

**SANBORNTON
ZONING BOARD OF ADJUSTMENT**

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

**MEETING MINUTES
November 25, 2008**

INFORMAL BUSINESS

Minutes of August 26, 2008 were reviewed. Wayne Elliott made a motion to accept the minutes as written. Don Bormes seconded the motion. The motion passed, following a unanimous vote. Voting was Don Bormes, Tim Grant, Wayne Elliott, Bill Whalen, and Jim VanValkenburgh.

A meeting date for December was chosen. The Public Hearing will be Tuesday, December 16, 2008.

PUBLIC HEARING

Chairman Jim VanValkenburgh called the meeting of the Zoning Board of Adjustment to order. In attendance were members Wayne Elliott, Don Bormes, Tim Grant, Bill Whalen, 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 November 18, 2008.

CASE #437 – A request from Kim Foley and Chris Harkins to hear An Appeal From An Administrative Decision. Applicant is appealing the decision for removal of heavy equipment parked on the property. The property is located on Contentment Road in the Recreational District (TM 3 Lot 182).

Kim Foley and Chris Harkins explained to board members that they began operating a trucking company five years ago. They had one semi-truck to begin and added another later on. The property is off Huber Drive and it is a private way. They explained their house is the last at the end of the road. It was stated that the operation is clean and orderly. One truck is used at a time while the other remains parked.

Apparently the parking of the trucks has never been an issue until recently when an abutter challenged the appropriateness of having the trucks on the property. Through Code Enforcement Officer George Waring a letter was sent from the Town, asking the trucks be moved off property. It was at that time that Kim Foley and Chris Harkins sought to have the board hear their appeal.

Don Bormes asked for clarification about the Home Occupation approval form (not dated) accompanying the application. Had there ever been discussion about parking of the vehicles at the time the form was issued? The applicants stated that no discussion had taken place. Apparently the form was just completed when a complaint was filed.

attempted to complete the addition by the end of October 2008, at which time the building permit expired. The 2008 date was an extension of the original permit, which expired in 2007. There was no written request for an extension of the original building permit from the town. Mr. Plonski stated that George Waring told him the town would not grant such an extension; this was not offered as an option. George Waring stopped completion of the addition because of the new shorefront setback of 50'. Original 40' setback compliance became non-compliant for the 50' setback requirement.

Mr. Plonski was required to file a waiver request with the state for the non-compliant setback. Mr. Plonski stated he spoke to the state on November 24 regarding the status of his waiver request. He was told additional information was needed. It seems it may be 2-3 more weeks before Mr. Plonski hears of the waiver request status. In the interim, Mr. Plonski has asked for a new building permit which also includes the construction of an attached garage. All work is to be behind the required new 50' setback.

The addition in question has the floor system extended beyond the foundation by two feet. The foundation met the 40' setback requirement at the time. Mr. Plonski spoke to the ZBA in August 2008, re. the current issue and need for a Variance. At that time, the board recommended Mr. Plonski go to the state about the issue. The state waiver requested would allow the completion of the addition and the construction of the attached garage.

Abutter, Terry Hersh submitted a request for a copy of the meeting tape. Also submitted was a written copy of her objection to the request.

There was discussion as to whether the ZBA could or should address this application prior to hearing of the waiver request from the state. Tim Grant stated he felt the board could decide on the application, regardless of the status of any pending waiver. He felt the board's decision would have no impact.

An attorney, Michael Conklin, representing the Gagnes (abutters) spoke to the board. Attorney Conklin stated he wanted the board to address finding of fact for the variance. Attorney Conklin expressed concern about access to the property and an increase in the number of buildings over time. Jim VanValkenburgh stated this would be a Planning Board issue.

Chairman Jim VanValkenburgh closed CASE #439 at this time.

CASE #440 – A request from Joseph Plonski for an Area Variance from Article 17, Section A(3) of the zoning ordinance. Applicant seeks permission to expand a seasonal guest camp with less than the required road frontage. The property is located on Broadview Drive in the Commercial, Shorefront, and Aquifer Districts (TM 18 Lot 70).

Mr. Plonski referred to a diagram of the 1940's-50 guest camp and explained that the expansion requested would 'square up' the camp; complete a corner that is now a cut out in the structure. The expansion would be approximately 90 square feet. Mr. Plonski stated he was surprised he needed to address the issue with the ZBA. Code Enforcement Officer George Waring had told Mr. Plonski he needed to address the issue because the lot is non-conforming.

With no discussion, Wayne Elliott made a motion to approve the request as submitted. Tim Grant seconded the motion. A vote was taken and the motion passed unanimously.

REOPENING CASE #439 - Jim VanValkenburgh stepped down from discussion and voting. Tim Grant, as Co-Chair, assumed the Chair. Voting would be Don Bormes, Tim Grant, Bill Whalen, Wayne Elliott, and Ann Littlefield.

It was reviewed that the shoreline setback requirement increased from 40' to 50' in May 2008. There was support from Bill Whalen and Don Bormes to table the application until there was a determination made by the state, re. waiver request. Tim Grant stated that he felt this to be a separate issue; it would not matter if the board voted this evening or not. A building permit has been applied for from the town. Bill Whalen stated that he felt the board's decision this evening would have no bearing on a later outcome.

Don Bormes made a motion to table the application until results of the state waiver request are known. Bill Whalen seconded the motion. For discussion, Tim Grant was against tabling the application because no new information will be forthcoming regardless of how the state responds to the waiver request. A 2:3 vote on the motion was taken and the motion did not pass. Don Bormes and Bill Whalen voted in support of the motion. Tim Grant, Wayne Elliott, and Ann Littlefield voted against the motion.

In consideration of the Variance request, Bill Whalen now made a motion to grant the Variance as submitted. Ann Littlefield seconded the motion. A vote was taken and the motion passed by a 4:1 margin. Don Bormes voted against the motion.

REOPENING CASE #440 - Jim VanValkenburgh stepped down from discussion and voting. Tim Grant, as Co-Chair, assumed the Chair. Voting would be Don Bormes, Tim Grant, Bill Whalen, Wayne Elliott, and Ann Littlefield.

Bill Whalen raised a question about the origin of the guest cottage and its location. Tim Grant responded, stating the guest cottage is on its original location and the planned expansion appears to be within the structure's original footprint.

Bill Whalen made a motion to approve the Variance as submitted. Wayne Elliott seconded the motion. A vote was taken and the motion passed by a 4:1 margin. Don Bormes voted against the motion. He stated that he viewed this request the same as for CASE #439: he would prefer to wait until the state responds to Mr. Plonski's waiver request.

Tim Grant returned the Chair to Jim VanValkenburgh. Jim VanValkenburgh adjourned the board.

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.