

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
TOWN OFFICES
NEW HAMPTON, NH 03256**

May 7, 2014

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

OTHERS PRESENT Mrs. Vose

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

PUBLIC HEARING New Hampton School Director of Facilities Kirk Beswick was present to represent the application.
New Hampton School, 60 Shingle Camp Hill Road, Tax Map U-7, Lot 3, for a Special Exception, Article IV, Section F.1.v, of the New Hampton Zoning Ordinance

Mrs. Vose advised that the applicant, New Hampton School, has requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section F.1.v of the New Hampton Zoning Ordinance. The applicant's proposal is to make renovations to an existing house to create a two family dwelling. The property is located at 60 Shingle Camp Hill Road, Tax Map U-7, Lot #3, in the Village District.

Mrs. Vose advised that all abutters were notified and none were heard from, but abutter Rebecca Lougee was present.

Mr. Beswick submitted photos of the property being discussed, known as Clark House, and additional 2-family properties in the Village District. He said the property was previously a Montessori School, a day care, and a residence. Mr. Beswick advised that it was his understanding that the residence was built as a 2-family and that during renovations to make it a Montessori School there was a small apartment in the basement. The NHS would like to convert it to a 2 family with a 1-bedroom apartment downstairs and the 3 bedroom dwelling upstairs for faculty, such as a single person or couple. The work necessary would be to add some kitchen cabinets and put a tub or shower in the bathroom. Mr. Beswick said it has more safety upgrades than necessary and there is a lot of parking.

Mr. Hofling asked if the NHS was maintaining ownership of property and Mr. Beswick said they would. He advised the board of

the improvements that have been made over the years. He said there were 2 separate egresses and that the Fire Chief has seen the building for smoke and carbon monoxide detectors.

Mr. Hofling read the first criteria for the special exception.

The specific site is an appropriate location for such use: The applicant stated: the property was used as a 2-family in the past, there is nothing different about how they are proposing to use it, it is private, and is a better use than the 2 previous being the Montessori and day care, with many children and parents coming and going.

Mr. Frazier asked when the property had been a 2-family. Mr. Beswick said the town records don't reflect that but many years ago various people lived downstairs that were associated with NHS. Mrs. Erler confirmed that this would be a one bedroom and Mr. Beswick stated there is only room for one bedroom.

There is an adequate area for safe and sanitary sewage disposal: The applicant stated: There have been no issues providing water to the building and sewage from the structure goes down to the Precinct and less water and sewer demand will take place with the diminished use.

Mr. Orvis asked if there would be any added laundry and Mr. Beswick advised that it would be the current laundry which would be shared and accessed through the garage. There will no access between the apartment and the upstairs dwelling.

The use will not adversely affect the adjacent area: The applicant stated: The neighborhood is quiet and speaking to Mrs. Lougee who was present, Mr. Beswick said he didn't think the residence could even be seen by Mr. and Mrs. Lougee. He said there is a lot of woods behind the house and sees the change in use as a benefit to the neighborhood.

Ms. Karnis asked if the school had considered the effect the use would have on the neighbors when guests were present such as weekends and evenings, as previously the use was during weekdays. Mr. Beswick said they hadn't really thought of that but pointed out that teachers are required to teach, coach, and perform dorm duty so they are busy 7 days a week. Relative to having noisy parties the school does not tolerate obnoxious behavior by their faculty and would discourage that type of behavior if they were aware of it. Ms. Karnis asked if the school would ever consider renting out the downstairs apartment to anyone outside of their school system in the future. Mr. Beswick advised that their business model is to have staff living on or near campus, to assist with the daily school functions and this location is desirable for those who want a quieter location, not in a dorm. Mr. Beswick advised that the extra parking may be handy for some of their events. Ms. Karnis asked about the use of the parking for access and Mr. Beswick said there is more parking than is necessary for the 2 family and when counting all the available parking at the school, this would be helpful.

There will be no nuisance or hazards created: The applicant stated: The addition of a one bedroom unit should not create any noise or hazard to neighbors or the town. Mr. Beswick said it is likely no one would notice another person coming and going.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use: The applicant stated: No additional utilities are required for this proposal – bathrooms, water; sewer service is existing in the structure. Mr. Beswick said that there is currently a bathroom and a utilitarian kitchen in the basement and wants to make them more functional.

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The applicant stated: Mr. Beswick stated they were not doing anything on the outside. No exterior modifications are required so the addition of a single bedroom unit in the lower level will not be noticeable and ample parking is available on site.

The building, parking, and/or driveway area shall not exceed 50% of the lot: The applicant stated: They were not modifying anything as it is already existing.

As there were no further questions from the board, Mr. Hofling asked abutter Mrs. Lougee if she had any questions.

Mrs. Lougee advised that they've always had great neighbors and said that she had been serving on the Precinct Planning Board but was unaware that this property was becoming a day care until trees between the two properties were being taken down, including some on her property and when she inquired about what was happening she was told that the school had purchased the property. This upset her as she was on the Planning Board and was not made aware of the proposed use and trees were being cut on her property. A parking area was then paved and the green space between their house and the day care was removed. Mrs. Lougee advised she can now see directly into the parking area from her house and the light on the building shines directly at her home. She said she agrees this would be a good use but expressed concern with the subsequent owners and their uses. She was concerned with this setting a precedent unless this was an allowed use. Mr. Hofling suggested to Mr. Beswick that the school consider creating some type of buffer to help solve the light issue, and Mr. Beswick advised they could plan some greenery between the 2 lots. He said he would be willing to work with her on a solution and Mrs. Lougee agreed. Mrs. Lougee expressed concern with the school considering the extra parking on the lot. Mr. Beswick pointed out that the parking still exists without the 2nd dwelling unit in the structure.

Mr. Hofling advised that the hearing was closed and the board would go into deliberative session.

Mr. Orvis asked if it made sense to list something relative to adding plantings for screening as part of the findings and Mr. Hofling said that was appropriate.

Relative to "*The specific site is an appropriate location for such use*" Mr. Frazier asked about the history of the property being a 2 family dwelling and Mrs. Erler said it is an allowed use that shouldn't matter as long as it meets the criteria and said this use is has less of an impact than a day care or school, and the area is already densely populated. Mr. Orvis pointed out that the traffic coming and going on that lot should be diminished.

Relative to there being an "*adequate area for safe and sanitary sewage disposal*" Mr. Frazier pointed out it was on precinct water and sewer and all members agreed it was adequate.

Relative to "*the use will not adversely affect the adjacent area*" the board agreed that if the school is willing to plant a buffer it would help reduce the issue with the lights shining into the abutting property. Mrs. Erler pointed out there is much less traffic now. Mr. Tierney said that the applicant should work with the abutter on plantings that are sufficient and the board agreed.

Relative to there being "*no nuisance or hazards created*" the board agreed the use would be less of a nuisance or hazard

Relative to "*adequate and appropriate facilities will be provided for the proper operation of the proposed use*" the board agreed that two egresses would be created for the new apartment. The board agreed on the condition that the 2nd dwelling be approved by the Fire Department.

Relative to "*the use will not impair the aesthetic values exhibited by the surrounding neighborhood*" the board agreed the exterior won't be changing, as all the renovations are to the interior.

Relative to "*the building, parking, and/or driveway area shall not exceed 50% of the lot*, the board agreed this did not apply as there will be no change to those areas.

Mrs. Erler made a motion, seconded by Mr. Orvis, to approve the special exception with the following conditions:

1. That the applicant work with the abutters to address vegetation

and lighting issues, alleviating any concerns due to previous disturbance along their property line that the applicant work with the abutters to address vegetation and lighting to alleviate any issues with the disturbance between the two properties.

2. Written approval from the Fire Chief that the proposal meets life safety code.

The vote was unanimous.

OTHER BUSINESS

Mr. Tierney pointed out that the Special Exception criteria that was just discussed for the Village District on the NHS application, is not listed in the Zoning Ordinance, as it is in the other districts. Mrs. Vose pointed out that it is part of the application. Mr. Tierney advised for consistency it should either be listed in the ordinance under the Village District or stated somewhere else saying it applies to all districts.

MINUTES

A motion was made by Mr. Tierney, seconded by Mr. Frazier, to accept the minutes of 12/4/13, as written. Vote passed.

Mr. Hofling advised that he learned at a recent zoning conference that the draft copy of the minutes must be kept along with the approved copy. Mrs. Vose pointed out the way it is handled is for the draft minutes to have the draft watermark across the pages and once reviewed and approved, any corrections are noted in the subsequent minutes as part of the discussion. Mr. Hofling said they learned that it is also not required to approve the minutes but agreed to continue with corrections.

Mr. Hofling said he would disseminate the information they obtained at the conference for other members to read.

Mr. Hofling said the conference covered Planning and Zoning but in the beginning they discussed how NH is changing and how it affects zoning and planning. He said NH has lost a lot of younger people but is gaining in older people coming into the state. The amount of manufacturing has been decreasing substantially, especially with jobs lost to China. There will more housing for the older population and the larger homes will become less desirable or will be used for more than one family.

CORRESPONDENCE

NHMA Town & Cities magazines

Updated copies of the New Hampton Zoning Ordinance were distributed to the members.

ELECTION OF

Mrs. Erler made a motion, seconded by Mr. Tierney, to elect Mr.

OFFICERS

Hofling as Chairman. Vote was unanimous.

Mr. Frazier made a motion, seconded by Mr. Orvis, to elect Mr. Tierney as Vice-Chairman. Vote was unanimous.

Mr. Tierney made a motion, seconded by Mrs. Erler, to elect Mr. Orvis as Clerk. Vote was unanimous.

ADJOURNMENT

Mr. Frazier made a motion, seconded by Mr. Orvis, to adjourn at 8:15 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose
Secretary

DRAFT