

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

November 28, 2017

GENERAL BUSINESS

Present: Paul Dexter, member, Tim Lang, Chair, Doug Rasp, member, Audry Barriault, alternate (seated for Melissa Anderson), Don Bormes, member

Paul Dexter made a motion to approve the draft minutes of 8/22. Doug Rasp seconded the motion and the motion passed unanimously.

PUBLIC HEARING

Case #499 – A variance from Article 10, Section C of the Sanbornton Zoning Ordinance. Applicant Paul J. Sheatler proposes to construct a garage closer to the front property line than as required in the Ordinance (30-foot setback). The property is located at Tax Map 24, Lot 33 and is in the Commercial Zoning District – Paul Sheatler explained that he would like to add on to an existing garage on his property; the existing garage is already encroaching in the 30-foot setback requirement on one side by 3 feet and he would like to extend it another 4 feet. He also stated that he can extend the garage but keep it flush with the existing structure, but it will still be encroaching the setback by 3 feet. Doug Rasp asked if this will be an enclosed structure and Mr. Sheatler responded that it will be.

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; Lang/Yes; Rasp/Yes; Bormes/Yes; Barriault/Yes

Criterion #2: The spirit of the ordinance is observed

Dexter/Yes; Lang/Yes; Rasp/Yes; Bormes/Yes; Barriault/Yes

Criterion #3: Substantial justice is done

Dexter/Yes; Lang/Yes; Rasp/Yes; Bormes/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Bormes/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Bormes/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Rasp/Yes; Bormes/Yes; Barriault/Yes

Paul Dexter made a motion to grant the variance from Article 10, Section C to Paul Sheatler in Case #499 for the construction of a garage addition flush with the existing structure, to encroach in the setback requirement by no more than 3 feet. Doug Rasp seconded the motion and the motion passed unanimously. Chair Lang reminded the Applicant that there is a 30-day period in which abutters can appeal the ZBA’s decision.

New Business

a. Discussion on Zoning Board case distribution workflow – Chair Lang explained that the former Town Planner/Zoning Administrator was performing some of the clerical work for the Zoning Board such as mailing abutter notices, posting public hearing advertisements, etc. Chair Lang suggested that secretary Audry Barriault continue doing this work that was arranged with the former Town Assessor, and the rest of the Board agreed. Don Bormes noted that an applicant was interviewed for the Town Planner position by the Planning Board, and that applicant may also handle Zoning Administration. He suggested that Chair Tim Lang communicate to the Town Administrator that the ZBA will require assistance from this person as well so that it is properly budgeted for.

b. FEMA letter – Doug Rasp provided copies of a letter addressed to Selectman Karen Ober from FEMA regarding the Winnepesaukee Watershed and FEMA's plans to address mapping of Winnepesaukee flood risk areas and emergency management plans. No action item is required of the ZBA at this point.

c. Discussion on tabled Bull Fish gravel pit application – Chair Tim Lang read the registered letter that was sent to Bull Fish Investments in early November 2017 regarding their tabled application for special exception from last year. No test borings to bedrock or real estate value appraisal have been completed nor an escrow account established to pay for these through the Town, and there has been no communication from Bull Fish at all. He stated that it is within the ZBA's rights to deny the application based on these facts, according to the Town Attorney.

Richard Edmunds explained that he has been the owner of this property on Johnson Road for a year and has not been privy to all the studies that Bull Fish had completed, though he did receive a registered letter stating that this case would be discussed tonight. He stated that Bull Fish is no longer involved at all with this proposed project. He would like to move forward with the application but would like to meet with his engineer first, and stated that he would like to do any require borings in the spring. Don Bormes stated that if Bull Fish is no longer involved then Mr. Edmunds can submit a new application and the ZBA can deny the current application. Mr. Edmunds asked if he would need to redo any previous studies Bull Fish had submitted, and Chair Lang responded that he sees no reason to have these resubmitted.

Abutter Julie Lonergan stated that she feels it's unfair to neighboring property owners to keep them waiting on a decision in this case. Abutter Susan Dymont asked about the reason for the current application being tabled. Chair Lang responded that there were conflicting maps showing whether or not an aquifer is present, and a hydrogeologist was hired whose opinion was that there is probably only a low-yield aquifer present. He explained that the ZBA had requested borings to bedrock to be certain, and those borings have still not been done. Julie Lonergan asked who would complete the real estate value appraisal, and Chair Lang responded that someone was appointed last year and that it is in the file. Richard Edmunds asked if he can have copies of the case documents and Chair Lang responded that he can work with the Town Administrator on that.

Don Bormes made a motion to take case #477 off the table so that the ZBA can consider it. Paul Dexter seconded the motion and the motion passed unanimously. Paul Dexter made a motion to deny the application for special exception without prejudice, due to unfulfilled requirements on behalf of the Applicant and lack of communication. Doug Rasp seconded the motion and the motion passed unanimously. Current landowner Richard Edmunds can submit a new application.

Meeting adjourned at 7:45pm.

Respectfully submitted, Audry Barriault