

ZBA Motion to Reconsider Decision

Application Question: The action of the Board of Adjustment was unlawful and unreasonable, and it is respectfully requested that the Board grant a rehearing on this matter for the following reasons. (Use additional sheets if necessary)

We respectfully move for rehearing and reconsideration under New Hampshire law RSA 677:2 of the Sandown Zoning Board of Adjustment (“ZBA”) decision made on December 18, 2025 regarding the granting of a variance to Sanctuary Estates, LLC (412 Main Street) (“Applicant”), which variance permits Applicant relief from Sandown Zoning Ordinance Article II, Part, A, Section 14 (A) which defines a dwelling unit as “rooms with cooking, living, sleeping, and sanitary facilities arranged for the use of one or more individuals living together as a single-family unit.” We are appealing on the grounds of an ultra vires administrative decision, a procedural error under the Sandown ZBA Bylaws & Rules of Procedure and the failure of the ZBA to properly apply the five statutorily mandated variance criteria.

Ultra Vires Administrative Decision

The ZBA committed an error of law by acting outside the scope of its statutory authority under New Hampshire law RSA 674:33 Powers of Zoning Board of Adjustment.

The only matter properly before the ZBA was the Applicant’s request for a variance, as authorized by NH statute. The Applicant’s own application submission stated the “Applicants, Town Counsel, and the Town Engineer have identified that relief will be required from the Zoning Ordinance.” (Exhibit A – Sanctuary Estates Application) As such, the only lawful task before the ZBA was to evaluate the variance request under the statutory criteria.

From the ZBA meeting minutes on December 18, 2025; “Ms. Goering (Applicant’s attorney) proceeded to speak to the first variance where the applicant is seeking relief from Article II, Part A, Section 14 (A) which defines a dwelling unit. The applicant is seeking to be exempted from the definition of the word dwelling unit. If the board agrees with their argument that they don’t satisfy the definition of a dwelling unit, then the other two variances listed on the agenda will not be applicable and therefore do not need to be reviewed by the board.” This in fact was incorrect.

The proper issue at hand is that the proposed use is not permitted in the residential zoning district, nor does the Sandown Zoning Ordinance clearly provide for cabins, lodging, or other forms of temporary overnight accommodation, this means that the Applicant was seeking relief not from the definition of a “dwelling unit” but instead was seeking a use

variance. The definition may trigger the problem, but it is not what was within the authority of the ZBA to determine.

Rather than confining its review to the variance criteria, the ZBA improperly engaged in determining whether the zoning ordinance applied to the Applicant in the first instance. That inquiry clearly lies outside the ZBA's jurisdiction. Under NH state law RSA 674:33, the ZBA may (1) hear administrative appeals from decisions made by administrative officers, and (2) grant variances and special exceptions. It does not possess authority to reinterpret, disregard, or invalidate the applicability of duly enacted zoning provisions.

New Hampshire case law consistently reinforces these limits. The NH Supreme Court has held that a ZBA "is a creature of statute and has only the powers the legislature has expressly conferred upon it." (*Harrington v. Town of Warner* 2005). The court has also made clear that a ZBA may not expand its jurisdiction by addressing matters not properly before it. In *Tidd v. Town of Alton* (2002), the Court emphasized that the ZBA's authority is confined to the specific statutory categories as set forth in RSA 674:33, while *Ouellette v. Kingston* (2008) determined that ZBAs must apply the correct legal framework and make independent findings of fact. And again in *Dover v. Kimball* (1992), the Court reiterated the zoning boards may not "rewrite or nullify" the terms of an ordinance under the guise of an appeal.

Here, the ZBA did precisely what the statute and case law forbids. It substituted its own view of the ordinances applicability for the variance review it was legally empowered to conduct. Because the ZBA acted beyond the scope of its statutory authority, its decision is a misapplication of law and must be vacated.

Procedural Error under ZBA Bylaws & Rules of Procedure

Under Section VII, (C), (9) Meetings – Order of Business & Procedures of the Sandown ZBA Bylaws & Rules of Procedure (Exhibit B), both parties should have the opportunity for a rebuttal, with the order being Applicant, Opposition, Applicant rebuttal, Opposition rebuttal. In this case, the chairman, Chairman Loguidice closed public comment at 9:02pm and "Mr. White reiterated to the public that there are ground rules and the public comment period is over." (See Exhibit C – ZBA Minutes from December 18, 2025) and then proceeded to allow Sanctuary Estates a rebuttal not only without permitting the opposition their lawful right to a rebuttal but specifically denied repeated attempts from the public stating "public comment was over". In addition, under Section VII, (C), (i), "The Chairman or designate shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor." This did not occur.

Under New Hampshire law RSA 676:1, every local land use board is required to adopt rules of procedure governing the method of conducting its business. Once adopted,

those rules are binding on the ZBA. A decision taken in violation of the ZBA's own Rules of Procedure is unlawful and unreasonable. Given that the ZBA failed to comply with its own procedural rules, warrants vacating the decision and granting a rehearing.

Five Variance Criteria

The proposed campground/lodging cabins constitute a non-permitted use in the residential and business districts. Relief therefore requires a use variance. Under New Hampshire law RSA 674:33, a Zoning Board of Adjustment is authorized to grant a use variance from the terms of the zoning ordinance only if all five mandatory criteria are satisfied: (a) the variance will not be contrary to the public interest, (b) the spirit of the ordinance is observed, (c) substantial justice is done, (d) the values of surrounding properties are not diminished; and (e) literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Failure to establish any single criterion requires denial.

In this case, the ZBA granted relief by deciding solely whether the cabins met the definition of "dwelling units" under Article II, Part 1, Section 14 (A), rather than correctly applying the five mandatory criteria of NH state law RSA 674:33.

The Notice of Decision confirms this error. The ZBA Notice of Decision from December 18, 2025 meeting states the following: "Mr. White and Mr. Bergeron voted to approve the variance and indicated the units presented did not meet the definition of a dwelling unit because they did not provide the ability to cook. Mr. Loguidice voted to approve because the town attorney and town engineer agreed the units did not meet the definition of a dwelling unit. Mr. Ardolino opposed because he did not believe the spirit of the ordinance was being met. Mr. Blake opposed it because he did feel the units could be considered dwelling units." (See Exhibit D, Notice of Decision)

New Hampshire Supreme Court has consistently upheld the law requiring the record to contain facts and findings that address the five factor variance test. In *Garrison v. Town of Henniker* (2006), the Supreme Court affirmed reversal of ZBA granted use variances where the applicant failed to factually demonstrate unnecessary hardship tied to unique property conditions. The court emphasized the need for property specific facts in ZBA findings. In *Thomas v. Town of Hooksett* (2006), the court vacated the ZBA action because the record and findings were found to be inadequate to support the decision and underscored the importance that ZBA decisions be reasoned and enable judicial review. In *Perreault v. Town of New Hampton* (2018), the court clearly illustrates what it expects, criterion by criterion findings on all five variance criteria with written specific findings in its records.

The December 18, 2025 ZBA Meeting ("ZBA Meeting") record shows the opposite. When requested by the public, "Where is the evidence that the five criteria has been met",

Chairman Loguidice states “It was provided to us in the packet.” When probed further for the evidence beyond a simple stated opinion by the Applicant in their application, Chairman Loguidice states “That (evidence) has not been provided to us. All that’s given to us is this (the application). They come in... that’s the way it’s always been.” And then when probed further for the evidence, Chairman Loguidice states, “Well you know what, I guess there isn’t any. It’s what they wrote down on their application.” Further to this point, when pressed on the issue of property values diminishing for instance, Chairman Loguidice states that “he cannot have them (the applicant) do property valuations on your houses.” The Applicant’s application merely states “There is no evidence to suggest that surrounding property values will be diminished.” These statements confirm that the ZBA neither required proof from the Applicant nor deliberated on the five mandatory criteria.

The New Hampshire Office of Planning and Development has provided further guidance and training materials (“NHOPD”) (link to 2022 Zoning Board of Adjustment Decision Making Process found here: <https://www.youtube.com/watch?v=Pvu8xpHTqQc>) which confirm that all land use decisions must include findings of fact and that all ZBAs should specifically walk through each criterion in writing. The NHOPD also states that the ZBA is a quasi-judicial board which collects evidence and hears testimony.

New Hampshire law RSA 676:3 further mandates that “The decision shall include specific written findings of fact that support the decision.” While guidance from the NHOPD further underscores that the burden of proof rests with the applicant, and the board must find facts and make decisions on those facts.

At the ZBA Meeting, Chairman Loguidice improperly shifted the burden of proof to the public asking, “How do you know it’s going to make your house go down in value?” This question illustrates a fundamental misapplication of law. The Applicant, not the public, bears the burden of proving compliance with the variance criteria.

In this case, the ZBA issued a decision without (1) any discussion of the five statutory variance criteria, (2) any specific written findings of fact and (3) any evidentiary basis from the Applicant upon which the ZBA could make factual determinations. By failing to require proof from the Applicant and by failing to deliberate on the five criteria, the ZBA did not meet the requirements of New Hampshire law RSA 674:33 I(a)(2). This misapplication of law warrants vacating the decision and granting a rehearing so the ZBA can conduct the correct five factor analysis and render findings on each element.

Conclusion and Demand for Relief

For the reasons set forth above, including: (a) the ZBA’s misapplication of law by deciding a definitional question rather than applying the mandatory five statutory variance criteria under New Hampshire law RSA 674:33, (b) the ZBA’s violation of its own adopted Rules of Procedure and (c) its failure to properly utilize the five variance test and failure to

issue specific written findings of fact as required under New Hampshire law 676:3, the decision is unlawful and unreasonable. Consistent with Garrison v. Henniker, Thomas v. Hooksett and Perreault v. New Hampton, the ZBA decision to grant the variance must be vacated and a rehearing must be granted.

We respectfully request that the ZBA vacate the December 18, 2025 decision and set the matter for a proper and lawful rehearing.

Exhibit A – Sanctuary Estates Zoning Board Variance Application



Emily C. Goering

214 N. Main Street
Concord, NH 03301

Direct Dial: (603) 545-3656
goering@gcglaw.com

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

Page 1 of 1 Created on October 14, 2025

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

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Michael S. Elwell (Of Counsel)
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Lewis Soule (1924-1986)
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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

Page 3

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@southfirm.com

DMG/mcg

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

Exhibit B – Sandown Zoning Board of Adjustment Bylaws & Rules of Procedure

- 47 March of each year and shall be staggered such that no more than 1
48 appointment occurs annually except when required to fill vacancies.
49. 2. All alternates shall continue to serve until reappointment or a successor has
50 been appointed. However, no member shall serve as a holdover for more than
51 90 days. If at the end of the 90-day holdover period the Board of Selectmen
52 has not appointed or re-appointed a member, the office shall be deemed
53 vacant.
- 54 3. Alternates must be residents of Sandown, New Hampshire and are expected to
55 attend meetings and be familiar with the workings of the Board so that they
56 will be ready to serve whenever they are requested to serve in place of a
57 member.
- 58 4. Alternates may participate in the discussions but may not vote unless
59 designated as a voting member by the Chairman.
- 60 5. Any alternate member who is absent for three consecutive meetings, unless
61 there are extenuating circumstances or prior approval, shall be recommended
62 by the Board of Adjustment to the Board of Selectmen for removal from the
63 Board.

64 C. Officers of the Board

- 65 1. A Chairman will be elected annually at the next appropriate meeting after the
66 March appointment of board members. The Chairman conducts hearings and
67 meetings, acts as official spokesman for the Board, and designates alternates
68 as voting members when deemed appropriate. The Chairman may call special
69 meetings, provided that at least 48 hours notice is given each member before a
70 meeting is held. The Chairman will be required to call a meeting within 10
71 days of receipt of a written request from any two members of the Board. The
72 Chairman is responsible for budget proposals and financial control, and is the
73 departmental authority for expenditures against the Board budget.
- 74 2. A Vice Chairman will be elected annually at the next appropriate meeting
75 after the March appointment of Board members. The Vice Chairman or Board
76 designate fulfills the duties of the Chairman in the Chairman's absence.

77
78 **III. Application Process**

79 A. Appeals

80 Appeals from an administrative decision taken under RSA 676:5 shall be filed and
81 stamped by the Selectmen's Office within 30 days of the decision.

82 B. Filing of Application

- 83 1. Each application for a hearing before the Board shall be made on forms
84 provided by the Board.
- 85 2. All forms and revisions prescribed thereto, shall be adopted by resolution of
86 the Board as described in Article XI and are considered attachments to and
87 thus part of these Bylaws and Rules of Procedure. These consist of the
88 following:
- 89 a. Applications
- 90 b. Applicant Checklist
- 91 c. Informational Sheet

- 92 3. The Selectmen's Office will maintain copies of applications, checklists and
93 explanatory material (informational brochures) provided by the Board, along
94 with up-to-date tax maps to be used for generation of abutters lists
95 4. The Selectmen's Office will receive and date-stamp applications submitted
96 during office hours. Filing and date-stamping of the application by the
97 Selectmen's Office does not constitute receipt of a properly completed
98 application by the Board.
99 C. Information required with Application (provided by the applicant)
100 1. The application (reference attachments) lists the information necessary to
101 conduct a thorough hearing of any application. For any specific appeal, not all
102 elements may be required. However, an application submitted with
103 insufficient context and supportive documentation will be denied. Since a
104 prescriptive list of elements tailored to each type of case may be inadequate or
105 misleading, the Board requires that applicants adequately describe who owns
106 the property, where it is located, and to give an adequate description of it that
107 is relevant to the case. The applicant must also describe what the proposed use
108 is and the relationship to the property, including sketches, plot plans, pictures
109 construction plans, etc., and must explain why the proposed use requires an
110 appeal to the Board of Adjustment. If there are specific requirements in the
111 Zoning Ordinance, the application must address how these requirements are
112 met. The application should make it clear why the applicant believes the
113 appeal should be granted. The list of abutters is a critical element—this is the
114 basis for both the envelope preparation and postage for the legal notices and
115 for the fees levied by the Board. It is the applicant's responsibility to ensure
116 that sufficient information is provided with the application.
117 2. Several types of Special Exceptions require reports or approval from other
118 agencies—e.g.; Town Engineer, Sandown Conservation Commission, NH
119 DES, Sandown Health Officer, etc. Agencies providing these reports thus
120 generated are based on the plans provided to the agency, and it is critical that
121 the Board can verify that the same plans submitted to the agencies are the
122 plans under review by the Board. To clarify this process, the applicant must
123 follow the below procedures:
124 a. The same information that is provided to the agency will be included
125 in the application, and will bear a title, revision number and/or
126 approval date
127 b. The agency report must include a reference to the title and revision
128 number and/or approval date.
129 c. The original agency report will be provided directly to the Town of
130 Sandown, and the Town will stamp receipt of and distribute copies as
131 necessary.
132 d. Unstamped copies of reports or reports that do not bear clear reference
133 to the same set of plans included in the application will be
134 inadmissible as evidence before the Board.
135 D. Application Review and Acceptance/Rejection Procedure

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1. At each meeting, the Chairman will present all applications. These will consist of applications received at least five business days prior to the meeting through the Selectmen's Office.
 2. The Board will review applications to determine if sufficient information is present to hear the case, and to validate the abutter's list. (Note: although preliminary validation may have been provided by the Selectmen's Office to expedite the application, it is the Board's responsibility to provide final review). Completed applications for failed septic systems may be accepted without full Board review.
 3. If the application is deemed complete, the Board will vote to formally accept the application.
 4. If there is insufficient information provided to hear the case, the Board has two options:
 - a. In the case where there is a strong possibility that information could be provided or requirements met by the time of the next scheduled meeting, the Board may accept the application and schedule the case contingent upon the Administrative Assistant or Chairman notifying the applicant in writing to explain the discrepancies and verifying with the applicant that resolution will be provided by the scheduled meeting. This is at the discretion of the Board, and limited by the following conditions:
 - i. Verification must be obtained prior to the deadline for legal notification submissions to the area newspapers, as determined by the Administrative Assistant, or the contingency will not be met and the application approval will be deemed to have failed.
 - ii. If verification is obtained but the information is not provided by the scheduled meeting, the application will be considered to have been abandoned. If the applicant wishes to pursue the matter, a new application must be submitted and fee paid.
 - b. The Board may vote to deny the application, in which case the applicant must be notified by the Chairman in writing explaining the discrepancies. The application will not be considered again for acceptance until the next regularly scheduled meeting. Since no legal notification expenditures are made, no reapplication fee will be imposed.
 5. A vote to accept an application constitutes formal receipt by the Board, and the application must then be heard by the Board within 30 days.

174 **IV. Notice of Hearings**

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- A. The applicant and all abutters shall be notified of case hearings by certified mail with return receipt. The notice must be mailed at least 10 days prior to the hearing in order to ensure the seven-day minimum notification limit is met.
 - B. The general public shall be notified of case hearings by publication in the Legal Notices section of one or more of the *Union Leader*, the *Tri Town Times*, *The Eagle Tribune*, or the *Carriage Towne News*. The notice must be published at least five calendar days prior to the hearing.

- 182 C. All notices shall include name of the applicant, description of the property (tax
183 map/lot number and street address), owner of the property (if different from the
184 applicant), action desired by the applicant, provisions of the zoning ordinance
185 concerned, the type of appeal being made and the date, time, and place of the hearing.
186 D. The applicant may not amend the application after the legal notice has been
187 transmitted to the newspaper for publication.
188 E. Public notice of all Board meetings will be posted at two entrances to the Sandown
189 town offices, visible from the exterior of the building, at least 24 hours in advance of
190 the meeting. This minimum notification time excludes Sundays and legal holidays.
191 The notice will indicate the nature of the business to be discussed.
192 F. Whenever the Board receives an application which it feels may have a potential for
193 regional impact, it must give notice of the Public Hearing by certified mail at least
194 fourteen (14) days in advance to all affected municipalities and the regional planning
195 commission, in accordance with RSA 36:57.
196 G. The cost of notice, whether mailed, posted, or published, shall be paid in advance by
197 the applicant. Failure to pay such costs shall constitute valid grounds for the Board to
198 terminate further consideration and to deny the appeal without public hearing. Fees
199 are set in Article X below.
200

201 **V. Meeting Time & Places**

- 202 A. Meetings shall generally be conducted on the last Thursday of each month at 7:00
203 p.m. at the Sandown Town Hall.
204 B. Other meetings may be held on call of the Chairman provided public notice is
205 given in accordance with Article IV of these Bylaws. In addition, notice to each
206 member, including alternates, shall be provided within the same time constraints
207 either in writing (including electronic transmission) or by telephone.
208 C. Case hearings will be held within thirty days of the receipt of an approved
209 application.
210

211 **VI. Quorum and Disqualification**

- 212 A. A quorum shall consist of three voting members of the Board, which may include
213 alternates sitting in for members.
214 B. In accordance with RSA 673:14, no member of the Board shall sit in hearing on
215 any matter in which they may be personally or financially interested, nor shall
216 they vote on the determination of any appeal or application unless they have
217 attended the hearing. Specifically, a member must step down from an appeal if the
218 member:
219 1. Has a direct personal interest or pecuniary interest in the outcome, which
220 differs from the interest of other citizens in the community.
221 2. Is an abutter.
222 3. Has publicly taken a position on the application other than in the course of
223 ruling on another similar application
224 4. Is related to the applicant
225 5. Is employed by or employs the applicant or property owner
226 6. Is prejudiced to any degree regarding the appeal

227 If uncertainty arises as to whether a member has a conflict, the board must, upon
228 the request of the Member or another member of the Board, vote upon the
229 question of whether that Member should be disqualified. Any such request shall
230 be made prior to or at the commencement of any required public hearing. Such a
231 vote is advisory only and non-binding.

232 A member with a conflict should inform the Chairman, generally state what the
233 conflict might be (e.g.; financial, legal, etc). The Chairman shall announce the
234 disqualification and appoint an Alternate to fill the seat. The disqualified Member
235 shall absent themselves from the Board table during the public hearing and all
236 deliberation on the appeal. The minutes of the Board should reflect that the
237 Member was disqualified and the reason given, that the Member did not
238 participate in any discussions of the appeal as a Board Member, that the Member
239 was absent from the vote, and when the Member returned to the Board.

240 **VII. Meetings—Order of Business & Procedures**

241 A. Call to order by the Chairman

242 B. Roll Call/Designation of Voting Members

243 C. Public Hearings, which will be conducted under the following rules:

- 244 1. In order for an appeal to be granted, the burden of proof is on the applicant to
245 demonstrate that each of the applicable requirements has been met.
- 246 2. Members of the Board may ask questions at any point during testimony, and
247 may request, through the Chairman, to have any party to the case speak a
248 second time.
- 249 3. Any parties to the case wishing to address another party to the case must do so
250 through the Chairman.
- 251 4. Any party may appear in person or be represented by counsel or designated
252 agent.
- 253 5. All presentations and testimony to the board are considered to be under oath.
254 At the discretion of the Chairman, any witness may be required to swear that
255 their statements of facts are true.
- 256 6. All those who offer input to the Board shall state their name and address, and
257 indicate whether they are a party to the case or an agent or counsel of a party
258 to the case.
- 259 7. The concurrent vote of three voting members shall be necessary to decide in
260 favor of any matter before the Board. Any appeal receiving fewer than three
261 affirmative votes shall by result be denied as failing to meet all criteria
262 necessary for the appeal.
- 263 8. The Board reserves the right to rescind the granting of any appeal, should it
264 come to the attention of the Board that an applicant and/or agent
265 misrepresented a material fact which led the Board to grant their appeal.
- 266 9. Case hearings will be conducted according to the following procedure:
 - 267 a. The Chairman will read the public notice for the meeting, and report
268 on how public notice and personal notice were given.
 - 269 b. If less than a full Board of five members is present, applicants must be
270 notified of their right to postpone their hearing until a full Board is

- 271 present. If the applicant elects to proceed, the case will be heard and
272 decided.
- 273 c. The applicant shall be called to present his appeal, and testimony will
274 be accepted from any others in favor of the application.
- 275 d. Testimony will be accepted from any opposed to the application.
- 276 e. The applicant and those in favor of the appeal shall be allowed to
277 speak in rebuttal.
- 278 f. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- 279 g. Any person who wants the Board to compel the attendance of a
280 witness shall present such request in writing to the Chairman not later
281 than three days prior to the public hearing.
- 282 h. The Board will hear with interest any evidence that pertains to the
283 facts of the case or how the facts relate to the provisions of the
284 Sandown Zoning Ordinance or to state zoning law.
- 285 i. The Chairman or designate shall present a summary setting forth the
286 facts of the case and the claims made for each side. Opportunity shall
287 be given for correction from the floor.
- 288 j. The Board will close the hearing on the appeal to further public input.
- 289 k. The Board will reach a decision within 14 days of the hearing. The
290 Board will approve, approve with conditions, deny the appeal, or defer
291 its decision.
- 292 D. Decisions on appeals under consideration from prior meetings (e.g.; continuances
293 or tabled cases)—applicable elements of the above case hearing process will be
294 followed.
- 295 E. Review, modification if necessary, and acceptance of prior meeting minutes.
- 296 F. Review and acceptance or denial of new applications (reference Article III
297 above).
- 298 G. Other business
- 299 H. Adjournment
- 300

301 **VIII. Notice of Decision and Meeting Minutes**

- 302 A. Notification of decision will be sent in writing to the applicant, building inspector,
303 planning board, selectmen, and town clerk. Notification will also be posted at
304 Town offices within 5 days of the decisions, and will be available at the
305 Selectmen's Office for the general public and the press in accordance with RSA
306 676:3.
- 307 B. The notification of decision will include the same information as the notice of
308 hearing as well as stating the decision reached and the right of any aggrieved
309 parties to file a motion for rehearing (if applicable). If the appeal is denied or
310 deferred, the notice shall include the reasons therefore.
- 311 C. If an appeal is granted, the decision will also state in detail what conditions and
312 safeguards are required, and any time constraints on the validity of the decision.
313 The enforcing agency for these conditions and safeguards is the Sandown Board
314 of Selectmen or their designate.
- 315 D. In accordance with RSA 91-A:2, minutes of the meeting will be available to the
316 public in draft form within 7 days of the meeting by being posted at Town offices

317 on the bulletin board outside the Selectmen's Office. Meeting minutes will
318 include names of board members, persons appearing before the board, and a brief
319 description of the subject matter. Minutes will be approved at a subsequent
320 meeting by affirmative vote of at least three members or alternates who were
321 present at the subject meeting.
322

323 **IX. Storage of Records**

- 324 A. Copies of meeting minutes and notices of decision will be permanently filed in
325 the office of the Town Clerk, and shall be available for public inspection in
326 accordance with RSA 673:17.
327 B. The original Board case file will be placed in the tax map file for the property
328 affected. In situations where the decision applies to multiple lots, the case file will
329 be placed in one of the tax map files and reference cards placed in the other tax
330 map files, indicating where the master file is stored.

331 **X. Finances**

- 332 A. The Board is funded by user fees, and is expected to neither require a Town
333 subsidy to operate nor to exact more in fees from applicants than is required.
334 B. The Board has the authority to levy fees to cover its operating costs in accordance
335 with its estimates as described below. Revisions to application fees must be by the
336 process described in Article XI.
337 C. The basis for fees includes administrative costs associated with generating legal
338 notices and abutter letters, stuffing envelopes, trips to Post Office and Town Hall
339 for posting (if applicable), meeting minutes and records preparation, publishing
340 costs for legal notices, seminar/training costs for Board members and alternates,
341 and administrative staff, books and reference materials.
342 D. Application and abutter fees are set at the following rates, and the entire fee
343 assessed is to be provided with the application filing:
344 1. Base Application Fee: \$175
345 2. Abutter fee (for each abutter): \$5, plus postage
346

347 **XI. Amendment to Bylaws & Rules of Procedure**

348 These Bylaws & Rules of Procedure may be amended by a majority vote of all
349 members present and voting, provided that such amendment is read and approved at
350 two public meetings.

Exhibit C – ZBA Draft Minutes from December 18, 2025

Zoning Board of Adjustments
Meeting Minutes
DRAFT
12/18/25

Meeting Date: December 18, 2025

Meeting Location: Town Hall, 320 Main Street, Sandown, NH

6:35 Open Meeting Pledge of Allegiance

Members Present: Robert Nickerson-Selectman Liaison, Chris Asaro Alternate, Jeffrey Blake, Mike Bergeron, Daren Hudgins - Alternate, John White-Vice Chairman, Joel Logiudice-Chairman, David Ardolino, Jason Chui – Alternate, Nicole Pitts – Admin. Aid

Members Recused for 617 Main Street Application Review: Joel Logiudice – Chairman and David Ardolino

John White ran the meeting in place of Mr. Logiudice as Chairman

Voting members on the 617 Main Street Application Review were John White – Chair, Mike Bergeron, Daren Hudgins – Alternate, Chris Asaro – Alternate, and Jason Chui - Alternate

Mr. White read aloud the letter dated November 18, 2025, to the Board of Selectmen from Phillip Coombs at 3 Lexington Drive, Sandown, NH that request for Rehearing Regarding Variance Application at 617 Main Street, also identified as Map 21 Lot 36.

Mr. White asked if there were any comments or questions regarding the applicant’s letter. There were none

MOTION made by Mr. White to approve the request for rehearing regarding the variance at the property located at 617 Main St., also identified as Map 21 Lot 36. Mr. Hudgins seconded the motion. Voted 2-3-0. Mr. White and Mr. Asaro are in favor, Mr. Hudgins, Mr. Bergeron and Mr. Chui are against. Motion does not pass therefore there will not be a rehearing regarding the application.

Mr. White removed himself from the Chair position and Mr. Logiudice resumed his role as chairman for the remainder of the meeting. Mr. Ardolino also returned to the board for the remainder of the meeting.

6:45 p.m. Mr. Asaro and Mr. Hudgins left for the remainder of the meeting.

42 Mr. Logiudice proceeded to read into the record the next application up for review.

43 **Public Hearing for a review of an application** for variance for submitted by Rob Morris. The
44 property is located at 13 Cemetery Rd., also identified as Map 5 Lot 3. The application seeks
45 relief from Article 2, Part B, Section 3B to subdivide a lot with 201.0' of frontage on a Class VI
46 road.

47

48 Mr. Ryan Lavelle from Lavelle Associates that prepared the subdivision plans, spoke on behalf
49 of the Morris Family application to the board and proceeded to describe the property and the
50 layout regarding abutters, location and condition of the access road, and explained reason for
51 dividing up the lot. Also, he explained that part of the lot is in Hampstead, NH and the other part
52 is in Sandown, NH.

53

54 Mr. Logiudice asked Mr. White and Mr. Ardolino to assist in the review of the application
55 materials to verify it was complete.

56

57 Mr. Logiudice asked Mr. Lavelle if there were any septic plans and he stated there were not.

58

59 **MOTION** Mr. White made the motion to accept a variance application submitted by Rob Morris
60 located at 13 Cemetery Road, also identified as Map 5 Lot 3. To seek relief from Article 2, Part
61 B, Section 3B to subdivide a lot with 201.0' of frontage on a Class VI road. Mr. Ardolino
62 seconded the motion. All voted in favor therefore the motion passed.

63

64 Mr. Logiudice reintroduced the board attendees before proceeding to the Public Hearing portion
65 of the meeting as follows: Jeffrey Blake, Mike Bergeron, Robert Nickerson-Selectman Liaison,
66 Joel Logiudice-Chairman, John White – Vice Chair, and Dave Ardolino, Jason Chui – Alternate.

67

68 Mr. Logiudice stated Public Hearing would commence by hearing the applicants from Sanctuary
69 Estates.

70

71 Mr. Charles Zilch, Owner/Project Manager of SEC & Associates, Inc. approached the board to
72 hand out copies of the site plans for Sanctuary Estates.

73

74 Ms. Emily Goering an Attorney with Gallagher, Callahan & Gartrell, P.C. who is representing the
75 applicants and owners, Steffan Brown (present) and Eric Scott (present) on behalf of Sanctuary
76 Estates, LLC all took their seats to present to the board.

77

78 Ms. Goering stated that long-term residency will not be prohibited on the property. This is not
79 part of the business model. The units cannot support long-term residencies, they will not be used
80 as refugee camp(s), they are not government subsidized housing, or emergency housing. The
81 applicants' goals are to ensure the units are comfortable for someone who wants to stay for say a
82 weekend or long weekend, but they are not to be compatible with supporting long-term
83 habitability. That is not the business model.

84

85 Ms. Goering also explained after going through the application process with the Zoning Board
86 the next step will be to go before the Planning Board for the site plan review process which they
87 anticipate will be a very thorough review of the project and that will give the opportunity for all
88 the different departments in the town to weigh in on issues such as noise, police response, and
89 emergency ingress and egress.

90

91 Ms. Goering explained the reason they were before the board tonight is for a much narrower part
92 of the project due to their previous visit to the planning board to go over the conceptual planning
93 review that caused a question to arise asking if the use was permitted in the business district. The
94 planning board directed them to the Town council Diane Gorrow. Ms. Gorrow made the decision
95 that this type of cabin is a permitted use in the business district.

96

97 Ms. Goering reiterated they are here to specifically talk about the dimensional criteria of the
98 cabins. They have been working with Steve Keach, the Town Engineer, to identify where they
99 needed relief in the ordinance.

100

101 Ms. Goering summarized her client was looking to be exempted from the requirement the units
102 need to be a minimum of 500 sq/ft. because the applicants cabins range from 308 – 390sq/ft.

103

104 Ms. Goering stated they acknowledge the abutters concern the units could become habitable in
105 the future and therefore convert into, for example, apartments. Ms. Goering stated having the
106 smaller footprint is in keeping with the abutters' concern. It is not the intent of the applicant that
107 the units could conceivably become habitation units.

108

109 Ms. Goering proceeded to speak to the first variance where the applicant is seeking relief from
110 Article 2, Part A, Section 14 (A) which defines a dwelling unit. The applicant is seeking to be
111 exempted from the definition of the word dwelling unit. If the board agrees with their argument
112 that they don't satisfy the definition of a dwelling unit, then the other two variances listed on the
113 agenda will not be applicable and therefore do not need to be reviewed by the board.

114

115 Mr. Logiudice directed Ms. Goering to read the variance into the public record.

116

117 Ms. Goering read the narrative application for a request for variance for the property identified as
118 412 Main Street, Sandown, NH and tax Map 14, Lot 3 – 1 was read aloud for the record by
119 Emily Goering an Attorney with Gallagher, Callahan & Gartrell, P.C. who is representing the
120 applicants and owners, Steffan Brown (present) and Eric Scott (present) on behalf of Sanctuary
121 Estates, LLC. This application is dated October 16, 2025, and was received on October 16, 2025,
122 by the selectmen's office for the Twon of Sandown NH.

123

124 Ms. Goering proceeded to go into detail regarding the definition of a dwelling unit and how it
125 pertains to the units the applicant is proposing in their application. They are asking the board to
126 look at the cabins as lodging units vs. single family residences which have a different intensity /
127 nature of use and intended purpose than overnight lodging.

128 Ms. Goering asked the board if they had any questions for them regarding the variance criteria or
129 project.

130

131 Mr. Nickerson asked why cabins vs. a single or double story traditional building?

132 Ms. Goering explained the applicants are interested in the cabin model vs. the traditional.

133

134 Discussion ensued regarding the type of lodging potentially transitioning into long term /
135 permanent housing.

136

137 Mr. Brown stated that the question before the board is are these units considered dwelling units
138 and if they are deemed, they are not then they cannot be deemed habitable based on the towns
139 own zoning ordinance the town will not allow the units to be convertible later.

140

141 Ms. Goering explained they expect conditions to be imposed by the other various boards they
142 will come across that will address for example how long people can stay in the units, and noise
143 ordinances. If people in the future wanted to convert the cabins into living units, they would have
144 to come back before the boards and petition for a change of use permit amongst them to change
145 the current state of use. To prevent people from staying more than the allotted nights permissible
146 there is code enforcement in place that will enforce that issue.

147

148 Mr. Logiudice asked Mr. White if the Zoning board could put in a condition that the units never
149 be able to be converted over to dwelling units?

150 Mr. White explained it would have to happen at the Planning Board to impose such conditions.

151

152 Mr. White went on to explain for context what happened at the Zoning Board meeting on
153 December 16, 2025, regarding land use regulations regarding additional dwelling units such as
154 in-law apartments and building on class VI roads, dirt / country like roads. Because of the
155 Sanctuary Estates project, the board added a third zoning amendment that can be voted on in
156 March that deals more specifically with hospitality, campgrounds, and recreational type
157 structures.

158

159 Mr. White read the definition of what a dwelling unit, “*“Dwelling Unit” shall mean rooms with*
160 *cooking, living, sleeping, and sanitary facilities arranged for the use of one or more individuals*
161 *living together as a single-family unit. (1984)”* from the Town of Sandown Zoning Ordinance
162 Adopted on March 13, 1956 – Last Amended March 9, 2021, page 22 which is on record at town
163 hall and the towns website as reference.

164

165 Mr. White gave his opinion on his review of the floor plans for the different size proposed units
166 comparing the contents to what he considered in his opinion as a cooking facility in the units. He
167 stated he doesn’t think the area in the units meet the cooking facilities requirement to meet the
168 dwelling unit criteria because there is no stove to cook a meal.

169

170 Ms. Goering stated there are no laundry facilities, no storage units, and no closets in the units or
171 on the property in the plans. Also, when they go before the Planning Board, they can discuss that
172 stipulations can be put in place for occupancy limits and no cooking facilities will ever be
173 included in the units within their site plan approval process which then become covenants that go
174 with the land and the project.

175

176 Mr. White reiterated that the Zoning Board is only voting on whether the units presented by the
177 applicant meet the definition he stated of a “dwelling unit”. All concerns regarding contents of
178 the units and any placing of restrictions or guidelines will be made at the Planning Board level.

179

180 Mr. Brown stated the intent of purpose of the units does not match the language used in the
181 second half of the dwelling unit definition verbiage.

182

183 Mr. Blake made a statement stating the applicant is applying for this variance because they
184 would like the units they propose to not be considered “dwelling units”.

185

186 **CORRESPONDENCE**

187 Mr. Logiudice proceeded to read aloud letters from the public and businesses in favor and against
188 the applicant’s application located at 406 Main Street for the record. They can be found on record
189 at the Sandown Town Hall.

190

191 Mr. Logiudice made the statement before opening the public hearing up to public comment that
192 the board is there to focus on the size of the units themselves. He instructed the public if they had
193 comments on topics other than that of the size of the units, they are welcome to share their
194 opinions but reiterated the zoning board is only there to determine the size of the unit tonight.

195

196 **Public Comment was open to the public and were as follows.**

197 Janet Stammely 32 Montana Drive, Sandown, NH – concern regarding the size of the units and
198 how they would meet the definition of a “dwelling unit” based on having accessible cooking
199 facilities. Stated there doesn’t necessarily need to be a stove or kitchen for people to cook in the
200 units. She would not want to see a single-story motel in town. Quality of life is top concern.
201 Choice of location is preferable to applicant because the zoning regulations for the town are not
202 up to date, therefore giving them an advantage in location placement of the business. Agrees with
203 having an environmental impact statement happening before the plans are developed.

204

205 Christopher Morrissey 12 Montana Drive, Sandown, NH – Spoke to the point once a structure is
206 built there is a chance for them to evolve into a dwelling/something else in the future. Mentioned
207 an example of people in Boston, MA buying studio rooms not condo/apartments with common
208 kitchens as a way around people occupying a “cabin” to a “dwelling” to cut down of costs. A
209 nontraditional building is more of an issue than a traditional building. Concerned it is not
210 proposed to be a traditional 9 a.m. – 5 p.m. business the citizens of Sandown are accustomed to.

211

212 Discussion ensued between the board and Mr. Morrissey posing a question of what kind of
213 structure in the industrial zone the citizens would be happy with, for example, industrial
214 building, gas station, or motel vs. the proposed development.

215

216 Jessica Psareas 12 Mallard Lane, Sandown, NH – Spoke to the property values of homes being
217 negatively affected in the neighborhood(s) surrounding the proposed development. The children
218 in these neighborhoods’ safety and resale values of the homes decreasing are her concerns.

219

220 Karen Whitaker 89 Sargent Road, Sandown, NH – Asked what does the law define as a cooking
221 facility? What defines a permanent kitchen? Stating you can technically move a stove or
222 refrigerator. She made the point that someone could bring a hot plate as a cooking appliance to
223 the units to cook, allowing the units to possibly evolve into a dwelling unit regardless of the size
224 it is being built as. Asked what is the town ordinance for allowing housing or hospitality in the
225 commercial zone/district?

226

227 Mr. Chui (building inspector for the Town of Sandown) spoke to the building codes definitions
228 of what a cooking facility is under the law by stating the building code laws definition is a
229 permanent (not easily movable) cooking appliance such as a stove, oven, cook top, has to be a
230 kitchen sink in a kitchen for food preparation. He explained the word “permanence” means
231 something cannot easily “come and go”. The appliance “lives in the vicinity of the building. It
232 doesn’t move from one place to another. For example, people are not coming and going with a
233 stove unlike an air fryer which is easily movable / transported by simply unplugging it and
234 carrying it to and from a place.

235

236 Mr. Logiudice re-read page 2 of the applicant’s request for variance document to answer Ms.
237 Whitakers zoning ordinance question. This document is on record at the Sandown Town Hall as
238 reference.

239

240 Mr. Chui read aloud Article 1 Part D Business District (Be)-Reference Town Map Section 2 Uses
241 subsection A – O of the Sandown Zoning Ordinance (Amended March 9, 2004) to clarify for Ms.
242 Whitaker what uses are allowed by the Town in the Business District. This document is on record
243 at the Sandown Town Hall and online the Towns website as reference.

244

245 Mr. White stated historically there have been campgrounds in the Town of Sandown, and they
246 were permitted to stay overnight at them. The application that is being presented by Sanctuary
247 Estates is unique in its uses. Therefor the Town is currently updating its zoning regulations to fit
248 this kind of use because it was not thought of in the past, hence not included in the regulations.

249

250 Mr. Chui stated by the law that the use of the property units are technically deemed a residential
251 use because transient use is technically a kind of residential use.

252

253 Charles Pollano 9 Mallard Lane, Sandown, NH – Special use category is what he believes the
254 project falls into. He believes the smaller the size of the units, therefore more will be built, more

255 people will be residing on the property. In his opinion approximately 100 people on average
256 would be congressing. He believes it is not acceptable for these many people to be in one place
257 because of all the drinking and noise that can occur around residential neighborhoods. Also, the
258 fire risk is heightened and given the availability of the fire department and lack of hydrants in the
259 area he doesn't feel it would meet the standards to safely contain any fire that may result on the
260 property at 512 Main Street or the surrounding neighborhoods. He is concerned as an abutter
261 about Insurance premiums going up.

262

263 Janet Stammely 32 Montana Drive, Sandown, NH – Asked about the size of the units being
264 under 500 sq/ft. would result in 32 total units would result in 10,000 – 12,000 sq/ft. of living
265 space total amongst all 32 units.

266

267 Christopher Morrissey 12 Montana Drive, Sandown, NH – Made a statement directly to the
268 applicants siting in Ms. Goering's notes corporate gathering is listed as possible uses of the
269 proposed properties uses.

270

271 Adam Hughes 428 Main Street, Sandown, NH – Made a statement opposing the requested
272 variances based on the spirit of the ordinance because if the variance is granted, he believes will
273 set a precedent for other commercial properties to seek relief as well. Causing a "Zoning by
274 exception not by rule" to occur. He believes it is not in the public interest to support the variance
275 for multiple reasons, the biggest being the safety of the neighborhoods and properties
276 surrounding it being compromised due to the disturbance created by the guest's consumption of
277 alcohol on the property.

278

279 Robert Middleton 428 Main Street, Sandown, NH – Asked when the public can comment on
280 issues other than the size of the units being proposed. His issue is not with the size of the unit
281 being built it is with the impact to the water, environment, and neighborhood of the area being
282 developed.

283

284 Brian Luongo 49 Montana Drive, Sandown, NH – Asked why are we changing the size of the
285 units for them to have more people on their property? He believes it would benefit the applicant
286 if the units were smaller because that would allow more people to rent the property. Also, he
287 believes building smaller units would cut the building costs, construction, and labor costs for
288 them.

289

290 Mr. Logiudice asked the applicant why did you propose 300 sq/ft. cabins vs. 500 sq/ft.?

291

292 Mr. Brown stated because they are building a "camp ground" and based on the Sate of NH Title
293 XIX Public Recreation Chapter 216 I Recreational Campground and Camping Parks Section 216
294 – I:1 Definition sec. VII – a in summary states ""Recreational camping cabin" means a structure
295 on a campsite, 400 square feet or less...shall not be designed for use as a permanent dwelling but
296 as a temporary dwelling for recreational camping and vacation use."

297

298 Liam Paul 61 Montana Drive, Sandown, NH – Asked how the applicant’s application for
299 variance qualifies to come before the Board because in his opinion they don’t meet all five
300 requirements to do so. Specifically, the property values are being affected. He thinks they have
301 not met that requirement therefore they should not even be before the zoning the board and given
302 the ability to submit their application. Mr. Paul used The Zoning Board of Adjustment
303 Application for Variance revised on August 8, 2025, listed under section titled Three Types of
304 Appeals – A Brief Explanation Sect. I Variance located on the Town of Sandown Zoning Board
305 website as reference. Concerned about being able to see the units through the buffer in the
306 backyards of the property(s) that about the property.

307

308 Mr. Logiudice proceeded to explain the application process the Town of Sandown has in place
309 for applicants seeking a variance to Mr. Paul.

310

311 Christopher Morrissey 12 Montana Drive, Sandown, NH – Asked what the vote on 617 Main
312 Street property application was because he felt the board just went through this same process
313 twice for that property.

314

315 Janet Stammely 32 Montana Drive, Sandown, NH – Where is the evidence that all 5 of the
316 criteria listed The Zoning Board of Adjustment Application for Variance revised on August 8,
317 2025, listed under section titled Three Types of Appeals – A Brief Explanation Sect. I Variance
318 has been met?

319

320 Mr. Logiudice responded by stating it is provided in the Application for Variance package
321 provided by the applicant.

322

323 Liam Paul 61 Montana Drive, Sandown, NH – suggested having a conversation regarding the
324 requirements for rules for applying for a variance application should be changed to include one
325 requirement vs. the five prior to submittal.

326

327 Mr. White clarified you need to meet the five requirements to be granted the variance not to
328 apply for one.

329

330 Christopher Morrissey 12 Montana Drive, Sandown, NH – Asked if according to the criteria
331 listed in the application, they must prove property values will not be affected then why are they
332 in his opinion not providing evidence that criteria has been met. He believes they need to provide
333 a report from multiple real estate agents proving evidence that property values will not be
334 affected.

335

336 Lisa Elavsky 49 Montana Drive, Sandown, NH – suggested show evidence from other such
337 establishments / models of projects done in the state like Sanctuary Estates is proposing and how
338 they have or haven’t affected property values of the homes surrounding those projects. Pointing
339 out they had not seen such evidence presented to the Board.

340

341 Liam Paul 61 Montana Drive, Sandown, NH – stated at the wording in the Variance Application
342 5.B has the last word “because” meaning why? Stating they are not in his opinion answering the
343 question therefore their application is incomplete.

344

345 Robert Middleton 428 Main Street, Sandown, NH – Asked how we can take their word for what
346 they are providing for reasons they are giving to qualify for the variance. He doesn’t believe they
347 provided sufficient evidence to meet the criteria.

348

349 Brian Luongo 49 Montana Drive, Sandown, NH – Made a statement that he is a licensed real
350 estate agent in NH and MA and based on his professional opinion the project will bring down
351 property values. He is not biased in his opinion.

352

353 Mr. Logiudice asked if Mr. Luongo was biased on his opinion because he is an abutter of
354 proposed development. Mr. Luongo stated no.

355

356 Mr. Logiudice closed public comment at 9:02

357

358 Ms. Goering made comments in response to the public comment and reiterated why they are
359 before the Zoning Board and defined what the obligation of the board was to vote on the
360 variance before them.

361

362 Mr. Brown reiterated that the decision before the board is to define if their proposed units will be
363 voted and deemed “dwelling units” based on the Town of Sandown zoning regulations.

364

365 Ms. Goering clarified the point that they needed to state if the size of the unit, 308 – 390 sq/ft. vs.
366 500 sq/ft., would affect the property values not the project that is proposed.

367

368 Mr. White reiterated to the public that there are groundrules and the public comment period is
369 over.

370

371 Mr. Logiudice asked the board members if they had any further questions for the applicants.

372

373 Mr. Chui made a comment based on his interpretation of the definition of a dwelling unit under
374 the building ordinance, code and law, the purposed units in his opinion do not meet the
375 requirements to be designated dwelling units.

376

377 Mr. White made the motion to approve the variance submitted by Sanctuary Estates. The
378 property is located at 412 Main Street, also identified as Map 14, Lot 3 – 1. The application seeks
379 relief from Article 2, Part A, Section 14 (A) which defines a dwelling unit. Mr. Bergeron
380 seconded the motion. 3-2-0. Passed.

381

382 **REASONS for VOTE:**

383

384 Mr. Bergeron voted in favor because he believes it does not fall within the category of a dwelling
385 unit defined in the building code

386 Mr. White voted in favor based on the definition of a dwelling unit and reiterating there is no
387 official cooking space therefore doesn't qualify as a dwelling unit.

388 Mr. Logiudice voted in favor based on the town attorney Diane Gorrow and Town Engineer
389 Steve Keach opinions and there are no kitchen appliances in the proposed units.

390

391 Mr. Ardolino voted against it because it is in the spirit of the ordinance not to change the size of
392 the unit.

393 Mr. Blake voted against it because of his interpretation of a dwelling unit he feels the proposed
394 units do qualify as a dwelling unit.

395

396 Mr. Chui did not vote

397 Mr. Nickerson did not have a vote

398

399 Mr. Logiudice stated there is a 30-day appeals process according to NH RSA 677 – 2.

400

401 Ms. Goering asked Mr. Logiudice if the applicants would automatically be notified by the Town
402 of Sandown if there is a motion of a rehearing is filed. He stated yes, you will be notified.

403

404 Mr. Logiudice read a letter of interest to become a zoning board alternate from Dan Hewett
405 living on Showell Pond Road.

406

407 Mr. Logiudice said he would reach out to Jacob Grossman to see if he is still interested in being
408 an alternate on the board due to his absences.

409 Mr. Logiudice will reach out to Chris Asaro regarding his alternate seat status.

410 Mr. Logiudice stated Mrs. Cairns will reach out to Mr. Hewett regarding his interest in becoming
411 an alternate board member.

412

413 Mr. Logiudice called for the review of minutes from 11/20/2025

414

415 Mr. Blake left the meeting at 9:23 p.m. because he didn't attend that meeting the minutes were
416 under review for.

417

418 Mr. Chui made the motion to accept the meeting minutes from 11/20/2025. Mr. Ardolino
419 seconded the motion. 4-0-1, Mr. White abstained. Motion passed.

420

421 Mr. Logiudice adjourned the meeting at 9:30 p.m.

422

423

Exhibit D – Notice of Decision

**Sandown Zoning Board
PO Box 1756
Sandown, NH 03873
December 18, 2025**

NOTICE OF DECISION

Owner: Sanctuary Estates **Tax Map:** Map 14 Lot 3-1 **Location:** 412 Main Street

Variance application submitted by Sanctuary Estates. The property is located at 412 Main Street, also identified as Map 14, Lot 3-1. The application seeks relief from Article 2, Part A, Section 14 (A) which defines a dwelling unit.

The Zoning Board of Adjustment voted to **APPROVE** the variance application with a vote of 3-2-0.

Mr. White noted the zoning ordinance defines a dwelling unit as room with cooking, living, sleeping and sanitary facilities arranged for the use of one or more individuals living together as a single-family unit. The applicant presented floor plans for the various units including studio, one-bedroom and two-bedroom units. The floor plans indicated there is only a countertop and coffee maker in the studio and one-bedroom units; the two-bedroom units have a sink, but no cooking appliances. The applicant also indicated there is no washer/dryer, dishwasher, storage, closets all things one would see in a living environment. The applicant also indicated they would be open to conditions of approval from the planning board explicitly limiting their ability to ever make these dwelling units. They also emphasized the definition of a dwelling unit allows for one or more individuals living together as a single-family unit, which they are not providing. They confirmed they did not want to ever be considered dwelling units. They were requesting the variance because they want the ability to make the cabins smaller than 500 square feet, which is required under the zoning ordinance to qualify as a dwelling unit.

Mr. White and Mr. Bergeron voted to approve the variance and indicated the units presented did not meet the definition of a dwelling unit because they did not provide the ability to cook. Mr. Loguidice voted to approve because the town attorney and town engineer agreed the units did not meet the definition of a dwelling unit. Mr. Ardolino opposed because he did not believe the spirit of the ordinance was being met. Mr. Blake opposed it because he did feel the units could be considered dwelling units.

John White
Michael Bergeron
Joel Loguidice
Dave Ardolino
Jeffrey Blake

All appeals must be filed, in writing, within 30 days for the date of this decision