

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
Fire Department Training Room
New Hampton, NH 03256**

June 23, 2020

MEMBERS PRESENT Mr. Tierney, Mrs. Belanger, Mrs. Arsenault, Mr. Livernois and Mr. Newman

OTHERS PRESENT Administrative Assistant Mrs. Vose, Wendy Traynor, abutter Jack Daniel, Russell Berry, Patti Seely, Sandreley Henderson, and Timothy Doyle.

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

PUBLIC HEARING (cont.) *Mr. Tierney advised that this is a continuation of the hearing. He told Mr. Livernois, who wasn't present on 6/16/20, that when the board got to criteria #2 relative to safe and sanitary sewage disposal, it was determined that more information was needed. Mr. Tierney said that the applicant had provided a letter from Lamprey Suburban Septic Service which the board read on 6/16/20, which was provided to Mr. Livernois for review. Mrs. Vose had contacted NHDES after the meeting on 6/16 and was told by Eric Thomas that the board should not think in terms of GPD (gallons per day) versus how many gallons the tank size was as the DES guidelines (requirements) are very generous and other factors are considered such as whether there is a washer or dishwasher, which in this case there isn't, and that DES doesn't differentiate between short-term rentals or private use. Mr. Thomas had told Mrs. Vose that in order to know whether or not the system currently in place was compliant it would likely mean that past owners of record would have to be researched to find the information. Mr. Tierney said he then contacted Mr. Lamprey who provided a lot of information. Mr. Tierney read into record an email sent to Mrs. Vose stating the pertinent information from this phone call which included the following statements:*

- The septic system at 3 Cove Way is a full septic system.
- The 500 gallon fiberglass tank was installed 2 years ago and replaced a 300 gallon metal. It was recommended a 1,000 gallon tank be installed but the topo and size of pipes feeding the tank prevented the 1,000 gallon tank. His opinion is that the 500 gallon tank is sufficient for the property when pumped yearly.

Relative to whether there is adequate area for safe and sanitary sewage disposal the board agreed this criterion was met based on this new information. Mr. Tierney advised that if this application were approved they should require the septic system be pumped annually.

Mr. Tierney clarified for Mr. Livernois that the board is in their

deliberation stage.

Relative to whether the use would not adversely affect the adjacent area Mr. Tierney advised that the board agreed the lot is very small with parking for one vehicle. Mr. Livernois said he did go out on his own to visit the site so he is aware of how it's laid out and said he has the same concerns with parking, the closeness of the property to its neighbor and the shared beach which affects whether this is an appropriate location for such use.

Relative to whether the use will adversely affect the adjacent area or whether a nuisance or hazard is created, Mr. Newman recalled the parking and narrowness of the road leading to the cottage. Mr. Livernois pointed out the limited parking, road access, and renters crossing other people's properties based on the testimony given by others. Mr. Tierney recalled the issues abutters and neighbors have had which also creates a nuisance or hazard and that the closeness to the neighbor's house is a concern.

Relative to adequate and appropriate facilities provided for the proposed use Mr. Livernois questioned whether the board had any issues with water supply Mr. Newman recalled the board discussed it but did not have issue with that. Mr. Tierney noted it would be difficult to locate a well on that site and other cottages are taking water from the lake.

Relative to the use impairing the aesthetic values exhibited by the surrounding neighborhood the board agreed this would have not effect.

The board agreed it would not impair the aesthetic values.

The board agreed the lot coverage criterion was met.

The board agreed the criterion related to agritourism did not apply to this application.

Ms. Daniel asked if there would be any more input taken by others present as she thought abutter Barry Allen may have sent an email relative to Cove Way begin a private road and Mrs. Vose advised she was not in the office today so she did not know if this information came in and Mr. Tierney said it was his understanding that 3 Cove Way has a right of way to access the property.

Mr. Doyle asked if he could speak and mentioned that he had sent in a letter for the first meeting on 6/3/20. Mr. Tierney asked the board if they should allow Mr. Doyle's further testimony and it was the consensus of the board not to allow this as this would cause further testimony between the applicant and others present with the board having to go into deliberations all over again. Mr. Newman asked if the letter Mr. Doyle is referring to was read into record and Mrs. Vose said it was. Mr. Newman said Mr. Doyle was able to voice his opinion and concerns in the letter. It was the consensus of the board not to allow any further testimony.

Mr. Livernois said if the board agrees this is not an appropriate location for this use under criteria #1 it should be denied unless the board can determine conditions to be placed on the property that would make it an appropriate location for such use. Mr. Newman said the board had questions at the meeting on 6/16/20 about the septic system that needed more clarification, even though they had decided the application didn't meet all the criteria.

Mr. Tierney suggested the board look at the criterion that they felt the application did not meet to see if it was possible to place a condition on the property that would address the concerns of the board and the board agreed.

Relative to parking not being appropriate for 6 guests, there was discussion of only space for 1 vehicle at a time during rental, noting the problem that additional vehicles would need to park at the turnaround. It was noted that the board, during their site visit, witnessed a UPS truck that had to perform a several point turnaround because the board's vehicles were parked at the turnaround. The board agreed it would be difficult to enforce this condition. Ms. Traynor said she lives down the street and people could park at her house but Mr. Tierney reminded her that no more testimony was being taken.

Mr. Newman said most of their concerns were with criteria #'s 3 and 4. Mr. Livernois said it would be difficult to place conditions on the property to address the very tight area with cottages so close together and possible problems with renters in a congested area. Mr. Tierney asked if it was reasonable to impose conditions to make this acceptable and the board agreed it would be hard to have conditions to satisfy all the concerns brought up about this site.

Mr. Livernois asked if the applicant said how many people she was renting to and Mrs. Arsenault said when she looked at the Airbnb listing on 6/16/20 it stated 6 persons and parking for 3 vehicles. The board recalled it was a one-bedroom with the parking spot likely only to fit a small car. Mrs. Arsenault pointed out that a large truck would not fit. Mr. Tierney said he didn't see any conditions to address criteria #3 or #4 relative to the parking issue and the overflow at the turnaround.

Mr. Newman made a motion, seconded by Mr. Livernois to deny the application for a Special Exception based on the fact that in the application according to where article IV states the special exception can be granted if all the conditions are met and in reviewing criterion 1, 3, & 4 it does not meet those conditions of the property.

Criterion #1 - Lot is too small to accommodate parking for 6 guests and its closeness to an abutter.

Criterion #3 - Testimony of abutters on the adverse effects to the adjacent area.

Criterion #4 - Parking, closeness of the neighbors, access for emergency vehicles and testimony of abutters and neighbors relative to nuisance and

hazard.

Vote was unanimous.

Mr. Tierney advised Ms. Traynor that she can appeal this decision by bringing forth new information for the board to consider, or she can appeal to the court system.

Mr. Berry asked if Ms. Traynor would get something in writing and Mr. Tierney said she would.

ADJOURNMENT

Mr. Livernois made a motion, seconded by Mr. Newman, to adjourn at 7:35 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose
Administrative Assistant

DRAFT