

**TOWN OF NEW HAMPTON  
ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
Site Visit – 3 Cove Way, New Hampton, NH  
& Fire Department Training Room  
New Hampton, NH 03256**

June 16, 2020

*Note: at meeting of 6/3/20 the site visit was scheduled for 6/11/20  
but had to be rescheduled to this date due to weather conditions.*

**MEMBERS PRESENT**

Regular members: Mr. Tierney, Mrs. Belanger & Mrs. Arsenault, and alternate member Mr. Newman (previously appointed as regular member for this hearing).

**OTHERS PRESENT**

Administrative Assistant Mrs. Vose, Ms. Traynor, Ms. Daniel

**CALL TO ORDER**

*Site Visit - 3 Cove Way*

Mr. Tierney called the meeting to order at 6:00 PM.

The group walked from an emergency response turn-around where the board parked, down a narrowing lane to 3 Cove Way, among a cluster of compact cottages. The group observed the fence along the northern boundary with the Allen's cottage. Mrs. Arsenault referred to a spot in front of the small cottage and asked if that is where people park one vehicle with the remaining vehicles for renters parking where the board members just parked, in the turnaround. Ms. Traynor said there was room for 2 small cars, but typically there is only one and workers, people delivering items, will also pull into the small area. Ms. Daniel advised that the parking sign at 3 Cove Way just appeared a few days ago and motioned to other areas in the opening where people have parked in the past. Mr. Newman asked where the property boundaries were located and Ms. Traynor said she understands her northern boundary is inside the fence and the abutter said that he has an easement but she wasn't sure if it was legal, to an area she pointed out near abutting Jack Daniel's cottage and pointed out water lines going from the lake to other nearby cottages. The board members walked around the cottage beginning on the southern side, towards the lake, then to the northern side of the cottage, back to the open area between all the cottages. Mr. Tierney asked if there was any common area for the association in the vicinity of where they were standing and Ms. Traynor said it wasn't very clear, and neither were the easements. She said that people who do not have waterfront cottages feel that those who do, have no rights to the beach area, though she has not seen that in her deed. Ms. Traynor said there's an easement for the water and the road and everyone has a strong interpretation and opinion. Ms. Daniel advised that the owners of 13 of the cottages pay taxes on the common beach area, but those whose cottages are lakefront, do not. Mr. Newman asked where the property line was on the northern side, because that could impact parking. Mrs. Vose advised that there is a survey from 2004 in the applicant's file. Mrs. Arsenault noted the boards concerns being parking and rental to 6

individuals in such a small facility. Ms. Daniel expressed concern with the rental unit's BBQ being so close to her cottage and that last year it caught fire when a renter was using it.

At 6:15 pm, Mrs. Belanger made a motion, seconded by Mr. Newman to recess the hearing and reconvene at the Fire Dept. training room to continue the meeting. Vote was unanimous.

**PUBLIC HEARING (cont.)**  
*Wendy Traynor, 3 Cove Way, Tax Map U-13, Lot 14, for a Special Exceptions under Article IV, Section A(3) of the New Hampton Zoning Ordinance.*

At 6:30 pm Mr. Tierney reconvened the hearing. Present were board members Mr. Tierney, Mrs. Belanger, Mrs. Arsenault, Mr. Newman and Administrative Assistant Mrs. Vose.

Mr. Tierney advised that sometimes additional information comes to the board during the process, but after the initial hearing, and he reviews this information with the town office to determine its probative value. The office received a letter from Lamprey Septic Service who inspected Ms. Traynor's septic system at 3 Cove Way, which the board reviewed. Mr. Tierney reviewed a survey of Ms. Traynor's property from 2004, which reflects a right-of-way. Mr. Tierney said the right-of-way passes through her property to other properties. It was noted that the acreage noted on the survey was labeled as .9 when it should be .09 based on the square footage, also listed on the survey.

Mrs. Arsenault advised she went onto the Airbnb website for this short-term rental and it is advertised as accommodating 6 persons and parking for 3 vehicles. It did not specify no smoking, or no pets. She said it seems to be a misrepresentation to all the people present at the meeting on 6/3/20. The board opened up the listing on Airbnb to find that it was changed to 5 guests and no pets but under house rules it adds that pets are ok and "humans up to 6", "free street parking". Mr. Tierney said if this was approved conditions could be put on it such as parking.

The letter from Lamprey stated the property had a 500 gallon, fiberglass tank, seemed to be in working order.

The board reviewed the criteria.

**1. The specific site is an appropriate location for such use.**

Mrs. Arsenault stated she didn't feel it was appropriate based on the close proximity to abutters, the size of the lot and the fact it is one bedroom. Mrs. Belanger said that at the hearing on 6/3, Ms. Traynor made a comment that the right-of-way was unclear and that there seemed to be a lot of confusion about easements – if they existed and what they were. For this reason she said she didn't feel comfortable saying this criteria was met without having more information. Based on information Mrs. Vose was able to find the easements may be from the original subdivision in the 1940's-50's and over the years it became more confusing, but there is likely a deeded ROW to 3 Cove Way. Mrs. Belanger said it is appropriate as up to 6 people but the concern is with the parking. Mr. Newman said that it appears the

limitations to be placed on any approval would be to write the Airbnb ad for rentals, which would place many restrictions on it to make it appropriate. The other members agreed.

2. **There is adequate area for safe and sanitary sewage disposal.**  
Mrs. Arsenault said she had concerns on the existing system and there is not enough information on whether this was a holding tank or a septic system. The board agreed there wasn't suitable information. Mr. Tierney asked Mrs. Vose to find out from NHDES if a one-bedroom cottage with a 500 gallon tank and how that equates to the requirement for 300 gpd.

3. **The use will not adversely affect the adjacent area.**  
Mr. Newman said the abutters and neighbors have indicated that this has been a nuisance based on the amount of complaints given during testimony. The board agreed.

4. **There will be no nuisance or hazard created.**  
Mrs. Arsenault pointed out the abutter, Ms. Daniel's comment about the bbq catching fire and that a renter doesn't take the same care of the property as an owner would take. Mrs. Belanger said that if the board were to put a condition on number of parked vehicles it would still have the problem with any additional vehicles having to be parked at the turnaround which would cause a problem for emergency responders capabilities to turn around due to the tight area near 3 Cove Way. Mr. Newman said this issue would also have an adverse effect on the adjacent area.

5. **Adequate and appropriate facilities will be provided for the proper operation of the proposed use.**

It was noted the water came from the lake, but that many other properties in the area do the same as the lots are so small. There was a question about rentals during the winter and Mr. Newman recalled she said it was not winterized. Airbnb comments also supported this based on the dates the comments were left. The board agreed the facilities were adequate and appropriate for the use.

6. **The use will not impair the aesthetic values exhibited by the surrounding neighborhood.**

The board agreed it would not impair the aesthetic values.

7. **The building, parking/or driveway area will not exceed 50% of the lot.**

The board agreed this criterion was met.

8. **The criteria relative to Agritourism was not applicable to this application.**

The board agreed this criterion did not apply to this application.

Mr. Tierney advised that it seemed the board had the most issues with criteria numbers 3 & 4. He asked the board if they felt the application met all criteria and the board said no but agreed further information was needed on the septic to determine whether that criterion was met.

Mrs. Belanger made a motion, seconded by Mr. Newman to continue the hearing to June 23, 2020, 7:00 pm at the Fire Dept training room. Vote was unanimous.

**ADJOURNMENT**

Mrs. Belanger made a motion, seconded by Mr. Newman, to adjourn at 7:36 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose  
Administrative Assistant

DRAFT