

## **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. Box 124

Sanbornton, New Hampshire 03269-0124

DRAFT

### **MEETING MINUTES**

Meeting Date and Time: Tuesday, May 24 2016 at 7:00 PM

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

### **GENERAL BUSINESS**

Present: Don Bormes, member, Tim Lang, Chair, Melissa Anderson, member, Doug Rasp, member, Steven Cobb, alternate member, Earl Leighton, member, and Town Planner, Bob Ward.

Tim Lang opened the meeting at 7:03 p.m. and all in attendance recited the Pledge of Allegiance.

#### **Minutes**

Don Bormes made a **motion** to approve the minutes from April 26 2016. Melissa Anderson **seconded** the motion and the **motion passed unanimously**.

### **PUBLIC HEARING**

**Case #480:** Request from Steven and Karen Cobb, as Applicants, for a Variance from Article 10, Section C of the Sanbornton Zoning Ordinance. Applicants seek permission to construct an open front porch closer to the front property line than as required by the Zoning Ordinance's front setback requirements. The property is located at 14 Bayshore Drive in the Commercial Zoning District and is identified as Tax Map 24, Lot 032.

Steven and Karen Cobb propose to build an 8-foot-wide porch where a 7-foot concrete pad already exists. The Cobb's home was built before zoning rules were in place, and this proposed porch would be 3 feet shy of the 30-foot setback requirement. All abutters have been notified regarding this case per Town Planner Bob Ward.

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

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes Criterion #3:

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

Don Bormes made a **motion to approve** the Variance as requested in Case #480, the motion was **seconded** by Melissa Anderson and passed unanimously.

**Case #481:** Request from Leo and Doris Demers, as Applicants, for a Variance from Article 5, Section A.(6) of the Sanbornton Zoning Ordinance. Applicants seek permission to construct an open front porch closer to the front property line than as required by the Zoning Ordinance’s front setback requirements. The property is located at 24 Hermit Woods Road in the General Agricultural Zoning District and is identified as Tax Map 8, Lot 028.

Leo and Doris Demers propose to build an 8-foot deck to replace an existing deck, which will allow them to gain a foot of frontage, though the deck will still be 16 feet and 7 inches from road rather than meeting the required 30-foot setback requirement. All abutters have been notified regarding this case per Town Planner Bob Ward.

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

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

Earl Leighton made a **motion to approve** the Variance as requested in Case #481, the motion was **seconded** by Doug Rasp and passed unanimously.

**Case #482:** Request from Brian and Lynda Allen, as Applicants, for a Variance from Article 14, Section C (2) of the Sanbornton Zoning Ordinance. Applicants seek permission to construct an addition to an existing building within the 50-foot shorefront setback as required by the Zoning Ordinance. The property is located at 51 Cogswell Road #1 in the Recreational and Shorefront Zoning District and is identified as Tax Map 17, Lot 045.

Brian and Lynda Allen propose to build an addition for a new kitchen and make additional renovations to their current home which was grandfathered in to the previous Ordinance’s 40-foot shoreline setback requirement. Part of the home already encroaches on the current 50-foot setback requirement. Earl Leighton mention that as the home sits now it could not be moved in any direction and be compliant with the current Ordinance which demonstrates a hardship for

the Applicants. Mr. Allen noted that permits with DES are in process now and supplied a letter from a DES employee stating that this application looks approvable. They also furnished a letter from the Seipts, abutters that have no issues with the proposed addition.

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

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes Criterion #3:

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Anderson/Yes; Rasp/Yes; Leighton/Yes

Melissa Anderson made a **motion to approve** the Variance as requested in case #482, the motion was **seconded** by Doug Rasp and passed unanimously.

## **OTHER BUSINESS**

**Update re Bull Fish Investments LLC request for Special Exception to permit commercial gravel pit operation** – (Earl Leighton has recused himself from this case). Town Planner Bob Ward notified the ZBA that no response has been received from Bull Fish or their attorney regarding the unpaid invoice from Keach-Nordstrom Associates which is now 120 days past due. The invoice is in the amount of \$1,959.49 and is billed to the Town, but the escrow account Bull Fish was required to establish in order to pay the invoice has not been set up. Town Planner Ward suggests that the Board seek legal advice from the Town's attorney Chris Bolt on whether or not the Board can continue to table the hearing, deny the application based on its merits (proposed gravel pit will lower surrounding property values, newest mapping shows presence of aquifer, etc.) or on non-communication about the invoice, or terminate it due to no activity from Applicants.

Don Bormes made a **motion** for the Town Planner to seek legal advice on behalf of the ZBA for procedure to move forward with the variance application from Bull Fish, and to allow the Town Planner to send a letter to the Applicant depending on that legal advice. Melissa Anderson **seconded** the motion and the **motion passed unanimously**.

**Meeting Adjourned at 8:15 p.m.**

Respectfully Submitted,

Audry Barriault, ZBA Secretary