

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. Box 124

Sanbornton, New Hampshire 03269-0124

MEETING MINUTES

Meeting Date and Time: Tuesday January 24 at 7:00 PM

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

GENERAL BUSINESS

Present: Tim Lang, Chair, Don Bormes, member, and Earl Leighton, member

Tim Lang opened the public hearing at 7:20 p.m. and all in attendance recited the Pledge of Allegiance.

PUBLIC HEARING

Application for variance from Article 15, Section F.1. of the Zoning Ordinance. Applicant seeks to build new house within 20 feet of wetland area; Ordinance requires 75 feet. Property is located at 320 Black Brook Road, Unit #3, Tax Map 11, Lot 3.

Glenn and Jill Lieberman, Applicants, explained that they would like to make this residence on Black Brook Road their full-time residence. The existing home is located halfway within the 50-foot setback requirement from the shoreline and they would like the home to be more compliant. Charlie Hirshberg of CLD Consulting Engineers provided copies of the Lieberman's proposed site plans which show a new home built behind the 50-foot setback so that it is compliant. He explained that the land as it sits is poorly drained and that water ends up in the existing garage, and that a new garage will allow for a better buffer from the wetlands.

A new septic system will be located 100 feet from the wetlands to be compliant with the Town's Ordinance also, as it is now non-compliant at only 60 feet from the wetlands. New plants will act as a buffer from the wetlands and allow for better drainage, and a pervious patio will allow water to slowly drain down to the sand. Mr. Hirshberg stated that the shoreline permit from DES is still being processed and the septic permit will be sent out soon. Earl Leighton stated that he feels this plan is much better than the existing set-up of the land, and Chair Tim Land stated that it will be more compliant than it is currently and Don Bormes agreed.

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; Leighton/Yes

Criterion #2: The spirit of the ordinance is observed

Bormes/Yes; Lang/Yes; Leighton/Yes

Criterion #3: Substantial justice is done

Bormes/Yes; Lang/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Leighton/Yes

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

Bormes/Yes; Lang/Yes; Leighton/Yes Yes

Sub-Category B: "The Strict Conformance with the Ordinance Test"
Bormes/Yes; Lang/Yes; Leighton/Yes

Earl Leighton made a motion to grant the variance from Article 15, Section F.1. to Glenn and Jill Lieberman. Don Bormes seconded the motion and the motion passed unanimously.

Meeting Adjourned at 7:45

Respectfully Submitted,

Audry Barriault, ZBA Secretary