

TOWN OF SUTTON
Zoning Board of Adjustment
Pillsbury Memorial Hall
Meeting Minutes
June 15, 2016

Present: Zoning Board of Adjustment Members: Derek Lick, Chairman; Doug Sweet, Dane Headley and Sue Reel, Members; (Ed Canane, Member, was absent); William Hallahan, Alternate; and Laurie Hayward, Land Use Coordinator; Alan & Teri Gauntt, Applicant/Owners; and Raymond Jameson and Erin Foley, Abutters; and Tom Schamberg, interested party.

The meeting was called to order at 7:08 PM, by Derek Lick, Chairman.

Public Hearing: ZBA Case 2016-02: concerning an application by: Alan & Teri Gauntt for a Variance to Zoning Ordinance Articles X.B.2 & X.D.1 as follows: To permit a garage to be built within the setback for a wetland of less than 10,000 square feet to Tax Map Lot # 06-311,012, located partially in a Residential & partially in a Rural-agricultural district, on or at Rte 114.

The Chair explained the process. Alan Gauntt, one of the two Applicant/Owners, stepped forward. The Chair asked the LUC regarding the application and payment for the fees. The LUC stated that she had received the basic fee with the Application; but, had not received the remaining balance to cover costs for Notices and Mailings. Alan Gauntt told the Board that he had delivered a check for the balance due to the Town Clerk right after he spoke with the LUC about it.

There was extensive discussion with the Gauntts about whether the application is complete without a detailed map delineating the wetlands and clearly showing the Wetlands Scientist's signature and stamp or seal. Members agreed and expressed that they could not consider an application for a variance to a Wetlands setback complete without a formal map of the wetlands in relation to the proposed structure.

Teri Gauntt, the other Owner/Applicant, spoke, asking where the drawings were that were with the Application and whether they wouldn't do. The LUC explained that she did not have drawings with the application once Jeff Evans, their original Wetlands Scientist, pulled all of his documentation. The LUC did state that she believed that there were drawings with the original Building Permit Application, but they aren't part of this Application.

There was also much discussion about the Zoning Ordinance chart Article X.D.1 which gives setbacks based on size and type of wetlands. Gauntt expressed his sense that the setback should be based only on the roughly 8,000 square feet of Wetlands on his property rather than the roughly 33,000 square feet of Wetlands which he was told by Audra Klumb, who is a Certified Wetlands Scientist, covered multiple properties and represented a single Wetland. Board Members agreed and clarified that, in the Zoning Ordinance Article on Wetland setbacks, it is the entire Wetland that the Ordinance refers to not just the portion of the wetland on the property in question.

Board members questioned Gauntt on what he is trying to accomplish. He stated multiple times that the purpose is to have a three bay garage with a second story; that there would be a small 5 foot area with a roof connecting the current house to the garage; and, that the entire addition would add 42 feet to the current house. There were questions and a discussion about whether the Gauntts are planning an attached or a

detached garage and about the Sutton Zoning Ordinance definitions for each. Asked if he would be willing to consider something smaller than 42 feet such as a two bay garage, Gauntt replied that he would not be.

During the discussion, Gauntt expressed his desire that the garage could act as additional living space. There was some discussion about accessory dwellings and two-family residences. The LUC offered that there is a new law that the Governor of New Hampshire has recently signed which affects how attached structures and, in some cases detached, are handled. The LUC stated that law went into effect on June 1st. [This is inaccurate. The new law, SB146, goes into effect on June 1, 2017. Also, it is noted that the Application did not state anything about a second dwelling unit.]

The Chair asked the LUC to obtain a copy of the new statute regarding Accessory Dwelling and email the language to members and to the Applicant.

Headley explained to the Applicant that the Board would need detailed elevations to show what the proposed structure would look like. LUC offered to take the Gauntts' Building Permit and scan it and forward it to Members.

There was a discussion about a Continuance of Public Hearing to be held in July and Board Members agreed that would allow the Applicant time to get the Wetlands Scientist certified map(s) delineating the wetlands and distance from the proposed structure that are needed in order for the Board to make a decision. Members voted to continue the hearing and discussed the importance of making sure that they would have a quorum. It was agreed that the LUC would email all members asking for them to check their calendars and individually let her know their availability and further that the date could be revised if necessary if a quorum seemed questionable. It was noted that any change in the date announced at the hearing would require new notices be sent to abutters.

Administrative:

Minutes from the last meeting: The Chair asked for a motion to the minutes of the meetings of February 17, 2016. Lick offered two amendments to the Meeting Minutes: 1. to the fourth paragraph on the first page, change "move on this to "go forward" and at the end of that paragraph add "The applicant stated that she wished to proceed tonight" and 2. to strike the last sentence of the fourth paragraph on page 2. The Chair asked the LUC for input, the LUC agreed. Lick moved the minutes be accepted as amended; Hallahan seconded the motion and it was voted unanimously to approve as amended.

Correspondence: None

Next meeting is to be held Wednesday, July 20, 2016 at 7pm. The next meeting will include a Continuance of the Public Hearing on ZBA 2016-02, the Gauntt appeal for Variance to Wetlands Setback requirement.

There being no further business, it was moved and seconded, and it was voted unanimously that the meeting be adjourned at 8:30 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator