconded the motion and the motion passed unanimously.

d. ZBA Membership/Chair – Audry stated that the term for the Chair was up in March. Paul Dexter made a motion to nominate Brittany Davis as full member and Chair. Doug Rasp seconded the motion and the motion passed unanimously.

Paul Dexter made a motion to nominate Theo Brackett as full member. Doug Rasp seconded the motion and the motion passed unanimously.

Meeting adjourned at 8:20pm.

Respectfully submitted,
Audry Barriault