

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

August 2, 2017

**MEMBERS PRESENT** Regular members: Mr. Tierney, Ms. Karnis, Mrs. Erler, Mr. Orvis, and Mr. Frazier.

**OTHERS PRESENT** Town Administrator Mrs. Lucas

**CALL TO ORDER** Mr. Tierney called the meeting to order at 7:00 PM.

**PUBLIC HEARING** Jeremy Hiltz and surveyor Kent Brown was present to represent the application.

*Jeremy Hiltz Rev. Trust, 118 Main Street, Tax Map U-7, Lot 17, for a Variance & two Special Exceptions. Special Exception #1-Article IV, Section F(2)i; Special Exception #2-Article VI, Section A(2); Variance - Article IV, Section F(8), of the New Hampton Zoning Ordinance.*

Mr. Tierney advised that the applicant, Jeremy Hiltz, has requested a Public Hearing in accordance with RSA 674:33-a, for a Variance and two Special Exceptions.

The first Special Exception request is under Article IV, Section F.2.i to construct a two family home which is an allowed use by Special Exception. The second Special Exception request under Article VI, Section A.2 is to relocate the proposed structure to the center of the lot. The required setback from the side property lines is 15 ft. The east side setback of the previous home was non-conforming at 6.52 ft. but would become more conforming at 9.33 ft. and the west side setback of the previous home was 13.78 ft. and is proposed to be 10.05 ft. The proposed structure will be dimensionally non-conforming, but is part of a conforming use. The Variance is under Article IV, Section F.8 of the New Hampton Zoning Ordinance. The applicant's proposal is to provide four parking spaces instead of the required five parking spaces as the regulations require 2 spaces per bedroom for the first two, plus ½ space per each additional bedroom. The applicant's proposal is for two bedrooms in each unit.

The property belonging to Jeremy J. Hiltz Revocable Trust is located at 118 Main Street, Tax Map U-7, Lot #17, in the Village District.

Mrs. Lucas advised that all abutters were notified but heard from none.

Mr. Tierney suggested a site visit and as the property is next door, the board could perform that now. Ms. Karnis made a motion, seconded by Mrs. Erler, to recess and reconvene the meeting to 118 Main Street. Vote was unanimous. The board walked next door.

The board reconvened on site. Mr. Brown pointed out the stakes reflecting

where the property lines were and where the building was proposed to be located. The board viewed the footprint of the original house. Mr. Hiltz advised that his intent was to keep some of the original rock wall in place, pouring a retaining wall inside it, to maintain the integrity of the slope from the cemetery. He explained there would be a walkout basement facing the road with two floors above that, similar to the structure on 55 Main Street. Mr. Hiltz advised that he has had discussion with NHDOT for driveway access. He showed where the 4 parking spaces would be located allowing vehicles to back out without entering the roadway. Mr. Brown confirmed the distance to the rear property line from the structure was 60 ft. Ms. Karnis asked where the exits would be from the home. Mr. Hiltz said they could review the plans when they reconvene in the meeting room. Relative to the driveway Mr. Hiltz advised that he had an agreement with NHDOT which only allows for one curb cut on the east side (and removal of the western curb cut) noting the plan needs correction to reflect that.

The site visit was recessed while the board traveled back to the meeting room. At 7:26 pm Mr. Tierney reconvened the meeting.

Mr. Brown explained the overall width of the previous home was 27 ft. while the proposed house being 28 ft. The depth of the existing home was 54 ft. with the proposed being 38 ft. This change in location will center the structure on the lot. He said the previous home had roughly 2 legal parking spaces. Ms. Karnis asked the distance between the front of the parking area to the home and Mr. Brown said it was 3 ft. Ms. Karnis asked the distance between the back of a vehicle to the roadway (not the ROW) and Mr. Brown said it was 26 ft. The board expressed concerns with how much room there was for vehicles to safely back out of a parking space while avoiding the travel way. Ms. Karnis made a motion, seconded by Mrs. Erler, to recess and travel to 118 Main Street to view the site again. Vote was unanimous.

The board reconvened on site. The board reviewed the parking area and its relationship to the roadway and proposed building. Mr. Orvis advised he would like to see something in place to prevent vehicles from backing out into the roadway. Mr. Brown agreed that a berm or landscaped area could be created. Mr. Brown said a NHDOT driveway permit will be obtained once the plan is finalized. He showed on the ground where the parking spaces began and ended and where vehicles could back out. The board recessed at 7:47 pm and walked back to the meeting room.

At 7:50 pm the board reconvened in the meeting room. Mr. Tierney said there seems to be confusion on the driveway permit and the plan, which doesn't appear to correctly reflect the proposed plan for parking.

The board agreed to discuss the criteria for the Special Exception prior to any discussion on the Variance.

Relative to the Special Exception request under Article IV, Section F.2.i and Article VI, Section A.2: to replace a single family dwelling with a 2-

family dwelling making the footprint wider than the existing building:

1. **The specific site is an appropriate location for such use:** The applicant writes *“the proposed use as a two-family home replaces an existing single family home. The site is located in the Village District in an area adjacent to the New Hampton School. This new home will continue to provide housing in an area of town that requires it.”*
2. **There is adequate area for safe and sanitary sewage disposal:** The applicant writes *“there is town water and sewer available.”*
3. **The use will not adversely affect the adjacent area:** The applicant writes *“no adverse effects are anticipated by the development.”*
4. **There will be no nuisance or hazard created:** The applicant writes *“No nuisance or hazard will be created.”*
5. **Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The applicant writes *“Sewer, water and access from a town road will provide adequate facilities for the proposed use.”*
6. **The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The applicant writes *“the new home will have architectural elements consistent with the surrounding homes.”*
7. **The building, parking/or driveway area will not exceed 50% of the lot:** The applicant writes *“the total lot area is 6,519 sf and the total building and parking areas is 2,394 sf which is 37% of the lot.”*

Mr. Hiltz advised this structure and floor plan would look similar to the one at 55 Main Street with the walkout in the front. Mrs. Erler asked about 2<sup>nd</sup> egress for each dwelling. Mr. Hiltz said there would be egress to the backyard from the first floor.

Relative to the change in the distances to the side setbacks the applicant used the same responses for the Special Exception criteria.

Relative to the variance request under Article IV, Section F.3:  
To provide 4 parking spaces where 5 would be required.

1. **The variance will not be contrary to the public interest;** the applicant states *“there will be two spaces per dwelling unit which is what the existing house had.”*
2. **The spirit of the ordinance is observed;** the applicant wrote *“adequate parking will be provided. Two parking spaces per unit is a common criterion in most towns, especially in dense areas like the Village District in New Hampton.”*

3. **Substantial justice is done;** the applicant wrote: *“that is the maximum amount of parking that can be provided as off-street parking on this lot due to the grades in the back.”*
4. **The values of surrounding properties are not diminished;** the applicant wrote *“the proposed parking will be the same per unit and greater per bedroom than the existing house.”*
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because special conditions of the property distinguish it from other properties in the area; no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific application of that provision to the property because:** The applicant writes *“the existing house had two parking spaces per unit and the proposed house will have the same.”*
  - A. **The proposed use is a reasonable one because;** the applicant writes *“the proposed use maintains an existing use and allows for the reconstruction of the house destroyed by fire (Mr. Brown corrected this statement to say destroyed by Mr. Hiltz).”*
  - B. **If the paragraphs in 5(A) are not established what are the special conditions for the property that distinguishes it from other properties in the area, the property cannot reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it;** the applicant writes *“the grades on this lot are considerably higher in the back of the lot and would not allow for any more parking.”*

Mrs. Erler suggested that the rental agreement be written that limits each renter to no more than 2 vehicles.

Mr. Tierney asked for any further questions. There were none and Mr. Tierney closed the public portion of the meeting to go into deliberations.

Relative to the Special Exception request Mr. Tierney reviewed the criteria.

Criterion #1: There was discussion on the change in the non-conformity of the side setbacks as one side was coming closer to the property line while the other was going more into compliance. The board recognized the area is more compact when comparing this lot to others in the area. Ms. Karnis expressed concern that in the future older homes are demolished with new multifamily homes going into their, with the character of the Village being changed. Mr. Tierney advised that the Planning Board could consider other ways to limit this type of development.

Criterion #2: The board agreed.

Criterion #3: The board agreed.

Criterion #4: Mr. Orvis expressed concern with it being a hazard if there was no type of barrier preventing vehicles from backing out into the road. Ms. Karnis expressed similar concerns and wondered if there was enough

room for a vehicle to safely back up. Mr. Tierney advised that the drawings don't accurately represent what the applicant is going to do suggesting the meeting be continued with revised plans being submitted.

Ms. Karnis made a motion, seconded by Mr. Frazier, to continue the meeting to 9/6/17 with submission of new drawings by the applicant. Vote was unanimous.

Mrs. Lucas advised that plans were submitted for the structure, but did not show the front view. Mr. Brown said he would submit that. Mr. Tierney reminded Mr. Brown to obtain a letter from the Fire Chief.

**MINUTES**

Mrs. Erler made a motion, seconded by Ms. Karnis, to approve the minutes of 7/5/17 as written. Vote was unanimous.

**CORRESPONDENCE**

There was none.

**ADJOURNMENT**

Ms. Karnis made a motion, seconded by Mrs. Erler, to adjourn at 8:25 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose  
Administrative Assistant

DRAFT