

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

Public Safety Building, Fire Dept Training Room
26 Intervale Drive, NEW HAMPTON, NH 03256

April 7, 2021

MEMBERS PRESENT Regular members: Mr. Tierney, Mrs. Belanger, Mrs. Arsenault, Mr. Livernois, & Mr. Newman.

OTHERS PRESENT Administrative Assistant Mrs. Vose

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

PUBLIC HEARING Attorney Chris Boldt was present to represent the application. The property owners Carl Jr. & Camille Knowlton were present. Also present was Ames Associates Nicole Roseberry.

Carl Jr. & Camille Knowlton, 152 West Shore Road, Tax Map U-14, Lot 29, for a Special Exception - Article V, Section D, and a Variance – Article IV, Section A.4(ii), (iii), and (v) of the New Hampton Zoning Ordinance.

Mrs. Vose advised that the applicants, Carl Knowlton, Jr. and Camille Knowlton, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception and a Variance.

- The Special Exception request 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 and 10 feet from the front right-of-way. 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, unless the NHDES grants a waiver to reduce the setback further, in which case the Zoning Board of Adjustment may consider reducing the setback to be consistent with NHDES allowable setback.
- The Variance requests are under Article IV, Section A.4(ii), (iii), and (v) of the New Hampton Zoning Ordinance. The applicants' proposal is to replace an existing non-conforming home with a new house and attached garage on a different footprint, 6.5 feet from a side property line, which would be within the 20-foot setback; 19 feet from the front right-of-way, which would be within the 35-foot setback; and a maximum lot coverage of 22.3% of impermeable area, which is more than the 20% allowed.

The property belonging to Carl Knowlton, Jr. and Camille Knowlton is located at 152 West Shore Road, Tax Map U-14, Lot #29, in the General Residential, Agricultural and Rural District and the Waukegan Watershed Overlay District.

Mrs. Vose advised that all abutters were notified and that abutter Jay Buckley sent an email sent to the office, stating their support of the application.

Mr. Tierney asked the members if they felt this application had any regional impact and they said it did not. Mr. Tierney asked the members if

they had a chance to review the complete application with drawings, prepared by Attorney Boldt that was previously sent to members relative to this application and they said they had.

Mr. Tierney advised that as the board has read the full application asked Attorney Boldt to review the existing conditions and proposed plan.

Atty. Boldt explained that the existing plans (Exhibit A) show a rudimentary septic system, possibly a 55-gallon drum, which feeds into an unknown location. The planned system would be an improvement. The current shed is within the setback to the side property line to the north and a small portion is on the abutting lot. A deck on the northern side of the house is also encroaching into the side setback, the house is 25' from the lake, and there is an existing paved driveway. Atty. Boldt said he had previously stated in the application that there were 3 homes on West Shore Road after the subject property, when in fact there are 6 homes.

On the proposed plan (Exhibit B) Atty. Boldt advised the new house, would now be 26.5' from the lake, connected to a 1.5 car garage, with a portion of the garage being non-conforming the northern side property line and the shed removed. The new driveway would use pervious material so the overall change in impervious area would not increase from what is existing. The lot size is .21 acres and the proposed septic tank and leach field would be 10' from the side property line, and the field would be 10' from the right-of-way. The garage would be 19' from the ROW and 6.5' from the side property line. Atty. Boldt said additional plantings would be added to the lot as indicated on the plan as the lot not does currently have the requisite amount of unaltered space required by NHDES. This improves the lot as does the removal of the shed and the area of the garage within the setback to the side property line is as conforming as it can be in these circumstances.

Mr. Livernois asked about a drip edge shown on the proposed plan and Ms. Roseberry explained it allowed run-off to percolate into the soil.

Atty. Boldt reviewed the septic design (Exhibit C) and the house plans (Exhibit D).

Mr. Tierney asked for the total square foot of the new structure and Mr. Knowlton said it was somewhere over 2000 sq. ft. Atty. Boldt said it would only be two bedrooms.

Atty. Boldt said there would be a new well installed as they currently take water from the lake.

Mrs. Arsenault asked if this was intended as a primary residence and Atty. Boldt said it would be year-round but not as a primary residence for several years.

Mr. Newman confirmed that the current driveway is paved, but Mr. Knowlton advised it was gravel. It was agreed this was impervious, as was the walkway leading from driveway to the home.

Mr. Livernois asked about the status of the permit with NHDES and Ms. Roseberry said it is being prepared to be sent.

Atty. Boldt said they are proposing two conditions; one being receipt of the NHDES permit and NHDES septic approval.

Mr. Livernois confirmed that there was no living space above the garage.

Mr. Newman confirmed with Atty. Boldt that the amount of pervious area gained even though the new home is much larger, is due to the pervious (porous) driveway that would be created. Mr. Newman asked if there were any comments from the other abutter, the Emersons, and Mrs. Vose said she had not heard from them. Mr. Knowlton said they spoke with the Emersons who said they sent an email to the office in support of the proposal.

Mr. Livernois asked if this new home would have a basement and Mr. Knowlton said there currently is a partial dirt basement but the would be cement basement under the home, but not the garage.

Mr. Tierney advised that he visited the property and recommended that the board perform a site visit as the proposed house and garage are very large compared to the lot. The board was in agreement and Mr. Tierney asked that the house and garage be staked out so the board could see how it would appear on the site. Mrs. Belanger made a motion, seconded by Mrs. Arsenault to continue the hearing 4/14/21 at 4:00 pm, with deliberations to follow the visit at the Fire Dept training room.

Vote was unanimous.

MINUTES

Mr. Livernois made a motion, seconded by Mr. Newman, to approve the minutes of 9/2/20 as with the following amendment:

Pg. 5, last paragraph – remove the first 3 sentences and replace with:
“Mr. Tierney advised that he had previously reviewed the application submitted and as a result of what was found, he notified the Town Administrator of inconsistencies. He then read into record the email which was sent by Town Administrator, Mr. Irvine, to Julie Hayward, the contractor who would have represented the applicants on their applications. The email advised Mrs. Hayward that there were inconsistencies found by the ZBA Chair Mr. Tierney, being discrepancies found between the deed, tax maps and subdivision plan versus the documents submitted for the application, which reduces the lot size and affects the lot coverage.”

Motion passed.

CORRESPONDENCE

There was none.

DISCUSSION: NEW HOUSING APPEALS BOARD

Mr. Tierney advised that the legislature approved RSA 679 to create a faster, and more cost-effective route to appeal zoning decisions than appealing to Superior Court. He said he would provide links for members to read the details of. He gave an overview of how it would work with a 3-member board appointed by the Supreme Court.

(ZBA Minutes, April 7, 2021, cont.)

ADJOURNMENT Mrs. Belanger made a motion, seconded by Mr. Newman, to adjourn at 7:42 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant