

SANBORNTON
ZONING BOARD OF ADJUSTMENT

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

MEETING MINUTES
August 26, 2008

INFORMAL BUSINESS

Joseph Plonski met with board members to discuss particulars of a building permit issued in October 2005, expiring October 2008. He would like to amend the building permit. Code Enforcement Officer George Waring, who was in attendance, had indicated to Mr. Plonski that the building permit could not be amended because a new state law has taken effect since the permit issuance that would prohibit Mr. Plonski from his newer plan. A 13' x 28' concrete foundation was poured in 2005. Mr. Plonski would like to cantilever the floor of the planned addition beyond the foundation by two feet. The required setback from the water has increased from 40' to 50'. Mr. Plonski's new plan would not meet the required setback. He maintained that because a building permit was issued prior to the new state law and he was not planning to pour any new concrete, he was 'grand fathered' in and the permit should be able to be amended to include the cantilever floor idea. Board consensus was that this is not a ZBA issue but rather an issue to be debated with the Selectmen.

PUBLIC HEARING

Chairman Jim VanValkenburgh called the meeting of the Zoning Board of Adjustment to order. In attendance were members Wayne Elliott, Bill Whalen, Don Bormes, Tim Grant, and alternate Ann Littlefield (acting clerk). All fees were paid, public notice was posted, abutters were notified by certified mail, and the notice was published in *The Citizen* on August 19, 2008.

CASE #432 – A request from Nicholas and Erika Chase for an Area Variance from Article 5, Section A(8) of the zoning ordinance. Applicants seek permission to allow a building lot on less than the required acreage. The property is located on Pound Road in the General Agricultural District (TM 21 Lot 41-3).

The Chases presented a letter from Nicholas Chase's father, owner of the property, granting permission for them to seek the Area Variance. Abutters of the common area set aside (TM 21 Lot 41-0) have signed statements indicating their willingness to abandon their right to the common area in exchange for the creation of a conservation easement.

The lots to be considered for this application include TM 21 Lots 41-3 and 41-0. The Chases would like to remove 1.5 acres from Lot 41-3, thereby reducing 5 acres to 3.5 acres. Their plan then combines the removed 1.5 acres of Lot 41-3 with the 1 acre Lot 41-0 for the creation of a 2.5 acre lot upon which the Chases hope to build. The newly

created 2.5 acre lot is the lot to be considered for the Area Variance (refer to map submitted).

There were no interested parties or abutters to speak. At this time, the chairman closed CASE #432.

CASE #433 – A request from Lepene Engineering & Surveying, LLC, acting agent for Guy and Pierina Giunta, for an Area Variance from Article 5, Section A(5) of the zoning ordinance. Applicants seek permission to allow a lot with less than the required road frontage. The property is located on Tower Hill Road in the General Agricultural and Forest Conservation Districts (TM 22 Lot 14).

Jim Bolduc, owner of Lepene Engineering & Surveying, LLC, presented the application. Mr. Giunta was in attendance. The Area Variance application resulted from a plan for a boundary line adjustment and subsequent subdivision plan (refer to submitted maps). There are four current lots that would be affected. The Area Variance would allow less than the required road frontage for Lot 14, when all line adjustments are complete. The subdivision intent is for Lot 14 to remain empty until such time that the current 50' right of way (the Tower Hill Road outlet for the lot) is upgraded enough to become a town road. At that time, Lot 14 would have sufficient road frontage.

There were no interested parties or abutters to speak. At this time, the chairman closed CASE #433.

CASE #434 – A request from William and Jeannette Wagner for a renewal of a Special Exception, originally granted June 2005, allowed in Article 18, Section B(4) of the zoning ordinance. Applicants seek permission to continue a temporary non-conforming use. The property is located on Winni Park Drive in the Recreational and Shorefront Districts (TM 11 Lot 45).

The Wagners were granted a Special Exception in June 2005 to allow a temporary non-conforming use. The Wagner's property has four travel trailers temporarily placed on it for use by family members. The situation for usage has remained the same since the initial 2005 hearing. The Wagners have now reached a point whereby they will need to renew the Special Exception annually, if it is renewed.

There were no interested parties or abutters to speak. At this time, the chairman closed CASE #434.

CASE #435 – A request from Robert Chiulli for an Area Variance from Article 8, Section A(6) of the zoning ordinance. Applicant seeks permission to allow construction into the required side setback. The property is located on Black Brook Road in the Recreational District (TM 11 Lot 22).

The Public Notice miss-worded the setback location. The correct location on the property is the front setback. Mr. Chiulli would like to square off the current deck, which would bring the deck edge flush with the rest of the structure front. The deck addition would encroach into the front setback but no further at any point than any of the house already is.

There were no interested parties or abutters to speak. At this time, the chairman closed CASE #435.

REOPENING CASE #432 – Tim Grant felt the wording on the application to be a bit misleading from the actual plan. He wanted to be sure the minutes reflect the Chase's plan. Bill Whalen made a motion to grant the application. Don Bormes seconded the motion. A vote was taken and the motion passed unanimously. Voting was Bill Whalen, Tim Grant, Jim VanValkenburgh, Don Bormes, and Wayne Elliott. The Chase's were reminded that their next step is to see the Planning Board.

REOPENING CASE #433 – With no discussion, Wayne Elliott made a motion to grant the application. Tim Grant seconded the motion. A vote was taken and the motion passed unanimously. Voting was Bill Whalen, Tim Grant, Jim VanValkenburgh, Don Bormes, and Wayne Elliott.

REOPENING CASE #434 – With no discussion, Wayne Elliott made a motion to grant the Special Exception, to be renewed annually per the ordinance. Tim Grant seconded the motion. A vote was taken and the motion passed unanimously, Voting was Bill Whalen, Tim Grant, Jim VanValkenburgh, Don Bormes, and Wayne Elliott.

REOPENING CASE #435 – With no discussion, Bill Whalen made a motion to grant the application. Don Bormes seconded the motion. A vote was taken and the motion passed unanimously. Voting was Bill Whalen, Tim Grant, Jim VanValkenburgh, Don Bormes, and Wayne Elliott.

OTHER BUSINESS

The next scheduled public hearing date is Tuesday, September 23, 2008 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.