

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

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

January 8, 2025

- MEMBERS PRESENT** Regular members: Mr. Newman, Mr. Akers, Mr. Heckman, and Ms. Gattermann. 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 (continuation)**
Michael Arbogast, 89A & 89B Kelley Pond Road, Tax Map R-4, Lot 44, for Two Special Exceptions—Article VI, Section A.3 and A.5. of the New Hampton Zoning Ordinance.
- Mr. Newman advised that the hearing for Michael Arbogast was continued from the 12/4/24 hearing and acknowledged that the applicant was not present. Mr. Newman asked if there any correspondence on this application and Mrs. Vose advised there was not, but that she had contacted NHDES to inquire about holding tanks being used for septic systems. She had explained to NHDES the proposed use of 2 homes, at 3 bedrooms each, for use as short-term rentals. Mrs. Vose said the NHDES Inspector said that with holding tanks it is unknown how old they are and that there may be a leak or leaks. The Inspector said it would be good to know what they are made out of, that many tanks only last 10-15 years, that they should be cleaned out, inspected for holes, suggesting water be added to see if it leaks out. As referenced by subsurface rules, currently holding tanks are only allowed if there is no other feasible location, are required to be 2,000 gallons (minimum), water-tight, and an alarm system to advise of when its full.
- Mr. Newman advised the Board would go into deliberations and reminded the Board they had asked the applicant to provide further information to show the septic system was adequate for this use, and he is not present.
- The criterion of concern was whether **there is adequate area for safe and sanitary sewage disposal:** Based on the information NHDES has provided and the fact the applicant is not present with further information, Mr. Newman said he feels this application fails. The entire Board agreed.
- Mr. Tierney made a motion, seconded by Mr. Akers to deny this application based on the applicant’s inability to provide sufficient information on the holding tanks for the septic system. Vote was unanimous.
- PUBLIC HEARING**
Matthew & Rebecca Seaver, Dana Hill Road, Tax Map R-16, Lot 19B, for a Special
- Mrs. Vose read the notice into record that advised that the applicants, Matthew and Rebecca Seaver, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, A., Sections 3 & 5. The applicants’ proposal is to construct a two-

(ZBA Minutes, January 8, 2025, cont.)

*Exception -Article IV,
Section A.3 & A.5, of the
New Hampton Zoning
Ordinance.*

family dwelling. To create a two-family dwelling the applicants shall meet the minimum lot size requirement per dwelling unit under Article V. Section N. The property belonging to Matthew and Rebecca Seaver, is located on Dana Hill Road, Tax Map R-16, Lot #19B, in the General Residential, Agricultural, and Rural District (GR). Mrs. Vose advised all abutters were notified but has heard from none.

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.

Mr. Seaver advised they would be constructing a two-family dwelling, to allow for family to live next to them. He provided a floor plan for the home, with each dwelling having one-bedroom each. Mr. Seaver showed the Board the septic design, which reflected the fact the system would be more than suitable for this use, and Mrs. Vose advised the State has approved it. Mrs. Vose advised that with a 2-family, or multi-family dwelling it requires that there be a usable acre for each dwelling unit, unlike a home with an ADU, which does not require a usable acre for the ADU. She said a licensed survey had provided the countable lot size calculations which showed the property has more than 2 usable acres. Mrs. Vose advised this would also not limit the square footage of the 2nd dwelling, unlike an ADU. In looking at the septic design Mr. Tierney confirmed the 2-family dwelling would meet all property line setbacks. Mrs. Vose advised that a 2-family dwelling requires it be contained in one structure.

As there were no other questions, Mr. Newman advised the board would now go into deliberations.

Mr. Newman reviewed the special exception criteria.

The specific site is an appropriate location for such use: The Board agreed this was met and the lot size was over 10 acres.

There is adequate area for safe and sanitary sewage disposal: The Board agreed, based on the approved septic design.

The use will not adversely affect the adjacent area: The Board agreed this criterion was met.

There will be no nuisance or hazard created: The Board agreed this criterion was met based on the lot size.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use: Mr. Newman confirmed with the size of the lot there was adequate space for parking.

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 this was met.

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

Ms. Gattermann made a motion, seconded by Mr. Akers to approve the Special Exception for Matthew & Rebecca Seaver to construct a two-family dwelling on Tax Map R16, Lot 19B. Vote was unanimous.

Christina Smith, 11 Pemi Point, Tax Map U-9, Lot 13, Condition of approval of two Variances – Article IV, Section A.4.iii. & A.4.v. of the New Hampton Zoning Ordinance.

Mrs. Vose advised that Bailey & Associates submitted a new survey, which showed the carport was 12.44 feet from its closest point to the western side property line, and 14.54 feet from where it was farthest from that property line, and that the condition placed on the approval was to be more than 10.5 feet & 14.25 feet, respectively, so the survey indicated it was found to be more in compliance than what it was approved for. Relative to the Variance for impermeable area after Ms. Smith performed additional mitigation, the new survey showed the impermeable area calculation at 23% which was more conforming than the proposed 24%. Her acreage amount also increased to .27 acres where it had been shown as .23 acres. The Board acknowledged the conditions were met.

MINUTES

Mr. Heckman made a motion, seconded by Ms. Gattermann to approve the minutes of 12/4/24, as corrected. Vote was unanimous.

OTHER BUSINESS

Mrs. Vose provided the Board with the latest revision of a zoning amendment being proposed for a public hearing on 1/21/25.

ADJOURNMENT

Mr. Akers made a motion, seconded by Ms. Gattermann, to adjourn at 7:37 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator