

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

October 4, 2017

MEMBERS PRESENT Regular members: Mr. Tierney, Ms. Karnis, Mr. Orvis, Mrs. Erler.
Alternate members: Mr. Hofling

OTHERS PRESENT Administrative Assistant Mrs. Vose

CALL TO ORDER Mr. Tierney called the meeting to order at 7:00 PM.
Mr. Tierney appointed Mr. Hofling to vote in place of Mr. Frazier.

PUBLIC HEARING Norman Brodeur was present.

*Mary Whitney, 302
Pinnacle Hill Road, Tax
Map R-4, Lot 21E, for a
Special Exception -Article
VI, Section A: 3 & 5, of the
New Hampton Zoning
Ordinance.*

Mrs. Vose advised that The applicant, Mary Whitney, has 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 alterations to the basement of an existing house to create a one bedroom accessory dwelling unit. To create an accessory dwelling unit (ADU) the applicant shall meet the definition and provisions under Article V, R. The property is located at 302 Pinnacle Hill Road, Tax Map R-4, Lot #21E, in the General Residential, Agricultural, and Rural District.

Mrs. Vose advised that all abutters were notified but heard from none and that the applicant had provided a notarized letter appointing Mr. Brodeur to act on her behalf for the application.

Mr. Brodeur advised that he lives with Ms. Whitney on the property. He explained that there was a need to move Ms. Whitney's mother into the basement and at that time the basement area was finished, creating an apartment. They have recently learned that they should have gone through the required approval process for an ADU.

The board reviewed the floor plans for both floors of the existing house, which showed the area used for the ADU. The calculations were done for the area used by the apartment at 601.5 sq. ft, which encompassed the walkout basement area, without the utility room and garage areas. Mr. Brodeur showed the egress locations and explained that the Fire Department had viewed the apartment and sent a letter to the ZBA. Mr. Tierney marked on the floor plan where the egress areas were. Mr. Brodeur explained that there was one bedroom, a ¾ bath, and kitchen.

Mr. Tierney read into record the letter from the Fire Department which stated their approval of the ADU with the exception of requiring a wall mounted fire extinguisher which Mr. Brodeur said was installed, showing the board a picture of it on his cell phone.

Mr. Tierney reviewed the definition of an ADU in the zoning ordinance. It was noted there were 2 bedrooms upstairs and one in the ADU which would require a minimum 3.5 bedroom system. The current septic system is a 4 bedroom system. The board confirmed the request met the requirements in the ordinance for an ADU:

- i. The board confirmed there was one ADU.
- ii. The board confirmed there were provisions for kitchen facilities, and a bathroom.
- iii. There was appropriate ingress and egress for the apartment.
- iv. There was a common wall between the primary dwelling and the apartment.
- v. The property owner resides in the domicile.
- vi. The square footage of the apartment does not exceed 800 sq. ft. of inhabitable floor area at 601.5 sq. ft.
- vii. There is only one bedroom in the ADU.
- viii. There are two off street parking spaces in addition to the 2 for the home.
- ix. The board confirmed there was an adequate water supply and sewage disposal system.

The board reviewed the criteria for a Special Exception.

The specific site is an appropriate location for such use: The applicant wrote "*the structure currently exists*". The board members agreed.

There is adequate area for safe and sanitary sewage disposal: The applicant wrote "*the existing septic system is for 4 bedrooms and there are only 3 bedrooms*". The board agreed pointing out the fact that it actually requires a 3.5 bedroom system for the extra loading of an apartment.

The use will not adversely affect the adjacent area: The applicant wrote "*the home is not visible to any abutters*". The board was in agreement knowing it was a very long driveway.

There will be no nuisance or hazard created: The applicant wrote "*the ADU is within the existing structure*". The board agreed is was within the structure and the lot was very large.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use: The applicant wrote "*the facilities are existing for the proper operation*". The board agreed.

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The board agreed.

The building, parking/or driveway area will not exceed 50% of the lot: Mrs. Erler pointed out that this should be 20% based on the ordinance, compared to the application. Mrs. Vose advised that the application may need to be changed to reflect the lot coverage restriction of developed area for a given zoning district, stating she would verify this with the Town Administrator. The board agreed this criteria was met at 20%.

Mr. Tierney closed the public hearing portion of the meeting with the members going into deliberations.

Ms. Karnis advised the board has already discussed and agreed that the apartment met all the qualifications for an ADU including the fact that the utility room is not being included in the square foot calculation of the apartment even though the Fire Dept had noted it as an office in their letter to the ZBA as there is a desk in that space. She stated that it met criteria for the Special Exception and the board agreed. The board agreed that the downstairs garage could not be converted to habitable area as the ADU would no longer meet the regulations.

Ms. Karnis made a motion, seconded by Mrs. Erler, to approve the Special Exception based on the facts presented during the hearing. Vote was unanimous.

MINUTES

Mr. Hofling made a motion, seconded by Mr. Orvis, to approve the minutes of 9/6/17 with the following changes:

Page 5, 4th paragraph add “*commented*” after “the applicant and abutters, relative to the unnecessary hardship...”

Page 5, 4th paragraph in the Hiltz hearing where it states there were “and 2 parked vehicles” shown on the drawing suggested it be stated more clearly to say “...and 4 *parking spaces with 2 of them shown as occupied.*”

Vote passed.

CORRESPONDENCE

Town Counsel’s response filed on the matter of Perreault vs Town of New Hampton before the Supreme Court.

ADJOURNMENT

Mrs. Erler made a motion, seconded by Ms. Karnis, to adjourn at 7:52 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant