



Emily C. Goering

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October 16, 2025

Town of Sandown
Zoning Board of Adjustment
320 Main Street
PO Box 1756
Sandown, New Hampshire 03873

RECEIVED

OCT 16 2025

**SELECTMEN'S OFFICE
TOWN OF SANDOWN NH**

Re: Steffan Brown and Eric Scott, d/b/a Sanctuary Estates, LLC
Requests for Variance – Lot 14-3-1
412 Main Street, Sandown

Dear ZBA Members,

Gallagher, Callahan & Gartrell, P.C., in conjunction with SEC & Associates, Inc., on behalf of Steffan Brown and Eric Scott, d/b/a Sanctuary Estates, LLC (“Applicants”), respectfully submit this Variance Application Package, and request to be placed on the agenda for the October 30, 2025 ZBA Meeting.

OVERVIEW OF PROPOSED PROJECT

Applicants own a vacant parcel of land, approximately 7.55 acres, located in the Business District, commonly identified as 412 Main Street (the “Parcel”). Applicants seek to develop the Parcel into overnight accommodations, consisting of 32 overnight camping cabins, sited as two clusters each situated around a central pavilion. (*See Attachment D, Sheet 3.*) Each cluster will be improved with recreational amenities, including gas fire pits, barrel saunas, and hot tubs.

The cabins are configured as one- or two-bedroom units, ranging in size from 308sf to 390sf. Each cabin has limited amenities to support overnight stays, including a bathroom; sleeping area; and sitting area. (*See Attachment E.*) Cabins will only be rented on a short-term basis, with the intention that the cabins will provide temporary overnight accommodation for individuals visiting the Sandown region. No long-term residency will be permitted in the cabins, nor do they contain the necessary facilities to support long-term habitation.

Applicants further intend for the outdoor spaces to be utilized for day rentals. The pavilions and outdoor recreational amenities may be rented for corporate outings, family reunions, or other one-day events.

GUIDANCE FROM TOWN COUNSEL AND TOWN ENGINEER

The Sandown Zoning Ordinance does not clearly provide for cabins, lodging, or other forms of temporary overnight accommodation. Applicants reached out to Town Counsel, Attorney Diane Gorrow, for guidance on how to classify Applicants' project. (See Attachment F.) Specifically, Applicants inquired about whether their proposed use is permitted in the Business District, and the dimensional criteria that would be applicable to their project. Attorney Gorrow rendered an opinion that Applicants' cabins are a permitted residential use in the Business District, and subject to the dimensional requirements for residential uses.

Applicants subsequently met with the Town Engineer, Steve Keach, to discuss what zoning relief may be required for Applicants' project. In those discussions, Mr. Keach identified zoning relief that may be required:

- (I) *That the proposed cabins do not satisfy the definition of a "dwelling unit." (Art. II, Pt. A, Section 14(A).)*

If the proposed cabins do not satisfy the definition of *dwelling units*, the dimensional zoning criteria that are applicable to dwelling units are not implicated. Specifically, the criteria that each unit must be 500sf or more (Art. III, Pt. A, Sec. 2), and the requirement that not more than one dwelling unit shall be located on any single lot (Art. II, Pt. B, Sec. 1).

- (II) *If the cabins are characterized as dwelling units, they may be less than 500sf. (Art. III, Pt. A, Sec. 2.)*

In the alternative to Subsection (I), if the cabins are characterized as dwelling units, Applicants will need relief from the requirement that dwelling units must be 500sf or more.

- (III) *If the cabins are characterized as dwelling units, that more than one dwelling unit may be located on any single lot. (Art. II, Pt. B, Sec. 1.)*

In the alternative to Subsection (I), if the cabins are characterized as dwelling units, Applicants will need relief from the requirement that limits any single lot to one dwelling unit.

REQUESTED VARIANCES

As detailed in items (I)-(III) above, Applicants, Town Counsel, and the Town Engineer have identified that relief will be required from the Zoning Ordinance. In the interest of efficiency with the Board, Applicant presents alternative theories of variance relief in this application package.

- (I) Applicants request a variance from Art. II, Pt. A, Section 14(A) to be exempted from the definition of *dwelling unit*.

In the alternative:

- (II) Applicants request a variance from Art. III, Pt. A, Sec. 2 to authorize overnight camping cabins that are less than 500sf.
- (III) Applicants request a variance from Art. II, Pt. B, Sec. 1 to authorize more than one overnight camping cabin to be located on a single lot of record, unless otherwise permitted by the Zoning Ordinance.

ATTACHMENTS

Attached, please find the following application and supporting materials:

- A. Zoning Board of Adjustment Form Application
- B. Letter of Authorization for Land Use Approvals
- C. List of Abutters
- D. Site Plan (Sheets 1-8)
- E. Conceptual Renderings of Cabins
- F. August 25, 2025 Letter from Town Counsel

VARIANCE CRITERIA

VARIANCE I

Art. II, Pt. A, Sec. 14(A)

“Dwelling Unit shall mean rooms with cooking, living, sleeping, and sanitary facilities arranged for the use of one or more individuals living together as a single-family unit.”

(1) The variance will not be contrary to the public interest because:

The definition of *dwelling unit* has been crafted to ensure that buildings that are used for the purposes of long-term, traditional residency have sufficient facilities to support habitability. It is in the public interest to require adequate cooking, living, sanitary facilities, lot sizing, and separation of units when individuals are permanently occupying a structure. However, for temporary and transient overnight lodging, there is not the same public interest in having full facilities to support long-term habitability. In other words, the public interest in ensuring certain facilities and dimensional criteria are applied to full time residences is not applicable to overnight lodging cabins. Therefore, it is not contrary to public interest to classify Applicants' cabins as lodging rooms, opposed to a dwelling unit.

(2) The spirit of the ordinance is observed because:

As stated above, the purpose of defining dwelling units, and having specific dimensional requirements that are applicable to dwelling units, is to ensure that development supports long-term and traditional residency. Criteria such as minimum building size, cooking facilities, and individual buildings per lot reflect the ways in which individuals use their permanent residence. These provisions do not reflect the needs of overnight, temporary lodging. Therefore, relief from the definition of dwelling unit allows Applicants' project to be appropriately viewed through the lens of an overnight camping cabin. Further, the spirit of the ordinance – which is to protect individuals in their residences – remains observed because Applicants' temporary lodging does not pose the same needs as long-term residency.

(3) Substantial justice is done because:

The guiding factor in assessing substantial justice is that, any loss to the individual that is not outweighed by a gain to the general public is an injustice. If Applicants' project is viewed as a dwelling unit, it imposes requirements on the project that are inapplicable to the nature of temporary lodging. For example, it is inapplicable and atypical to require temporary lodging to have full cooking facilities, a larger footprint per unit, or a single unit per lot. The criteria applicable to a dwelling unit pose additional barriers to developing overnight camping cabins, which constitutes an injustice to the Applicant. Conversely, the general public is not benefitted by classifying Applicants' project as a dwelling unit, and requiring overnight camping cabins to operate in the same manner as traditional homes operate. Therefore, substantial justice is done by granting this variance, which allows the project to properly be viewed through the lens of temporary lodging.

(4) The values of surrounding properties will not be diminished because:

There is no evidence to suggest that surrounding property values will be diminished. Well-sited, aesthetically pleasing, newly constructed cabins that maintain sufficient vegetative buffer to abutting parcels – whether considered dwelling units or lodging units – do not pose a risk of negatively impacting surrounding property values.

(5) Literal enforcement of the ordinance would result in an unnecessary hardship because:

The Special Conditions of this property that distinguish it from other properties in the area are as follows:

The Parcel is located in the Business District, and is being developed for the commercial use of overnight camping cabins. However, because it is a permitted use that is lawfully imported from Zone A, residential requirements have been imported as well. There is an inherent conflict between a commercial lodging use and the application of residential zoning criteria. The Parcel is uniquely situated by virtue of being a commercial use in a commercial district, that, with a strict reading of the Ordinance, would be subjected to residential dimensional criteria.

(A) Owing to the special conditions of the property, set forth above, that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property because:

Classifying buildings as dwelling units, and having dimensional criteria applicable to dwelling units, are a means to ensure that individuals are residing in buildings that can adequately support long-term habitation. In other words, the general public purpose of classifying a building as a dwelling unit is to ensure minimum standards of habitability for long-term residency. The considerations that are applicable to an individual's primary residence, and long-term habitation, are not implicated by temporary overnight lodging units. There is no fair or substantial relationship between the proposed use of temporary lodging, and a strict application of criteria that pertain to long-term residences.

Further, the proposed project does not satisfy a plain reading of Art. II, Pt. A, Sec. 14(A). The proposed cabins do not contain cooking facilities, and are not equipped to support regular meal preparation or food storage. Nor will the proposed cabins be used for the purpose of one or more individuals *living together*. Rather, the cabins will be used for a temporary and finite period of occupancy. Because the cabins do not satisfy a strict reading of the definition of dwelling unit, there is no fair or substantial relationship to a strict application of that definition.

(ii) The proposed use is a reasonable one because:

Art. III, Pt. A, Sec. 12 of the Ordinance plainly contemplates that overnight camps or motels are a permitted use, which is imported into the Business District by virtue of Art. I, Pt. D, Sec. D. It is therefore a reasonable and permitted use to develop overnight lodging in the form of overnight camping cabins.

VARIANCE CRITERIA

VARIANCE II

Art. III, Pt. A, Sec. 2

"Every dwelling shall have a minimum ground floor area of 500 square feet outside measurement for each family unit."

(1) The variance will not be contrary to the public interest because:

Minimum house sizes are a means of preventing overcrowding and protecting against sanitation issues that can arise from household utilities being clustered too closely together. The public has an interest in ensuring minimum house sizes are met so that traditional household functions can occur in a safe and sanitary manner. However, that public interest does not extend to units being used as temporary overnight lodging. Lodging units are traditionally understood to be smaller than traditional homes; do not have the full range of facilities required for long-term residency in traditional homes; and do not have individuals using lodging units to the same degree and intensity as traditional homes. Therefore, the variance of allowing lodging units to be smaller than what is required for a traditional residence is not contrary to the public interest.

(2) The spirit of the ordinance is observed because:

As stated above, the spirit of the ordinance requiring a minimum of 500sf for dwelling units, is to protect from overcrowding or unsanitary conditions in residences. The intent of the ordinance is to protect dwelling units from having full cooking, sanitation, sleeping, and living quarters in unreasonably tight and unsafe proximity. Those concerns are not raised by the proposed cabins, which do not contain full cooking facilities, and do not have the type of long-term occupancy that can lead to unsanitary conditions. By way of example, the uses one makes year-after-year in their own residence stand in stark contrast to the uses one makes for a few nights in a hotel room. Because the intent of the ordinance is to provide a minimum footprint for safe, long-term occupancy, the spirit of the ordinance remains observed by allowing a lesser footprint for temporary overnight lodging.

(3) Substantial justice is done because:

The guiding factor in assessing substantial justice is that, any loss to the individual that is not outweighed by a gain to the general public is an injustice. In the absence of this variance, Applicants will be required to design cabins that are 500sf or larger. This will require a greater degree of site work, an increase of impervious surfaces, and further removal of natural features on the parcel. Not only would this result in greater intensification of the development, it would remove the aesthetic goals of maintaining a nature-based lot with modestly sized cabins.

There is no gain to the public by requiring cabins that are 500sf or larger. To the contrary, the public, and specifically abutters, are negatively impacted by the requirement of larger cabins. As discussed above, larger cabins will result in increased site work, increased impervious

surfaces, and more removal of vegetative buffer to accommodate increased building sizes. A primary goal of this project is to be harmonious with the surrounding neighborhood and wooded lot – increased cabin sizes disrupt that intended harmony.

(4) The values of surrounding properties will not be diminished because:

There is no evidence to suggest that surrounding property values will be diminished. Well-sited, aesthetically pleasing, newly constructed cabins that maintain sufficient vegetative buffer to abutting parcels do not pose a risk of negatively impacting surrounding property values.

(5) Literal enforcement of the ordinance would result in an unnecessary hardship because:

The Special Conditions of this property that distinguish it from other properties in the area are as follows:

The Parcel is located in the Business District, and is being developed for the commercial use of overnight camping cabins. However, because it is a permitted use that is lawfully imported from Zone A, residential requirements have been imported as well. There is an inherent conflict between a commercial lodging use and the application of residential zoning criteria. In particular, the dimensional requirements that pertain to long-term residential uses are incompatible with temporary lodging uses. The Parcel is uniquely situated by virtue of being a permitted commercial use in a commercial district, that, with a strict reading of the Ordinance, would be subjected to residential dimensional criteria.

(A) Owing to the special conditions of the property, set forth above, that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property because:

The general public purpose of Art. III, Pt. A, Sec. 2 is to ensure that residences are sufficiently sized to safely support long-term occupancy. While the Ordinance plainly authorizes overnight camps and motels, the Ordinance is silent as to the size, density, or other dimensional criteria that are applicable to such overnight camps or motels. A strict application of residential criteria – such as minimum house size – is an ineffective tool to assess the distinguishable use of an overnight camp or motel. Because traditional residential criteria are inapplicable, Applicants have adopted the dimensional criteria of recreational camping cabins set forth in RSA 216. Therefore, there is no fair or substantial relationship between a strict application of residential criteria, to the distinguishable lodging use.

(ii) The proposed use is a reasonable one because:

Art. III, Pt. A, Sec. 12 of the Ordinance plainly contemplates that overnight camps or motels are a permitted use, which is imported into the Business District by virtue of Art. I, Pt. D,

Sec. D. It is therefore a reasonable and permitted use to develop overnight lodging in the form of overnight camping cabins.

VARIANCE CRITERIA

VARIANCE III

Art. II, Pt. B, Sec. 1

“Not more than one dwelling unit shall be located on any single lot, unless otherwise permitted by this Zoning Ordinance.”

(1) The variance will not be contrary to the public interest because:

The public has an interest in limiting each lot of record to a single dwelling unit to prevent overcrowding, manage population growth, and to protect the character of the community. The public has further interest in protecting traditional concepts of single-family residences – in which, standalone housing is typically oriented as one house, on one lot, subject to single-family occupation. Those public interests are not implicated with temporary overnight lodging. The public has a general expectation that lodging uses involve multiple units on one lot with shared amenities. Therefore, the public interest in maintaining one house per lot does not extend to lodging units, and the variance is not contrary to the public interest.

(2) The spirit of the ordinance is observed because:

The spirit of the Ordinance is to preserve the expectation that each lot of record is a private domain for a single-family residence. That expectation does not exist for lodging units, where it is traditional to have many units on a single lot of record. Put differently, the spirit of the Ordinance is to preserve the nature of traditional single-family dwelling units, not as a means to assess density for lodging units. Therefore, the spirit of the Ordinance remains observed.

(3) Substantial justice is done because:

The guiding factor in assessing substantial justice is that, any loss to the individual that is not outweighed by a gain to the general public is an injustice. Without this variance, Applicants are unable to exercise the permitted use of an overnight camp or motel. There is no feasible way to develop commercial lodging where each unit must be on a separate lot. Further, the public is benefitted by this variance, as it allows Applicants to introduce an overnight lodging option in Sandown. Such accommodations do not exist in Sandown and will support surrounding businesses and residents which are otherwise relying on surrounding communities to provide overnight lodging.

The public is not benefitted by requiring a single lodging unit per lot. Such a design would create further disruption/development in order to independently access and accommodate each lot, and would be an illogical design for this type of use.

(4) The values of surrounding properties will not be diminished because:

There is no evidence to suggest that surrounding property values will be diminished. Well-sited, aesthetically pleasing, newly constructed cabins that are situated on a single lot of record do not pose a risk of negatively impacting surrounding property values.

(5) Literal enforcement of the ordinance would result in an unnecessary hardship because:

The Special Conditions of this property that distinguish it from other properties in the area are as follows:

The Parcel is located in the Business District, and is being developed for the commercial use of overnight camping cabins. However, because it is a permitted use that is lawfully imported from Zone A, residential requirements have been imported as well. There is an inherent conflict between a commercial lodging use and the application of residential zoning criteria. In particular, the density requirements that pertain to single-family residences are incompatible with overnight camping cabins. The Parcel is uniquely situated by virtue of being a permitted commercial use in a commercial district, that, with a strict reading of the Ordinance, would be subjected to residential dimensional criteria.

(A) Owing to the special conditions of the property, set forth above, that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property because:

The general public purpose of Art. II, Pt. B, Sec. 1 is to maintain the traditional, independent nature of a single-family residence. Specifically, the purpose is to ensure that each lot of record operates as an independent unit, with a single set of utilities, servicing a single residence, and to prevent overcrowding on lots. Those considerations are inapplicable to a lodging use, which necessarily requires multiple units to operate on a single lot of record. Therefore, there is no fair or substantial relationship between the purpose of the Ordinance, and its strict application to a lodging use.

(ii) The proposed use is a reasonable one because:

Art. III, Pt. A, Sec. 12 of the Ordinance plainly contemplates that overnight camps or motels are a permitted use, which is imported into the Business District by virtue of Art. I, Pt. D, Sec. D. It is therefore a reasonable and permitted use to develop overnight lodging in the form of overnight camping cabins.

(B) Owing to the special conditions, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

The Ordinance authorizes overnight camps and motels, but provides no criteria for the density or siting of such uses. If a strict application of the Ordinance is made, each lodging unit would be placed on a separate lot, with associated minimum lot size, minimum frontage, minimum setbacks, etc. Such spacing and independence between lodging units would defy the common understanding of how overnight camps and motels operate. Strict conformance with residential criteria would prohibit development of overnight camps or motels, and therefore render the provision authorizing such uses meaningless. Therefore, the Parcel cannot reasonably be developed for the permitted use of overnight camps, while also strictly conforming to the Ordinance. Therefore, this variance is necessary to reasonably pursue the permitted use of an overnight camp.

Respectfully,

GALLAGHER, CALLAHAN & GARTRELL, P.C.

By: 
Emily C. Goering

Letter of Authorization for Land Use Approvals

October ____, 2025

To Whom It May Concern,

We, the undersigned owners/applicants of 412 Main Street, Sandown, further identified as Tax Map 14, Lot 3-1, hereby authorize the firms of Gallagher, Callahan & Gartrell, P.C., SEC & Assoc., Inc., and SFC Engineering, to prepare, submit, present, and pursue land use approvals related to the above-identified parcel, for the purpose of pursuing a development of overnight camping cabins. Such authorization includes, but is not limited to, matters before the Sandown Zoning Board of Adjustment, Planning Board, Board of Selectmen, Conservation Commission, and other state and municipal entities as may be applicable.

Sincerely,

DocuSigned by:

Steffan Brown

E9A38D00B08145E

Steffan Brown, Owner/Applicant

DocuSigned by:

Eric Scott

088B7C0DB82A4DA

Eric Scott, Owner/Applicant

S.E.C. & ASSOCIATES, INC.
Surveying & Engineering Consultants

Abutters List

Owner:

Tax Map 14 Lot 3-1

Eric G. Scott
Steffan Brown
80 West Portsmouth Street
Concord, NH 03301

Abutters:

Tax Map 14 Lot 3

Kalin Shumsky
416 Main Street
Sandown, NH 03873

Tax Map 14 Lot 4-2

William A Parasco
422 Main Street
Sandown, NH 03873

Tax Map 14 Lot 9A

Stoneford Homeowners
Association
17 Commerce Drive
Bedford, NH 03110

Tax Map 14 Lot 10

Nicholas Nicosia
415 Main Street
Sandown, NH 03873

Tax Map 14 Lot 11

Jill M Harper
Daniel T Walker
409 Main Street
Sandown, NH 03873

Tax Map 14 Lot 19

Amanda Parolise
Howard Mckew
406 Main Street
Sandown, NH 03873

Tax Map 14 Lot 19-62

Russell D Horrocks
Alyson B Horrocks
33 Montana Drive
Sandown, NH 03873

Tax Map 14 Lot 19-64

Osvaldino R Tavares
31 Montana Drive
Sandown, NH 03873

Tax Map 14 Lot 19-66

David W Hargreaves
Sandra T Hargreaves
23 Montana Drive
Sandown, NH 03873

Tax Map 14 Lot 19-66-1

Timothy P Fitzgerald
Paul & Deborah Fitzgerald
Family Trust
25 Montana Drive
Sandown, NH 03873

Tax Map 14 Lot 16-68

William P Fanning Jr
15 Montana Drive
Sandown, NH 03873

Tax Map 14 Lot 19-70

David A & Eileen M
Hutchinson Jr
Hutchinson Family
Revocable Trust
9 Montana Drive
Sandown, NH 03873

Tax Map 14 Lot 19-70-1

Mathew Loeblich
Loeblich Family Revocable
Trust
5 Montana Drive
Sandown, NH 03873

Tax Map 14 Lot 19-73

Charles Pollano
Shawn Dias
9 Mallard Lane
Sandown, NH 03873

Surveyor/Engineer:

S.E.C. and Associates, Inc.
P.O. Box 1337
Plaistow, NH 03865

Wetland/Soil Scientist:

Hurley Environmental and
Land Planning, LLC
PO Box 356
Epsom, New Hampshire
03234

Attorney:

Gallagher, Callahan &
Gartrell
214 North Main Street
Concord, NH 03301

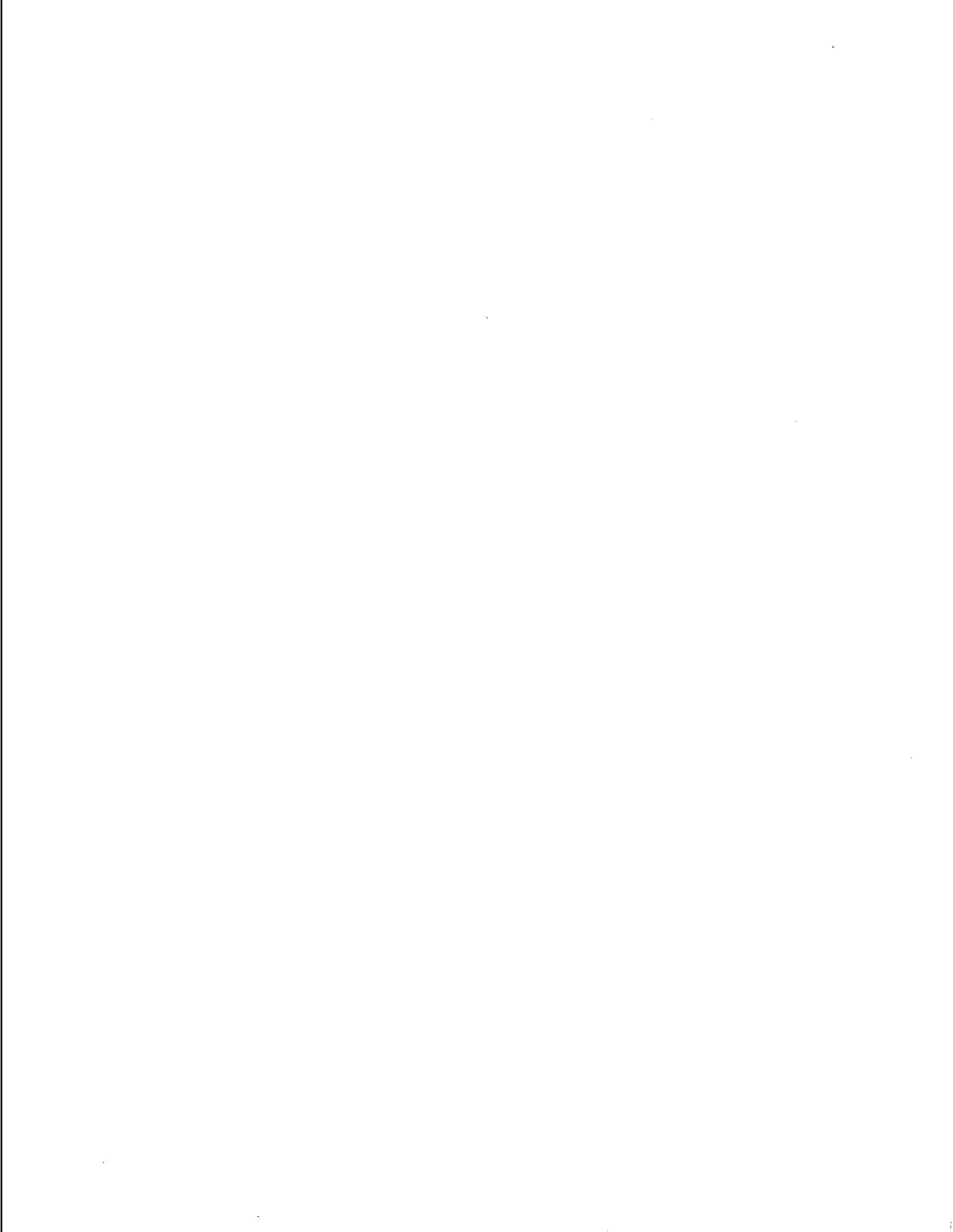
Fire Protection

SFC Engineering
183 Rockingham Road Unit
3 East
Windham, NH 03087

P.O. Box 1337 * 15 Garden Road, Plaistow, NH 03865

Tel:(603) 382-5065 * Email: sec@secsurveying.com

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Zoning Board of Adjustment Application

VARIANCE APPLICATION

Application is not acceptable unless all required information and statements have been submitted. Additional information may be supplied on a separate sheet of paper.

Name of Applicant: Sanctuary Estates, LLC Tel #: (603) 819-3465
Address of Property: 412 Main Street
Owner of Property: (If same as above, write same) Steffan Brown & Eric Scott Tel #: (603) 819-3465
Address of Owner: (If same as above, write same) 74 G.H. Carter Drive, Danville, NH 03819
Location of Property: Map #: 14 Lot #: 3-1

Fees:	Application Fee	\$ 175.00
	Newspaper Notification Fee	\$ 125.00
	Abutter Fee: \$5.00 x # <u>19</u> of abutters	\$ <u>95.00</u>
	Total Due:	\$ <u>395.00</u>

Are there any current Zoning Violations on the Property other than those that may be listed on this Application? (If Yes, please fully describe below). YES _____ NO X

The undersigned hereby requests a variance from Article II Part A, Section 14(A), and asks that said terms of the Zoning Ordinance be waived to permit overnight camping cabins in the business district.

The undersigned alleges that the following circumstances exist to support this variance request.

1. The variance will not be contrary to the public interest because:
See attached narrative.

Zoning Board of Adjustment Application

2. The spirit of the ordinance is observed because:

See attached narrative.

3. Substantial justice is done because:

See attached narrative.

4. The values of surrounding properties will not be diminished because:

See attached narrative.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because: USE (A) or (B).

The "Special Conditions" of this property that distinguish it from other properties in the area are as follows:

See attached narrative.

(A) Owing to the special conditions of the property, set forth above, that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property because:

See attached narrative.

Zoning Board of Adjustment Application

(ii) The proposed use is a reasonable one because:

See attached narrative.

-OR-

If the criteria in subparagraph (A) are NOT established, an unnecessary hardship will be deemed to exist, if and only if:

(B) Owing to the special conditions, set forth above, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because:

See attached narrative.

By filing this application you are authorizing us to come onto your property to do necessary site inspections.

Acknowledgement & Signature

I acknowledge the receipt of an information sheet with this application and I understand that failure to provide any of the required information may be cause for rejection of the application. I acknowledge that to the best of my knowledge, all of the above information is true and correct.

Applicant's Name (Please print)	<u>Eric Scott Steffan Brown</u>	Date	<u>10/15/2025 13:19 EDT</u>
Landowner (Please print)	<u>Eric Scott Steffan Brown</u>	Date	<u>10/15/2025 13:19 EDT</u>

Agent Authorization

Please check here and sign below for authorization for an agent to represent you on your behalf.

Steffan Brown & Eric Scott, give my permission for Atty. Emily Goering - Gallagher, Callahan & Gartrell to represent me before the Sandown, NH Zoning Board of Adjustment.

Applicant's Signature	<u>Emily C. Goering</u>	Date	<u>10/15/2025</u>
Agent's Signature	<u>Emily C. Goering</u>	Date	<u>10/15/2025</u>

Case No. _____ Date filed _____ (signed - ZBA) _____





SOULE, LESLIE, KIDDER, SAYWARD & LOUGHMAN

P.L.L.C. • ATTORNEYS AT LAW

Peter H. Bronstein
Barbara F. Loughman
Michael S. Elwell (Of Counsel)
Gordon B. Graham
Diane M. Gorrow
Peter C. Phillips

Shane M. Archambault
Rachel E. Young

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Robert P. Leslie (1932-2017)
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David W. Sayward (Retired)

22 South Main Street
P.O. Box 908
Wolfeboro, N.H. 03894
Tel: (603) 569-8044
Fax: (603) 569-2137

August 25, 2025

CONFIDENTIAL ATTORNEY
CLIENT COMMUNICATION
VIA E-MAIL ONLY (planner@sandown.us)

Mary Beth Maranto, Administrative Assistant
Town of Sandown, Conservation, Planning, and Zoning
320 Main Street, PO Box 1756
Sandown, New Hampshire 03873

Re: Town of Sandown – The Sanctuary Estates

Dear Mary Beth:

I reviewed your August 21, 2025 emails and attached documents. The Sanctuary Estates was before the Planning Board for a conceptual review for 32 recreational camping cabins of less than 400 square feet in the Business District. Each cabin will have a kitchenette, bathroom, and sleeping area and can be used year-round. The cabins will not, however, be occupied by any user on a long-term basis. The Planning Board wanted to know how to classify the use, whether a use variance is required, and whether the use is recreational or lodging. The developer contends that the proposed project is permitted as a commercial recreational facility. As explained below, the proposal should be considered a residential use and is subject to the requirements in the Zoning Ordinance for Zone A residential uses.

Article I, Part D, Section 2 lists the permitted uses in the Business District. These uses include all residential uses permitted in Zone A pursuant to Article II, Part B, and commercial and non-commercial recreational facilities. The Zoning Ordinance does not define recreational facilities or list campgrounds, motels or other types of lodging as permitted uses. However, Section 12 in Article III, Part A states: "No overnight camp or Motel so-called shall be constructed, except in a site approved by the Board of Selectmen and complying with the regulations of the Building and Zoning Code." Therefore, the Zoning Ordinance seems to recognize that overnight camps or motels are a permitted residential use but any site for these uses must be approved by the Board of Selectmen.

The developer contends that recreational facilities should be defined to include recreational camping cabins which are defined in RSA 216-I:1, VII-a as a parcel of land on which two or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only and not for permanent year-round residency. RSA 216-I:1, VII defines a "recreational camping cabin" as a structure on a campsite, 400 square feet or less, designed not for use as a permanent dwelling but as a temporary dwelling for recreational camping and vacation use.

The recreational campground statute requires that recreational campgrounds comply with the registration requirements in RSA 216-I:5 for all persons entering. Specifically, the registration requirements are:

All persons upon entering a recreational campground or camping park shall register with the appropriate authorities. All recreational campground or camping park owners or operators or their agents shall upon the registration of each camper or campers' guest cause an entry to be made on a registration book or card system which shall record the campers' or camper's guest agreed upon departure time and date. No camper or camper's guest shall, without the consent of the campground or camping park owner or operator or his agent, remain on a campsite beyond the departure time and date so recorded at registration.

The presentation and conceptual plan do not indicate that the registration requirements will be implemented.

When a term is not defined in a statute or ordinance courts construe the term by its common and ordinary meaning. The common and ordinary definition of a recreational facility is a place for sporting, fitness, or relaxation. The definition does not include campgrounds. Therefore, the proposed use is not a commercial recreational use. It is permitted, however, as a residential use subject to the requirements for residential uses in Zone A. One of those requirements which is in Article III, Part A,

Mary Beth Maranto, Administrative Assistant

August 25, 2025

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Section 2 requires the ground floor area of each dwelling unit be a minimum of 500 square feet. Article II, Part A, Section 14 defines a dwelling unit as rooms with cooking, living, sleeping, and sanitary facilities which each cabin will have.

The applicant said its project is similar to Wellinghall Farm in Danville and River Crest Villas in Epping. Wellinghall Farms was approved as a wedding venue. I did not review the regulations in Danville or Epping to determine how they relate to Sandown's regulation.

The applicants here stated that the outdoor spaces could be rented for day uses without use of overnight cabins. In reviewing the plan, the Planning Board will need to address the size of gatherings, sanitary facilities for those day uses, and parking requirements.

If you have any questions, please let me know.

Sincerely,



Diane M. Gorrow

E-mail: dgorow@southefirm.com

DMG/mcg

cc: John White, Planning Board Chair (jpw.472@gmail.com)

