

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

**Town Office, 2nd floor meeting room
6 Pinnacle Hill Road, NH 03256**

August 7, 2024

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

OTHERS PRESENT Land Use Administrator Mrs. Vose

CALL TO ORDER Chairman Newman called the meeting to order at 7:00 PM. Mr. Newman appointed Mr. Tierney to act as a voting member as there was not a full board of 5 regular members.

ANNUAL ELECTION OF OFFICERS Mr. Newman advised that the purpose of the meeting was to elect officers and said he is willing to continue as Chairman if the Board desires.

Mr. Heckman made a motion, seconded by Mr. Akers to nominate Mr. Newman as Chairman. Vote was 4-0 with Mr. Newman abstaining.

Mr. Newman took over the meeting as Chairman and called for nominations for Vice-Chairman. Mr. Heckman made a motion, seconded by Mr. Tierney to nominate Mr. Akers as Vice-Chairman. Vote was 4-0 with Mr. Akers abstaining.

For position of Clerk, Mr. Akers made a motion, seconded by Mr. Heckman to nominate Mr. Gattermann as Clerk. Vote was 4-0 with Mrs. Gattermann abstaining.

MINUTES Ms. Gattermann made a motion, seconded by Mr. Akers to approve the minutes of 6/5/24 with the following changes:

1. Pg 3, long paragraph at bottom ½ of page: change the word from “*sue*” to “*use*” in the sentence beginning “Relative to the ___ of the association beach...”.
2. Review spelling of the last name “*Soukup*” in the minutes.
3. Pg 8, under the last criteria discussed: correct Ms. Gattermann’s statement that parking for a B&B requires one space for each bedroom and “*two*”, not “*one*” space for the owner.

Vote was unanimous with the exception that Mr. Tierney abstained from the first part of the minutes as he arrived at 7:14 pm and Mr. Heckman abstained from the portion of the meeting after he left at 7:37 pm.

CORRESPONDENCE Mrs. Vose read a section of the by-laws, under Application/Decision, 1) c. which states “The Board shall reject all applications it determines are not properly completed.”

Mrs. Vose advised that she received an application from Christina Smith that she thinks the Board may want to determine if it is complete and as

she is unsure how she would draft an abutter's notice to describe the request.

Ms. Smith who is now needs to remove her carport after her denial by the ZBA for a Variance, met with the Selectmen to find out what she could do to keep the carport. Town Administrator Mr. Davenport had advised her that the Selectmen couldn't change the ZBA's decision and any new application to the ZBA would need to be substantially different. Ms. Smith said she didn't know that the ZBA decision stating the applicant has the right to appeal per RSA 677:2, was related to a time limit of 30 days, and that the decision did not provide the details of that RSA. The Board recognized the fact that this RSA has various scenarios so to make a statement that the applicant would have 30 days, is based on several different factors, so it would be best for the applicant to read the RSA themselves or to call and ask questions.

Mrs. Vose advised that Mrs. Smith submitted a building permit, which shows a new location proposed for the carport, but does not indicate the setback distance to the property line, but the plan seems to indicate it does not meet the 20' setback required. Ms. Smith also submitted an appeal application for a Variance, but did not indicate what Article & Section # the variance was for. Mrs. Vose said that other applicants have left that information out but it has always been very clear what the variance is being requested for, based on the description, in which case Mrs. Vose is able to determine the Article and Section in the zoning ordinance the applicant is seeking relief from. In this application she cannot determine what - exactly, Ms. Smith is appealing. Ms. Smith wrote as her reason for the appeal being "substantial change to excess gravel mitigation, to gravel, and relocate carport to be in compliance to New Hampton Zoning Ordinance".

Mr. Newman asked if she's looking for a variance for the 20% limitation of impermeable area (which is a criterion for a Variance). Mrs. Vose said Ms. Smith wrote that she is currently taking steps to mitigate the impermeable area and had submitted her own drawing, which appears to be for calculations of that area. The Board agreed that during the hearing process beginning November 2023, they required Ms. Smith to engage a professional to determine impermeable area. Only after continuing the hearing for several months to allow her to get this determination, when she never provided it, the board denied her variance application in March 2024. The drawing she has now submitted for the proposed carport location, does not include the distance to the property lines. The Board agreed that the ZBA could not hold a hearing to discuss the criteria without the professional providing the percentage of impervious area as previously required. The Board agreed she could perform the mitigation, then obtain a professional to determine the percentage of impermeable area, and submit a subsequent application for Variance. This would then provide the information needed to hold a hearing. Mr. Tierney said the application has to define what the applicant is seeking a variance for, and it is not clear, and that her drawing for the proposed carport is also in conflict with her reason for the Variance.

Mr. Tierney made a motion, seconded by Mr. Heckman to explain in

writing to the applicant, that the Board determined the application is incomplete and therefore rejected, based on the reasons outlined in the discussion, and that before the Board can consider a new appeal application, she must submit complete information and application. Mr. Newman said Ms. Smith needs to be told that a professional must survey the impermeable area and she needs to clarify the distance from the proposed carport location to the property lines. Vote was unanimous.

OTHER BUSINESS

Mr. Akers asked if the Board would consider reciting the Pledge of Allegiance prior to each meeting and the Board took this under advisement.

ADJOURNMENT

Ms. Gattermann made a motion, seconded by Mr. Newman, to adjourn at 7:43 pm. Vote was unanimous.

Respectfully Submitted,
Pam Vose, Land Use Administrator

DRAFT