

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

Town Office, 2nd floor meeting room
6 Pinnacle Hill Road, NEW HAMPTON, NH 03256
May 1, 2024

MEMBERS PRESENT Regular members: Mr. Newman, Ms. Gattermann, Mr. Akers.
Alternate member: Mr. Tierney

OTHERS PRESENT Land Use Administrator Mrs. Vose

CALL TO ORDER Chair Mr. Newman called the meeting to order at 7:00 PM.
Mr. Newman appointed Mr. Tierney to vote on behalf of Mr. Heckman.

PUBLIC HEARING Chad Mitchell was present.
Chad Mitchell, 25 Colony Lane, Tax Map R16, Lot 10.11, for a Variance – Article IV, Section A.4.iii. of the New Hampton Zoning Ordinance.

Mrs. Vose advised that the applicant, Chad Mitchell., has requested a Public Hearing in accordance with RSA 676:7, for a Variance. The Variance request is under Article IV, Section A.4.iii. of the New Hampton Zoning Ordinance. The applicant’s proposal is to construct a garage addition to an existing home within the 20-foot setback of the property line; the proposed location of the garage being 10 feet from the side property line. The property belonging to the Chad & Jennifer Mitchell is located at 25 Colony Lane, Tax Map R-16, Lot #10.11, in the General Residential, Agricultural and Rural District.

Mrs. Vose said all abutters were notified but she has heard from none. Mr. Newman advised that the Board consists of 5 members, of which only 4 are present, stating that if the Board were to deny this application the fact there are not 5 members present would not be reason to appeal. He asked Mr. Mitchell if he would like to continue with 4 members and he agreed to move forward with the hearing.

Mr. Newman asked if all members had a chance to review the application and drive by the location, and they said they had. He asked members if they felt this application, if approved, would have a regional impact and they all agreed it did not.

Mr. Mitchell said he wants to add a 2-car garage alongside his current garage, to the north, due to space needs for his business. Mr. Tierney noted that there appeared to be an area that was excavated from a small slope, asking if more excavation would be needed. Mr. Mitchell said he did that work several years ago, but no further excavation will be needed to accommodate the proposed garage. Mr. Tierney asked Mr. Mitchell was able to determine where his property line was and he said he did, based on property markers. He said he measured 12-13 feet from the property line, which is less non-conforming than his original application stated. Mr. Mitchell advised that on the other side of the house, water drains from Hwy 93, which filled his basement with water after a significant rainfall during the winter. They then created a drainage swale

which has helped, but the right-hand side of the house still gets very wet. Mr. Tierney said when he visited the property his measurement from the existing garage caused him to have some concerns on how far this new garage would come to the property line it was encroaching. The Board agreed it was difficult to calculate straight line distance to the property line due to the angle. Mr. Mitchell said he has now revised his drawing to keep the proposed garage square with the house, which will increase the distance to the property line even more. Due to the amendment to the plot plan the Board agreed the property should be visited to take additional measurements. Mr. Mitchell was asked to stake out the location of the new garage.

Mr. Tierney made a motion, seconded by Mr. Akers to continue the hearing to conduct a site visit to 25 Colony Lane on May 3, 2024 at 9:00 am, continuing the discussion at the Town Office meeting room immediately afterwards. Vote was unanimous.

PUBLIC HEARING

Scott Buitta, 74 Donkin Hill Road, Tax Map R5, Lot 5, for a Variance – Article V, Section C. of the New Hampton Zoning Ordinance.

Scott Buitta and septic designer Bruce Fillmore were present.

Mrs. Vose advised that the applicant, Scott Buitta, has requested a Public Hearing in accordance with RSA 676:7, for a Variance. The Variance request is under Article V, Section C. of the New Hampton Zoning Ordinance. The applicant's proposal is to construct a septic system within the 20-foot setback of the property line; the proposed location of the system being 10 feet from the western side property line. The property belonging to the Scott Buitta and Marcos Coli is located at 599 NH 104, Tax Map R-5, Lot #5, in the BC2 (General Business & Commercial) District.

Mrs. Vose said all abutters were notified but she has heard from none. Mr. Newman advised that the Board consists of 5 members, of which only 4 are present, stating that if the Board were to deny this application the fact there are not 5 members present would not be reason to appeal. He asked Mr. Buitta if he would like to continue with 4 members and he agreed to move forward with the hearing.

Mr. Newman asked if all members had a chance to review the application and visit the location, and they said they had. He asked members if they felt this application, if approved, would have a regional impact and they all agreed it did not.

The Board reviewed the plan. Mr. Buitta said he wants to add a septic system which will allow for him to sell BBQ/food items from the building instead of the current mobile unit. Portable toilets are currently used. The existing 24' x 24' building will be attached this to this system and seating could now be provided there. Mr. Buitta said he has a drilled well. He said this would allow for a cleansing station in the smokehouse. He said this location was the only spot to put the system. Mr. Fillmore said they performed many test pits and there was so much ledge and wetlands that this location was the only one found, and meets the state's 10' setback. He said it is a small footprint system and a new design, offering a better capability for the use. Mr. Tierney said his experience with this property reflects the difficulty with the land. Mr. Fillmore said it will take a long-

distance pressure line from the system to the building, which Mr. Buitta will have to resolve.

Mr. Newman asked for any abutters input. Ernie Wilkins was present and said he had no problems with the proposal.

With no further discussion, Mr. Newman advised the board would now go into deliberations, coming out of deliberations if any questions need to be asked of others present. Criteria was reviewed.

The variance will not be contrary to the public interest: The Board agreed to this criterion.

The spirit of the ordinance is observed: The Board agreed this was the case. Mr. Tierney pointed out the state allows for a septic system at 10 feet from the property line, and it is the only location it can be placed.

Substantial justice is done: The Board agreed. Mr. Newman stated the benefit to the applicant is much greater than any negative affect on public interest.

The values of surrounding properties are not diminished: The Board agreed it would not.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because w\owing to the special conditions of the property that distinguish it from other properties in the area no fair and substantial relationship exists between the general or public purposes of the ordinance’s provision and the specific application of that provision to the property; and – the proposed use is a reasonable one: Mr. Tierney advised that the property’s limitation is with its uniqueness. All members agreed that this property was very unique.

Ms. Gattermann made a motion, seconded by Mr. Akers to approve the variance as presented, for the septic system to be placed 10 feet from the western property line. Vote was unanimous.

CORRESPONDENCE

There was none.

MINUTES

Mr. Tierney made a motion, seconded by Mr. Akers to approve the minutes of 3/6/24 with the following correction:

- Pg. 3; 2nd paragraph from the bottom – delete “not” after “Mr. Newman advised the applicant could...”.

Vote passed with Ms. Gattermann abstaining as she was not present.

Mr. Newman reminded the Board of Election of Officers, which would typically be taking place tonight, but without the full board present it will be done on June 5, 2024.

ADJOURNMENT

Mr. Akers made a motion, seconded by Mr. Newman, to adjourn at 7:49 pm. Vote was unanimous.

Respectfully Submitted,
Pam Vose, Land Use Administrator