

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

April 24, 2018

**MEMBERS PRESENT**

Regular members: Mr. Tierney, Mr. Orvis, and Mrs. Erler  
Alternate member: Mr. Hofling

**OTHERS PRESENT**

Administrative Assistant Mrs. Vose

**CALL TO ORDER**

Mr. Tierney called the meeting to order at 7:02 PM.

Mr. Tierney appointed Mr. Hofling to vote in place of Ms. Karnis.

**PUBLIC HEARING**

*Ames Assoc., R. David Ames Jr., on property belonging to Robert & Kathy Willis, 104 West Shore Road, Tax Map U-14, Lot 10, for a Special Exception -Article V, Section D:1, of the New Hampton Zoning Ordinance.*

Septic designer David Ames was present. Mrs. Vose advised that the property owners Mr. and Mrs. Willis have provided a notarized letter appointing David Ames Jr. to act on their behalf for the application.

Mr. Tierney advised that they did not have a full board of 5 members and offered Mr. Ames the choice of having the hearing with the 4 present, which he agreed to. Mr. Tierney advised that the absence of a 5<sup>th</sup> member was not reason for appeal of a decision. Mr. Ames agreed.

Mrs. Vose advised that the applicants, Robert and Kathy Willis, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception. The Special Exception is under Article V, Section D.1 of the New Hampton Zoning Ordinance. The applicants' proposal is to construct a septic system within the 20-foot setback of the property line; the proposed location of the leach field being 10 feet from the side setback. A Special Exception may be granted by the Zoning Board of Adjustment for septic systems on substandard size lots with a setback no less than 10 feet from the property line. The property belonging to Robert and Kathy Willis is located at 108 West Shore Road, Tax Map U-14, Lot #10, in the General Residential, Agricultural and Rural District and the Waukewan Watershed Overlay District.

Mrs. Vose advised that all abutters were notified but heard from none and that. Abutter Marikje Shreeve was present.

Mr. Ames explained that the current system is very close to the lake and the side boundary and felt this would be an improvement. Taking ledge into consideration he found a location that would work while keeping a suitable distance from abutting wells, which requires the septic system be in closer proximity to the side boundary line. A well release will be required for the Willis property based on a possible location for a future well. He said this is a 2 bedroom seasonal cottage, and will remain the same.

Mrs. Erler asked where the abutters well was located, Mr. Ames said they do not have a well. Mr. Ames advised that the owners previous to the abutting Shreeves signed a Release Form for Protective Well Radii which allows for septic systems on abutting lots not less than 10 feet from their boundary line.

The board reviewed the criteria for a Special Exception:

**The specific site is an appropriate location for such use:** The applicant wrote *“this is an existing 2 bedroom seasonal cottage with an on-site sewage disposal system. This property has always been intended to be a residential building lot since it’s create 60+ years ago”*.

**There is adequate area for safe and sanitary sewage disposal:** The applicant wrote *“This proposal replaces and antiquated, existing sewage disposal system that is 15’ from the lake. The proposed sewage disposal system utilizes the latest technologies and provides a sewage disposal system that greatly minimizes any chance of pollution”*.

**The use will not adversely affect the adjacent area:** The applicant wrote *“There will no adverse effect on abutting properties. Properties in the West Shore Road area were developed long before State & Local rules were written regarding sewage disposal systems. All are similar in their “limitations” in terms of on-site sewage disposal”*.

**There will be no nuisance or hazard created:** The applicant wrote *“The system as proposed increases setbacks from the neighboring property and the lake. This proposal greatly reduces the chance of pollution”*.

Mr. Orvis asked what the new technology is and Mr. Ames explained the Enviro-Finn is a new design which is more effective in breaking down material and uses a smaller footprint.

**Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The applicant wrote *“The use is residential and has existed for 60+ years. This proposal is to provide a sewage disposal system to ensure the proper operation of the existing use”*.

**The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The applicant wrote *“The existing use will remain as it has been for 60+ years”*.

Mr. Orvis asked about the note on the drawing that there is an existing driveway are to be discontinued. Mr. Ames advised that this was necessary to situate the septic area.

**The building, parking/or driveway area will not exceed 50% of the lot:** The applicant wrote *“No changes are proposed to the external dimensions of the structure or parking and driveway that have existed for 60+ years”*.

Mr. Tierney asked Mrs. Shreeve for input. She said she was pleased to see the current system improved upon.

Mr. Tierney closed the hearing portion to go into deliberations. Mr. Tierney reviewed the fact that this proposal previously required a Variance but the ordinance now allows for a Special Exception with a setback that is acceptable to NHDES. Mr. Tierney reviewed each criteria again with the board agreeing that each was met and that this would be an improvement to an existing condition.

Mrs. Erler made a motion, seconded by Mr. Hofling, to approve the application as presented. Vote was unanimous.

**PUBLIC HEARING**

*Christopher & Alyson Schuster, on property belonging to Marcia Litchfield, 104 West Shore Road, Tax Map R-19, Lot 24, for a Special Exception - Article VI, Section A: 3 & 5, of the New Hampton Zoning Ordinance.*

Mr. & Mrs. Schuster and Ms. Litchfield were present.

Mrs. Vose advised that the applicants, Christopher and Alyson Schuster, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section A(3) of the New Hampton Zoning Ordinance. The applicants' proposal is to operate a Bed & Breakfast on property owned by Marcia A. Litchfield.

The property is located at 1426 Winona Road, Tax Map R-19, Lot #24, in the General Residential, Agricultural and Rural Zone.

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

Mr. Tierney advised that the Schusters have written a letter which states they wish to run a 5 star bed & breakfast, with 5 bedrooms, 4 bathrooms, with one of each of those being the Schuster's private quarters. They intend to handle housekeeping and breakfast, with no intentions of hiring anyone else. They will operate full time, year round. They hope to begin operation May 25<sup>th</sup> and most of the work has been done by a prior owner. A small amount of work required by the Fire Dept. remains but should be complete by May. Mr. Tierney pointed out that the previous owner did receive approval but never put the B & B into use so the approval lapsed.

Mr. Tierney read into record a letter from Fire Chief Drake, dated 3/26/18, where it was noted that an inspection had been performed when it belonged to the previous owner and an approval for a B&B had been given. Chief Drake advised it would require a new inspection prior to the Schusters opening for business. Attached was a letter dated 7/23/14, which outlined the concerns found at that time.

Mrs. Schuster said they'd like to have a successful B&B and asked for questions. Mrs. Erler asked Mrs. Schuster if she had been provided a list of what needed to be done. Mrs. Schuster said they had seen a copy of the letter dated 7/23/14 stating what was needed and said most of that has been done. Mr. Tierney advised that any approval would require a new inspection, with any issues found, to be solved prior to opening for business.

Mr. Orvis expressed concern with egress from the garage to the 1<sup>st</sup> floor and Mrs. Schuster advised they would do whatever was required by the Fire Chief. Mrs. Erler asked what size the septic system was Mrs. Vose had the plan which showed approval for 5 bedrooms. Mrs. Erler asked how many parking spaces were available and Mrs. Schuster said there were 6-7 with additional parking in a lower lot. It was noted requirements are 1 space for each sleeping room and 1 space for each employee.

Mrs. Erler read the definition for a Bed & Breakfast which states "...accommodations for sleeping or living purposes for not more than 6 persons provided for a fee." She asked what the configuration was with the 4 bedrooms being offered. Mrs. Schuster said 2 bedrooms have a king bed, one has a queen, and one has 2 twin beds; total accommodation for 8 people. She said if they had to limit it to no more 6, they could do that.

The board reviewed the criteria for a Special Exception:

**The specific site is an appropriate location for such use:** The applicants wrote "*1426 Winona Road in New Hampton is an appropriate location for a small Bed & Breakfast*".

Mr. Tierney asked if this was a bed & breakfast years ago and Mrs. Schuster said she believes it was.

**There is adequate area for safe and sanitary sewage disposal:** The applicant wrote "*There is currently a septic system designed for 5 bedrooms*".

**The use will not adversely affect the adjacent area:** The applicants wrote "*Our property will add value to the adjacent area, in particular the lovely Open Air Market of New Hampton which is located directly across the street. Our property will bring revenue to both the town as well as the local residents selling merchandise at the Open Air Market*".

**There will be no nuisance or hazard created:** The applicants wrote "*There will not be any nuisance or hazard created by our establishment. It is our intention to offer our guests a quiet & relaxing atmosphere.*"

**Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The applicants wrote "*The adequate amount of rooms, bathrooms and parking are currently present and will be provided to all guests. There are a total of 4 bedrooms and 3 bathrooms that will be occupied by guests.*"

Mrs. Erler advised she feels comfortable with this as it will be reviewed by the Fire Dept.

**The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The applicant wrote "*A considerable investment was made to restore & beautify this old farmhouse. Our plans*

*are to continue to beautify the property, in particular its exterior and landscaping so that it will continue to add value to the surrounding neighborhood and attract NH White Mountains and Lakes Region tourists to the Town of New Hampton and bring revenue.”*

**The building, parking/or driveway area will not exceed 50% of the lot:**

The applicants wrote “*It will not exceed 50% of the lot. The structure and parking as well as the lot plans are also available to be reviewed. Previous meeting minutes indicate that this criteria is met.*”

Mr. Tierney asked if anyone present wanted to speak. Deputy Fire Chief Lang was present who said he performed the inspection noted on 7/23/14 which was based on standards at that time, and NFPA 101 standards have been updated. Mrs. June Smith said she felt it was a suitable place for a B&B.

Mr. Tierney closed the hearing portion to go into deliberations. Mr. Tierney reviewed each criteria again with the board agreeing that each was met as long as the Fire Chief’s concerns were resolved. The board reviewed conditions.

Mrs. Erler made a motion, seconded by Mr. Orvis, to approve the Special Exception with the following conditions:

1. There will be accommodations for 6 parking spaces, excluding the garage.
2. Inspection by the Fire Department in accordance with current NFPA 101 and satisfactory compliance with any issues noted, prior to opening for business.
3. Occupancy limited to not more than 6 for a fee as defined under Article XIV – Bed & Breakfast/Tourist Home of the New Hampton Zoning Ordinance

Vote was unanimous.

**PUBLIC HEARING**

*New Hampton Community Church, Church Lane, Tax Map U-4, Lot 4, for a Variance -Article IV, Section F:4, of the New Hampton Zoning Ordinance.*

Pastor Scott Mitchell and Dan Rivanis were present.

Mrs. Vose advised that the applicant, New Hampton Community Church, has requested a Public Hearing in accordance with RSA 676:7, for a Variance under Article IV, Section F.4. of the New Hampton Zoning Ordinance. The applicant’s proposal is to place a 10’ by 16’ shed within the public right-of-way. The ordinance requires a front setback of 30 feet.

The property belonging to the New Hampton Community Church is located at Church Lane, Tax Map U-4, Lot #5, in the Village District.

Mrs. Vose advised that all abutters were notified but heard from none. Others present were residents Julie Kirzner and June Smith.

Mr. Tierney advised that he had sent a letter, dated 4/18/18, to Reverend Mitchell asking for dimensional information to the lot lines from the shed, in order to properly review the request. It also asked for a survey of the

property. Mr. Rivanis submitted the survey and some photos. Mrs. Erler asked what the right-of-way was and Mr. Tierney advised it was Church Lane, which is a town road. Reverend Mitchell pointed out that the pavement is not just roadway but also parking, where the shed is located. Mr. Tierney said the shed is already in place, but there is no Variance approved yet. Mr. Rivanis said he didn't know one was needed. He said when he came to the town office and said they wanted to put up a 10' by 16' shed he was told that since it was under 192 sq. ft. a permit was not necessary. Mr. Tierney said it did not need a permit, but it needed to meet setbacks. Mr. Rivanis said he did not know that. Mrs. Vose advised that she was the one who spoke to Mr. Rivanis the day he came in to ask and she did advise him of the setback distances. Mr. Rivanis agreed that he probably was told. The board reviewed the survey. Mr. Orvis suggested they close Church Lane, which would solve the setback issue. Reverend Mitchell advised it appears by the survey that the shed is 20 feet from the ROW. There was a question relative to distances to all property lines from the shed. It was noted that the survey being reviewed was stamped "Preliminary" and Reverend Mitchell advised that a survey had been done the previous year. Mr. Tierney said a stamped survey will be needed and a site visit should be performed. Mr. Tierney suggested that the board continue this hearing to 5/2 and if a stamped survey is available, a site visit and continuation of the hearing will be scheduled at a future date. Mr. Hofling made a motion, seconded by Mr. Orvis, to continue the hearing to 5/2. Vote was unanimous.

**MINUTES**

There were none.

**CORRESPONDENCE**

There was none.

**ADJOURNMENT**

Mrs. Erler made a motion, seconded by Mr. Orvis, to adjourn at 8:24 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant