

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. Box 124

Sanbornton, New Hampshire 03269-0124

MEETING MINUTES

Meeting Date and Time: Tuesday, September 27 2016 at 7:00 PM

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

GENERAL BUSINESS

Present: Doug Rasp, member, Don Bormes, member, Tim Lang, Chair, 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

Don Bormes made a **motion** to approve the minutes from June 28 2016. Doug Rasp **seconded** the motion and the **motion passed** with Tim Lang abstaining.

OLD BUSINESS

- a. **Review and discussion regarding aquifer report concerning property of Bullfish Investments LLC located on Johnson Road** – Chair Tim Lang opened this discussion stating that no voting would take place tonight regarding this matter. The Board reviewed the aquifer study conducted by Terracon, subcontractor of Keach-Nordstrom Associates, which concluded that existing borings used for testing did not show the presence of a medium to high yield aquifer. Don Bormes stated that he was unhappy with procedure of the aquifer study and that new test borings, not existing test borings used in a previous soil study, should have been acquired. Doug Rasp noted that this is a very dry year and therefore the water table data may not be accurate. Ron Haddock of Bullfish stated that he spoke with Muriel Robinette of Terracon who authored the aquifer study, and she had stated that any reference to further well studies being needed in the report is just standard language, and there is a very small chance that there is a medium to high-yield aquifer present. He suggests having Robinette attend the next hearing regarding this to explain further.

The Board was also provided with copies of a "Value Impact Report" regarding home values surrounding an existing gravel pit operation in Boscawen, authored by real estate agent Christy Blouin Mank of Christy Goodhue Real Estate. Town Planner Ward mentioned that Blouin Mank is not a licensed appraiser. Doug Rasp asked how this report came about and Town Planner Ward stated that it was solicited by Bullfish.

PUBLIC HEARING

Case #486: Request from Joanne Kearney for a Variance from the requirements of Article 8. Section A.(6) of the Sanbornton Zoning Ordinance. The Applicant seeks permission to allow construction of a new residence partly within the 30-foot setback requirement. The property is located on Blackbrook Road on Tax Map 10, Lot 78. The property is located in the General Recreational Zoning District.

The Board reviewed the request from Mr. and Mrs. Kearney for the proposed home which, due to wetland setback requirements on one side of the home, would need to be constructed 25 feet from the Town right-of-way, and 40 feet from the road. An abutter in the audience asked where the well and septic systems would be located, and the Applicants showed these locations on the map. Town Planner Bob Ward noted that the Applicants have already gotten state approval which means all septic and well setbacks will be met.

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

Bormes/Yes; Rasp/Yes; Lang/Yes

Criterion #2: The spirit of the ordinance is observed

Bormes/Yes; Rasp/Yes; Lang /Yes

Criterion #3: Substantial justice is done

Bormes /Yes; Rasp/Yes; Lang /Yes Yes

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

Bormes /Yes; Rasp/Yes; Lang /Yes

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

Bormes /Yes; Rasp/Yes; Lang /Yes

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

Bormes /Yes; Rasp/Yes; Lang /Yes

Sub-Category B: “The Strict Conformance with the Ordinance Test”

Bormes /Yes; Rasp/Yes; Lang /Yes

Don Bormes made a **motion to approve** the Variance as requested in Case #486, the motion was **seconded** by Doug Rasp and passed unanimously.

Case #487: Request from Dawn and Garrett Bomba, as Applicants, for a Variance from the requirements of Article 4, Section X.(1A) of the Sanbornton Zoning Ordinance. Applicants seek permission to allow construction of a new accessory apartment on second floor of a detached garage. The property is located at 86 Lower Bay Road on Tax Map 18. Lot 34. The property is located in the General Residential Zoning District.

Mr. and Mrs. Bomba explained to the Board that the roof of their existing detached garage will need to be replaced according to their insurance company, so they would like to take the opportunity to create additional living space for family above the garage. According to the current Ordinance, only accessory apartments attached to/within an existing home are permitted without the need for a Variance.

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

Bormes/Yes; Rasp/Yes; Lang/Yes

Criterion #2: The spirit of the ordinance is observed

Bormes/Yes; Rasp/Yes; Lang /Yes

Criterion #3: Substantial justice is done

Bormes /Yes; Rasp/Yes; Lang /Yes Yes

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

Bormes /Yes; Rasp/Yes; Lang /Yes

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

Bormes /Yes; Rasp/Yes; Lang /Yes

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

Bormes /Yes; Rasp/Yes; Lang /Yes

Sub-Category B: “The Strict Conformance with the Ordinance Test”

Bormes /Yes; Rasp/Yes; Lang /Yes

Don Bormes made a **motion to approve** the Variance as requested in Case #487, the motion was **seconded** by Doug Rasp and passed unanimously.

OTHER BUSINESS

a. Discussion regarding ZBA budget – Town Planner Ward stated that the final ZBA budget needs to be submitted to the Board of Selectmen by September 30th. The ZBA reviewed the current budget outline and made changes according to the past three fiscal years’ expenditures. Town Planner Ward noted that the Zoning Administrator’s wages are actually buried in the Health and Safety budget for the Town and should instead be put in as an additional line item in the ZBA’s budget.

At 3 hours per week, the line item for the Zoning Administrator should total \$3,815 per year, with FICA and Medicare totaling \$292. Line items for office supplies, postage and books/periodicals can be lowered to \$125, \$40, and \$175 respectively for a total budget savings of \$190. Chair Tim Lang asked if 3 hours is adequate for Zoning duties. Town Planner Ward responded that 4 hours would be more reasonable but is still a lean figure, but that a proposed new fee structure for building permits could generate much more revenue for the town and he is presenting that to the Board of Selectmen soon. The Zoning Administrator line item was then revised at 4 hours per week to total \$5,476 per year including FICA and Medicare. Don Bormes mentioned that the Board of Selectmen also want a line item added for attorney fees from the ZBA, but it is difficult to predict and counsel would need to be approved by the BOS anyway. Chair Tim Lang suggested not adding this line item and asking the BOS what figure to use. The bottom line of the proposed budget is now \$7,943.

Don Bormes made a **motion** to approve the proposed budget of \$7,943, **seconded** by Doug Rasp. The motion passed unanimously.

Meeting Adjourned at 8:35 p.m.

Respectfully Submitted,

Audry Barriault, ZBA Secretary