

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

Town Offices upstairs meeting room, 6 Pinnacle Hill Road

September 7, 2022

MEMBERS PRESENT Regular members: Mr. Tierney, Mrs. Belanger, Mrs. Arsenault, and Mr. Newman

OTHERS PRESENT Land Use Administrator Mrs. Vose

CALL TO ORDER Mr. Tierney called the meeting to order at 7:00 PM.

PUBLIC HEARING No one was present to represent the application. Mrs. Vose advised that *Devin Humphries & Adam Difilippe, 837 Dana Hill Road, Tax Map R-17, Lot 30C for a Special Exception - Article IV, Section A (3&5), of the New Hampton Zoning Ordinance.* she received an email from Ms. Humphries on 9/7/22 which asks for a continuance of their hearing until 10/5/22.

Mrs. Belanger made a motion, seconded by Mr. Newman to continue the hearing to 10/5/22 at 7:00 pm. Vote was unanimous.

MINUTES Mrs. Belanger made a motion, seconded by Mr. Newman to approve the minutes of 7/6/22 as written. Vote passed. Mrs. Arsenault was unable to vote as she did not attend that meeting.

Relative to the minutes of 8/3/22, the members present that night reviewed the 6 hearings held that night. Mr. Newman thought there had been discussion on there not being a full board present for the Neyshtadt/Dyech hearing and Mr. Tierney clarified that he never had an opportunity to make this statement and offer a choice to the applicants, because Atty Fennessy, who was present, introduced himself and asked if the fact that there were only 3 members present would mean that all members would have to vote in the affirmative to get an approval, which Mr. Tierney confirmed. Mr. Newman made a motion, seconded by Mrs. Arsenault to approve the minutes of 8/3/22 as written. Vote passed and Mrs. Belanger did not vote as she was not present for that meeting.

OTHER BUSINESS Mr. Tierney advised that the Board has now been made aware that Attorney Fennessy had filed a motion for a rehearing on behalf of Dimitry Neyshtadt and Arthur Dyech, the property owners of 74 Smoke Rise Road. This was submitted to the office on 9/1/22. Mrs. Vose advised she emailed a reminder of the tonight's meeting and a copy of this motion to the members today, at 10:06 am. Mr. Newman said he had seen the email and attachment but Mrs. Belanger and Mrs. Arsenault said they had not.

Mr. Tierney advised that the Board would not make a determination tonight, on whether or not to grant the rehearing. He said if a rehearing is granted, the applicants then begin the process again, with a new application.

(ZBA Minutes, September 7, 2022, cont.)

Mr. Tierney provided for the members, hard copies of a Housing Standards Board decision on a short-term rental use in Laconia, that had been denied by their Zoning Board of Adjustment. He asked the Board to review the decision in preparation of the meeting to be scheduled, to consider the motion.

Mr. Tierney reviewed the procedure going forward:

- The ZBA decides whether to grant a rehearing.
- If the ZBA denies the motion for rehearing the applicants could appeal to the Housing Standards Board.
- If the ZBA grants the motion for a rehearing, a hearing is held.
- If the application is denied at the rehearing, the applicants could then appeal to the Housing Standards Board.

Mrs. Vose advised that if a rehearing was granted by the ZBA, abutter's notices would be sent per state statute. It was the consensus of the Board to meet on 9/14/22 at 6:00 pm to discuss whether to grant a rehearing to Dmitry Neyshtadt and Arthur Dyeck.

ADJOURNMENT

Mrs. Belanger made a motion, seconded by Mr. Newman, to adjourn at 7:38 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator