

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

**Town Offices upstairs meeting room  
6 Pinnacle Hill Road, New Hampton, NH 03256**

March 1, 2023

**MEMBERS PRESENT** Regular members: Mr. Livernois, Mr. Newman and Alternate member Ms. Gattermann. All other members had excused absences.

**OTHERS PRESENT** Land Use Administrator Mrs. Vose, Fire Chief Lang.

**CALL TO ORDER** Acting Chair Mr. Livernois called the meeting to order at 7:00 PM.

Mr. Livernois appointed Ms. Gattermann to act as a voting member.

**PUBLIC HEARING**  
*Bradford & Penny Leclerc,  
190 Main Street, Tax Map  
U-6, Lot 9 for a Special  
Exception - Article IV,  
Section F.2, of the New  
Hampton Zoning Ordinance.*

Mr. Leclerc was present. Mr. Livernois explained to Mr. Leclerc that there are 3 members present, which constitutes a quorum, but as an applicant he can request the hearing be heard by the full board of 5, and that if he proceeds with the hearing tonight and is not satisfied with the decision, the fact there is not a full board would not be reason enough to appeal a decision. Mr. Leclerc agreed to continue with the 3 members present.

Mrs. Vose advised that the applicants, Bradford & Penny Leclerc, have requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, Section F.2. of the New Hampton Zoning Ordinance. The applicants' proposal is to perform interior alterations to an existing three (3) unit, multi-family dwelling to create a fourth dwelling unit. The property belonging to Bradford & Penny Leclerc, is located at 190 Main Street, Tax Map U-6, Lot #9, in the Village District (V).

Mr. Livernois asked the members if they thought this application had a regional impact and they agreed it did not.

Mr. Leclerc explained that he has already remodeled the 2<sup>nd</sup> floor of the main house to create a one-bedroom apartment. He said he will be obtaining the Occupancy Permit, but has additional work to do before getting the inspection from the Fire Department.

Mr. Livernois asked how the apartments were laid out in the structure. Mr. Leclerc said when you pull into the right side of the structure, immediately to your left is the main house. He said the apartment is now on the 2<sup>nd</sup> floor of this main house, which previously was used for one family. He said in the rear are two more apartments in the barn with large storage areas. Mr. Leclerc explained that the 2<sup>nd</sup> floor apartment has a stairway that leads to the enclosed porch and in the 2<sup>nd</sup> floor bedroom closet there is a door (that can be locked from the inside) that leads to an attic, which has stairs that lead to the outside. Relative to the apartments in the barn, Mr. Leclerc said they were there when he purchased the property in 2004. Mr. Newman asked if the Fire Dept has inspected the apartments in the barn

and Mr. Leclerc said when they purchased the property he recalls someone performing an inspection because at the time of the sale the town had it as a two-family dwelling, when it was actually a 3-family dwelling. Mr. Leclerc said all the units are heated with propane and the dwellings are connected to town water and sewer. Mr. Leclerc explained that there is a separate entrance to his dwelling and that of the apartment, off the enclosed porch.

Mr. Livernois asked the size of the lot and Mrs. Vose said it was .61 acres. Mr. Livernois expressed concern with the amount of area for parking relative to the zoning ordinance which requires 2 parking spaces per dwelling unit, at 200 sq. ft. per space. He said the parking plan submitted by the applicant shows 10' by 14' each for the 6 parking spaces on the right side of the main house. The drawing also showed a 7<sup>th</sup> space in front of the barn and 2 other parking spaces on the left side of the structure (which according to parking requirements, could accommodate one vehicle, not the 2 spaces marked on the plan that Mr. Leclerc had submitted. Mr. Livernois asked if there was room to increase the depth of the location of the 6 spaces and Mr. Leclerc said he does have room to create the added area.

Mr. Livernois explained that the increased space to be created for parking must meet the limitation of the percentage of impermeable area, which is 50% of the lot size. The Board reviewed the footprint of the building on the property assessment card and the dimensions of parking areas and driveways, and determined that the impermeable area did not exceed 50% of the lot. Mr. Livernois asked Mr. Leclerc if the Board made a condition that the 6 parking spaces be increased in depth by 5 feet would Mr. Leclerc be agreeable and he said he could do that in the spring, which the Board agreed made sense.

Mr. Livernois asked for any input from Chief Lang. Chief Lang asked if any of the apartments were in a third story and if all occupants in the various apartments were related. Mr. Leclerc said there is one bedroom in a third story and not all of the occupants within the entire structure were related. Chief Lang said he would work with Mr. Leclerc to ensure apartments were in compliance with life safety code. The Board confirmed that the apartment being discussed for this application, was only on a 2<sup>nd</sup> floor.

Mr. Livernois closed the public portion of the hearing so the Board could go into deliberations. The Board reviewed the Special Exception requirements:

**The specific site is an appropriate location for such use:** The Board agreed this criterion was met as the structure has been used for multi-family housing for many decades.

**There is adequate area for safe and sanitary sewage disposal:** The Board agreed as the structure is served by Precinct water and sewer.

**The use will not adversely affect the adjacent area:** Board members agreed this was true and the exterior of the structure was not changing.

**There will be no nuisance or hazard created:** Board members agreed this criterion was met.

**Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The Board agreed that parking was the issue the Board was concerned with as discussed with the applicant. It was noted the ordinance requires two 200 sq. ft. parking spaces for each dwelling unit, being 8 total. The Board agreed this could be met with the condition of adding 5 feet to the depth of the parking area for the 6 vehicles as shown on Mr. Leclerc's drawing.

**The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The Board agreed this was met.

**The building, parking/or driveway area will not exceed 50% of lot coverage:** The Board agreed this limitation was met.

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

Mr. Newman made a motion, seconded by Ms. Gattermann to approve the Special Exception for the fourth apartment at 190 Main Street contingent upon adding an additional 5 feet of depth to the parking area on the right side of the driveway (south of the main house), adding an additional 325 sq. ft., surface to be consistent with what is currently in place for parking and upon condition that the Fire Chief performs a life safety inspection of the multi-family dwellings to ensure compliance. Vote was unanimous.

Mr. Livernois asked if any further requirements from Mr. Leclerc are necessary and Mrs. Vose advised that the Selectmen would be advised to put a condition on the building permit to require this additional parking area.

**MINUTES**

Mr. Livernois made a motion, seconded by Ms. Gattermann to approve the 2/1/23 as written. Vote was unanimous.

**ADJOURNMENT**

Mr. Newman made a motion, seconded by Ms. Gattermann to adjourn at 7:45 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator