

# SANBORNTON ZONING BOARD OF ADJUSTMENT

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

## MEETING MINUTES

October 23, 2012

### GENERAL BUSINESS

Meeting minutes of August 28, 2012 were briefly reviewed. Don Bormes made a motion to accept the minutes as written. Jim Wells seconded the motion. Chairman John Olmstead called for a vote; the minutes were accepted and approved by unanimous vote. Don Bormes, John Olmstead, Wayne Elliott, Jim Wells, and Bill Whalen voted.

Bill Whalen felt there might be a discrepancy in wording for application due dates between the website and *Rules of Procedure* which might cause confusion. The clerk was asked to align the wording.

Ann Littlefield provided copies of *The Board of Adjustment in New Hampshire* to Bill Whalen, John Olmstead, and Wayne Elliott.

### PUBLIC HEARING

The Chairman, John Olmstead, called the meeting to order. Proceedings began with the Pledge of Allegiance. Ann Littlefield (acting clerk) made a roll call of members. Members in attendance were Bill Whalen, Jim Wells, Don Bormes, and Wayne Elliott. *Public Notice* was posted and the notice was published in *The Citizen* on October 16, 2012. Applicants and abutters were notified of the hearing by certified mail.

**CASE #465** – A request from Charles and Christina Flanders for a Special Exception as allowed in Article 18, Section B(9) of the zoning ordinance. Applicant seeks permission for the conversion of a single-family dwelling to a two-family dwelling. The property is located on Philbrook Road in the General Agricultural District (TM 23 Lot 40-1B).

Charles Flanders, Jr. presented the application. He explained that the house was planned for a two-family dwelling from the beginning; six bedrooms and a septic system design to accommodate the same. The primary quarters for single-family dwelling are complete; the construction to complete the conversion (kitchen facilities) have not been completed.

Don Bormes asked about a previous application for the same property that was denied. Don noted that the town has been planned as allowing only one dwelling on one lot, vs. multi-family dwellings. Further, Mr. Bormes suggested that initial construction of a

dwelling with the intent for two families was a construction plan of putting the cart before the horse. Mr. Flanders responded by stating that the plan for construction allowed for the two-family dwelling possibility but again said that the actual conversion construction has not been completed.

Bob Ward, Zoning Enforcement Officer, stated that the ordinance provides for conversion of a single-family dwelling to a two-family dwelling with no limitation on total square footage. The Town does not issue a *Certificate of Occupancy* but Mr. Ward had been notified that the dwelling was weather-tight and so Mr. Flanders could proceed with his application.

An abutter, Adele Chertoff, asked why the dwelling could not be left as a single-family home; why would a conversion need to take place. Bob Ward explained that as soon as a second kitchen is constructed the dwelling in essence becomes another dwelling. A kitchen is defined by three fixtures: sink, stove, and refrigerator. Bob Chertoff asked if the conversion to a two-family dwelling changes what can be done on the property. The response was that the status to a two-family dwelling suggests no property use changes.

Bill Whalen referenced the building permit application and wondered if the size dimensions weren't outrageous. Bob Ward responded by stating that the dwelling is to be viewed as a very large single-family dwelling. There are not total square footage limitations attached.

A letter of support from an abutter was received and entered into the record.

With no further discussion, the chairman closed CASE #464.

REOPENING CASE #465 – Bill Whalen made a motion to approve the application. Wayne Elliott seconded the motion.

John Olmstead called for discussion. Don Bormes motioned for an amendment to the motion: the board place a total square footage restriction on the portion of the dwelling slated for becoming the two-family portion and to attach a condition that the dwelling not be used as a rental. He suggested an approximate 1600 sq.ft. restriction and a 5-year "no rental" restriction. There was no second to Don's motion.

With no further discussion, the chairman called the vote. Voting on the original motion to approve the application was John Olmstead, Bill Whalen, Jim Wells, Don Bormes, and Wayne Elliott. The motion to approve passed with a 4:1 vote. Voting affirmatively was John Olmstead, Bill Whalen, Jim Wells, and Wayne Elliott. Voting against was Don Bormes.

## **OTHER BUSINESS**

Bob Ward revisited with the board the conversation from August, re: assessment of ZBA operations. He asked that the board make some decisions as to how the operation protocol for receipt and processing of applications can be improved. There was consideration for a sign to be posted in the Town Offices which would state Bob Ward's hours of availability to provide assistance to potential applicants and/or Ann's contact information. Further discussion led the board to decide that Bob Ward, Robb Jutton, John Olmstead, and Ann Littlefield will meet to review and decide best practices.

The next scheduled public hearing date is Tuesday, November 27, 2012 at 7:15 pm.

The meeting was adjourned at 9:00 pm.

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.*