

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

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

September 6, 2023

- MEMBERS PRESENT** Regular members: Mr. Newman, Mr. Livernois, Ms. Gattermann, Mr. Heckman, 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.
- PUBLIC HEARING**  
*Kenneth & Jennifer Proulx, 100 Campground Road, Tax Map U-7, Lot 8A5, 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 applicants, Kenneth & Jennifer Proulx, 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 & Jennifer Proulx, which is a permitted use by Special Exception. The property is located 100 Campground Road, Tax Map U-7, Lot #8A5, in the General Residential, Agricultural & Rural District.
- Mr. Newman asked if members had a chance to drive by the property, which they had. 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.
- Atty Mike Harris was present to represent the application. Also present was his colleague Mr. Kopczyński, applicants Kenneth and Jennifer Proulx, abutters Sherry Keenan Burke, Judy Woolfson, and Ken Tarr.
- Atty Harris said the Proulx want to offer short term rentals on their property when they are not using it. He said it is one of 11 cottages in the condo association. He said the cottages were historically used as rentals. When it became an association, it was intended to allow for short term rentals as recorded in their declarations. There are campgrounds surrounding the cottages so the area is being used in a transient manner. He reviewed the history of cease & desist letters and previous application to the ZBA in January, which had been withdrawn, due to questions on the septic systems and parking.
- Atty Harris said they've brought up two possible administrative decisions to consider:
- The finding that this use is grandfathered.
  - Under the Town of Conway court case this could be a reasonable use.

He pointed out that this area is heavily used seasonably - by campers, and that there are condo association rules/regulations in place to deal any adverse impacts to the area. He said the Proulx would carefully screen renters. For these reasons, Atty Harris said it would meet criterion 1, 3, 4 & 6. Criterion 7 & 8, likely don't apply in this case.

Relative to the site being an appropriate location for this use Atty Harris said it meets this due to the historical nature of the cottages, the association has no objection, which was reaffirmed earlier this year (minutes of that meeting submitted), and the fact there is a campground abutting this property. He said this also addresses the criterion that the use won't adversely affect the neighboring area, an issue that would be addressed with the condo rules/regulations.

Mr. Heckman asked if it would be intended for year-round rental, or seasonally. Mrs. Proulx said it could be used year-round. Mr. Tierney asked if the cottage was winterized, which Mrs. Proulx confirmed. Mr. Heckman pointed out that the abutting campgrounds are used seasonally, so this is out of character for the area. Atty Harris said the adverse effect on the area is with the campground and parking, not the cottages. Mr. Heckman pointed out snow removal. Mr. Proulx said some of the cottages are currently occupied year-round and the association takes care of snow removal for those who need it.

Relative to there being adequate area for safe and sanitary sewage disposal, Atty Harris said there had been questions in January as to how many bedrooms the cottages had and what the septic system could handle. A 2013 assessment of the system by Norway Plains Assoc (relative to the addition of some wells) advised of the total loading for the cottages and that there is sufficient land area to handle additional loading if needed, but can handle 20 bedrooms. At that time, they recognized six 2-bedroom cottages, four 1-bedroom cottages, the 2-bedroom main house, and a trailer located in the campground. He said the bedroom count is the same and provided updated property assessment cards that reflect corrections to bedroom counts on a few cottages. Mr. Heckman asked how the bedroom count list has changed since the review in January when it was noted there were 21 bedrooms in all. The septic approval was for 19 total bedrooms. Mrs. Vose advised that the assessors made changes to several cottages and their bedroom counts. The Board confirmed that based on this new information there were no more than 19 bedrooms total. Minutes of association minutes in April states concern with septic usage of the occupants. Mr. Proulx pointed out that the minutes show the collective effort between the condo owners to limiting usage.

Atty. Harris referred to the support of association along with their regulations, historical use of the cottages, and campgrounds being adjacent to the property as being reasons why the use would not adversely affect the adjacent area.

Mr. Tierney asked if there were any monitoring devices outside of the cottage and the Proulx said there were cameras so they could monitor usage as well as the neighboring condo owners.

Relative to no nuisance or hazard being created, Atty Harris pointed out the monitoring by the association and their rules/regulations. This is also a small 2-bedroom cottage.

Relative to adequate and appropriate facilities being provided for the proper operation Atty Harris said a parking plan has been submitted. The association also agreed to the additional use of green space for parking purposes. Relative to parking congestion in the area he submitted photos taken over the Labor Day weekend of cars along the road in abutting Twin Tamarack Campground. Atty Harris said the proposed parking is adequate, though not ideal. Mr. Proulx said the parking plans are green space areas and are outside of the right-of-way and can accommodate 2 spots for each condo. There was discussion on limiting vehicles for the rental to no more than 2 and Mr. Proulx said they are already limited to two by the association. Mr. Proulx said during winter months areas can be plowed to accommodate off-street parking.

Atty Harris said this use would not impair the aesthetic values exhibited by the surrounding neighborhood based on the abutting campgrounds and the regulations of the condo association.

Atty Harris said the criterion on lot development does not apply here and neither does agritourism.

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. Newman confirmed that the septic design reflected state approval for 19 bedrooms. Atty Harris said the Norway Plans assessment calculated the loading to being able to handle 20 bedrooms. The Board agreed the septic system is suitable, based on the correction regarding the number of bedrooms in the condos and the detailed assessment of the system.

**The use will not adversely affect the adjacent area:** The Board agreed as it is next to campgrounds.

**There will be no nuisance or hazard created:** The Board agreed this criterion was met with condo regulations and close monitoring.

**Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** Mr. Newman suggested the limitation of 2 vehicles for the rental in addition to the required limitation of not renting to more than 6 persons as he is concerned with more condo owners coming to the ZBA for similar approvals. After discussion the Board decided this limitation was not needed and that additional space was possible. Mr. Heckman advised a life safety inspection would be needed.

**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.**

Mr. Heckman asked if the Board needed to discuss the assertion by Atty Harris that this application was not necessary based on a Supreme Court decision (Conway) as the condo would remain a residential use. Mr. Livernois said the Conway case dealt with the fact the town had no regulations in their ordinance related to short-term rentals, where New Hampton does have regulations on temporary, transitory accommodations. The Board agreed that there is no need for a Change in Non-conforming Use by Special Exception. Mr. Livernois said the application does speak to Special Exception criteria for the Bed & Breakfast/Tourist Home so that is what the ZBA will base their decision on.

Mr. Livernois made a motion, seconded by Mr. Akers to approve the Special Exception for Kenneth & Jennifer Proulx to allow the use of the property as a short-term rental (Bed & Breakfast/Tourist Home) with the condition they obtain a life-safety inspection by the Fire Dept. Vote was unanimous.

#### **MINUTES**

Mr. Livernois made a motion, seconded by Mr. Newman to approve the minutes of 4/5/23 as written. Vote was 3-0 with Ms. Gattermann, Mr. Akers and Mr. Tierney abstaining as they were not present at that meeting.

Mr. Heckman made a motion, seconded by Ms. Gattermann to approve the minutes of 8/2/23 as written.

#### **ADJOURNMENT**

Mr. Livernois made a motion, seconded by Mr. Heckman, to adjourn at 8:12 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator