

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

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

August 2, 2023

- MEMBERS PRESENT** Regular members: Mr. Livernois, Ms. Gattermann, Mr. Heckman, Mr. Akers.
Alternate member: Mr. Tierney
- OTHERS PRESENT** Mr. Fitzpatrick, Ms. Bedard & Mr. Huckins
- CALL TO ORDER** Acting Chair Mr. Livernois called the meeting to order at 7:00 PM.
Mr. Livernois appointed Mr. Tierney to vote on behalf of Mr. Newman.
- ELECTION OF CLERK** Mr. Livernois called for nominations. Mr. Heckman made a motion, seconded by Mr. Akers to nominate Ms. Gattermann as Clerk. Vote was unanimous.
- CORRESPONDENCE** There was none.
- PUBLIC HEARING**
Thomas Fitzpatrick & Bonnie Bedard, 8 Victor Huckins Road, Tax Map R-17, Lot 32, for a Variance – Article IV, Section C. of the New Hampton Zoning Ordinance.
- Mr. Livernois read the notice into record which stated the applicants were requesting a Public Hearing for a Variance request under Article IV, Section C. of the New Hampton Zoning Ordinance. The applicants’ proposal is to construct a septic system within the 20-foot setback of the property line; the proposed location of the leach field being 10 feet from the front setback.
- Mr. Livernois said Ms. Gattermann has stated she is friends with applicants and will abstain from these proceedings. Mr. Livernois explained that there are 4 members present who can vote, which constitutes a quorum, but as applicants they can request the hearing be heard by a full board of 5, and that if they proceed with the hearing with the 4 members present, and are not satisfied with the decision, the fact there is not a full board would not be reason enough to appeal a decision. Mr. Fitzpatrick and Ms. Bechard agreed to continue with the 4 members.
- Mr. Livernois asked if all members had a chance to read the application and had an opportunity to drive by the location, and they said they had done both. Mr. Akers asked as this was a corner lot, which road constituted the frontage and Mr. Tierney advised it was Victor Huckins Road. Mr. Tierney explained that if this lot was under the 1 acre minimum, this would have been a request for a Special Exception, instead of a Variance.
- Mr. Livernois asked the applicants to review their application.
- Ms. Bechard advised that Richard Gowen the septic designer produced this design by taking all site constraints into account, including the structures,

well location, a brook, and seasonal streams. Where the system comes closest to the property line is at the road. Mr. Gowen asked Ms. Bechard to have the Local Approval letter signed. The Board was not aware of what this letter was for. Ms. Bechard said there is no other location for the system to go and the system is now required to be larger in size.

Relative to the condition of the septic system, Ms. Bechard said they've been needing to clean it more often and have been increasingly concerned. Mr. Huckins, who is an abutter and will be the septic installer, said the current system is failing. Mr. Tierney asked Mr. Huckins if he was a licensed septic installer. Mr. Huckins responded he is.

Mr. Livernois advised the board would now go into deliberations, coming out of deliberations if any questions need to be asked of others present. Criteria was reviewed.

The variance will not be contrary to the public interest and the spirit of the ordinance is observed – Mr. Heckman, Mr. Akers and Mr. Tierney agreed this was met. Mr. Livernois agreed.

Substantial justice is done – The new system will be better for the environment as the old system is failing. The Board agreed.

The values of surrounding properties are not diminished – The Board had no concerns.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because special conditions of the property distinguish it from other properties in the area – The Board agreed that due to the stream and wetlands there are constraints on the property. Mr. Tierney said that in denying this request it would be detrimental to the property and the area. The Board agreed that denial would prevent the owners from a reasonable use of their property.

Mr. Heckman made a motion, seconded by Mr. Akers to approve the applicant's request for a variance for the septic system to be installed 10 feet from the property line, as shown on the plan submitted by Richard Gowen. Vote was 4-0 with Ms. Gattermann abstaining.

MINUTES

Mr. Tierney made a motion, seconded by Ms. Gattermann to approve the minutes of 5/3/23 with the following correction:

1. Correct the date from 4/5 to 5/3/23.

Vote was 3-0, with Mr. Heckman and Mr. Akers abstaining.

ADJOURNMENT

Mr. Heckman made a motion, seconded by Mr. Tierney, to adjourn at 7:49 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Land Use Administrator