

## **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. Box 124  
Sanbornton, New Hampshire 03269-0124

### **MEETING MINUTES**

Meeting Date and Time: Tuesday, June 28 2016 at 7:00 PM

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

### **GENERAL BUSINESS**

Present: Melissa Anderson, member, Doug Rasp, member, Steven Cobb, alternate member, Earl Leighton, member, and Town Planner, Bob Ward.

Earl Leighton (seated as Chair in place of Tim Lang) opened the meeting at 7:14 p.m. and all in attendance recited the Pledge of Allegiance.

#### **Minutes**

Melissa Anderson made a **motion** to approve the minutes from May 24 2016. Doug Rasp **seconded** the motion and the **motion passed unanimously**.

### **PUBLIC HEARING**

**Case #483:** Request from Dennis and Dawn Gaudreau, as Applicants, for a Variance from Article 6, Section A.(4) of the Sanbornton Zoning Ordinance. Applicants seek permission to construct an addition to an existing house closer to the front property line than as required by the Zoning Ordinance's front setback requirements. The property is located at 55 Perley Hill Road in the General Residential Zoning District and is identified as Tax Map 21, Lot 13.

The Board reviewed the request and plans from Mr. Gaudreau for the proposed 256 square foot addition which would result in an accessory apartment totaling 819 square feet. The proposed building would be located within 21 feet of the front lot line, 9 feet shy of the 30 foot setback requirement. Mr. Gaudreau explained that terrain issues are the main reason for needing to be over the setback requirement. The proposed addition will be in keeping with the historic character of the house, built in 1776.

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**

Cobb/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Cobb/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Cobb/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes Yes

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

Cobb/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Cobb/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Cobb/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Cobb/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

Doug Rasp made a **motion to approve** the Variance as requested in Case #483, the motion was **seconded** by Steve Cobb and passed unanimously.

**OTHER BUSINESS**

**a. Update re Bull Fish Investments LLC request for Special Exception to permit commercial gravel pit operation** – (Earl Leighton has recused himself from this matter). Town Planner Bob Ward notified the ZBA that the escrow account needed in order to pay the overdue \$1959.49 invoice from Keach-Nordstrom Associates (KNA) for engineering services rendered has now been established by Bull Fish. Moving forward no consulting services such as this will be provided until an escrow account is established by an applicant. He also stated that he has spoken with the Applicant and that they intend to move forward with the application process.

Town Planner Ward provided ZBA members with an email from KNA in which they presented a proposal for a hydrogeology study by a subcontractor, Terracon, to determine if an aquifer is present on the land of the proposed gravel pit. The total for services will be approximately \$5,500. Julie Lonergan asked how long the study would take, and Town Planner Ward stated that it could be a short study depending on if test borings taken previously by Bull Fish could be used again for this purpose. If not, drilling may need to take place. He also mentioned that a new notice will be sent to abutters regarding this matter, as the application has been tabled for over six months.

**b. Discussion regarding draft minutes procedure** – Chair Tim Lang had requested that the Board discuss and vote on a procedure for posting of ZBA draft minutes in his absence. Melissa Anderson made a **motion** for draft minutes to be emailed to all ZBA members and reviewed by the Chair, who will then send to Robb Jutton for posting. Doug Rasp **seconded** the motion and the **motion passed unanimously**. Both the Town Planner and ZBA Secretary will remind Robb Jutton to post draft minutes to the website and then replace with the approved copy once voted on at a meeting.

**Meeting Adjourned at 8:39 p.m.**

Respectfully Submitted,

Audry Barriault, ZBA Secretary