

# SANBORNTON ZONING BOARD OF ADJUSTMENT

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

## MEETING MINUTES

January 25, 2011

The chairman, Jim VanValkenburgh, called the meeting to order. In attendance were members Don Bormes and Jim Wells; alternates John Olmstead and Ann Littlefield (acting clerk). Public Notice was posted and the notice was published in *The Citizen* on January 18, 2011.

**CASE #456** – A request from Thomas C.H. and Lisa B. Rogers as applicants, with Fred T. and Debra A. Cavanaugh as property owners, for a Variance from Article 2, *Minimum Lot Requirements* and Article 8, Section A(4) of the zoning ordinance. Applicants seek permission for a lot line adjustment on a non-conforming lot. The property is located on Lower Bay Road in the Recreational and Shorefront Districts (TM 18 Lot 46 and 47).

Attorney Kristen Gardner, representing Thomas and Lisa Rogers, presented the application. The Rogers have met with the Planning Board for a preconceptual review and were remanded to the Zoning Board to seek variance. Ms. Gardner showed the board a site plan and various photos of the shorefront property. Attorney Gardner explained that the Rogers' property of residence (TM 18 Lot 46) is across the street from the Lower Bay Road property for which they are seeking a boundary line adjustment. They have a 25' easement from the property owners, Cavanaugh, to access the shorefront and their 24' dock. The Cavanaugh's have agreed to sell 80' of their shorefront property to the Rogers which would be combined with the current 25' easement. This would allow the Rogers to combine their existing easement with the 80' of property so they could install a 40' dock. The newly acquired property would then be combined with the Rogers' residence property across the street into one lot. The proposed sale of the 80' of Cavanaugh property requires a boundary line adjustment for that non-conforming lot (TM 18 Lot 47).

Attorney Gardner explained to the board that the easement and sale property is quite steep; trees and steps lead down to the existing dock. Photos illustrated her point. She further told board members that the 25' easement has a 24' dock; the additional 80' purchase from the Cavanaugh's would allow the Rogers to install a 40' dock. The longer dock is desirable because the water is quite shallow which hinders the Rogers from docking their boat. Further, the Rogers would not construct a building on the new parcel, as stated on the site plan.

Attorney Gardner explained that the proposed dock placement and the nature of the property are consistent with other properties in the neighborhood. In this instance, the Cavanaughs dislike the easement arrangement because of liability issues; they would prefer no liability responsibility. With the sale of the 80' of property to the Rogers, the Cavanaugh property would have 230' remaining shorefront and 214' of road frontage. The property is connected to town sewer.

Bob Ward, Town Planner, stated he has no comments in opposition to the application.

Jim Wells asked for further comment, re: easement agreement. Attorney Gardner stated that the easement is currently grandfathered for the 24' dock; the Dept. of Environmental Services requires a minimum of 75' of shorefront for dock placement.

There were no abutters or interested parties to speak. At this time, the chairman closed Case #456.

**REOPENING CASE #456** – The chairman moved the board to review the Finding of Fact statements for the Variance application. Voting would be Jim Wells, Jim VanValkenburgh, Don Bormes, John Olmstead, and Ann Littlefield.

	JimW	Jim VV	Don	John	Ann
1. Granting the variance will not diminish surrounding property values.	Y	Y	Y	Y	Y
2. Granting the variance will not be contrary to the public interest.	Y	Y	Y	Y	Y
3. Granting the variance would do substantial justice.	Y	Y	Y	Y	Y
4. If the variance were granted, the spirit of the ordinance would be observed. comment: allow full use of property	Y	Y	Y	Y	Y
5. Denial of the variance would result in unnecessary hardship. comment: reasonable use of land	Y	Y	Y	Y	Y

The Finding of Fact statements vote was in support of the Variance. John Olmstead made a motion to grant the Variance. Jim Wells seconded the motion. A vote was taken and the motion passed unanimously.

## OTHER BUSINESS

It was agreed upon that the ZBA meeting agenda will be posted on the town website in the future.

The next scheduled public hearing date is Tuesday, February 22, 2011 at 7:15 p.m.

Respectfully submitted, Ann E. Littlefield, Clerk.

*These minutes are subject to the review and approval of the Zoning Board of Adjustment. Until such time as approval by vote is recorded, posted and/or website minutes are representational of the Public Hearing and are for informational purposes only.*