

**SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. BOX 124

Sanbornton, NH 03269-0124

**MEETING MINUTES**

**December 27<sup>th</sup>, 2018**

**GENERAL BUSINESS**

Present: Chair Tim Lang, Paul Dexter, member, Don Bormes, member, Glenn Fredericks, alternate, Audry Barriault, secretary and alternate.

Paul Dexter made a motion to approve the draft minutes of 11/27. Audry Barriault seconded the motion and the motion passed unanimously.

**PUBLIC HEARING**

**Application for Zoning Variance (ZBA 2018-10 and -11)** Sanbornton Zoning Ordinance Article 14, Section c.2 and c.6. Applicant: Regina Nadeau, Esq., for property located at 64 Lower Smith Rd (Tax Map 17, Lot 46); Property owners Daniel and Sally Cormier.

Chair Time Lang seated Glenn Fredericks and Audry Barriault as voting members for the purpose of hearing cases 2018-10 and -11.

Chair Tim Lang asked if all abutters have been noticed; secretary Audry Barriault responded that return receipts have been received for all abutters. Chair Lang reminded the Applicants that there are four voting members tonight rather than a full board of five and asked if the Applicant would like to waive their right to be heard by a full board. Regina Nadeau responded that she feels comfortable moving forward with presenting this case.

Ms. Nadeau explained that the Cormiers propose to build a bedroom addition on an existing cottage; she noted that the application for the first variance (Article 14, Section c.2) has an error and that the proposed addition will be 120 square feet in size, not 312 square feet. The addition will be within 25 feet of the shoreline where 50 feet is required per Zoning Ordinance. She stated that this parcel of land is unusual and a town sewer line was installed after the cottage was built, and that the building will need to be raised and moved one foot to be in compliance with State law. Glenn Fredericks asked what type of foundation will be used, and Mr. Cormier responded that a five-foot knee wall will be constructed. Ms. Nadeau explained that no abutters will be adversely affected by the 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**

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

Paul Dexter made a motion to grant the variance to Article 14, Section c.2 to Regina Nadeau on behalf of owners Daniel and Sally Cormier. Glenn Fredericks seconded the motion and the motion passed unanimously.

Ms. Nadeau explained that the second application for a variance from Article 14, section c.6 is for construction of a 312 square-foot deck whereas 200 square feet is permitted in the Zoning Ordinance. She explained that this deck will be uncovered and constructing it will not increase impervious surface area on the lot. She stated that there will be no adverse impact to abutters.

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**

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

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

Dexter/Yes; Barriault/Yes; Lang/Yes; Fredericks/Yes

Paul Dexter made a motion to grant the variance to Article 14, Section c.6 to Regina Nadeau on behalf of owners Daniel and Sally Cormier. Glenn Fredericks seconded the motion and the motion passed unanimously.

Chair Lang noted that there is a 30-day period when any abutter can appeal the ZBA’s decision in this case.

**Meeting adjourned at 7:30pm.**

Respectfully submitted, Audry Barriault