

**TOWN OF NEW HAMPTON  
ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
TOWN OFFICE Upstairs Meeting Room  
NEW HAMPTON, NH 03256**

August 3, 2016

**MEMBERS PRESENT** Regular members: Mr. Tierney, Ms. Karnis, Mrs. Erler, Mr. Orvis, and Mr. Frazier, and alternate members Mr. Hofling and Mr. Smith.

**OTHERS PRESENT** Administrative Assistant Mrs. Vose

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

**MINUTES** There were none.

**PUBLIC HEARING** Mr. Tierney advised that Mr. Perreault has submitted a letter to the board requesting a rehearing on the denial of his variance dated 6/14/16. (All members had been mailed a copy of the request to read prior to the meeting.)  
*Brian Perreault, 94  
Seminole Avenue, Tax  
Map R-10, Lot 8, Request  
for Rehearing*

Mr. Orvis made a motion, seconded by Mrs. Erler, to grant Mr. Perreault a rehearing.

Mrs. Erler advised she felt the variance should have been granted as it is similar to other properties in the area that have sheds and will be replacing 3 small sheds with one larger shed. She noted the abutters have sheds very close to the property line, one being right on the property line.

Mr. Orvis said the existing plastic sheds on the property are better at containing items like gasoline or oil than the shed Mr. Perreault has proposed. He pointed out that this better protects the lake. He suggested getting input from the Fire Chief.

Mr. Tierney pointed out that relative to concerns about storage of hazardous items, in order to place limitations on storage the Planning Board would have to bring any change in the Zoning Ordinance to the voters. He said the ZBA could however, ask the Fire Chief to take a look at the Perreault site and make recommendations.

Ms. Karnis confirmed that this discussion is just whether or not to grant a rehearing. Mr. Tierney said that a rehearing would be to

rehear the variance with new information. Ms. Karnis advised she did not believe any information provided in his request is new. Mr. Tierney pointed out table #1 & #2, saying if this had been presented at the first hearing maybe the information would have been helpful during deliberation.

Mrs. Erler said she did not think the town's intent is to see the shed next to the water in order to meet the setback requirements.

Ms. Karnis advised that the variance approvals in Table #1 should be reviewed by the board prior to any rehearing. She pointed out that if a variance was granted in error in the past it does not mean that this variance *should* be granted.

Mr. Tierney said he did not see any reason not to rehear the variance request, giving Mr. Perreault the opportunity to present more information.

Mr. Frazier asked if pictures were submitted, as noted in Mr. Perreault's letter and Mr. Tierney said they were. They are of other buildings that Mr. Perreault thinks are in violation of the setbacks.

Vote was called and the board voted unanimously to grant the rehearing.

*David & Debra Marsh, 8  
& 12 Seminole Avenue,  
Tax Map U-11, Lot 7 & 9,  
for a Variance, Article IV,  
Section A.4.iii, of the New  
Hampton Zoning  
Ordinance*

Mr. Tierney advised that the applicant, David & Debra Marsh, has requested a Public Hearing in accordance with RSA 676:7, for a Variance under Article IV, Section A.4.iii of the New Hampton Zoning Ordinance, which requires a 20 foot side setback. The applicant's proposal is to perform a boundary line adjustment between Tax Map U11, Lots 7 & 9, taking 0.08 acres from Lot 9 and adding it to Lot 7, causing the garage on Lot 7 to be 5 feet from the side property line which is within the 20-foot setback of a property line.

The properties belonging to Debra Marsh Trust (Tax Map U11, Lot #7) and David Marsh Trust (Tax Map U11, Lot #9) are located at 8 & 12 Seminole Avenue, in the General Residential, Agricultural and Rural District and the Waukewan Watershed Overlay District.

Mr. Tierney pointed out that if this was approved by the ZBA it would require a subsequent application with the Planning Board for the boundary line adjustment.

Mr. Tierney read into record a letter from the Marsh's surveyor, Advanced Land Surveying Consultants Carl Johnson who stated he

was representing the Marsh's variance request. Mr. Johnson stated that in addition to this variance, another request would be necessary for a variance to make a non-conforming lot – *more* non-conforming. Mr. Johnson requested that the hearing be continued until 9/7/16 and another application would be submitted to the town for the added variance request.

Mr. Tierney made a motion, seconded by Mrs. Erler, to continue the hearing to 9/7/16 at 7:00 pm. Vote was unanimous.

## **MINUTES**

Mrs. Erler made a motion, seconded by Mr. Frazier, to approve the minutes of 4/6/16 with the following changes:

1. Under Public Hearing, where it begins with "Mrs. Vose advised that all abutters were notified." Mr. Tierney stated that when it mentions the email from Thomas & Barbara Ruescher it should include that "the email was read into record".

Vote was unanimous.

Mr. Frazier made a motion, seconded by Mrs. Erler, to approve the minutes of 6/13/16 as written. Vote was unanimous.

## **OTHER BUSINESS**

Mrs. Vose advised the board that relative to SB146 stating that municipalities shall allow accessory dwelling units, New Hampton already allows for these types of units through the special exception process.

## **CORRESPONDENCE**

There was none.

## **ADJOURNMENT**

Ms. Karnis made a motion, seconded by Mr. Frazier, to adjourn at 7:57 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose  
Administrative Assistant