

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
Site Visit – 98 Campground Road
and TOWN OFFICE
NEW HAMPTON, NH 03256**

November 10, 2018

MEMBERS PRESENT Regular members: Mr. Tierney and Ms. Karnis
Alternate member: Mr. Hofling, acting as a voting member for Mrs. Erler,
on this application.

OTHERS PRESENT Judith Woolfson

CALL TO ORDER Mr. Tierney called the meeting to order at 9:01 AM at 98 Campground
Road.

PUBLIC HEARING Mr. Tierney advised that this was a continuation of the 11/7 hearing.
(Cont.)

Judith Woolfson, on property belonging to Dennis Foran, 98 Campground Road, Tax Map U-9, Lot 8A6, for a Special Exception -Article VI, Section A(2) & Article IV, Section A(5), of the New Hampton Zoning Ordinance. Three measurements were taken by Mr. Tierney and Ms. Karnis west of the cottage where there were old rock walls, to determine the width of Campground Road at each point. The average measurement between walls was 36 feet. The board then measured 18' from the center of Campground Road to determine the edge of the ROW. A measurement was taken from the edge of the ROW to the northeast corner of the proposed addition and it was 5' 9".

At 9.21 am Mr. Hofling made a motion, seconded by Ms. Karnis, to recess to travel to the Town Office for the continuation of the hearing and deliberations. Vote was unanimous.

Mr. Tierney reconvened the hearing at the Town Office at 9:36 AM.

Mr. Tierney advised that at the meeting on 11/7 Ms. Karnis questioned whether the Special Exception was necessary, or whether this proposed addition was considered a natural expansion of the grandfathered use. Mr. Tierney said in the *2015 Municipal Law Lecture Series*, Ms. Karnis had previously referenced, on pg 13 - listed are 4 criteria that are required for determining whether it needs to go to the ZBA. In this case the 3rd criteria applies... "Will the change or expansion render the premises proportionally less adequate for the use in terms of the requirements of the ordinance?" On pg 17 it notes that "non-conforming issues must be appealed to the ZBA". The board agreed that given the nature of this proposal it requires a Special Exception.

Mr. Tierney advised the board would go into deliberations.

The board reviewed the criteria for a Special Exception, noting that the responses were already on record at the meeting of 11/7/18.

The specific site is an appropriate location for such use:

The stated this is a residential dwelling and is similar to other structures in that area.

There is adequate area for safe and sanitary sewage disposal:

As this is remaining a 1-bedroom cottage and the condo assn. provides for adequate sewage disposal there is no change to that use. Mr. Tierney said history has found that some lofts are being used as bedrooms, which is in violation of the condo rules suggesting the condition that this cottage be no more than 1 bedroom. Ms. Karnis added that the proposed loft area cannot be used for sleeping.

The use will not adversely affect the adjacent area:

Ms. Karnis said the use is the same.

There will be no nuisance or hazard created:

Ms. Karnis noted that this expansion is close to the road and wondered it would create any sight line issues or maintenance by the town. Mr. Tierney advised that based on the measurements taken of the ROW the board determined that the new proposed addition will be 5' 9" from the ROW, so it is not being built into the ROW.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use:

The use isn't changing and appropriate facilities are in place

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

Ms. Karnis said that is there have been past concerns of overbuilding, but this additional at 192 sq. ft. is filling its limited common area, as other cottages could do. This is allowed by the condominium declaration and plans, though it could impair the aesthetic values. It was noted that expansion of some other cottages in the assn. could present an issue for the Fire Chief if it was proposed. Ms. Karnis said that expansion to fill limited common areas and creating 2nd stories – in the future, could potentially be looked at more negatively.

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

Mr. Tierney advised that in reviewing the NHDES application it shows that this criteria is met.

The board came out of deliberations to ask the applicant if the condo rules allow any of the cottages to have more than 1 bedroom. Ms. Woolfson said the number of bedrooms in a given cottage were allowed as grandfathered at the time the condominium association was formed in 1983, with no increase in bedrooms allowed. She advised some units cannot expand further as they've filled their limited common area. Mr. Tierney asked if the association restricted lofts. Ms. Woolfson said they did not, in fact the most recent expansion of a cottage has an extensive loft with dormers, where grandchildren play and put out sleeping bags to sleep

on occasion. She said she has no young children or grandchildren and need the loft for storage.

The board entered back into deliberative session.

Mr. Tierney advised that when the units were condominimized the septic would have been looked at to see if it could support the number of total bedrooms. Ms. Karnis said she still has concern on the overall effect of all cottages expanding into their limited common area and needing to come to the ZBA where they could add a second story instead. She expressed concern over setting a precedent and what may happen to the uses after a property changes hands.

Mr. Hofling made a motion, seconded by Ms. Karnis, to approve the Special Exception with the following conditions:

1. The cottage remains one bedroom and the loft is not to be used for sleeping accommodations.

Ms. Karnis explained that though she has concerns she seconded the motion because this unit was grandfathered to have the additional limited common area. Overall granting the Special Exception would not lead to too much overcrowding or be contrary to the aesthetic value of the area due to the limitations and constraints. She said this is a unique situation which may not be compared to other applications before the board. Vote was unanimous.

ADJOURNMENT

Ms. Karnis made a motion, seconded by Mr. Tierney, to adjourn at 10:08 am. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant