

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

July 5, 2017

- MEMBERS PRESENT** Regular members: Mr. Tierney, Ms. Karnis, and Mrs. Erler.
- OTHERS PRESENT** Administrative Assistant Mrs. Vose
- CALL TO ORDER** Mr. Tierney called the meeting to order at 7:01 PM.
- PUBLIC HEARING**  
*Onorio Rossi, 12 Maple Lane, Tax Map R-20, Lot 51A, for a Special Exception -Article VI, Section A: 3 & 5, of the New Hampton Zoning Ordinance.*
- (Onorio) Reno and Paul Rossi were present to represent the application.
- Mr. Tierney pointed out that the 3 member constitute a quorum but offered to Mr. Rossi as there was not a full board present, that if he did not feel comfortable proceeding with the 3 members he could choose to continue the hearing to a future date. Mr. Rossi advised he was satisfied with the 3 members present.
- Mrs. Vose advised that the applicant, Onorio Rossi, has requested a Public Hearing in accordance with RSA 674:33-a, for a Special Exception under Article IV, Section A.3 & 5 to make alterations to the basement of an existing house to create a one bedroom accessory dwelling unit (ADU). The property belonging to Onorio Rossi Revocable Trust of 2015 is located at 12 Maple Lane, Tax Map R-20, Lot #51A, in the General Residential, Agricultural, and Rural District.
- Mrs. Vose advised that all abutters were notified but heard from none.
- Paul Rossi said his father, Reno, would like to create a 1-bedroom apartment in his home, for Paul's son. Paul said Reno met with the Fire Chief earlier that day to review what he was proposing. Mrs. Vose confirmed for the board that Fire Chief Drake submitted a letter to the ZBA.
- Mr. Tierney reviewed the definition of an ADU in the zoning ordinance as this was a recent addition. The board referred to the drawing Mr. Rossi submitted of the proposed floor layout of the basement. The board confirmed the request met the requirements in the ordinance for an ADU:
- i. The board confirmed there was one ADU.
  - ii. The board confirmed there were provisions for kitchen facilities, and a bathroom. Paul confirmed the laundry area shown is not in the apartment.
  - iii. Ingress and egress for the apartment - one goes directly out as is

- a walkout basement with the other going from an area in the basement, outside of the apartment, upstairs to a breezeway, then outside.
- iv. There was a common wall between the primary dwelling and the apartment.
  - v. The property owner resides in the domicile.
  - vi. The square footage of the apartment does not exceed 800 sq. ft. of habitable floor area.

Reno advised that the area of the basement outside of the apartment walls is for the use of the 1<sup>st</sup> floor home. Reno explained to the board that though the drawing makes it appear that the stairway ends right at the apartment entrance door it does not. There is room after reaching the bottom of the stairway before you get to the apartment door. The board confirmed this by referring to the length of the basement on the property assessment card.

- vii. There is only one bedroom being proposed.
- viii. There are two off street parking spaces in addition to the 2 for the home.
- ix. Adequate water supply and sewage disposal system. Reno advised he had a well and that he has 3 bedrooms upstairs with the one bedroom in the basement. He said his septic system was for 4 bedrooms. Mrs. Vose read into record a letter from septic designer Lee Kavanaugh, dated 6/28/17, which stated there was enough space for an additional 4.5 bedroom system if needed. Mrs. Vose explained that NHDES has had different requirements relative to homes and apartments as adding the apartment has extra loading on the septic system. She said the town asked Mr. Kavanaugh to confirm with NHDES whether there were any rule changes that affect the extra loading requirements with an apartment. Mr. Kavanaugh was advised by DES that a new design to handle the extra loading is required to be on file, but was not required to be installed. Mrs. Vose read into record a letter Mr. Kavanaugh faxed to the ZBA on 7/5/17, asking the board to consider approving the Special Exception contingent upon a new design being submitted to the town by 8/5/17, which he said he would complete.

**The specific site is an appropriate location for such use:** The board members agreed.

**There is adequate area for safe and sanitary sewage disposal:** Ms. Karnis advised it should be contingent upon receipt of a new septic design.

**The use will not adversely affect the adjacent area:** The board agreed with this condition. Mr. Tierney pointed out that an abutting property also has 1 or 2 apartments. Ms. Karnis advised that the state

has now mandated that the created of ADU's is appropriate in all locations.

**There will be no nuisance or hazard created:** The board agreed with this criteria.

**Adequate and appropriate facilities will be provided for the proper operation of the proposed use:** The board agreed.

**The use will not impair the aesthetic values exhibited by the surrounding neighborhood:** The board agreed with this use.

**The building, parking/or driveway area will not exceed 50% of the lot:** The board agreed.

Mr. Tierney advised the hearing was closed and the board would enter into deliberations. Ms. Karnis said it appeared all criteria was met conditioned upon receipt of the new septic design to be placed on file to reflect the lot can handle the safe and sanitary sewage disposal. Mrs. Erler agreed. Mr. Tierney advised that a building permit would be required and the Selectmen would be determining whether or not an Occupancy Permit would be required and for this reason Mr. Tierney said he would like to place the condition that it be recommended to the Selectmen that an Occupancy Permit be required. Ms. Karnis agreed, pointing out that this is a new dwelling unit. Mr. Tierney asked Mrs. Vose to read Fire Chief Drake's letter, dated 7/4/17, into record which lists his requirements including hardwired smoke and CO detectors on both floors, clear access to egresses, removal of copper gas line in basement and 36" clear space around basement woodstove. Mr. Tierney suggested these requirements should also be a condition of approval.

Mrs. Erler made a motion, seconded by Ms. Karnis, to approve the Special Exception with the following conditions:

1. A new septic design be submitted for town and state approval.
2. Recommend to the Selectmen that an Occupancy Permit be required on any building permit approval.
3. Requirements of the Fire Chief are met, as stated in his letter dated 7/4/17.

Vote was unanimous.

## MINUTES

Mrs. Erler made a motion, seconded by Ms. Karnis, to approve the minutes of 4/5/17 as written. Vote was unanimous.

Ms. Karnis made a motion, seconded by Mrs. Erler, to approve the minutes of 5/3/17 as written. Vote was unanimous.

Mrs. Vose advised that the minutes of 10/5/16 have not been voted on as there was not a quorum of the members who attended and one of

those members, Thomas Smith, has since left the board. She said that Mr. Tierney and Ms. Karnis can still vote on them. Ms. Karnis made a motion, seconded by Mr. Tierney, to approve them as written. Vote passed.

**CORRESPONDENCE**      There was none.

**ADJOURNMENT**      Ms. Karnis made a motion, seconded by Mr. Tierney, to adjourn at 7:56 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose, Administrative Assistant

DRAFT