

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

**Town Office, 2<sup>nd</sup> floor meeting room  
6 Pinnacle Hill Road, NEW HAMPTON, NH 03256**

November 1, 2023

- MEMBERS PRESENT** Regular members: Mr. Newman, Mr. Heckman, Mr. Akers.  
Alternate member: Mr. Tierney
- OTHERS PRESENT** Land Use Administrator Mrs. Vose, Ms. Smith and Mr. Walters
- 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 Ms. Gattermann.
- CORRESPONDENCE** There was none.
- PUBLIC HEARING**  
*Christina Smith, 11 Pemi Point, Tax Map U-9, Lot 13, for 3 Variances – Article IV, Section A.4.iii. of the New Hampton Zoning Ordinance.*
- Mrs. Vose read the notice into record which stated the applicant, Christina Smith, has requested a Public Hearing in accordance with RSA 676:7, for three (3) Variances. The Variances requested are under Article IV, Section A.4.iii. of the New Hampton Zoning Ordinance. The applicant's proposal is to:
1. Move a 10' by 15' shed, approved by a prior variance to be located near the western property line at 5 feet - to the eastern property line. The shed would be 13 feet from the eastern property line, within the 20-foot setback – AND –
  2. This relocated shed will be within the 35-foot setback to the front right-of-way, at 31 feet.
  3. Construct a carport within the 20-foot setback of the western property line, at 10 feet;
- The property belonging to Christina Smith is located at 11 Pemi Point, Tax Map U-09, Lot #13, in the General Residential, Agricultural and Rural District.
- Mr. Newman explained that there are 4 members present, which constitutes a quorum, but applicants can request the hearing be heard by the full board of 5, and that if they proceed with the hearing tonight and are not satisfied with the decision, the fact there is not a full board would not be reason enough to appeal a decision. Ms. Smith agreed to continue the hearing.
- Mr. Newman asked members if they had an opportunity to drive by the property and they said they had. He asked if anyone felt this had a regional impact.
- Mr. Newman asked the applicant to review their application. Ms. Smith said in 2013 she performed a major renovation and put in a new septic system. The person performing the work moved the shed from the work area, where it was sitting when she purchased the property. Once the work was done she determined a location on the west side of the property as

being a better location for it. Several years ago her son began using the shed to store a motorcycle and the shed door was facing the lake, so they decided to move it back to where it was, initially. She said when she visited the Selectmen's Office, Mrs. Vose pointed out that there was a condition on the Variance for the relocated shed in 2013, that it could not be moved. Ms. Smith said she didn't think of the condition.

Mr. Newman confirmed the shed is on the eastern side of the house now, in its previous location. Ms. Smith said there is another shed, which is older, and more permanent, in the same area. Mr. Heckman asked Ms. Smith to show him on her drawing, where the shed had been before, 5 feet from the western property line, which is what she obtained the variance for. Mr. Heckman asked if there was another location for this shed, where it could meet setback distances and Ms. Smith said it could go somewhere else but she gets a lot of visitors and needs space for parking. Mr. Tierney asked what an arc in the drawing is reflecting and Ms. Smith explained it was due to the property being on a cul-de-sac and the front boundary is curved. Mr. Newman said due to the curvature, this is why it was determined another variance for the front setback is needed for the shed's repositioning.

Abutter Tom Walters asked if he would have an opportunity to speak and Mr. Newman said he would after Ms. Smith reviews her application. Mr. Walters asked for a copy of the drawings that were submitted, which Mrs. Vose provided.

Ms. Smith said no one uses the portion of the cul-de-sac in front of her house, as her abutter Mr. Walters enters his property prior to the end of the cul-de-sac. Mr. Heckman said the shed could be moved to be within the setback distances and Ms. Smith said she hadn't thought about it when they moved the shed back to where it is presently located. She said she could move it to meet setback distances.

Relative to the carport, Ms. Smith said she purchased the kit so she could keep her vehicle covered from pine pitch and snow. Though it is movable she wants to keep it in place. Mr. Newman asked if the carport is on the crushed gravel driveway, or further back from the driveway and Ms. Smith said it is a parking area and is all gravel, so it is sitting on an already impervious area. Mr. Tierney asked about the posts holding the carport in place and Ms. Smith said she drove steel spikes into the metal feet to hold it in place; no concrete needed. She said she met with the Selectmen who asked about it, but she said she hasn't added any impervious area by putting up the carport, because its already sitting on impervious area. Mr. Heckman asked when it became impervious and Ms. Smith said she thinks it was already like it is now. She said there is no grass area, just sand and woodlands. She said there was not a septic system prior to her purchase, but an old metal tank and it needed replacing. Mrs. Vose confirmed a variance was not needed when she added the addition to the house in 2013.

Mr. Heckman said the initial letter to Ms. Smith asked for her to hire a surveyor to determine the percentage of impervious area and if she knew what it was. Ms. Smith said that was discussed at the Selectmen's meeting she recently attended but that she hasn't added any additional impervious

area and the carport is over existing impervious area.

Mr. Newman asked for Mr. Walters' input. Mr. Walters said that even though Pemi Point is a right-of-way and he typically enters his property closer to route 104, he constructed a carport that he accesses Pemi Point from, so he does enter onto the cul-de-sac at times. When Ms. Smith has visitors, they do park in the right-of-way and at times, they park on his lot. He said he is concerned with the percentage of impervious area as the Town's limitation is 20% and the state is 25%, with the shoreland permit reflecting it would be 29% with the proposed addition in 2013. Mr. Newman said if the carport is on existing impervious area, this addition will not add more. Mr. Walters expressed concern with the carport being moved, and creating more impervious area, as the shed was already moved from where it was supposed to stay.

Mr. Heckman asked if the Selectmen approved a building permit and Mrs. Vose said they could not as it does not meet setback distances.

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 said the shed variances can be discussed separately from the carport variance.

Mr. Tierney said the 2013 Variance approval and its conditions needs further discussion as he wonders about the legal ramifications with the fact the 2013 condition was not to move the shed, and in this case, it has been moved. Mr. Heckman said it appears the new carport is not in the same location as the shed was when that variance was granted. Mr. Newman said the gravel parking area where the carport is now placed is likely extended from how it was shown on the 2013 drawing. As there was a question as to whether the Board can consider a variance on a structure that obtained a variance with the condition it not be moved Mr. Tierney made a motion, seconded by Mr. Heckman to have Mr. Newman discuss this issue with Town counsel, continuing this hearing to 11/8/23 at 7:00 pm. Vote was unanimous and the Board came out of deliberations.

Ms. Smith asked why there was a condition that the shed could not be moved in the 2013 variance decision and Mr. Tierney said he could not recall but that it was likely for good reason. Ms. Smith left.

Mrs. Vose had the minutes of the 2013 hearing when the variance was granted and it appears they indicated that the shed was on blocks and could have been easily moved, so the Board may have decided at that time, to add that condition.

Mr. Tierney asked if Ms. Smith gave the Board permission to go onto the property for inspection purposes and Mrs. Vose said she had signed approval.

## MINUTES

Mr. Heckman made a motion, seconded by Mr. Akers to approve the minutes of 9/6/23 as written. Vote was unanimous.

Mr. Newman read into record an email from member Andrew Livernois

*(ZBA Minutes, November 1, 2023, cont.)*

advising he must resign as he has moved from New Hampton.

Mrs. Vose advised that a Vice-Chair needs to be appointed and Mr. Tierney can decide whether he would like to be made a regular member.

**ADJOURNMENT**

Mr. Tierney made a motion, seconded by Mr. Akers, to adjourn at 8:05 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator

DRAFT