

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

November 6, 2019

MEMBERS PRESENT Regular members: Mr. Tierney, Ms. Karnis, Mr. Hofling, and Mrs. Belanger. Absent – Mr. Livernois.

OTHERS PRESENT Administrative Assistant Mrs. Vose

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

PUBLIC HEARING New Hampton Community Church members Pastor Scott Mitchell, Dan Rivanis, and Tom O’Shea were present to represent the application.

New Hampton Community Church, 14 Church Lane, Tax Map U-4, Lot 4, for two Variances:

1. *Article VI, Section F: 3, of the New Hampton Zoning Ordinance.*
2. *Article V, Section B: 2.F, of the New Hampton Zoning Ordinance.*

Mrs. Vose advised that the applicant, New Hampton Community Church, has requested a Public Hearing in accordance with RSA 674:33-a, for two Variances. The first Variance is under Article IV, Section F.3 to allow and expansion of the back of the church with a 50’ by 90’ addition that will not meet setback requirements. The first Variance is under Article V, Section B.2.F is to allow current parking layout to be adequate for congregational parking. The property belonging to the New Hampton Community Church is located at 14 Church Lane, Tax Map U-4, Lot #4, in the Village District.

Mrs. Vose advised that all abutters were notified but heard from none, noting that 2 were present.

Mr. Tierney asked the board if they felt this would have a regional impact to other communities if this was approved. It was the consensus of the board that it would not.

Mr. Rivanis put up a drawing that was submitted to explain the 50’ x 90’ addition they were proposing off the back of the existing church. Mr. Tierney pointed out a line on the drawing, advising Mr. Rivanis it was marking the right-of-way to Church Lane. Mr. Rivanis said he thought it was the setback line, not the right-of-way and said that Church Lane is part way into the church structure. Mr. Tierney said that was true. Mr. Tierney advised that the board cannot grant additional construction into the right-of-way and said any further conversation would have to be with the Selectmen. Mr. Rivanis said they had previously met with the Selectmen who didn’t mention this and Mr. Tierney said in more recent discussion with town counsel this fact was learned. Mr. Rivanis said the 2nd Variance request would only apply if the 1st variance was granted and Mr. Tierney said they could withdraw the application for the 2nd variance if they chose to. Mr. Rivanis asked if the addition was not in the right-of-way could they have continued with the hearing and Mr. Tierney said yes they could have.

Mrs. Belanger made a motion, seconded by Ms. Karnis, to reject the 1st application for an addition as it is requesting a Variance into the right-of-way. Vote was unanimous.

Mr. Rivanis said they would like to withdraw the 2nd Variance request as it was based on the 1st being granted. Mr. Tierney said the board considers it withdrawn without prejudice. Mrs. Vose said they could re-apply with a new application at a future date, beginning the process anew.

MINUTES

Ms. Karnis made a motion, seconded by Mrs. Belanger, to approve the minutes of 9/4/19 with the following amendments:

1. Pg. 2, iii.: add space between “in” and “compliance”.
2. Pg. 3, 2nd line: change “...this is a problem *that* the...” to “...this is a problem *because* the...”
3. Pg. 3, 2nd to last paragraph, 2nd sentence: remove the word “*which*” and change “*as*” to “*because*”.
4. Pg. 4, 5th paragraph beginning with Ms. Karnis said: remove the 1st “*it*”.
5. Same paragraph, 2nd to last sentence: Insert “...*need a design* approval...” after “would...”.
6. Pg. 5: 2nd motion to approve: insert “*Mrs. Belanger*” as the person who seconded the motion.
7. Pg. 5, under MINUTES: Correct spelling of Mr. Hofling’s name.

Vote was unanimous.

CORRESPONDENCE

There was none.

DISCUSSION

Possible amendment to By-Laws

Mr. Tierney said he knew prior to the meeting that the ZBA could not grant construction in the right-of-way but the hearing had to be held to advise the board members. He said if the By-Laws stated that the Selectmen’s Office and/or ZBA Chair could reject the application when received, based on something the board had no authority to approve or if an application is incomplete, it could avoid an unnecessary hearing and the applicant(s) could have learned sooner that the application would be rejected. Mr. Tierney said the board has to be cautious when it comes to advising an applicant on incomplete applications. He said he would draft some language to this affect for board members and town counsel to review.

ADJOURNMENT

Ms. Karnis made a motion, seconded by Mrs. Belanger, to adjourn at 7:32 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant