

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

**Town Offices upstairs meeting room
6 Pinnacle Hill Road, NEW HAMPTON, NH 03256**

January 14, 2025

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

OTHERS PRESENT Land Use Administrator Mrs. Vose

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

Mr. Newman appointed Mr. Tierney to vote as a regular member.

PUBLIC HEARING
Stacey Paquette, 85 Colony Lane, Tax Map R-16, Lot 10.03, for an Equitable Waiver from Dimensional Requirement under RSA 674:33-a, from Article IV, Section A.4.iii, of the New Hampton Zoning Ordinance.

Mrs. Vose read the notice into record that advised that the applicant Stacey Paquette, has requested a Public Hearing in accordance with RSA 674:33-a, for an Equitable Waiver of Dimensional Requirement. The applicant constructed a deck, 14 feet from the southern side property line, which is within the 20 foot setback required in the Zoning Ordinance under Article IV Section A(4) iii. This was discovered during a review of updated property assessment cards by the Selectmen's Office and an Equitable Waiver of Dimensional Requirement, granted on February 7, 1997, as the mortgage company discovered the home had been constructed 17 feet from the southern side property line. The property is located at 85 Colony Lane, Tax Map R-16, Lot #10.03, in the General Residential, Agricultural and Rural District.

Mrs. Vose advised all abutters were notified but has heard from none, but it appeared some may be present.

Mr. Newman asked all members present if they had previously read through the application submitted and they had. He asked if the members felt this application had a regional impact and they agreed it did not.

Ms. Paquette and Scott Wilcox were present. Ms. Paquette advised she submitted the application but did not know the deck did not meet the setback and that the abutting owner who is closest to the deck is present at this hearing. She said the deck is well-built, looks nice, and doesn't devalue the home.

Mr. Newman confirmed with Mrs. Vose that the town had approved an Equitable Waiver of Dimensional Requirement in 1997 when the home was constructed, which did not include any deck, though Ms. Paquette corrected that it had a small deck. Asked when the new deck was added Mr. Wilcox said 2022 and that it is 10 ft by 10 ft. Mr. Newman asked how this was recently discovered and Mrs. Vose advised that the assessors visit all properties in Town over a 4-year period and then revised assessment cards are reviewed for unpermitted construction, which can include review

of setback distances to property lines. Mr. Newman said he drove by the property, but did not go onto the property line to find the rear property line, and asked if the applicant's measurement of 14 feet to the side property line is fact, and Mrs. Vose advised that Permitting Assistant Bob Pollock visited the site in the summer with Mr. Wilcox, determining the distance from where the deck comes closest to the side property line at 14 feet, after confirming the distance from the house to the line was 17 feet. It was noted that the drawing submitted for this application showed the distance from the deck to the property line at 17 feet, but Mrs. Vose said she had confirmed with Ms. Paquette that this could not be the case because the mortgage company found the distance to the house, was 17 feet, and this deck extended further towards the property line, so the hearing notice was written for 14 feet. It was noted the house and deck were also not perpendicular to the property line. The Board reviewed the survey done by the mortgage company in 1997 which showed the distance from the new house to the property line of 17 feet.

Mr. Tierney asked Mr. Wilcox if he constructed the deck and he advised he had, but was not aware there was a problem with the setback. Mr. Wilcox said he could move the deck forward as it isn't attached, but could not do this until spring when the ground thaws. Mr. Tierney asked if there was a door off the house to the deck and Ms. Paquette said there was, as were a set of steps in two places off the deck. Mr. Wilcox said he could move it forward and still access the door to the house.

Abutter Ray and April Fluette were present and Mr. Fluette said they are the closest neighbors to the deck, are a great distance away, and have no concerns about the deck's location. Mr. Tierney advised that when he looked at the property there is a large stand of pines between the two homes.

Mr. Tierney asked Ms. Paquette if she was aware of this problem with the mortgage company discovering the proximity of the house to the property line. She said the house was already built when they purchased it, and they had moved in – in Dec. 1996, recalling she was pregnant at the time. She said she then had to come to get the waiver. She said she didn't know who had discovered it and Mr. Wilcox said he thought the survey was not correct. Mr. Tierney asked what was determined in 1997 and Mrs. Vose retrieved documentation from the ZBA Equitable Waiver file from 1997, including a Bank of NH letter from January 1997, stating that it was 17' from the property line. Ms. Paquette said she did not remember the letter. The file included a survey from Yerkes Surveying Consultants.

Mr. Newman closed the public hearing so the Board could go into deliberations.

There was discussion that by moving the deck the property could come into compliance. The Board agreed that was a better choice than considering another Equitable Waiver. The Board discussed a possible continuation of the hearing to date in the future when the weather was warmer, the applicant could move the deck, and the Board could perform a site visit to confirm the distance to the property line. The Board agreed that if they were to review the criteria for an Equitable Waiver, it may not

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be approvable. Mr. Newman reopened the public portion of the hearing and asked the applicant if they could move the deck so it would be no more than 17 feet to the side property line, and Mr. Wilcox said he could move it once the ground thaws completely.

Mr. Heckman made a motion, seconded by Mr. Akers to continue the hearing to May 7, 2025, 7:00 PM, allowing time for the applicant to move the deck to come into compliance with the existing waiver of 17 feet to the side property line. Vote was unanimous.

MINUTES

Mr. Akers made a motion, seconded by Ms. Gattermann to approve the minutes of 1/8/25, as written. Vote was unanimous.

OTHER BUSINESS

Mrs. Vose asked Mr. Newman, Mr. Heckman, and Mr. Tierney if they wish to have a new appointment as a member to the ZBA, as their terms were expiring in April. All confirmed they would serve and Mr. Tierney said he was willing to become a regular member, not an alternate.

ADJOURNMENT

Mr. Heckman made a motion, seconded by Ms. Gattermann, to adjourn at 7:31 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator