

Approved

## **SANBORNTON ZONING BOARD OF ADJUSTMENT**

P.O. Box 124

Sanbornton, New Hampshire 03269-0124

### **MEETING MINUTES**

Meeting Date and Time: Tuesday February 28 at 7:00 PM

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

### **GENERAL BUSINESS**

Present: Earl Leighton, member, Melissa Anderson, member, Doug Rasp (sitting in as Chair), member, Phil Mercer, alternate member.

Doug Rasp opened the meeting at 7:00 and all in attendance recited the Pledge of Allegiance.

Earl Leighton made a motion to approve the ZBA meeting minutes of 1/24. Phil Mercer seconded the motion and the motion passed unanimously.

### **PUBLIC HEARING**

**Case #496:** Application for variance from Article 12, Section D.(3) of the Zoning Ordinance. Applicant seeks permission to allow demolition of an existing shed to be replaced by the new construction of a bunkhouse, mostly within the footprint of the existing shed, which would result in an increase of the impervious coverage greater than is permitted. Property is located at 53 Bay Shore Drive on Tax Map 18, Lot 80. Property is located in the Commercial Zoning District with overlay of the Aquifer Conservation Zoning District.

Brian Vincent of CLD Consulting Engineers presented this building proposal of property owners Kevin and Nancy Haverty. Mr. Vincent explained that replacing the current construction with a bunkhouse including a bedroom and bathroom will only increase the lot coverage by .4%, but will also allow for a modern drainage system to allow for stormwater management which does not exist currently. Phil Mercer asked if there is power running to this building and Mr. Vincent responded yes, as well as septic. Mr. Vincent also added that the minimal square footage being added to the current building's footprint will be away from the shoreline. Melissa Anderson asked if this new building may be a rental property and Mr. Vincent responded no, and stated that the property is only in use occasionally in the summer months by the owners.

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**

Mercer/Yes; Rasp/Yes; Anderson/Yes; Leighton/Yes

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

Mercer/Yes; Rasp/Yes; Anderson/Yes; Leighton/Yes

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

Mercer/Yes; Rasp/Yes; Anderson/Yes; Leighton/Yes

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

Mercer/Yes; Rasp/Yes; Anderson/Yes; Leighton/Yes

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

Mercer/Yes; Rasp/Yes; Anderson/Yes; Leighton/Yes

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

Mercer/Yes; Rasp/Yes; Anderson/Yes; Leighton/Yes

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

Mercer/Yes; Rasp/Yes; Anderson/Yes; Leighton/Yes

Doug Rasp made a motion to grant the variance from Article 12 Section D.(3) to Kevin and Nancy Haverty in Case #496. Phil Mercer seconded the motion and the motion passed unanimously.

**Other Business**

Evelyn Auger, Planning Board Chair, spoke with the ZBA (as a member of the public, not as the Chair) regarding the working relationship between the Planning Board and the ZBA in regards to agritourism. She stated that the agritourism law was not written well and is not compatible with the way the Town operates. She described a recent agritourism case in Sanbornton where the Planning Board and ZBA were not in agreement and stated that it is not the fault of the boards or the Applicant, but the fault of the legislature and the interpretation of SB 345. She explained that she is worried that this sets a precedence for other ventures because there is no agreed upon process by the ZBA and Planning Board for agritourism, and would like to discuss this at a joint meeting between the boards. ZBA members were in agreement.

**Meeting Adjourned at 7:45**

Respectfully Submitted,

Audry Barriault, ZBA Secretary