

**TOWN OF NEW HAMPTON  
ZONING BOARD of ADJUSTMENT  
MEETING MINUTES  
Site Visit – 40 Chapman Point Road  
New Hampton Town Office Upstairs Meeting Room  
NEW HAMPTON, NH 03256**

May 8, 2019

**MEMBERS PRESENT:**

Regular members: Mr. Tierney, Ms. Karnis, Mr. Hofling, and Mrs. Belanger  
Alternate member: Mr. Livernois

**OTHERS PRESENT:**

Administrative Assistant Mrs. Vose

**CALL TO ORDER:**

Mr. Tierney called the meeting to order at 6:30 pm. Mr. Tierney appointed Mr. Livernois as a regular member for the vacant regular member position.

**SITE VISIT**

*40 Chapman Point Road*

Applicant Mr. Berube and abutter Robert Girvin were present.

Mr. Tierney advised that relative to the Special Exception criteria specific to percentage of lot coverage, as the application does not reflect a change to the impervious surfaces this criteria does not need to be considered.

The board reviewed the location of the 2 side lot lines of the Berube property and walked to the shoreline of the lake to see the view of abutting lots and any buildings. The board reviewed where the septic tank and leach field were for the Berube and Girvin lots.

As the board said the criteria relative to lot coverage did not need to be considered for this application Mr. Girvin asked if in the future there was additional construction which affects lot coverage would this change any approval for this application. Mr. Tierney advised any approval would stay with the property but that if Mr. Berube obtained a building permit the percentage of lot coverage would be addressed for the permit.

**RECESS:**

Mr. Hofling made a motion, seconded by Mr. Livernois to recess at 6:44 pm. and travel to the Town Office. Vote was unanimous.

**RECONVENE:**

Mr. Tierney reconvened the meeting at 7:06, noting that everyone who attended the site visit was present at the Town Office. Bayside Rentals Gail Archibald arrived for this portion of the hearing.

**PUBLIC HEARING (cont.):**

*Richard Berube, 40 Chapman Point Road, Tax Map U-10 Lot #37, for a Special Exception under Article IV, Section A(3) of the New Hampton Zoning Ordinance.*

Mrs. Vose submitted a copy of the septic system Approval for Operation which showed it was designed for a two-bedroom home.

Mr. Girvin asked how many people would be renting the home – 4 or 6? Mr. Tierney said any approval would limit rental to four. Mr. Berube said he had contacted the New Hampton PD to get information regarding whether there were any disturbing the peace calls at the rental

and said Sergeant Cunningham checked New Hampton and Meredith and found none. He also advised that Waste Management comes into the neighborhood so his need for waste removal is not the only house being serviced. Mr. Girvin said his only concern was if the property transferred and any conditions were not followed. Mr. Tierney said it would be an enforcement issue to be addressed by the Selectmen. Mr. Hofling asked how rentals are handled. Mr. Berube said his rental is offered through Bayside Rentals but he personally visits the property, as does a housecleaner and maintenance person. Ms. Archibald said the rental company is available 24/7, visits properties, handles complaints, and reviews restrictions with each renter.

As there were no further questions Mr. Tierney closed the public portion of the meeting to go into deliberations.

Members reviewed the criteria for a Special Exception:

**The specific site is an appropriate location for such use:**

Ms. Karnis said she had concerns about this criteria as the roadway is narrow & windy and is an intimate location. Mr. Livernois said he has less concerns as it is not a private road and is maintained by Meredith. The location has only one home very close to the cottage, but the renters are limited to four. Mrs. Belanger said she felt it was an appropriate location. Mr. Tierney said the road was wider than Seminole Ave.

**There is adequate area for safe and sanitary sewage disposal:**

Mr. Livernois said the septic design is a 2-bedroom for a 2-bedroom home and the owner was limiting the number of renters to four. Ms. Karnis expressed concern with the proximity of the system to the wells but an annual pumping of the septic tank would help alleviate this concern.

**The use will not adversely affect the adjacent area:**

Mrs. Belanger and Mr. Livernois said they didn't have any concerns. Mr. Livernois said parking won't be on the road. Ms. Karnis said she has concerns with any future owner and how renters are handled, but conditions can help.

**There will be no nuisance or hazard created:**

Mr. Tierney said there is potential for nuisance, but controls are in place with the Association and conditions could help mitigate any nuisance or hazard. The board agreed. Ms. Karnis said Mr. Berube had said he typically rents June-August. Mr. Tierney suggested this property could have a life safety inspection annually and Ms. Karnis agreed.

**Adequate and appropriate facility will be provided for the proper operations of the proposed use:**

The board said they did not have any concerns with this criteria and Ms. Karnis said the inspection would be addressing this criteria.

**The use will not impair the aesthetic values exhibited by the surrounding neighborhood:**

Mr. Livernois said he didn't have an issue with this and Mr. Tierney said condition can help here.

**The building, parking or driveway area will not exceed 20% of the lot.**

Mr. Tierney said the board has already agreed this criteria did not need to be discussed.

There was discussion on what conditions the board would want if the application were approved.

Ms. Karnis suggested rentals from June through August and no more than 4 persons. Mr. Hofling said he felt 4 people was too limiting but other board members pointed out that the applicant said it would be only four. Ms. Karnis suggested limiting it to no more than 2 cars parked on the property expressing concern with the proximity of the wells to the septic systems. Mr. Tierney said the proximity of the septic systems to wells, is something that would have been approved by NHDES and that the usage by renters for a few months would be less than typical full-time use. Relative to parking Mr. Tierney said 4 vehicles can easily fit and would be more reasonable with Mrs. Belanger pointing out it could be 4 people, each with their own car. There was discussion on the rental period and that the holiday weekends of Memorial Day and Labor Day are very close to June and August. The board opened the public portion of the meeting to ask Mr. Berube if he would prefer to offer rentals for longer than June to August and he said additional time would be better, and didn't think when he made the statement at the meeting on 5/1/19 that he was locking himself into a timeframe. Mr. Girvin said he is not opposed to the rental extending to Columbus Day. Mrs. Belanger pointed out that after Labor day the usage as a rental would likely be reduced. After further discussion it was the consensus of the board to allow short term rentals Memorial Day through Columbus Day, as a condition. Mr. Livernois agreed that an annual life safety inspection was a reasonable condition without too much expense for the property owner. It was the consensus of the board to require the septic tank be pumped every year given the proximity to the lake. Mr. Livernois suggested a reference to the association's rules for the quiet enjoyment of the community should be part of the rental agreement.

Mr. Livernois made a motion, seconded by Ms. Karnis to approve the application with the following conditions:

1. Rentals are limited to Memorial Day weekend through Columbus Day.
2. Rental occupancy will be limited to no more than 4 persons.
3. A maximum of four (4) vehicles will be allowed.
4. A Life Safety inspection must be performed annually.
5. The septic tank must be cleaned annually.
6. The rental agreement must require that all tenants abide by the Lake Waukegan Association's rules that support quiet enjoyment of the area.

Vote was approved 4 to 1.

**ELECTION OF OFFICERS,  
DISCUSSION ON AMENDMENTS  
TO BY-LAWS, & MINUTES**

Mr. Hofling made a motion, seconded by Ms. Karnis to continue the discussion on the election of Officers, amendments to the By-Laws and review of minutes, to June 5, 2019 at 7:00 PM. Vote was unanimous.

*(Zoning Board of Adjustment Minutes, May 8, 2019, cont.)*

**ADJOURNMENT:**

Ms. Livernois made a motion, seconded by Mrs. Belanger to adjourn at 8:00 pm. Vote was unanimous.

*Respectfully submitted,  
Pam Vose*

DRAFT