

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

**Town Offices upstairs meeting room
6 Pinnacle Hill Road, NEW HAMPTON, NH 03256**

July 6, 2022

- MEMBERS PRESENT** Regular members: Mr. Tierney, Mrs. Belanger, Mr. Newman, and Mr. Livernois
- OTHERS PRESENT** Land Use Administrator Mrs. Vose & Fire Chief Lang
- CALL TO ORDER** Mr. Tierney called the meeting to order at 7:00 PM.
- PUBLIC HEARING**
Sean (Shay-) Hutchinson, 7 Cleveland Way, Tax Map R-4, Lot 64 for a Variance - Article V, Section N, of the New Hampton Zoning Ordinance. Mrs. Vose read into record a note from Mr. Hutchinson on 6/28/22 stating that he was withdrawing his application for a Variance. Mrs. Vose advised the property is now on the market.
It was the consensus of the Board to accept this application withdrawal.
- PUBLIC HEARING**
Brian Meckel, 438 NH Route 104, Tax Map R-4, Lot 81, for a Special Exception - Article VI, Section 1, 8-xii, of the New Hampton Zoning Ordinance. Mr. Tierney advised that the applicant, Brian Meckel, has requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article VI, A., Section 1 of the New Hampton Zoning Ordinance. The applicant's proposal is to change a pre-existing, non-conforming use to another non-conforming use which can be done by Special Exception if all criteria is met under Article VI, A, Section 1, i-xii. The property belonging to 104 Store LLC is located at 438 NH Route 104, Tax Map R-4, Lot #81, in the General Residential, Agricultural, and Rural District (GR).
Bob Meckel was present to represent the application. He advised it was his son who submitted the application but was unable to attend tonight's meeting. Mr. Meckel confirmed he was not the owner, but a part owner in the business that was going into the location. Mr. Tierney advised that as there was no notarized letter authorizing Bob Meckel to act on his behalf, the hearing could not continue.
Abutter Jerry Remillard was present.
Mr. Tierney advised Mr. Meckel that the Board's next hearing date was 8/3/22.
- PUBLIC HEARING**
Anthony Guyotte & Patricia Thompson, 1351 Winona Road, Tax Map R-19, Lot 20, for a Special Exception - Article IV, Section A (3&5), of the New Hampton Zoning Mrs. Vose advised that the applicants, Anthony Guyotte and Patti Thompson, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, A., Sections 3 & 5 of the New Hampton Zoning Ordinance. The applicant's proposal is to construct a garage with a one-bedroom accessory dwelling unit on the 2nd floor. To create an accessory dwelling unit (ADU) the applicants shall meet the definition and provisions under Article V, R. The property

Ordinance.

belonging to Thompson-Guyotte Revocable Trust is located at 1351 Winona Road, Tax Map R-19, Lot #20, in the General Residential, Agricultural, and Rural District (GR).

Mrs. Vose stated that all abutters were notified and has heard from none of them. Mr. Tierney advised that the applicant must meet the provisions of Article V, Q also and stated this as a correction to the notice.

Mr. Guyotte was present to represent the application. Mr. Tierney advised that a full board consists of 5 members, and there are only 4 members in attendance, asking if he wished to move forward with just those present. Mr. Guyotte agreed. Mr. Tierney advised that lack of a full board would not be a reason to request a rehearing.

Mr. Tierney asked all members present if they had previously read through the application submitted and they had. He asked if the members felt this application had a regional impact and they agreed it did not.

Mr. Guyotte said he wants to construct a 24'x24' in-law apartment with a garage under it, which will be served with one meter, and will be a separate building.

Mr. Tierney advised that the Board would review the drawing submitted to ensure the requirements for an ADU were met.

- Confirmed that only one ADU was being created.
- Confirmed that the elements of sleeping, eating, cooking and sanitation would be provided.
- The ADU has independent means of ingress and egress. Mr. Guyotte advised that the bedroom would have appropriate egress window and would also have direct access to ground level as this would be built on a slope, with the garage underneath.
- Either the dwelling unit or the principal dwelling unit is occupied by the property owner; Mr. Guyotte confirmed he lives in the principal dwelling unit.
- The board confirmed the proposed ADU did not exceed 800 square feet as shown on Mr. Guyotte's drawing.
- Relative to the restriction on the ADU not being more than 45% of the square footage of the floor area of that accessory building the Board reviewed the drawing submitted. Based on calculations it was noted that the deck and the difference in the thickness of the walls of the basement garage, as currently drawn, the 45% regulation was not met. Mr. Guyotte said he did not think the deck was habitable floor area but Mrs. Vose explained the term "habitable area" was referencing the 800 sq. ft. limitation for the ADU but that the 45% regulation was related to the "floor area" therefore it is counted. Mr. Guyotte said he could remove the deck and make other changes so it would comply. The Board advised that a more detailed drawing would be needed to confirm compliance.

When Mr. Guyotte offered to redraw the plan in a matter of minutes, Mr. Tierney advised it wasn't necessary as the town had not yet received State approval of construction for the septic design to support the ADU, which addresses the criteria that relates to having an adequate system for sewage disposal.

- The Board confirmed that the ADU will not have more than 2 bedrooms and has adequate parking.

As further information was needed, Mrs. Belanger made a motion, seconded by Mr. Newman to continue the hearing to 8/3/22 at 7:00 pm. Vote was unanimous.

PUBLIC HEARING

Devin Humphries & Adam Difilippe, 837 Dana Hill Road, Tax Map R-17, Lot 30C for a Special Exception - Article IV, Section A (3&5), of the New Hampton Zoning Ordinance.

Ms. Humphries and Mr. Difillipe were present. Luann Humphries was also present. Mrs. Vose advised that the applicant, Devin Humphries and Adam Difilippe, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, A., Sections 3 & 5 of the New Hampton Zoning Ordinance. The applicant's proposal is to make renovations to the basement of their existing home to create an 800 sq. ft. accessory dwelling unit. To create an accessory dwelling unit (ADU) the applicants shall meet the definition and provisions under Article V, R. Mrs. Vose added Article V, Q as the applicant must meet those provisions also. The property belonging to Devin Humphries and Adam Difilippe is located at 837 Dana Hill Road, Tax Map R-17, Lot #30C, in the General Residential, Agricultural, and Rural District (GR).

Mrs. Vose stated that all abutters were notified and has heard from none of them. Mr. Tierney advised that the applicant must meet the provisions of Article V, Q also and stated this as a correction to the notice.

Mr. Tierney noted a possible issue with a dimension on the plan submitted and Ms. Humphries provided an explanation to the Board which was satisfactory. She also noted that the ADU would be less than 800 sq. ft., at 562 sq. ft., due to limitation with beams in the basement. Mr. Tierney pointed out that this application also needs a suitable septic design prior to it being considered for approval. Ms. Humphries said they are working to engage a designer but doesn't know when it will be done. Mr. Tierney said he had previously reviewed the rest of the application and it appears to be complete with the exception of the approval for construction on the appropriate septic design.

Chief Lang asked about egress from the ADU and Ms. Humphries advised there were French doors off the bedroom and there would be a stairway to the ground level. He advised an appropriate fire rated door would also be needed. Mr. Tierney asked for a better set of plans from the builder.

As further information was needed, Mr. Livernois made a motion, seconded by Mrs. Belanger to continue the hearing to 8/3/22 at 7:00 pm. Vote was unanimous.

MINUTES

Mr. Livernois made a motion, seconded by Mrs. Belanger to approve the minutes of 6/9/22 as written. Vote was unanimous.

ADJOURNMENT

Mr. Livernois made a motion, seconded by Mr. Tierney, to adjourn at 7:50 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator