

**TOWN OF NEW HAMPTON  
ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
TOWN OFFICE Upstairs Meeting Room  
NEW HAMPTON, NH 03256**

April 6, 2016

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

**OTHERS PRESENT** Administrative Assistant Mrs. Vose and Brian Perreault

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

Mr. Tierney advised that Mr. Hofling is now an alternate member, with Ms. Karnis becoming a regular board member.

**MINUTES** There were none.

**PUBLIC HEARING** Mr. Perreault was present.

*Brian Perreault, 94  
Seminole Avenue, Tax  
Map R-10, Lot 8, for a  
Variance, Article IV,  
Section A.4.iii, of the New  
Hampton Zoning  
Ordinance*

Mrs. Vose advised that the applicant, Brian Perreault, has requested a Public Hearing in accordance with RSA 676:7, for a Variance under Article IV, Section A.4.iii of the New Hampton Zoning Ordinance. The applicant's proposal is to construct a 10'x16' shed within the 20 foot setback from the side property line, being one foot from the property line. The property belonging to Brian & Margaret Perreault is located at 94 Seminole Avenue, Tax Map U-10, Lot #8, in the General Residential, Agricultural and Rural District and the Waukewan Watershed Overlay District.

Mrs. Vose advised that all abutters were notified. She advised she received an email from Barbara and Thomas Ruescher stating their support and Mr. Reuter called the office and learning it was not proposed on his side of the property advised he had no issue with it.

Mr. Tierney asked Mr. Perreault if he drew the plot map and he said he did.

**The variance will not be contrary to the public interest;** the applicant states *"it allows the removal of plastic sheds replacing them with a structure that fits better with the character of the area. It will be mostly hidden from the view of the closest neighbor by the neighbor's own shed which sits right on the property line. The*

*location, about 50' from the lake behind existing trees improves the view from the lake as compared with the existing sheds. The abutter approved of the shed".*

Mr. Perreault explained there are currently 3 Rubbermaid sheds (roughly 5x8, 2x4, & 2x3) on the property but needs a larger space for items such as kayaks. He said it is a .3 acre lot. Mr. Orvis asked if there a restriction on how far a structure needed to be from another for access by the fire department and Mr. Tierney advised there was no specific restriction but the ZBA could impose conditions such as review by the Fire Department. Mr. Perreault said he was proposing 1 foot between the proposed shed and the abutter's existing shed though would increase it to what was practical. Asked what the distance would be between the proposed shed Mr. Perreault said about 10 feet. Mrs. Erler advised that relative to the viewscape for the applicant and neighbor, this proposed location appears to be good.

**The spirit of the ordinance is observed;** the applicant wrote *"The 3/10's acre, non-conforming, sloping lot significantly limits the location of the shed. The addition of the new shed also allows for the removal of existing sheds, one of which already violates the same setback requirement".* It was pointed out that the abutter's shed was constructed prior to zoning restrictions. Mr. Orvis said it appears to be a good location but is concerned with its distance from the abutter's shed.

**Substantial justice is done;** the applicant wrote: *"Without the Variance he would not be able to reasonably build a new shed which is needed for storage, and would have to retain the out-of-character plastic sheds for that purpose, which are not as aesthetically pleasing as the new shed. No other practical location exists more than 50' from the shoreline, due to the slope of the lot".* Ms. Karnis asked if there are any permanent sheds currently existing on the property and if so, are they within the setback area. Mr. Perreault said one of the plastic sheds is likely within the setback but confirmed it was short, small, and movable.

**The values of surrounding properties are not diminished;** the applicant wrote *"View of the shed by the closest abutter is blocked by the abutter's own shed, which is on the property line. The new shed will better fit the character of the surroundings and neighborhood with muted colors. It will allow for removal of the plastic sheds currently in place, and be partly hidden from the lake by trees."*

**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 wrote *“the lot is an existing small, con-conforming one, and has very limited space inside the setback lines. The proposed location is the only relatively level location on the lot more than 50’ from the lake (other than the driveway, which is less than the 35’ setback away from the road)”*. Mr. Tierney asked if it was possible to excavate some of the slope to locate the shed and stay out of the setback. Mr. Perreault advised it would be difficult and the other side of the property has a steeper slope. Ms. Karnis asked if there was an area between the driveway and the house to construct a platform to place the shed, keeping it out of the setback. Mr. Perreault said it was possible but is quite a distance from the lake, and is also the steepest slope on the lot. Mr. Tierney asked if a survey had been done when he purchased the lot 2 years ago and Mr. Perreault said it had not been done and did not know exactly where the property lines were. Mr. Perreault said he used the town map to draw his diagram and determine setbacks. Mr. Hofling pointed out that it is easier to allow for a septic system to be placed within a setback when it means moving the system further from the lake, to maintain its quality, but the large shed is different. Mr. Hofling suggested a site visit and it was the consensus of the board to perform one.

**The proposed use is a reasonable one because;** the applicant wrote *“it fits the neighboring properties (which both have sheds which violate the setback limits to my property). It helps preserve the character of the area by allowing removal of less aesthetic plastic sheds. It preserves the lake quality by being setback about 50’ from the lake”*. There was discussion on whether the 50’ setback from the lake is a state requirement and Mr. Perreault said a shed does not need to meet the 50’ setback – it is preferred.

Mr. Tierney closed the hearing to go into deliberations. It was the consensus of the board to perform a site visit after a survey is done of the property. The board suggested Mr. Perreault determine if there were pins available to locate the lines, prior to obtaining a survey. Mr. Tierney opened the hearing to ask Mr. Perreault if he could locate property lines. Mr. Perreault said he would research further but would obtain a survey if needed. Mr. Tierney asked Mr. Perreault to show the 50’ distance from lake, when the site visit takes place.

Mrs. Erler made a motion, seconded by Mr. Frazier, to continue the hearing until the applicant can confirm the property lines. Vote was unanimous.

**MINUTES**

Mrs. Erler made a motion, seconded by Mr. Orvis, to approve the minutes of 2/3/16 as written. Vote was unanimous.

**OTHER BUSINESS**

Mrs. Vose reminded the board that it would be necessary to meet in May for the purpose of the election of officers.

Mrs. Vose distributed copies of the present by-laws. Mr. Tierney asked the members to review them for discussion next month on any revisions.

Mr. Tierney reminded the members of the OEP Zoning and Planning Conference.

Mr. Tierney reminded the members to review information relative to RSA 674:33 at each hearing for a variance.

**CORRESPONDENCE**

There was none.

**ADJOURNMENT**

Ms. Karnis made a motion, seconded by Mr. Frazier, to adjourn at 8:11 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose  
Administrative Assistant