

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
TOWN OFFICES
NEW HAMPTON, NH 03256**

July 1, 2015

- MEMBERS PRESENT** Regular members: Mr. Hofling, Mr. Tierney, Mrs. Erler, Mr. Frazier, and Mr. Orvis
Alternate members: Mr. Smith, and Ms. Karnis
- OTHERS PRESENT** Administrative Assistant Mrs. Vose
- CALL TO ORDER** Mr. Hofling called the meeting to order at 7:00 PM.
- MINUTES** A motion was made by Mr. Tierney, seconded by Mrs. Erler, to accept the minutes of 5/6/15, with the following changes. Vote was unanimous.
a) Page 2, 1st sentence: "Planning Board members should attend this conference as it is suited *to both boards...*"
- PUBLIC HEARING**
Thomas Fitzpatrick & Bonnie Bechard, 800 Dana Hill Road, Tax Map R-17, Lot 32, for a Special Exception, Article IV, Section A.3 & 5, of the New Hampton Zoning Ordinance
- Thomas Fitzpatrick and Bonnie Bechard were present to represent the application.
- Mrs. Vose advised that the applicants, Thomas Fitzpatrick and Bonnie Bechard, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section A.3 & 5 of the New Hampton Zoning Ordinance. The applicant's proposal is to make alterations to an existing carriage barn to create an accessory 1-bedroom apartment. The property is located at 800 Dana Hill Road, Tax Map R-17, Lot #32, in the General Residential, Agricultural, and Rural District.
- Mrs. Vose advised that all abutters were notified but heard from none and there were no abutters or members of the public present.
- The specific site is an appropriate location for such use:** The applicant stated: *The "in-law" apartment will be located in a 25 year old carriage barn. The building has a private driveway and garage parking. The building has no immediate neighbors, so it will have no impact on others.*
- Mr. Fitzpatrick said they want to construct this apartment for their daughter's use. Mr. Orvis asked how close the immediate neighbors

were Mr. Fitzpatrick advised they were roughly a football field away in all directions. He said they currently use the barn for garage and storage, and at one time had received a Variance to construct the barn to use for antique sales, which they no longer do. He said it is a 2 ¾ story barn that has a separate entrance that can be used for the apartment. The 1st level is the garage. The 2nd level would be used for living room, kitchen, bathroom, and a small upstairs bedroom, with the remainder of the upstairs being used as storage for the main house.

The board reviewed a drawing showing the layout of the 3 floors.

Mr. Orvis asked if there were two entrances. Mr. Fitzpatrick explained that there was a main entrance, a set of stairs, and hay loft window with a 10' drop. The 2nd floor of the apartment has a back window 2 ¾ stories high. Mr. Orvis advised that the Fire Dept may ask for additional egress. Mr. Hofling asked if the Fire Department had been contacted and Mr. Fitzpatrick said that Deputy Lang had told him that renovations must be to code. Mr. Fitzpatrick suggested they may be able to add a small balcony with stairs. Mr. Tierney advised that if the application was approved it would likely be with the condition that the Fire Dept is satisfied with the construction plan prior to obtaining a building permit.

Relative to size, Mr. Fitzpatrick stated the total building is 1320 sq. ft. and the apartment is 594 sq. ft.

Mr. Orvis asked if the septic system was appropriate. Mr. Fitzpatrick explained that he would be looking into that, but did not want to begin that process until his Special Exception application was approved.

There is an adequate area for safe and sanitary sewage disposal:

The applicant stated: *We currently have a 3-bedroom septic design for our existing home and have sought the input of a septic designer in evaluating any adjustments that may be necessary.*

Asked how many bedrooms exist in the main house Mr. Fitzpatrick said there were 3 bedrooms. Mrs. Erler asked the lot size, which Mr. Fitzpatrick said was 1.28 acres, including the pond.

The use will not adversely affect the adjacent area: The applicant stated: *The location of our property and the partial use of the carriage barn as an "in-law" apartment will not adversely affect any adjacent area. On the contrary it will enhance the value of our property and adjacent properties will benefit.*

Mrs. Erler said she was familiar with the property and stated the carriage barn is a nice structure. Mr. Fitzpatrick advised that the Deputy Fire Chief has some concern with the stairway to the bedroom, which is proposed to be circular, as they need to ensure a stretcher can fit the stairway.

There will be no nuisance or hazards created: The applicant stated: *The partial use of the carriage barn as an “in-law” apartment will in no way present a nuisance or hazard.*

Mr. Orvis advised that hard wired smoke and carbon monoxide detectors will be required for the apartment.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use: *The “in-law” will be modern and be serviced by weekly trash removal.*

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The applicant stated: *The carriage barn is well constructed and was viewed as an asset to the neighborhood when built. Its use as an “in-law” apartment is in keeping with that viewpoint.*

Mr. Orvis asked if they were adding any dormers or windows, and Mr. Fitzpatrick advised they may change some windows but will not be putting in any dormers. The board commented that the outside of the structure would not look much different than it does currently.

The building, parking, and/or driveway area shall not exceed 50% of the lot: The applicant stated: *The property sits on a 1.2 acre well-manicured lawn, pond lot. The carriage barn is a 2 ½ stories, 20’ by 24’ structure, and the driveway is 20’ by 24’ as well.*

Mr. Fitzpatrick advised that the statement relative to the barn being 2 ½ stories should be changed to 2 ¾ stories.

Mr. Hofling asked the board if they felt they needed to perform a site visit and it was the consensus of the board that it wasn’t necessary.

Mr. Hofling advised that the board has already expressed concerns with needing the appropriate septic design and having the renovations meet life-safety code to the satisfaction of the Fire Department. He asked Mr. Tierney, who had been calculating the square footage of the carriage barn layout and the area of the

accessory apartment, whether it met the 45% limitation. Mr. Tierney stated his opinion that the drawings submitted do not adequately show the total square footage of usable floor space and whether it meets the criteria. He also pointed out that some of the floor area calculated is part of the knee wall and the applicant states this area will be used for storage for the main house, but expressed concern with this storage being in the tenant's bedroom. Mr. Tierney said it seemed as if the floor layout with the main house storage area, is designed in such a way to make it meet the 45% rule. There was discussion that upon submission of the building permit the applicant makes a better detailed drawing showing the usable floor areas being used by the accessory structure.

Mr. Fitzpatrick explained that since the barn is a 2 ³/₄ story structure he took the 1st and 2nd floor square footage at 480 sq. ft. each and applied 75% to that. They increased the storage area by 2.5' on the end of the bedroom, going from 7' by 20' to 9 ¹/₂ 'by 20' and deducted the 9 sq. ft. spiral staircase. In determining the width of the bedroom he walked to the edge of the room where his head hit the ceiling, deciding to put knee wall storage in there. Mr. Tierney advised that without the knee walls the 45% calculation would not have been possible. Ms. Karnis confirmed that the knee wall storage was accessed from within the apartment, pointing out that hypothetically this storage area could be used by the apartment.

Mrs. Vose read the definition of "accessory apartment" from the Zoning Ordinance, which relates the 45% rule to the "floor area". Ms. Karnis suggested this rule seems to apply to the structure dimensions as opposed to getting into semantics on what part of the building is used by which structure. Mr. Tierney advised that he calculated 650 sq. ft. being used by the apartment, and only 648 is allowed to meet the 45% rule. The board advised Mr. Fitzpatrick to redo his drawing so that it meets the criteria. Mrs. Erler suggested he reduce the length of the bedroom by a few inches to meet the regulation.

Relative to any additional conditions if this application was approved, the board discussed the need for the Fire Department to approve the plans for appropriate egress and that the application get approval for an appropriate septic design. Mr. Tierney asked if there had been a variance approved in the past. Mrs. Vose advised that she had seen something in the file but could not confirm what it was. Mrs. Erler recalled it was a variance to construct the building for selling antiques so the board discussed adding a condition that the variance to allow the sale of antiques from the barn be relinquished. The floor space used for the special exception cannot exceed 45% of

the total square footage of the barn structure.

Mr. Tierney made a motion, seconded by Mr. Frazier, to approve the special exception with the following conditions:

1. The existing variance or special exception to use the barn for the sale of antiques be relinquished.
2. The egress for the apartment must be reviewed and approved by the Fire Department.
3. An appropriate septic design be approved for construction.
4. The total square footage of the apartment cannot exceed 45% of the total square footage of the barn structure.

The vote was unanimous.

OTHER BUSINESS

There was none.

CORRESPONDENCE

There was none.

ADJOURNMENT

Mr. Tierney made a motion, seconded by Mrs. Erler, to adjourn at 7:45pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose
Secretary

DRAFT