

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
TOWN OFFICES
NEW HAMPTON, NH 03256**

March 21, 2018

MEMBERS PRESENT

Regular members: Mr. Tierney and Mrs. Erler
Alternate members: Mr. Hofling and Mr. Livernois

OTHERS PRESENT

Administrative Assistant Mrs. Vose

CALL TO ORDER

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

Mr. Tierney appointed Mr. Hofling to vote in place of Ms. Karnis and Mr. Livernois to vote in place of Mr. Frazier.

PUBLIC HEARING

Joseph Cioffi, on property belonging to Daniel Harvey, Mountain Pond Road, Tax Map R-3, Lot 2, for a Special Exception -Article VI, Section A: 3 & 5, of the New Hampton Zoning Ordinance.

Kimberly Cooper and Joseph Cioffi were present.

Mrs. Vose advised that The applicant, Joseph Cioffi, has requested a Public Hearing in accordance with RSA 676:7, for a Special Exception request under Article IV, A., Sections 3 & 5 of the New Hampton Zoning Ordinance. The applicant's proposal is to create a Recreational Camping Park which is allowed by Special Exception provided that all current sanitary laws and regulations are met as provided in the NH Division of Public Health Services, Sanitary Laws & Regulations, Recreational Camping Parks, Concord, NH, 1976, and subsequent revisions. The applicant's proposed use in purchasing the lot is to use it for family and personal recreation to include camping and other outdoor activities. The property is currently owned by Daniel Harvey and is located off of the Class VI Mountain Pond Road, off Gordon Hill Road, Tax Map R-3, Lot #2, in the General Residential, Agricultural, and Rural District.

Mrs. Vose advised that all abutters were notified but heard from none and that the property owner Mr. Harvey has provided a notarized letter appointing Mr. and Mrs. Cooper to act on his behalf for the application. It was noted that the applicant, Mr. Cioffi, was present and Mr. Tierney advised that as the Coopers were named to represent the application, Mr. Cioffi could speak to it as long as his statements agreed with Mrs. Cooper's knowledge of the application.

Others present were abutters, Bruce Harvey, Stanley & Theresa Griffin, nearby residents Richard Jr. & Lauren Roman, Precinct Commissioners Robert Barry and Joel Powers, Mr. Daniel's realtor Rose Cook, and Michael & Susan Chiarella.

Mr. Cioffi stated his relatives and friends enjoy camping together and saw this property as a new location where they could spend some weekends camping and possibly snowmobiling in the winter. They are considering

construction of a 20'x30' camp sometime in the future. They will pitch tents and once a camp is constructed they will likely still use tents in warm weather.

Mrs. Erler asked if they are only proposing tents at this point and Mr. Cioffi confirmed this. He said he did not know yet where they would even propose a camp. Mrs. Erler asked him to elaborate on the cabin proposed which Mr. Cioffi described as rustic with several bunkbeds. Mrs. Erler asked what number of people were expected and Mr. Cioffi explained there were 4 different families using the parcel - their children and friends. He said they were not going to use it commercially, only for personal use. Mrs. Erler asked about access and Mr. Cioffi said they can easily drive up Mountain Pond Road. There is a clearing from recent logging that would accommodate parking. Mrs. Erler asked whose property the access went through and Mrs. Griffin advised it was her property. It was noted that access was a Class VI roadway.

Mrs. Cooper said that Mr. Cioffi has represented the intended use of the property as it was expressed to her uncle and property owner, Daniel Harvey. Mrs. Cooper said she knows the property very well and feels there is substantial space for this kind of use and is a long ways from the town's drinking water source of Mountain Pond.

Mr. Tierney advised that knowing that the area will be used for camping purposes by several individuals, creates a campground, which can be allowed by Special Exception. He said that in the ordinance there is a reference to current "...Sanitary Laws & Regulations..." which has been revised to become RSA 216-5:4, which requires an approved disposal system. Mr. Tierney read the definition of "Campground" from the Zoning Ordinance.

The board reviewed the criteria for a Special Exception:

The specific site is an appropriate location for such use: The applicant wrote *"family use of recreation, rarely to be used in the winter months"*.

Mrs. Erler said it would be helpful to hear from abutters on the impact to them and the board agreed, asking for abutter's input.

Robert Barry, Precinct Water Commissioner, advised the Precinct has 2 easements on this property, dated 1910 and 2016, as water travels from Mountain Pond in Sanbornton, through several parcels, into the reservoir, becoming drinking water for distribution to the Village. They are currently constructing a buried pipeline from the pond to the reservoir, south of the present canal. He expressed concern with activities that may take place around the open canal. He said Mountain Pond cannot be used for boating, swimming or fishing. Easements do allow for a fence as far out as 100' from the canal, but does not have plans to construct one. Mr. Barry showed plans showing the open canal and proposed pipeline locations as they traveled through the properties. The canal would be kept in case it needed to be used in the future. Mr. Cioffi said he was aware of

the existing easements and would not do any more damage than recent loggers have done.

Abutter Bruce Harvey expressed concern with the land along the canal and pipeline acting as a watershed into the Village water source and how this use might affect it. He expressed concern with this becoming more than a temporary use for camping. There was some discussion on how far the Class VI portion went as Mr. Harvey and the Village Commissioners felt it did not go all the way to Mountain Pond. Mr. Tierney asked if the area has been designated by any municipality or state agency - as a watershed. Mr. Barry said according to NH DES it was, as reflected in some of their paperwork.

Abutter Mrs. Griffin advised that Mountain Pond Road is the access to their home, traveling through their property, up through Daniel Harvey's parcel, on to Mountain Pond. She expressed concern with maintenance and liability of the road they use as access. There was discussion on Mr. Cioffi's need for a waiver of liability for the Class VI road if a structure was built and that the Planning Board would need to give approval prior to the Selectmen issuing a building permit. Mr. Tierney explained that the town doesn't maintain Class VI roads so accessibility for emergency responders is the property owner's responsibility. Mrs. Griffin said when they purchased the property they understood that if someone wanted to use the Harvey property temporarily or permanently it would require upgrading the road to Class V standards. Mrs. Griffin expressed concern with the nuisances that may be created by someone who is not a resident in town and would have less of an issue if Mr. Cioffi wanted to construct a home. Mr. Harvey said he was concerned with the amount of people that may camp on that property and the sensitivity of the watershed and effect on the water supply. Mr. Tierney said the ZBA's purpose is to determine whether the Special Exception criteria is met for use as a campground and that creation of a campground requires Site Plan review which may address some of the concerns being brought up. Mr. Griffin said that originally Mr. Cioffi had said some of his friends like to target shoot and Mr. Cioffi said he has since told friends that they cannot target shoot. Mrs. Griffin said she thinks this use will adversely affect the area as there are currently snowmobilers that use the road in winter, NHS students use it as a bike path, and her child's front yard is the road which will now have more traffic.

Mr. Cioffi said he understands everyone's concerns but said everyone who would be visiting the property are mature, contributing citizens, and he doesn't plan to stop others from using it for recreation purposes. He suggested if the abutters do not want to see this campground use they may want to get together and purchase the property to keep it in its present state.

Precinct Water & Sewer Manager Joel Powers said DES rulings restrict use 200' either side of the water supply. Mr. Livernois asked if specific sites or tent platforms will be designated and Mr. Cioffi said they don't have those specific plans yet. Mr. Livernois asked if an outhouse would

be installed and Mr. Cioffi said that was an immediate plan. Mr. Livernois advised that any approval for a campground goes with the property, including any conditions by the ZBA, or the Planning Board during Site Plan review.

The specific site is an appropriate location for such use: The applicant wrote *“family use of recreation, rarely to be used in the winter months”*.

Mr. Hofling expressed concern with the effect to the watershed and Village water source suggesting a delay in taking action to learn more about this concern. The board agreed that several of the criteria could not yet be determined until the watershed issue is determined. As other criteria appeared to be met the board reviewed the following criteria:

There is adequate area for safe and sanitary sewage disposal: Mr. Livernois said there would likely be an area given that there is 60 acres.

The use will not adversely affect the adjacent area: Mrs. Erler said she didn't see an issue due to its temporary use and property size. Mr. Livernois agreed and said this use would not be much different than a residential use. The board agreed.

Mrs. Griffin said it would adversely affect their property value. Mrs. Roman said once this is designated as a campground can there be specific limitations or restrictions on who can camp there and Mr. Tierney said that restriction would be up to the Planning Board.

There will be no nuisance or hazard created: The applicant wrote *“they would notify the Fire Chief prior to arrival should a campfire be used.”* Mr. Livernois pointed out that there could be other nuisances such as noise, and expressed concern the campground could grow to be much more. Mr. Tierney pointed out that the Planning Board would be the board that could limit number of sites. Mrs. Erler asked if this was intended for personal use only and Mr. Cioffi said that was true and did not intend to use it commercially.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use: The applicant wrote *“at present there is plenty of acreage. The plan is to build a shelter within next 2 years with property sewage disposal system.”* The board agreed it would have to meet state regulations.

The use will not impair the aesthetic values exhibited by the surrounding neighborhood: The applicant wrote *“land will be used for family recreation. Our enjoyment of outdoor activities will not be seen from any neighbor nor would anything we do as family and friends impair aesthetic values. I hope our neighbors abide by the same rules.”*

Mr. Harvey said he's concerned with inclusion of friends and the quantity of people that may be camping, stating that large groups of people visiting a property have less of an impact when they are in a house. He pointed out

that though there is a lot of land, much of it is wet, steep, or filled with ledge. Mrs. Griffin asked if any of the ZBA members had been on the property and Mrs. Erler said she has. Mr. Griffin asked the board if there had been any issues with other campgrounds in town and Mr. Tierney said they are commercial and existed prior to zoning regulations.

Mrs. Erler said she did not think this use would impair aesthetic values of the neighborhood. Mr. Livernois said it seems to meet this criteria if it is used as it's been described and conditions could help with this concern. Mrs. Erler said if this goes to the Planning Board they should ensure it doesn't become a commercial use.

The building, parking/or driveway area will not exceed 50% of the lot:
The applicant wrote "NA".

Mr. Tierney discussed some conditions he would like to see put on any approval, if granted, being that the applicant comply with RSA 216-I:4 relative to sewage and go through Site Plan review. There was discussion on whether the Class VI road condition should be reviewed by the Fire Chief. Mr. Tierney said the ZBA should recommend to the Planning Board that Chief Drake review the condition.

Mr. Tierney made a motion, seconded by Mr. Livernois, to continue the hearing to 4/18/18 at 7:00 pm. Vote was unanimous.

MINUTES

Mr. Hofling made a motion, seconded by Mrs. Erler, to approve the minutes of 10/4/17 as written. Vote passed.

CORRESPONDENCE

24th Annual Spring Planning & Zoning Conference on 4/28/18.

ADJOURNMENT

Mr. Hofling made a motion, seconded by Mrs. Erler, to adjourn at 9:13 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant