

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

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

February 7, 2024

- MEMBERS PRESENT** Regular members: Mr. Newman, Ms. Gattermann, and Mr. Akers.
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 on behalf of regular member Mr. Heckman.
- PUBLIC HEARING
(continuation)**
Christina Smith, 11 Pemi Point, Tax Map U-9, Lot 13, for a Variance – Article IV, Section A.4.iii. of the New Hampton Zoning Ordinance.
- Mr. Newman advised that the hearing for Christina Smith was continued to this night but that she contacted Mrs. Vose to say she could not make it for this meeting but would like to attend the 3/6/24 meeting. Mrs. Vose advised she asked Ms. Smith to submit this request in writing, but had not yet received this request. Mr. Tierney advised he drove by the property yesterday and observed the carport remains there.
- The Board discussed continuing this hearing and Ms. Gattermann made a motion, seconded by Mr. Akers to continue this hearing to 3/6/24 at 7:00 pm. Mr. Tierney said he agrees a continuation is appropriate and amended the motion to add that the Board advise the applicant in writing, that if the Selectmen’s Office does not receive confirmation from Ms. Smith by 2/20/23, that she will be providing new information at the meeting of 3/6/24, the Board would act on the application. Mr. Akers seconded the amendment and the vote was unanimous.
- PUBLIC HEARING**
Ken Tarr, 96 Campground Road, Tax Map U-7, Lot 8A4, for a Special Exception -Article IV, Section A(3), and Article XIV, definition of “Bed & Breakfast/Tourist Home of the New Hampton Zoning Ordinance.
- Mrs. Vose read the notice into record that advised that the applicant, Ken Tarr, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section A(3) of the New Hampton Zoning Ordinance. The applicants’ proposal is to operate a short-term rental, under the definition of a Bed & Breakfast/Tourist Home on property owned by the Kenneth & Amy Tarr and Irene Heinen, which is a permitted use by Special Exception. The property is located 96 Campground Road, Tax Map U-7, Lot #8A4, in the General Residential, Agricultural & Rural District. Mrs. Vose advised all abutters were notified but 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. Tarr if he would like to continue with 4 members and Mr. Tarr agreed to move forward with the hearing.

Mr. Newman asked all members present if they had previously read through the application submitted and they had. Mr. Newman asked if members had a chance to drive by the property, which they had. He asked if the members felt this application had a regional impact and they agreed it did not.

Mr. Tarr was present and said he wanted to offer short term rentals on their property when they are not using it. He said it was their understanding that the condo association allows for owners to offer their condo as a short-term rental when they are not there. Mr. Newman asked if they would be utilizing a property management company to handle rentals and Mr. Tarr advised they would handle it themselves. They currently reside in Reading, MA. Mr. Tierney asked how new the interior was and Mr. Tarr advised the prior owner had updated it as it was their intention to retire there, which they could not do.

Abutter Ms. Woolfson asked if the property changes ownership does the State of NH require an inspection for life safety and Mr. Tierney advised it does not. Ms. Woolfson said she is present in support of this application.

As there were no other questions, Mr. Newman advised the board would now go into deliberations, coming out of deliberations if any questions need to be asked of others present.

Mr. Newman reviewed the special exception criteria.

The specific site is an appropriate location for such use: The Board agreed this was met.

There is adequate area for safe and sanitary sewage disposal: Mr. Tierney advised that there had been extensive discussion and documentation on this issue at a prior hearing in the same condo association for which it was determined to be adequate. The Board agreed.

The use will not adversely affect the adjacent area: The Board agreed this criterion was met with condo regulations and proximity to the other condo association residents.

There will be no nuisance or hazard created: The Board agreed this criterion was met referring to the condo regulations and proximity to the other association residents.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use: Mr. Newman reviewed the fact that the issue of parking in this association had been brought up during a prior application for short-term rental use on 9/6/23, at which time the condo association had developed a parking plan to increase off-street parking to accommodate all units. The Board agreed this criterion was met.

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The board agreed.

The development of any lot including any building or impermeable area will not exceed the maximum percentage of lot coverage in the

applicable zoning district: The Board agreed there is no further development of the lot.

Relative to the Agritourism criteria the board agreed this did not apply.

Relative to any other concerns Mr. Tierney suggested if this was approved it receive an inspection from the Fire Dept for life-safety issues.

Mr. Tierney made a motion, seconded by Mr. Akers to approve the Special Exception for Ken Tarr to allow the use of the property as a short-term rental (Bed & Breakfast/Tourist Home) for no more than 5 people, with the condition they obtain a life-safety inspection by the Fire Dept. The Board discussed the limitation of 5 people as that was the number Mr. Tarr put on his application, though the definition in the ordinance limits this to “no more than 6 persons for a fee”.

The Board came out of deliberations to ask the applicant a question. Mr. Tarr was asked if the condo could handle 6 persons adequately and he said it could as it has 2 bedrooms and a pull-out couch in the living room. Mr. Newman advised the board would go back into deliberations.

Abutter Sherry Burke arrived at 7:23 pm.

Mr. Tierney amended his motion, seconded by Mr. Akers to approve the Special Exception for the use of the property as a bed & breakfast/tourist home for no more than 6 persons, with the requirement for a life-safety inspection. Vote was unanimous.

MINUTES

Minutes of 11/1/23 and 11/8/23 were continued to 3/6/24.

Mr. Newman advised a Vice-Chair still needs to be elected but this would be continued until the full board is present.

ADJOURNMENT

Mr. Akers made a motion, seconded by Mr. Tierney, to adjourn at 7:25 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator