

**Town of Sandown
Zoning Board of Adjustment
Minutes 6/30/16**

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- Meeting Date:** June 30, 2016
- Type of Meeting:** Public Hearing
- Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office, Sandown Website, Eagle Tribune
- Meeting Location:** Sandown Town Hall
- Members present:** Chairman - Steve Meisner, Vice Chairman - Christopher True, Dave Ardolino, Curt Sweet, Chris Longchamps – Alternate
- Members absent:** Brian St. Amand, Jim Devine –Selectmen’s Liaison

Mr. Meisner opened the meeting at 7:03 p.m.

Mr. Longchamps was appointed as a voting member.

M25 L67, 10 Steele Drive – An application submitted by Ronald and Sharon Frick requesting a special exception in accordance with Article V, Section 6 to permit the conversion of a seasonal to full-time occupancy.

Ronald Frick presented the application. He noted the properties have been in the family since the 1940s. They put in a new well 13 years ago. In 2003, they made renovations to the house. They installed a new septic system in 2012. Previous to that, they had an easement on the abutting property for the septic. They did a lot line adjustment in April of 2016 to encompass the septic system and increase their lot to 21,000 sq. ft. There is only one dwelling on the property, they meet all the criteria for the special exception to convert from a seasonal property to year-round property.

Mr. Meisner reviewed the criteria and felt he met them all.

Mr. Meisner noted his concern was that it was on a private road and questioned if the Planning Board required he submit a hold harmless agreement to the town. Mr. Frick noted the Planning Board didn’t require he do that. He added that he has to do a new deed so this would be the time to do that and would have no problem with it. Mr. Meisner noted it would help if he ever sold the property; a future mortgage company would look for that to be in place.

Mr. Meisner felt it was appropriate because it was a change of use and going from a seasonal property to full-time. The board agreed.

Mr. Meisner opened the meeting to the public. There was none that wanted to speak to this application.

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MOTION: Mr. True made a motion to accept the application submitted by Ronald and Sharon Frick requesting a special exception in accordance with Article V, Section 6 to permit the conversion of a seasonal to full-time occupancy with the condition that he submit a hold harmless agreement to the Town of Sandown. Mr. Longchamps seconded the motion. All members voted in favor. The motion passed. 5-0.

Mr. Meisner noted for the applicant that according to RSA 677:2 there was a 30-day appeals timeframe.

M27 L71, 5 East Lane – An application submitted by Debra Bretton requesting a variance from Article II, Part B, Section 3.C.1 to allow the conversion of a residential structure from seasonal to full-time occupancy which does not meet the minimum receiving soil and receiving layer requirements for non-sewered lots.

Debra Bretton presented the application. Ms. Bretton noted she purchased the home two years ago and was informed that it was a year-round residence. She was recently told that it was only seasonal. There was a 1,250 gallon state approved septic system installed in 2004. It is a 3-bedroom home.

Mr. Meisner noted that the answers to the criteria questions were very important. Ms. Bretton acknowledged that she had a difficult time understanding them and answering them.

Mr. Meisner noted that the regulations for conversions have changed and gotten stricter.

Mr. Meisner questioned if she had a foundation and she noted she did, a slab foundation.

Mr. Meisner opened the meeting to the public.

Richard Farrell, 7 East Lane

Mr. Farrell had no concerns with Ms. Bretton staying year-round. His concern was whether her septic system met requirements since it is close to his well. He tests his well every couple of years and hasn't had any issues. Mr. Meisner noted it is a state approved septic system. The required setback is 50 feet and his well is 48 feet from the septic. So it is just barely within the radius.

Mr. Longchamps questioned if the lot size was similar to the other lots in the neighborhood. The board reviewed the tax map and the lots are all very similar size. All but four lots are year-round.

Mr. True noted that if he went by the criteria questions, he does not feel the property being seasonal denies them reasonable use of their property. He has concerns with conversions. The intent of the ordinance is to prevent overcrowding and he doesn't think they should grant an exception.

Mr. Meisner added that the house has a new septic. The home is a reasonable year-round home and on a foundation. It meets all state setbacks for well and septic. The downside is how Ms.

92 Bretton answered the criteria questions since he doesn't feel like she addressed all of them
93 correctly.

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95 Mr. Sweet felt that the intent of the ordinance was so the property could meet all their setbacks
96 for well and setback. The property does meet those setbacks.

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98 Mr. Meisner noted that until about two years ago, we have not let anyone convert on lots under
99 20,000 sq. ft.

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101 Mr. True added he doesn't feel there is anything special about the property since the
102 neighborhood is a mix of seasonal and year-round.

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104 Mr. Longchamps felt that a precedence had been set since adjacent properties are also year-
105 round. It's been proven that a year-round home can be there. It also meets all the setbacks.

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107 Mr. Meisner explained the process for Ms. Bretton. He noted that she would need to apply for
108 the special exception if the variance was granted. The variance was just for the 20,000 sq. ft. It
109 did not mean that she was approved for year-round residency. She would need to submit a
110 separate application for the conversion.

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112 Mr. True noted that he had issues with Ms. Bretton's answers to questions 3 and 5. He does not
113 feel there are any special conditions and does not feel substantial justice was met.

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115 **MOTION:** Mr. True made a motion to grant the variance for an application submitted by Debra
116 Bretton requesting a variance from Article II, Part B, Section 3.C.1 to allow the conversion of a
117 residential structure from seasonal to full-time occupancy which does not meet the minimum
118 receiving soil and receiving layer requirements for non-sewered lots. Mr. Longchamps seconded
119 the motion.

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121 *Discussion:* Mr. Sweet noted the questions can be tricky to answer and everyone interprets things
122 differently.

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124 Mr. Meisner felt the property met the criteria, but has concerns with how Ms. Bretton answered
125 some of the criteria.

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127 Mr. Sweet noted he understands Mr. True's concerns. He would have an issue with the
128 conversion if the property didn't meet the required setbacks.

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130 Mr. True added that he appreciates that the property meets all the setbacks, but still has issues
131 with the answers to the criteria questions.

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133 Mr. Longchamps agreed the questions can be tricky, but you can get the gist of what Ms. Bretton
134 was trying to convey.

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136 Mr. Sweet, Mr. Meisner and Mr. Longchamps voted in favor. Mr. True and Mr. Ardolino voted
137 against. The motion passed 3-2.

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139 Mr. Meisner noted for the applicant that according to RSA 677:2 there was a 30-day appeals
140 timeframe.

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142 **Review of the 5/26/16 Minutes**

143 **MOTION:** Mr. True made a motion to approve the 5/26/16 minutes as written. Mr. Ardolino
144 seconded the motion. Members voted in favor. Mr. Longchamps and Mr. Sweet abstained. The
145 motion passed.

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147 **MOTION:** Mr. True made a motion to adjourn. Mr. Longchamps seconded the motion. All
148 members voted in favor. The motion passed. Meeting adjourned at approximately 8:30 p.m.

149 Respectfully submitted,



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151 Andrea Cairns